

**WASHINGTON ASSOCIATION OF
SHERIFFS AND POLICE CHIEFS**



LEMAP

Loaned Executive Management Assistance Program

Review of the

Sunnyside 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 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. 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 a redundant backdrop to gather information and draw conclusions about agency policy, protocols and operations.

The goal of this LEMAP review is to provide the Sunnyside Police Department with a critical look at the organization through the eyes of peer professionals. The resulting report should serve as a guide to identify areas in need of strengthening and highlight positive and innovative programs and practices. It is hopeful the Sunnyside Police Department (SPD) 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:

Mark Mears has been a police officer since 1983 and currently serves as the Assistant Chief with the Fife Department where he oversees Department Operations. Assistant Chief Mears has worked in all aspects of law enforcement operations and administration and is an active assessor for the Washington Association of Sheriffs and Police Chiefs LEMAP and Accreditation programs. Assistant Chief Mears received his MPA and MBA from City University, is a graduate of both the FBI National Academy and Northwestern University School of Police Staff and Command and has obtained Executive level certification through the Washington State Criminal Justice Training Commission.

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.

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 specializing in records management, IT and custody/ jail operations.

Trevor White is the Criminal Investigations Commander for the Kennewick Police Department, where he oversees operations for Property Crimes, Person Crimes, The Metro Drug Task Force, The Criminal Apprehension Team (CAT) as well as personnel assigned to the FBI Violent Gang Task Force and the US Marshal's Pacific Northwest Violent Offenders Task Force. Trevor earned a Bachelor's of Business Administration from Pacific Lutheran University prior to becoming a police officer in 1995 and is a graduate of session 249 of the FBI National Academy.

Chris Guerrero has been a police officer with the Kennewick Police Department since 1996 and currently serves as a Task Force Sergeant, K-9 Sergeant, and SWAT Team Leader for the Tri-City Regional SWAT Team. Chris has served as a department Use of Force instructor and assisted in developing the Kennewick Police Departments Taser program. He also has completed assignments as a Field Training Officer, Crimes Against Person's Detective and Proactive Street Crimes Team Detective.

Michael Painter is the Director of Professional Services for the Washington Association of Sheriffs and Police Chiefs. 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, Training, Finance and Budget, and he served as the Commander of the Basic Law Enforcement Academy from 1996-1998. He holds a MPA from the University of Washington and is a graduate of the FBI National Academy, FBI Law Enforcement Executive Development Seminar and Washington Command College.

GENERAL OBSERVATIONS

In March 2013, Interim Chief Larry Dickerson invited a LEMAP assessment of the Sunnyside PD to conduct an operational and management assessment of his agency. The LEMAP process was advanced by Chief Dickerson and supported by City Manager Don Day in an effort to review and improve the agency. Chief Dickerson was primarily focused on asking the LEMAP team to help the agency move forward by comparing SPD current policy and practice with the WASPC Accreditation standards and industry best practices. The LEMAP team conducted the assessment over April 21 and 22, 2014. The results of team member's observations are contained in this report.

As the LEMAP team interviewed employees, the team encountered a welcoming and professional group of people that are committed to meaningful change and helping mold a new direction for the department. However, many of the employees expressed

frustration about the department being in a leadership holding pattern for the past three years as the city has struggled to recruit a police chief. Numerous employees expressed concern over a combative political environment in Sunnyside that has resulted in numerous city managers coming and going over the past 15 years. This “revolving door” of city managers, and the publicly adversarial relationship between council members, has had a detrimental effect on the police department and many described the dysfunction as being a primary cause that has discouraged qualified police chief candidates from coming to Sunnyside. Moreover, one recent city manager decided to split the jail and civilian staff away from commissioned officers and provide them with their own commander which has essentially created a feeling of segregation away from sworn officers for jail and civilian staff. This has been remedied structurally by providing these units a commissioned commander; however, an emotional separation between both civilian and commissioned staff was still palpable by the LEMAP team.

The primary objective employees want to see in their new chief is improved relationships with co-workers and restored community support and trust. Both civilian and commissioned staff expressed the desire to become whole again and not have corrections and dispatch feel like they have been pushed out of the department. Multiple SPD employees advised the LEMAP team that several married or divorced couples, and other family members, currently work for the department, which is not unusual in departments. When asked if these relationships within the department worked, most said it was fine; however, one pointed comment was, "it works until it doesn't work." As a whole, SPD members are very proud of the work that they do and don't feel like they are "broken."

Many SPD members also expressed a strong desire for stable leadership both in the chief's position and with city administration. Employees have experienced a department and city that have been on “spin cycle” and the perceived chronic lack of leadership has been extraordinarily detrimental to developing and working toward a meaningful vision. Employees hope that the new chief will take the time to get to know them and understand why they do some of the things that they do before making wholesale changes; however, the group did not express resistance to change. As with any organization, when change takes place all they ask for is communication and a logical explanation. Information needs to be delivered as personally as possible and not necessarily by email or the media. Employees cited several cases of major change, most recently the loss of the SPD K-9 program, that they learned about through a newspaper article. Open, timely and effective communication will obviously be welcome by every employee at SPD.

Along with the political tension in Sunnyside, most employees interviewed by the LEMAP team expressed varying levels of cynicism about the current climate and condition of the department. Many of those interviewed described a split department; one silo contains those supportive of Deputy Chief Schenk and his management style and the opposite silo contains everyone else. Some members were highly critical of the lack of leadership and direction within the agency and describe SPD as a ship with a broken rudder. Others were more sympathetic to Deputy Chief Schenck because of the instability of the city that was underpinned by problems in city hall. In recent months, SPD has gone through re-organization and two commanders (Schenck being one) now serve as

assistants to the Chief. Clearly, for the agency to have any chance of moving forward the next Chief must find a way to blend the department into a cohesive team. To his credit, Schenck admitted and is very much aware that if Chief Escalera is to be successful he (Schenck) needs to move on. This is easier said than done; however, Schenck is actively looking for opportunities outside of SPD in an effort to help the department move forward.

Interim Chief Dickerson served in this role since January 16, 2014. Prior to him taking on this responsibility the department has been led, in an ongoing interim capacity since 2011, by Deputy Chief Phil Schenck who served under several city managers over three years. During multiple interviews Schenck expressed frustration with the fact that he was never assigned the title of interim chief and was not allowed to backfill a commander or assistant chief position to assist him with daily operation of the department. Consequently, the LEMAP team found that some administrative and operational tasks lapsed and the department operated in turmoil as various city managers maintained overall responsibility for the SPD and Schenck served as their assistant.

Prior to 2011 SPD was led by home grown internal police chiefs going back to the 1980's; Ed Radder from 2000-2011 and Walter Anderson from 1987-2000. The department has been through three different police chief search processes since Radder's departure in 2011 and recently extended a job offer to Albert Escalera who is currently a captain with West Richland PD. Escalera accepted the position and is scheduled to start as Sunnyside's next police chief on May 1, 2014.

Sunnyside serves a community of 16,045 and operates a police department, city jail and communications center. These functions are staffed by 30 full time commissioned peace officers (including two school resource officers and two gang officers), six reserve police officers, four hospital security officers (budgeted by the local hospital but managed by SPD) and fourteen civilians that cover corrections, dispatch and administrative support. SPD will soon be led by Chief Escalera, Commanders Schenck and Bailey, five police sergeants and one civilian sergeant. The agency is divided between Support and Operations with Bailey (recently promoted) holding command over Operations and Schenck over Support.

Patrol officers work 12-hour shifts (06-1800, 1800-06) with four days working followed by four days off. Squads are led by a Sergeant who generally has three assigned officers and are supplemented by a power shift officer that works from 1500-0300 and gang officers that work four 10-hour days. Staffing this type of schedule with the number of assigned officers is difficult. SPD is expected to cover vacancies generated through various types of leave and both specialized and in-service training with overtime. Interim Chief Dickerson indicates that SPD struggles with controlling/managing overtime.

SPD operates an 80-bed city jail led by a civilian sergeant and Commander Schenck who supervise four corrections officers and a corrections corporal. 24/7 dispatch services are handled by a dispatch corporal and four dispatchers who are supported during times of staffing shortage by corrections officers. Dispatchers are also expected to manage dual responsibilities as police dispatcher and the corrections control officer in charge of

controlling all ingress/egress into the city jail. Although a LEMAP is not intended as a staffing study, during our brief time at SPD the LEMAP team was impressed by the professionalism and competency of employees working in corrections and dispatch. Conversely, the team left SPD with significant concerns that those critical functions are staffed at alarmingly low levels that could compromise their safety or the safety of those that surround them. Both of these functions deserve much deeper review and analysis; and, if the city elects to keep them at their current status, should see that they are funded at safe and reasonable staffing levels.

SPD manages several specialized functions within the agency. Criminal investigations are handled by one sergeant and two detectives. With the exception of crimes against persons, most other crimes (both misdemeanor and felony) are investigated by patrol officers. Additionally, SPD provides one detective to the local narcotics task force (LEAD) and provides two officers to the Sunnyside School District. As mentioned above, two officers are assigned as pro-active gang enforcement and the agency supports one police K9 unit. SPD also sponsors a local SWAT team consisting of ten SPD members. The SPD 2013 annual report revealed that the ten-person team completed 201 hours of training and were involved in four (4) call-outs. SWAT is an aspect of organization function that requires a complete commitment by the city to be successful. Considerable documentation in chapter 4 is devoted to the current condition of SPD SWAT and provides recommendations to the new Chief moving forward.

Performance of both the specialized units and employees of those units is difficult to measure. The department's CAD and RMS, (Spillman), combines calls for service and self-initiated field activity, (both referred to as reports), into one metric. The LEMAP team found this type of terminology and the combining of reports and calls for service confusing and in need of review. Very few other agencies document activity in this manner.

Although the LEMAP team used the WASPC Accreditation Standards as a back drop to initiate our assessment, and all of the standards are needed for basic and successful operation of police departments, three areas of operation in every agency are viewed as critical: records management, training and the property and evidence function. These areas are critical because they are high liability, place the department in the public eye and often have a strong nexus to responsible agency operations and officer safety. SPD training, organizational structure, staffing and records management underwent an extensive review by team members and all areas were found to be deficient and in need of immediate attention. As with all sections of agency operations the LEMAP final report will share observations and make recommendations to help SPD become a safe and effective police organization.

The Lexipol policy manual system is the primary instrument that guides department operations. The system was launched in 2012 and still is labeled as a "draft" document because it has not been approved by the City Council or City Manager. This policy manual is exceptionally comprehensive and contains 545 pages. According to Commander Schenck, he has been the primary person to facilitate periodic updates to the manual as they have been received from Lexipol. Schenck admits that with few

exceptions he accepts most of the updates from Lexipol as written and submits updated policy to staff after they have been incorporated into the existing manual. For a policy instrument of over 500 pages this is highly problematic as carte blanche acceptance of changes, without modest local customization, can create irrelevant guidance as the agency tries to blend local custom and practices with the generic policy updates initiated by the California based Lexipol.

The LEMAP assessors found numerous areas of SPD policy that did not align to custom or practice (one of the more obvious was personnel section). Assessors identified employee responsibilities within Lexipol that the employees were not aware of, and also described personnel, systems or safety equipment that do not exist. Comprehensive review of the Lexipol manual must become a priority to ensure that agency policy is relevant and to remedy shortcomings and oversights in the generic language of the manual.

SPD also uses the Lexipol Daily Training Bulletin (DTB) system that provides short vignettes of training on agency policy. Each employee receives 30 DTB's per month, each taking 5 minutes or less to complete, and are expected to complete them within 30 days of assignment. Most agencies assign one DTB to employees per work day, as opposed to one DTB per calendar day, in an effort to optimize the effect of each training bulletin. The intent of the DTBs is to act as a refresher, followed by a short quiz on agency policy or contemporary legal issues. Even with DTBs, many employees were not clear on most aspects of SPD policy.

The SPD headquarters building and physical plant is clean and trustees perform the cleaning of the common areas. Information security in these common areas may be a concern and a possible violation of the CJIS rules when considering the use of trustees in the building.

Headquarters also contain two interview rooms, which also can serve as temporary holding cells. Although Lexipol contains policy on temporary holding areas, the policy appears to relate to temporary holding as a function of the jail, not holding room or cell activities as part of the headquarters building. Several concerns were raised regarding the use of these rooms and those observations are covered in chapter 19 of this report.

Police employees are naturally guarded and the LEMAP team stresses that the team's purpose is to help, not hinder, agency progress. As mentioned at the outset, SPD has experienced rapid succession of change in the past three years. Most police agencies fail to employ a critical constructive assessment of their agency and rely on the belief that "all is well" and that the tools for success rest within the agency. In the case of SPD it became clear to the assessors that the employees are well intended but have experienced an internal rotation of police chiefs for almost 30 years. The promotion of an external police chief presents a special opportunity and a new day for everyone at SPD. Chief Escalera and SPD staff may not agree with or execute all of the LEMAP recommendations, which the assessors understand and respect. However, by opening the door to review, SPD takes an important step toward effectiveness, transparency and

elevated public trust. We applaud their courage, strength and willingness to authentically try to make SPD the best possible police agency it can be.

SPD has outstanding officers and support staff who appreciate each other and their community. They have been through some difficult times with a revolving door at the city manager position. Mr. Day is a breath of fresh air for their agency and employees feel the future is bright for SPD with new leadership in all the right positions for future success.

SECTION 1—ADMINISTRATIVE STANDARDS

Chapter 1—Goals and Objectives

WASPC Accreditation Standards:

- 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.*

Assessor Observations:

The majority of progressive police organizations in America operate from a high level road map when delivering police services. This road map is generally developed with input from all ranks and divisions within the department and the end product establishes direction for employees who are operating in a field that is fast moving and changing almost on a daily basis. All police employees want to be part of a successful team and by establishing an authentic organizational vision, created with employee input and underpinned by specific, measurable and accountable goals and benchmarks. Without an inclusive process and relevant final instrument to guide the good work of its employees the agency performs like a rudderless ship that is fractured by cynical and apathetic employees that genuinely want something better.

Unfortunately, Sunnyside PD does not participate in structured or periodic long term planning and is not operating under either a strategic plan or current goals and objectives that have been socialized within the department. The guiding principles of SPD are:

Mission statement: *The Sunnyside Police Department's mission is to serve and protect the community.*

Vision statement: *It is our vision that Sunnyside become the safest community in Washington State.*

Core values: *Trust, integrity and customer service.*

Deputy Chief Schenck disclosed that some of the foregoing guiding principles of the core values were developed by him. He and Chief Radder developed the mission statement and with input from the sergeants and at times the city council he developed the vision statement. He indicated that attempting to create a sustainable process was difficult given the chronic changeover of city administration, and related individual expectations of each personality in regards to long range planning. Nonetheless, he believes that the last set of goals and objectives were developed for budget purposes in 2012 (by him and the sergeants) and the outcome of those metrics was never asked for. Moreover, given that Deputy Chief Schenck served as the acting chief for an extended period of time, without command level support, creating a strategic plan or establishing authentic and inclusive agency goals and objectives was simply not a priority.

Recommendations:

- 1.1 Engage in a deliberate and inclusive planning process that results in updated and authentic mission, vision and value statements that all members of SPD find relevant. Engage the assistance of talent outside SPD to facilitate this process.
- 1.2 Create a strategic plan, or written goals and objectives that are specific, measurable and with accountability assigned to appropriate department members. Use the same process designed as above (inclusive and with the help of an outside facilitator). Develop a periodic (at least annual) review process to update or revise the metrics and publish the final document around the department and with easy access for review by employees.

Chapter 2—Role and Authority

WASPC Accreditation Standards:

- 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.*
- 2.3 *The agency has policies specifying legal requirements and procedures for any physical arrest completed with or without an authorized warrant.*
- 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*

2.5 *The agency has policies governing search and seizure to include the following situations:*

- *Search by consent*
- *Stop and frisk*
- *Search of a vehicle*
- *Crime scene searches*
- *Exigent searches*
- *Inventory searches of seized vehicles or other property; and*
- *Additional situations that may be authorized by the United States Constitution, Washington State Constitution, Washington Statutes, or case law*

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.*

2.7 *The agency has policies and procedures concerning the arrest or detention of foreign nationals.*

Assessor Observations:

One of the most important responsibilities of law enforcement is to ensure that citizen's individual rights are protected. Given the complexity and rapidly changing nature of criminal law and procedure, exceptional pressure is placed on law enforcement to ensure that the agency has a robust training program and whose employees are guided by authentic and relevant policies that are widely understood. This chapter requires agencies to have policies and procedures in place that formally authorizes SPD officers to do their jobs and requires policy that guides officers and protects the citizens of Sunnyside.

Prior to assuming fully sworn status, all SPD commissioned personnel take an oath of office affirming to uphold all laws. Enforcement authority is found in various places throughout the current SPD policy manual and RCW titles 9A and 10.

As previously mentioned, the Department utilizes a comprehensive version of Lexipol which provides policy for search and seizure. Agency policy also provides direction for constitutional requirements as well as interrogations and arrest procedures. Periodic training on SPD policy is handled through the Lexipol Daily Training Bulletins, which are intended to brief and test employees on a myriad of policy issues each work day. The DTBs are short and intended to take less than five minutes for each employee to complete. Even though most employees work much less than 30 days per month, all employees are issued 30 DTBs each month that must be completed. Most employees interviewed indicated that the DTBs were not very complicated but they were not current

on them because the number of assigned bulletins overtakes them. Although well intended, SPD staff could not produce an accountability system to ensure that assigned DTBs are completed. Commander Schenck indicated that he occasionally conducts a poll of the system and sends out reminder of delinquent DTBs to sergeants. Most sergeants interviewed indicated that such reminders do not occur with any frequency.

SPD policy states female officers will conduct searches on custodial females. SPD utilizes three female officers and three female dispatchers and clerical staff to conduct cross gender searches (and strip searches) of females. The female police officers reported having been trained in pat down searches but were uncertain on strip searches. Civilian staff was uncertain on initial training of either pat down or strip searches. Updated in-service training, particularly for civilian staff, on safe and effective searching techniques is non-existent.

SPD has six pages in their Lexipol manual of comprehensive direction concerning the arrest or detention of foreign nationals. As with other areas of SPD policy, training on the handling foreign nationals is handled by DTBs.

Recommendations:

- 2.4 Provide annual in-service legal update training, beyond DTBs, to all SPD police officers on the handling of in-custody suspects. Separate in-service training for custody officers (jailers and dispatchers), beyond DTBs, on specific requirements for the handling of prisoners brought to the jail should occur at least annually.
- 2.5 Provide annual legal update training, beyond DTBs, to all commissioned police officers.
- 2.6 Provide and document initial training to all civilian employees expected to conduct pat down or strip searches of suspects, informants or prisoners.
- 2.6 Provide and document initial training to all officers expected to conduct strip searches. This training can be part of the FTO training process.
- 2.6 Provide and document periodic in-service training to all employees on safe searching techniques and strip/body cavity search protocols.
- 2.7 Provide periodic in-service training, beyond DTB's, on the handling of foreign nationals. Consider using the Department of State's website for online training materials.

Chapter 3—Use of Force**WASPC Accreditation Standards:**

- 3.1 *The agency has a policy directing personnel to only utilize that force necessary to effect lawful objectives.*
- 3.2 *The agency has a policy stating Washington State Peace Officers shall only utilize deadly force when necessary and justified to effect lawful objectives.*
- 3.3 *The agency has a policy governing the use of warning shots.*
- 3.4 *The agency has a policy governing the use of less-than-lethal weapons.*
- 3.5 *The agency has a policy requiring appropriate medical aid after the use of force, when an injury is known, suspected, or is alleged.*
- 3.6 *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 results in injury to another person.*
- 3.7 *The agency has procedures for establishing a formal process in response to any incident where an officer discharges a firearm with the intent to use deadly force, or has a firearm discharge that causes injury or death. Policy and procedure should include at least the following:*
- *Investigative responsibility and process;*
 - *Supervisory and management responsibilities;*
 - *Relief from duty of involved officer(s) pending formal review;*
 - *Notifications;*
 - *Media relations.*
- 3.8 *The agency has a policy that requires only authorized weapons and ammunition shall be carried and/or used on-duty.*

Assessor Observations:

Any application of force by the police, particularly when viewed by the public, can be the subject of a loud and visceral reaction that places the police department under scrutiny and can lead to diminished public trust. Consequently, the amplified pressure of these applications require contemporary policies that are universally understood and regular in-service training that not only reinforces agency expectations but provides opportunities to exercise safe and effective techniques. Additionally, once force is used

the police must have responsible protocols that address care for the injured, document the actions of the employee and create opportunities for constructive review, assessment and remedial training to ensure that both the employee and local citizens are treated in a safe and responsible manner.

SPD policy 300.3.1 directs employees to only utilize the force necessary to affect lawful objectives and authorizes use of force options. Agency policy 312.5 discourages the use of warning shots and allows them only in the cases that the officer reasonably believes that they appear necessary, effective and reasonably safe. Generally, warning shots or shots fired for the purpose of summoning aid are discouraged.

SPD use of force policy references less-than-lethal weapons in section 308. The department utilizes tasers, bean-bag shotgun rounds, batons and chemical agents such as oleoresin capsicum spray. The department also utilizes 37 mm and 40 mm launching platforms for chemical and less lethal applications. Most officers interviewed indicated that they have participated in initial training completed by department personnel with these launchers. SPD has conducted recertification training on the taser; however, department members are not current with other less lethal weapons. Two officers interviewed by LEMAP assessors indicated that they have not been re-certified on the taser since initial training at the police academy. In the case of the shotgun/bean bag, baton use, OC and chemical agents/munitions there has been a lack of training/refresher for many years.

Agency policy appropriately directs personnel to summon medical aid as soon as practical in circumstances such as use of force, unarmed use of force, neck holds, and non-lethal force applications. The LEMAP assessors did not review case reports associated with use of force; however, interviews of officers indicate that they appear to consistently summon aid for the injured after any use of force application.

The agency's use of force policy specifically directs that supervising staff members review use of force when a firearm is used or an injury occurs. The officers are provided specific criteria to follow after each event. Each patrol vehicle contains a packet to complete once an officer involved shooting occurs.

Other than applications involving a taser and those incidents memorialized in an incident report, SPD does not utilize a stand-alone use of force reporting system to document and manage force applications. In the case of taser use, the officer must complete a use of force form specific to the taser. All other reporting related to force applications are solely documented through the general or investigative police report narratives. Policy directs that supervisors will review all use of force reporting within the police reports. There is no policy requirement or mechanism for command staff to review the use of force unless forwarded directly to the commanders and/or chief.

SPD operates under a comprehensive policy regarding officers discharging a firearm in use of force/deadly force situations. The policy provides use of force guidelines, notification of supervisors, officer relief of duty, requirement of review board. The

policy speaks to administrative investigations and references criminal investigations; however, does speak directly to when, or how, a criminal investigation is assessed, generated or investigated. SPD has had multiple officer involved shootings over the last several years which underscore the need for universal understanding of agency policy and expectations as well as a need for annual training in this area. SPD *draft* policy 302.4 memorializes current procedures and reporting practices including the use of a shooting review board that utilizes multiple members including an external police officer. Results of the review board are forwarded to the chief.

The policy addressing authorized weapons is very specific on weapons allowed to be carried and states that the department issues one type of service weapon; Smith and Wesson MP .40 caliber pistol. Officers, however, are allowed to purchase their own firearms from an approved list of weapons developed by command staff. All on duty weapons must be approved by the SPD Rangemaster. Secondary carry weapons are allowed by the department. Both the handgun and ammunition must be approved by the SPD Rangemaster and supplied by the officer. The Department only provides ammunition for the primary duty handgun and range qualifications. Practice ammunition is not supplied by the agency and is a frustration for many of the patrol officers interviewed by the LEMAP team.

SPD policy 432 allows for the carry of patrol rifles by its officers. The department provides rifles for the officers to use pursuant to completion of training. Officers have the ability to purchase their own rifle from an established department list of AR-15 rifle systems. The officer must have prior approval of the Chief to carry their personally owned rifle on duty. Department owned patrol rifles must remain in the armory when not in use. Access to the rifles in the armory must be obtained through a sergeant who tracks the issuance to the officer for use.

Other than daily training bulletins use of force and deadly force policy or philosophy is not covered on an annual basis. Interviews of multiple SPD officers by the LEMAP team failed to produce an officer that could recall any recent training related to use of force and/or SPD's force policies.

There are specific persons, guidelines and information outlined in policy as to media relations following applications of force within *draft* SPD Policy 310. The department also has established a media policy outside of the use of force issues for the department which are covered in policy 346.

Recommendations:

- 3.1 Conduct a comprehensive review of all SPD use of force policies. Once all policies are evaluated and confirmed as relevant, take training steps to ensure agency practice aligns with policy.
- 3.4 Conduct a needs assessment on all weapons systems available to officers and ensure that regular training is provided on all approved and supplied systems. If

the system is approved SPD is responsible for it and should both supply the weapon and consistent related training to officers. Ensure that officers are aware of consequences inherent to the use of personally owned weapons used in an official capacity.

- 3.6** Develop a Use of Force reporting form that captures critical data elements for review and analysis purposes. Ensure the forms are completed promptly and are routed to the chief and are used to shape future training including both defensive tactics and firearms.
- 3.7** Under the direction of the permanent chief, review protocols for response to all deadly force applications. Provide agency training on the protocols.

Chapter 4—Management, Staffing, Organization and Utilization of Personnel

WASPC Accreditation Standards:

- 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*
- 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*
- 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.*

Assessor Observations:

The Sunnyside Police Department is a department in transition. By way of refresher, over the last several years it has seen the retirement of a long standing Chief, the Deputy Chief completing interim work and most recently a contract Chief coming in to assist the department. In addition there has been a significant restructure for the

department with the Deputy Chief position being eliminated, and the creation of an Operations Commander and a Support Services Commander. These two positions will direct report to the new Chief of Police who assumes his position beginning May 2014. With these changes the department assumes an organizational model that is relatively flat in nature, typical of many agencies this size.

Patrol Sergeants supervise two day shift and two night shift squads of officers that work 12 hour rotating shifts. The squads are composed of one sergeant and three patrol officers. Supporting the squads is a K9 unit, Student Resource and power shift officers. SPD also operates with a complement of eight reserve police officers utilized to assist patrol and 12 explorer scouts that assist with much of the department community outreach and crime prevention activities.

There are two sergeants who report to the Support Services Commander; a sergeant of detectives and a sergeant that supervises four corrections officers and four communication/radio dispatchers. The sergeant of detectives supervises three detectives, two officers assigned to the SPD gang unit, one data entry position and four security officers at the city hospital that are assigned to the police department but are accountable to only the hospital. The sergeant of corrections and communications also has two record receptionists under his supervision.

Currently the department has a commissioned staff of 29. The total authorized number for staff is 31 which will include the new Chief and a future police officer position. SPD has essentially no administrative support to the Chief of Police or Commanders. Although once part of the organization, this type of support position has been eliminated through attrition and difficult budget times.

As found in other agencies, what was apparent during the LEMAP assessment of SPD was the movement and consolidation of workload due to the prior economic downturn and related funding shortfall. This department was significantly impacted due to the increased gang activity that began occurring at about the same time as the great recession.

Department staff seemed energized with prospects afforded by a new Chief coming from the outside while yet maintaining a sense of the Sunnyside Police Department history. Department members seemed very pleased with the recently hired City Manager and his engagement with the police department. They felt the contract interim Chief of Police has done well in his position to avert or stem further issues arising from the absence of a permanent Chief. Most persons interviewed by the LEMAP team expressed that the department needed a new chief with fresh ideas, someone who can create continued stability within the department and one who has the skills and tools to move the department forward into the future.

Position Specific Information

The Sunnyside Police department utilizes their own in-house gang unit consisting of

two uniformed officers. These officers, along with the position that functions as both a crime analyst and evidence property clerk, work on gangs and gang related activity. They do periodically share intelligence with the regional gang and the regional drug task force.

SPD experienced a substantial increase in gang activities along with multiple shootings between 2010 and 2011. Consequently, the interim Chief and select supervisors and officers created a “gang plan” to address the increase in violent crime and activity. Many department members credit the interim Chief with developing an effective strategy to address this problem which utilized multiple city resources. Enforcement activities included amplified numbers of field contacts and the use of innovative compliance measures and suppression activities (which included the development of a SWAT team and a local gang unit that is responsible for monitoring and investigating gang activity). Additionally, when gang activity or impacts are recognized, the patrol units, detective unit and crime analyst are alerted and take action on the specific problem. Consequently, and largely due to proactive enforcement by department members, there has been measureable reduction in gang activity.

Growing out of the need for additional tactical support in its gang efforts, SPD formed their own SWAT team. By their nature, SWAT teams are a labor intensive specialty that requires an unwavering financial commitment. The agency must properly supply basic training and equip each team member and once the team is fully operational allow appropriate in-service training time monthly. The SPD team only drives tactical vehicles and is comprised of seven entry operators, one precision marksman, two crisis negotiators, one reserve (officer) operator/tactical medic (this member is a fire department employee) and one tactical medic who is not a commissioned officer (also a fire department employee). Of the eight tactical operators two are team leaders and two are assistant team leaders. Sergeant Chumley is currently assigned as the Incident Commander but it is not clear to the LEMAP team if he serves in an active SWAT role on the team.

LEMAP interviews of current and former team members revealed that the SWAT team trains for a very limited number of hours each month. In some cases, depending on the patrol schedule, not all members are allowed monthly training. The SPD 2013 annual report indicates that their SWAT team deployed four (4) times in 2013 and team members experienced (on average) 20 hours of training per member (201 total hours/10 team members) for the year. All training has been developed in-house and there has not been outside instructors or external training provided to members for multiple years. The LEMAP team learned of one officer who resigned from the team due to inadequacy of training and obsolete tactics still being taught and employed. An example of an outdated and unsafe tactic being employed by team leadership is that of dynamic tactical entries in response to crisis events; as opposed to the accepted law enforcement best practice of surround and call out.

In addition to desperate training shortcomings the LEMAP team found significant equipment deficiencies as well. For example, current and former team members complained that equipment such as air purifying respirators (gas masks) are not routinely fit tested and filters are not replaced upon expiration. Additionally, team members are not supplied adequate training ammunition and in some cases are expected to simulate gunfire by pointing their fingers and shouting “bang.”

Because of the substantial commitment, most agencies in Washington are part of regional teams that share resources and require a fraction of the personnel commitment necessary for a full team. Additionally, SWAT teams receive ongoing support if the return on investment (ROI) is justified by an ongoing and consistent need within the jurisdiction. The LEMAP team finds this level of training far below industry standards and four callouts per year, even with a gang violence problem, does not justify the ongoing investment of a full time tactical team.

The SPD policy identifies 3 levels of capability/training (Policy 408.2). As with many areas of operation, there are significant gaps between policy and agency practice:

Level 1—A Level 1 SWAT team is a basic team capable of providing containment and intervention with critical incidents that exceed the training and resources available to line-level officers. This does not include ad hoc teams of officers that are formed around a specific mission, detail or incident (e.g. active shooter training). Generally 5% of the basic team’s on-duty time should be devoted to training.

Level 2—A Level 2 Intermediate level SWAT team is capable of providing containment and intervention. Additionally, these teams possess tactical capabilities that exceed Level 1 teams. These teams may or may not work together on a daily basis, but are intended to respond to incidents as a team. At least 5% of their on-duty time should be devoted to training with supplemental training for tactical capabilities above the Level 1 team. (Part-Time Team)

Level 3—A Level 3 advanced level SWAT team is a SWAT team whose members function as a full-time unit. Generally 25% of their on-duty time is devoted to training. Level 3 teams operate in accordance with contemporary best practices. Such units possess both skills and equipment to utilize tactics beyond the capabilities of Level 1 and Level 2 teams. (Full-Time Team)

The SPD SWAT Team would generally be identified as a Level 2 team based on employee interviews. The monthly training hours for the SPD SWAT Team would need to increase their monthly hours to meet this policy. Current National Tactical Officers Association (NTOA) standards suggest:

- New member initial training: Minimum 40-hour Basic SWAT course
- Monthly: 16-40 hours critical skills maintenance based upon mission capabilities and current operational tempo.

- Specialty assignments: Critical skill training such as long rifle, tactical emergency medical support, explosive breaching, etc. should be in addition to the above listed hours. These additional training hours should be based upon the specialized assignment of the operator and any state requirements or certification process that is required of them,
- Annual: Training attended by all members to address consistency in tactics and procedures, that may consist of lecture, drills and exercises lasting up to 40 hours.

Employee interviews also revealed that SPD SWAT has not had any type of updated operational procedures manual or operational guidelines since 1999. The 1999 manual appeared to once proscribe operational protocols for high risk operations, but has since gone stale. SPD Policy 408.3.3 states, “This department shall develop a separate written set of operational procedures in accordance with the determination of their level of capability, using sound, risk reduction practices. The operational procedures should be patterned after the National Tactical Officers Association suggested SWAT Best Practices.”

SPD policy 408 is a well written comprehensive policy that provides detailed direction and expectations for both the SWAT and Crisis Response Unit (CRU) teams. Interviews with current and former team members revealed that although well written, SPD has not really followed most key points within the policy leaving another large gap between agency practice and agency policy. This particular gap is one of the most alarming for the LEMAP team given the extreme high risk nature of SWAT callouts that place police officers in harm’s way. If a tragedy were to occur with the SPD SWAT team, the city of Sunnyside would almost certainly be placed in non-defensible position.

Related to special positions, the department does utilize a K9 team. This team is cross trained for drugs and generalist tracker. The team is relatively new and has been in service for less than five years. As with many of the special teams, updated training has not occurred. The K9 team has not attended either the spring or fall CJTC K9 conferences for years. This team works a power shift and is generally available for call out.

Four limited commission officers are assigned to the local hospital. These positions are funded by the hospital but fall under the control of the Support Service Commander and Detective Sergeant. These positions were created for assistance in dealing with gang issues, prisoner security and general security within the confines of the hospital and surrounding grounds. These positions carry a limited commission.

The Department has a single records and data entry person. This position is responsible for all records, required data entry, record retention and destruction schedule. They work in conjunction with the front receptionists in support of record requests and public disclosure. As with many positions within the department this staff has received little formal training for these positions, especially in the critical subject of public disclosure; an area of high liability for the department (see chapter 5 for more information).

Lobby and general front counter contact is handled by two receptionists who fall under

the direction of the Sergeant of Corrections and Communications. Additionally, they provide some limited administrative support to the corrections and communications divisions.

A hallmark of the Sunnyside Police Department is their community outreach. A designated officer focuses on all aspects of community oriented policing and crime prevention. This person is well versed in programs such as crime free housing, National Night Out, the Public Safety Fair and forming new block watches. A newly implemented program offers town hall meetings with a focus on the Hispanic population. Several of the officers proclaimed their involvement with youth sports in the area and several mentioned they were involved in local service clubs. The Operations Commander is a long standing member of the Lions Club. During interviews, department members reported multiple times that community outreach is the responsibility of all the officers and considered a priority of the department.

Responsibilities for the property room and crime analysis are shared by one person. Although new to the position, the LEMAP team found the person to be capable and had a good grasp of job functions. Processes and systems for the property room are currently being evaluating. The employee filling this position was originally hired as the Crime Analyst assigned to the detective division in support of gang operations. The position has evolved to a higher level and now supports most of the patrol operations with tactical intelligence inspired by fluency with the Spillman records system and related crime analysis modules. Like most positions within the department there is a lack of formal training afforded to this position.

The department does not handle sex offender tracking and notification. This is completed at the county level. The Department does complete the classification for sex offenders within the city.

Workload Indicators

The City of Sunnyside has a population of 16,054. The Sunnyside Police Department averages a combination of 11,467 calls/reports on a yearly basis. There generally are no specific guidelines to articulate the appropriate number of law enforcement employees for an agency. Typically cities provide the resources that they can afford based on crime trends and budgetary limitations.

When reviewing the job functions and tasks related to both operations and investigations, the LEMAP team found it difficult to determine who or what division was responsible for certain tasks and or duties. The only major division of responsibilities that seemed to be clear was that Patrol investigates property crimes and Detectives oversee crimes against persons.

Staffing is stretched to the minimum at SPD. The combination of budget shortfalls and an overriding need to combat gang violence requires that almost all officers work mandatory overtime. As part of an overarching strategy, SPD has developed a matrix to identify the

exact staffing needs to combat gang issues. These numbers are expressed as 3 duty units on day shift and 4.5 duty units at night. Several officers indicated that patrol has been required to work so much mandatory overtime that it has become a detriment to both officer safety and job satisfaction.

During interviews SPD officers indicate that gang activity seems to be in decline and that there is a need to reassess the current staffing model. If the department analyzes current levels of gang activity, and adjust the staffing matrix accordingly, the outcome could provide relief to the extensive amounts of overtime currently in use at SPD. Moreover, adjusting the schedule could open more opportunities for training and create improved coverage for those on sick or vacation leave. The staffing matrix created in response to the “gang plan” may be outdated and assessment may provide opportunities for organizational economy and improved morale.

While the Corrections and Communications Division were not the primary responsibility for review by the LEMAP team, there are some areas of overlap with other SPD operations. The following are observations and areas of possible consideration for police department and city administration.

The corrections division is managed by a corrections sergeant who also supervises communications (dispatch services) and three administrative support personnel. The jail has a maximum capacity of 86 beds, which are normally at capacity, and houses both SPD prisoners and prisoners for other agencies, per external contracts.

Corrections staffing consists of 6 correction officers and one sergeant. Corrections officers work 4-twelve hour shifts. Dayshift generally consists of one officer, one corporal and the sergeant. Evening shift consists of one corrections officer. There is overlap of shifts for early evening.

The Communications division supports all dispatch functions for Sunnyside and is the backup center for Yakima Communications. Total unit staffing consists of 4 dispatchers working 11 hour shifts with one hour paid lunch. There is only one communications officer on duty at a time. This communications officer monitors and dispatches for upward of nine or more officers at any given time. The communication staff also functions as traditional jail control officers on a full time basis by monitoring the correction cells/pods.

The Sunnyside Corrections and Communications division utilization of staff is unique. The corrections division personnel supplement the communications officers as needed by functioning as dispatchers for rest breaks and for absences due to sick for personal leave, if no other communications officer is available. When a corrections officer assumes the role of dispatcher the displacement decreases the corrections unit staffing level for that shift. In turn, the communications officer monitors all jail activities from the communications center, acting as a jail control officer, while answering the phones, dispatching 911 calls and overseeing police officer self-generated activities via radio. If

jail staffing issues emerge, the communications officer is responsible for calling in additional help for the corrections staff.

In cases of exigent staffing shortages in the communications center, shifts can extend up to 18 hours. A corrections officer filling in under these circumstances presents an enormous liability if they have not participated in a structured training program meant for communications officers.

Similarly if there is a staffing shortage, or an emergency in the jail population, it may leave only one corrections officer to handle the problem leaving the communications officer to monitor the correction facility. Fortunately, these problems do not occur very often and when they do officers are generally available from within the police station or can be called in from patrol to help. This is much less than an ideal staffing model and if an officer had to be called in from the far reaches of the city when a lone corrections officer is handling a crisis in the jail, the delay could have tragic consequences. Much like SPD SWAT, undertaking a jail operation takes a much larger investment in staffing and training.

Ongoing training for both Corrections and Communications; as with the other divisions, is minimal. Formerly, the corrections staff underwent training in conjunction with the officers but this has not occurred for several years. Critical training areas, such as handling inmate mental health issues and cell extraction, have not taken place. However, all corrections officers and communications officers are in compliance with Access Level II certification. Additionally, it should be noted the Correction division is vigorously working towards compliance with the federal requirements associated with the Prison Rape Elimination Act.

This facility has neither full nor part time medical staff for assistance with in-custody health issues. Corrections employees call the fire department for all health related issues. Upon the recommendation of fire department personnel, prisoners are transported to the local hospital, where hospital-assigned police officers then provide security until the in-custody is released. Routine prisoner transports, to/from the hospital, remove one corrections officer from the jail, negatively impacting jail staffing.

According to the Corrections Sergeant, one of the former city managers implemented some restructuring of the Corrections and Communications division during his tenure. Due to downsizing as a result of the recession, the city manage expanded the division to include additional civilian city government functions with the sergeant assuming some of the responsibilities and workload of the Finance Department.

With the appointment of Mr. Day and Interim Chief Dickerson, the sergeant's responsibilities have reverted back to the police department but much of his additional work load remains. He continues to balance his administrative functions with daily operations of the corrections section but the impact continues to negatively affect minimum staffing requirements for facility operations. The sergeant noted that in recent years, SPD has explored trying to create a partnership with the City of Grandview

wherein Sunnyside PD would absorb Grandview PD personnel and provide corrections and communications services for both cities. This plan, at one point, had momentum but has lost energy.

It appeared to the LEMAP team that with the changes endured by the department over the last four years has resulted in the creation of a series of silos within the department. This has created a situation where, in some cases, one person or division believes another is carrying on certain tasks when, in fact, neither may be or there may be a duplication of work.

Another major cultural challenge at SPD is a perception of preferential treatment provided to certain people or to particular sergeants based on who they aligned with or are loyal to. This reported perception encompasses many areas, such as training, squad assignments, and time off. Each patrol squad is supervised under completely different expectations and operates independently of each other without any level of continuity. One supervisor expressed particular pride in the fact that they only look out for their officers and their interests. Although the squads reported willingness to assist other sergeants and squads as needed, they will only do so to a point that there are no negative impacts to them or their squad.

Mentoring, investing in the future of the agency, and succession planning are foreign concepts at SPD. As mentioned in chapter 2, SPD has essentially been operating under crisis for many years and consequently there has not been any form of strategic planning or visioning for the department or its members. Professional development for any members of the department, outside of the former Deputy Chief and select first level supervisors there has been no professional development for any other members of the department. Authentic feedback on an employee's performance is a critical tool to ensure they are performing to the organizations expectations related to their work product, efficiency and attitude. They are also an important tool between the employee and supervisor for goal setting and career development. The majority of employees at SPD have not received any form of evaluation in many years and they now believe evaluations will serve little or no value (see chapter 12 for more information on evaluations).

The agency has a policy that requires an annual management review and analysis, with final review approved by the chief executive officer, for vehicle pursuits, use of force and internal investigation. The command staff reported they do not follow this policy and do not produce this type of internal review, outside of a separate use of force reports related to the use of taser. The process of tracking internal investigations is being reviewed and a new system for handling both complaints and IAs is under consideration. For any of these three critical areas mentioned above, there are no mechanisms or systems within the department for accurately capturing data, maintaining accountability and ensuring public trust

The department does not have a central archive or system for retention of memos, procedures or directives as issued within the department. When asked how they

memorialize operational or policy changes within the department it was indicated that, generally a memo is issued by the Chief that is communicated to employees by their supervisor. Employees and supervisors interviewed by the LEMAP team were uncertain if these memos or directives are permanently retained.

Recommendations:

- 4.1** Conduct a comprehensive review of staff utilization across the organization. Strategic responsibilities belong at the senior command level—tactical responsibilities belong to the first line level.
- 4.1** As a priority, conduct a full needs assessment of the SPD SWAT team. As parts of the assessment consider that there are three likely options that may be best suited for SPD:
 - 1. Complete up to date operational guidelines/procedures that follow NTOA best practices and provide 100% support of these practices.
 - 2. Regionalize the SWAT Team with partner agencies and then complete NTOA best practices encompassing the involved agencies. Complete inter-local agreements between the agencies that are mutually beneficial.
 - 3. Eliminate the SWAT Team within the police department and contract tactical services with an outside agency, such as Yakima Police or the Yakima County SWAT Team.
- 4.1** Consider developing agency policy specific to administration, corrections and communications. LEXIPOL now offers a policy product and WASPC provides accreditation standards for jails. APCO and NENA provide sample policy manuals and best practices for communication centers as well.
- 4.1** Assess the need for a civilian position in support of the department (and Commanders), to have oversight of such areas as training records, crime analysis and future accreditation. This person could also be responsible for documenting and archiving all internal memos, directives and procedures issued. Moving some of these types of duties to a civilian position would benefit the Commanders and Sergeants freeing more of their time for mission critical work.
- 4.1** Consider advanced training for all command staff and first line supervisors beyond just the required career level certifications. Consider specific advanced training related to leadership and high liability areas of agency function.
- 4.1** Future leaders must be mentored and developed through well rounded first line supervisors and commanders. Succession planning must be part of strategic planning for the department.
- 4.1** Staffing is a critical issue for both the correction and communication units, and at times it appears very minimal. The staff may have to work multiple blocks of long

hours, with multiple hours of overtime. It may be appropriate to look at new staffing models and best practice. There are multiple resources available to assist in this area for corrections through the American Jail Association and American Correctional Associate. For the communication division both APCO and NENA can provide information and best practice. Revisiting a partnership with city of Grandview may be well worth the effort.

4.3 Create mechanisms to efficiently collect data on:

- vehicle pursuits
- internal affairs
- use of force

Conduct a command level assessment of the data that is reduced to a written report that is forwarded to the Chief. Include a summary of the analysis in the agency's annual report.

4.4 Complete a thorough review of all the current 'draft' policies and updates. Once completed provide copies and deliver training to employees and ensure hard copy versions are placed in strategic locations throughout the department. Complete a review with City Administration to insure continuity of operations.

Chapter 5—Records Management

WASPC Accreditation Standards:

- 5.1 *The agency has a uniform records management system.*
- 5.2 *The agency has a system to record and maintain a record of every call for service.*
- 5.3 *The agency has polices governing its compliance with all rules for ACCESS participation, to include:*
- *The agency can show 100% compliance or has made corrections to comply with any ACCESS findings from the previous triennial audit and/or FBI audit*
 - *The agency can show that all personnel have been trained and certified*
- 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.*
- 5.6 *The agency complies with Washington State law governing preservation and destruction of records.*

- 5.7 *The agency has procedures for processing and maintaining notice of infractions and citations.*
- 5.8 *The agency has guidelines to address the release of public information to the media.*
- 5.9 *The agency has policy and procedures for community notifications of registered sex offenders.*
- 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.*
- 5.11 *The agency has policy and procedures for how to handle the recovery of a stolen vehicle, including attempts to notify vehicle owners.*
- 5.12 *The agency participates in Uniform Crime Reporting and/or NIBRS by reporting to WASPC as required.*

Assessor Observations:

Law enforcement records provide a vital link between police operations and the public. In order to provide excellent service to citizens and city stakeholders the records unit must function with consistency and efficiency while operating within the scope of all regulatory statutes. Concurrently, a records division should strive to remain accessible and receptive to both internal and external customers. Effective management that provides a solid structure and expectations is essential to achieve these goals.

Unfortunately, SPD is desperately suffering from a case of “they don’t know what they don’t know” and are operating in a very high risk manner. Although all employees interviewed appeared to be well intended it was clear that the SPD Records division appears to be chronically void of management and leadership and is not in a position to successfully achieve their basic goals. The LEMAP assessor worked hard to find aspects of SPD records that were positive or complimentary, but other than staff who seem to work hard, care about both their jobs and the public, and were pleasant to interview, this area of SPD operations is in crisis – and few in the agency (or the city) seem aware.

Sergeant John Chumley and records clerk Vickie Dobrauc were the principal records employees interviewed by the LEMAP assessor. Also contributing information were Commander Phil Schenck, Sergeant Joey Glossen, Sergeant Gutierrez, Detective Jaime Prieto, Crime Analyst Courtney Percival, Receptionist Lilia Diaz, and Dispatcher/TAC Mary Vialon. The assessor found that there was no one person in the organization with an overall understanding of records integrity, retention, preservation, dissemination, or destruction. Sergeant Chumley supervises records clerk Dobrauc; however, Chumley is not versed in records best practices and has only received a brief training in public disclosure. His supervision is based more on approving time sheets, retrieving

information from patrol, and acting as a liaison to the courts. Dobrauc was hired as a data entry clerk and was moved into the records role after it was vacant for 6 months. In the approximately 2 ½ years she has been with SPD, she has had minimal training in public disclosure and none in retention, preservation, or destruction.

SPD has a partnership with Yakima County Sheriff's Office and is a remote user of the Spillman CAD and RMS system. In 2012 there were 12,162 reports written and 10,285 in 2013. This number is somewhat misleading as the SPD RMS categorizes most calls for service as a "report." Several officers commented on their lack of training and lack of understanding about the capabilities of the Spillman system and when multiple LEMAP assessors asked staff to gather information or reports from the system they had difficulty and in most cases were not able to provide the information.

SPD is operating under a significant backlog in records where Dobrauc estimates that it will take her 8 months of dedicated work to complete all of her current backlog and projects. She provided examples of backlogged work to include being at least 1 year behind in entering early vehicle release reports; having stacks of court orders directing SPD to seal certain police records; she has been unable to enter any pawned property information; and has numerous incident reports to back-enter. This problem is amplified because work continues to come in from throughout the department as she works to process the backlog in any one area. Dobrauc advised that there is no cross training with other staff and when she is not there, the work just piles up.

An obvious inefficiency in records processing is the lack of established protocols for officers in generating an incident report. Currently, Dobrauc spends a great deal of her time data entering name, vehicle, and property information into the RMS system. Officers are only required to enter the narratives of their police reports in Spillman, they then complete a face sheet with the additional information and the data is entered by Dobrauc at a later time. The sheet includes a warning about making a false report and requires signatures by citizens in certain circumstances, thereby, becoming an official record which must be kept. One team of patrol officers has been trained by their Sergeant and are now expected to fully enter their reports. Dobrauc expressed concern about the integrity of these reports and she spends a great deal of time checking to make sure they are NIBRS compliant. A common practice by the officers is to enter the value of large groups of property as \$1.00, just so they can validate the entry in the Spillman system and move on. Quality control is limited to review by Dobrauc. This responsibility should rest with SPD sergeants and officers.

Multiple people who were interviewed indicated that patrol seem to lack the effort to do more than just make arrests. Properly documenting data and protecting evidence to achieve successful prosecution and potential incarceration was not perceived to be priority for many officers. Some officers interviewed obviously recognized that quality of their reports mattered, but thought the organizational attitude was one of indifference and did not represent the long term good of the community.

Sergeant Chumley and Dobrauc indicated that they spent a great deal of their time acting as a liaison with the court system. Once a decision to charge is made; the prosecutor's office requests 11 types of documents from the department, including all recordings. Often, the requested documents were not properly created at the time of the report and the officer has to be asked to provide it. The prosecutor's office has access to the Spillman system, and although all requested documents in a case file may not be contained in Spillman, prosecution staff could easily retrieve 8 of the 11 documents listed on the form letter if they existed.

Dobrauc also explained that she has to go to multiple sources to obtain records relating to audio and video recordings for both public disclosure purposes and for the prosecuting attorneys. Digital documents are not currently being preserved as evidence during the disclosure process. This is discussed more extensively in section 6; however, a streamlined system for dealing with digital evidence would be beneficial. If SPD were to begin adding recordings to the Spillman record when a charge is pending, at least 2 additional documents could be directly retrieved and reviewed by the prosecutor. The complete case could be accessed and reviewed in its entirety instead of a mere summary report, thereby, possibly facilitating more frequent charging decisions. Obviously, given the staffing levels and workload of Dobrauc, teamwork between the court system and SPD should be a high priority topic of discussion with the new Chief and their counterpart at the municipal court.

SPD operates a 24/7 law enforcement communications center that also monitors the corrections center and answers 911 calls. SPD is a secondary and backup PSAP, so when the primary 911 system fails, SPD will receive all of the Yakima County 911 calls. There are only 4 dispatchers employed by SPD. Breaks, vacations, training, and sick leave absences are filled in for by corrections officers. Estimates by those interviewed approximated that dispatchers have responsibility for an average of 45 prisoners, and monitoring of 1-2 correction officers, and 15 officers at a time. Sergeant Gutierrez is in charge of the corrections operations, the front desk receptionists and dispatchers although he does not have a background in dispatching or police records. New or substitute dispatchers/corrections officers receive on the job training from experienced dispatchers; however, there is no training or policy and procedure manual for the division other than the just over one page policy in Lexipol. All decisions are made based on common sense and experience. The former small unit manual for dispatchers apparently disappeared when SPD moved to this facility in 1997.

The agency WSP ACCESS TAC (technical agency coordinator) is tasked with a myriad or responsibilities to ensure that SPD does not violate state and federal standards related to use of and access to sensitive information that is restricted to law enforcement. SPD's TAC is Dispatcher Mary Vialon. During the 2012 audit, there were 11 areas of non-compliance. They were reported as corrected and the audit was closed. During interviews the LEMAP assessor found that three non-compliance issues identified in the audit are still out of compliance. For example NICS checks on all concealed pistol license applicants are being retained by the agency instead of destroyed within 24 hours. The receptionist that is responsible for this process was not aware of SPD responsibilities for

any delay, denial, or notifications that are required by federal law related to CPLs. Nor was she familiar with processes when denying applicants for mental health reasons.

Additionally, a requirement for the WSP ACCESS audit is that each agency must maintain a certification list of employees eligible to access criminal justice systems managed by ACCESS. Certification generally occurs following successful completion of an ACCESS exam every few years by employees requiring varying levels of access to the system. When the assessor originally requested the list it showed that only 6 members of the department had current certifications. A follow up request provided a list that showed current certification compliance; however, the list was not an agency maintained list. The list was the email provided by WSP ACCESS that shows compliance information about the agency. It was not possible from that information to determine if all personnel have been properly trained and certified. It should be noted that the references to ACCESS manuals and rules in Policy 806.4.1 are out of date.

The records office is a section adjacent to dispatch within the jail facility. While it is behind secured doors, all employees of SPD have open and free access to the area. The records are not locked and many are in banker's boxes stacked on the floor. Homicide notebooks are located on bookshelves. There is a sign-out sheet for records that are taken from the room. Several records show that they are checked out and at least one report had been checked out for over 4 months.

An archive area for records is located in 2 storage sheds behind the headquarters building. The sheds are enclosed in a fenced area with a locked gate. The gate has an electronic master lock hanging on it that anyone with a code can unlock and gain access to. Each shed has 2 roll up doors with a padlock and each shed appears to house police records and police evidence or property. The interior of each shed does not contain any separation between those areas holding police records and those areas holding evidence or property. One shed has experienced significant water damage to the floor area and numerous boxes full of records have been damaged. There is extensive evidence of insect activity in the sheds. The other shed contains shelves of sensitive records such as homicide investigations as well as boxes of old reports, tickets, etc. Some boxes have collapsed under the weight of what is on top of them; others have been toppled in apparent efforts to find records. It is unclear who has access to either shed but certainly the security and integrity of both records and property contained in the sheds is obviously compromised. Finally, there are no logs or alarms that control or document access to these areas.

SPD has numerous issues with regard to compliance with the Washington State Public Records Act governing dissemination of records. A complete review by all employees with public records responsibility is needed using the Washington State Attorney General model rules (<http://www.atg.wa.gov/ModelRules.aspx#.U1gudVhOWJA>) as soon as possible to reduce liability. Another good resource to help with the process is the manual created by the Municipal Research and Service Center (MRSC) to help understand and properly implement public records compliance. This manual can be found at <http://www.mrsc.org/publications/pr13.pdf>. Several areas of records management will

be discussed at this website, but compliance with the Washington Public Records Act (PRA) is very extensive and complex so there may be other outstanding issues missed during this assessment. An employee with PRA experience, such as the city attorney, city public records officer, or specialists from WCIA, should be involved in the review process as support for records personnel.

Ms. Doubrac has received very little training (7 hours) in public records at this point in her career. This lack of training makes it difficult to correctly apply exemptions and redactions when disclosing information. Training is essential and beginning July 1, 2014 will be required per recently approved legislation (ESB 5964 of the Open Government Trainings Act). Public disclosure is a very high liability area for the agency and immediate remedies to the overall process are badly needed.

As with most areas of agency operations, the LEMAP assessor interviewed staff and found obvious gaps between policy and practice and the general requirements of the PRA. For example, policy 810.3 states "The Records Supervisor is designated as the Public Records Officer." Sergeant Chumley is the designated supervisor of records; however, he has not been tasked with being assigned as the PRO and really has little knowledge about public records. Ms. Dobrauc appears to be tasked with this function, according to the city website, interviews, and job function. The policy needs to be modified for clarification of the responsibility and then followed to comply with the law as SPD policy further states:

"The Records Supervisor will post his/her name, role as the Public Records Officer, and contact information in the facility conspicuously visible to the public, and on the department Internet site, and upon appropriate publications so as to provide easy access to members of the public for directing requests for disclosure of public records (RCW 42.56.580)."

SPD is in partial compliance with this standard where the City's website lists Dobrauc as the department contact; however, there should be a link or information on the SPD section of the website to achieve full compliance.

RCW 42.56.070 requires that an index of records and their location be published and available to the public; this could not be located. The RCW also requires that a current list of exemptions to disclosure also be published. The website indicates this list is available upon request; however, the assessor observed that Dobrauc is not using this as a reference for her redactions but instead uses published lists from outside agencies.

RCW 42.56.090 requires that customary business hours must be posted on the website or at the office. The assessor saw no signs dealing with public records in the lobby area, only a request form available, and the city website is silent on the issue. RCW 42.56.040 requires that procedures for the public to request or access public records be published and prominently displayed. The Public Records Request form does indicate that the policy is available for review. Best practice and the easiest way to comply would be to

publish these procedures on the website. The website does include a general description of how a response is handled.

The Public Records Request form used for the City of Sunnyside is easy to use and thorough. The form indicates that there is an option to make an appointment and review the records prior to copies being made. This can be somewhat misleading as the PRA allows requestors to request to inspect or get copies of public records, and inspection of records is subject to the same exemptions as copies. Often copies will have to be made and redacted prior to inspection by the public. The form also states, "The City *estimates* (emphasis added) that it will provide further response within (5) days or as soon thereafter as a determination regarding disclosure, denial, or an exemption can be established. The City does reserve the right to extend this time frame if necessary." The PRA requires a response within 5 business days. That response may be to (1) provide the record, (2) request clarification of the request, (3) notify the requestor additional time is needed, or (4) deny the request. The statement should be updated to explicitly comply with RCW 42.56.

Once a public records request is received by SPD, Dobrauc processes the request. The request will be accepted in any format and Dobrauc will transfer it to the agency form if necessary. Dobrauc estimates that she processes an average of 840 requests annually. She keeps a log of requests on a monthly basis and tracks the response. These logs could use updating to better protect the agency and include additional information, for example, how many pages were released and when. These logs should be kept for 3 years after the last entry and then destroyed per DAN GS50-09-13 Rev 2. In addition, copies of the records released as well as any other involved documentation, such as delay letters or affected party letters are not currently being created. These should be retained for 2 years after the request is fulfilled and then destroyed per GS 2010-014 Rev 2.

Dobrauc creates an exemption log when any data is exempt and redacted a responsive record. The log being used does not contain any detailed information about what is being redacted, dates, or documentation of who performed the redaction. Dobrauc does not have a master list of common redactions prepared by the agency. She is using reference materials from 2 other local agencies which are not 100% accurate and incomplete. In an example of an exemption log provided to the assessor, the incorrect RCW was used to claim an exemption for a juvenile record.

Dobrauc advises that even if a case has been forwarded to the prosecutor for a charging decision she will deny the entire record based on the investigative records exemption. Both WAPRO and WCIA warn against this practice based on case law that indicates that once the matter has been referred to the prosecutor information contained in the investigative file is disclosable unless disclosure would impede effective law enforcement. Parts of the file may still be protected, but a blanket exemption disappears once charges are filed.

Dobrauc advised that she was told to answer any request for a report prior to 1997 by indicating SPD does not have the record. She believes these cases may still exist and

were just not moved to the new facility when SPD occupied the building. There is no record of destruction of these cases, and many probably are still within their recommended retention schedule to be maintained. The assessor was able to observe file cabinets with markings as old as 1978 within the records office.

If the request cannot be completed within 5 days, Dobrauc uses a form letter to respond. The letter gives an estimate of how much more time is needed to respond and references RCW 42.56.520. Unfortunately, it does not include the language required by the statute outlining why more time is needed. Additionally, a form is used by the receptionists to cover the 5 day rule when Dobrauc is not available. This form does not meet any of the required statutes and SPD would be better off using the base form letter with modifications. On occasion, despite having no training, the receptionist will provide the record. Although this is great customer service, police records should only be released by those trained to do so. Clearly, Dobrauc needs a backup for this responsibility.

Beyond the physical preservation of records that has already been discussed, the assessor found no understanding throughout the agency as to what records needed to be preserved and for what duration. A process should be implemented for identifying essential and archival records and then properly protecting those records.

The nature of public records requests has evolved to where it is very common to see requests for "any and all" records. Once a request for a record has been received, the record cannot be destroyed until the request has been satisfied. Purging is essential to responsible records management and protection of the agency. SPD is retaining old records that are highly cumbersome to retrieve and copy, but are still required to be disclosed per the PRA. SPD has never complied with the required forwarding of violent sexual offenses per RCW 42.56.240 (3) to WASPC. Accident reports do not need to be retained after transmittal to WSP, yet a significant number of the public records requests processed are for collision reports. A complete review of all SPD records and the need for retention or destruction should be another priority of the agency.

SPD primarily uses SECTOR for automated ticketing and collision reports. Not all members of the department have been properly trained, so not all use SECTOR to the full capabilities. The traditional hard copy ticket books are not secured; there is no auditing process, and no accountability. The current process is that any officer can take a book from the open shelf on the conference room, complete the coversheet, and turn it in to their supervisor. The supervisor will then sign the cover and then turn the book into records.

The assessor interviewed Sergeant Glossen about PIO duties since several people in the department indicated that he is the PIO. Sergeant Glossen advises that within the last few days he believed the duty had been reassigned to a commander, but he wasn't sure, and he was still answering media requests. Sergeant Glossen advised that he had never received any sort of formal training and was just "winging it." Policy 346 has extensive guidelines for dealing with the media and Sergeant Glossen appeared to be following them all in his

contacts with the media. The agency should clearly identify the official PIO to all of the employees and ensure that the PIO receives proper formal training.

Sex offender registration, classification, and notifications are all officially handled by the Yakima County Sheriff's Office. Sergeant Cunningham had been involved in the process; however, Sergeant Chumley advised that the duties are now all handled by the Sheriff and SPD merely supports their efforts. Policy 356 should be updated to reflect this practice since it puts total responsibility on SPD for managing sex offenders.

The assessor spoke with patrol Sergeant Glossen and Detective Prieto with regard to missing persons. SPD has an extensive policy for handling missing persons; however, the members interviewed were not familiar with the requirements of the policy. Both did verify that they would call or take dispatch a form for entry or updates of missing persons. The department form requires that a signature be obtained in order to file a report, even if the missing person is a juvenile, this is in direct contrast to policy and best practices and should be abandoned as soon as possible.

Sergeant Glossen was not familiar with the criteria for an Amber Alert and was not sure how to issue one. Detective Prieto was not familiar with any specific follow-up responsibilities other than after 30 days to check for available dental records. Policy requires that follow-up with reporting parties and witnesses be conducted every 30 days.

SPD has a policy for handling recovery of stolen vehicles and the dispatcher on duty is responsible for attempting to contact the owner.

SPD participates in NIBRS reporting to WASPC. Records personnel expressed concern about the accuracy of the data being reported. Refer to the earlier discussion about officer's use of the system.

Recommendations:

General Recommendation:

- Per policy 806.1 appoint a records supervisor and as one of their responsibilities ensure create and maintain a "Department Records Section Procedures Manual" on a current basis to reflect the procedures being followed within the records section.
- 5.1 Train all personnel in the proper use of the Spillman system and require officers to accurately and completely enter their police reports.
 - 5.3 Immediately train all personnel authorized to run NICS checks in the proper procedures. WSP offers free training at <http://www.wsp.wa.gov/secured/access/manuals.htm#modules> .

- 5.3 Follow up with more in-depth training for NICS when available. The training calendar can be found at <http://www.wsp.wa.gov/secured/access/manuals.htm#calendar>.
- 5.3 Update the SPD ACCESS certification list and ensure everyone is properly trained.
- 5.4 Do not allow records to be "checked out" of the Records area. Per policy 806.2.1 only a records supervisor should be authorizing records to leave this area and, generally, a copy should be made and an original should never leave records.
- 5.4 Secure records. All police records should be stored behind locked doors or file cabinets which are controlled by authorized personnel only.
- 5.5 Properly train a public records officer and provide enough cross-training to cover an extended absence.
- 5.5 Update the city website and specifically the department page to include required information such as dates/times, procedures, contacts, index, common exemptions, and a request form. A link back to the main city page with some updates to that page would satisfy the recommendation.
- 5.5 Conduct a thorough review of the SPD disclosure process including logs, redactions, and retention to ensure they are in compliance with state law.
- 5.5 Change the Sunnyside Public Records Request form language from "I wish to make an appointment to review the records indicated above before copies are made" to "I wish to make an appointment to review the records indicated above."
- 5.5 Change the Sunnyside Public Records Request form language from "The City estimates that it will provide further response within five (5) days or as soon thereafter as a determination regarding disclosure, denial, or an exemption can be established." Better language would be, "The City will respond to your request within five (5) days. Our response will be to either, (1) provide the record, (2) request clarification of the request, (3) notify you additional time is needed and provide an estimate and explanation, or (4) deny the request."
- 5.5 Create procedures that will direct the preservation of recordings for evidence. Consider placing a digital recording with evidence every time a recording is sent to the prosecutor or defense attorney.
- 5.5 Stop the practice of denying records under the investigative exemption once an arrest has been made or the case has been sent to the prosecutor. Evaluate the report on the individual merit of the report at that point.
- 5.5 Determine what records prior to 1997 exist and disclose them if requested.

- 5.5 Modify the five day letter to include the reasons for a delay that are acceptable per RCW 42.56.520. "Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request."
- 5.5 Modify or cease using the "Notice of Delay for Records Request" to either contain the above reasons only and an estimated date of availability, or just use the modified (above) response letter.
- 5.5 Cease the practice of allowing untrained receptionists to provide requested records. All records should be processed through trained personnel.
- 5.6 Train a records officer in the preservation and destruction of public records. Also, cross train those responsible for areas such as chief's files, training documents, personnel records, evidence records, etc. in the applicable rules and regulations to those specific disciplines.
- 5.6 Organize and protect the archived records. Either find a new secure facility or upgrade the current location to include security and proper data protection. A good reference guide is <http://www.sos.wa.gov/archives/RecordsManagement/DisasterPreparednessandRecovery.aspx> . The Secretary of State also offers various training classes on the issue.
- 5.6 Create a process for identifying and preserving essential and archival records.
- 5.6 Conduct a review of all agency recordings held. Ensure that the practice becomes aligned with policy and retention requirements. Adjust the policy to address particular types of data if a blanket time does not fit all needs.
- 5.6 Forward sexually violent records as required by RCW 40.14.070 to WASPC.
- 5.6 Seal and destroy records in a timely manner when ordered to do so by the court. Log all destructions.
- 5.6 Create and maintain a records destruction log per recommendations. <http://www.sos.wa.gov/assets/archives/RecordsManagement/Documenting%20the%20Destruction%20of%20Public%20Records.pdf>
- 5.6 Purge the records that are no longer required for agency business and have exceeded their retention requirements.
- 5.7 Secure ticket books and perform accountability audits at least annually.

- 5.8 The Chief should officially appoint and train a PIO. Ensure this person is appointed due to their skill set, not by rank or responsibility. Communicate the responsibility assignment clearly to members of Sunnyside PD and the media.
- 5.9 Update policy 356 to reflect practice of supporting Yakima County Sheriff's Office with sex offender identification and tracking.
- 5.10 Train agency members about missing persons and Amber Alert responsibilities. Ensure that a member of the agency is acting as a clearinghouse for missing person case management.
- 5.10 Modify department form to no longer require a signature to accept a missing persons report for juveniles.

Chapter 6—Information Technology

WASPC Accreditation Standards:

- 6.1 *Access to the agency's computer system is secure with restricted access to those who are authorized and who have passed a 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.*
- 6.3 *The agency has policies governing appropriate use of agency technology.*
- 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.*
- 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.*

Assessor Observations:

The assessor spoke with Jafet and Shawn from Yakima County IT, whose group provides services to the network level systems for SPD. This includes Vipre for system-wide anti-virus protection, NetMotion for a mobile VPN and Barracuda for firewall protection. Group policy is used to enforce password restrictions, session time outs, web filters, and other settings. The general security of the system from a network level appears to be properly addressed.

Applications are not supported by this group and separate services for Spillman are contracted with Yakima County. Authority to access Spillman is controlled through Yakima County. Other applications such as audio and video recordings are maintained internally by SPD.

The closet that contains all of the department's IT equipment is essentially insecure. The door is not locked and everyone in the department has free access to the room. IT personnel commented that there was new "junk" placed in the room since they had last checked it. An example of the liability of this problem is that the Evercom Camera server is located in this room and due to the nature of the server software it is logged on and operational 24/7. It would be very easy for anyone to shut down the recording server without anyone being aware of the issue. Another server in the closet is running on Windows Server 2000. Microsoft ended support of this software on July 13, 2010 and a similar risk exists with them ending support for Windows XP currently taking place. Staff advised the assessor that a lock has been ordered to remedy the security problem.

Staff was not able to locate a copy of the agency's 2012 technical ACCESS audit, nor could anyone interviewed identify who was responsible for the audit, including the TAC. The TAC was able to provide an email from WSP discussing the state level audit results and issues to be focused on in the future. Responsibility for conducting required background checks on staff or contractors is unclear. Of those interviewed, no one was sure and the agency TAC was not available for inquiry on this point. There was speculation that the responsibility may lie with a Yakima County employee. The technical contact for ACCESS should audit be identified and asked to perform a self-audit of the agency as soon as possible. Technical compliance issues can often be costly and take time to correct. Issues, such as the unlocked Telecom closet, should be easily identified and corrected by someone with that level of knowledge, responsibility and authority.

Lexipol does cover agency appropriate use of technology and there are city policies to supplement those. Interviews with personnel indicated very little knowledge of what those policies actually allowed or controlled—training is recommended.

The assessor checked several random computers in the office, as well as Officer Rasmussen's MDT. All had VIPRE updates within the last 24 hours, all had various session locks in use and all had the firewall active.

The assessor met with Commander Schenck, Sergeant Gutierrez, Dispatcher/TAC Vialon, and Vickie Dobrauc in records to try to understand what was happening with some of the locally administered technology, particularly those related to audio and video recording. The assessor found a significant disconnection between actual practices, policies, best practices, and retention requirements. There are apparently no written procedures for requesting, preserving, or maintaining these videos. Of those interviewed, none appeared familiar with the retention schedule for the videos and logging of destruction. The LEMAP assessor received differing answers regarding which cameras in the jail and headquarters station were being recorded and which were merely monitoring. There is no off-site backup of the recording data as required by policy 342.7.2.

Commander Schenck indicated that the current K9 officer (not available for interview by the LEMAP team) was tasked with responsibility to download and store video camera information on RW DVD. He did not know how long or where they are kept. The

Washington State Law Enforcement Retention Schedule indicates that recordings must be kept a minimum of 90 days after the date of recording, if an incident is identified it must be kept until the exhaustion of appeals.

The recordings for radio and 911 are handled through the dispatch center. These recordings are preserved in a digital format and never destroyed. All audio for the current audio recording system which is estimated to be 8 years old is still available. Again, there was no familiarity with the retention schedule. The old recordings are kept on site with limited access by authorized dispatchers.

The jail recording system has recently been upgraded and there are still some issues that need to be worked out. Currently, the system is only maintaining approximately 7 days of recordings. The Washington State Law Enforcement Retention Schedule indicates that recordings must be kept a minimum of 60 days after the date of recording. If an incident is identified that has recordings essential to prosecution that recording must be kept until the exhaustion of appeals. Department policy 450.7.1 indicates that all recordings will be kept not less than 180 days.

During the headquarters tour, LEMAP assessors could not locate signs or notice indicating that video recording was occurring. Interviews confirmed that staff members are not aware of any signs posted. Command staff clearly stated that audio would not be recorded; however, staff members reported that the BAC area had the ability to also record audio and that was either the current practice or the intended future practice.

Recommendations:

- 6.2** Lock the Telecom closet and post if for restricted access per CJIS requirements.
- 6.2** Request a copy of the 2012 technical ACCESS audit for SPD and the most current CJIS rules from ACCESS@WSP.GOV.
- 6.2** Clearly identify the current technical contact for the ACCESS CJIS audit. Have the designated person perform a review of the department to ensure that all prior issues have been corrected and all recent changes to CJIS rules have been complied with.
- 6.5** Follow the Emergency Communications (911) Records Retention Schedule, DAN EM40-29-01 Rev 0, and purge 911 audio tapes after 90 days so that they are no longer subject to public disclosure requests. Recordings needed for actual cases should be preserved prior to the 90 day window.
- 6.5** Follow the Law Enforcement Records Retention Schedule, DAN LE06-01-03 Rev 1, and purge radio transmission audio tapes after 90 days so that they are no longer subject to public disclosure requests. Recordings needed for actual cases should be preserved prior to the 90 day window.

- 6.5** Designate one person as ultimately responsible for the preservation, retention, and destruction of all digital material in the department. The designee can delegate the process to those subject matter experts, but one person needs to be overseeing this aspect of evidence and records management.
- 6.5** Evaluate policy 342.7.2 as well as industry standards for backing up data and storing it off site. Change either the practices to comply with the policy or adjust the policy to conform to the desired practice.

Other Recommendations:

- Post signs warning of video recording in progress in appropriate areas.
- Obtain legal review of the practice with regard to audio recordings per RCW 9.73.090. If possible and desired, completely disable the ability to record audio.

Chapter 7—Unusual Occurrences

WASPC Accreditation Standards:

- 7.1 Every sworn member of the agency has completed the National Incident Management System introductory training course(s).*
- 7.2 The agency has plans for responding to natural and man-made disasters, civil disturbances, and other unusual occurrences.*
- 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.*

Assessor Observations:

By the nature of this chapter's title, incidents that occur infrequently (unusually) often become lower urgency in organizations because other, more pressing issues become a priority. However, when confronted with a crisis, these occurrences become high priority and employees, particularly the CEO, are responsible for ensuring a safe and effective response to them. Also, because unusual occurrences are often large in scale and scope, responders are reliant on relationships with other agencies to render mutual aid. These relationships are built through interpersonal contacts at planning events and opportunities created through training and exercise. Although Sunnyside is largely an agricultural city it is home to a large and active rail line that bisects the city and runs adjacent to the south side of police headquarters. Given the chemicals and processes used in farming, weather challenges and the risks associated with an active rail system there is no question that SPD should be actively involved with emergency planning. The purpose of this chapter is to offer police agencies a reference point to monitor and measure agency responsibilities.

A check of SPD training records revealed that all sworn employees have attended IS 700 and ICS 100. A large number of line officers, supervisors and managers have also attended IS 200 and beyond. Two supervisors have not completed IS 200 and would benefit from the information within that module as agency leaders. Since training records for civilian and jail staff are not available, the LEMAP assessor could not determine if they have been involved in any of the introductory NIMS training. Since most civilians indicated that they have not been provided the opportunity for in-service training, it appears unlikely that they have participated in the training. Any employee who may respond to an unusual occurrence where the ICS framework is being utilized should have at least IS 700 and ICS 100. All police employees should have a basic understanding of ICS and that introduction is offered through the online course IS 700.

Prior to the retirement of Chief Radder, Deputy Chief Schenck was the department's primary emergency manager. According to Jeff Hall, who serves as the Yakima County Emergency Manager (EM), Schenck and Sunnyside PD were active in county EM meetings, planning, drills and exercises. Since Schenck took over as the interim police chief SPD's involvement in these activities has declined and primarily restricted to drills and training exercises. He is hopeful that with the promotion of a new chief they will increase their involvement with EM planning and activities because they welcome partnerships.

Commander Schenck confirmed that his involvement outside the city with local EM activities has declined since taking on the role of interim chief; however, he has been committed to updating the city's comprehensive emergency management plan (CEMP). Review of the plan showed an updated and contemporary plan with considerable detail that could be an excellent resource for SPD commanders and supervisors. The CEMP is still a work-in-progress but hopefully will be completed and advanced to the Mayor and City Council for approval sometime in 2014.

SPD enjoys a good working relationship with surrounding agencies and has a standard mutual aid policy (policy 352) that mirrors many other mutual aid policies.

Recommendations:

- 7.1 Ensure all supervisors have completed appropriate NIMS courses; at least IS 200 for sergeants and IS 300 and 400 for commanders.
- 7.1 Assign IS 700 and ICS 100 to all appropriate civilian employees that may have a potential for deployment in an ICS framework.
- 7.2 Complete the update of the CEMP, route it to the city council for approval, and ensure appropriate staff is familiar with the information.
- 7.3 Re-initiate active involvement with Yakima County emergency management planning meetings, drills and exercises. Push responsibility for participation in these opportunities farther down in the organization (commander or sergeant) to

promote redundancy and a broader base of relationships between SPD and other local partners.

Chapter 8—Health and Safety

WASPC Accreditation Standards:

- 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 to minimize exposure to potentially infectious materials and objects.*
- 8.3 *The agency provides soft body armor and requires its use.*
- 8.4 *The agency provides reflective clothing and requires its use.*
- 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.*

Assessor Observations:

Maintaining the safety of employees is one of the fundamental jobs of any profession where risk is a key element. Police employees, whether they are patrol, corrections or civilian staff, are exposed to varying levels of risk and the agency is expected to arm each employee with training and information that keep them safe while performing their jobs. The intent of this chapter is to provide a framework of basic guidelines that ensure the police agency is providing regular information and opportunities that promotes a safe work place.

An inspection of four different patrol vehicles revealed varying levels of safety equipment. Most of the cars were equipped with large plastic storage containers that housed a variety of miscellaneous equipment that was not consistent from vehicle to vehicle. Most of the vehicles, or officers, had contemporary (optic green) traffic vests available; other vehicles contained the out of ANSI compliance, optic orange variety. All uniformed officers interviewed appeared to be wearing soft body armor. Sergeant

Hernandez provided the LEMAP assessor a tracking roster, which he maintains, that identified dates of issue and expiration of each officer's vest.

SPD policy 1016.2.3 specifies that all personnel are provided gloves, goggles, a rescue mask and alcohol wipes (or similar) as a form of personal protective equipment (PPE). All of the vehicles contained first responder kits that contained various bandages, gloves and two of the four kits contained a paper face mask. Some of the kits contained goggles and alcohol wipes. Officers indicated they purchase their own alcohol sanitizing gel or wipes to be sure to have it available. All of the officers possessed a CPR mask with a one-way valve, (presumably a rescue mask). There were no sharps containers in any of the vehicles inspected. One patrol officer reported that seized or confiscated syringes are thrown on the passenger side floor of the car, transported it to the station and disposed of in a large sharps container in the evidence processing area.

Several officers interviewed advised they are either current or former members of the SPD SWAT team. All SPD SWAT team members are issued gas masks (air purifying respirators) that are intended to assist or protect them when they enter a potentially oxygen-deficient or contaminated environment. Interviewees provided varying levels of recollection of gas mask basic training or expectations of use. Those past or present members could not recall ever completing medical screening related to use of the masks, and all reported that initial or annual fit testing is not performed. Several members thought they were issued gas masks in about 2010 or 2011 and did not know if their mask filters were expired. They have never been issued replacement filters. Any evidence of a PPE program, or at minimum, policy direction, at Sunnyside PD was noticeably absent.

SPD policy 1016.2.1 identifies an exposure control plan (ECP) and an exposure control officer (ECO). This policy describes a series of essential responsibilities of the ECO, most of which are not being followed. Supervisors disclosed that they were uncertain if the employee designated as ECO is aware of their responsibilities per agency policy.

Several officers were interviewed about protocols relating to personal exposure to a pathogen (bodily fluids from another person on a uniform, boots or on their skin). All were aware of the need to flush or wash their skin of the substance and seek medical treatment as a precaution if necessary. However, none were aware of protocol for soiled uniform items other than to possibly respond to the fire department for decontamination. Officers are uncertain of the location of hazardous material bags and containers though all reported they thought they "had seen them around the station." Policy 1016.3.1 specifically describes use of waste containers in place at SPD and although the LEMAP assessor found an open box of large red bags in the evidence processing area containers do not exist.

The current SPD ECP is contained in a binder that is dated 1992 and is stored among other binders and manuals in the roll call area. The LEMAP team inquired about blood borne pathogen (BBP) training and told that the agency recently received in-service training on this topic. SPD staff provided a training roster of attendees for the BBP training and all but one officer and one sergeant participated in the training within the

past year. Civilians and jail staff were not included in the BBP training and reports from representatives within those groups indicate that they do not participate in in-service training with the commissioned officers.

Finally, upon arrival at SPD assessors noted that the police department and reception staff are physically separated by a solid wall and protective glass when interacting with the public. Additionally, all employees operating city vehicles were observed wearing seat belts.

Recommendations:

- 8.1** Update SPD policy on blood and air borne pathogens to ensure it is relevant and aligns with agency custom and practices.
- 8.1** Provide initial and annual training on agency pathogen policy to all employees that are at risk of exposure due to their job responsibilities.
- 8.2** Develop an inventory system for all assigned and supplied PPE to SPD employees and conduct inventories on at least a monthly basis. Ensure that equipment identified as “at minimum” in policy is relevant and consistently available to all employees. Essential equipment such as gloves, booties, sharps containers and sanitizing gel should be easily accessible by all employees at risk of exposure.
- 8.2** Conduct an assessment of the current practice of issuing gas masks to officers. If the agency decides to continue this practice the agency must commit to a comprehensive PPE program to include (at minimum) basic and updated training, medical screening and annual fit testing for all employees issued masks.
- 8.3** Assign soft body armor management an individual with the time and skill set to do so effectively. Preferably, this responsibility would rest with a commander or civilian support specialist.
- 8.4** Remove outdated traffic vests (optic orange) from the SPD fleet and ensure all patrol officers are supplied contemporary traffic vests and they are current on agency policy and expectations.
- 8.5** Ensure all employees, who are at risk of exposure by the nature of their job responsibilities, receive initial and annual training on disposal and decontamination procedures for any pathogen exposure.
- 8.5** Ensure that all equipment or systems identified as necessary for decontamination or disposal are available for employee use in the event of a pathogen exposure.
- 8.6** Conduct a comprehensive review of the SPD ECP. Ensure that all employees affected by the plan are provided initial and updated annual training on its content.

Chapter 9—Fiscal Management**WASPC Accreditation Standards:**

- 9.1 *Budget Control – The Chief Executive Officer has the authority to spend funds in the approved budget for day-to-day operation of the agency.*
- 9.2 *Budget Control – The Chief Executive Officer makes regular reviews of the agency budget.*
- 9.3 *Budget Control – The agency has a system for review and approval of expenditures.*
- 9.4 *Payroll – The agency has a policy requiring supervisor approval of all overtime.*
- 9.5 *Payroll – The agency has a policy requiring non-exempt employees to complete a timesheet listing the number of hours worked during the pay period and that the timesheet be approved by a supervisor prior to payment.*
- 9.6 *Cash Control – The agency has a system to document and record the use of cash funds that include receipts, supervisory approval, and periodic audit.*

Assessor Observations:

Fiscal management for any public organization revolves around systems and processes that underpin strong stewardship of public money. Chapter 9 focuses on the budget process and management, purchasing, payroll and handling of cash funds. Following interviews with staff tasked with these responsibilities, the LEMAP assessor found appropriate systems and procedures being utilized for fiscal oversight. The Chief of Police retains primary fiscal responsibilities for SPD and can delegate to either of the two commanders as needed. Until recently, Commander Schenck has been the acting chief with primary fiscal responsibility for the department.

Budget development has been non-existent at SPD. Based on interviews with command staff it appears former city leadership prevented SPD involvement in the budgeting processes. As referenced throughout this report, frequent city leadership turnover has resulted in SPD enduring several budget related hardships. Sunnyside has experienced routine changes to city budgeting systems as frequently as city leadership changes. SPD adapted to those changes and has done a good job of maintaining police service in Sunnyside. SPD utilizes a one year budget process.

SPD uses city issued purchase cards and petty cash for purchases not fulfilled using recognized city vendors. There are two city purchase cards issued to SPD. One is currently issued to the senior commander and the other is issued to the jail operations supervisor. There are two petty cash funds in the agency. The primary petty cash fund

discussed in this chapter is located at the main customer service desk. The second petty cash fund is considered an investigative fund and will be discussed in the review of Chapter 17. A computerized system, commonly referred to as a point of sale (POS) system is used for jail trust funds, bail and concealed pistol licensing.

The POS system uses appropriate checks and balances to validate proper use. The fund is hand counted daily, verified against the computer balance and physically deposited into the bank at the end of each business day. The deposit slip provided by the bank is the final verification the monies from the business day are balanced with incoming funds. Employees do not share cash drawers providing appropriately identifiable accountability. The daily documentation for the POS system is sent through interoffice mail to the finance department for final verification. This fund has been surprise audited once in the last eleven months by the finance director.

The petty cash fund is hand calculated and documented on a city designed form. Funds are replenished monthly through a simple process similar to other petty cash systems utilized by departments of similar size. At the end of each calendar month the petty cash fund is replenished by finance after expenses are submitted and validated. This petty cash fund is primarily used exclusively by one employee with oversight from the jail supervisor. The petty cash fund has experienced an unannounced audit once in the last year by the finance director.

Payroll processes are fairly standardized and quite simple if the employee doesn't have any additions to the timecard. Timecard additions such as overtime and vacation require up to three additional pages to be included with the original timecard. The additional pages do provide detailed timecard accounting but is labor intensive to complete. A supervisor signature is required on all timecard paperwork.

Recommendations:

- 9.1** SPD Policy 201 for fiscal management appears to be appropriately adapted to SPD's operations and in line with current organizational functions. However, updates to the Lexipol product should be investigated and further adapted to SPD's needs. Due to recent organizational structure changes in the agency the policy should be updated to reflect the addition of commanders and the removal of deputy chief from policy.
- 9.1** SPD policy 201.3 requires commanders (currently labeled deputy chief) and sergeants to be involved in the budget preparation process for their respective divisions. If this practice is allowed by city management, SPD should adopt an authentic budgeting process that exceeds agency policy and solicits all employees for budgeting ideas.
- 9.4/5** As part of a larger city initiative, consider consolidating all payroll documents into an instrument that will pass review during a state audit. The multitude of

documents required to account for employees' time can be much more streamlined.

Chapter 10—Recruitment and Selection

WASPC Accreditation Standards:

- 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.*
- 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.*
- 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.*
- 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.*
- 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.*

Assessor Observations:

Recruitment and hiring is an essential function of any professional police organization. Most agencies have detailed job descriptions and use contemporary hiring processes. Both of these hiring components are normally influenced by parties outside of the police department, generally civil service commissions or human resource departments. The influence of these outside agencies underscores the importance of police leadership recognizing their burden to develop and maintain strong working relationships with these entities if they want 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 or the integrity of hiring processes often result in long term encumbrance on the agency and an unfortunate decline in organizational effectiveness and public trust.

Tension between the police department and Sunnyside's office of human resources (HR) was obvious to LEMAP assessors. Prior to the arrival of the current HR Director in 2010, police hiring was primarily contained within the police department. With the arrival of the new director HR became much more involved in police hiring, which police leadership was resistant to. It is clear that the police department would do well to have the HR Director as an ally as opposed to an adversary, especially since this person serves as the Civil Service Secretary and Chief Examiner. Notwithstanding her position and responsibilities as a hiring official, it was clear to the LEMAP team that her expertise and willingness to support the Police Department would be beneficial by providing assistance and protection to the police department in all matters related to employee relations.

Hiring of all SPD employees is at the discretion of the City Manager. All processes related to hiring of police employees are governed by the Sunnyside Civil Service Commission which is made up of individuals appointed by the city manager. Sunnyside Civil Service rules were updated by a Seattle law firm that specializes in labor law and civil service issues, and approved by the Civil Service Commission in January of 2014. Once approval is made to establish a hiring list all aspects of the process are presented to the Civil Service Commission for approval by the HR Director who also serves as the Civil Service Secretary and Chief Examiner. Once approved the HR Director, working with the police department, delivers the process.

Written and physical testing is administered by National Testing Service with the results forwarded to the HR Director. Top candidates are advanced to an oral board type interview made up of panelists from local law enforcement and SPD. Although unclear to the LEMAP team, final ranking of candidates may include all aspects of testing including the oral board or only the results of the oral board. Nonetheless, at the conclusion of the oral board process candidates are ranked on an eligibility list with the Chief having the choice of the top three candidates on the list.

Once a candidate is chosen to move on they enter a background investigation process. Largely due to cost containment, background investigations are now handled by Jose Guillen, who is a retired sergeant from SPD. According to the HR Director Guillen has training and experience in background investigations and does an excellent job. It is important that SPD insists that Guillen remains current in contemporary background investigation protocols and that he carries all licenses required by the state of Washington as a third party background investigator. Applicant files are provided to and returned from the background investigator in a sealed envelope. Security and confidentiality of these files with the background investigator are a point of emphasis with the HR Director.

Polygraph examinations are handled by a small Yakima company that is made up of retired police polygraph examiners. The HR Director reports that the credentials of the polygraphists are current and that they are highly responsive professionals.

Psychological testing has moved among several different licensed professionals in recent years and is currently handled by Dr. Barnard out of the Tri-cities. Medical examinations were inconsistent prior to the HR Director's arrival. These examinations, and drug

screening, are handled by licensed medical professionals working out of the Occupational Medicine clinic in Sunnyside.

Both personnel and applicant files are stored separately and under lock and key in the HR Directors office. Key control to the office, file room and each file cabinet is restricted to the HR Director and City Manager. The HR Director reports that the City Manager only requests access to the keys if they know that the HR Director is not available and out of the area.

Recommendations:

- 10.1** Hiring processes at SPD appear sound and in alignment with industry best practices. Although SPD has not had much demand, or authority to hire when vacancies emerge, clearly they would benefit from a comprehensive recruitment strategy that takes creative steps to attract and select candidates that mirror the ethnic makeup of Sunnyside. This strategy should be part of the agency's strategic plan.
- 10.1** Continue with the work recently started to strengthen the relationship between Sunnyside HR and SPD. A cooperative working relationship, sponsored by leaders from both departments, will yield the best police employees.
- 10.3** Confirm that all medical professionals are conducting tests of candidates that ensure that they are physically suitable for the rigors of police work and that drug screening is handled with integrity and employs practices that inspire confidence.
- 10.2** Ensure the background investigator only serves as a fact finder when researching candidate backgrounds. Also, confirm that the investigator participates in regular training to ensure they are current in the law and employing contemporary investigative tools and practices when conducting background investigations and are properly credentialed for this purpose.
- 10.5** Confirm the credentials of any polygraphist employed by the city. All polygraphists must be re-certified at least every two years.

Chapter 11—Training

WASPC Accreditation Standards:

- 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.*

- 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.*
- 11.3 *The agency maintains and updates training records of all employees.*
- 11.4 *The agency maintains records of each formal training it conducts, to include:*
- *Course content/lesson plans;*
 - *Name of all attendees;*
 - *Performance of the attendees;*
 - *Credentials of the presenter or instructor; and*
 - *Copies of any test results.*
- 11.5 *The agency can show 100% compliance with the annual WSCJTC requirement for training.*
- 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.*
- 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.*
- 11.8 *At least annually, agency personnel receive in-service training on the agency's use of force and deadly force policies. In-service training for less-than lethal weapons shall occur at least once every two years.*

Assessor Observations:

Training is one of the most important functions of any contemporary law enforcement agency. A progressive training program aligns with the agency mission and is underpinned by curriculum that is developed and delivered collaboratively with representatives from throughout the agency and, when necessary, from around the region. Training should provide employees with current information and tactics that keep them safe, protect the organization from liability, and help employees achieve their professional goals and aspirations. These are monumental undertakings in any organization that is faced with competing challenges. Other than occasional training at outside classes, it appears that in-service training for civilians does not occur. Consequently, training is one area that needs prompt attention by the permanent chief.

The agency requires all full-time, sworn members to complete the Basic Law Enforcement Academy or Equivalency Academy through the Washington State Criminal

Justice Commission prior to assuming law enforcement duties. Officers are required to attend the academy within six months of their date of hire.

The LEMAP had difficulty confirming Commanders and Sergeants have their appropriate Washington State career level certification due to an inconsistent training records system. A module of the Spillman RMS is designed for use in storing training records but most employees have no idea how to access that module. Outside of a recently promoted commander, the assessor was only able to confirm one commander and two sergeants possessed their career level certifications. Training records dating past two years old are very difficult to research. When the LEMAP assessor asked to see an employee's complete training file or record, staff was not able to provide it because SPD maintains training records in multiple places. Recently, a detective within the investigations division has assumed responsibility for training records and assists with coordination of training.

Essentially this person serves as the SPD training officer while attempting to balance his duties as a detective. Until he took on this task there was no continuity in recordkeeping or consistency of training when SPD command staff processed requests for training. Officers complained of lack of training, lack of structure for in-service training and delayed or failure to respond to training requests resulting in inability to attend. The detective took it upon himself to develop the training coordinator position and attempt to streamline the system by revamping the training request process. He follows up requests with the commander and reports the disposition of the request back to the officer. Upon return from training the employee provides proof of attendance and the detective scans the proof into the training record module for Spillman.

With the short-term problem handled by the detective's initiative, other significant problems with training records still exist. When the detective adopted the training coordinator responsibility he accepted training documents that numbered thousands of records. He has yet had the time to go through each document, sort, organize and attach the records to the corresponding officers training file. Consequently, potential still exists for inconsistency between the two records systems; additionally, there appears to be no training records prior to September 2010. Compounding the training records management issue is the fact that each SPD instructor for a particular area (e.g. firearms and EVOC) has maintained their own class records and has not provided them to the training officer.

The agency has established a formal Field Training Officer program (FTO) utilizing the San Jose model. The FTO manual requires FTO's to complete daily observation reports (DOR's) on trainees followed by a monthly summary of performance. New officers enter a 12-month probation period upon completion of the 12-week FTO process. Upon successful completion of probation they are moved to full duty with a letter from the Chief. Although unclear, SPD has five (5) certified FTO's who receive very little training related to training new officers beyond basic FTO training. NO officers have been hired in the past two years and the department currently has one vacancy expected to be filled in the next few months. Due to the length of time FTO program has been utilized, and in

conjunction with review of the entire department training program, SPD is in the process of reviewing and updating the content of the FTO manual.

Training records in the form of certificates, class outlines or syllabuses are maintained electronically in each employee's personnel training file by an officer assigned to the detective division. Training records are retained in a Spillman database managed by the detective; however, that individual's aptitude with the system is still developing. The detective sergeant advised that although he is the immediate supervisor of the detective serving as the training coordinator, the detective does not report to him regarding training. Instead, the detective reports to the section commander over the employee requesting training. When formal in-service training has been conducted, the assessor found the training was delivered using approved curriculum and in some cases even involved testing of employees.

For the past two years, the agency has met the Washington State Criminal Justice Training Commission minimum training hour requirements, (at least 24 hours per officer). Several employees that were interviewed by the LEMAP team expressed uncertainty that officers actually received 24 hours of authentic training each year. One officer indicated that they may receive 30 minutes of training on a topic and the department will record 2 hours of training for the employee. The LEMAP assessor was provided signed affidavits for training hours times submitted to CJTC for compliance.

Officers are required to successfully complete a firearms qualification prior to being scheduled for service or carrying an approved firearm. Firearms qualifications are conducted twice a year. Additionally, the Range Master is responsible for completing training in tactical-field firearm use. In discussion with personnel, the assessor was advised that qualifications are completed yearly but there is no additional training related to field or tactical firearms utilization as described in policy. Additionally there has been no ongoing yearly training related to use of force or deadly force policies as required by SPD policy. Less-than-lethal weapons training, outside Taser updates, are nonexistent. In most cases the assessor learned that updated OC (pepper spray), baton, and bean bag training has not been covered in multiple years and in some cases has not been completed since the officer's initial training at the academy.

Several officers that were interviewed expressed frustration related to firearms training. Those interviewed felt that due to the number of officer involved shootings that SPD officers have been involved in, there is a clear need for at least consistent and preferably advanced tactics for the officers working patrol. Several officers expressed animosity over the fact that the department will not supply ammunition to practice with. Most cited a lack of funding and shortage of ammo as the primary reason for the lack of firearms training; all found this shortcoming unacceptable.

Two years ago SPD initiated a mini academy where many core training pieces could be provided for sworn officers. Additionally subjects germane to corrections staff were offered to correction employees. Course outlines provided to the assessor showed that SPD covered topics such as DT, EVOC, Taser, and active shooter. While the training was

reported as successful, it languished and was not sustained because of the investment of time and the impact to patrol staffing.

Emergency vehicle operation course (EVOC) has been limited to the classroom since 2010. SPD EVOC instructors have conducted annual squad based classroom instruction of proper EVOC application. SPD has not exposed employees responsible for driving city vehicles to practical driving skills training since 2010. In the distant past SPD has utilized the Hanford Driving Track for actual skill building and review, but these opportunities for employees ceased for reasons likely related to cost and logistics.

The department supports Reserve and Explorer Units. These units along with the Corrections Officers are incorporated into department training as they are able or it is appropriate. Other civilian employees rarely participate in in-service training.

The agency has limited in-house instructors for emergency driving, defensive tactics, firearms, and Taser. The Commander and Training Officer advised that SPD tries to use outside instructors and send their officers to as much local and free training as possible. Also, SPD attempts to use squad based training as much as possible for information dissemination and training. They use several web based training programs on a yearly basis, such as one provided for blood borne pathogens updates.

In review of high liability training the LEMAP assessor noted most of officers appear to be current with Access Level Certifications and most officers have experienced recent training in workplace harassment and first aid/CPR. SPD is overdue for updates related to diversity, work place violence and dealing with the mentally ill.

Recommendations:

- 11.2** Describe, in much more detail, the current FTO program for new hires. Ensure that all probationary employees receive a culminating evaluation, with recommendation to the Chief, at least 14 days prior to the end of probation.
- 11.2** Ensure all new employees, including new promotions, experience some level of a structured training program, including periodic and culminating evaluations with final recommendation to the Chief.
- 11.3** Ensure all training is documented and entered onto the department training program. Continue to support the training coordinator and processes that have been implemented to preserve the integrity of the training program. Given the importance of law enforcement training to all employees, consider formally assigning training coordinator responsibility to the detective with full agency commitment and authority.
- 11.3** Utilize an accountability system to distribute all training materials. Training materials sent via e-mail is not tracked and receipt of information by the employee is not verified.

- 11.4** Conduct (at least) annual training for all high risk subjects such as defensive tactics, less-lethal weapons, and firearms. Do not include testing (such as qualifications) as training.
- 11.4** Under the direction of the permanent Chief, conduct a review of personnel and training assignments. Place emphasis on establishing training cadres of officers in multiple areas to ensure agency training objectives are being met. Invest in those employees with specialized skill through advanced training opportunities.
- 11.6** Ensure qualifications and certifications of all weapons occur per policy and are documented through a comprehensive lesson plan. A lesson plan is not a course outline.
- 11.6** Supply all officers with reasonable amounts of practice ammunition and time to exercise essential skills.
- 11.7** Ensure all SPD supervisors have attained appropriate career level certification. Provide regular investment in all supervisors by encouraging and allowing them opportunity to attend training to build and enhance existing skills.
- 11.8** Ensure less than lethal weapons training occurs every two years. Consider establishing a rotating program so the entire department (half one year, half the next year) are provided training supporting the requirement of once every two years. If officers cannot train with a tool or system, either remove the tool or provide the training.
- 11.8** Ensure both practical and emergency driving skills are developed and maintained. Opportunities to exercise practical driving skills should be provided to all employees that operate city vehicles each year. Consider completing emergency driving training, including review of agency pursuit policy, on a rotating two year program (half one year, half the next year).
- 11.8** Develop a means to document that agency personnel are completing an annual review of both the Sunnyside use of force and deadly force policies. A spreadsheet or checklist, with accompanying curriculum, is one way to confirm confirming.
- 11.8** Training updates and in-service training, beyond DTB's, for civilian staff is non-existent. This is a high liability area particular for corrections staff in dealing with in-custodies. Certifications are falling behind and essential training such first aid, Taser, blood borne pathogens, defensive tactics and dealing with mental health issues need to be updated. The communications officers need to re-certify for both T-1 and T-2 through Washington State Criminal Justice Training Commission. Consider utilizing outside e-learning systems from private vendors and CJTC for this purpose.

Chapter 12—Performance Evaluation**WASPC Accreditation Standards:**

- 12.1 *The agency has an evaluation policy that requires formal written review of the work performance of each employee and is conducted annually.*
- 12.2 *The agency has a system for evaluating the performance of all probationary employees.*

Assessor Observations:

Performance appraisals are one of the most important aspects of leadership in any organization. The frequency and content of evaluations provides outside reviewers a snapshot of organizational accountability and discipline and gives assessors an idea of what is important to agency leadership. Memorialized performance feedback provides an important opportunity to exercise the supervisor/subordinate relationship that often is tested when managing crises. Evaluation processes serve a vitally important role in career development and provides employees with an opportunity for professional and interpersonal growth that often defends against cynicism and creates pride and loyalty within the organization. Unfortunately most organizations, particularly those that are not accredited, fail when it comes to evaluations due to other priorities that push these important processes aside. Although Chapter 12 only has two standards to evaluate agency performance, and attempt to pinpoint the source of operational problems, often LEMAP assessors need look no further than how, or if, performance evaluations are conducted.

Simply stated, other than when a student officer is in the FTO process, SPD has not completed evaluations for over 10 years. Although the rationale for this glaring lapse is not clear, comments by various supervisor and commander staff ranged from “evaluations are unnecessary because employees always get their pay raise,” and because the employee contracts “include a clause that stated management did not need to complete evaluations on employees.” A review of the officer/sergeant’s CBA could not provide any such language or prohibition on conducting employee evaluations.

SPD supervisors have clear and comprehensive direction on the evaluation process under policy 1002. This area is one of the most glaring where the link between policy and practice is nonexistent. This lack of nexus represents an ongoing serious organizational problem with accepting the Lexipol policy manual without any level of local authentication.

Recommendations:

- 12.1** Review and update the current evaluation instrument. Consider an inclusive review process with representatives from all areas of the department and finalize with the Chief’s endorsement and approval.

- 12.1** Conduct annual evaluations of all non-probationary employees. At minimum, evaluations should be conducted when the employee experiences a change of raters or transfers to a new work assignment.
- 12.2** Once an employee has completed a field or in-service new hire training program, develop an evaluation protocol where they are evaluated periodically (preferably monthly) by their assigned supervisor. As a capstone to the probationary period all employees should receive a final evaluation 14 days prior to the end of probation with a recommendation on permanent retention.

Chapter 13—Code of Conduct

WASPC Accreditation Standards:

- 13.1 The agency has a code of conduct that outlines specific conditions of work that apply to all agency personnel that include, but are not limited to the following:*
- *Personal appearance standards;*
 - *Uniform regulations;*
 - *Tobacco use policy;*
 - *Alcohol and drug use policy;*
 - *Reporting employee convictions, and*
 - *Outside employment.*
- 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.*
- 13.3 The agency has a policy prohibiting biased-based policing, also known as "racial profiling."*
- 13.4 The agency has written policy and procedure for responding to and investigating allegations of domestic violence involving employees of law enforcement agencies.*

Assessor Observations:

The conduct of law enforcement employees speaks volumes about not only the organization's culture and values; however, and perhaps more importantly, how the organization is trusted by the public it serves. Although not a popular topic of discussion, police employees are held to a higher standard than other government employees and the manner in which police organizations establish and monitor standards for employee conduct is essential to public perception and directly effects public trust. Moreover, the manner in which employees treat each other is the platform for the approach they will

take when delivering police services. Chapter 13 provides a framework for agencies to set a basic set standards and expectations of employee conduct that extends to activities inside and outside the workplace.

As with most other areas, the SPD policy and procedure manual provides comprehensive guidance for most areas of employee conduct asked for in Chapter 13 and as part of law enforcement best practices. However, the LEMAP team finds it highly unlikely that agency practice consistently aligns with agency policy. Some areas of the personnel policy (section 10) may be in conflict with city policy and/or employee collective bargaining agreements (CBA). Additionally, section 10 represents other areas of SPD policy where terminology needs to be scrubbed (e.g. ongoing reference to the position of deputy chief) for credibility. The department is reluctant to adjust the Lexipol choosing to maintain a generic document. The Commander indicated by leaving it in generic form it is easier to maintain.

Additionally, SPD does not have a process in place to train or review high risk issues, particularly workplace or sexual harassment, discrimination and complaints against officers. Moreover, most employees interviewed indicated that they cannot remember ever being provided information on these areas other than occasional coverage through DTB's. In most cases these are low frequency high risk events and by their nature may appear to not require regular training and ongoing monitoring. Lapses in these areas pose extraordinary risk to both the agency and its employees. As with all areas of employee conduct, periodic training (beyond DTB's) and monitoring/measuring of employee behavior is the best approach to defend against claims of employee misconduct.

Recommendations:

- 13.1** As a priority conduct a complete review of SPD policy section 10 (Personnel) to ensure it is correct, relevant and that agency practice aligns with policy. De-conflict with city policy and CBAs as part of the review process.
- 13.2** Beyond DTB's conduct periodic in-service training to all employees on SPD personnel policies that deal with workplace harassment and discrimination. The chief and/or commanders should be in attendance at these training sessions to establish and reinforce expectations for employee behavior.
- 13.3** As a priority conduct a command level review of policy 402, Racial or Bias Based profiling. Ensure that SPD is in compliance with all aspects of the policy, particularly those guidelines related to reporting and training.

Chapter 14—Internal Affairs

WASPC Accreditation Standards:

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

- 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.*

Assessor Observations:

Public trust is one of the most important commodities that modern law enforcement must constantly work to establish and maintain. The relationship between the police and the public they serve is tenuous and in many ways the handling of or response to citizen concerns is an excellent vehicle to enhance that commodity. In many cases the actions of the police are misunderstood by the public and timely communication and prompt investigation, even if only supervisor inquiry with the employee, can clarify a confusing or rapidly unfolding event that initially seemed alarming. Effective intake and reporting processes coupled with timely, responsible and competent investigation of concerns—with closing written communication to the complainant by the Chief—not only enhances public confidence it sends a powerful message of accountability to employees.

In recent months Interim Chief Dickerson has taken steps to strengthen the internal complaint and investigations processes at SPD. Agency policy includes a comprehensive section on personnel complaints that has never been followed by SPD. Up until 30 days prior to the LEMAP team's arrival SPD used a complaint form that required the claimant's signature and provided an admonishment stating if they were untruthful they could be found liable. The old form has been replaced by a new, less threatening and more complete form that was recently activated by Dickerson. This form is greatly improved from the old form and could use further enhancements such as a section for relevant dates that memorialize an investigative timeline and reinforces accountability.

As the LEMAP assessor interviewed employees associated with this chapter they discovered a file folder filled with outstanding complaints that have not been investigated. When complaints are not promptly investigated both the complainant and the accused employee live in an unfair holding pattern that serves no useful purpose and is damaging to both public trust and organizational pride and discipline. Moreover, employees interviewed by the LEMAP team describe incomplete investigations that resulted in biased findings where employees received inconsistent discipline depending on where their loyalty was believed to be. Additionally, it appears that nobody at SPD has ever received internal affairs investigation training. Clearly, there are large gaps between policy and practice and interim Chief Dickerson is now attempting to address,

investigate and resolve all outstanding complaints and will encourage Chief Escalera to stabilize the discipline process.

Internal affairs investigative files are currently stored in the office of the new evidence custodian. It is unclear who has access to these files and none of them have been purged. The interim chief is in the process of purging records according to the state retention schedule.

Recommendations

- 14.1** Institute a process where all complaints, regardless of nature, are taken and investigated by the department. Written complaints are encouraged but not required. Remove all constraining policy language that discourages citizen complaints (requirements of signature, in writing, etc.)
- 14.1** All documented complaints should be forwarded to the Chief for review, classification, assignment to an investigator and (where appropriate) development of an investigative timeline.
- 14.1** Legal counsel for the City should promptly notify the department whenever civil claims are filed arising out of alleged misconduct. The department should investigate every significant claim.
- 14.1** Develop a complaint forms that is simple, straightforward, and prepared in appropriate languages. Assistance should be available to persons incapable of filing complaints.
- 14.1** Ensure complaint processing is consistent throughout the department.
- 14.2** Investigative personnel should receive specific training focused on internal investigative practices that include organizational requirements such as labor agreements, investigative procedures and strategies. Ensure the investigator is chosen by skill set, not rank.
- 14.2** Investigation files should be completed and organized in a consistent manner, such as:
 - Complaint
 - Allegation Summary
 - Findings of Fact
 - Statements
 - Reports
 - Correspondence
 - Disposition/Penalty Recommendations
- 14.2** Stabilize the disciplinary process by making all sanctions consistent and appropriate for the sustained allegation.

- 14.4** Provide all complainants with written notification of the disposition of their complaint.
- 14.5** As an agency priority, conduct a complete review of all internal complaint files currently in the possession of the department. Dispose of files consistent with the state retention schedule. Store all remaining files securely and in the possession of either the Chief or a commander.

SECTION 2—OPERATIONAL STANDARDS

Chapter 15—Patrol Function

WASPC Accreditation Standards:

- 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.*
- 15.3 The agency provides 24-hour, two-way radio capability providing continuous communication between a communications center and the officer(s) on duty.*
- 15.4 The agency has written guidelines for the use of authorized vehicle emergency equipment.*
- 15.5 The agency has policies governing the pursuit of motor vehicles that conforms to Washington State law that includes:*
- The factors to be considered when initiating a pursuit;*
 - Initiating officer responsibilities;*
 - Secondary unit responsibilities;*
 - Restrictions pertinent to marked and unmarked vehicles;*
 - Supervisor responsibilities;*
 - Dispatcher responsibilities;*
 - Stopping techniques;*
 - When a pursuit should be terminated;*
 - Procedures to be followed when a pursuit enters or leaves the agency's jurisdiction; and*
 - Procedures for reporting and administrative review of pursuits.*
- 15.6 The agency has procedures for responding to and investigating domestic violence calls.*

- 15.7 *The agency has procedures for the response and investigation of missing persons, including procedures specific to missing adults, missing children, and Public Alert Systems including Amber Alert.*
- 15.8 *The agency has procedures for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments, pursuant to the Revised Code of Washington.*

Assessor Observations:

The patrol division of a police department is usually its largest division. This division is provided the majority of the department's full time personnel and resources as most police activities and challenges occur in this division. Of all other divisions in a police organization, the patrol division has the most interaction with the community and can impact the perception of the agency as a whole. Having contemporary policies and practices in place that advance both professional and progressive crime fighting is imperative.

SPD provides 24/7 police response by sworn officers who have completed the Washington State Criminal Justice Training Commission basic training requirements. SPD provides 24/7 coverage by deploying a 12-hour shift structure. There are currently 2 dayshift squads, 2 nightshift squads and 2 officers assigned as power shift officers. There are also 2 school resource officers (SRO's) assigned to cover police duties at one high school, two middle schools, and four elementary schools. Each of these officers is assigned two-way radios, which allows for 24/7 communications with an in-house, stand-alone dispatch center, that is also responsible for handling electronic control of the jail. The SRO's are also able to communicate on their assigned two-way radio with school staff on a separate channel. This allows for ease of communication with both police dispatch and school authorities. Employee interviews disclosed that two-way radios work well, with only a few known "dead" areas within the patrolled area.

SPD has a policy (Policy 316) which governs responses to both emergency and non-emergency calls. These responses are defined in Policy 316.2.1 as Code 1 Response: little or no threat of injury or death, Code 2 Response: increased threat of injury or death, and Code 3 Response: imminent or immediate risk of injury or death. This policy is consistent with RCW 46.61.035 and WAC 204-21-130. Through employee interviews at all levels it was apparent that these responses are well known and understood.

SPD also has policies (Policy 314) in place regarding police pursuits. This policy is comprehensive and covers factors including the purpose and scope of a vehicle pursuit, the roles of pursuing officers, supervisory control and responsibility, inter-jurisdictional considerations, communication, intervention techniques, vehicles with and without emergency equipment, training and reporting requirements.

Employee interviews at all levels revealed an understanding of the intent of the pursuit policy. Some employees mentioned that SPD is part of a regional, Yakima County inter-

local pursuit agreement or policy, which provides continuity and protocols for pursuits that extend between agencies. In review of Policy 314 there is no reference to such policy, although there is a clearly defined section about inter-jurisdictional considerations (Policy 314.6).

SPD has policies, which cover the response to and the investigation of domestic violence incidents (Policy 320) and domestic violence situations involving law enforcement employees (Policy 1052). Employees indicate an understanding that domestic violence calls have the potential to be very volatile situations and there is an elevated need for increased officer safety. Employees stated domestic violence calls are treated as a priority and require a 2-officer response.

SPD has policies and procedures for the response and investigation of missing persons, including procedures specific to missing children, missing adults (Policy 332) and public alert systems including Amber Alerts and Blue Alerts (Policy 334). SPD employee interviews show that these types of cases are viewed as a priority with the department. When asked how long an employee would wait to complete a missing person/child report each employee, without hesitation, stated they would not delay. The report would be immediately taken and a request made, (if not input by the officer), to have the missing individual entered into NCIC/WACIC. When employees were asked about the Amber Alert notification system all knew that SPD was involved in the process but most did not know the criteria for an Amber Alert to be issued.

SPD has policies and procedures (Policy 418) in place for handling cases involving mentally ill individuals. This policy covers transportation, transfer to appropriate facility, responsibilities, documentation, handling criminal offenses, weapons possession and training. Employee interviews in this area indicate that SPD employees are dealing with mentally ill individuals on a regular basis. These employees are utilizing good interpersonal communication skills and common sense when in these situations. Employees indicated that they have not received training in handling of the mentally ill since attending the Basic Law Enforcement Academy.

Recommendations:

- 15.3** The current dispatch system has a single dispatcher who is monitoring officers radio communication, incoming telephone / 911 calls, electronic control and monitoring of the jail. Due to safety priorities of each responsibility, each should be assessed and consideration should be given to the amount of tasks a single dispatcher should be assigned.
- 15.5** If there is a Yakima County inter-local Pursuit Policy/Agreement this should be incorporated within the current policy. If there is no inter-local policy, provide updated/refresher training regarding the current policy to all officers.
- 15.7** Conduct refresher training on the Amber Alert protocols.

- 15.8** Provide updated, and relevant, training to employees for handling mentally ill individuals.

Chapter 16—Traffic Function

WASPC Accreditation Standards:

- 16.1 The agency has procedures for investigating vehicle crashes on public and private property and uses the current Washington State Patrol authorized accident reporting forms.*
- 16.2 The agency has procedures for the lawful impounding of vehicles.*
- 16.3 The agency has procedures to take timely action to address hazardous road conditions.*

Assessor Observations:

SPD does not have a separate unit of officers assigned to handle vehicle collisions or focused traffic enforcement. Each officer assigned to the patrol division has the ability to provide traffic enforcement and vehicle collision investigations/reporting. SPD has policies and procedures covering traffic function and responsibility (Policy 500) and traffic collision reporting (Policy 502). The traffic collision reporting policy covers investigating vehicle collisions involving city vehicles, police department employees, collisions on private property, roadways or highways.

SPD currently uses the SECTOR program for completing traffic infractions/citations (tickets) and collision reporting. Employee interviews revealed that there are employees who are using SECTOR for tickets and collision reporting, some who only use SECTOR for ticketing and not collision reporting and some who use (hard copy) standard carbon copied tickets and state collision reports. Most officers interviewed indicated this is due to limited training (4 hours only on the ticketing portion) on the SECTOR system.

SPD has policy and procedures in place for lawful vehicle impound (Policy 510) and use a local company when a tow is necessary. Employee interviews indicate that inventories are completed on all impounded vehicle. Employees utilize discretion when deciding whether or not to tow a vehicle of a suspended driver. All employees interviewed agreed that the driver's vehicle would be towed if the driver was suspended or revoked in the 1st or 2nd degree. Discretion was utilized on suspended 3rd degree drivers. All DUI drivers have their vehicles impounded.

SPD has policy and procedures for taking timely action to address hazardous road conditions (Policy 500).

Recommendations:

- 16.1** Provide additional SECTOR training to move towards full implementation of the program across the entire patrol division and ensure SECTOR equipment is installed in all patrol vehicles.

Chapter 17—Investigative Function**WASPC Accreditation Standards:**

- 17.1 The agency utilizes a case management system for screening and assigning incident reports for follow-up investigations.*
- 17.2 The agency has written guidelines for investigating elder abuse.*
- 17.3 The agency has written guidelines for investigating child abuse.*
- 17.4 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.*
- 17.5 The agency has written guidelines for investigating hate crimes.*
- 17.6 The agency has written guidelines for investigating identity theft.*
- 17.7 The agency has policies and procedures governing the use of informants.*
- 17.8 Victims and witnesses are interviewed in locations that are separated by sight and sound from the public areas of the facility.*

Assessor Observations:

Investigative units are one of the most misunderstood specialized functions in law enforcement. These units are home to police officers with diverse investigative responsibilities and who live in a veil of mystique that is fueled by television drama highlighting investigative techniques that make for good television and establish unrealistic expectations for victims. Consequently, most detectives are forced to deal directly with victims that are recovering from victimization, and are possibly angry and demanding. Detectives themselves are largely self-supervised, assigned cases on an irregular basis and in many department's asked to manage a very challenging caseload with little support or assistance. The purpose of the WASPC standards for this chapter is to establish a basic foundation of investigative responsibility and processes that are defensible, safe and provide a quality level of service for victims of crime.

SPD uses police records management software by Spillman Technologies Inc. The computerized system affords many functions including a case management component

integrated into the overall system. Assessors were shown active examples of the system in use as well as its functionality respective to agency case management needs. Cases are assigned based on the investigative needs and resources available at the time the investigation is initiated. The detective supervisor has the ability to access immediate information regarding any investigation in the records management system.

It appears the RMS system may be underutilized and training may be in order for staff to garner the best performance for SPD. The detective supervisor is utilizing the system to the best of his abilities. Much of his knowledge of the RMS appears to be self-derived.

Most investigations begin with a patrol officer and if necessary are transferred to one of two detectives. The detective supervisor and the patrol supervisor routinely communicate about potential cases that may require assignment to a detective. Currently, most property investigations remain with the originating patrol officer. These investigations include, but aren't limited to: burglaries, thefts, other property crimes and minor assaults. Investigations of a sensitive nature or requiring extensive follow up are considered for assignment to a detective.

The two detectives are currently managing between 15 and 20 cases each at the time of interview. Most of those assigned cases are sex crimes, major assaults and cold case homicides. Frequent, almost daily communication between detectives and their supervisor promotes a healthy knowledge of the investigative workload and required resources to complete case assignments.

SPD does not conduct interviews of child victims of sexual abuse. The Yakima County Prosecutor's Office conducts all interviews using trained interviewers following a countywide protocol. SPD's detectives haven't received the mandated training from WSCJTC, as it is not required given the county protocols to outsource those interviews.

SPD uses interview rooms separated by sight and sound from public areas of the facility. The internal areas of SPD are secure and only accessible by authorized employees.

SPD has written guidelines for investigating elder abuse, child abuse, hate crimes and identity theft. The guidelines are thorough and appropriately address issues specific to SPD and the State of Washington.

The LEMAP assessment did uncover a significant discrepancy between written policy and actual observations related to confidential informants. The SPD policy is very detailed and specific regarding the use and payment of confidential informants. The practices in place for confidential informant protocols at SPD appear to be adaptations passed down from previous detective supervisors to the current detective supervisor. The detective supervisor reported he received no training in the documentation and use of confidential informants. When taking over their current role the supervisor was not provided any past confidential informant documentation or ledgers documenting past informant use. The methods instituted at that time, likely pre-Lexipol, are not adequate when compared to SPD policy and current best practices.

The SPD detective sergeant does have an investigative fund designed for informant use as well as other approved investigative needs. The fund is divided between an onsite cash fund, secured and only accessible by the detective supervisor, and a bank account. Investigation of the fund showed minimal use in the past two years and no supervisory audits. The last transaction in either ledger occurred in 2012. Given the lack of transaction history for this fund, consideration should be given to eliminate the fund entirely.

After careful consideration, should the investigative fund be retained, significant changes are required to link current SPD policy and best practices. Informant files will need to be created, maintained and purged as recommended by the state archivist and supported by SPD policy. Investigative funds will require appropriate documentation supported by routine and surprise audits by the commander and/or Finance. The LEMAP assessor provided future opportunity for the detective sergeant to obtain specific best practice examples of how informant files and funds could be created and maintained.

Although normally covered in Chapter 18, security of vehicles considered evidence or seized property by SPD should be handled as such and housed in secure storage. Detectives report that vehicles requiring further examination or application of a search warrant may be stored in a secure building at public works. Vehicles seized pursuant to forfeiture laws are normally towed to SPD headquarters and are stored in an open parking lot between the police parking lot and a rail line that bisects the city. This lot is not fenced and is insecure. Any vehicle taken as part of police action becomes the responsibility of SPD and must be handled appropriately with proper measures taken for safety and security.

Recommendations:

- 17.7** Revisit and institute SPD policy 608 governing confidential informants. Develop documentation and practices that specifically support the policy. This should include complete documentation of informants, investigative funds as well as at least one surprise audit annually. If the last use of the SPD investigative fund was 2012, recognize it as a liability and evaluate whether it is necessary.
- 18.8** Store all vehicles seized by SPD, awaiting forensic examination, official process or safe keeping, in a safe and secure area that has restricted access and is alarmed.

Chapter 18—Evidence and Property Control Function

WASPC Accreditation Standards:

- 18.1 The agency has written guidelines for the proper collection and identification of evidence and property. These guidelines are consistent with the intent of the policies and procedures outlined in the current Washington State Patrol Evidence Collection Manual.*

- 18.2 *Seizures and Forfeitures: 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.*
- 18.3 *Notifications: 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.*
- 18.4 *Booking – Property and evidence is placed under the control of the property and evidence function before the officer completes their shift.*
- 18.5 *Booking – The agency has the means to temporarily separate and secure property and evidence while it is waiting processing into the permanent storage facility.*
- 18.6 *Booking – The agency has the means to properly preserve and secure perishable property both temporarily and after it is received in the permanent storage facility.*
- 18.7 *Booking – The agency has the means to temporarily separate and secure evidence containing hazardous materials while it is waiting processing into the appropriate permanent storage facility.*
- 18.8 *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.*
- 18.9 *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.*
- 18.10 *Physical Security – Access to the agency's property and evidence facilities is restricted to authorized employees only.*
- 18.11 *Physical Security – 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.*
- 18.12 *Physical Security – 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.*
- 18.13 *Tracking – 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.*

- 18.14 *Tracking – Every piece of property and evidence is related to a report describing the circumstances of the seizure or custody by the agency.*
- 18.15 *Tracking – The tracking system accurately records the movement of every piece of property and evidence by date, location, reason and person.*
- 18.16 *Tracking – Drugs are weighed using a calibrated scale whenever they enter or leave the secure facility.*
- 18.17 *Purging – The agency has policies governing the release and disposition of property and evidence in accordance with applicable state law.*
- 18.18 *Purging – Property containing hazardous materials, biological hazards or other materials restricted by State or local health regulations is disposed of properly.*
- 18.19 *Purging – When property is sold, the disposition of the money received is accounted for and recorded according to State law.*
- 18.20 *Purging – 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.*
- 18.21 *Audits – The agency ensures that an unannounced audit of evidence and property, including drugs, money and firearms is conducted at least annually by personnel not directly in the evidence unit’s chain of command.*
- 18.22 *Audits – An audit of property and evidence is conducted whenever a new employee is assigned over-all responsibility of the property and evidence function.*

Chapter 18 was reviewed by Commander Joe Upton of Lacey PD independent of the LEMAP assessment. The LEMAP team has one recommendation, in addition to those contained in his report (see below). See Commander Upton’s report for additional information.

Recommendations:

- 18.9** The Department hangs biohazard items in a vented area that measures 22” deep by 32” wide and 29” High. This is located in the processing room. The Department would be better served if they identified a more suitable location for drying biohazard items. This could be a designated closet or a commercially manufactured unit.

Chapter 19—Prisoner Security**WASPC Accreditation Standards:**

- 19.1 *The agency has written guidelines governing the methods and use of restraining devices used during prisoner transports.*
- 19.2 *The agency has written guidelines for transporting the sick, mentally ill, injured or disabled prisoners.*
- 19.3 *The agency requires transporting officers to conduct a thorough search of prisoners prior to transport.*
- 19.4 *The agency requires a thorough search of all vehicles used for transporting prisoners before and after transport.*
- 19.5 *The agency has procedures for officers transporting prisoners for:*
- *Safety and security of firearms;*
 - *Removing restraining devices;*
 - *Delivering documentation to the receiving personnel; and*
 - *Advising receiving personnel of any potential medical or security concerns or hazards posed by the prisoner.*
- 19.6 *The agency's temporary holding facility includes access to shelter, warmth, potable water, and a toilet.*
- 19.7 *The agency has procedures for using temporary holding facilities that addresses:*
- *Supervision and accountability for temporary detainees;*
 - *Authorization for using temporary holding facilities;*
 - *Temporary restraint devices approved for use;*
 - *Separation by gender and status (i.e. adults/juveniles); and*
 - *Plans for fire prevention, suppression and evacuation.*
- 19.8 *The agency has procedures for non-secure holding of juveniles who are status offenders.*

Assessor Observations:

The Sunnyside Police Department has both holding cells and a full jail facility that house misdemeanor offenders, contract offenders and temporary in-custody suspects. Felony suspects are held at the Yakima County Jail Facility and juvenile offenders are held at the Yakima County Juvenile Detention Center.

SPD has policies and procedures which govern the method and use of restraint devices during prisoner transport (Policies 900.1.7 and 1022.3). Employee interviews indicated that employees were familiar with the correct procedure in transporting prisoners.

SPD also has policies and procedures governing the transportation of the sick, mentally ill and injured or disabled prisoners (Policies 900.1.7 and 418.5).

SPD has policies and procedures that cover the thorough search of prisoners prior to transport (Policy 902.3). Employee interviews indicate the search of a prisoner prior to transport is a steadfast practice at all levels.

Employee interviews showed that SPD employees are searching their assigned patrol vehicle at the beginning of their shifts, after prisoner transports and again at the end of shift. This falls in direct line with SPD's policy and procedure (Policies 706.3.1 and 706.3.7).

SPD has police and procedures in place under Policy 900 and Policy 306 which cover:

- Safety and security of firearms;
- Removal of restraining devices;
- Delivering documentation to the receiving personnel; and
- Advising receiving personnel of any potential medical or security concerns or hazards posed by the prisoner.

SPD has two temporary holding rooms within the police department. These rooms are separate from the SPD jail. Both temporary holding rooms within the police department are separated, enclosed rooms that are equipped with a metal table that has handcuffs attached to the table and leg restraints attached to the base of the table. These rooms are enclosed by a solid door and can only be monitored if the door is left open and/or by non-recorded surveillance cameras. Employee interviews and inspection of the rooms showed there is no log that is kept for temporary holding of individuals held within these rooms.

SPD is governed by policy 900, Custody, but that policy generally references jail activities related to temporary holding and does not appear to cover individuals held in interview rooms at the headquarters station. On day two of the LEMAP, assessment officers used the interview rooms at SPD to house (possibly juvenile) prisoners. The LEMAP team could not locate policy that directs officer action when using the interview rooms as secure holding and it is important to note that custody activities and responsibilities are different for each facility. Although pertinent to the city jail and probably not applicable for the temporary holding rooms, policy 900 covers:

- Supervision and accountability for temporary detainees;
- Authorization for using temporary holding facilities;
- Temporary restraint devices approved for use;
- Separation by gender and status (i.e. adults/juveniles); and
- Plans for fire prevention, suppression and evacuation.

SPD provides procedures under Policy 324 for non-secure holding of juveniles who are status offenders.

Recommendations:

- 19.7** Develop policy that clearly delineates the difference between policies and practices for temporary holding at the SPD jail and those being employed at the holding rooms at SPD headquarters.
- 19.7** Consider a different method to monitor prisoners housed in the holding rooms. Either install doors to the cell with a window or activate surveillance cameras and account for someone to monitor those being held.
- 19.7** A log should be created to document temporary holding of individuals that are being temporarily detained within the rooms within Sunnyside Police Department.