

**WASHINGTON ASSOCIATION OF
SHERIFFS AND POLICE CHIEFS**



LEMAP

Loaned Executive Management Assistance Program

Review of the

Mill Creek Police Department

INTRODUCTION

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

Methodology employed by assessors was primarily through one-on-one interview using the WASPC Accreditation standards as a starting point for discussion. Volunteer assessors, made up of command and supervisory staff from Washington law enforcement, were invited to the LEMAP assessment based on experience and subject matter expertise. The LEMAP team interviewed most employees that were working during the assessment. These interviews, where employees were candid and forthcoming, provided the team with an authentic backdrop to gather information and draw conclusions about agency history, policy, protocols and operations.

The goal of this review is to provide the Mill Creek Police Department (MCPD) and its future leadership 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 current programs and practices. It is hopeful the MCPD 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:

Kelly Donnelly has subject matter expertise in both Police Records and Property Room management. She has primarily served as the Evidence Technician for the Mercer Island Police Department since 1999. Kelly has also served as a Records Specialist for Mercer Island and is currently the agency's Public Records Officer. In these roles she has served as Committee Chair for Property and Evidence with L.E.I.R.A, is a founding member of the 200+ member statewide association EPIN (Evidence and Property Information Network), and in 2004 initiated proposed legislation to expand the laws pertaining to law enforcement donation of unclaimed property.

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

David Doll is currently Deputy Chief of Operations with the Bellingham Police Department. Beginning his Bellingham police career in 1984, David's experience includes patrol, K9, school resource officer, investigations, organizational/field training, bicycle patrol, first-level and middle management leadership. Currently overseeing uniformed patrol and investigations, David is also the accreditation, policy, and strategic planning

manager for the Department. David holds a Bachelor's Degree in Criminal Justice, has instructed for IACP's "Leadership in Police Organizations," and is a graduate of Northwestern University's School of Police Staff and Command.

Rod Sniffen currently serves as the Captain of the Investigations Division with the Everett Police Department. Rod was a long-standing instructor at the basic police academy, a SWAT member for 11 years, motor officer, and now serves as the Commander of the Snohomish Multi-Agency Response Team (SMART) that investigates officer-involved shootings. Rod has a Master's Degree in Organizational Management and a Bachelor's Degree in law enforcement administration. Rod is also a graduate of the FBI National Academy, FBI LEEDA Executive Management Course, and The Northwest Command College.

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, Finance and Budget, Training, and he served as the Commander of the Basic Law Enforcement Academy from 1996-1998. He holds a MPA from the University of Washington and is a graduate of the FBI National Academy, FBI Law Enforcement Executive Development Seminar and Washington Command College.

GENERAL OBSERVATIONS

Interim Chief Larry Dickerson invited a LEMAP team into the Mill Creek Police Department (MCPD) over January 19 and 20, 2016 to conduct an operational review of the department. Dickerson has served in an interim capacity since November 19, 2015. He was hired to bridge the time between when Chief Bob Crannell retired and a new Chief was hired and able to start work. The goal of the LEMAP team's visit is to conduct a review of department operations and provide the new police chief with a roadmap that will not only identify agency strengths and opportunities but will also establish a foundation for agency accreditation should they choose to move in that direction.

Chief Crannell had served as the Mill Creek Police Chief since October of 2000 and retired with more than 30 years of service in December of 2015. He had served under numerous City Managers and elected officials during his tenure and led the department through significant change in growth over his 15 years as CEO. He was a popular Chief who was widely respected in Snohomish County as a stable influence who was viewed as a "voice of reason" by his peers. Crannell had been supported by several Commanders over the past seven years, the most recent of which (Ken Neaville) retired in 2015. The MCPD Commander position is currently vacant and its future is uncertain.

The City of Mill Creek's population, as of the 2014 census, is 19,200. The city operates under a council/manager form of government. The Mill Creek City Council is made up of a Mayor and six Council members, two of which are members of the Snohomish County Sheriff's office. Mill Creek operates under a biennial budget of approximately \$9,000,000 and as with most police departments, the majority of police funding is dedicated to FTE's



assigned to the patrol function. Rebecca Polizzotto was appointed as City Manager in the spring of 2015 and adopted a city led by energetic department directors that were eager to take the city on a new journey. Clearly the City has experienced significant change over the last six months of 2015 that some employees have characterized as placing the organization in “spin cycle”. Change is often necessary, but often difficult to manage in any organization and can have unintended (sometimes negative) consequences. Clearly, agency leadership will need to be sensitive to the effects of change if they want the organization and its employees to feel valued and be successful.

MCPD has operated under an organic policy manual that appears to have sections that were developed in 2007 (and prior) and last updated in 2009. It is unclear where the manual originated and content ranged from badly outdated to completely inadequate or void of content required by state law or contemporary police practices. It would be simple to focus this report on the inadequacy of this policy instrument and the LEMAP assessors will reference critical policy deficiencies by attempting to center the report on current police/employee practices – which by most accounts appear to be good. Most employees indicated their awareness of the policy deficiencies and do not use it as a guide or anchor for operations. The challenge of not having a contemporary manual to guide employees is operational consistency and amplified risk. Clearly the development and introduction of a new or updated policy instrument needs to be a top priority of the next Chief. The agency attempted to introduce Lexipol® to the agency, but it was not handled well and consequently some employees have used the poor introduction as an excuse to resist any level of implementation of this very good resource. More discussion on this shortcoming will be addressed in later sections of this report.

The police department is staffed with 26 commissioned police officers, including the Chief. The agency is currently operating with two vacancies and one recruit in the police academy. This staffing shortage has a significant effect on agency overtime, which will be addressed in later chapters of this report. Supervision consists of four patrol sergeants, one detective sergeant and four (4) corporals. Span of control for Patrol Sergeants is typically four FTE’s and the Detective Sergeant supervises two Detectives. All MCPD Sergeants carry ancillary responsibilities beyond supervision of employees. Civilian staff is made up of an executive assistant that reports to the Chief, two record specialists, a public service/animal control officer and a part-time property technician who manages the property/evidence room. MCPD also operates with a part-time public records officer who is in the process of being re-assigned to City Hall. The LEMAP team observed that some work space in the headquarters building seemed cramped and learned that a city-wide space remodel is scheduled to start in 2016.

Administrative aspects of MCPD operations, such as Finance, Property and Evidence and Records management is currently in transition. Chief Crannell is characterized by staff as a “hands off” police leader who trusted supervisors to make appropriate spending decisions with budgets under their control. As with many areas of agency operations Interim Chief Dickerson has installed internal controls and modification to practices that are prudent and appropriate but involve a change of organizational culture and practice. Employees assigned to police/public Records have recently experienced the loss of a long tenured civilian supervisor that has created a void in function and responsibility that has been divided among the remaining civilian employees. This, combined with the re-assignment of the public records officer to City Hall, has contributed to a feeling of uncertainty and



instability that has amplified stress and left employees with concerns that certain critical functions of the police organization are going to be lost, or they are going to be overtaken with new responsibilities, during the transition. Change in an organization like Mill Creek is often necessary and good, but these feelings are but one symptom of the rapid changes which permeate all of City Hall that require constant communication and feedback to affected employees if the organization is going to succeed.

In spite of fast-paced change and a transition to new agency leadership, the good news is that the LEMAP team found the employees of MCPD to be committed, knowledgeable and caring public servants. Their candor, patience and openness to the LEMAP team's questions and inquiries are a testament to a professional group of employees that provide superior law enforcement to the citizens of Mill Creek. A common theme that will permeate this report is the need and effect of change on the police department. Change in any human life often inspires a wide range of emotion that span a continuum from hope and excitement to anger and frustration. The LEMAP team encourages all readers of this report, and particularly the employees of MCPD, to recognize and appreciate the difficulty of change on the most valued asset of any organization – its people.

By working together and creating an environment of trust and teamwork there is no question that MCPD will be an icon for leading edge policing in Washington. The LEMAP team is humbled by this opportunity and is hopeful that this report will assist the next Police Chief to shape the Mill Creek Police Department into an improved and proud police agency that their peers and the citizens of Mill Creek look up to.



SECTION I
ADMINISTRATIVE
STANDARDS



SECTION I—ADMINISTRATIVE STANDARDS

CHAPTER 1 – GOALS & OBJECTIVES

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

Observations:

Most police employees are goal driven and thrive when meaningful and challenging opportunities are placed in front of them. The majority of line level employee job responsibilities are tactical and the mundane (strategic) tasks of establishing goals, objectives and engaging in strategic planning are viewed as the responsibility of administration. However, many of these employees are motivated by meaningful plans that chart a course for the future. These plans become value-added when employees are invested in the agency's direction by being part of the planning process. Those police agencies that do not have current goals or plans struggle with performance because they are caught up with the challenges of the day instead of looking to the future. A lack of vision or planning for the agency goes hand-in-hand with the tactical work of the first line employees and shortcomings in this area are often pre-cursors to weaknesses in other critical organizational functions, accountability and discipline. This chapter establishes a need for the law enforcement agency to look forward and take steps to formalize the planning process in a memorialized fashion.

Chapter 8 of the current MCPD policy manual requires the creation of both annual and multi- year plans, with goals and objectives, and the development of an annual report. None of the employees interviewed ever remembered being involved with or actually seeing any of these documents.

During interviews of employees and supervisors that have worked at MCPD for more than six years, the LEMAP team learned that the agency engaged an inclusive process of developing mission, vision, value and priority statements in 2009. The process was led by Commander Lance Davenport and involved soliciting all employees in the department. Employees report that there was little (or no) input solicited from the community or from those outside of the police department during development. Davenport acted as the clearinghouse and through work with Chief Crannell and the former Records supervisor the three of them distilled agency input into final documents that are posted prominently throughout the department.

Since all three command employees no longer work for the city the LEMAP team is reliant on input from remaining employees regarding progress made after the initial documents were developed and posted. Those employees report that the original documents have not been updated since they were introduced and they have become "wall art" in the department with little value or reference. Other city employees and department directors were interviewed regarding city wide interest or involvement in a planning or goal setting



exercises on a city level and all reported that those efforts have not occurred in recent years. Since little attention has been given to this body of work throughout the city, it comes as no surprise that updating of the MCPD planning, vision and value documents are stale.

Recommendations:

- Engage a deliberate future planning process, which includes employees and community members, that link to City priorities, goals or benchmarks. This process should yield a memorialized document that contains attainable benchmarks or goals, with reasonable suspense dates that are assigned to department members with appropriate responsibility to work on them. One individual within the agency should be tasked with overarching supervision of the process to assure attention and prompt progress reporting.
- All planning documents should be updated annually and the process should replicate the participant breadth of what occurred during the first planning process.
- Transparency and communication is critical in these processes. Ensure that all employees are briefed by command staff on the process, expected outcomes and future plans related to agency planning. Accountability for agency outcomes related to visioning should extend to City leadership and (potentially) elected officials.

CHAPTER 2 – ROLE & AUTHORITY

- 2.1 The agency requires all law enforcement personnel to take and abide by an Oath of Office to support, obey and defend the Constitution of the United States and the Washington Constitution and the laws of Washington and the governmental subdivisions.
- 2.2 Statutory authorization for the agency to perform law enforcement services is identified by the laws of the state of Washington and/or local ordinance.
- Purpose: The legal authority of the law enforcement agency is established in state statute and in most cases local legislation. The legal authority of the agency law enforcement officers may be found in this same legislation.*
- 2.3 The agency has policies specifying legal requirements and procedures for any physical arrest completed with or without an authorized warrant.
- Purpose: To ensure arrests are made in compliance with all statutory and constitutional requirements.*
- 2.4 The agency has policies assuring compliance with all applicable constitutional requirements for in-custody situations including:
- Interviews and interrogations



- Access to Counsel; and
- Search and seizure

Purpose: *Interviews and interrogations, questioning, or any other term used to describe in-custody verbal examinations are conducted in compliance with constitutional requirements. These constitutional requirements, federal and state, are vital to the role and function of law enforcement in a free society. By complying with these requirements, law enforcement officers and agencies ensure fair, legal, and equitable treatment of all people.*

2.5 The agency has 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

Purpose: *To provide clear and basic guidelines for evaluating search and seizure issues and conducting searches within existing legal parameters that ensure the constitutional right of persons to be free from unreasonable government intrusion.*

2.6 The agency has policies for conducting strip and/or body cavity searches that include:

- Authority for conducting such searches with and without a search warrant;
- Privacy provisions with search by same gender; and
- Any required reporting procedures when such searches are conducted.

Purpose: *Strip searches and body cavity searches by law enforcement personnel, even when legally permissible, are controversial. They should be done out of public view, with appropriate regard for the dignity of the suspect, and shall be considered legally necessary and reasonable. When possible all such searches should be witnessed. Body cavity searches should be conducted in a hygienic setting and by qualified medical personnel.*

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



Purpose: *To ensure compliance with Article 36 the Vienna Convention on Consular Relations that provides certain rights to foreign nationals when arrested.*

Observations:

Formalized process and the rule of law is the platform from which law enforcement operates. Court decisions and the changes to both state and federal law occur frequently and complicate the role of law enforcement. Additionally, enforcement of criminal law with appropriate and defensible procedures inherently allows for considerable discretion and broad latitude for interpretation by officers. The purpose of underpinning agency operations with formal policy and procedures is to ensure a modicum of consistency with law enforcement under circumstances that often directly affect individual rights and personal liberty. Nonexistent, weakly written or outdated policy is highly problematic because it defines a playing field that potentially compromises the foundation for protecting the personal liberties that make America great. Moreover, treating people legally and with respect is the greatest incentive for community members to maintain a high level of public trust for its police department. This chapter requires police agencies to have written policy and procedures in place that define the agency role and provides criteria for police actions and authority when enforcing the law.

Per MCPD policy, all officers will be given an Oath of Office following completion of the basic law enforcement academy or prior to their first official day of work. The policy does not define the oath but loosely indicates it will be signed by both the Chief and the officer with the original given to the employee and a copy kept by the Chief in the employee's personnel file. The LEMAP assessor checked four different officer personnel files and none of the files contained the Oath of Office. Individual employees were asked if they were given an oath and they indicated that they thought they had but didn't know where the actual document was now.

Authority for MCPD officers to make arrests is covered in policy 1.1.4 and states:

Sworn officers of the Mill Creek Police Department will uphold the Constitutions of the United States and the State of Washington. Sworn officers have the authority to enforce all laws of the City, County, State and the United States as mandated by laws and customs.

Direction for suspect interviews and interrogations was absent in the policy manual but was covered under the *evaluation anchors* of policy section 20. This is an unusual place for search and seizure language and arrives from a perspective of an evaluator not a practitioner working in the field.

The LEMAP assessor could not locate language related to legal requirements for arrests, with or without a warrant, other than a general statement in chapter 16.1.53, *Code of Conduct*, which states:



Officers shall not make, or allow while in their presence, any arrest, search, or seizure which they know, is not in accordance with the law or Department procedures.

This level of detail is inadequate and does not provide employees with a level of direction that would protect the suspect, officer or department. Furthermore, it places an inordinate amount of pressure on legal update training that, according to officers, does not exist. Policy 36.2.1 covers strip and body cavity searches and appears to provide adequate direction to employees on the boundaries and requirements for both types of searches.

Section 30.2.4 covers the handling of Foreign Diplomats that have come into contact with the police. The language is dated, general in nature, and does not cover foreign nationals or mandatory notification countries that are to be contacted when a foreign national is arrested.

Essentially, the sections of MCPD that address criminal procedures that are mostly triggered in critical arrest or custody situations are absent or lacking basic content that allows for consistent handling of suspects. In those rare cases where policy is listed the language does not provide employees with adequate or clear direction or boundaries for taking police action.

The good news is that the officers of MCPD appear to be using appropriate techniques and taking proper action under those circumstances that affect individual rights. Without spending considerable time accompanying officers in the field it is essentially impossible to know exactly how they are handling arrest, search and seizure incidents. This underscores the need for updated policy, current training and good supervision.

Recommendations:

- Ensure that all new officers are provided an oath of office. Define in policy what that oath of office contains, execute and sign the oath contemporaneous to hire, and maintain a copy in the employee personnel file.
- Completely revise and update all sections of the MCPD manual that cover arrest, search and seizure. Ensure the agency has a mechanism to conduct periodic (at least annual) review and updates to these critical areas of agency policy.
- Install policy sections that deal with suspect interview and interrogation and access to counsel. Discussion regarding evaluation anchors should not be included in the main policy manual but may be included as a policy annex.
- Install a comprehensive section of MCPD policy that covers the handling of foreign nationals. Reference the United States Department of State – Bureau of Consular affairs for resource and training materials.
- Install a mechanism for local agency training (separate from the regional Police Skills refresher training) on all policy updates that relate to arrest, search and seizure for MCPD officers. Ideally these sections would be developed by the agency training function and delivered by MCPD Sergeants to each officer.



CHAPTER 3 – USE OF FORCE

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

Purpose: *To establish policies and procedures for the necessary, reasonable, and legal use of force that ensures those decisions to use force are made in a professional, impartial, and safe manner, and that there is an understanding and appreciation for the limitations on the authority to use force.*

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

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

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

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

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

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

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

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

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

- 3.6 The agency has 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.

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

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

Observations:

The necessity to use force during police duties is a high liability area for police organizations and often a sensitive subject to talk about. The actions of all individuals involved in a use of force incident are closely scrutinized both within a police organization and in the eye of the public. Liability and scrutiny can be limited if contemporary policies are universally understood and in-service training reinforces these practices and the expectations of the agency. Relevant and legally defensible policy, supported by authentic periodic review, help ensure that citizens are treated in a safe and responsible manner and officers are armed with current tools, information and clear agency direction.

Section 1.2 of the current policy manual addresses Firearms, Deadly Force, and Use of Force. The policy outlines the main tenets of only using necessary and reasonable force and does not offer much direction or clarification for what the department expects or authorizes. Policy section 1.2.3 interestingly instructs members to use “progressive force”, which is a relatively foreign concept that is ambiguous, and provides shallow direction for officers:

1.2.3 Progressive Force - *The use of force by members will, whenever possible, be progressive in nature.*

This “progressive force” philosophy represents a "continuum" approach which does not follow current U.S. Supreme Court guidelines or best practices for use of force. The U.S. Supreme Court has determined that the single question to be asked, in UOF situations, is whether a particular application of force was reasonable under the circumstances presented to the officer at the time the decision was made, not whether some sort of alternate level of force could have been used. MPD's Training Sergeant is aware of this issue and is working on changing policy language. A sample policy was provided during the site visit. The Training Sergeant also indicated that many General Orders have been issued regarding use of force but the policy manual has not been updated to reflect the changes. Moreover, and as will be mentioned in Chapter 4, publication and tracking of General Orders is inconsistent across the department.



The officers interviewed by the LEMAP team admittedly do not refer to MCPD policy very often. One officer interviewed “believes” it contains sections about use of force, but could not recite detail or specifics directives. However, through interviews of officers the LEMAP team found that agency practice with use of force is good and generally followed best practices. For example, one officer stated that if any injury results from an application of force, photos, medical aid, supervisory notification and completion of an incident report are always required. These practices, following applications of force, appear to be part of the MCPD culture and seem to be primarily reinforced by the sergeants as part of their responsibilities. For example, officers were consistently aware that warning shots are not authorized but had no idea what agency policy requires.

The department’s non-lethal weapons policy is limited to batons, OC spray, and Taser. Officers interviewed by the LEMAP team carried all three non-lethal options. When asked about initial and update training, all officers recall initial training and certification that they received at the basic police academy. The department participates in the regional trainers group (PSR) that provides update training on defensive tactics and batons annually (but does not update OC or Taser). The department Taser program includes annual Taser updates for all officers who carry them. It appears that MCPD has not provided updated training or re-certification on OC for many years and in many cases officers could not recall ever receiving updated training on OC after initial police academy training.

The department also has a 40mm less-lethal launcher as part of its non-lethal inventory. Only two Sergeants have been trained in use of the 40 mm and they are the only ones who use it. Reports by officers and sergeants indicate that the 40 mm launcher has only been deployed once since it was purchased. The department does not have a policy for 40mm launchers that sets minimum standards of training, qualification, or deployment.

Officer involved shootings need to be investigated with the utmost care and confidence. The department participates and has detectives assigned to the Snohomish County Multi-Agency Response Team (SMART). This is a countywide team of expert investigators responsible for investigating Officer involved deaths and serious injuries. The SMART team has set processes and protocols for such incidents but MCPD policy does not refer to the use of the SMART team, which is the agency practice. The policy does refer to a series of steps when an officer discharges his/her weapon. The officers interviewed were familiar with the SMART concept and understood the practices and protocols when the team comes into Mill Creek to investigate an incident. The SMART protocol is also a training topic at regional PSR in-service where MCPD officers are participants.

One special (limited) commissioned employee is armed with OC, baton, Taser, and a knife. This person does not participate in any update training for non-lethal weapons carried on duty except Taser.

Recommendations:

- Update all policies related to use of force and ensure they are offered as part of local in-service or briefing training to all officers on a regular basis.



- Ensure that all use of force applications that may involve even potential injury, are documented and routed through the chain of command to the Chief for review. Once reviewed by the Chief forward to the training sergeant for review.
- The Chief should audit use of force training classes, including those offered through the regional PSR program, to ensure training aligns with agency expectations and values.
- All employees who are armed with non-lethal tools must receive initial training and be re-certified at least every two years.
- Conduct an inventory of all agency non-lethal tools and evaluate which tools will be maintained for continued use. Surplus those tools deemed outdated or not appropriate for continued use.
- Include SMART protocols as part of any future MCPD policy.
- Develop agency policy and ensure that any additional weapon or tool carried by officers that is not supplied by the agency is approved by the Chief of Police.

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

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

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

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

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

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

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



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

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

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

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

Observations:

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

MCPD is the largest department in Mill Creek's city government and is authorized 24 sworn officers including the Chief. The agency is supported by a Police Services officer that performs as a transport/animal control/code enforcement officer and maintains a limited commission. Other support personnel include an administrative assistant, one part-time property technician and two record technicians. The city also provides a police officer that acts as a School Resource officer that services local schools within Mill Creek. This officer is assigned to a squad on the organizational chart but rarely performs as a patrol officer with the squad which effectively permanently reduces the squad from four officers to three.

In recent years MCPD has also operated with a police support manager and a police commander. Both positions are currently vacant and are not reflected on the most recent organizational chart provided for the LEMAP team's reference. MCPD is currently operating with one recruit officer in the police academy and two vacancies under



recruitment. For an agency the size of Mill Creek, a School Resource Officer (attached to a patrol squad) and three vacancies can (and has) considerable effect on the agency overtime budget. MCPD commissioned officers (other than command staff) are represented by the Mill Creek Police Officer Guild and civilians are represented by the Washington State Council of County and City Employees (AFSCME).

Patrol officers and supervisors work 12-hour shifts that are assigned by seniority and rotate every six months. Sergeants are supported by the rank of corporal. Corporals cover patrol duties when not filling in as an acting Sergeant. Typical minimum (or target) staffing levels are a supervisor and two (2) officers on each shift. The City has negotiated a liberal leave policy with the officers where any patrol squad can be reduced to two officers through planned leave, with a maximum of six patrol officers assigned to patrol being absent on any given day. This addendum expires with the current collective bargaining agreement (CBA) in 2017. Sergeants report it is unusual for two officers from one shift to be gone at once. However, when this occurs the absences trigger an automatic overtime hire back to return to target staffing levels. This provision, and the overtime implications, is amplified when coupled with unplanned leave (sick, bereavement, paternity, and disability) absences due to training or when squads are operating at less than full strength due to staffing shortages.

Generous leave accrual and use systems are prevalent in law enforcement and they challenge staffing and budget management of the agency. Consequently, MCPD's overtime expenditures easily outpaced their biennial budget in the first year of the 2015-17 budget. The manner and frequency of overtime is often related to agency custom and a new police chief may be able to collaboratively work with labor on better managing this resource.

MCPD operates with field training officers (FTO's) that according to their collective bargaining agreement can be filled by an officer, corporal or sergeant who receive a 5% pay premium when training a student officer. Officers and supervisors use the term FTO and PTO (police training officer) interchangeably. The two training methodologies are remarkably different and the MCPD ideology regarding student officer training needs to be philosophically stabilized. In the current system Sergeants can perform in the capacity of an FTO, which is unusual and can be problematic from a number of perspectives not the least of which is career development of line staff and diluting the leadership and management responsibilities inherent to the position of supervisor. Transition from officer to supervisor is difficult under traditional rank structures and is compounded when supervisors are allowed to revert to job responsibilities that are preserved for line level staff.

Training for smaller agency employees is essential but extraordinarily challenging and costly. In-service training for officers at MCPD is coordinated by a Patrol Sergeant. Much of the training received by MCPD officers are handled through a regional consortium in Snohomish County known as the Police Skills Refresher (PSR) training group. This approach is further discussed in Chapter 11 but essentially consists of a team of core instructors that are subject matter experts in the region who provide in-service training to officers in Snohomish County. This is an innovative approach to training that is of clear benefit to officers from smaller agencies such as MCPD. Civilians are generally not



involved in PSR and specialized training for them is often fee based and has a significant affect on both training and staffing costs.

Agency policy references a “*Review Board*” convened by the Chief to review certain critical incidents, such as pursuits, use of force and deadly force applications, and is made up of agency employees. MCPD requires use of force reporting but the reports are not used for any purpose other than routing to the Chief. Use of Force that results in injury may be subject to review by the “*Review Board*”. Pursuits are rare and agency policy requires that they are documented in a case report and are forwarded to the Department Review Board within five days of the pursuit. Interviews of tenured employees revealed that there is no such thing as a “*Review Board*” being convened for any purpose.

Annual compilation, review, analysis and reporting of Use of Force, Pursuits, Internal Affairs and Bias Based policing are not (and likely have never) occurred at MCPD. This is unfortunate because annual reviews are not only informative and provide a platform to build public trust, they can act as an employee early warning system and shape future training priorities.

Investigations for MCPD are staffed by one Sergeant and two Detectives. All three employees carry caseloads ranging from three to 14 active cases. The organizational chart indicates that the Detective Sergeant also supervises the agency Property and Record Technicians. Property and evidence as well as Records Management are specialized technical fields in law enforcement and offer some of the most significant areas of high liability in law enforcement. Clearly the supervisor must be acutely aware, and arguably fluent, in the responsibilities attendant to these areas. One detective is assigned to the regional SMART team which handles all officer involved critical incidents that result in death or serious injury.

Although a LEMAP is not a staffing study, we recommend that the new Chief take a close look at the structure of the unit and role of the Sergeant and Detectives. Staffing evaluation for Detective and support units are extremely difficult and must weigh a myriad of competing interests, not the least of which is career development. MCPD will not escape these competing challenges when assessing this function.

Cars, uniforms and equipment appear to be in very good condition. Officers and Sergeants report that they are well equipped and are provided contemporary tools to do their jobs. MCPD is housed in a contemporary headquarters building that appears to have adequate (albeit small) work spaces and officers do have access to temporary holding cells located within the headquarters building.

MCPD does have policy language that addresses written directives. Unfortunately, most employees are not aware of the policy for this area because like most areas of the manual it is not relevant and therefore not complied with. The agency does distribute General and Personnel Orders that are available on clip boards in the Patrol Officer report writing area and the Patrol Sergeants office that are intended to contain like material. When both clip boards were reviewed by the LEMAP assessor they were discovered to contain different orders and directives. Fortunately, Sergeants were aware of the content of recent General and Personnel Orders but the organizational anchor or clearinghouse that consistently



memorializes these moves are in the possession of the former Chief or Commander and are now most likely lost.

As stated prior, MCPD needs an updated manual that reflects current Federal/State laws, Mill Creek City Ordinances, contemporary industry best practices, and existing organizational practices. Interviews with staff indicated that Lexipol® was previously reviewed and a Mill Creek-specific Lexipol® draft policy was provided to the officer's guild (committee was formed) and the City Attorney for feedback. The current whereabouts of the draft is unknown.

Current MCPD policy does not address operational coverage during the Chief's absence and does not guide employee reporting responsibilities during joint operations. In vague terms the policy approaches direction for daily operations but is not instructive and therefore the manual is not used as a reference by employees. When asked about policy direction, a couple of interviewees stated, "We do the best with what we've got in many situations."

Recommendations:

- As an agency priority, completely remodel the agency policy and procedures manual. This must be a collaborative exercise involving both labor and management with heavy reliance on MCPD subject matter experts for relevant policy content.
- Install a reporting system, separate from incident reports, that capture department actions following pursuits, internal affair investigations, use of force applications and bias based policing. All reports must initially be routed to the Chief for review and then used to create a written review and analysis that contains the Chief's signature.
- Revisit the current labor addendum that defines staffing levels and leave use. Evaluate the current hire-back criteria and explore the application of demand based staffing criteria using both call nature and call volume.
- Develop policy language that defines day-to-day operations and apply relevant standards to coverage during absence of the Chief and employee responsibilities during joint operations.
- Conduct an assessment of the MCPD organizational structure. As part of this assessment review supervisor span of control, operational responsibilities, career development opportunities and subject matter expertise for oversight of specialized functions such as Records and the Property room.
- In the short term if the agency continues the practice of issuing directives and general orders, ensure there is a central clearinghouse in the department that employees can use as a reference. Consider abandoning the use of clip boards



and creating an electronic file, possibly stored in a centralized intranet location, which is accessible to all employees once the change or directive is published.

- Install a system where employees are accountable for each policy change. This system should also have capacity for archiving updated policies.

CHAPTER 5 – RECORDS MANAGEMENT

5.1 The agency has a standardized records management system.

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

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

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

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

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

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

5.4 The agency physically protects the privacy and security of agency records in a manner that assures that only authorized personnel with the appropriate need to know - and right to know – can access those records.

5.5 The agency complies with Washington State law governing dissemination of records.



Purpose: *To ensure that the agency is in compliance with the Washington State Public Records Act, RCW 42.56. Policy governing compliance as well as common practice should be demonstrated.*

- 5.6 The agency complies with Washington State law governing preservation and destruction of records.

Purpose: *To ensure that the agency is in compliance with Washington State law governing preservation and destruction of records to include identification and maintenance of essential/permanent records. Policy governing compliance as well as common practice should be demonstrated.*

- 5.7 The agency has procedures for processing and maintaining notice of infractions and citations.

Purpose: *Agencies must be accountable for all notice of infractions and citations issued, their timely delivery to the court system, and retention for audit purposes.*

- 5.8 The agency has guidelines to address the release of public information to the media.

Purpose: *Agencies should clearly identify who is authorized to release public information and what type of information the agency is comfortable with releasing through a PIO or other means.*

- 5.9 The agency has policy and procedures for community notifications of registered sex offenders.

Purpose: *The agency shall have policy and procedures in place that allow for notification in accordance with RCW 4.24.550.*

- 5.10 The agency has policy and procedures for investigating and verifying missing persons, including updating ACCESS databases with additional identifying features as they become available.

Purpose: *Agencies shall have a process for verifying that a missing person is still missing, periodically updating the status of the case, and ensuring that as much information as possible is packed into the WACIC/NCIC record. Policy and Procedure should include provisions for a person missing for 30 days or more and compliance with RCW 68.50.320 for investigation.*

- 5.11 The agency has policy and procedures for:

- The lawful impounding of vehicles
- The recovery of stolen vehicles, to include attempts to notify vehicle owners



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

- 5.12 The agency participates in Uniform Crime Reporting and/or NIBRS by reporting to WASPC as required.

Observations:

In Mill Creek, the Police Support Services section provides a critical link between the police department and the public. Team members provide access to law enforcement information and services and the way in which they do so can have an effect on how the community perceives the department. The support services staff have embraced this idea and put it into practice in their interactions with the public and their co-workers.

This LEMAP assessment occurred while staff was experiencing a series of changes within the Police Support Services division relating to both staffing and job duties. While the staff was very forthcoming with responses to inquiries about systems and responsibilities, they also indicated that at the time of the assessment there were a lot of “unknowns”. This in no way reflects a lack of subject matter knowledge by the staff; in fact, the support services staff members are not only knowledgeable in their fields of work but are also highly regarded within statewide associations as experts in their disciplines. All of the staff members of the Mill Creek police support services section present themselves with a level of professionalism that projects confidence that they are providing service backed by an abundance of experience and knowledge.

In the highly specialized field for public records management, the LEMAP assessment relies on the existence of a governing policy document. In spite of the current policy document being badly outdated and pieced together from many sources, the staff performs the duties as if an updated, intact, comprehensive governing manual exists.

Mill Creek PD is open to the public from 8:00 a.m. until 5:00 p.m. There are two full time records technician assigned to Records and the half time evidence technician has been assigned as a back-up, if needed. One of the changes within the section is the loss of the Records Manager. The staff indicated that the former manager functioned as a “working manager” and filled in when needed due to work volume or absence in Records. She also fulfilled several specialized responsibilities that are still in the process of being re-assigned.

In addition to the typical police records duties, Mill Creek staff is tasked with a complete set of duties normally relegated to court clerks. Because of the agreement with South District Court to function as a “Traffic Bureau”, the staff is expected to accept fines and fees from individuals who wish to pay for traffic infractions, set mitigation and contested hearings for traffic infractions and also process discovery requests and forward adjudications to the Department of Licensing. One of the two records staff must also travel to the court in an adjoining city bi-weekly where she performs one-on-one screenings of defendants applying for public defense representation and processes their applications.



The records section processes cash/credit transactions for fees at the front counter for a variety of transactions. Both of the records employees have an individual cash box they are responsible for. The tills contain \$300 as a base amount. The boxes are locked and stored in another locked cabinet, containing individual (locked) storage drawers, in the records area. Amounts taken in over the base amount are counted by each of the records clerks and placed in a tamper proof bag to be collected by the finance department staff. The money is counted together by the finance employee and the records employee on a daily basis. Policy requires unannounced audits of cash by the records supervisor (40.15.3 in addition to audits by the finance section (11.5.1)). Records staff reported they reconcile their cash tills on a monthly basis and have never experienced any form of audit of the \$300 that remain in each till. Finance section employees indicate that audits of the cash boxes do take place and report no concern about accounting of funds handled by police records staff. Clearly, the cash tills must experience periodic (and preferably unannounced) audit by someone other than the employee to protect both the employee and the City.

Within the past decade, there have been many factors that have shaped and changed the duties of police records professionals. In addition to processing and maintaining accurate law enforcement records for the agency, societal issues and changes by the legislature have resulted in increased workload for the Records Technicians related to functions that often can be very complex. Work related to firearms has developed into an area requiring higher levels of expertise and a comprehensive understanding of outside agency databases and resources. Without such expertise, a police agency not only risks an outcome of a firearm landing in the wrong hands, but also public criticism and liability as a result of an error or oversight. The Mill Creek records staff performs many of these firearm related records functions at the highest level.

The staff reported that in 2015 they processed a total of 267 gun transfers and 148 concealed pistol licenses. Each of these consist of inquiries to outside databases and can involve interpretation of criminal history, disposition data, and court information to include those of other states and may require outside assistance from the FBI's legal staff. Records staff advised that due to the increase in concealed pistol license applications they have had to implement an "appointment only" system. The current appointments are already booked two months into the future. There may be some question about whether this practice is in conflict with RCW 9.41.070, which states "The issuing authority shall not refuse to accept completed applications for concealed pistol licenses during regular business hours." While, arguably, fingerprinting is required for new licenses and may be within the agency's privilege to pre-schedule, renewals that do not require fingerprinting which are pre-scheduled may be in conflict with the RCW.

Mill Creek PD is one of the South Snohomish county agencies that contracts with SNOCOM for dispatch services (current policy still identifies SNOPAC as the dispatch center). As part of the integrated dispatch records software network, the department employs New World Records Management software which provides for a standardized records process. As part of New World, every call for service accepted at SNOCOM is recorded and retrievable by police staff. The agency also employs the Mobile component of the system which officers use to create reports that are also tracked in conjunction with CAD and RMS. Officers enter property directly into RMS.



As part of the agreement for ACCESS user agencies, law enforcement agencies must establish written policy describing system security and actions to be taken in the event of a violation of ACCESS standards. The current policy does not contain such a provision. One of the assignments formerly held by the records manager is as the agency's TAC (Terminal Agency Coordinator). This position is important to the agency because they act as the liaison to the Washington State Patrol's ACCESS system. This designation has been temporarily assigned to the part-time evidence technician; a position within MCPD that does not typically utilize the system to the extent of records personnel. This individual was able to provide the LEMAP assessor with evidence that all ACCESS users at MCPD show current certification status.

MCPD records indicate that the last ACCESS audits were in 2013 and that all findings from the audit were promptly remedied and documented. Both the ACCESS triennial audit and the FBI security audit will be on schedule for 2016 and the TAC is required to be present and facilitate both audits. Whichever team member is assigned the permanent TAC designation should identify the state audit schedule and completely familiarize themselves with all facets of the ACCESS audits.

The logistics of the ACCESS integrated terminals provides physical security restricted to those authorized to use the system. The records area can only be accessed by personnel with keycard authorization. The records staff locks down computer stations each day at closing in addition to locking physical file cabinets containing paper records. One of the FBI security requirements is that non-ACCESS users who have proximity or access to data received through ACCESS is that they view the security training and sign off on a verification document immediately upon assignment of duties. Technically, the newly appointed position of the Chief's administrative assistant would fall into this category if they have proximity or access to applicable data. Although she has not been exposed to the security information yet, there is speculation that she may attend an ACCESS class to achieve certification.

Until recently a single staff member has handled public records dissemination. She has had extensive training in public records laws, case law and best practices. She also holds the foremost public records association official certification in addition to serving on the WAPRO (Washington Association of Public Records Officials) executive board as the training and development director. One of the proactive changes made recently in the City is to reorganize the police public records official to work under the direction of the Director of Public Information/City clerk, who is the designated city public records official. This will allow her to consult with and assist the city clerk in a more global public records function.

The move of this individual to City Hall will leave some of her job duties unassigned. One such duty is the preparation of case files for felony and juvenile prosecution. This involves collection and compilation of all related records/evidence data and criminal histories and timely submission to meet statutory arraignment deadlines. Additionally, duties related to juvenile records are currently unassigned. This is a particularly intricate job, as it requires understanding and applying the nuances of sealing and expungement of those records. Because sealed records can be later unsealed and often juvenile cases involve more than one juvenile, this work requires a comprehensive understanding of how to apply these



orders. Courts often order “deletion” of records that would be in conflict with public records statutes so expertise is required in carrying out conflicting requirements and limitations of the electronic records system. The specialized handling of these records creates a void that the new Chief must be aware of and move quickly to fill.

The former Support Services manager was responsible for retention and destruction of records per the RCW. Upon her departure, this duty was transferred to the police public records designee. Now that this position has been moved to city hall the person responsible for these important functions has not been identified. This is a labor intensive task involving research and identification of records as defined by the state retention schedules and requires appropriate documentation of records that are destroyed. As the department moves to electronic records dissemination and destruction of records will become more complex because some records will exist in native electronic format while others will be in paper hard copy form.

PIO duties are among the processes being streamlined and centralized. Current policy refers to the PIO but uses terms of “if” one exists within the department. It does not prevent disclosure of information by others under special circumstances. In practice, there has been a designated department PIO, however, going forward, the staff member(s) who will perform these duties, will do so in conjunction with a centralized public information team. There are plans for all team members to attend the PIO training camp in February and to work together in close communication with all other team members in the release of public information. As of the time of this LEMAP review the city website does not identify a specific *police* employee with PIO duties.

The Detective Sergeant coordinates with Snohomish County SO to track registered sex offenders within Mill Creek. The county performs the investigation/risk assessment for offenders that reside within the city limits. Mill Creek detectives are assigned follow up status checks and provide updated information on the offender. The Detective Sergeant oversees community notifications through press releases, mailings and with the help of Offender Watch via a link through the Snohomish County Sheriff’s office website. Although there may have been a direct link to MCPD regarding sex offenders at one point, the link now leads to a generic web page on the Snohomish County site and it takes additional searching to locate the Offender Watch portal. The current policy document is comprehensive in addressing processes related to assessing risk, notifications and monitoring sex offenders. Snohomish County advises the agency once the offender is no longer required to register and inactive records are transferred to the Records section for retention/destruction.

Direction for handling missing person reports is addressed by policy in section 34.3, however is very limited. The Detective Sergeant advised that follow up and the requirement for obtaining and supplying dental records is well known by all staff and adhered to.

Current policy section 34.4 mandates fully participating in and reporting monthly NIBRS date. NIBRS (National Incident Based Reporting System) duties were previously the responsibility of the support services manager and then transferred to the staff member assigned as public records officer. Recent staffing moves previously discussed have resulted in one of the records staff members being appointed with the duties of submitting



the monthly reports going forward. Currently these reports are 2-3 months past due. With the relatively new transition of the RMS system to New World, there is a high probability that the reports may become further backlogged. New World RMS does not provide ease of reconciling case report data to NIBRS data requirements. It is common for agencies that have used New World RMS to experience ongoing issues with determining error messages when trying to submit NIBRS, since no succinct training or resources exist to “train” an individual to interpret the terminology of error messages. The transition to the New World system, combined with the transfer of key Records staff, may amplify the backlog of NIBRS reporting.

Although reporting crime statistics via the NIBRS program to the association of sheriffs and police chiefs (WASPC) is voluntary, doing so maintains good standing and relationships with the organization. There are, however, two statutory requirements for reporting crime data; those two categories are domestic violence and hate crimes. Both requirements can be met by utilizing the NIBRS reporting system. Additionally, the Washington State Treasurer’s Office uses crime statistics to calculate funding percentages for counties and cities. If there is a significant reporting period lapse, the agency may have to “re-certify” to be eligible for NIBRS submission in the future.

Policy contains provisions for the lawful impounding of vehicles, however is absent a stipulation addressing responsibility for notification to owners of recovered stolen vehicles. During interviews with records staff, they indicated that officers in charge of incidents are diligent in recording their attempts to make contact with a registered owner so records staff can follow up, if necessary. There appears to be open lines of communication between patrol and records staff so there are no anticipated problems related to this responsibility.

Recommendations:

- Confirm that unannounced audits of the Records Technician’s cash till are occurring.
- Consider accepting concealed pistol applications that do not require fingerprints during regular business hours.
- Consider providing CJIS security training to the administrative assistant as soon as possible.
- Establish responsibility within MCPD for records retention/destruction and provide the appropriate training for individual(s) responsible for the handling of juvenile records.
- Ensure appropriate staff time is reserved to comply with the RCW required monthly citation audit.
- Address the misaligned link to the Snohomish County Sheriff’s office webpage for Offender Watch®



- Ensure that at a minimum, domestic violence and hate crimes are reported monthly through NIBRS submissions

CHAPTER 6 – INFORMATION TECHNOLOGY

6.1 Access to the agency's computer system is secure with restricted access to those who are authorized and who have a passed background investigation.

6.2 The agency can show 100% compliance or that it has made corrections to comply with any ACCESS/CJIS findings from the previous technical triennial audit and/or FBI audit.

***Purpose:** To show that the agency is complying with requirements to provide a safe and secure environment for the transmission of ACCESS data.*

6.3 The agency has policies governing appropriate use of agency technology.

***Purpose:** Agencies need policies to address appropriate use of technology to define what acceptable practice for that agency is.*

6.4 Each fixed and mobile computer workstation has an up-to-date copy of agency-approved, security software installed and running while the equipment is in use.

***Purpose:** Agencies should attempt to secure and protect their data from potential harm from outside sources with security such as anti-virus, anti-malware, anti-spyware, firewalls, etc.*

6.5 Electronic information is routinely backed-up at least once a week. Back-up data is kept in secure storage and is completely destroyed when no longer needed.

***Purpose:** Agencies should protect their data. Backing up a system on a regular basis is recommended. Proper data destruction so that it doesn't become available to unauthorized users is required.*

Observations:

Mill Creek enjoys the luxury of having IT staff stationed within the police section. The IT staff member has worked formerly as a contract employee for a number of years and is now a permanent staff member. He is well immersed in the county electronic data systems and specifically the integrated New World software program. He manages the electronic keycard system and works with the Technical Agency Coordinator (TAC) to maintain security as required by ACCESS for both personnel and physical security.



The last FBI security audit found all physical standards in compliance. One finding from the last audit which was identified and immediately corrected was a required management control agreement between the agency and SNOCOM as an authorized entity on behalf of the agency.

Written policy for ACCESS users is lacking, in that it only addresses certification levels. The policy should contain more detailed language that addresses proper use of the system.

System security is intact. Mill Creek's server is tied in with the Snohomish County server through an encrypted information tunnel. FIPS (Federal Information Processing Standard) compliant firewall protection is installed to encrypt data transferred to and from the agency servers and workstations. The latest version of antivirus/anti-spyware and anti-spam software is installed on all computer stations. Electronic data is backed up weekly and stored in a locked fireproof vault with restricted access.

Recommendations:

No recommendations.

CHAPTER 7 – UNUSUAL OCCURENCES

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.

***Purpose:** To ensure the agency has a current plan in place and is prepared to respond to any disaster immediately.*

7.3 The agency works with the County and/or regional agencies in developing a county or regional disaster or emergency response plan.

7.4 The agency has a policy for requesting and providing mutual aid.

Observations:

Planning the law enforcement response to any disaster should not be done at the time crisis is occurring. An organization's response to natural or man-made disasters must begin through a collaborative planning process with stakeholders from emergency management, non-profit organizations, businesses and the community. Once proper planning is in place, drills and exercises must be facilitated to ensure all stakeholders understand their responsibilities and roles. For this reason, a close and collaborative relationship must exist between emergency management and emergency responders.



The City of Mill Creek's Office of Emergency Management has undergone significant changes regarding its relationship with Snohomish County's Department of Emergency Management. The end of 2015 saw the elimination of the "Emergency Services Coordination Agency" (ESCA), which served as the emergency management agency for several cities in south Snohomish County, to include Mill Creek. In December 2015, ESCA dissolved and in January 2016 Mill Creek entered into an Inter-Local Agreement with Snohomish County DEM for coordination of emergency management services.

Ensuring a smooth transition from the old to the new Emergency Management arrangement is the job of Tom Gathmann, who is Mill Creek's Facilities/Public Works Director, and current Emergency Manager. Tom is exceptionally knowledgeable in emergency management issues and successfully prepared a Comprehensive Emergency Management Plan (CEMP) for Mill Creek which was recently approved by Washington State DEM. Tom indicated that the current CEMP is not yet available on line for personnel to view but PDF copies are available for distribution. The City is also a member of the Northwest Incident Management Team which is a Type-3 team that can supply personnel and equipment to manage a crisis situation that exceeds the day-to-day resources of an affected jurisdiction.

To ensure eligibility for FEMA grant funding, Mill Creek has issued NIMs training requirements, outlining specific courses for certain positions. Interviews with police personnel affirm requirements for all commissioned officers to complete IS-100 (Introduction to Incident Command) and IS-700 (National Incident Management System [NIMS] An Introduction) which is typically done prior to BLEA (police academy) assignment. Up-to-date records were not available from police to show which personnel had received this required training.

MPD has a comprehensive Unusual Occurrences policy (§24) which details a variety of procedures and protocols for natural and man-made disasters. MPD personnel have attended exercises on some of these procedures to include a recent "active shooter" table-top exercise. Policy §24.7.1 requires supervisory staff to carry a current copy of this policy chapter, and a current copy of the City's Emergency Operations Plan. Interviews and vehicle inspections showed that a copy of this policy, as well as the current emergency operations plan (which is now the new CEMP) was not consistently available in the supervisor's vehicle. Interviews indicated that there may have been department-wide training on the policy about two years ago, but the policy itself is not reviewed yearly by staff as is also required (§24.4). Officer interviews indicated that the expired City's Emergency Operations Plan can be found on a shared computer drive at the police station and on the MDTs in the police vehicles.

MPD has a comprehensive policy for requesting and providing mutual aid (§2.1) & (§24.8).

Recommendations:

- Update policy §24 to reflect the change from ESCA to Snohomish County DEM for emergency management services.



- Ensure updated printed copies of Mill Creek’s CEMP are available to Command Staff and Supervisors as outlined in policy 24. Printed copies of the plan are important as I.T. infrastructure may not be available during or following a disaster.
- Ensure that all commissioned personnel have completed NIMS 100 and IS 700. Ensure that the police department is following Mill Creek's NIMS training plan.
- While introductory courses such as NIMS 100 & 700 are adequate for most line-level personnel, supervisory personnel should also take NIMS 200 and possibly 300 and 400 depending on their role in establishing Incident Command and a genuine need to know how to grow the ICS structure as needed. Also, since every employee is deemed an "emergency worker" and their job duties can change to support an ICS environment, introductory NIMS 100 should be required for all civilian positions.

CHAPTER 8 – HEALTH & SAFETY

- 8.1 The agency has written guidelines that inform employees of the threats and hazards associated with airborne and blood borne pathogens.
- 8.2 The agency provides personal protective equipment, which should include latex gloves (or equivalent), eye protection and protective shoe covers to minimize exposure to potentially infectious materials and objects.
- 8.3 The agency provides soft body armor and requires its use for personnel engaged in uniform field duties or high-risk situations.

***Purpose:** The agency is responsible for ensuring that personnel engaged in field duties or high-risk situations are wearing necessary protective equipment.*

- 8.4 The agency provides reflective clothing and requires its use.

***Purpose:** The agency provides OSHA approved reflectorized vests to increase the visibility of employees while exposed to traffic hazards. Use of reflectorized vests is mandated for personnel while directing traffic, or at the scene of a traffic accident (ANSI Class II – 2009).*

- 8.5 The agency has procedures for disposal and decontamination when there is an event or contact involving biohazard material including blood or bodily fluids.
- 8.6 The agency has procedures for post-exposure reporting and follow-up after suspected or actual exposure to infectious diseases.
- 8.7 Non commissioned police employees are physically separated from the public by a physical barrier in the lobby area.



- 8.8 The agency requires all personnel to use safety restraint/seat belts while operating agency vehicles.

Observations:

For many MPD commissioned and civilian personnel, the potential for exposure to bloodborne pathogens may exist when encountering materials or waste contaminated with human blood or body fluids. The potential for exposure exists when officers are involved in assisting with automobile accident victims, working a crime scene, or processing suspects. In these situations they may even encounter blood-contaminated hypodermic needles or weapons. Officers may also be required to search suspects, or subdue violent and combative people that present the risk of pathogen exposure. There is an extremely diverse range of potential situations, which may occur in the control of persons with unpredictable, violent, or psychotic behavior which may compromise the health and safety of police employees. Therefore, informed judgment of the individual employee is paramount when unusual circumstances or events arise. Organizational policy, appropriate supplies, and training are critical in providing guidance and direction with rational decision-making, particularly where immediate action is required to preserve life or to prevent significant injury.

MPD has written guidelines that inform employees of the threats and hazards associated with bloodborne pathogens, but does not address those that may be airborne (§39 Infection Control). Officer interviews and vehicle inspections confirmed the issuance of some appropriate personal protective equipment (gloves, particle masks, hand sanitizer) and first aid kits. "Sharps" containers are also located in patrol vehicles. While written airborne guidelines were not in place, it was discovered that that the agency previously issued MSA "Advantage 1000" full-face-piece respirator masks. Unfortunately, even though the masks were appropriately fit-tested, they were prematurely issued prior to the proper medical screening and documentation which is required of each employee. Also, inspections showed that one issued canister had expired in September of 2015. To remedy that, the organization has assigned the MCPD mask program to one individual who is in the process of ensuring proper medical documentation is completed, fit testing is done, and issued equipment is up-to-date.

MPD's "Infection Control" policy (§39.11.1) indicates that hand and body washing locations are available for decontamination, but is absent in specifics to include actual locations for cleaning, procedures in body decontamination, or the whereabouts of cleaning/disinfection supplies. All interviews resulted in a general "unknown" in what to do, or where to go if personal biohazard cleaning was needed. Officers did know the procedures for getting exposed uniforms cleaned and also the requirement to quickly seek medical attention, and supervisory notification, for any eye, mouth, other mucous membrane, non-intact skin, or needle stick contact with blood or other potentially infectious material. Post-exposure reporting and follow-up procedures are provided throughout the policy. Officers also receive yearly one-hour biohazards/bloodborne pathogens training and three-hour first aid/CPR refresher during their Police Skills Refresher in-service.



By policy, MPD provides protective vests/body armor to all sworn employees and requires their use while in uniform (§21.13). Signed waivers are required for non-uniform assignments and medical conditions affirmed by a physician. Officers who are provided a medical reason for not wearing soft body armor are normally not fit for duty and should not be engaging in policing activities that would necessitate the wearing of body armor. Officer interviews and inspections confirm that the agency does provide up-to-date soft body armor.

Vehicle inspections confirm that the agency does provide OSHA approved highly reflective traffic vests and requires their use via organizational policy (§32.2.1). Officer interviews confirm the requirement to wear the vests

MPD operates under a comprehensive policy that requires the use of seatbelts when operating vehicles to include passenger and prisoner transport (§21.12). Adherence to this policy was confirmed during officer interviews.

The MPD reception area is protected by a locked pedestrian door and solid glass partition above the counter area. Glass above the counter is "shatter-proof" but the staff reports the glass pedestrian door is not. A large metal roll-up window allows for large parcels to be transferred to the secure area, but staff indicated that the roll-up door is seldom used.

Recommendations:

- Policy §39.17 (Infection Control - Evaluation of Exposure Incidents) needs updating to include specificity on cleaning locations and supplies as well as airborne pathogens.
- Include a procedure for obtaining source samples that are without consent.
- Change all policies related to a medical exemption for not wearing soft body armor by officers placed in harm's way. Officers requiring a medical exemption are typically not fit for conducting police duties that would require wearing of soft body armor.
- Immediately recall issued MSA "Advantage 1000" masks until proper medical documentation is obtained, annual fit testing is current and canisters have been replaced if expired.
- If the agency decides to outfit officers with gas masks (or other personal protective equipment), ensure that MCPD policy covers the use, training and maintenance of the equipment.

CHAPTER 9 – FISCAL MANAGEMENT



- 9.1 The Chief Executive Officer has the authority to spend funds in the approved budget for day-to-day operation of the agency.
- 9.2 The Chief Executive Officer makes regular reviews of the agency budget.
- 9.3 The agency has a system for review and approval of expenditures.
- 9.4 The agency has a policy requiring supervisor approval of all overtime.
- 9.5 The agency requires supervisor approval for all employee timesheets.

Purpose: *Elected officials (Sheriff) are exempt from filling out timesheets.*

- 9.6* The agency has a system to document and record the use of cash funds that include receipts, supervisory approval, and periodic audit.

Purpose: *To ensure that control measures are in place for all cash activities in the agency, specifically the common areas of petty cash, cash received in records, and investigative funds.*

Observations:

Mill Creek PD operates under a biennial budget of \$9.15 million, or approximately \$4.5 million per year. As with most police departments, the majority of the agency budget is dedicated to personnel costs for those assigned to Patrol. City staff, both within and outside the police department, attempted to locate spending authority or management control of the agency budget for the Chief, but could only locate a proposed city policy that had not been approved. In fairness, the LEMAP team believes there is likely memorialized authority for the Chief to make expenditures and manage department finances but city staff only had time to make a brief search for the documentation.

MCPD does struggle with overtime expenditures. The finance department reported that after year one of the biennium the department had exhausted much of its biennial overtime budget which necessitated a line item adjustment from other under expended budget lines. This is a structural weakness in the organization that is addressed in chapter four (4) of this report.

MCPD enjoys a fairly traditional budgeting process up to the point of approval. The Chief solicits staff for budget suggestions and then advances the proposed items they support through the City Manager and ultimately the City Council for approval. The MCPD budget and expenditure process departs from other agencies once the item is approved and funded in the budget.

Approved budget items or programs are managed by the supervisor who advanced the proposal. For example, if the supervisor has \$10,000 budgeted over a biennium for firearms replacement they expend that budget as they see fit. The supervisor will place the order as they deem necessary, route the receipts to finance and once the item is received



will initial the invoice and forward to finance for payment. The approved invoice is routed to and paid by finance with very little involvement of the Chief. Although this process is unusual and potentially problematic because of the obvious lack of oversight above the rank of sergeant, the good news is that the MCPD Sergeants seem responsible and in some cases do involve the Chief in the spending process. Interim Chief Dickerson has inserted himself in the expenditure process which has upset the agency culture. This is an appropriate move and in an agency the size of MCPD must continue with the next Chief.

Individual budget lines are generally monitored by the supervisor responsible for them. Sergeants interviewed by the LEMAP team believe that Chief Crannell did conduct reviews of the budget, but those reviews were limited. Interim Chief Dickerson closely monitors the budget and has initiated a range of conversations with the Sergeants regarding spending and overtime. Those reviews and conversations must continue on a regular basis with all supervisors as the agency moves forward.

MCPD employs a payroll system that handles physical timesheets and overtime slips. All timesheets are completed by the employee and approved by the supervisor. The physical timesheet contains an attached overtime recap sheet that is also approved by the Sergeant. Overtime is generally pre-approved by a Sergeant. Sergeant timesheets and overtime are approved by the Chief. Sergeants are allowed to work officer overtime as it becomes available.

MCPD maintains a \$500 investigative fund that is locked in a safe located in the Detective Sergeant's office. Management of investigative funds is a high risk activity that is generally limited to agency personnel who have a genuine need and advanced training in not only cash management but informant handling – since typically investigative funds are used to facilitate transactions that involve members of the criminal underworld. MCPD's fund was established in 2012 and according to documents that accompanied the cash from the safe has been used twice (in 2012) since the fund was authorized. The fund is audited annually by the finance department. Given the infrequent nature that this fund is used, and the lack of training for MCPD Detectives who may have occasion to use it, a needs assessment of investigative monies should be a priority.

MCPD front desk staff (Records Technicians) take in proceeds for a variety of provided functions including court fines/restitution, fingerprinting, concealed pistol and animal licenses. Each Technician takes proceeds from citizens and accounts for them through a daily deposit form that is submitted to city Finance. Each Technician has their own locked cash drawer containing a locked cash box that is stocked with \$300 that is intended for making change to customers paying for any of the services provided by MCPD. The \$300 is accounted for on a monthly basis by the Technician who provides a reconciliation of currency denominations to the city Finance. According to a Records Technician, the cash box contents are never audited or confirmed by anyone other than the employee. Other LEMAP assessors report that Finance staff believes the cash boxes are audited.

The system of individual cash accountability by MCPD is one of the best systems observed by the LEMAP team. However a lack of oversight for the contents of each Technicians cash box is a deficiency that potentially exposes the employee and the department to troublesome claims. Clearly, the contents of the cash box assigned to each technician



should be subject to periodic inspection or review by someone other than the employee and these efforts should be memorialized.

Recommendations:

- Either through city ordinance or city policy, provide the Chief with documented authority to manage and expend their budget.
- Develop a purchasing system within MCPD where every purchase is reviewed and approved by the Chief or their designee.
- At least quarterly, the Chief should be conducting review of the agency budget with all supervisors. Promote improved communication and transparency by encouraging supervisors to share points of budget emphasis or interest with line level employees.
- Develop a review system where the Chief is made aware of employee payroll expenses and patterns. Individual review and approval may not be appropriate for the Chief, but for an agency the size of MCPD the Chief should be aware of payroll habits and work patterns of employees.
- Conduct a needs assessment of the agency investigative fund. If the decision is made to keep it, ensure that robust procedures are in place to protect both employees and the agency. Occasional use of the fund does not justify its existence.
- Conduct periodic (documented) accounting of each Record Technicians cash box. Memorialized inspections protect the employee from scurrilous claims of misuse.

CHAPTER 10 – RECRUITMENT & SELECTION

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

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

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

***Purpose:** The critical and important nature of law enforcement employment require that only the most qualified people are hired to work as law enforcement officers. One of the most important aspects of the selection process is the background investigation. A comprehensive background*



investigation, conducted by competent investigators is very beneficial in determining the most qualified candidates for selection.

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

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

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

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

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

- 10.6 Applicant files are secured and available only to those who are authorized to participate in the selection process.

- 10.7 Employee personnel files are separate and secured from other files. Medical tests, psychological evaluations and polygraph results are kept separate from personnel files in secure locations.

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

Observations:

There are very few things that a Law Enforcement agency does that is more critical to the organization than the recruitment, selection and hiring of police officers and police department employees. Police officer and police civilian employees are the ambassadors of the City and are an integral part of instilling community trust and confidence. It is essential that Mill Creek police department has reliable and consistent hiring practices in place that provide the best candidates to assume the role of a police officer. Moreover, it is vitally important that the police department employees are proud and responsible because they not only serve as some of the best recruiters; they are a reflection of the health and welfare of the organization. This chapter focuses on the basic elements of the recruitment and hiring process that ensure the high standards of law enforcement are met and the integrity of the agency is preserved as new employees are brought into the organization.



Mill Creek Police department works in conjunction with the City's Human Resource department for selection and hiring of new police department employees. The department's practices for the recruitment and selection of employees have historically followed a solid process that is in keeping with State law, civil service rules, and the State Criminal Justice Training Commission. The department has in place a policy that, while very basic, does provide information as to what is advertised in the newspaper and on the website of Public Safety Testing (PST). PST is a private company that the police department uses for initial phases of testing processes for police officer. There is more detailed information on the police department hiring criteria that are clearly spelled out on the City of Mill Creek webpage.

Mill Creek Police department has historically used PST for the entry level written test and physical ability testing. Once candidates pass the first two tests they move on to oral interviews which are handled internally and typically involve a patrol Sergeant and two patrol officers. Five different MCPD officers have attended a two hour training class on conducting oral interviews.

Mill Creek Police Department has historically used Public Safety Testing for background investigation, polygraph and psychological exams. However, the department is transitioning away from using PST for background investigations because of the amount of time it has taken for PST to provide the background results. As such, the department has sent a detective to training specific to conducting background investigations and that detective is currently conducting her first background investigation on a police officer candidate. This assessor spoke to the detective and she showed me the background forms she uses and she explained the processes and steps she takes in conducting a background investigation, all of which were thorough and complete. Polygraph examinations are now administered by another police agency's polygraph operator and the HR director is in the process of securing a local licensed psychologist for pre-employment purposes.

I spoke with two supervisors, the interim Police Chief and the HR director all of whom told me that the department requires a medical exam and a drug screen, however, there is nothing in the policy manual addressing the drug screen requirement nor is that information found on the website or in the job description. Clearly, these requirements need to be part of MCPD policy and all recruitment material.

The testing criteria for lateral police officer candidates are also on the City's website. The website has the City's basic requirements for becoming a lateral police officer, to include how long you must have worked as a general authority peace officer to qualify for lateral police officer status. The hiring process for a lateral candidate is facilitated by the police department, Human Resources and the Civil Service Commission. The department does not administer a written test, instead, the website has a "Lateral Police Officer Form" that the candidate fills out and sends to the Civil Service Examiner. The form is, for the most part, a reiteration of the civil service rule for a lateral officer. The form asks for some very basic information about the candidate and the candidate's employment history that will show that he/she meets the lateral officer requirements.

Lateral candidates also undergo an oral board interviews and according to the Sergeant who typically organizes the oral interviews, the lateral candidate is asked the same



questions as are asked of entry candidates. Lateral candidates must also undergo the psychological, polygraph, medical and drug screen tests. Once the candidate completes testing, experiences the background tests and is offered employment by the Chief, the same certification documents as an entry level candidate are forwarded to CJTC so that the officer can be considered for lateral officer (equivalency) training.

The police department's civilian employees are also protected by civil service. They are required to take a written test that is administered internally and candidates must participate in an oral board process. Candidates who pass both processes are placed on an eligibility list. If a civilian candidate is being considered for employment they must submit to a background and polygraph examination. Full time employment is also conditioned on passing a drug screen.

Once a hiring decision has been made, the applicant files are with the Human Resources Department. The interim Chief pointed out that historically the medical, psychological and polygraph results had not been separated from the employee's personnel files. The Chief was in the process of going through personnel files making sure that these types of results were separated and secured, away from other personnel records. During the LEMAP team's visit, a check with HR of officer personnel files confirmed that sensitive documents in most police officer personnel files is separated from other file contents.

Recommendations:

- Include in the policy manual a requirement/reminder that the agency sends certification of all background processes to CJTC.
- Include in the policy manual and in the job description that a drug screen is required as part of a conditional offer of employment.
- Consider drafting oral board questions to ask lateral candidates that are different from the entry level oral board that are more appropriate for an experienced officer.
- Ensure that all medical, psychological and polygraph results are separated from the employee's personnel file and are housed in a secure location.

CHAPTER 11 – TRAINING

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

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



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

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

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

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

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

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

- Course content/lesson plans;
- Name of all attendees;
- Performance of the attendees;
- Credentials of the presenter or instructor; and
- Copies of any test results.

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

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

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

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



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

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

Purpose: Agencies must comply with RCW 43.101.350.

- 11.8* At least annually, agency personnel receive in-service training on the agency's use of force and deadly force policies. In-service training for non-lethal weapons shall occur at least once every two years.

Purpose: All agency personnel who are authorized to carry weapons shall receive in-service training on the use of force and deadly force policies annually. Biennial in-service training is required for agency personnel who are authorized to carry and use non-lethal weapons.

Observations:

One of the most critical organizational functions for any modern law enforcement agency is training of its employees. From initial academy training or equivalent certification to in-service training for tenured employees, training is essential to an agency's success. Training develops and increases officer skill level and keeps them current with law, technology, best practices, techniques, and trends. It also affords police administration an opportunity to reinforce its vision and values as well. Training for officers in an agency the size of MCPD can be challenging because of competing operational priorities and staffing. But it must remain at the forefront of organizational priorities.

Mill Creek PD requires all police officers successfully complete the Washington State Criminal Justice Training Commission (CJTC) Basic Law Enforcement Academy prior to taking the oath of office. The officers interviewed by LEMAP assessors were acutely aware of this requirement and frequently referenced their academy experience when questioned about many of their training experiences.

New officers are required to successfully complete the department field training program either after completion of the police academy (new hires) or after agency orientation and issuance of equipment (lateral hires). Current policy does not address field training, however Sgt. White (MCPD training sergeant) indicates they have several officers trained in both the FTO and PTO programs. When asked about field training, Sgt. White referred to the PTO manual, which is provided during PTO instruction of training officers. MCPD does not follow the PTO system exactly, according to Sgt. White, but uses a "hybrid" combination of FTO and PTO using best practice of each method. Field training officers are required to be experienced in either methodology. FTO's thoroughly document



progress of student officers in the program. Student Officers are required to complete all phases of the FTO training program successfully.

Each Sergeant is in charge of training for their squad. The department uses an electronic training record system to track each officer's training by course title, date, and hours attended. Sgt. White was able to produce the training records of any employee. A random check of three training records by the LEMAP assessor revealed records that were easy to read but were not particularly well organized and did not contain reference to lesson plans or a summary to course content. Course completion certificates are kept by the individual officer.

Records of training provided by regional instructors, such as during PSR, are kept by the lead agency of the regional training program. When asked for the content or instructor qualifications of the PSR classes, Sgt. White indicated he would need to contact Everett PD, which is the PSR lead agency.

The only lesson plans kept at the department are for classes prepared and delivered by MCPD instructors. For example, firearms training is documented on a memorandum of training and submitted to Sgt. White. One such memo, provided by Sgt. White, identifies the date of firearms training, attendees and what was accomplished during the training. This memo also indicated why a particular officer was *not* present at the training.

Sgt. White was aware of the 24-hour annual training requirement and held confidence that as long as each officer attends PSR, the standard is met. A sample training record was printed for Det. Hoflack which showed a variety of classes attended including PSR. For the years Det. Hoflack did not attend PSR there appears to be other (outside) training attended that met the 24 hour standard.

Firearms training occurs four times per year. Two of the training opportunities are for qualification (testing) and two are for firearms skills (training). Two firearms instructors were interviewed by LEMAP staff and were very comfortable with how firearms training and qualification occurs. Officers must meet minimum scoring criteria of eighty percent (80%) to pass the firearms qualification course of fire. The instructors indicate that the price of munitions for the 40mm launcher are expensive and make it prohibitive to train or qualify with it regularly. These types of constraints underscore the need to evaluate the continued availability of this tool.

Training documentation for PSR on the MCPD electronic system does not break down each required topic such as first aid, CPR, and hazardous materials awareness. Use of force and deadly force training occurs annually at the local (MCPD) level and it appears that the department defensive tactics instructor includes these topics in his defensive tactics courses.

Additional elective training classes attended by each employee are documented on a spreadsheet that doubles as a career development tool. Elective courses are requested through the Sergeants and approved according to budget. Fee based training is not only expensive for the employee to attend but also can have a significant impact on staffing and overtime costs for an agency the size of MCPD. Clearly, career development is important



and must be part of the MCPD strategic planning process to ensure fairness, equity and fiscal responsibility.

Three out of the five sergeants had completed first line supervisor career level certification, which is required by RCW 43.101.350. Two of the sergeants had also completed mid-management certification which is optional.

Recommendations:

- Identify the FTO training methodology used by MCPD for new police officers. If the department elects to use a hybrid FTO program, ensure the program is defensible and extensively documented in agency records.
- Establish a centralized training records system that captures all training activities for both civilian and commissioned employees of MCPD. Identify an agency gate keeper for management of all training related records.
- Ensure that all supervisors attend and retire career level certification for their respective rank.
- Ensure all training supplied to MCPD employees is properly documented through lesson plans that include (at minimum) course content, instructor credentials, and attendee performance including test scores.
- Confirm, and be able to articulate, that the agency is in compliance with WAC 139-05-300, that requires **all** police employees attend necessary and required training each year.
- When developing career development plans for employees, ensure that all civilian employees are provided the same training opportunities as commissioned employees.
- Ensure the police chief is actively involved in the development of annual training curricula and that they take the time to attend training sessions and conferences to stay abreast of emerging trends and customs in law enforcement.
- As mentioned in Chapter 3, evaluate all agency weapons and tools and only deploy those which can be adequately maintained and which employees are provided opportunity to certify every two years and train in their use on an annual basis.
- Confirm that all agency personnel who are authorized to use force, and are supplied corresponding weapons or tools, are provided annual refresher on the MCPD use of force and deadly force policies. Memorialize these efforts on an MCPD lesson plan.



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

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

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

Observations:

Performance evaluations are an essential component of any high performing contemporary police organization. The evaluation process is essential to developing and fortifying the supervisory/subordinate relationship, it creates hope and optimism for employees by promoting career development and a contemporary evaluation system fosters organizational discipline. For any evaluation system to be effective the process must be fair and consistent. Employees must be able to expect that their performance will be evaluated on an annual basis and that the evaluation system will fairly and accurately reflect their performance. Unfortunately in many police organizations evaluation systems are poorly constructed and completed by supervisors on a sporadic basis which creates cynicism and contempt for the process.

MCPD has policy (Section 20) requires performance evaluations every six months that are supported by mid-term progress meetings between the supervisor and employee. Six month evaluation cycle periods are often established by the schedule of the patrol officer and in most agencies is an extremely short period of performance that is difficult to maintain by supervisors. MCPD may want to consider incorporating a longer one (1) year cycle period, or when the employee experiences a change of rater, for constructing a written performance appraisal. This time period could be supported by a mid-term meeting between the supervisor and employee.

Patrol Officer and Detective Evaluations are completed using 25 dimensions and a point scale of 1-7. The policy contains a description of anchor points for ratings of 1, 4 and 7, which is generally an effective way of measuring performance against established performance standards. The description of evaluation anchors in the MCPD policy manual is, in many ways, more detailed than most other parts of the manual. Although not inappropriate for anchors to be situated in a policy manual, evaluation content may be better served in a separate resource manual that is made available to all employees. Employees interviewed by the LEMAP team indicate that, for the most part, evaluations are being completed every six months but the mid-term meetings are inconsistent. However, Sergeants interviewed by LEMAP assessors revealed that evaluations were not being completed above the officer level. Most employees reported that the evaluation system employed at MCPD works, but they are uncertain of the value of the finished document other than to create an opportunity for an exchange on performance between the supervisor and employee.



Recommendations:

- Evaluate the current evaluation system, instrument and timetable to ensure it is reasonable and meets the needs of the agency and its employees.
- Provide appropriate training for all supervisors on legal requirements and proper techniques for constructing and delivering performance evaluations.
- Ensure evaluations are completed for all employees using the agreed upon schedule and timeline.
- Review anchor points and ensure relevant dimensions exist for supervisory personnel. Evaluate appropriateness of including anchor points as part of the agency policy manual.
- Develop policy language that identifies the evaluation process and timelines for evaluating probationary employees, including probationary supervisors and employees assigned to specialty assignments with probationary periods.

CHAPTER 13 – CODE OF CONDUCT

13.1 The agency has a code of conduct that outlines specific conditions of work, which apply to all agency personnel and include, but are not limited to, the following:

- Personal appearance standards
- Uniform regulations
- Tobacco use policy
- Alcohol and drug use policy
- Reporting employee convictions
- Outside employment
- Employee speech, expression and social networking

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

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



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

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

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

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

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

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

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

Observations:

Citizens and government officials have high expectations of the police officers who work in their community. Code of conduct policies and standards are in place to clearly communicate the standards of behavior expected of police officers and police department employees. These standards, often referred to as code of conduct or professional standards, establish basic rules and responsibilities by which officer and other employees are expected to interact with citizens and fellow employees.

Mill Creek police department’s policy manual provides a wide variety of policies that appropriately and clearly communicate direction and behavior. However, there are some specific and important areas of a code of conduct policy which are not addressed in the current policy manual and in one instances is required by State law.

Mill Creek’s code of conduct policy contains appropriate language for the use of alcohol and drugs both on and off-duty. However the policy did not contain any language with regard to testing employees suspected of drug or alcohol use that may affect the employee’s fitness for duty. One patrol Sergeant interviewed by the LEMAP team did not believe there



was any language with regard to drug or alcohol testing in the collective bargaining agreement. A check of the current CBA confirmed the absence of language or criteria.

The manual contains appropriate policies governing tobacco use, personal appearance to include policy and guidelines on tattoos and body piercings. There is a concise policy on outside employment that provides clear direction to officers seeking off-duty work. Additionally, there is a department policy with specific direction with regard to speech and public statements. The department policy did not, however, contain any policy direction with regard to the use of social media/networking.

Noticeably absent from the manual was a policy that prohibits all forms of unlawful or improper harassment, discrimination or bullying in the work place. It is highly unusual for a police agency not to have a sexual/workplace harassment policy contained in the manual. The LEMAP assessor spoke to the HR director and to supervisors and officers and they could not tell me if there was a department policy in place. The employees did indicate that that the City has a workplace harassment policy and that the last time the department had any training in the area of sexual and workplace harassment was 2 years ago. The supervisor I spoke with had a general knowledge of the reporting procedures when a work place harassment complaint is received.

Additionally, the department manual did not contain any policies that prohibit racial or biased based profiling or reporting complaints and there is no system in place to track and annually review any complaints of this nature. MCPD staff indicates that they could not remember the last time they received any training on the subject of bias based profiling and most believed that what training they had received was when they were attending the police academy.

Most notable and very troubling was the absence of any policies and procedures for responding to and investigating allegations of domestic violence involving employees of law enforcement agencies. The lack of an officer involved domestic violence policy and procedure is a direct violation of current State law and places the agency and employees at high risk in the event of an allegation against a Mill Creek police officer. The law requires specific actions that are to be taken by the Police Chief and/or supervisory personal that if not followed could be detrimental to the agency. Development of policy and procedures for responding to and investigating employee involved domestic violence should be of the highest priority. The Washington Sheriffs and Police Chiefs convened a work group in 2004 that developed a model policy that all agencies were expected to adopt by 2005. Adoption of a policy should be a top priority for MCPD and the new Chief.

MCPD does not have a policy that addresses disclosure of potential impeachment evidence for officers that may be called to testify under oath. This area is considered “Brady” material and is also available as a WASPC model policy.

Recommendations:

- Immediately develop and adopt a policy and procedure for responding to and investigating allegations of employee involved domestic violence. Provide



thorough and complete training on the policy and the roles and responsibilities of supervisors and command staff.

- Develop a policy to address the growing issues surrounding employee conduct as it relates to social media and social networking.
- Adopt and incorporate into the police department policy manual a policy prohibiting workplace harassment and discrimination that provides guidelines for reporting and investigating complaints that include “whistleblower” protection. Provide periodic training on the policy.
- Develop a system for reviewing and tracking complaints of racial profiling. Bias based policing prohibitions should be a periodic topic of department training that is delivered by agency supervisors.
- Develop a policy that requires the disclosure of potential impeachment information (“Brady” information) to local prosecutors involving a police officer who may have to testify under oath.
- Work with the Police Officers to develop language either in policy or in the collective bargaining agreement that covers testing of employees suspected of drug and/or alcohol where the employee’s fitness for duty is questioned

CHAPTER 14 – INTERNAL AFFAIRS

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

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

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

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

- 14.4 The agency has a policy where complainants are provided with notification concerning the disposition of their complaint.

- 14.5 The agency maintains records of complaints and their dispositions in accordance with Washington State Retention Guidelines.

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



Observations:

How a police agency responds to complaints from citizens has a direct impact on community confidence, trust and department transparency. It is equally true that how a police department conducts Internal Affairs investigations and handles minor complaints has a direct impact on employee accountability and department morale. Policies covering all aspects of internal investigations that reflect best practices, are adhered to, and are respectful of the collective bargaining agreement are critical to the professional operation of any contemporary police agency.

Internal Affairs Investigations at Mill Creek police department have historically been the responsibility of the Commander. It is unknown if either of the two people who held the Commander rank had any formal training in conducting Internal Investigations. The Commander rank has been vacant since early 2015. Internal Affairs investigations will be the responsibility of the Detective Sergeant who has attended training specific to conducting these investigations.

The current Internal Affairs policy generally reflects acceptable standards for conducting Internal Investigations. The policy lists several types of complaints such as: allegations of criminal behavior, excessive force, illegal arrests, and complaints of demeanor, harassment and both minor and serious infractions. The policy classifies complaints into three “levels of severity”, which in LEMAP team’s experience are unusual and not seen in other agency policies. The three levels are:

- 1) Minor:** Issues that involve complaints of poor demeanor, minor rule infractions such as being slow to respond to calls for service and failing to provide service to the public.
- 2) Misconduct:** Misconduct involves complaints of insubordination, unsafe actions or dereliction of duty.
- 3) Criminal:** The complaints involve allegations of criminal behavior.

The policy also classifies complaints as *informal* and *formal* but does not define the difference between the two. What is clear however is that Supervisors have the authority to handle informal complaints that they consider to be minor. In the current system, the complainant has the option to decide whether or not to fill out the department complaint form. The policy requires that all complaints be recorded in writing and referred to the Police Chief for review. The policy also states that informal complaints handled by a supervisor require written notification to be mailed to the complainant, indicating that the matter is closed and department action was taken. Section 21.5.3 requires a patrol officer to notify a patrol supervisor if there is a complaint of a serious nature regarding the conduct of a Mill Creek police officer.

The department’s policy also states that formal complaints that involve allegations of criminal conduct or acts of misconduct are to be forwarded to the Police Chief who is responsible for reviewing the complaint and assigning an investigator. Additionally, the policy says that the Chief is also responsible for maintaining an “internal affairs log...”



However, in talking with the Interim Police Chief he could not find any such log and does not think that one ever existed.

The Police Chief or designee has the authority to place an employee on Administrative leave pending the outcome of the investigation. The employee will continue to receive full pay and may be required to relinquish any badge, assigned weapon(s) and department ID.

When an investigation is complete, the policy asks that the investigator to include findings and make recommendations of what, if any, action should be taken against the officer. Additionally, regardless of the disposition of the case, complainants are to be notified in writing of the disposition and/or results of the investigation.

The policy which is unusually lengthy and repetitive contains ten forms that are to be used as part of an Internal Affairs Investigation. Of note is the fact that the complaint form that is currently in use is different than the complaint form contained in the policy. As previously stated, the policy does provide direction and requirements for conducting Internal Affairs investigations and the handling of minor or informal complaints by supervisors. However, during interviews and attempts to locate pertinent IA records identified by policy the LEMAP assessor discovered a general lack of adherence to MCPD policies and consequently practices in this important area of agency operations was inconsistent or non-existent. Examples include a lack of use of the designated required forms, the failure to investigate and/or finalize complaints, and a lack of documentation and the recording of complaints in any type of log or spreadsheet.

There are IA files dating prior to 2008 and most of which were incomplete and lacked documentation. The interim Chief showed this assessor one IA file that only contained an envelope with a letter inside. Most of the files lacked any disposition or findings and were simply left incomplete. Additionally, IA files have been kept well beyond the time required by state retention laws and should have been (at least) evaluated for retention and in some cases disposed of.

The current policy states that any sustained complaint which could result in discipline (more than a written warning) requires the Chief to schedule what is essentially a due process hearing following the end of the investigation and then notify the employee of a determination within 10 days of that meeting. Most Sergeants and officers indicated that they are aware of many investigations that have gone incomplete and officers had no idea what the end result of the investigations was going to be. In one instances a patrol sergeant advised that one officer who had a sustained complaint had been waiting two and a half years for the Chief to take some kind of action but nothing was done.

Recommendations:

- As part of the MCPD policy remodel, ensure that all IA sections are comprehensive, but realistic, and are generally understood by all employees. Use a minimum number of forms to take, evaluate and facilitate an investigation.
- Ensure that Internal Affairs investigations are thoroughly investigated and complete, with all necessary documentation included in the file.



- While investigating complaints of misconduct, Internal Investigators serve only as fact-finders. They should not draw conclusions or make recommendations and must report only their findings directly to the Chief of Police.
- Maintain a log/spreadsheet of complaints and allegations of wrong doing and review the log sheet on an annual basis.
- Ensure that dispositions are determined in a timely fashion with accompanying action taken by the Chief of Police.
- Ensure that all Internal Affairs files are disposed of according to the State Retention requirements.



SECTION II

OPERATIONAL

STANDARDS



CHAPTER 15 – PATROL FUNCTION

15.1 The agency provides response to emergency events 24/7 by sworn employees who have completed Basic Training per the Washington State Criminal Justice Training Commission.

15.2 The agency has procedures for response to emergency and non-emergency calls.

***Purpose:** To provide guidelines for response to calls for service, and to ensure agency responses conform to state law. It is important that law enforcement agencies classify responses for service according to the seriousness of the call. This will provide guidelines as to when emergency lights and siren should be used and the method of response to an incident.*

15.3 The agency provides 24-hour, two-way radio capability providing continuous communication between a communications center and the officer(s) on duty.

***Purpose:** It is an essential element of law enforcement that officers are able to communicate with one another and with a communication center on a 24-hour basis. Two-way radio capability is a safety necessity for the officers and it is a necessary management responsibility.*

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.

***Purpose:** In compliance with RCW 43.101.226 and to establish clear direction on the initiation and conduct of police pursuits that includes on-going training requirements and review/analysis processes (WASPC model policy).*

15.6 The agency has procedures for investigating vehicle collisions on public and private property and uses the current Washington State Patrol authorized accident reporting, or e-reporting (SECTOR), forms.



Purpose: *To ensure that traffic crashes are consistently reported and investigated in accordance with the Revised Code of Washington, specifically identifying the type of crashes that require investigation.*

15.7 The agency has procedures to take timely action to address hazardous road conditions.

15.8 The agency has procedures for responding to and investigating domestic violence calls.

Purpose: *To ensure that response to domestic violence incidents meets requirements established by applicable Revised Codes of Washington.*

15.9 The agency has procedures for utilizing Public Alert Systems.

Purpose: *The policy should include Amber Alert, Endangered Missing Person Advisory and Blue Alert.*

15.10 The agency has procedures for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments.

Purpose: *To provide written guidelines for handling mentally ill persons which are compliant with state laws and provide opportunity for the appropriate evaluation and treatment of mentally ill persons.*

Observations:

The patrol function is typically the largest division within any police organization. Patrol's first-responders are on the front line of emergent responses and overall service delivery. In having such close community contact, on a 24/7 basis, it is not surprising that patrol truly defines the community's perception of the police organization. While the organization cannot predict every situation, or create policies/procedures for every unique event, the organization can provide overall guidance which is founded upon the law, the needs/desires of the community/community leaders and industry best-practices.

By policy, MCPD provides a law enforcement response to emergency events 24/7 (§21.6). While the policy doesn't specify, agency interviews confirm that law enforcement response is by sworn employees who have completed Basic Training per the Washington State Criminal Justice Training Commission. MCPD officers are scheduled through 12-hour shifts within two police beats in a 24-hour period. The minimum staffing for each shift is one supervisor and two officers.

By policy, the agency does provide 24-hour, two-way radio capability between officers and SNOCOM, but specifics concerning radio communications between officers and dispatchers has been edited from policy (§21.9) and appears to be in the process of updating. This is an important addition to the policy as it provides for basic communications protocols.



MCPD has concise policy language concerning appropriate response to routine and emergency situations (§21.11) and policy guidance is provided for mitigating hazardous roadway conditions (§33.3).

MCPD has a comprehensive Pursuit Policy which is a must to assist officers in weighing the importance of apprehending suspects who unlawfully flee from law enforcement against the risks associated with vehicle pursuits. The policy provides guidelines to protect the safety of all involved officers, the public and fleeing suspects as is required by law (RCW 43.101.226(3)). MCPD officers participate in annual training (high speed, low speed and backing) during the 24-hour Police Skills Refresher Course (PSR). Because multiple agencies are involved in the PSRC, MCPD's agency-specific pursuit policy is not reviewed during this annual training. The organization does deploy tire deflation devices (Stop Sticks) and vehicle inspections showed this equipment to be in good condition with easy emergency access. Officers indicated that they had been trained in the use of the Stop Sticks, which is required prior to authorization to deploy. The organization does have one Police Intervention Tactics (PIT) instructor, but PIT is not authorized at this time due to administrative preference. One officer is currently researching additional technology to help track suspect vehicles in an effort to avoid or discontinue pursuits (Star Chase®), and is currently seeking funding. The Training Sergeant stated that MCPD typically has four to five pursuits each year which are documented in a case report. Currently, no "overall review" is conducted on agency pursuits.

MCPD has no established policy for the investigation of domestic violence events or domestic violence events involving law enforcement officers (as required by law, RCW 10.99.090). Most domestic violence events place officers in emotionally charged and potentially highly dangerous environments. Increased vulnerability to continued victimization, due to the special relationships between the victim and accused, requires established guidelines for officers to follow in an effort to ensure the protection of the victim(s), enforcement of DV-related laws, and assistance in seeking civil remedies and community resources. Several interviewed officers acknowledged the lack of organizational "policy", and formal DV training since their BLEA training, but did indicate that they receive annual "DV Updates" which are part of the 24-hour Police Skills Refresher Course. Interviews confirm that this has been helpful in ensuring thorough investigations are completed.

All interviewed officers said that they issue "DV Pamphlets" which contain advocate information, copies of witness statement forms and even lethality questionnaires (used by advocates and prosecutors to establish potential risk factors). Issued Smartphone's are also used in the field to photograph injuries and property damage. The photos are uploaded to the RMS by following an established written and posted procedure. Investigations unit personnel indicated that DV follow-up does not usually go to Investigations unless it involves a felony with an at-large suspect. The organization contracts with a part-time DV coordinator/advocate that facilitates follow-up advocacy to victims. To the best of employee's knowledge, the organization has never had a "performance audit" from domestic violence services organizations to review current practices and identify potential best-practices gaps.



For law enforcement DV related calls, one officer indicated that "more effort is made because we know there is a weapon involved." The extra effort involves ensuring that a report is always taken and the Supervisor is contacted. It was unknown who might contact the agency of the involved officer.

MCPD does not have written policies or procedures involving issuing public alerts. The sudden disappearance of a loved-one can be a highly emotional event in which time is critical in order to get essential identifying information successfully broadcasted to the public. In this effort, established policies and procedures for quickly activating AMBER or Endangered Missing Persons alerts are essential. This should be of concern to MCPD since the organization has had two previous AMBER alerts. Interviewed personnel provided varied possible avenues of assistance to include calling the on-duty Supervisor, calling out the Investigations Sergeant, calling the Washington State Patrol, or obtaining direction from their dispatching services organization.

MCPD has only one policy concerning procedures in dealing with mentally ill individuals, and that is notification of corrections staff upon booking (§36.3.4). While employee interviews affirmed the necessary elements to establish legal authority to take individuals into protective custody, a strong policy is recommended for consistency in the protection of the public and individuals through legal and appropriate use of the mental health evaluation process. Employee interviews affirm that no structured "Crisis Intervention Training" has occurred, but a two-hour "Mental Health Systems" is offered every few years as part of the Police Skills Refresher Course in-service training.

MCPD utilizes the Statewide Electronic Collision and Ticket Online Records (SECTOR) and provides a comprehensive policy (§31) for Traffic Accident Investigations providing guidance for the investigation of private property, public highway, serious injury/fatality and hit/run collisions. Policy §28.3 concerns accidents involving department vehicles.

Recommendations:

- Create an organizational policy for the investigation of domestic violence incidents and domestic violence incidents that involve law enforcement officers.
- Consider using issued Smartphone to initiate a call, while on scene, from the DV victim to a DV advocate.
- Consider contracting with regional DV Task Force to conduct a performance audit on police investigation practices.
- Create an organizational policy, and provide training to all personnel, for issuing Public Alerts. Public Alerts include Amber, Blue, and Silver Alerts and also include Alerts involving Missing or Endangered Children.
- Create an organizational policy for dealing with mentally ill individuals and provide Crisis Intervention Training for all personnel who may interact with the mentally ill.



- Ensure that MCPD pursuit policy is reviewed annually by personnel and an overall annual administrative review to ensure proper policy adherence/content, equipment issues and training needs.
- If not provided at PSR, provide bi-annual in-service training on all stopping tools available for use to discontinue a pursuit.
- Ensure MCPD policy §21.9 (Radio Communications) is updated and returned to the policy manual.

CHAPTER 16 – INVESTIGATIVE FUNCTION

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

16.2 The agency has written guidelines for investigating elder abuse.

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

16.3 The agency has written guidelines for investigating child abuse.

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

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

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

16.5 The agency has written guidelines for investigating hate crimes.

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

16.6 The agency has written guidelines for investigating identity theft.

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



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

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

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

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

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

Observations:

Investigative units are one of the most misunderstood specialized functions in law enforcement. Detective units are home to police officers with diverse and often specialized investigative responsibilities. They live in a veil of mystique fueled by television drama where techniques that make for good television establish unrealistic expectations for victims. Consequently, most detectives are forced to deal directly with victims that are recovering from crime and can be angry and demanding. Detectives themselves are largely self-supervised and are assigned cases on an irregular basis and in many departments 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 responsible level of service for victims of crime.

MCPD operates with two assigned investigators and a detective sergeant. The two detectives have six and seven years of experience respectively. The sergeant carries a small caseload in addition to other duties including supervision of the school resource officer, the evidence technician, the police records function, and two detectives.

MCPD recently (October 2015) switched over to a new CAD/RMS System as part of a large, region-wide overhaul of CAD with multi-jurisdiction RMS capabilities. Within this RMS structure is the case tracking module for investigations. The previous system is still functioning to track old cases, however it is slowly being phased out. For MCPD, this meant having a subject matter expert to assist with the transition. These duties fell to the detective sergeant who stated to the LEMAP team the additional work was displacing other duties. Case assignments are tracked and recorded in the new RMS tool. Closed cases are



routed back to the sergeant for referral to the prosecutor. One detective was recently trained to conduct background investigations for new employees.

Training for the detective positions is managed by the sergeant. Basic courses and training necessary for the investigative function is granted to all officers. In a small agency such as MCPD, patrol officers conduct many of their own investigations which would benefit from investigative training on topics such as basic interviewing skills. MCPD lacks a policy on handling investigations so much of the agency custom is based in past practice and what investigators derive from training they have attended.

Policy 5.2.2 defines the detective assignment and includes general duties of the detective. In an interview with the detective sergeant, she quickly identified the lack of an investigative policy as being problematic. When questioned about procedures for investigating child abuse, elder abuse, or domestic violence, she stated they do follow state guidelines derived from RCW mandates and/or following processes learned through training. The department does not provide child victim interview training and the sergeant indicated that child victim interviews are referred to the Regional Child Crime Advocacy Center known as Dawson Place. Facilities at MCPD are limited for interviews and they do not have the ability to separate parties for interviews unless they adopt one of the (very few and limited) office spaces in the headquarters building.

Similar to the other named investigation types, MCPD has no guidelines for investigating hate crimes or identity theft. When asked, the detective sergeant said she would use the internet to research specific guidelines on hate crime investigation. As for identity theft, the practice at MCPD is to follow-up on any leads and attempt to use video of the suspect, when available. The detective sergeant stated that most of their ID theft cases fail to meet prosecutorial guidelines and rarely get charged.

MCPD participates in a multi-agency team for investigating officer-involved shootings (OIS). The department has one detective assigned to the team. By participation on the team investigators receive additional training and experience working serious and complex cases. The department benefits by having a more skilled investigator and a network of detectives to draw on for experience.

The detective sergeant is responsible for a buy fund that is audited quarterly and subject to random audits. As for using informants, the sergeant states it is a rare occurrence. When they are used, informants are vetted through the prosecutor. The sergeant stated she was aware of only one case where an informant was used and it “never panned out”. The department does not have policies on using informants, so forms and procedures are borrowed from the Snohomish County Drug and Gang Task Force. The sergeant had two old informant files that are inactive.

Seized assets are not governed or controlled by MCPD policy, which creates extraordinary risk for the agency. All processes related to asset seizures and forfeitures are handled by the MCPD evidence technician. Generally any process or practice related to seizing personal property is closely supervised by a manager with training or experience in this complex area of law enforcement. MCPD staff report that seized asset occurrences are (fortunately) rare.



Recommendations:

- Adopt agency policy that covers the investigative function(s) of MCPD. Policies need to contain (at minimum) specific guidelines for child abuse investigations, elder abuse, hate crimes, and ID theft. Train all personnel on any new guidelines.
- Use the case management tool in the New World RMS to assist with case investigation priority, evaluate the effectiveness of the unit and produce statistical reports for measuring unit success and agency performance.
- Provide child victim interview training for investigators.
- Evaluate the need for MCPD officers to handle informants. IF necessary, provide appropriate training related to safe handling and clear policy language that regulates the use of investigative funds.
- Evaluate the need for investigative funds. If necessary, and since the fund exposes the department to liability, ensure the funds experience and unannounced audit on (at least) an annual basis.
- Evaluate the agency processes for handling assets subject to seizure and forfeiture action. If a decision is made to initiate processes and potentially obtain assets subject to seizure laws ensure that the agency:
 - Has clear and deliberate policy in place to guide officer actions. Consult with legal counsel, specifically those who would be representing the city in these actions, when developing the policy.
 - Consult with legal counsel related to defensible (and prudent) hearings are led by professionals trained to litigate appeals of seized assets.
 - Has provided training to employees that not only would be managing the asset(s), but those who may be seizing them.
 - All processes should be supervised by one employee, preferably a supervisor, who has advanced training in this area.
 - Link Mill Creek's finance office to all forfeiture proceedings to ensure proper reporting and state-share proceeds are routed in a manner consistent with state law.

CHAPTER 17– EVIDENCE & PROPERTY CONTROL FUNCTION

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



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

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

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

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

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

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

17.6 The agency has the means to temporarily separate and secure evidence containing hazardous materials while it is waiting processing into the appropriate permanent storage facility.

17.7 The permanent storage facility has controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. At a minimum, alarms for unauthorized entry and fire must be monitored 24/7.

17.8 The permanent storage facility containing biohazards or organic matter has systems in place to prevent the exposure of hazards and noxious odors to agency employees and the public.

17.9 Access to the agency's property and evidence facilities is restricted to authorized employees only.

Purpose: *To ensure that access to the property room and/or property/evidence storage area(s) is limited to property room personnel, unless by escort from property room staff or with CEO permission.*

17.10 The agency records the name, date, time, and purpose of persons who enter and leave the storage facility who are not assigned to the property/evidence function.

17.11 The agency provides additional security for guns, drugs, cash, jewelry, or other sensitive or valuable property, that is over and above that provided for other property and evidence.



Purpose: *High liability evidence items must not be comingled with general evidence.*

17.12 Evidence and property is packaged, individually tagged and logged into a centralized tracking system as soon as possible. The tracking system must accurately describe the current location of every piece of property and evidence.

17.13 Every piece of property and evidence is related to a report describing the circumstances of the seizure or custody by the agency.

17.14 The tracking system accurately records the movement of every piece of property and evidence by date, location, reason and person.

Purpose: *A meaningful records and reporting procedure for the evidence and property system is a requirement for the protection and integrity of the evidence and property in the custody of the law enforcement agency.*

17.15 Drugs are weighed using a calibrated scale whenever they enter or leave the secured facility, unless they are being prepared for destruction. The agency also has processes for the destruction of drug evidence that includes, at a minimum, a visual inspection of the property item to detect possible tampering and weighing of random selections

Purpose: *Agencies should provide additional processes to ensure that drug evidence is not tampered with prior to destruction. This process and the destruction are witnessed by at least one other person who does not have access to the property room.*

17.16 The agency has policies governing the release and disposition of property and evidence in accordance with applicable state law.

17.17 Property containing hazardous materials, biological hazards or other materials restricted by State or local health regulations is disposed of properly.

Purpose: *To ensure that the disposal of police evidence dangerous waste conforms to standards established by the Washington State Department of Ecology.*

17.18 When property is sold, the disposition of the money received is accounted for and recorded according to State law.

17.19 The agency destroys illegal drugs, contraband and other illegal items by methods that are safe. Documentation of destruction is maintained according to the State's retention schedule.

Purpose: *To ensure that the disposal of police evidence dangerous waste conforms to standards established by the Washington State Department of Ecology.*



- 17.20* The agency ensures that an unannounced audit of evidence and property, including drugs, money, jewelry and firearms is conducted at least annually by personnel not directly in the evidence unit's chain of command.

***Purpose:** Inspections, inventories and audits of the property room are necessary for a secure and reliable system for the evidence and property functions of the law enforcement agency. This provides a means of accountability for the system and ensures agency oversight of the process. The scope of the audit is at the discretion of the CEO.*

- 17.21 A full inventory of sensitive items, to include money, jewelry, drugs and guns, is conducted whenever a change of the Property Room Manager occurs.

***Purpose:** The agency should also consider an audit of general property, in which the scope of the audit is at the discretion of the CEO.*

Observations:

Providing the appropriate security and safety for property and evidence that comes into the possession of a law enforcement agency is a crucial responsibility of any professional police organization. These safeguards require diligent attention to ensure that the policies, procedures and best practices for property and evidence handling are in place and being practiced. Problems that occur within an agency's evidence function can often call into question the leadership of the agency and can have a negative impact on the agency's reputation and can compromise public trust. This chapter provides a basic framework for agencies to operate a safe, secure and defensible property and evidence function.

Property and Evidence handling for the Mill Creek Police Department is the responsibility of one individual Evidence Technician. The current Evidence Technician has been in her role for 20 years and the maintenance and management of the property room are reflective of that level of experience.

The property room, while small and somewhat crowded, provides enough space to store the 2993 items kept there. The primary property/evidence room in the police department has an alarm system in place for entry and fire protection that is monitored 24/7. There is a log kept that requires visitors to sign that record the name, date, time and the purpose for being in the property room. There is a second storage area attached to the police department where items of evidence and property are stored if they are too large to fit in the temporary lockers. This area is not secure and all officers have access to the area.

MCPD provides storage lockers for officers to store property and evidence before the item(s) are processed into the permanent facility. Each temporary locker has a key that is removed after an item is placed in the locker, the key is then placed into a secure locker via a slotted opening that only the evidence technician has access to. Current policy requires officers to secure all property in a temporary locker prior to the end of shift. However, the Evidence Technician confirmed that there are occasions where an officer will



hold a locker key until their next shift in order to complete whatever task they need to rather than secure it in a holding locker.

Currently, the Evidence Technician is the only key holder to the property/evidence room. Historically, a back-up person in the department has also been a key holder; however that person has transferred to City Hall. The department is currently examining options for assigning another back-up person. There is system and a policy in place that provides a means for the Chief to access the property room in the event of an emergency. An envelope with a key and the alarm code is located in a locked cabinet that is housed in the Chief's office.

The department has a policy that requires efforts be made to identify and notify the owners of property and evidence in compliance with State law. The Evidence Technician prepares a notification letter to the owner or custodian of the property (safekeeping or found property) the same day it is processed into the permanent facility. Unlike many property rooms the Evidence Technician has an area in the property room which is specifically for the storage of "60-day items" that are found or for safekeeping. New World is the property module used by Mill Creek PD to record the movement of items within the property room.

Within the permanent storage area of the property room there is a refrigerator for the storage of perishable items. There is no means available for officers to temporarily store perishable items prior to being processed into that permanent storage area. A refrigerator with a lock near the property room could resolve the temporary storage of perishable items for officers.

Additionally, there are no means to temporarily store items that may contain hazardous or combustible properties while awaiting storage into the permanent storage facility. MCPD does have access to secure dog kennels outside of the police department that could be used for this purpose. One of these kennels could easily be modified to temporarily hold hazardous items such as gas filled lawn mowers or chainsaws, or other items containing hazardous materials. MCPD does not have flammable storage lockers in the permanent facility for the storage of combustible items. These are low frequency events, however if the department is not going to store these items in the permanent facility, arrangements need to be made and written procedures developed with an explanation as to why.

Department policy requires that drugs are weighed (in their original package) when they enter and leave the property room. When drugs are processed **into** the property/evidence room, the Evidence Technician weighs the packaged drugs at the time of intake into the permanent facility but she has not been weighing drugs whenever they **leave** the property room. As a matter of best practice, drugs should be weighed any time they leave the permanent facility before destruction. Drugs are currently being destroyed at an authorized facility in Spokane. Although not in policy, the practice for destruction of drugs involves a random audit, weighing, and an inspection of the envelope's seals. Biohazards and Sharps are destroyed by a private company used by the department.

The current policy manual does not require money under the sum of \$200.00 to be placed in a separate and secure safe (or area) housed in the property room. However, the Evidence Technician places all currency in the safe regardless of the amount. Other sensitive items



such as jewelry, drugs and counterfeit currency are also kept in the safe. All firearms are stored in locked cabinets.

Purging and/or destruction of property is critical to the maintenance of any property room. An inability to purge on a regular basis can lead to disorganization and lack of space. The ability for the Evidence Technician to do any meaningful purging and/or destruction of property is limited. Recently the Evidence Technician has accepted additional responsibilities in the police records area that consumes approximately 8 of her 24 hours per week that she works. The Evidence Technician has made progress with the research on a number of cases necessary to determine if property can be released or disposed of but has not been able to complete destruction. The Evidence Technician felt that the only way she could consistently do this type of purging would be to increase her work hours or to have her records responsibilities assigned to someone else in the department.

Audits and inventories of property/evidence rooms are absolutely vital to ensure that there is a means of accountability and reliability of systems used in the property and evidence functions. Audits provide necessary oversight and the opportunity to discover potential problems and/or errors. Audits help protect the employees assigned to the property and evidence function and reduce the department's exposure to risk and compromise of the property/evidence function. Current department policy 35.3.2 requires the Chief of Police or designee to conduct unannounced audits at least annually by someone not responsible for the care, custody or control of property. The Evidence Technician confirmed that an audit was conducted on January 14, 2016 but there had not been an audit conducted in the two years prior. A complete inventory was done in 2014. Additionally, MCPD policy says that "an audit" will be completed when there is a new Evidence Technician designated to the property room. As a matter of best practice the policy should require a full inventory of high value items (money, jewelry, drugs, guns and counterfeit currency) when there is a change or addition of key holders that have unsupervised access to the property room as part of their job duties.

At the end of the Chapter 35 of the policy manual "Collection and Preservation of Evidence" there is an entire section (35.8) titled "Evidence Intercepts" that has nothing to do with the property room functions. Instead it appears to be the department policy on one party consent recordings and should be removed from the property room section.

Recommendations:

- Ensure that officers are complying with department policy by securing property in the temporary storage lockers before the end of shift.
- Provide a refrigerator with a secure lock for officers to temporarily secure perishable items before being processed into the permanent facility.
- Modify outside dog kennel to temporarily store hazardous and/or combustible items.
- Ensure that drugs are weighed any time they enter/leave the secure facility prior to destruction.



- Revise current policy to require that all money, regardless of the sum, is to be stored in a location that provides a higher level of security. If possible, currency that does not contain actual evidence should be deposited in a local bank with logistical support from city finance.
- Ensure that unannounced audits are occurring at least annually.
- Conduct a full inventory of the money, guns, jewelry, drugs and counterfeit currency when a new person is selected as the Evidence Technician's back-up.
- Move policy section 35.8 to a section more specific to one party consent policies.

CHAPTER 18– PRISONER SECURITY

- 18.1 The agency has written guidelines governing the methods and use of restraining devices used during prisoner transports.

***Purpose:** To establish procedures for the transport of prisoners that ensures the safety of the transporting officer and the general public and provides for the security of the prisoner in transport and arrival at destination.*

- 18.2 The agency has written guidelines for transporting the sick, mentally ill, injured or disabled prisoners.

- 18.3 The agency requires transporting officers to conduct a thorough search of prisoners prior to transport.

- 18.4 The agency requires a thorough search of all vehicles used for transporting prisoners before and after transport.

***Purpose:** At the beginning of each shift any vehicle used for prisoner transportation should be thoroughly searched for contraband, weapons, or implements for escape. This should also be done before and after each prisoner transport.*

- 18.5 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.

***Purpose:** Upon the arrival at the destination of the transport, certain actions are necessary and important for public safety, officer safety, and the safety and security of the prisoner. The listed procedures are the responsibility of the law*



enforcement agency and the completion of them is a requirement of the transporting officer(s).

- 18.6 The agency's temporary holding facility includes access to shelter, warmth, potable water, and a toilet.

***Purpose:** This standard identifies the required minimum physical conditions that are necessary in order for a law enforcement agency to operate temporary holding facilities.*

- 18.7 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.

***Purpose:** To ensure appropriate operation of a temporary holding facility in a professional and legal manner and to establish policies and procedures governing booking, housing, maintenance of prisoners, and required annual inspections.*

- 18.8 The agency has procedures for handling juveniles who are status offenders.

Observations:

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

Mill Creek Police Department employs a Police Support Officer that has several job responsibilities in the department, one of which is the transportation of prisoners to and from the Lynnwood and Snohomish County jails. The Support Officer has been with the agency for 4 years. She has attended the State Corrections Academy, the State Animal Control Academy and she is certified to carry a Taser and OC spray but has not had any defensive tactics training since 2012. When the Support Officer is unavailable, officers transport prisoners.

Mill Creek Police Department has policies in place that address prisoner security; however, there are some policies that are noticeably absent. Other than the use of leg restraints,



MCPD does not have current policy or procedure addressing the use of restraining devices during transport. There are no written guidelines for transporting sick, mentally ill or disabled prisoners. Additionally, there are no policies that require officers to search vehicles used for transporting prisoners before and after the transport.

This LEMAP assessor interviewed the Police Support Officer, two supervisors and two officers and it was clear from those interviews that while the above stated policies are not contained in the policy manual, in practice officers are searching vehicles prior to the beginning of their shift and after a transport. Additionally, they are appropriately handcuffing and searching prisoners prior to being transported. All of the officers stated that if they have a sick or mentally ill person they would call for an aid car to assess them and/or transport them to the hospital.

Mill Creek Police department does have a temporary holding facility. The holding facility has a BAC that can be used by other law enforcement agencies. When officers enter the holding facility from outside, they enter a single room with lock-boxes for firearms. This room is not monitored by surveillance cameras. Officers then enter the interior of the holding facility through another secure door. The interior of the holding area is monitored by surveillance cameras that can be seen in the officers work area, but no one was sure if the video is recorded. Officers also have access to a panic alarm in the holding area.

There are two holding cells with potable water and toilets and prisoners have access to sleeping pads and blankets. MCPD policy also states that a prisoner's time in the holding cell should be kept to a minimum and that prisoners cannot be held in the holding cell for longer than six hours without supervisory approval, which, according to the officers, rarely happens. There is a Temporary Holding Facility Log book that documented when prisoners are brought into and leave the holding facility. Department policy requires that prisoners are to be checked every 15 minutes and the log book reflected adherence to that policy. In the patrol work area there is a conspicuous red light that comes on every 15 minutes when there is someone in a holding cell which is an excellent way to remind officers to check on the prisoner(s).

The current policy states that "juveniles must be placed out of sight and sound of adult prisoners which can be interpreted to mean being separated into different holding cells. However, wording in the policy is not clear. According to the MCPD officers juveniles are always separated from adult prisoners. The policy does not specifically prohibit the separation of prisoners by gender. Instead, the policy states that if a "female and a male are in a holding facility at the same time where there can be visual and physical contact will be kept under continual supervision". Officers report that MCPD practice is that male and female prisoners are always separated.

There are policies for handling juvenile runaways but there are no policies that provide guidance/procedures for the handling of status offenders that are held in custody. Department policy states that juvenile runaways are to be "kept at the station" until they can be turned over to a parent, guardian or responsible adult. This assessor interviewed a corporal and an officer and when asked about how they handle "status" offenders they seemed, at first, unsure of what a status offender is. After additional explanation they knew it referred to juvenile offenders held only due to their status and activities as a juvenile. Both of them told the LEMAP assessor that if a status offender was taken into custody they would be placed into a holding facility and a sign would be placed on the window of the



cell that said “status offender” and they would await a parent or guardian. When I asked a patrol Sergeant if this was a common practice, he stated that, at least on his shift, status offenders would never be placed into a holding cell and that they would be held in a non-secure manner until a parent arrived.

The Sergeant believed that the offices probably did not fully understand my question and would not put a status offender in a holding cell and thought they were talking about juveniles who committed a crime. Regardless, this reflects an immediate need for the agency to provide specific policies, training and directives for handling status offenders that include specific prohibitions on placing status offenders in a holding cell or in any other secure area.

Recommendations:

- Implement a policy and procedure specific to OJJDP standards on how officers are to handle juvenile status offenders and conduct department training to ensure understanding and compliance.
- Implement a policy, and provide training to MCPD staff, on guidelines for the methods and use of restraining devices used for prisoner transport. All restraining devices eligible for use should be identified in policy.
- Implement a policy, and train staff, on the guidelines for the transport of sick, mentally ill and disabled prisoners.
- Implement a policy that requires officers to thoroughly search a prisoner prior to transporting.
- Implement a policy that requires officers to search vehicles used for transporting prisoners before and after the transport.
- Revise current policy to more specifically prohibit juveniles and adults being placed into the same holding cell.
- Revise current policy to specifically prohibit male and female prisoners from being placed into the same holding cell.
- Recommend placing a surveillance camera in the firearm lock-box room and at the entrance outside the door. If any video media is recorded, ensure the agency is in compliance with state retention guidelines.

