

**WASHINGTON ASSOCIATION OF  
SHERIFFS AND POLICE CHIEFS**



**LEMAP**

**Loaned Executive Management Assistance Program**

**Review of the**

***Bainbridge Island 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.

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

**Ron Cameron** serves as the Chief Criminal Deputy for the Clallam County Sheriff's Office. He started his police career in 1979 and joined the Clallam County Sheriff's Office in 1985. In 2006, Ron was named Chief Criminal Deputy and assumed command of all operation related functions of the Sheriff's Office including Patrol, Search and Rescue, Marine Patrol, Investigations, Property Room and command of the Olympic Peninsula Narcotic Enforcement Team. Ron is a Command College graduate as well as a graduate of Washington State Criminal Justice Commission's (WSCJTC) Leading Police Organizations seminar.

**Kay Pownall** is the Police Administrative Supervisor and Certified Property & Evidence Specialist for the Port Townsend Police Department. She supervises the Records section and is in charge of all Property and Evidence functions for the department. Kay is a member of the WASPC Accreditation Committee and currently serves as an Accreditation Assessor. She has served on the Executive Board of L.E.I.R.A. in the positions of 1<sup>st</sup> and 2<sup>nd</sup> Vice President, Director and Regional Training Chair; and has just completed a one-year term as President.

**Joe Upton** serves as the Administrative Commander for the Lacey Police Department where he supervises Evidence, Training, School Resource Program, Grants, Corrections and the Records Division. He is also responsible for accreditation, policy development, budget preparation, and Emergency Management. Joe began his law enforcement career with Lacey in 1992. Since then, he has held the positions of FTO, Detective, Patrol Sergeant, Administrative Sergeant, and for the past five years, Patrol Commander. He has a Bachelor's degree in Psychology from Pacific Lutheran University.

**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**

BIPD is experiencing a period of extreme transition that is creating both excitement and opportunities for the agency. Over the past 10 years the agency has experienced three different police Chiefs, all with different styles and strengths. One person interviewed described the police department as being on “spin cycle” for the past several years and that has amplified within the past year. This regular state of turmoil, mostly during the past three years, has had a profound effect on all employees and has positioned the agency for much needed change.

The Department occupies a small, aging building that was built for the City of Winslow over 50 years ago. Up until 1991, the building served as the Bainbridge City Hall and has since gone through several remodels to make it as useful as possible for the Police Department. Employees feel isolated due to their office location in relation to the rest of the City who resides in a modern City Hall complex. Promises of a new facility have been made but to date no plans have been presented. The land used for the Police Department is at a well-traveled intersection where arterials intersecting the city meet and provide close access to a busy ferry terminal that provides residents’ access to Seattle.

The Department’s policy manual is in desperate need of updating and the agency is in the process of doing so. However, the agency is currently operating out of a General Orders manual (GOM) that is generally well written but has not been updated for at least 5 years. Since it is the policy in use by the agency upon our arrival, the LEMAP team will use it as the primary reference for our assessment. Numerous references are made in this report that point out shortcomings in critical areas and we hope those areas are made a priority and focus when implementing Lexipol. As they move forward with the launch of Lexipol it is vitally important that the rollout be deliberate and underpinned by Lieutenant buy-in as they will be the ones responsible for employee understanding and acceptance of policy content.

In addition to the Lexipol Policy launch, the current GOM are proposed to be turned into a procedures manual. The LEMAP team recommends that BIPD be very thoughtful in this process and weigh the benefit of such a document against its usefulness and the time needed to keep a procedure manual current.

A general lack of administrative oversight is evident in the department. For example, no one is charged with ensuring mandated training and qualifications are accomplished, and there is no annual review of uses of force, IA, or pursuits. Officer scheduling is at times very lax—at times only one officer has been scheduled with no supervisor catching the low staffing level until the shift actually begins. This is reportedly caused by Lieutenants granting vacation days without backfilling minimum staffing shortages. This could be

easily resolved by Lieutenants denying vacation requests that would result in overtime expenditures; however, it is reported that several Lieutenants refuse to deny vacation days regardless of impact to the organization. This emphasizes a lack of will by some Lieutenants to live up to their responsibilities and points to a glaring problem that emerged during the previous administration.

In 2009, Chief Fehlman was brought in from out of state as a Commander and within months was elevated to Chief following the departure of Chief Haney. Fehlman re-arranged and revoked numerous areas of responsibility from the Lieutenants which ultimately created confusion, cynicism, apathy and inconsistency within the agency. Moreover, the effect on the Lieutenant rank has been devastating as they have lost confidence and their value as significant members of the BIPD leadership team has been outwardly compromised. 2012 brought opportunities and a sense of optimism for change as both Chief Fehlman and the Commander left the department. The department is now trying to respond to these changes and has asked for a LEMAP assessment to develop a framework for recovery and improvement.

Even though opportunity for change is present, agency leadership, particularly at the Lieutenant level, is viewed as weak both internally and externally. In fairness the Lieutenants have been pulled in many different directions and responsibilities taken away and restored several times over the past five years. This “whipsaw” effect has not only shaken the confidence of the Lieutenants but it has fostered a sense of instability across the organization. All Lieutenants interviewed by the LEMAP team were open, cordial and appeared genuinely concerned for the wellbeing of the organization and wanted everyone to be successful.

However, communication between Lieutenants and officers is not good and most officers interviewed indicate that BIPD does not have working street supervisors. Some indicated they cannot remember the last time a supervisor came out to take a call or back them up on a call. This claim is disputed by Interim Public Safety Director (IPSD) Larry Dickerson who, since his arrival last summer, reviews daily activity reports and finds that the Lieutenants are engaged and working with their officers. Nonetheless, perception can be dominant and all Lieutenants are long time BIPD employees and there is a strong feeling that the agency is starving for leadership.

In 2010, BIPD experienced a controversial officer involved shooting that led to civil litigation and community uproar. The incident was followed by problematic media releases that may have been inaccurate and created tension and a lack of trust between the Chief and BIPD Lieutenants. As the City navigated a contentious trial and ultimately a large settlement in the shooting case, the Chief came under fire and eventually left the department. IPSD Dickerson replaced Fehlman and has taken steps to stabilize the organization. The former Commander resigned in December, following an investigation into misconduct, and the Commander position remains vacant with no plans to backfill in the near future.

Bainbridge Island city government is led by a Council/Manager form of government. The current City Manager started in October of 2012 and is supportive of the police department. The Bainbridge community is viewed as active in government affairs and the most recent officer involved shooting has cast a negative light on the police department. IPSD Dickerson indicates that although factions of the community may be critical of the PD he receives frequent correspondence from community members who praise or celebrate the good work of the police department. He is currently working with sworn staff to strengthen relationships with the community through community forums and roundtable activities.

The department operates under a \$3.9m annual budget. The majority of the City budget comes from Property and Sales tax revenue. BIPD is authorized for 21 sworn officers (including the Chief), 3 reserve officers and 6 civilians including part time help. Officers and Lieutenants are part of a collective bargaining guild that is represented by a local law firm. The agency has one K9 unit, is supported by two Detectives and two officers work part time as part of the regional tactical (SWAT) team. BIPD's traffic unit was disbanded in 2005. With the exception of Detectives, employees work five, eight hour shifts with two days off. This is a recent change for those assigned to patrol and is intended to cover staffing shortages and eventually they hope to return to a 4/10 work schedule. All officers enjoy a take home car program and are well equipped. Officers in the Department meet the CJTC 24 hour training requirement and the perception of overall training ranges from poor to needing improvement.

In spite of all of the faults and past difficulties that BIPD has experienced, the LEMAP team found the Records Management unit organized and functioning very well. Several interviews were conducted during the Records unit assessment and staff was able to provide the assessors with everything asked for, were always greeted cheerfully and provided with answers immediately. Members of Records unit work well together, know their boundaries for assigned tasks and are willing to step in and help one another without being asked.

There is no question that BIPD is experiencing, and desperately needs, a change of leadership. The leadership journey that agency employees have experienced over the past 15 years includes many different Chiefs and Deputy Chief/Commanders, all coming from outside the agency. Leadership succession is a foreign term at BIPD and the effect is pronounced as current lieutenants and officers are locked into career stagnation with no hope of upward mobility. In small agencies opportunities for upward mobility are inherently limited. This problem is amplified when staff have not experienced internal promotions beyond the first line level and been forced to endure 10 different senior commander/executive positions filled by outside personnel. The next police chief must not only have significant experience forging a relationship between the police department and the community, they must have demonstrated skills at building leadership capacity within BIPD.

## SECTION 1—ADMINISTRATIVE STANDARDS

### Chapter 1—Goals and Objectives

WASPC Accreditation Standards:

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

#### **Findings:**

Progressive law enforcement agencies engage transparent and inclusive processes that chart a course for where the agency would like to go and what it wants to become. The processes often involve both sworn and non-sworn police employees and normally include some level of community involvement. By involving the community the agency fortifies public trust by building important relationships that foster a better understanding, and often community buy in, to an often insular law enforcement world. Periodic, preferably annual, review of these documents with published updates provide evidence that the Police Department is healthy and functioning in an open and welcoming environment that establishes the agency as an important part of the community.

The mission statement of the Bainbridge Island Police Department reads as follows:

*We the police department of Bainbridge Island envision an island community free from crime or peril, whose citizens and police partners regard their police department as the finest in the world.*

#### **WE SHALL:**

- *Ensure our community's safety and enforce the law without prejudice*
- *Challenge ourselves every day to exceed our community's expectations and conduct ourselves in a manner which earns respect*
- *Perform to the best of our abilities to contribute to the development of the team*
- *Do the right thing at all times, and have the courage to do what needs to be done.*
- *Return home safely at the end of the day*

The mission statement is posted on the wall in the squad room where it is clearly visible. It is also posted on the police department's web site.

The department does not have a vision statement. However, in the General Orders Manual Chapter 2, CODE OF ETHICS 02.010 is the following "philosophy" statement:

***“Our broad philosophy must embrace a wholehearted determination to protect and support individual rights while at all times providing for the security of persons and property in the community.”***

The department has an extensive list of multi-year goals and objectives beginning with the year 2012 and continuing through 2016. These goals and objectives are reviewed periodically by the Chief of Police with various members of the Department and are updated as necessary. One of the goals listed is completion of Lexipol policy system by the end of March. Through interviews the LEMAP team learned that all chapters with the exception of Chapters 2 and 3 are near completion and the department is on target to complete these chapters by the end of March or April.

The department also has a “WORK PLAN” which is defined internally as a “working document that is continuously updated and revised to incorporate evolving strategic vision and to identify, categorize, and prioritize departmental goals.” This document consists of two pages of multi-year goals and objectives as well as eight pages of a “TO DO LIST.” Several of the items have been completed but remain on the TO DO LIST.

### **Recommendations:**

- 1.1 Initiate a process to develop an agency vision statement and to review and update the agency mission statement. Involve as many department members as possible in this process.
- 1.2 Using the agency vision statement, engage a strategic planning process to chart a course for where the department envisions itself. This process should be transparent and include community involvement.
- 1.2 Develop an annual report showing the mission and vision of the department and the accomplishments over the past year. Present this report to the City Council and have copies available at police headquarters and on the police department website.

## **Chapter 2—Role and Authority**

### WASPC Accreditation Standards:

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

- 2.3 *The agency has policies specifying legal requirements and procedures for any physical arrest completed with or without an authorized warrant.*
- 2.4 *The agency has policies assuring compliance with all applicable constitutional requirements for in-custody situations including:*
- *Interviews and interrogations*
  - *Access to Counsel; and*
  - *Search and seizure*
- 2.5 *The agency has policies governing search and seizure to include the following situations:*
- *Search by consent*
  - *Stop and frisk*
  - *Search of a vehicle*
  - *Crime scene searches*
  - *Exigent searches*
  - *Inventory searches of seized vehicles or other property; and*
  - *Additional situations that may be authorized by the United States Constitution, Washington State Constitution, Washington Statues, or case law*
- 2.6 *The agency has policies for conducting strip and/or body cavity searches that include:*
- *Authority for conducting such searches with and without a search warrant;*
  - *Privacy provisions with search by same gender; and*
  - *Any required reporting procedures when such searches are conducted.*
- 2.7 *The agency has policies and procedures concerning the arrest or detention of foreign nationals.*

**Findings:**

Chapter 2 covers many areas where the agency should have promulgated standards that govern police authority and officer conduct as they navigate circumstances that potentially infringe on citizen's individual rights. Policy language is critically important in these areas so that employees have clear direction for what is expected of them before, during and following a custodial arrest of a citizen. Absent policy direction officers are expected rely on memory, or other officers' interpretation of law and procedure, during the arrest and search/seizure process. State/Federal law and case rulings are constantly redefining the legal boundaries of individual rights in Washington which place heightened pressure and visibility on police officers.

Overall the BIPD GOM provides very little policy direction on issues related to arrest, search and seizure. Chapter 3 requires all employees holding a full or limited commission to take and abide by an oath of office supporting the Constitution of the United States and

the Constitution and laws of the State of Washington as well as the Code of Ethics adopted by the Bainbridge Island Police Department. It also states that each employee is responsible for the use of delegated authority under the ordinances of the city.

Chapter 7 is a code of conduct section that has one sentence requiring officers to comply with the law when making arrests and conducting searches. Chapter 8 directs officers to advise suspects of their rights prior to interrogation or taking statements. This chapter also states that officers will advise the detainee of the provision for legal counsel. Noticeably absent are any provisions guiding officers during strip and/or body cavity searches. Finally, BIPD does not have policy language nor do they provide training on procedures for the arrest or detention of foreign nationals.

All of these areas are fertile ground for litigation and criminal case dismissal and underscores the need for BIPD to expeditiously install the Lexipol system to underpin agency operations. All of the following recommendations should be accompanied by relevant training prior to Lexipol launch and (at least) annually thereafter.

### **Recommendations:**

- 2.3 Develop and implement policy language that generally guides officer actions during arrest, search and seizures.
- 2.4 Develop and implement policy language that governs officer actions during in-custody arrest situations.
- 2.5 Develop and implement policy language that governs officer actions during all aspects of search and seizure, including contemporary language that relates to vehicle searches.
- 2.6 Develop and implement policy language that governs officer action during all aspects of search and body cavity searches.
- 2.7 Develop and implement policy language that governs officer action while handling foreign nationals. Consult with the U.S. State Department to ensure policy is contemporary and follows best practices and as a resource for training material.

## **Chapter 3—Use of Force**

WASPC Accreditation Standards:

- 3.1 *The agency has a policy directing personnel to only utilize that force necessary to effect lawful objectives.*
- 3.2 *The agency has a policy stating Washington State Peace Officers shall only utilize deadly force when necessary and justified to effect lawful objectives.*

- 3.3 *The agency has a policy governing the use of warning shots.*
- 3.4 *The agency has a policy governing the use of less-than-lethal weapons.*
- 3.5 *The agency has a policy requiring appropriate medical aid after the use of force, when an injury is known, suspected, or is alleged.*
- 3.6 *The agency has a policy requiring personnel to submit a use of force report to the agency Chief Executive Officer or designee when they:*
- *Discharge a firearm (other than routine training or recreational purposes);*
  - *Take any action that results in injury to another person.*
- 3.7 *The agency has procedures for establishing a formal process in response to any incident where an officer discharges a firearm with the intent to use deadly force, or has a firearm discharge that causes injury or death. Policy and procedure should include at least the following:*
- *Investigative responsibility and process;*
  - *Supervisory and management responsibilities;*
  - *Relief from duty of involved officer(s) pending formal review;*
  - *Notifications;*
  - *Media relations.*
- 3.8 *The agency has a policy that requires only authorized weapons and ammunition shall be carried and/or used on-duty.*

## **Findings**

As recently experienced by BIPD, all use of force incidents are subject to amplified public scrutiny. In most cases communities understand the need for police officers to use force if a foundation of public trust is in place and if the police department has responsible policies that provide recurring relevant training to officers that aligns with agency policy and contemporary police practices. Moreover, all use of force applications should have a separate and convenient reporting system, be reviewed and analyzed by supervisory or command personnel and signed off by the Chief of Police so that they are aware when and how use of force is applied by their officers.

Policy requires a use of force report be filled out at a very low threshold of overcoming resistance by the suspect. IPSD Dickerson reports having received no use of force reports since he has been at Bainbridge Island. Interviews revealed the use of force form and reporting criteria were discussed at a department meeting 1.5 years ago, but no action has been taken on the issue. Dickerson is committed to changing the use of force policy and reporting form in the near future.

Defensive tactics training appears to be highly problematic at BIPD. The current Defensive Tactics Instructor recently reviewed the Lexipol use of force policy and suggested removal of the language pertaining to State and Federal law. The Lexipol policy language applies best practice standards in law enforcement and any suggestion to modify it is misguided and exposes the department to heightened liability. Departmental confidence in this instructor is reportedly low and the City's insurance carrier has issued a warning in the past several years that unless training injuries from DT training decreases they will no longer provide insurance coverage for the training program.

Most department members are not current in the use of Lateral Vascular Neck Restraint (LVNR) and have not been directed that those applications are considered deadly force (see Chapter 11).

The BIPD GOM (Chapter 11) is comprehensive and provides guidelines to officers when applying various levels of force. Much of the GOM policy language is outdated and needs revision; therefore, each section of the forthcoming Lexipol manual should be deliberately introduced to all officers with credible training and reinforced with prompt reporting of field activities that allow for analysis and adjustment with in-service training curriculum.

### **Recommendations:**

- 3.5 Specifically state in policy that aid will immediately be summoned for serious injury or potentially life threatening situations.
- 3.6 Make a clear policy statement setting what level of use of force will be documented, how it will be documented, and what is done with the report.
- 3.6 Develop a Use of Force reporting form that captures critical data elements for review and analysis purposes. Ensure the forms are completed promptly per policy and are routed to the Chief (also see standard 4.3) and are used to shape training curriculum.
- 3.7 Under the direction of the permanent Chief, develop protocols for response to all deadly force applications. Provide agency training of the protocols.

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

### WASPC Accreditation Standards:

- 4.1 *The agency has a protocol and procedures for situations including the following:*
  - *Absence of the Chief Executive Officer*
  - *Exceptional situations involving different specialty units deployed in a common joint operation*
  - *Routine, day-to-day operations*

- 4.2 *The agency has a policy that requires personnel to obey any lawful order of a superior officer and also addresses conflicting or unlawful orders.*
- 4.3 *The agency has a policy that requires an annual management review and analysis, with final review approved by the chief executive officer, of the following incidents:*
- *Vehicle pursuits*
  - *Use of force events*
  - *Internal investigations*
- 4.4 *The agency has a system of written directives that includes procedures for developing, approving and disseminating directives to all personnel. The system will include:*
- *Methods for tracking changes and archiving prior versions of policies;*
  - *A process that confirms receipt of directives by affected personnel.*

### **Findings:**

Although this Chapter has only four standards, its intent has some of the broadest effect of all WASPC Accreditation chapters. The purpose of this Chapter is to take a very high level view of the police organization and conduct an assessment of function, efficiency and overall effectiveness. Normally, LEMAP teams do not make recommendations on such areas as staffing levels, shift coverage and command structure. BIPD is an interesting study because of the effect the previous Police Chief had on the organization. Although that person is not the focus of this report, it is difficult to address the current state of BIPD without at least referencing the last three years of agency history.

In 2009 Chief Fehlman was brought in from outside the department and promoted to the position of Commander by Chief Haney. Within several months Fehlman was elevated to Police Chief following the unexpected resignation of Haney and shortly thereafter promoted a former Bremerton Detective, employed with BIPD as an Administrative Lieutenant, to fill the vacant Commander position. Both within and outside of BIPD LEMAP team members heard a recurring theme that neither Fehlman nor the Commander behaved like professional police executives and leaders.

Over the next two years Chief Fehlman removed many responsibilities from the Lieutenant rank and consolidated them in his office and with the Commander. This move had a profound effect on the confidence and morale of the Lieutenants and has since fortified their affiliation as part of organized labor as opposed to being part of management. More than once during the LEMAP team's visit we were reminded by Lieutenants that any proposed process or operational change would likely be a mandatory subject of bargaining and would have to be negotiated. Although perhaps true this type of clear orientation to the ideology of labor is evidence of the likely permanent damage that has been done to this crucial group of employees at BIPD. The following are several examples that underpin this observation.

Lieutenants in the Department are universally perceived as a hindrance to department growth and unity. Officers **and** Lieutenants report that there are flagrant incidents of insubordination that go unchecked. It is unclear to the LEMAP team if this is a symptom of a flawed and deteriorative culture or reinforced behavior caused by Lieutenants either not doing, or selectively doing, their jobs. The outcome is an undisciplined and apathetic organization that does not respect the hierarchical nature required of high performing police agencies. Several examples that underscore a lack of discipline in the agency, confidence and competence of the Lieutenants include:

- An officer refusing to utilize their in-car computer and gave the Lieutenant the reason as he did not want the Department to be able to see their location.
- An officer refusing to respond to a radio call because they didn't feel like dealing with the call.
- An officer flatly refusing to conduct a task assigned by a Lieutenant, and the Lieutenant doing nothing about it.
- Many officers being allowed time off around the holidays resulting in staffing levels being reduced to one officer and creating a crisis by forcing other officers to hold over on their shift, or trying to find others to work, during the holidays.

In any police agency the first line supervisors are the front line of management and are pivotal in day to day operations and service delivery that has a powerful effect on public trust. In each of the incidents the Lieutenant either refused to act, or allowed the behavior, to occur in the company of or with the knowledge of other officers. Those reporting these incidents to the LEMAP team were embarrassed and genuinely want to be part of a proud and disciplined police department.

As the agency moves forward the leadership and management style of the Chief, structure of the agency and calls for service will drive the roles and responsibilities of Lieutenants and the need for a Commander. Clearly the Lieutenants need and want to follow a strong leader who is a visionary, willing to communicate expectations and enforce them, and is willing to mentor to a group that is in desperate need of restoration.

In terms of agency structure and function BIPD is allotted 21 sworn; Chief, Commander, 4 Lieutenants and are budgeted 15 officers. Officers work 8 hour days and each shift is supervised by either a Lieutenant or a relief supervisor. Sworn staff is supported by six civilians; Parking Enforcement Officer, Harbormaster (part-time); Administrative Coordinator, 2 Police Clerks, and Evidence Technician (part-time). Use of force activity, pursuits and internal affairs incidents occur very infrequently and when they do occur they are reported, but not managed beyond the initial reporting. Use of force activity is captured in the body of case reports but there is really no way of confirming the accuracy of reporting unless the supervisor was on scene at the time of the application. Pursuits are even more infrequent but there is no evidence that they are reviewed, discussed or critiqued by supervisors. Internal affairs investigations are mostly investigated internally,

and occasionally by outside agencies depending on the severity of the allegation, but are not captured into any type of early warning system. For an agency the size of BIPD, the Police Chief needs to be actively involved in the review and management of all three of these critical agency functions.

The current General Orders Manual (GOM) is well written, but outdated, and agency practice does not align with the expectations outlined in the General Orders. The LEMAP team believes that the antiquated GOM is partly to blame for inconsistent policing practices, confusion and an overall lack of discipline in the agency. BIPD contracted with Lexipol in 2010 and that policy product has yet to be activated. Work is now under way by BIPD to resurrect Lexipol and install it as the department policy. Lexipol is badly needed and implementation is a complicated and deliberate function that has a labor intensive training process that must have a high level of consistency during roll out. The LEMAP team has concerns about the transition between the two policy manuals given a lack of discipline and apathy that permeates the department.

As a final note during our interviews the LEMAP team learned that the interim administration is allowing responsibility and accountability be returned to the Lieutenants. This step was very much welcomed and can go far in re-establishing the Lieutenant's credibility and confidence which will ultimately have a positive effect on agency function and morale.

### **Recommendations:**

- 4.2 Take immediate steps to strengthen the rank of Lieutenants. Re-assign tasks that were recently removed and implement systems to ensure accountability and personal discipline and integrity of Lieutenants.
- 4.2 The new Chief must quickly assess the need for a Police Commander. This decision will largely be based on the Chief's leadership and management style and experience leading an agency of BIPD's size and makeup.
- 4.2 Agency responsibility, and individual discipline and accountability, must be restored as organizational values. These values need to be communicated and reinforced by the next Police Chief.
- 4.2 Train and require all Lieutenants to swiftly and deliberately engage any act of insubordination and sanction sustained cases with effective discipline.
- 4.3 Develop written instruments that specifically track every use of force application, pursuits and internal affairs incident. Conduct an annual assessment of these events that are signed off by the Chief.
- 4.4 Take deliberate steps to install the Lexipol policy system. This includes training, and where appropriate employee testing of policy content, prior to implementation.

**Chapter 5—Records Management**

## WASPC Accreditation Standards:

- 5.1 *The agency has a uniform records management system.*
- 5.2 *The agency has a system to record and maintain a record of every call for service.*
- 5.3 *The agency has 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*
- 5.4 *The agency physically protects the privacy and security of agency records in a manner that assures that only authorized personnel with the appropriate need to know - and right to know – can access those records.*
- 5.5 *The agency complies with Washington State law governing dissemination of records.*
- 5.6 *The agency complies with Washington State law governing preservation and destruction of records.*
- 5.7 *The agency has procedures for processing and maintaining notice of infractions and citations.*
- 5.8 *The agency has guidelines to address the release of public information to the media.*
- 5.9 *The agency has policy and procedures for community notifications of registered sex offenders.*
- 5.10 *The agency has policy and procedures for investigating and verifying missing persons, including updating ACCESS databases with additional identifying features as they become available.*
- 5.11 *The agency has policy and procedures for how to handle the recovery of a stolen vehicle, including attempts to notify vehicle owners.*
- 5.12 *The agency participates in Uniform Crime Reporting and/or NIBRS by reporting to WASPC as required.*

**Findings:**

Chapter 5 covers Records and Registered Sex Offender management for Police agencies. This area of responsibility is one of the most complex and rapidly changing areas of law enforcement and requires responsible staff and contemporary practices to avoid public scrutiny and litigation. The LEMAP team reports that this area of BIPD is very well managed and the addition of Lexipol will further polish an excellent component of agency operations.

The records section of the department is managed by the Police Administrative Assistant and consists of two clerks. The records clerks understand the importance of their positions within the department and are meticulous in their record keeping. They work very well together and are cross-trained to take over for each other when necessary.

The records section of the department is run in an organized manner, with the utmost attention to detail. The current records are locked in cabinets in the records room and are only accessible by records personnel. Archived records are locked in a separate room, with limited access and are organized in folders with notes documenting the appropriate destruction information in conjunction with the records retention schedule provided by the Washington State Archivist. Prior to destruction of records, the retention schedule is reviewed for current information that may affect the destruction date of the records. When records are destroyed a destruction log is completed and is retained indefinitely.

Public records requests other than those requesting copies of police reports or calls for service are handled by the City Attorney's Office. The form for requesting a record can be found on the city's website. The form itself does not state the 5 day response time rule but that information is located on the City's website. A link to that site is available on the form. Responses are scanned into a secure database and a hard copy of the response is retained. A redaction letter and/or log accompany each response.

Disclosure laws are complex and retention schedules are constantly changing. Although much of the GOM related to records and public disclosure is outdated, the records clerks are up to date on their practices and are meeting the accreditation standards. In order to stay current, records personnel attend training for updates relative to contemporary records management practices. (Records clerks are members of both WAPRO and LEIRA).

The most recent ACCESS audit was conducted in October of 2012 and there were 3 minor issues at that time. All of them have been addressed and the audit was closed in December 2012.

All employees in the department who use the ACCESS terminal are current in certification and a list of expiration dates is maintained in the records section with reminders in place. All ACCESS users have signed a user's agreement, which is retained by the records section. A self-audit of ACCESS is performed every 3 months by the records section.

Warrants, protection orders, stolen property and missing person information are entered by the records staff. After hours CenCom is responsible for court order or stolen “hit” confirmation.

Citations, infractions and collision reports are entered in SECTOR and downloaded by the records section. They are then entered manually into the records management program and a copy is filed in the office. The original collision report is sent to Washington State Patrol. Sex offender contacts are handled by one of the lieutenants, with the Sheriff’s office handling notifications to the public.

The Bainbridge Island Police Department has been participating in NIBRS since May 2011; however, also prints a UCR report every month for grant purposes as the UCR report provides the necessary statistics required for grants. The records section makes sure that the reports are accurate prior to submitting the final report. Copies of the reports are readily available for inspection.

The media is provided a daily crime log, which they typically read on Tuesdays each week. If the media has questions or need further information the on duty lieutenant will respond. News releases are handled by the Police Administrative Assistant.

### **Recommendations:**

**5.1** The Department should review the current GOM’s with records personnel and make appropriate changes to update the information to agree with today’s standards and current practices in the department. Housekeeping areas of attention include:

- The GOM states that the records section is supervised by the Administrative Lieutenant.
- There are a couple of RCW’s listed in the policy that not current: 42.17 is now 42.56, 46.52.082 does not exist.
- The policy indicates that the department is using UCR for crime reporting although the department is actually compliant with the requirement to move to NIBRS reporting.
- Under “ACCESS TRAINING AND TESTING,” the following statement is made: “...he/she shall sign a CJIS letter.....” This has not been required since July of 2009 and the Bainbridge Island Police Department is not requiring a CJIS letter.
- GOM 24.180 INQUIRY IDENTIFICATION reads as follows: “Each Triple I shall be logged on a form.....” This is no longer required and the Bainbridge Island Police Department is not logging Triple I requests.

**Chapter 6—Information Technology**

## WASPC Accreditation Standards:

- 6.1 *Access to the agency's computer system is secure with restricted access to those who are authorized and who have passed a background investigation.*
- 6.2 *The agency can show 100% compliance or that it has made corrections to comply with any ACCESS/CJIS findings from the previous technical triennial audit and/or FBI audit.*
- 6.3 *The agency has policies governing appropriate use of agency technology.*
- 6.4 *Each fixed and mobile computer workstation has an up-to-date copy of agency-approved, security software installed and running while the equipment is in use.*
- 6.5 *Electronic information is routinely backed-up at least once a week. Back-up data is kept in secure storage and is completely destroyed when no longer needed.*

**Findings:**

This chapter ensures the safety and security of the agency Records and Information Technology (IT) system. Without proper safeguards, normally ensured by a good working relationship with the City IT Department, police records could be jeopardized. Although BIPD does not have an IT policy, the LEMAP team found that IT safety and security are well managed by the City and appropriate safeguards are in place to protect the integrity and reliability of Police Records.

Much of this chapter was covered through visual inspection and interview of the IT representative assigned to the department. The server for the police department's Records Management System is housed and maintained by Kitsap County as part of the Regional Records Management System. The BIPD server is housed at City Hall and is backed up daily. All of the computers at the police department are equipped with security software and department personnel who have access to the information have been background checked. The ACCESS terminal, available for officer use, is located in the squad room. The screen is secured with wooden cupboard type doors and is padlocked when not in use. This security measure has passed the department's records section ACCESS audit.

The IT department underwent a triennial by the Washington State Patrol on February 12, 2013 and successfully passed the audit.

**Recommendations:**

- 6.3 Develop, train and implement an agency policy that clearly states the department and IT responsibilities pertaining to the department's computers and other technology within the department.

**Chapter 7—Unusual Occurrences**

## WASPC Accreditation Standards:

- 7.1 *Every sworn member of the agency has completed the National Incident Management System introductory training course(s).*
- 7.2 *The agency has plans for responding to natural and man-made disasters, civil disturbances, and other unusual occurrences.*
- 7.3 *The agency works with the County and/or regional agencies in developing a county or regional disaster or emergency response plan.*
- 7.4 *The agency has a policy for requesting and providing mutual aid.*

**Findings:**

Chapter 7 primarily measures how agencies are prepared to respond to and recover from unusual occurrences which could include events ranging from acts of terrorism to an ice storm. The key to response and recovery to these events is interpersonal and interagency relationships, planning, preparation and equipping of staff with specialized equipment (see Chapter 8) and training and exercising. Given the social and professional status of many residents (including a home on the island owned by the governor) and that Bainbridge is an island planning for an unusual occurrence should not be overlooked. BIPD should be an active partner in meetings that provide opportunities to prepare and plan for an unusual occurrence and they employees should routinely participate in local training events and exercises.

Training records provided to the LEMAP team should have reflected (at minimum) all sworn staff, and any employee subject to Emergency Operations Center (EOC) assignment has completed IS 700 and ICS 100. Although BIPD has an active and engaged Lieutenant that is involved in regional Emergency Management activities, training records are incomplete and indicate that required training is inconsistent across the organization. Some supervisory staff have taken ICS 200 through ICS 400 and participated in table top exercises, which is positive. However, failure for all BIPD sworn staff, and those eligible for EOC activation, to have completed the basic courses (100 and 700) could jeopardize their eligibility for Federal funding and disaster relief following a significant event. Inconsistencies in basic emergency management training are an indicator of the low level of interest or support in emergency planning across the agency.

The City's Emergency Operations Center is located at a local Fire station. Emergency Management meetings, training and activities are coordinated by Kitsap County Department of Emergency Management (DEM). Until December 2012 BIPD did have a periodic agency presence at county DEM activities by the Commander. Now that the Commander position is vacant, participation has been absent and it is unclear to the LEMAP team if another agency representative will be designated this responsibility.

Agency staff has historically been involved (on occasion) in regional exercises coordinated by Kitsap County DEM.

BIPD is a partner in the in the Kitsap County Comprehensive Emergency Management Plan (CEMP). Most employees are not aware of the importance of agency involvement in Emergency Management nor are they aware that Kitsap County SO is the primary Emergency Management agency in the county.

BIPD currently has mutual aid policy and procedures in place and maintains a good working relationship with the Kitsap County Sheriff's Office. Should the island experience an unusual occurrence, and the bridge over Agate passage become inaccessible, their best hope is that support and resources arrive by water. Disengagement from Emergency Management responsibilities is not an option for BIPD.

### **Recommendations:**

- 7.1 Ensure all employees who have the potential of being assigned to the EOC have attended IS 700 and ICS 100, at minimum. This includes any civilians who may be assigned as well.
- 7.3 Although it is acceptable for the City/BIPD to outsource emergency management activities to the Fire District, it is essential that someone be assigned as a liaison and that they consistently attend meetings and commit the department to regional training and exercises.

## **Chapter 8—Health and Safety**

### WASPC Accreditation Standards:

- 8.1 *The agency has written guidelines that inform employees of the threats and hazards associated with airborne and blood borne pathogens.*
- 8.2 *The agency provides personal protective equipment to minimize exposure to potentially infectious materials and objects.*
- 8.3 *The agency provides soft body armor and requires its use.*
- 8.4 *The agency provides reflective clothing and requires its use.*
- 8.5 *The agency has procedures for disposal and decontamination when there is an event or contact involving biohazard material including blood or bodily fluids.*
- 8.6 *The agency has procedures for post-exposure reporting and follow-up after suspected or actual exposure to infectious diseases.*

- 8.7 *Non commissioned police employees are physically separated from the public by a physical barrier in the lobby area.*
- 8.8 *The agency requires all personnel to use safety restraint/seat belts while operating agency vehicles.*

**Findings:**

Given the inherent risks of being a modern day police officer it is essential that steps are taken to supply employees with contemporary safety equipment and establish guidelines for response and recovery to incidents that place them at risk. This chapter sets out to ensure that agencies have supplied minimum safety equipment and established guidelines that mandate the use of that equipment. It also establishes protocols that address response and recovery to an event where employees may be exposed to pathogens that could be life threatening. Although any event requiring the use of equipment outlined in this chapter is a low frequency, employees must be aware of protocols because if they occur they often have a chilling effect on agency personnel.

When it comes to availability of contemporary safety equipment for employees the LEMAP team found that BIPD is not well prepared. Upon inspection of different patrol cars the LEMAP team found that some cars had sharps containers, others did not. Most of the traffic vests were orange and do not meet the 2009 ANSI standards for reflectiveness. All of the cars inspected were not well organized and the officers struggled to find safety equipment promptly (if it was available), which is not acceptable for personally assigned vehicles.

When asked to do so, staff could not locate an inventory and replacement system for cataloging and replacing soft body armor. Current policy states that soft body armor will be used anytime an employee is in uniform, which may not be necessary or practical for certain employees and assignments. A soft body armor inventory and replacement system needs to be installed and policy requirements for soft body armor use need to be updated to bring the agency into current best practices.

BIPD does not have a contemporary policy on response or follow up following a pathogen exposure. Additionally, decontamination procedures are not available and employees that were interviewed were inconsistent in what to do if they experienced a blood borne exposure to them or their equipment. Employees could not recall the last time they received any training on pathogens. Consequently, supervisors are not sure what to do following an exposure to one of their officers. This is one area where policy needs to be current and all employees who are at risk need to be trained and tested on department policy and an exposure control plan.

**Recommendations:**

- 8.1** BIPD must adopt policy language that informs and educates employees on the threats of pathogens. The policy should be reviewed and employees tested on content annually.
- 8.2** Supply any employee at risk of blood or airborne pathogen exposure adequate supplies of safety equipment to include gloves, booties, and safety masks.
- 8.3** Develop an inventory system for all soft body armor including replacement cycles. Review and update agency policy to ensure it is contemporary and practical for all officers in uniform.
- 8.4** Update reflective vests to ensure they meet the 2009 ANSI standards. Ensure policy is updated to require vest use during times when an officer may be at risk.
- 8.5/8.6** The agency should develop and adopt an Exposure Control Plan that addresses exposure, response, follow up and decontamination procedures for employees that could be exposed to pathogens. Employees at risk should receive annual training and testing on the plan.

**Chapter 9—Fiscal Management**

## WASPC Accreditation Standards:

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

**Findings:**

The budgeting process in most police departments is normally not an area of operational interest and is typically reserved for those working in administration. However, as police agencies experience budget contraction even more pressure is placed on defensible practices and enhanced spending responsibility. The WASPC standards provide a basic framework of expectations for fiscal operation and the LEMAP team is pleased to report that currently BIPD does a very good job with agency finances.

Under the prior administration BIPD operated in a fiscal silo with very little interaction with City finance. Budget development and management was confined to the Chief and Commander with very little communication about fiscal matters with those in lower ranks. When it came to budget management BIPD was viewed as somewhat “rogue” and would routinely accelerate the burn rate of line items in surplus at the end of each year.

In 2012 Barbara Burns was hired from the City Finance Department as the Administrative Coordinator. Her relationship and work history with Finance was a bonus because she brought with her a view of the Department from the Finance perspective and fiscal practices that promoted process, auditing and accountability. These attributes brought structure, responsibility and agency credibility (in the eyes of City management) to a \$3.9 million annual police department budget.

Currently, IPSD Dickerson receives monthly budget reports on the status of the BIPD budget that he shares with the Lieutenants. Procurement and payroll processes are standardized for all employees and have appropriate check/balance processes in place that start with supervisory approval requirements and involve administrative oversight before any funding request leaves the department.

The police department continues to be plagued by very high amounts of overtime which is attributable to a combination of both scheduling problems and Lieutenants not being able to say no when handling leave requests by officers. Officers enjoy a very generous take home vehicle program that is governed by an informal 60 minute commute distance from Bainbridge Island to the officer’s home that is loosely enforced.

BIPD enjoys the use of both petty cash and procurement (credit) cards for occasional purchases and infrequent use of investigative funds by Detectives. Burns manages and audits the petty cash fund without any assistance or supervision from Finance. Investigative funds are audited by Burns with supervision from City Finance.

**Recommendations:**

- 9.2 Review the current practice of allowing officers to take home city police vehicles and conduct a cost/benefit analysis. If the practice is allowed to continue, document the requirements in agency policy.

- 9.4 Develop and implement an improved practice or process for scheduling of officers and requirement for shift extension and backfill with overtime. Involve the Lieutenants in the review process.
- 9.7 Consider dissolving the Petty cash fund and issue procurement cards to all employees with a need to make purchases on behalf of the Department.
- 9.7 If the Petty cash fund remains, implement a periodic auditing schedule that involves periodic audit(s) by staff outside Burns' chain of command and includes at least one unannounced audit by Finance staff each year.
- 9.7 Review the need for investigative funds by Detectives. If the fund is necessary, conduct at least one unannounced audit per year using City Finance staff.

## Chapter 10—Recruitment and Selection

### WASPC Accreditation Standards:

- 10.1 *The agency has written standards and hiring criteria for sworn and non-sworn employees and, if applicable, reserve, part-time, or limited commission personnel.*
- 10.2 *The agency requires that background investigations be conducted on each candidate for a sworn position prior to appointment, and requires that proof is submitted to the Washington State Criminal Justice Training Commission.*
- 10.3 *The agency requires that a medical examination, including drug screening, be performed by a licensed physician for each candidate for a sworn position, prior to appointment.*
- 10.4 *The agency requires that a licensed psychologist or psychiatrist conduct a psychological fitness examination for each candidate for a sworn position, prior to appointment.*
- 10.5 *The agency requires that a polygraph examination be administered, by a qualified technician, for each candidate for a sworn position and prior to appointment.*
- 10.6 *Applicant files are secured and available only to those who are authorized to participate in the selection process.*
- 10.7 *Employee personnel files are separate and secured from other files. Medical tests, psychological evaluations and polygraph results are kept separate from personnel files in secure locations.*

**Findings:**

In most agencies recruitment and hiring is a shared responsibility between the City office of Human Resources (HR), Civil Service Commission and the Police Department. This type of hiring system is in place at BIPD and it appears that all partners enjoy a healthy working relationship which has resulted in the hiring of very good officers that serve the City.

Entry level eligibility lists are started by candidates taking the written and physical test from a vendor known as Public Safety Testing. Candidates have their test scores sent to BIPD in rank order, based on written test score, and they are next invited to oral interviews coordinated by HR and Civil Service. Department members participate in the interview process and based on the outcome of interviews candidates arrive in the Department on a ranked list that the Chief can select from.

Once selected, the candidates begin the background investigation process. These investigations are conducted by BIPD Detectives who have received recent (2012) training on background investigations. Candidates are required to submit to medical and psychological testing as well as a polygraph examination. Polygraph is conducted by examiners from Seattle PD; psychological and medical examinations by local licensed practitioners. Background Detectives that were interviewed by the LEMAP team were not aware of the credentials, qualifications or recent training/certification of the Seattle PD polygraphists.

Hiring files are developed and maintained by the background Detective. While candidates are under background investigation, hiring file security is their responsibility and they indicate that files are secured in their office. Once the background investigation is complete the file is handed off to the Chief for a hiring decision. From the Chief the file goes to HR for handling and secure storage. Detectives indicate that they are aware of one incident where a BIPD hiring file was left open to public view in HR, which may have been an accident of oversight. Obviously, hiring files contain very personal and sensitive information which should not be available for other employee viewing.

Overall, the hiring process at BIPD appears sound. Since all employees of BIPD are expected to work well together, the LEMAP team encourages transparency and ownership in the end result by promoting broader participation by all employees in the recruitment and hiring process.

**Recommendations:**

- 10.1** Develop and publish hiring standards for all employees and publish in agency standards/policy manual.
- 10.1** Consider involving agency employees in the recruitment process. This may be encouraged by creative incentives that are not necessarily monetary.

- 10.5** Confirm credentials and certification of any polygraphist used by BIPD are current and that they attend updated polygraph training every two years.
- 10.6** Work with Human Resources to ensure that hiring files are secure and only available to those with authorization.

## Chapter 11—Training

### WASPC Accreditation Standards:

- 11.1 The agency requires all full-time, sworn members to successfully complete the Basic Law Enforcement Academy or Equivalency Academy, as certified by the Washington State Criminal Justice Training Commission prior to assuming law enforcement duties, and requires that they begin attending the Academy within six months of their date of hire.*
- 11.2 The agency has established a formal field training program for all newly sworn officers that includes:*
- *Field training officers who are specially trained for that purpose;*
  - *Regular documentation of the progress of the student officer; and*
  - *Requiring the student officer to successfully complete the training program prior to assuming law enforcement duties.*
- 11.3 The agency maintains and updates training records of all employees.*
- 11.4 The agency maintains records of each formal training it conducts, to include:*
- *Course content/lesson plans;*
  - *Name of all attendees;*
  - *Performance of the attendees;*
  - *Credentials of the presenter or instructor; and*
  - *Copies of any test results.*
- 11.5 The agency can show 100% compliance with the annual WSCJTC requirement for training.*
- 11.6 Agency personnel are required to demonstrate satisfactory skill and proficiency with agency authorized weapons before being approved to carry and/or use such weapons.*
- 11.7 Staff members who are designated as full-time supervisors or managers have earned the appropriate certification by the Washington State Criminal Justice Training Commission.*
- 11.8 At least annually, agency personnel receive in-service training on the agency's use of force and deadly force policies. In-service training for less-than lethal weapons shall occur at least once every two years.*

**Findings:**

Police training is one of the most important responsibilities of any police department and sadly during tight budget times it is often the first area targeted for reduction. The frequency and quality of training for any police department is often used as one measure of job satisfaction by employees. When police departments are involved in litigation, training is often the first area of scrutiny targeted by plaintiffs. There is no question law enforcement training is one of the most critical functions of any police department and unfortunately it has become an area of significant vulnerability for BIPD.

For the most part, the LEMAP team found a well-rounded training program is significantly lacking at BIPD. As with many areas of the LEMAP assessment, agency policy gives specific direction but agency practices are not in alignment with the requirements of agency policy.

It is important to note that WASPC standards guide agencies toward minimum areas of concentration for agency training. Many agencies use the standards as a springboard to build other requirements that strengthen and broaden the training program. In some areas the LEMAP assessors found agency policy and practices that would have exceeded our expectations had they been in compliance. But in other areas the LEMAP team found policy mandates that have not been followed for years.

For example WASPC standard 11.3 requires that agencies maintain training records of employees but does not require employee training files. BIPD is in compliance with this standard and the department does maintain a training file system for each employee. However, the file contents are very inconsistent and indicate either significant shortcoming in training or very lax record keeping.

Inconsistencies with low frequency high risk activities plague BIPD. By policy BIPD officers are required to qualify with lethal weapons three times per year. For officers not on the local tactical team, most officers only qualified once in 2012 and three officers appear to have not qualified at all. In 2011 two full time and two reserve officers show no firearm qualifications in 2011.

WASPC standard 11.8 requires in-service training with less lethal weapons every other year. BIPD has enhanced this standard and developed policy that requires annual training with less lethal weapons. However training records show that most officers have not attended any form of less lethal training for several years.

LVNR (Lateral Vascular Neck Restraint) certification has lapsed for the entire department and was not conducted in 2012. Although rarely applied, and certifications have lapsed, LVNR is still allowed as a force option for all officers who have been initially trained in it.

Department policies do not address documenting attendance at training by employees, which is outside of industry standards. Additionally, the GOM requires 40 hours of

training per year but most employees only receive 24 hours per year. Given the inconsistencies and gaps in those training records observed by the LEMAP team, BIPD would likely have difficulty defending even 24 hours of training for all employees.

Finally, the LEMAP assessors did find that probationary officer evaluations have been occurring as required. BIPD does have an FTO program for newly promoted supervisors and was used during the most recent promotion in 2010.

### **Recommendations**

- 11.2** Specify, in much more detail, the current FTO program for new hires and newly promoted supervisors.
- 11.3** Ensure all training is documented per Policy 11.4 and entered onto the department training spreadsheet and is placed in the training files.
- 11.4** Conduct yearly training for all high risk areas/policies such as Defensive Tactics, less lethal weapons, and firearm qualifications.
- 11.4** Document all in-service training with appropriate lesson plans, instructor credentials, student data and performance on tests, and copies of any tests.
- 11.4** Under the direction of the permanent Chief, conduct a review of the Defensive Tactics program and training cadre to ensure agency objectives are being met.
- 11.5** Change the policy to reflect the standard of 24 hours of training per employee per year. Ensure that training topics meet agency and employee training goals by collaboratively structuring the training calendar before the start of the calendar year.
- 11.6** Ensure firearms qualifications are thoroughly documented and occur according to policy for every effected employee. Consider lowering the requirement in policy to twice per year per firearm.
- 11.8** Ensure less than lethal weapons training occurs according to policy. Consider lowering the requirement to once every two years.
- 11.8** Since LVNR certification has lapsed department wide, an order needs to be given to all employees not to utilize this defensive tactic technique unless in a deadly force situation until certifications have been restored.

**Chapter 12—Performance Evaluation**

## WASPC Accreditation Standards:

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

**Findings:**

One of the most important functions of healthy police organizations are mechanisms that provide for and require performance feedback for all employees. Those agencies that do not have these systems in place are generally poor performing and suffer from cynicism, low morale, weak leadership, incidents of insubordination and an organizational value system that is fractured and confusing for employees. A lack of consistent evaluations dulls the skills of supervisors and compromises their standing as leaders responsible for coaching and counseling subordinates.

BIPD currently operates under a well written and comprehensive performance evaluation policy which they (by some reports) have not consistently followed for years. Consequently, BIPD is suffering from many of the traits described above.

A new city evaluation form has been proposed and is in the process of being accepted. The LEMAP team cautions current and future Chiefs that the evaluation instrument is an essential part of any performance evaluation process. Often a general performance evaluation form, intended for all city employees, is not germane to a police officer/employee's job and can reinforce cynicism and inspire contempt for the process. Any instrument, and a supporting evaluation process and system, must be authentic, objective and specific to the skills, roles and expectations of a BIPD police employee. Anything less is counterproductive to a meaningful evaluation system.

**Recommendations:**

- 12.1 Conduct employee evaluations for each employee on a yearly basis.
- 12.1 Ensure any evaluation instrument/system is applicable to a police employee's job. Once a new instrument/system is adopted, ensure that all employees are familiar with the form and evaluation dimensions, provide training to all raters and socialize with all employees.
- 12.1 Implement a spreadsheet (or similar) system to monitor evaluation frequency for every police employee.

## Chapter 13—Code of Conduct

WASPC Accreditation Standards:

- 13.1 *The agency has a code of conduct that outlines specific conditions of work that apply to all agency personnel that include, but are not limited to the following:*
- *Personal appearance standards;*
  - *Uniform regulations;*
  - *Tobacco use policy;*
  - *Alcohol and drug use policy;*
  - *Reporting employee convictions, and*
  - *Outside employment.*
- 13.2 *The agency has a policy prohibiting sexual and any other forms of unlawful or improper harassment or discrimination in the work place. The policy provides guidelines for reporting unlawful or improper conduct, including how to report if the offending party is in the complainant’s chain of command. The policy includes “whistleblower” protection.*
- 13.3 *The agency has a policy prohibiting biased-based policing, also known as “racial profiling.”*
- 13.4 *The agency has written policy and procedure for responding to and investigating allegations of domestic violence involving employees of law enforcement agencies.*

### Findings:

BIPD operates under a very comprehensive code of conduct policy where most WASPC Accreditation Standards are covered in policy. Exception includes a policy that requires employees to report all criminal convictions. All law enforcement agencies benefit by providing employees periodic training and policy review of topics in this chapter as they support public image, professionalism and organizational discipline.

### Recommendations:

- 13.1 Policy needs to mandate self-reporting of any arrest, criminal referral, protection/anti-harassment order, or criminal conviction.
- 13.1 Regular in-service should be supplied to all members of the department for the topics in this chapter.

## Chapter 14—Internal Affairs

WASPC Accreditation Standards:

- 14.1 *The agency requires the documentation and investigation of all complaints of misconduct or illegal behavior against the agency or its members.*
- 14.2 *The agency identifies which complaints supervisors investigate and which types of complaints are investigated by an internal affairs function.*
- 14.3 *The agency has procedures for relieving an employee from duty during an internal investigation.*
- 14.4 *The agency has a policy where complainants are provided with notification concerning the disposition of their complaint.*
- 14.5 *The agency maintains records of complaints and their dispositions in accordance with Washington State Retention Guidelines.*

**Findings:**

WASPC Accreditation Standards are covered in general by policy, but the policies lack specifics such as which types of complaints are investigated by internal affairs and which are investigated by supervisors. While policy is silent on placing employees on administrative leave for serious cases of misconduct, the department practice is to do so for serious allegations.

Policy 9.120 requires statements be signed in order for a formal complaint to be accepted. Further the policy states that an investigation “*may* be conducted” if the complainant refuses to fill out and sign the complaint form. This sentence implies that investigation of a citizen complaint is discretionary based on whether or not the complainant signs a citizen complaint form. The LEMAP team recommends that all citizen complaints are investigated regardless of a signature on a citizen complaint. A new complaint form was implemented November 1, 2012. The form has a signature line, but it is unclear if the signature is required. BIPD does have a policy that requires the Chief to author a letter to the complainant following an investigation, but it is unknown if recent Chiefs have complied with this policy.

Upon arrival in 2012 the Administrative Coordinator discovered that several Internal Investigations (IA) were missing from the locked room and filing cabinet: two from 2005, one from 2006, and one from 2008. Investigation revealed the door lock to this room could be easily defeated and the location of the “hidden” key to the file cabinet was widely known. This is an alarming discovery even though the door has since been secured and the key relocated.

**Recommendations:**

- 14.1 Policy should change and the signature line removed from the new form so that all complaints (even anonymous) are accepted and investigated without a requirement for signature.

- 14.1 All complaints, regardless of seriousness, should be reviewed by Command level officers and complaints of misconduct should be routed to the Chief for review, investigative assignment and timeline.
- 14.1 An annual review of all complaints should be conducted with an eye towards intervention with any employees that surface in an “early warning system.”
- 14.2 Policy needs to delineate who investigates which types of complaints and establish a consistent method for processing complaints.
- 14.2 Once a complaint is assigned for investigation the investigators role is clearly defined as a fact finder who reports directly to the Chief during and until the investigation is completed.
- 14.2 All supervisors and relief supervisors should receive basic, as well as periodic updates, on the Internal Affairs process. The Chief should be part of these training sessions so that they can establish and reinforce expectations of supervisors in the complaint process.
- 14.3 Policy needs to outline a consistent process for placing an employee on administrative leave for serious IA allegations.
- 14.5 Develop policy that specifically addresses retention schedule for complaints according to their dispositions in accordance with Washington State Retention Guidelines.
- 14.5 If IA files are missing from a secure storage area the facts and circumstances of their removal should be investigated with a full report routed to the IPSD or permanent police chief.

## SECTION 2—OPERATIONAL STANDARDS

### Chapter 15—Patrol Function

WASPC Accreditation Standards:

- 15.1 *The agency provides response to emergency events 24/7 by sworn employees who have completed Basic Training per the Washington State Criminal Justice Training Commission.*
- 15.2 *The agency has procedures for response to emergency and non-emergency calls.*
- 15.3 *The agency provides 24-hour, two-way radio capability providing continuous communication between a communications center and the officer(s) on duty.*

- 15.4 *The agency has written guidelines for the use of authorized vehicle emergency equipment.*
- 15.5 *The agency has policies governing the pursuit of motor vehicles that conforms to Washington State law that includes:*
- *The factors to be considered when initiating a pursuit;*
  - *Initiating officer responsibilities;*
  - *Secondary unit responsibilities;*
  - *Restrictions pertinent to marked and unmarked vehicles;*
  - *Supervisor responsibilities;*
  - *Dispatcher responsibilities;*
  - *Stopping techniques;*
  - *When a pursuit should be terminated;*
  - *Procedures to be followed when a pursuit enters or leaves the agency's jurisdiction; and*
  - *Procedures for reporting and administrative review of pursuits.*
- 15.6 *The agency has procedures for responding to and investigating domestic violence calls.*
- 15.7 *The agency has procedures for the response and investigation of missing persons, including procedures specific to missing adults, missing children, and Public Alert Systems including Amber Alert.*
- 15.8 *The agency has procedures for the handling of mentally ill individuals, including those with pending criminal charges and mental health commitments, pursuant to the Revised Code of Washington.*

### **Findings:**

With the exception of Detectives, all employees at BIPD work 5 – 8 hour shifts. Normal staffing strength for a Patrol shift is a supervisor (Lieutenant) and 2-4 officers, depending on time of the day. Scheduling of officers is the responsibility of the shift Lieutenant. As the LEMAP team interviewed agency members we learned that scheduling is a major problem and has recently resulted in duty shifts being staffed with only one officer due to supervisor neglect or oversight.

BIPD uses relief supervisors, which serve in an acting supervisory capacity, in the absence of the Lieutenant. Given that BIPD only has four (4) Lieutenants on the Department, the use of relief supervisors occur frequently. The junior Lieutenant was promoted in 2010 and the three other Lieutenants have varying levels of seniority beyond three years.

BIPD officers are certified by CJTC as entry level or lateral police officers. All officers and newly promoted supervisors are expected to participate and complete an FTO program. All officers are equipped with contemporary radio equipment and are

dispatched by a centralized regional dispatch center known as CENCOM. BIPD has adopted the WASPC model policy on Employee Involved Domestic Violence.

BIPD operates under a very generous discretionary pursuit policy. Staff reports that BIPD officers have not been involved in a vehicle pursuit in many years and when they do occur there is not a separate reporting mechanism to review critique or measure them. The key to a discretionary pursuit policy is the active engagement of field supervisors.

All LEMAP team members experienced a general feeling that line officers lacked confidence in the Lieutenants. This feeling may be due to the issues of leadership that have occurred in past administrations where the previous Chief stripped Lieutenants of decision making authority. As a result, the entire group of first line supervisors has become less effective and is viewed as a fractured group who are highly inconsistent in their approach to Patrol operations. Lack of engagement is haunting most of the Lieutenants and will clearly hold the department down as everyone else wants to move forward.

### **Recommendations:**

- 15.2** Inconsistent leadership and lack of competency by most Patrol Lieutenants was a common thread that ran through most of the interviews conducted by the LEMAP team. The IPSD and ultimately the permanent Chief need to make an investment in the Lieutenant rank. Lines of communication need to be opened and both mentoring and accountability need to underpin performance expectations. Otherwise, response to all levels of calls by Officers will continue to tarnish BIPD's level of trust and confidence within the community.
- 15.5** Weighing the perception of current Lieutenants, the frequent use of relief supervisors and what appears to be a very low incidence of pursuits, the LEMAP team recommends a comprehensive review of the BIPD pursuit policy to ensure it is current and effective.
- 15.7** Develop a policy that covers the handling of missing adults.

## **Chapter 16—Traffic Function**

WASPC Accreditation Standards:

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

**Findings:**

BIPD traffic unit was disbanded five years ago. As with many agencies they have some officers that are drawn toward traffic enforcement and others who are not. IPSD Dickerson is currently in the process of negotiating and installing performance criteria for officers, but more work is needed with the labor union to define productivity in the area of traffic enforcement and other self-initiated activity.

BIPD does have an experienced collision investigator (Officer Berg) who enjoys interagency reciprocal support from Kitsap County Sheriff's Office (KCSO). Although infrequent, most major collisions on Bainbridge Island are investigated by BIPD and they are often assisted by KCSO if a major collision or if involving criminal charges because KCSO has advanced crime scene technology (Total Station) which BIPD does not have. WSP does not normally handle collisions on Bainbridge Island.

Hazardous roadway conditions are cleared by BIPD officers or Bainbridge Island Public Works if on a city street. Washington State Department of Transportation normally is called if the hazardous condition is on a state highway, but officers advise that often due to delayed response times these conditions are handled by either BIPD or the local Fire District.

BIPD policy is clear on vehicle impounds. However, agency practice is inconsistent on impounds following a physical arrest, particularly DUI or DWLS.

**Recommendations:**

- 16.2** Update BIPD impound policy and train officers on its content. Ensure supervisors are monitoring all impounds for consistency and policy compliance.

<b>Chapter 17—Investigative Function</b>
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WASPC Accreditation Standards:

- 17.1 The agency utilizes a case management system for screening and assigning incident reports for follow-up investigations.*
- 17.2 The agency has written guidelines for investigating elder abuse.*
- 17.3 The agency has written guidelines for investigating child abuse.*
- 17.4 The agency requires that interviewers of child victims of sexual abuse cases have received the mandated training from the Washington State Criminal Justice Training Commission.*
- 17.5 The agency has written guidelines for investigating hate crimes.*

- 17.6 *The agency has written guidelines for investigating identity theft.*
- 17.7 *The agency has policies and procedures governing the use of informants.*
- 17.8 *Victims and witnesses are interviewed in locations that are separated by sight and sound from the public areas of the facility.*

**Findings:**

The department has two Detectives assigned to the investigative division. These are rotational positions. They work four, ten hour days, one detective working Monday to Thursday, the other Tuesday to Friday. While there is a supervisor assigned to investigations, this person has other supervisory (Patrol) responsibilities and does not enjoy direct supervision of the Detectives. If a situation develops on a weekend the Detectives are called out by the on duty supervisor. The Detective(s) respond and then contact the Detective supervisor, as time allows, to brief them on the incident.

BIPD Detectives do not operate under a traditional or recognized case management system. Case reports are initiated by Patrol officers and are submitted into a common intake box for approval by whichever supervisor is on duty. Cases deemed suitable for follow up are referred to the Detective Lieutenant for review, and if approved by the Detective Lieutenant they are assigned to a Detective for investigation. Cases are supervised by the Detective with self-imposed deadlines for investigative activity. Detective follow up reports are not approved by the Detective Lieutenant which is highly problematic when evaluating individual and unit effectiveness. Several officers expressed concern because Lieutenant(s), other than the Detective Lieutenant, try to provide counsel and direction on case investigations that they are completely unprepared and unqualified to provide direction on.

Although the Detective Lieutenant monitors assigned cases, Detective workload is self-managed using an Outlook Task List. BIPD Detectives appear to be competent and responsible and certainly have a strong track record of getting the job done. The problem with supervising detectives indirectly, or from afar, is consistency and timeliness of investigations. As with all employees, Detectives will gravitate to their own areas of interest and cases of (self-imposed) lower priority can languish. The current case management system is primitive and does not lend itself to professional criminal case investigations. More direct supervision creates uniformity, consistency, better use of agency resources, and more responsible and timely investigations which equate to improved unit performance.

The GOM is very weak when it comes to criminal investigations. The manual is essentially silent on policy direction related to child neglect/abuse, missing persons, elder abuse, hate crimes, identity theft and prohibition on bias based policing. Clearly, these areas need to be installed in the next iteration of Lexipol.

**Recommendations:**

- 17.1 The agency must adopt a case management system that incorporates active oversight of case investigations by the unit supervisor. Detective reports and case filings need to be reviewed/approved by the unit supervisor. When that person is not available, assign one of the Detectives as an acting/relief Lieutenant.
- 17.2 Develop policy and provide training to all sworn staff on elder abuse.
- 17.3 Develop policy and provide training to all sworn staff on child abuse.
- 17.5 Develop policy and provide training to all sworn staff on hate crime.
- 17.6 Develop policy and provide training to all sworn staff on identity theft. Consider adopting the WASPC model policy.

**Chapter 18—Evidence and Property Control Function**

## WASPC Accreditation Standards:

- 18.1 *The agency has written guidelines for the proper collection and identification of evidence and property. These guidelines are consistent with the intent of the policies and procedures outlined in the current Washington State Patrol Evidence Collection Manual.*
- 18.2 *Seizures and Forfeitures: Persons with a vested interest in property and evidence are provided the legal reason for the seizure and intended forfeiture as defined by state law. The agency has procedures for notification, appeal and disposition.*
- 18.3 *Notifications: The agency has policies requiring efforts are made to identify and notify the owners, or custodians, of property and evidence in the agency's custody.*
- 18.4 *Booking – Property and evidence is placed under the control of the property and evidence function before the officer completes their shift.*
- 18.5 *Booking – The agency has the means to temporarily separate and secure property and evidence while it is waiting processing into the permanent storage facility.*
- 18.6 *Booking – The agency has the means to properly preserve and secure perishable property both temporarily and after it is received in the permanent storage facility.*
- 18.7 *Booking – The agency has the means to temporarily separate and secure evidence containing hazardous materials while it is waiting processing into the appropriate permanent storage facility.*

- 18.8 *The permanent storage facility has controls to keep property protected from unauthorized entry, fire, moisture, extreme temperature, and pests. At a minimum, alarms for unauthorized entry and fire must be monitored 24/7.*
- 18.9 *The permanent storage facility containing biohazards or organic matter has systems in place to prevent the exposure of hazards and noxious odors to agency employees and the public.*
- 18.10 *Physical Security – Access to the agency’s property and evidence facilities is restricted to authorized employees only.*
- 18.11 *Physical Security – The agency records the name, date, time, and purpose of persons who enter and leave the storage facility who are not assigned to the property/evidence function.*
- 18.12 *Physical Security – The agency provides additional security for guns, drugs, cash, jewelry, or other sensitive or valuable property, that is over and above that provided for other property and evidence.*
- 18.13 *Tracking – Evidence and property is packaged, individually tagged and logged into a centralized tracking system as soon as possible. The tracking system must accurately describe the current location of every piece of property and evidence.*
- 18.14 *Tracking – Every piece of property and evidence is related to a report describing the circumstances of the seizure or custody by the agency.*
- 18.15 *Tracking – The tracking system accurately records the movement of every piece of property and evidence by date, location, reason and person.*
- 18.16 *Tracking – Drugs are weighed using a calibrated scale whenever they enter or leave the secure facility.*
- 18.17 *Purging – The agency has policies governing the release and disposition of property and evidence in accordance with applicable state law.*
- 18.18 *Purging – Property containing hazardous materials, biological hazards or other materials restricted by State or local health regulations is disposed of properly.*
- 18.19 *Purging – When property is sold, the disposition of the money received is accounted for and recorded according to State law.*
- 18.20 *Purging – The agency destroys illegal drugs, contraband and other illegal items by methods that are safe. Documentation of destruction is maintained according to the State’s retention schedule.*

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

*18.22 Audits – An audit of property and evidence is conducted whenever a new employee is assigned over-all responsibility of the property and evidence function.*

### **Findings:**

The evidence and property control is managed by Jennifer Cooper, who is a civilian employee assigned to support services. Jennifer has served in the property control position for about 2.5 years and has received various levels of training from CJTC and IAPE. She has a remarkable grasp on her assignment and manages the property very effectively. The available storage for property and evidence is extremely limited but the area is well organized. Her immediate supervisor and alternate person for access to the property room is the Administrative Coordinator.

During inspection of the property room the LEMAP team found areas where the current General Orders Manual does not match agency practice. For example, the GOM indicates that firearms will be returned to the owner within 72 hours of seizure for safekeeping and that all appropriate background checks will take place before the firearms are returned. Although prudent to complete background checks before returning property under safekeeping circumstances, some appropriate checks take much longer than 72 hours making it impossible to meet the terms of the GOM.

In another problematic area, the GOM indicates the backup property officer is the Police Chief and that the Chief is to complete the annual audit of the property room. First, in current practice, the backup person is the Support Services Supervisor (Barbara Burns), not the Chief. Second, using an auditor who has access to the property room and is the primary backup for the property room officer is inappropriate and nullifies the value of the auditing process. Finally, there was a complete inventory of property conducted when the present manager took over in 2010 but the agency has not conducted any level of audits since. This level of neglect places the agency, and particularly property room staff, at risk of compromising the integrity of the property room and the overall evidence functions.

Bainbridge uses an effective property record system that allows officers to use a computer to enter the items directly into the property system. Once completed, the officer prints a hard copy for their report and the item is already entered into the computer with the necessary information. The property officer later retrieves the evidence for permanent entry into the evidence room, prints off the item input by the officer and creates the written chain of evidence record, maintaining both the electronic copy and the written copy. Surplus evidence is accounted for and auctioned by Propertyroom.com.

Another area of property room management that needs attention is that of regular purging of property/evidence. The LEMAP assessor found that purging has been difficult for the property room manager because it appears their supervisor cannot be freed up from their duties to assist with the process. With the limited space the property manager has available to house property the LEMAP team recommends developing policy and assigning several different employees to assist the property manager with purging of evidence.

The LEMAP assessor noted while there are good temporary evidence accommodations for the officers to secure evidence, the agency seems to be lacking protocols for securing evidence at the end of a shift. Current practice allows for officers to place evidence into a locker, take the key, and come back to finish entering the evidence at a later time – which may be after they have secured at the end of their shift. Policy and practice needs to ensure that all evidence/property is turned over to the evidence function before an officer secures at the end of their shift.

While the main evidence room is well maintained, overflow storage areas are inadequate. The agency recently added fencing and security for outside storage of oversized items and hazardous materials. But a separate room that is used to store evidence and drug take back medications is marginally secure and quite small. The door securing this room appeared to be hollow core and is secured by a single door lock and is adjacent to an unmonitored personnel door that allows access to the building from a nearby parking lot. All property room ingress/egress points must be fortified and preferably monitored by agency staff or video.

Finally, the LEMAP assessor sensed that the property manager has minimal communication with officers. It is her responsibility to ensure all items placed in her custody are accountable, safe, secure and organized. Communication with officers, including opportunities for her to address the officers in ways to package and submit evidence and property, should be made a priority to allow her the best possible opportunity to manage the property room effectively.

### **Recommendations:**

- 18.4** Agency policy and practice need to be consistent and ensure that all evidence is placed under the control of the evidence function before the end of an officer's shift.
- 18.6** All permanent and temporary evidence/property storage areas need to be properly secured including fortified doors, locks and alarms.
- 18.17** The agency needs to commit to a periodic, but consistent, schedule of purging evidence. Assistance for this task can be sought from supervisors or appropriate staff in the agency.

- 18.21** Develop policy, and create an agency custom, that formalizes consistent auditing processes for the property room. Audits should occur several times per year and at least one of the audits should be unannounced and involve an employee outside of the property room chain of command. Scope of the audit must include drugs, money, firearms and jewelry or other attractive items.
- 18.22** Ensure a thorough property room inventory is completed immediately following the arrival of the new Police Chief.

## Chapter 19—Prisoner Security

### WASPC Accreditation Standards:

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

**Findings:**

BIPD houses prisoners at the Kitsap County Jail in Port Orchard, which is 30+ minutes from the City limits. Occasionally officers need to house prisoners temporarily and they currently have use of two small (former jail) cells within the police headquarters building. The GOM is inadequate when directing the actions of officers when handling temporary prisoners and therefore handling practices among officers is inconsistent.

For example, in the last three years the maximum amount of time one prisoner was held in a temporary cell was 62 minutes. BIPD uses a sign in sheet/prisoner log to record the inspection or actions of prisoners held in temporary holding cells. During the 62 minute example there is no record of the prisoner ever being checked for safety or security, even though (according to officers) the prisoners are checked routinely. A formal record of safety and security checks of temporary prisoners would be beneficial following an unexpected (or unfortunate) incident.

Chapter 8 of the GOM does address basic expectations in handcuffing of detainees at time of arrest; however, there is little mention of transport officer responsibilities that direct handling of officer firearms and the use of restraining devices – particularly under unusual circumstances (sick, injured, disabled prisoner). Nothing in the GOM offered guidance on the handling of special needs prisoners (pregnant, sick or injured or disabled).

During interviews, officers were inconsistent with prisoner handling which underscores the problems with a lack of policies and written procedures. Officers are normally very good at problem solving but without clear policy language each member will approach problems, and in this case handle prisoners, differently which is highly problematic.

When booking prisoners at the Kitsap County Jail, booking officers involve the transport officer in the booking process and all information is collected directly from the officer at booking. This ensures important information, such as prisoners with medical or security risks, is passed on to jail staff at the time of booking.

Juveniles are temporarily held in an interview room which cannot be locked. Although insecure, this room does not have immediate access to toilet facilities. The GOM offers good guidance on supervision or security checks of these detainees but it appears, at best, that current agency practice of documenting custody actions and security checks is inconsistent.

**Recommendations:**

- 19.1** Ensure any new policy installation includes language about the use of restraining devices during prisoner transports. Policy should also address periodic update training on the use of these devices.

- 19.2** New policy should include more detailed language regarding the handling/transport of special needs prisoners.
- 19.5** Develop policy, and offer updated and documented training, that outlines specific expectations and responsibilities of transport officers including prior to, during and following transport to detention facilities.
- 19.7** Develop policy, and offer updated and documented training, on the responsibilities of officers using temporary holding facilities.