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# WASHINGTON COUNTY SHERIFF'S OFFICE

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## Comprehensive Use of Force Review Final Report and Recommendations





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## PERMISSIONS

The Washington County Sheriff's Office badge and all photographs in this report are used with the kind permission of WCSO.

## ABOUT POLIS SOLUTIONS

Polis Solutions, Inc. ("Polis") is a national research, technology, and training company that develops and implements customized, evidence-based solutions for police, criminal justice, and other organizations designed to improve safety and trust during face-to-face interactions. We have worked with police agencies of all sizes, from small departments that serve remote villages in Arctic Alaska to those serving the largest cities, including New York and Chicago. Whatever the project or its objectives, we begin and end with the premise that trust is the cornerstone of policing, and of the work we do to support it.

Our diverse team of nationally recognized professionals works collaboratively with agency and community stakeholders to develop, implement, and evaluate reform initiatives designed to effect substantive change in the delivery of criminal justice services. Each member of our team has extensive experience working on complex, sensitive police reform efforts. We deliberately use best practices from procedural justice, scientific research, and evidence-based policing to carry out each project task.

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## EXECUTIVE SUMMARY

In August 2020, the Washington County Sheriff's Office ("WCSO") awarded Polis Solutions a contract to undertake a comprehensive expert review of all policies, procedures, training, and other operational and administrative matters related to the WCSO's use of force. Sheriff Pat Garrett gave clear directions to the Polis team to generate a report that would include practical, actionable recommendations with significant potential to measurably improve how WCSO manages the use of force. Sheriff Garrett made it clear that by providing an objective, external perspective, Polis' report could serve as a catalyst for positive change and a continued evolution toward the adoption of best practices.

We ask readers to understand that it was outside the scope of our work to render opinions on particular instances of the use of force by WCSO deputies. It was also beyond our scope to analyze overall trends related to the nature and frequency of the use of force by WCSO deputies, either in the patrol or jail division.

We also want to note that due to COVID-related travel restrictions and other public health concerns stemming from the pandemic, the Polis team conducted all of our work remotely until June 2021, when we conducted a site visit. Under normal conditions, we would have preferred to visit Washington County much earlier in the project. However, it is important to note that pandemic-related constraints did not impede our team's ability to obtain the qualitative and quantitative data we needed to support our analysis and recommendations. We also want to note that WCSO was exceptionally cooperative in adapting to the many challenges and delays related to the pandemic.

At the outset of our project, Polis discussed with Sheriff Garrett and the WCSO executive leadership team that our primary recommendation would eventually be this: ***work deliberately to foster internal trust within the Sheriff's Office, and external trust between WCSO and the people of Washington County.*** Why make trust the cornerstone of a project focused on the use of force? As the Polis team emphasizes in all of our work, "trust is safety, and safety is trust." When trust among people is strong, they are physically and emotionally safer. And when trust is weak, their physical and emotional safety are endangered. At root, violence is the product of mistrust. When people are mistrustful of each other and lack the capacity or desire to resolve conflict in a collaborative manner, the risk of violence and conflict grows. Nowhere is this truer than in the police-community relationship. Likewise, when internal organizational trust is eroded, morale, productivity, and accountability are all harmed.



For this reason, *trust* is the concept that we most want to highlight in this executive summary, and throughout our report. We challenge WCSO to systematically approach every interaction within the Sheriff's Office and every interaction between the Sheriff's Office and the Washington County community as a decisive opportunity to build trust. The deputies and professional staff



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who have chosen to serve with WCSO must know with confidence that they can trust each other, even when they profoundly disagree. Effective leadership inevitably requires making unpopular decisions. When leaders make those decisions, employees' anger, frustration, and disappointment must be tempered by trust that the decisions were made fairly and objectively. Likewise, when WCSO deputies make decisions on the streets of Washington County and in the Washington County Jail that negatively impact community members, those individual people and the community at large deserve to be confident that WCSO acts with integrity, benevolence, competence, and predictability.

## **With these points in mind, our entire report may be summarized as follows:**

- Integrity, decision-making, and communication are the most important elements of safe, just, and effective policing. These elements must be reflected in every aspect of WCSO's policies, procedures, operations, training and administration.
- WCSO deputies should be selected, hired, trained, led, and held accountable to be honest, adaptive decision-makers who can communicate effectively and respectfully with all people, especially under dangerous and difficult conditions.
- Use of force by WCSO deputies should be grounded in a culture of *necessity* rather than a culture of *permissibility*.
- Every instance of the use of force at WCSO should be consistent with the organizational values of the Sheriff's Office: do your best, do the right thing, treat others the way you want to be treated.
- The sanctity and dignity of human life should be the ultimate guiding principle in all decisions regarding the use of force.

To be clear, there will always be situations in policing where physical force is the only safe and effective means to protect human life, including rare situations where there is no alternative to deadly force. Such situations tend to be dynamic, confusing, and dangerous. WCSO deputies should be trained, prepared, and expected to use force without hesitation where it is lawful and necessary to do so.

The founding ethical precept of medicine is "first, do no harm." Medical professionals have a moral obligation not to inflict harm on their fellow human beings if they can avoid doing so. However, medical professionals and nearly every patient understands that healthcare inevitably entails the pain, uncertainty, and unavoidable risks of myriad procedures and interventions. From aspirin to open heart surgery, every pharmaceutical or clinical intervention carries risks and benefits. While the risks are sometimes so overwhelming as to render an intervention unnecessary and unethical, it is far more common for risks to be uncertain and unknown.



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Like medical professionals, criminal justice professionals should be guided by the principle, “first, do no harm.” If WCSO deputies can safely and lawfully resolve a situation without inflicting legal, financial, physical, or other harm on their fellow human beings, such a resolution is always the ideal course of action. But like medicine, which cannot be practiced without inflicting pain and taking risks in the pursuit of health and wellbeing, law enforcement inevitably requires difficult decisions about when it is necessary to use force to protect peace and public safety.

Like healthcare professionals whose obligation is to use the safest, least invasive remedy possible, WCSO’s deputies have a moral obligation to consider safe options for avoiding or minimizing the use of force. However, unlike healthcare professionals, who typically have the benefit of their patients’ trust, law enforcement officers operate in the arena of conflict, mistrust, and diverging objectives. People agree to suffer and endure all kinds of pain and discomfort at the hands of medical professionals, because they rightly trust that in nearly all situations, patients and healthcare providers share the common goal of the patient’s wellbeing. But in many police-community interactions, the stabilizing benefit of common goals and trust is often absent, particularly in situations involving the actual or potential use of force.



Here, then, is the challenge that WCSO’s deputies face day and night: fostering an environment of trust that lessens the frequency and severity of the use of force, while also creating the conditions for a shared understanding that by its very nature, policing without the use of force is impossible.

We conclude this executive summary with an observation about our most noteworthy finding: throughout all of our interviews and conversations with the members of the WCSO, deputies spoke of the Washington County community with gratitude, respect, and appreciation for the level of public support they feel they have. The Polis team is hard-pressed to think of another agency where personnel express such unequivocal high regard for the community they serve. Particularly in the current political climate, we are accustomed to hearing police officers voice profound dismay, sadness, and sometimes anger and resentment at the erosion of community support. Not so in Washington County. To offer an example, one deputy we interviewed recounted an incident when he was off duty at a movie theater and saw a man whom he had arrested on numerous occasions. The man greeted the deputy, introduced him to his girlfriend, and thanked him for always treating him with respect and dignity. We also heard from several deputies who work in the Jail that they occasionally encounter people in the community who are prior adults in custody (AICs), and have positive interactions with them. We heard repeatedly from many WCSO personnel how grateful they are to have strong support from the community.





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To be fair, we know from experience that police agencies sometimes overestimate the level of community support that they have. And indeed, some community members with whom we spoke have deep misgivings about their relationship with the WCSO, and think WCSO needs to do much more to earn the trust of communities of color and of other historically marginalized groups. Even so, we have rarely come across an agency where personnel unanimously hold the community in such high regard.

Whatever the many challenges that WCSO faces in continuing to grow and evolve to meet local and national demands for improving police services, we think the “raw ingredients” of mutual trust are already present and available to be collaboratively built.



## INTRODUCTION

Polis Solutions (“Polis”) is pleased to submit this report to the Washington County Sheriff’s Office (“WCSO”) and to the people of Washington County whom they serve. The report provides detailed findings and recommendations resulting from Polis’ comprehensive review of policies, procedures, training, and practices related to the WCSO’s use of force.

Ensuring the legal and tactical soundness of policies, procedures, and training related to the use of force is a relatively straightforward process. However, legal and tactical soundness alone cannot provide an ethical foundation for the police the use of force. That foundation can only be rooted in mutual police-community trust. Mutual trust means that WCSO and the people of Washington County have a shared confidence that the words and deeds of the Sheriff’s Office are animated by integrity, benevolence, competence, and predictability.

Easy to remember using the acronym “IBCoP,” these “pillars of trust” are the foundation on which effective policing is built. The pillars may be defined as follows:

- **Integrity:** actions are ultimately motivated by honor and duty
- **Benevolence:** acting with selfless devotion to the good of other people
- **Competence:** continuous striving to use and improve best practices
- **Predictability:** doing the right thing no matter what

The pillars of trust must be especially strong if they are to support the most consequential actions undertaken by policing: the use of force. For this reason, while much of our report is devoted to technical discussions about how WCSO can continue to refine, modernize, and improves its policies, procedures, and training related to the use of force, our core recommendation to WCSO is this: ***work purposefully to build trust on every contact, every day, both inside and outside the Sheriff’s Office.***







## SOME BACKGROUND COMMENTS ON THE USE OF FORCE

Despite the many complex challenges related to generating accurate statistics, it is nonetheless well-established that across the United States, the police use of force remains rare and infrequent.<sup>1</sup> Of the millions of police-community interactions each year in the United States, very few involve violence. Even in situations that do turn violent, the vast majority are resolved using low levels of physical force. Likewise, injuries to community members and police officers are relatively infrequent and overwhelmingly minor.

Use of force data at Washington County mirrors these wider national trends. According to WCSO data provided to Polis, WCSO deputies had 182,340 public contacts in 2020, including responses to 119,158 calls for service, and reported using force a total of 465 times. This means WCSO patrol deputies used force on approximately one out of every 256 contacts. While the COVID-19 pandemic likely contributed to the significant drop in the total number of public contacts and calls for service in 2020, use of force numbers<sup>3</sup> for the preceding years were generally similar. Overall, reported use of force rates in Washington County are significantly lower than the estimated national average of police use of force, which is generally thought to occur or be threatened in approximately 1 - 2% of police-community contacts.<sup>2</sup> Among other factors, the below-average incidence of use of force in Washington County is probably attributable to relatively lower rates of violent crime.

To no surprise, use of force incidents by the Patrol Division in 2020 followed predictable trends consistent across the past several years: the incidents disproportionately occurred between 5:00 PM and 2:00 AM during responses to crimes of violence in just a few of the County's patrol beats: W20, W30, W50, and W60. Even in those situations that do involve the use of force, the level of violence is nearly always relatively low, and results in little or no injury either to community members or police officers. Nonetheless, WCSO deputies were involved in three shootings in 2020, two of which resulted in the death of the suspect.

As for the Jail Division, for the three-year period from 2017-2019, the Washington County Jail averaged about 18,000 bookings per year and had an annual average of 508 reported instances of the use of force. A disproportionate number of these incidents occur in the Intake Area, Medical Observation Unit, and Pod 3 (high security adults in custody). As with use of force events in the Patrol Division, these trends are unsurprising. Nearly all of the reported uses of force in the Jail comprised low-level and intermediate control and restraint tactics. We want to note that WCSO did not have final use of force data for the WC Jail for 2020 as of the time we completed this report. However, WCSO executive leadership told us that based on preliminary figures, use of force in the Jail may have increased by as much as 20% in 2020 despite a large drop in bookings. WCSO advised the Polis team they think that the increased use of force is an anomaly overwhelmingly attributable to restrictive confinement conditions mandated by the COVID-19 pandemic, as well as to the heightened burden placed on the Jail to manage people in crisis

<sup>1</sup> <https://www.usccr.gov/pubs/2018/11-15-Police-Force.pdf>

<sup>2</sup> <https://bjs.ojp.gov/content/pub/pdf/cpp15.pdf>

<sup>3</sup> WCSO defines use of force as any action above compliant handcuffing.



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who under non-pandemic conditions would have other resources available to them. We tend to think this hypothesis has merit, though refuting or verifying it is beyond the scope of our project. In addition, the adults in custody (AICs) during the ongoing pandemic are disproportionately people who have committed more serious, violent offenses, and who therefore have higher level security classifications. WCSO also told the Polis team that due to pandemic-related backlogs in the court system, offenders awaiting trial are remaining incarcerated for longer periods of time than they would have under pre-pandemic conditions. The Jail has continued to keep COVID restrictions in place to ensure the health and safety of AICs and personnel. At such time as COVID restrictions can be lifted and the demographics of the Jail population return to pre-pandemic norms, we encourage WCSO to carefully evaluate use of force rates for what we hope would be a corresponding decrease.

With the preceding background information in mind, and prior to going into the full detail of our findings and recommendations, we think it will be useful for readers to consider some social scientific and ethical concepts about the police use of force.

It is a sign of society's moral health that we are shocked and offended by violence. Criminal violence is frightening and offensive; however, people see a certain wicked consistency when criminals harm their fellow human beings. By contrast, when the police use violence, it can upset community members in a different way: it may leave them wondering how and why the very people they entrust to protect the peace resort to the use of force. And in many historically marginalized communities, longstanding power imbalances and inequities leave some people feeling even more helpless, frightened, and hopeless in the face of the police use of force.

Society entrusts the police with the capacity to use what sociologist Egon Bittner called "non-negotiable coercive force" to resolve situations that cannot be handled peacefully either by the police or anyone else.<sup>1</sup> Bittner explained that society expects – in fact even *demand*s – that the police use force to resolve certain situations that cannot be safely and effectively remedied in any other way. However, there are inevitably situations where the police use of force generates controversy and outrage. And because the use of force is shaped by so many complicated and interrelated factors, it is impossible to fully understand, predict, and control what happens during the throes of violent confrontations.

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Utopian dreams aside, there will always be situations where the legally sanctioned police use of force, including deadly force, is necessary to protect peace and social order. Defining those situations and deciding how they should be resolved poses an intractable and continuously evolving dilemma for the police and the communities they serve.

That dilemma is at the center of Polis' report on the use of force at WCSO.

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<sup>1</sup>Egon Bittner, *Aspects of Police Work*. Boston: Northeastern University Press, 1990



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Use of force statistics cannot capture this moral paradox at the center of society's relationship with the police, namely that some people fear and mistrust the very institution they empower with the legal capacity to use force. Bittner explained this fear and mistrust in terms of three basic truths that he thought defined policing as a unique social institution:

- 1. Tainted Occupation:** we both admire and fear the police because of their legal and moral mandate to use violence to keep peace.
- 2. Peremptory Solutions:** the mission of the police requires them to impose solutions that are never a "win-win" proposition for the person who gets a traffic ticket, goes to jail, and so forth.
- 3. Divisive Presence:** the police disproportionately interact with people who are already marginalized and disadvantaged. Put another way, the police tend to touch society where it already hurts.

For Bittner, these three basic truths form the backdrop of all wider social debates about the police use of force. The Polis team thinks they are exceptionally helpful in providing context for WCSO and the Washington County community as they work collaboratively to find better ways to manage and minimize the use of force, and to build mutual trust

On this last point, we recognize that recent national and local events have created unprecedented challenges in the relationship between law enforcement agencies and the communities they serve. In Washington County, the deeply troubling case of Albert Molina illustrates how community trust is damaged when law enforcement actions fall short of public expectations, agency standards and values, and professional best practices.<sup>1</sup>

During the course of Polis' review, WCSO executive leadership brought to our attention an allegation of excessive force against an adult in custody (AIC) in the Jail, which was initially reported by a fellow deputy. Sheriff Garrett referred the matter for outside criminal investigation by a neighboring agency and the Washington County District Attorney. While there was no finding or charge of criminal wrongdoing, Sheriff Garrett determined that the underlying conduct nonetheless warranted terminating the employment of the deputy involved in the matter. Although the evaluation of particular incidents was outside the scope of Polis' review, we do find it encouraging that the decisiveness of the Sheriff's response to this unfortunate incident reflects significant progress in accountability compared to the handling of the case of Albert Molina.

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<sup>1</sup><https://co.washington.or.us/CAO/molina-settlement.cfm>

Repairing damaged trust is no easy task and requires patience, perseverance, and internal as well as external efforts. Policy changes and training revisions do not take place in a social and cultural vacuum. It is relatively easy to change the language of policies and procedures, and to transmit these changes across an organization through training and education. But it is far more challenging to ensure that change is implemented in a sustainable, measurable manner that support an organization's mission in keeping with its core values. Polis is committed to supporting the WCSO as it seeks to take a rigorous approach to reform and organizational change that go beyond a fleeting response to immediate crisis.

## PROJECT MANDATE AND SCOPE

In August 2020, Polis was awarded a contract by WCSO to undertake a comprehensive expert



review of all WCSO policies, practices, and training related to the use of force. The review project was initiated at Sheriff Pat Garrett's direction to provide WCSO with an objective, evidence-based foundation for ensuring that in all matters related to the use of force, WCSO is meeting or exceeding national best practices. As Sheriff Garrett explained to the Polis team, he and WCSO executive leadership wanted to have a diverse group of outside experts offer honest, candid feedback to WCSO, and formulate

actionable recommendations for reform and modernization to ensure that WCSO is employing the highest legal, tactical, technical, and ethical standards to manage and minimize the use of force. The Sheriff was explicit in telling the Polis team that he wanted a clear, sustainable action plan to help effect measurable change.

Toward that end, when the Polis team officially launched our project in September 2020, we began by asking Sheriff Garrett and the WCSO leadership team to identify the outcomes they wanted from Polis' review, and to identify the measures of success that would enable them to know the extent to which the outcomes have been achieved. We consistently heard that the most important outcome would be a set of recommendations and reforms that WCSO could methodically implement. The Polis team believes we have met that objective with the present report, and looks forward to assisting WCSO in developing and executing an action plan for implementation.



## PROJECT METHODOLOGY

Polis' technical approach to this project is founded on our guiding belief that "trust is safety and safety is trust." While we have examined a wide range of operational, administrative, and training issues at WCSO related to the use of force, our ultimate concern has been to identify strengths and weaknesses in the dynamics of external trust between the Washington County community and WCSO, and internal trust at WCSO.

In order to meet the project's strategic objective of providing the WCSO and the Washington County community with a rigorous, transparent, objective, and actionable review of all WCSO policies, procedures, and training related to the use of force, Polis utilized a range of complementary approaches to elicit input from both WCSO personnel and community stakeholders, and to collect and analyze data, policies, and procedures related to the use of force.

Polis undertook an extensive effort to conduct several rounds of anonymous, confidential stakeholder interviews with WCSO personnel and community members. Polis team members conducted a series of phone and/or video interviews with WCSO personnel of all ranks from both the patrol and jail divisions. We also conducted focus-group interviews with WCSO training personnel to dive deeper into use of force training policies and procedures. The interviews and focus groups helped us learn in close detail about all aspects of WCSO's operations, administration, training, and organizational culture pertaining to the use of force. These interviews also helped the Polis team establish a clear set of objectives for the project by which its outcomes could be measured and assessed and also allowed us to build rapport and trust with WCSO personnel. In addition to these formal interviews, Polis held ongoing follow-up conversations and meetings with organization staff to seek additional information and clarification, and provided regular briefings to executive leadership on our progress.

Polis also conducted a series of telephone and/or video interviews with a cross section of community leaders and stakeholders to learn more about community perceptions and concerns about all aspects of WCSO operations, training, and organizational culture pertaining to the use of force and related matters of police-community trust. We reached out to a total of twenty (20) community stakeholders, whom we identified through our own research and via conversations with the Sheriff's Office as people with diverse backgrounds and opinions. Unfortunately, we were only able to reach and interview a total of eleven (11) community members despite repeated efforts to contact everyone our list by phone and email.

In both our agency and community interviews, we made a deliberate effort to identify and give voice to critical perspectives. As we told Sheriff Garrett and other executive leaders early in the project, we wanted to hear from people inside and outside WCSO who are skeptical and mistrustful. We think we succeeded in collecting a diversity of opinions, and appreciate the Sheriff's agreeing to our standard practice of making all of our project interviews confidential and anonymous to ensure that people felt completely free to speak their minds.





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We also worked with the WCSO Public Affairs Unit to complete a press release. Coincident with the press release, Polis set up a dedicated email inbox to receive and manage direct inquiries, comments, and questions about the project from the community. We only received a total of five (5) community emails regarding the project. All emails were catalogued in a spreadsheet, responded to, and if applicable, directed to an appropriate representative at WCSO for matters that Polis did not have the knowledge or authority to address.

To complement the qualitative data that we collected during stakeholder interviews Polis requested and reviewed WCSO data and more than one thousand documents related to the review. WCSO also gave Polis direct access to their PowerDMS system, which allowed us to identify and review additional agency materials on a continuing basis. This was particularly helpful in ensuring that we were keeping up with changes and reforms occurring in the middle of our engagement. Members of the Polis team were assigned to review specific documents, and to prepare written summaries of their findings. The Polis team held bi-weekly internal meetings throughout the project to continuously review and discuss our emerging findings and recommendations, and to establish consensus on areas of concern or disagreement.

Finally, to help us analyze in closer detail how WCSO's defensive tactics training influences officers' front-line decisions and actions related to the use of force, Polis administered two online surveys to WCSO personnel that we originally developed for the U.S. Department of Justice Bureau of Justice Assistance as part of a separate project to improve training on police use of force and use of force decision-making. The first survey was for line deputies in both the patrol and jail divisions. There were 413 responses to this survey. The second survey was administered to use of force instructors, and received 63 responses. All survey responses are anonymous.



## POLICE ORGANIZATIONAL CULTURE

It is a cliché in policing that “culture eats policy for breakfast.” We invoke the phrase here to offer an important cautionary note about the inherent limits of policy changes, and how those limits may influence reforms at WCSO. It is the ultimate responsibility of law enforcement leaders to set conditions within their organizations that foster the effective implementation of new policies. Among other things, this means leaders must be attuned to the culture of their organizations, recognize where culture can adapt to new conditions, and know where it must be challenged to evolve and progress. Although it is impossible to deny that police culture can be notoriously resistant to change, it is equally true that American policing has radically evolved and professionalized since the end of World War II, and even more so in the past generation.

On a matter as critical as the use of force, police leaders must be vocally and visibly involved in the implementation of policy changes, and in the process of supporting the cultural evolution necessary for that change to take root and grow. With that in mind, before presenting our recommendations for revising WCSO’s use of force policy, we want to state our unequivocal belief that they must be solidly grounded in an organization-wide commitment to the principle that the use of force by WCSO deputies must be limited to situations where it is *necessary*, and not merely *permissible*.

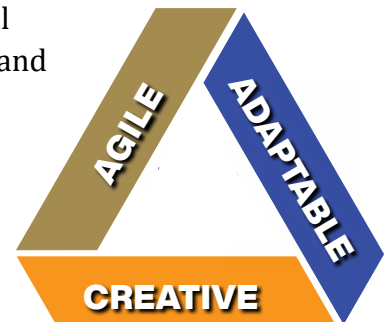
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As such, we propose a cultural shift in how WCSO thinks about the application and evaluation of the use of force. In those situations where force is necessary, deputies must use it in a proportionate, reasonable manner shaped by a practical respect for the sanctity and dignity of human life.

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We say “practical” respect, because while it easy to speak abstractly of the sanctity and dignity of human life and to include it is in policy language, it is another to put that principle into action on the street or jail in dangerous, dynamic situations where the lives of WCSO deputies and community members are at stake.

The successful shift to a paradigm of necessity grounded in practical respect for the sanctity of life requires that deputies act to anticipate and resolve dangerous situations in a manner that is agile, adaptable, and creative. Empowering deputies to do this means training, leading, and entrusting them to act upon a mission-driven mindset rooted in standards of excellence. Based on all that we have learned and observed about the WCSO, we think it is an organization that is eminently capable of embracing a culture of necessity.







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To expand on this point, we commend the numerous members of WCSO at all ranks with whom we spoke for frankly expressing their opinions that WCSO can and should do a better job of evaluating the use of force by the highest standards of excellence, instead of merely looking for threadbare conformity with existing policy and practice. We think this desire for excellence is an essential part of moving to a paradigm of necessity. Like nearly every other law enforcement agency in the United States, WCSO shares a deeply rooted cultural resistance to evaluating and judging the use of force. In counterproductive deference to this culture, assessments of the use of force can sometimes lack the degree of criticism necessary to improve best practices and accountability. We heard on a number of occasions from WCSO personnel across a wide range of ranks that avoidable instances of the use of force at WCSO sometimes go uncriticized, because they are viewed through the narrow lens of conformity to existing policy, rather than evaluating them against best practices. As such, these personnel told us, deputies' actions can sometimes be judged as technically "in bounds" even if evaluators know in their heads and hearts that there were clearly better courses of action that could or should have been taken.

Unfortunately, there is a deeply-rooted tendency in nearly every police department – including among some members of WCSO from what we gather – to confuse the rigorous, scientific evaluation of use of force with "Monday morning quarterbacking" or "second-guessing." For this reason, despite the administrative formality of the evaluation process, the quality and objectivity of the findings it yields inevitably suffer when evaluators feel held back by the idea that "since I wasn't there, I can't really judge."

Polis knows from our own research and research conducted by others that in fact, the right course of action in situations involving the use of force is not a subjective, individual decision, but rather closely follows best practices on which experts significantly agree.<sup>1</sup> More simply put, evidence shows that experts in any law enforcement organization will generally agree on the best way to handle a situation. In light of this fact, training and evaluating the use of force is much closer to decision-making processes in fields such as aviation and medicine, and should be treated as such. As we explain in greater detail below, WCSO should establish expert standards for use of force decision-making, and treat these as the baseline for evaluating performance.

To return to our core theme of building internal and external trust, we think that implementing a culture of necessity related to the use of force involves patient, deliberate communication with WCSO and community stakeholders alike. We have seen instances where adopting more restrictive standards for the use of force is misunderstood by line officers as a message that they will get in trouble when they do have to use force. We also know that especially in the current political climate, some community members have unrealistic expectations about the police use of force, and can benefit from listening and learning sessions where agency representatives can explain and demonstrate the complexities and dangers of real-world police-community interactions.

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<sup>1</sup> <https://www.ojp.gov/ncjrs/virtual-library/abstracts/police-expertise-and-use-force-using-mixed-methods-approach-model>



## FINDINGS AND RECOMMENDATIONS

We have divided our findings and recommendations into the following general categories:

- **Use of Force Policy**
- **Use of Force Data Analysis and Tracking**
- **Use of Force Internal Accountability**
- **General Operations**
- **Training and Education**
- **Use of Force Training**

Some of our recommendations can be implemented quickly, easily, and at little or no expense. We want to be frank in saying that other recommendations will take significant planning and patient collaboration among numerous stakeholders. We counsel WCSSO to ensure that for whichever of our recommendations it decides to implement, it do so in a transparent, inclusive manner that deliberately fosters internal and external trust. We think especially that dissenting and diverging opinions within the WCSSO and wider Washington County community should receive a fair, patient hearing in all planning and deliberations regarding next steps.

# **USE OF FORCE POLICY**



In this section, the Polis team outlines a number of detailed recommendations for revising and improving WCSO's Use of Force policy.

**1. WCSO should continue its efforts to holistically change its organizational culture and overall strategy for use of force policy, training, review, and accountability.**

Polis commends WCSO leadership for acknowledging that changes to use of force policy, training, and accountability systems are necessary, and for taking the initiative to authorize this evaluation and review. As we have already emphasized above, the changes and recommendations identified by the Polis team surrounding use of force policy, training, review, and accountability require a shift in the organizational culture and mindset around use of force. The need for such a shift is not unique to WCSO and reflects the wider national debate regarding the police use of force. A core component of this holistic and comprehensive approach and subsequent culture change is the institution-wide implementation of best practices in adaptive decision-making and communication that go beyond mere technical proficiency in siloed skills such as firearms and defensive tactics. We explore this approach in several of our recommendations below. The approach further entails that WCSO review use of force from a wider perspective that goes beyond examining the immediate moment when force is used, and considers police-community interactions before, during, and after the use of force. This broader assessment and review of uses of force encourages WCSO to consider the holistic context of deputies' decisions and actions. This also encourages WCSO to identify potential gaps in policy, training, and ultimately both officer and public safety.

**2. WCSO should revise General Order 1302-R10, *Use of Force Principles*, to include more unequivocal language on the sanctity and dignity of human life as the guiding principle for use of force decisions.**

We recommend that WCSO embrace a ***commitment to the sanctity and dignity of human life as the guiding principle for anything and everything related to the use of force***. The current use of force policy language reads as follows: "the Washington County Sheriff's Office respects the value of all human life, and we strive to protect the sanctity of life during the performance of our duties." We recommend more unequivocal language such as this: ***"Protecting the sanctity and dignity of human life is the highest priority of the Washington County Sheriff's Office. Our decisions and actions related to the use of force will always follow this principle."***

WCSO leadership also needs to provide context for the application of this principle. Protecting human life means that deputies will be trained, led, and held accountable for acting with patience and restraint in situations where it is safe to do. Protecting human life also means that deputies will be trained, led, and held accountable for taking immediate action to protect human life when it is necessary to do so.



### **3. WCSO should adopt consistent language in policy, training, and other documents that humanizes community members rather than abstractly referring to them as “threats.”**

We noticed that in numerous documents, including various policies and the annual use of force reports, WCSO often refers to “threats” rather than “threatening people,” “violent people,” and so forth. Polis recommends always using language that humanizes community members. Doing so follows the highest ethical standards, and helps avoid an “us-versus-them” mindset that is harmful to community trust. We also recommend adding language to WCSO use of force policy documents affirming that decisions about the use of force will be based on the sanctity of human life and will respect the dignity of all persons regardless of the various demographic, social, racial, and other groups to which they belong or with which they identify. Chicago PD’s policies include some helpful guidelines.

### **4. Consistent with the adoption of the sanctity of human life as the guiding principle of all WCSO decisions related to the use of force, WCSO should revise General Order 1303-R06 *Use of Deadly Physical Force*.**

Following promising best practices adopted by numerous agencies including Dallas, Durham (NC), Madison (WI), Phoenix, Sacramento, and San Francisco, WCSO should revise General Order 1303-R06 to authorize the use of deadly force only as a last resort. The revised policy should note that deputies may only use deadly force as a last resort to protect themselves or others from what they reasonably believe is an imminent threat of death or substantial bodily injury. The new language should be balanced to acknowledge that the determination of last resort must be based on officers’ reasonable belief in light of the totality of the circumstances at hand that all other options have been exhausted or would be ineffective. The language should emphasize the importance of attempting de-escalation techniques whenever safe and feasible, while also stating unequivocally that there are critical situations such as active assailant incidents and close-quarters violent attacks where immediate deadly force is necessary.

### **5. WCSO should revise General Order 1302-R10, *Use of Force Principles*, to include language limiting the use of force in situations of non-compliance with verbal commands, where there is no articulable immediate threat to the deputy or other persons.**

Although we did not see evidence that this is a problem at WCSO, we nonetheless recommend that WCSO policy be revised to limit the use of force in situations where a person is ignoring lawful orders but does not otherwise pose an immediate threat to deputies or others. Unfortunately, too many police agencies continue to rely on the outmoded and legally insupportable model of “ask, tell, make.” Recent court decisions nationwide, such as the recent 9th Circuit ruling in *Rice v. Morehouse*, 989 F.3d 1112 (9th Cir. 2021), to say nothing of best practices, clearly require that law enforcement agencies must use tactically and ethically appropriate ways to remedy situations of passive non-compliance. As the 9th Circuit ruled



in *Deorle v. Rutherford*, 272 F.3d 1272 (9th Cir. 2001), and has cited in numerous cases since,“ a desire to resolve quickly a potentially dangerous situation is not the type of governmental interest that, standing alone, justifies the use of force that may cause serious injury. There must be other significant circumstances that warrant the use of such a degree of force at the time it is used.” This longstanding precedent and the ensuing evolution of policing practices and community standards dictate the effective use of social interaction skills, time, distance, and in some cases simply disengaging from situations where the risks of confrontation outweighs the law enforcement and government interest at hand.

**6. WCSO should combine General Orders 1302-R10, 1303-R06, 1304-R05, 1305-R04, 1306-R03, and J-14-14 to integrate the directives provided on use of force and avoid duplication of definitions and directives.**

WCSO currently has five separate general orders related to use of force. These include General Orders 1302-R09 *Use of Force Principles*, 1303-R04 *Use of Deadly Physical Force*, 1304-R05 *Use of Force Injuries*, 1305-R04 *Use of Force Writing Reports*, 1306-R03 *Use of Force Approving Reports*, and *Use of Force in a Jail Setting*. A single, comprehensive policy on use of force will ensure that deputies understand WCSO’s broad directives of use of force and eliminates the need to review and understand six separate policies. One inclusive policy also outlines the various processes and directive in once central location and encourages greater accountability and compliance. We also noted that the first General Order in Chapter 1300 is 1301, *Intrusive Body Searches*. We recommend that the new integrated Use of Force policy be the first one in the Chapter, and that *Intrusive Body Searches* be moved to a more logical place.

**7. WCSO should revise and expand General Orders 1302-R10 *Use of Force Principles*, 1303-R04 *Use of Deadly Physical Force*, and J-14-14 *Use of Force in a Jail Setting* to ensure they provide more comprehensive directives and adapt promising practices and current research on the police use of less lethal and deadly force.**

In the addition to the single, comprehensive policy described in the recommendation above, WCSO should revise and expand its use of force policy to align with best practices, directives, standards, current research, and model policies from other agencies whose use of force policies have recently undergone major revisions. Some notable examples are Albuquerque PD, Las Vegas Metropolitan PD, Los Angeles PD, San Francisco PD, and Tucson PD. In comparison to these and other well-regarded policies, WCSO’s current policies are exceptionally brief, and do not contain detailed information and guidelines typically found in best practice policies. Among other elements, the revised WCSO policy should include levels of force and resistance, proportionality and cessation, duty to report, de-escalation/ force mitigation, use of force techniques, decision-making model, objective factors that affect the reasonableness of the force, medical attention, and the reporting and investigative process of use of force incidents. The policy should also address the use of force in situations involving children,



people who are elderly, pregnant, visibly frail, or who have apparent physical, emotional, cognitive, or sensory disabilities. We provide further detail on some of these elements in the recommendations that follow below. Once implemented, a comprehensive use of force policy ensures greater comprehension among deputies on the tools, tactics, and philosophy of the department, enables greater accountability, and reinforces both internally and externally the importance with which the agency upholds the standards of use of force.

**8. WCSO should revise 1302-R10, *Use of Force Principles*, to ensure that the content is logically organized to optimize comprehension and compliance.**

As written, the policy intermingles definitions, principles, and procedural directives. The terms outlined in the current policy are presented as definitions rather than operational principles. While it is useful to define key terms, these are not a substitute for guiding principles that deputies must be expected to enact in the field. Furthermore, several of the terms are reflective of specific procedures rather than their proper application. For example, the provided principle, "[a] deputy will issue verbal warnings or commands, whenever feasible, prior to and during the application of physical force, intermediate force, or deadly physical force" is a directive on the actions a deputy should take prior to using force. Similarly, the principles included within this General Order describe various actions deputies should take before, during, and after use of force. On the contrary, a use of principle may include a statement such as the sanctity of human life and discussion on the necessity and proportionality of use of force.

**9. WCSO should revise 1302-R10, *Use of Force Principles*, to ensure that the policy meets or exceeds the latest and highest professional and legal standards.**

Following best practices, WCSO should revise language and standards in 1302-R10 to require that the use of force must be objectively reasonable, necessary, and proportionate. The current WCSO policy only requires a standard of "objective reasonableness," which is briefly explained with paraphrasing from the Supreme Court's ruling in *Graham v. Connor*. *Graham* provides a Constitutional basis for the judicial review of officers' use of force by treating the police use of force as a seizure under the 4th Amendment. Despite its landmark importance, the Supreme Court's ruling in *Graham* neither offers, nor was it intended to offer, any useful practical guidance on the operational application of force. Accordingly, we recommend that WCSO follow emerging national best practices and adopt standards for the use of force that set a bar higher than the threshold established by the Supreme Court in *Graham*. As our colleague, Seth Stoughton, argues in a recent article, *Graham* provides "little to no guidance to officers about whether and how to use force." Stoughton cautions accordingly that agencies cannot address the needs particular to themselves and their communities by treating *Graham* as the sole or primary basis for regulating the use of force.<sup>1</sup>

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<sup>1</sup> [https://scholarlycommons.law.emory.edu/elj/vol70/iss3/1?utm\\_source=scholarlycommons.law.emory.edu%2Felj%2Fvol70%2Fiss3%2F1&utm\\_medium=PDF&utm\\_campaign=PDFCoverPages](https://scholarlycommons.law.emory.edu/elj/vol70/iss3/1?utm_source=scholarlycommons.law.emory.edu%2Felj%2Fvol70%2Fiss3%2F1&utm_medium=PDF&utm_campaign=PDFCoverPages)





With respect to the need for a broader, holistic approach to use of force decision-making that accounts for what precedes the actual or potential use of force, Polis recommends that WCSO adopt what we call a “Graham Plus” standard. By Graham Plus, we mean WCSO should require, train, lead, and expect deputies to ensure that their actions **before, during, and after** the use of force are **reasonable, necessary, proportionate, and respectful** of human life and dignity. Polis thinks such a Graham-Plus standard offers a safe, effective, and ethically sound way for agencies to evolve beyond the increasingly untenable practice of relying primarily on *Graham v. Connor* as the basis for use of force policy and practice.

## **10. WCSO should clarify and expand the definition and explanation of de-escalation within General Order 1302-R10, *Use of Force Principles*.**

As written, the current language offers a broad definition of de-escalation, but does not set forth standards or guidelines for the operational application of de-escalation and force mitigation techniques. The current language is also confusing insofar as it implies that officers should not use force when legally justified or that they should use less force than may be necessary. While it is essential for deputies to employ de-escalation tactics whenever it is safe to do so, such an expectation should not be confused with the dangerous practice of hesitating to use force when it is necessary and lawful. Indeed, there are many instances where a low level of physical control such as handcuffing used early in a situation can reduce or eliminate the need for higher levels of force. The wider point we want to make here is that de-escalation and use of force should not be viewed as sequential, mutually exclusive practices. Rather, best practices in adaptive decision-making require that officers constantly balance and rebalance skills of influence and skills of control to address the unique conditions of each situation. With the preceding points in mind, we suggest that WCSO examine de-escalation and force mitigation policies from agencies such as Las Vegas (NV), San Francisco (CA), and Chicago (IL). As a starting point, we highlight the Las Vegas Metropolitan Police Department’s (LVMPD) definition of de-escalation: “An officer’s actions to slow down, stabilize, and resolve an incident as safely as possible by reducing danger through the use of verbal persuasion, tactics, resources, and transitioning through force options.”

## **11. WCSO should revise 1302-R10 *Use of Force Principles* to clarify the authority of the division commanders in the development of use of force procedures specific to their divisions.**

General Order 1302-R10 *Use of Force Principles* states “Division Commanders May Develop Use of Force Procedures for Specific Application Within Their Divisions. Divisional procedures must augment and not conflict with these general procedures and must be reviewed by the Survival Skills Committee.” This General Order provides no additional clarity on the specific process and procedures Division Commanders must follow when developing use of force procedures outside of those included within the department wide General Orders. This lack of clarity increases concern over the consistency in which use of force is



trained and applied across the department and also raises issues in the potential lack of accountability for improper use of force. Although the policy states that these division specific use of force procedures; must be reviewed by the Survival Skills Committee, no further guidance is provided regarding the inclusion of these newly developed procedures within policy or any formal documentation. Further, it is unclear how the decision is made to develop division specific use of force procedures, for example whether this decision is informed by a review of the use of force data. It is also unclear to the team why it would be necessary for the Division Commanders to develop use of force procedures not currently trained or directed within department policy.

**12. WCSO should revise General Order 1303-R06 *Use of Deadly Physical Force* to explicitly prohibit the use of warning shots.**

General Order 1303-R06 *Use of Deadly Physical Force* currently states:

*The Use of Warning Shots is Discouraged. Deputies may use warning shots when the only other resolution to the situation would be the use of deadly physical force. A deputy will fire such warning shots into an adequate backstop to minimize the potential for unintended injury or loss of life.*

The practice of allowing warning shots is outdated and inconsistent with national best practices, and is fraught with serious legal and safety risks. We understand there was an incident in Washington County where a deputy successfully resolved a potentially deadly confrontation by firing a warning shot under circumstances where he was alone and surrounded by a hostile crowd. Although use of force policies should always allow for deputies to take extraordinary actions in life-and-death situations like this one that are not otherwise enumerated in standard operating procedures (see our next recommendation), such exceptional actions should not necessarily become rules or policy. We further advise that WCSO seek legal counsel on the implications of either allowing or prohibiting warning shots, and consider as well how allowing warning shots may foster unrealistic community expectations about the resolution of extremely dangerous confrontations.

**13. WCSO should revise General Order 1303-R06 to include language entrusting deputies to use improvised tactics and tools when reasonable and necessary to safely and lawfully resolve exceptional, dynamic situations.**

Polis recommends that WCSO add language to General Order 1303-R06 acknowledging that no use of force policy can anticipate or enumerate every possible situation that can arise in the inherently unpredictable environment of police-community interactions. As such, WCSO should adopt national best practices and entrust deputies to use their discretion and adaptive decision-making skills to devise improvised tactics and tools when it is reasonable and necessary to do so in order to safely and lawfully resolve exceptional and unforeseen situations. Sacramento (CA), Bend (OR), BART (Bay Area Rapid Transit), and



Salt Lake City (UT) police departments are among the many agencies that have implemented such language.

**14. WCSO should add a use of force decision-making model in General Order 1303-R06 *Use of Deadly Physical Force* and 1302-R10 *Use of Force Principles* that gives deputies greater detail and clarity on the various levels of control tactics and force options authorized to control different degrees of resistance.**

Use of force decision-making models vary widely. While some agencies utilize a graphic model to illustrate the various levels of force and resistance to depict an officer's decision-making process, others rely on comprehensive and detailed descriptions within their use of force policies. As noted in previous recommendations, WCSO's current use of force policies do not include a decision-making model and associated scales of necessary, proportionate response to various levels of threat or risk. In developing an effective model, WCSO should build on research and best practices on adaptive decision-making, as well as on best practices in control tactics, de-escalation, and social interaction skills. The model that WCSO implements should account for the complex and dynamic nature of officers' decision-making processes. The model should also reflect the operational reality that rather than making a mutually exclusive choice between de-escalation and force, deputies must continuously balance and integration what Polis calls *skills of influence* and *skills of control*. In addition, the decision-making model should give deputies clear practical parameters for assessing the necessity and proportionality of force. For example, WCSO should include within its policies directives on how use of force must cease immediately when resistance stops and/or when a suspect is under control. Finally, we refer WCSO to this helpful new review by Di Nota, et al. (2021) of graphic models for police use of force decision-making: <https://www.mdpi.com/2411-5150/5/1/6>.

**15. WCSO Policy 1304-R04, *Use of Force Injuries* should be revised to include greater detail on the duty to provide medical care to community members after a use of force.**

WCSO's Policy 1304-R04, Use of Force Injuries is brief and provides deputies rather limited direction on the importance of providing prompt and continuous medical care following the use of force. While the policy focuses on seeking medical care to "Any threat [sic] who has lost consciousness, appears to lose consciousness, or is in need of emergency medical care..." as well as medical care to a suspect after a deputy uses a conducted electrical weapon (Taser), it fails to provide direction on the specific circumstances in which deputies should seek medical assistance, their duties to continuously monitor suspects' medical needs, and the responsibility of deputies to respect the sanctity of life and pay particular attention to children, people who are elderly, pregnant, frail, and so forth.

Further this policy, if not combined with the other use of force related policies should include a sanctity of life statement and principle. In addition, the duty to continuously monitor



individuals for potential medical intervention after any use of force should be included within this policy. While the seeking of medical attention and aid may be adequately trained upon and implied as part of a deputy's responsibility, establishing this responsibility within policy increases accountability and improves WCSO management of risk when a deputy fails to follow policy resulting in further injury or death of an individual after a use of force incident. WCSO should refer to best practice policies for examples of language used on the topic of use of force injuries and medical aid within use of force policies.

**16. WCSO should revise General Order 1303-R04 *Use of Deadly Physical Force* to include directives on providing clear verbal warnings and/or visual warnings, when feasible, prior to the use of deadly force.**

As noted in a previous recommendation, General Order 1303-R04 *Use of Deadly Physical Force* should be revised to provide comprehensive directives on the proper use of deadly force. This revision should include a directive on providing verbal warnings, when feasible, prior to the use of deadly force. While the team understands some incidents occur fairly rapidly or involve officer safety concerns, where able, deputies should be providing warnings prior to using deadly force. This will ensure greater officer safety among the officers responding to the scene and serves as a method of de-escalation.

**17. WCSO should include additional directives on when baton strikes, neck restraints, and less lethal munitions should be used within 1303-R06 *Use of Deadly Physical Force*.**

WCSO's General Order 1303-R06 *Use of Deadly Physical Force* does not provide extensive detail on the tools and tactics available to officers when using force. As noted in previous recommendations, WCSO should revise General Order 1303-R06 to improve its comprehensiveness. Furthermore, this General Order should also include the use of various tools and tactics in the application of force. Tactics such as tertiary target baton strikes and targeting of the head/neck with less lethal munitions should be further described and defined. Further, the use or prohibited use of such tools and tactics should be clear and concise ensuring greater accountability in those instances in which improper use of force is applied. WCSO should also ensure that this policy is reflective of the use of force practices in the field and in line with the training on use of force.

**18. WCSO should provide increased clarity and directives on shooting from moving vehicles within General Order 1303-R04 *Use of Deadly Physical Force*.**

WCSO's General Order 1303-R06 *Use of Deadly Physical Force* currently states "Deputies Are Discouraged From Discharging a Firearm From a Moving Vehicle." No further guidance or description is provided as it relates to shooting from a moving vehicle, such as the context in which officers are allowed and the factors officers should consider prior to this use of

force. Additional guidance on the circumstances under which this type of force is allowed should be added to this policy. This guidance should include statements such as officers will not discharge a firearm from their moving vehicle unless a person is an imminent deadly threat to officers or others and shooting from a moving vehicle must be limited to the most extreme circumstances. WCSO should refer to best practice use of force policies from various agencies and organizations (i.e., Las Vegas Metropolitan Police Department) for example language on this topic.

**19. WCSO should revise its General Order J-14-14 *Use of Force in a Jail Setting***

Although this policy does a good job of providing the parameters for the decision-making process for use of force in the detention center and discussing the planning process for use of force and activation of the CERT team, the policy fails to provide a comprehensive directive on use of force and rather refers deputies to the five other policies related to use of force.



Further, this policy provides no sanctity of life statement, and no direction on the prohibited types of force other than to state, “[j]ail deputies must not use force against inmates as punishment or in a malicious or sadistic manner.” As mentioned previously, combining this policy with the the other related use of force policies will ensure a streamlined and singular department-wide directive on use of force. While the Polis team understands the operational aspects in a jail setting vary from those of patrol, these aspects can be included within the singular policy. The jail and patrol aspects of WCSO often operate in silos, a concern several interviewees raised with members of the team. One singular use of force policy will discourage the segregation of both operational aspects of WCSO and create a greater consistency in how deputies use, report, and review uses of force department wide.

**20. WCSO should revise its General Orders on use of force to provide greater direction on the duty to intervene and report improper and/or excessive force.**

We suggest that the revised WCSO General Orders related to use of force include a thorough discussion on the duty to intervene and duty to report. WCSO General Order 1302-R10 *Use of Force Principles*, currently states, “Staff Must Report to a Supervisor Anytime They Believe Staff Has Used Excessive Force on a Threat or Failed to Follow *Use of Force Procedures*. Supervisors will handle use of force complaints according to policy 551, *Receiving and Screening Personnel Complaints*. Staff are subject to disciplinary action up to and including





termination for use of force abuse or failure to report use of force abuse.” No such statement or directive on the duty to report is provided within General Order 1303-R06, *Use of Deadly Physical Force*. While this statement is in line with best policing practices, WCSO should also include similar directive on the duty to intervene. The duty to intervene, like the duty to report, holds deputies accountable for stopping uses of force that violate any applicable law and/or the WCSO directive, encouraging a culture of increased accountability.

**21. WCSO should involve both internal and external stakeholders in drafting the revised General Order(s) related to use of force.**

Several of the community members and stakeholders whom the Polis team interviewed commented on their general lack of awareness regarding WCSO use of force policies, and what some of them perceived to be a lack of transparency on the part of WCSO relating to its procedures, especially after controversial, high-profile use of force events. Seeking input from both internal and external stakeholders not only promotes transparency, it also encourages organizational and community trust, and fosters a greater understanding of the police actions and principles of the WCSO. It is equally important to seek input from organizational stakeholders, particularly among groups that are typically not included in policymaking decisions. For example, informal leaders, line officers, first level supervisors, and union representatives should all have voices in the revision process. Mechanisms such as a Policy Advisory Committee that incorporates both members of the community and deputies and personnel within the department is just one avenue with which WCSO can use to achieve the above recommendation. WCSO should also consider better leveraging its multicultural advisory committees, designed to garner the input and perspective of its marginalized communities, and communities of color. Although the WCSO policies are provided on its website, we also suggest updates to the website that give community members a quick, graphically appealing way to learn about critical policies. One commendable example is this policy summary from the Durham (NC) Police Department.<sup>1</sup>

**22. WCSO should implement a community transparency policy to facilitate the timely and accurate public sharing of key facts and information regarding significant use of force events.**

WCSO should adopt best practices that foster the effective sharing with the community of critical information about use of force incidents. While WCSO releases year-end use of force statistics, these reports are not a substitute for continuous community engagement that proactively fosters trust and understanding, helps dispel rumors and misconceptions, and strengthens WCSO’s public accountability. To support these wider objectives, WCSO should implement a use of force community transparency protocol to ensure the accurate, thorough, and timely public sharing of key facts regarding significant use of force events. The protocol should be used whenever there is a use of force event resulting in the serious injury

<sup>1</sup> <https://durhamnc.gov/DocumentCenter/View/31913/Use-of-Force-Flyerdocx-updated>



or death of community members and/or WCSO deputies. It is also essential to use the protocol to highlight situations where effective decision-making by WCSO patrol and jail deputies results in the avoidance, de-escalation, or mitigation of the use of force. WCSO should also use the community transparency protocol to share information about incidents that illustrate the complex, uncertain, and dangerous nature of use of force situations. The protocol should be used to take a proactive stance regarding use of force events, which though they did not result in death or serious injury, are nonetheless controversial or sensitive for reasons such as major violations of WCSO policy. Finally, we recommend that WCSO work closely with the District Attorney to craft a policy for Washington County that follows best practices in coordination between law enforcement and prosecuting authorities. Among many other agencies, Las Vegas, Phoenix, San Diego, and Seattle have adopted policies that WCSO may wish to consider.

### **23. WCSO should ensure consistency across Jail and Patrol Division policies.**

In reviewing the policies, procedures, training curricula, and annual reports related to use of force, the Polis team found various differences between the jail and patrol divisions. In addition, many of the interviewees who spoke to us noted a disconnect between use of force practices in patrol and the jail. Examples of this variance can be readily apparent in review of the patrol and jail use of force policies, as well as the annual analysis of use of force in patrol in comparison to the annual analysis of use of force in the jail. While the patrol use of force analysis appears rather comprehensive, the jail annual review of use of force does not and could be improved. WCSO should ensure that policies, process, and procedures across its patrol and jail divisions are consistent and consider establishing a quality control or research and development section or unit to conduct annual reviews and approvals of all department wide policies, procedures, and training to ensure that directives for both jail and patrol divisions are consistent and complementary of the overarching department mission and values. Please see our related recommendation below on integrating jail and patrol use of force training.

### **24. WCSO should integrate data from all current Audit and Inspection Instructions related to the use of force, and ensure that they give careful attention to continuity between Jail and Patrol Division procedures.**

In reviewing current practices for Audits and Inspections, we noticed various separate but related requirements all pertaining to the use of force. Among others, for example, there are separate audit requirements in place for active threats, assaults on officers, use of force, the Survival Skills Council, and vehicle pursuits. The distinction among these various audit requirements seems to be tied to CALEA compliance. While we applaud WCSO's disciplined commitment to maintaining CALEA accreditation, it does not make sense to have siloed audits of units and procedures that have overlapping functions. As such, we recommend





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that WCSO review all current Audit and Inspection Instructions related to the use of force and ensure that above and beyond CALEA compliance, all data collected be integrated in a systematic manner that supports immediate and long-term awareness of trends in the use of force by and against deputies. We also want to highlight the importance of ensuring that audits be used to improve continuity across jail and patrol policies and procedures.

# **USE OF FORCE DATA ANALYSIS AND TRACKING**



Accurately tracking and rigorously analyzing use of force data is a critical task for ensuring the safe, lawful, ethical conduct of law enforcement operations. Like many other agencies, WCSO faces a range of challenges in ensuring that data related to the use of force is properly collected and analyzed, and that data appropriately informs operations, administration, and training. In this section, we offer recommendations for ensuring that WCSO is following best practices in how it records, documents, and tracks use of force events.

## **25. WCSO should update and integrate its systems for tracking, reporting, and reviewing use of force.**

WCSO currently maintains several different systems to track, report, and review use of force. These include IAPro, Blue Team, Compass Checks, and LEFTA, all of which appear to be siloed and operate independently of each other. WCSO should consider assessing its systems used to report and monitor uses of force agency wide to determine the utility and value of each system and the ability to potentially consolidate and/or integrate several systems. The objective of this assessment should be to improve and streamline the reporting, tracking, and reviewing of use of force. These changes will improve logistical processes, accountability, and transparency allowing the agency to more readily analyze and address issues in the policy, training, and practice of use of force both at the officer level and as an organization.

As WCSO's body-worn camera program expands, protocols and supporting technology should be used to identify, analyze, and evaluate footage from use of force events and to apply the resulting data to develop baseline standards for use of force decision-making at WCSO. This should also include looking at prevented and/or mitigated use of force situations.

## **26. WCSO should implement a sentinel event program, with measures to track “near misses,” exceptional saves, and other key human factors data.**

A “sentinel event” is a significant, unexpected, negative outcome that is indicative of wider systemic problems.<sup>1</sup> Following longstanding best practices in medicine and aviation, and the more recent trend of attempting to do so for police agencies, WCSO should implement a sentinel event programs to track, analyze, and learn from both “near misses” and exceptional saves. WCSO should leverage the systems already in place (i.e., body-worn camera program, IAPro) to capture relevant data as it implements such a program. WCSO should refer to the resources made available by the U.S. Department of Justice Bureau of Justice Assistance and the National Institute of Justice’s Sentinel Event Initiative.<sup>2</sup>

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<sup>1</sup>U.S. Department of Justice. Office of Justice Programs. Bureau of Justice Assistance. Sentinel Events Initiative. December 10, 2019.

<sup>2</sup><https://bja.ojp.gov/program/sentinel-events-initiative/resources>



**27. WCSO should revise General Order 502-R02, *Performance and Conduct Intervention* to include sentinel events, exemplary performance, and clearer performance standards and thresholds.**

WCSO General Order 502-R02 does not currently include explicit language on what the NYPD helpfully summarizes as “FADO” offenses: Use of Force, Abuse of Authority, Discourtesy, and Offensive Language.<sup>1</sup> Further, as described in the January 2020 memo regarding the Conduct Intervention System Review, IAPro almost exclusively identifies patterns of conduct related to vehicle collisions and fails to review patterns of FADO offenses, unconstitutional policing, biased policing, and so forth. It was also not made clear to the Team if WCSO has a system in place to identify and track such behavior. Nor is it clear if and how data from annual performance reviews are included as part of its Conduct Intervention System Review. Conduct Intervention Systems, or Early warning systems, and its related policies and protocols should include thresholds for each indicator and indicators should also include those related to employee performance and commendations.

**28. The annual review and analysis of use of force incidents should be overseen by the Professional Standards Unit.**

According WCSO policy 1306-R03 *Reviewing and Approving Use of Force Reports*, the defensive tactics instructor analyzes and reports patterns or trends that could indicate training needs, equipment upgrades, or policy modifications, at times with the assistance of commanders. This analysis and reporting should be conducted under the purview of the Professional Standards Unit to ensure proper documentation and tracking of all uses of force. This will also ensure that the uses of force for both patrol and jail operations are consistent and comprehensive.

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<sup>1</sup>[https://www1.nyc.gov/site/ccrb/policy/data-transparency-initiative-complaints.page#complaint\\_fado](https://www1.nyc.gov/site/ccrb/policy/data-transparency-initiative-complaints.page#complaint_fado)

# **USE OF FORCE INTERNAL ACCOUNTABILITY**



**29. The Professional Standards Unit (PSU), Survival Skills Council, and Body-Worn Camera Program should be integrated to ensure greater efficiency, documentation, tracking, and overall accountability.**

At present, WCSO's Professional Standards Unit is run by two sergeants under the command of a lieutenant, who is also responsible for several other units including Property/Evidence, Forensics, and SAKI. The Survival Skills Council does not even appear on the current organizational chart. At most progressive law enforcement agencies, professional standards and internal affairs units are positioned at the top of the organizational chart, and as such report directly to the sheriff or chief of police. In fact, we understand that WCSO previously had PSU reporting directly to the Sheriff and this was changed because WCSO wanted to involve command level leaders when making findings in internal affairs investigations. At all events, Polis recommends that WCSO create a unified Professional Standards Division that combines the current Professional Standards Unit, Survival Skills Council, and Body-Worn Camera program. Underlying this recommendation is Polis' thought that the Professional Standards Unit should be true to its name, and not merely be a euphemism for "internal affairs." The new PSU would be responsible for collecting and analyzing data that systematically identifies and tracks exceptional as well as deficient and failed performance. As such, the PSU would coordinate closely with the Training Unit, as well as with operational units in the jail and patrol divisions. We recognize that staffing limitations may impose challenges regarding this recommendation. Among other options, we think leveraging the expertise of civilian staff in areas such as IT, data analysis, reporting, accreditation, policy development, and so forth may provide workable options for staffing augmentation.

**30. The expanded Professional Standards Unit Commander should have a direct line of communication to the Undersheriff or Sheriff.**

As we noted above, the WCSO Professional Standards Unit is currently overseen by two sergeants and commanded by a lieutenant who also has the responsibility to oversee three other units. This lieutenant reports to the services commander, who reports to the Chief Deputy, who then reports to the Undersheriff and Sheriff. As such, the level of authority of the Professional Standards Unit is limited and convoluted. We think it is vital to the reform process to have a direct line of communication between the Sheriff and the commander of what is arguably one of the most integral units to upholding the values, culture, and integrity of the WCSO. This direct line of communication also does not eliminate the need for internal investigations to be reviewed by the involved deputy's chain of command.

It should be noted that according to Policy 553-R09 *Internal Affairs Investigations*, the IA investigators work closely with the Undersheriff in the assignment and review of investigations. This is not what is reflected in the most recent organizational chart provided to the Team.



## **31. WCSO should place the community at the top of the agency's organizational chart.**

Consistent with WCSO's commitment to public accountability, and in recognition of the official role of the Sheriff and deputies of Washington County as public servants, we recommend that WCSO include the Washington County community on the official organization chart and place them directly above the Sheriff. We first saw this commendable practice at the Leon County (FL) Sheriff's Office, and think it provides official, graphic reaffirmation that the community's chief law enforcement executive and the workforce he commands are immediately accountable to the public.

## **32. WCSO Policy 1305-R05 *Writing Use of Force Reports* should be revised to provide greater direction to deputies on the proper documentation of use of force.**

WCSO Policy 1305-R05 *Writing Use of Force Reports* is too brief and does not fully describe the process for ensuring that the use of force is thoroughly and properly documented to support administrative and legal review.

The policy does not explain the purpose, accountability, and consequence for not completing the report. Further, there is no specific guidance when on-duty and off-duty accidental discharges and involving injury to any person. Instead, the policy states to promptly report to an on-duty supervisor for guidance. The policy as it is written is not in line with best policing practices and model policies.

The Polis team recommends that WCSO make revisions necessary to ensure that the policy conforms to the latest professional and legal standards. Most immediately, the policy should:

1. Clearly explain procedures for a supervisor when dealing with on/off duty negligent discharge regardless of any injury to any person.
2. Clarify whether or not to write a report when no result of injury or an allegation of injury. For example, if there is an allegation of injury but the injury is not visible, does this require a report and requesting an evidence technician to photograph the location, injury, etc.
3. Provide clear, simple directions on the elements of a legally and administratively thorough use of force report. As a starting point, WCSO may wish to consult the IACP's model policy on documenting use of force: <https://www.theiacp.org/sites/default/files/2020-06/Reporting%20UoF%20June%202020.pdf>.





**33. WCSO Policy 1306-R03 *Reviewing and Approving Use of Force Reports* should be revised to provide greater direction on the supervisory review and approval of use of force reports.**

The WCSO policy, 1306-R06 *Reviewing and Approving Use of Force Reports* lacks the detail and comprehensiveness necessary to ensure the proper review and approval of use of force reports. According to the policy provided to the team, the policy appears to not have been updated since 2012. Additional detail on the reporting and monitoring process is necessary to ensure that this policy is in line with best policing practices.

Details such as the systems used to electronically review the use of force reports, the timeline for which these reviews should be conducted, the chain of review, as well as the specific aspects and components (i.e., examination of body-worn camera footage) that should be included in the supervisory review and investigation of use of force incidents should also be noted within this policy.

During several of our interviews with WCSO personnel, we heard concerns about the vagueness of this policy. Based on the information we gathered from these interviews, much of the review and approval process is left to the Survival Skills Council, which limits the authority and review of the involved deputy's supervisory chain of command (see related recommendations within the section on Internal Review of Use of Force). According to some of the interviewees, use of force reports are commonly sent to the Survival Skills Council during this process for their review and the findings from these reviews are perceived to often supersede the recommendations provided by the deputy's chain of command and/or commanding officer. While the purpose and objective of a Survival Skills Council is an approach used by several model agencies, the recommendations made by such councils or boards are limited to that of an advisory role, and the ultimate finding and approval of the use of force incident is left with the deputy's chain of command. Findings on whether the use of force was proper and justified, and policy and training were followed are ultimately left in the hands of the deputy's supervisory chain of command. This ensures greater accountability among both officers and their supervisors. This process affirms the authority and responsibility of the supervisors to address and monitor issues directly with the deputies under their command or Professional Standards, depending on the level of force used. Further, this policy fails to reference or include any discussion the Survival Skills Council's role in the review and approval of use of force incidents, Please see our wider recommendation on integration of PSU and the Survival Skills Council.



**34. WCSO should revise Policy 553-R09, *Internal Affairs Investigations* to provide additional guidance on the complaint process.**

WCSO Policy 553-R09, *Internal Affairs Investigations* does not provide any guidance on which complaints and/or allegations of misconduct are investigated by the Professional Standards Unit and which are investigated by chain of command. In many cases, these policies outline the various levels of allegations and provide specification on those allegations investigated in the field, by supervisors, and which allegations are investigated by internal affairs. Similarly, there is no mention in the current policy of the role of Internal Affairs in the investigation of serious or excessive uses of force. If such procedures are outlined in related policy, protocol, or standard operating procedure this document should be referenced within this Policy. Policy 553-R09 does however, make note of several best policing practices such the 30-day requirement to complete investigation, the acknowledgement of receipt and finding back to the complainant, the process of informing officers who are subject to an investigation, and the assumed transparency that the Sheriff's Office can enlist when sharing info on their actions as a result of the complaint. An additional analysis is needed to determine if these processes are actually in practice.

**35. WCSO should integrate Policy 551-R03, *Receiving and Screening Personnel Complaints*, with Policy 553-R09, *Internal Affairs Investigations***

For the purposes of logic and convenience, these two policies should be merged into a single document. We also recommend revising the new policy to clarify the currently vague process for when a Supervisory Review Inquiry Memo (SRIM) is required and completed, and how SRIMs fit into the wider complaint investigation process. The current policy is also unclear as to whether the decision to complete a SIRM versus complaint rests with the immediate supervisor or Division Commander, and if the authority lies with the Division Commander, at what point in the process this determination is made. Further, as noted in section 6 of the policy, it is unclear what criteria the Division Commander uses to determine if a supervisory inquiry is appropriate. The Polis team recommends clearly delineating the combined complaint/SRIM process, and elaborating the criteria underlying the process. We also recommend throughout this policy and elsewhere using the more inclusive term "community member" rather than "citizen."<sup>1</sup>

**36. WCSO should revise the findings categories used in the investigation of complaints to ensure greater accountability and transparency.**

Upon review of WCSO Policy 553-R09, *Internal Affairs Investigations*, our team noted the potential duplicate finding of 'suspended.' Based on the definitions provided within the policy it is unclear how this finding is substantially different from that of 'not sustained.' WCSO should conduct a closer examination of how this finding is used in practice and

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<sup>1</sup> We recognize that as of 2020, WCSO has begun the process of updating its policies to reflect this change.



if there is an opportunity to either consolidate these categories or more clearly differentiate between them. Clarifying the use of these findings ensures greater transparency both within and external to the agency.

**37. WCSO should give the Professional Standards Unit authority and responsibility to issue findings of misconduct based on its fact-finding investigations.**

Based on our analysis, it appears that the Professional Standards Unit does not issue findings or recommendations following its investigation of complaints. Rather, as described to us by interviewees and noted within WCSO policy, PSU conducts their investigation and delivers the file to the Undersheriff, who determines if the investigation is complete and refers the completed investigation to the Sheriff for adjudication.

Best policing practices provide internal affairs units with the full authority and responsibility to issue such findings based on their investigations. Given proper training, internal affairs investigators, are often most familiar with agency policies and procedures and therefore better equipped to issuing the appropriate findings based on their objective investigation. Further, as recommended above, the direct line of communication from Professional Standards Unit Commander to the Sheriff ensures that all aspects of the investigation are efficiently transmitted and available without any potential interference or miscommunication. This practice also ensures greater consistency and quality in the findings issued and equity in the process. We want to emphasize that in order for the preceding processes to be fair and effective, investigators within PSU should have the appropriate training and skills to ensure that their investigations are objective and comprehensive.

**38. WCSO should ensure it provides supervisors with training on conducting internal investigations of complaints and uses of force.**

WCSO supervisory training should include conducting internal investigations of complaints and uses of force. Similarly, the training should delve into the investigatory procedures, specifically for supervisors, as outlined in related policies and/or manuals. Aspects of the training should include reporting, evidence gathering, interviewing techniques, and disciplinary procedures as well as personnel management principles that are grounded in equitable treatment.

**39. WCSO should develop a disciplinary matrix to accompany its Policy, 503-R05 *Taking Disciplinary Action.***

It was unclear to our team if WCSO maintains a disciplinary matrix and according to many of the interviews conducted, interviewees expressed the disciplinary process to be inequitable. The disciplinary matrix should outline the given misconduct allegations and



related discipline that should be issued according to the degree of severity and/or frequency of misconduct. This matrix should be integrated with the policies and practices of PSU, internal affairs, and field supervision. Utilizing the matrix when taking disciplinary action will ensure consistency and fairness in the disciplinary process. WCSO should have a single, unified review process for all use of force events, whether or not a further investigation is warranted.

#### **40. WCSO should refine and revise procedures for a single, unified review process of all use of force events in both the Patrol and Jail Divisions.**

Further to our recommendation above to integrate the PSU and Survival Skills Council, WCSO should refine and revise procedures for the single, unified review of all use of force events. At present, the review process does not maximize opportunities to improve accountability, detection, and response to positive and negative incidents and trends, and implementation of optimal best practices. We generally envision an enhanced review process that works as follows:

1. A use of force (UOF) report is initiated in the jail or in the field.
2. The report is reviewed and approved by the filing deputy's immediate supervisor.
3. The report goes to PSU for initial screening and review using these criteria:
  - a. Was the UOF within, above, or below WCSO's legal, tactical, and ethical standards?
    - i. If WITHIN standards, what are the lessons learned? What could have been improved or done differently?
    - ii. If ABOVE standards, what elements of exemplary performance should be singled out for further training attention and performance enhancement? What could have been improved or done differently?
    - iii. If BELOW standards, what processes, procedures, and/or equipment failed, and what legal/policy/training/disciplinary/operational measures are warranted to remedy the failure(s)?

#### **41. WCSO should revise 553, *Internal Affairs Investigations*, to include protocols for criminal investigations and outside agency referrals.**

In addition to the recommended revisions noted above, the Polis team also recommends that WCSO revise Policy, 553-R09, *Internal Affairs Investigations* to include protocols and guidance for conducting criminal investigations and outside agency referrals. Including such protocols or referring officers to the policies related to Criminal Investigations provides clarity on under which circumstances Internal Affairs may defer to the criminal investigation and/or seek an outside agency referral. Among other steps in adopting this recommendation, we suggest that WCSO consult with legal counsel and engage with union leadership to ensure that all matters that implicate *Garrity* rights are fully addressed.



**42. WCSO should update the Compass Check process to ensure it is more meaningful and rigorous.**

The Polis team heard from a number of WCSO personnel at various ranks that the Compass Check process, while valuable as an informal “check-in” mechanism, is not generally viewed within the organization as a substantive matter. Further, this process is not outlined within agency policy and/or protocols and appears to not be included as part of supervisory training. WCSO should formalize the documentation of this process to ensure that although conducted in an informal manner, establishes goals and objectives and consistency in the process, as well as allow supervisors to track outcomes and progress.

**43. In addition to its Policy 531-R05, *Recognizing Exemplary Service* WCSO should establish a protocol for incorporating examples of exemplary conduct into training.**

Policy 531-R05, *Recognizing Exemplary Service* provides guidance on how staff may be nominated for an award of exemplary service. WCSO should establish a protocol for incorporating examples of exemplary conduct and lessons learned into training. These examples and lessons learned should be reported and shared with PSU, who should work with the Training Division to develop training scenarios and roll call training sessions to share the positive conduct and performance. This will also support the destigmatizing of the traditional “internal affairs” role that PSU may be perceived to have and is in line with our previously noted recommendation of broadening the scope of PSU.

# **GENERAL OPERATIONS**





## BODY-WORN CAMERA PROGRAM

### 44. WCSO should ensure that its body-worn camera program is optimally supporting the full range of agency operations, and not just being used for more limited purposes.

As WCSO begins to implement body-worn cameras (BWCs) more widely across the agency, it should ensure that the BWC program builds on the latest research, technology, and emerging best practices. While police agencies across the United States continue to deploy BWCs at a fast pace, the wider potential of BWCs to improve performance, accountability, and police-community trust remains largely untapped. In fact, new research by Prof. Cynthia Lum and a national team of experts on BWCs suggests that despite what many people had hoped and predicted, the mere presence of BWCs does not appear to consistently change either officer or community member behavior.<sup>1</sup> This does *not* mean that BWCs are not an essential law enforcement technology. Rather, as Lum and her colleagues explain, it means that the real value of BWCs lies in finding sustainable, efficient ways to analyze and make practical use of the enormous amount of video and audio data that BWCs collect.

“An important question moving forward is whether and how police will use BWCs to strengthen their accountability systems. We also encourage agencies (and their research partners) to expand their thinking about how cameras might be tested and used in other ways to achieve these goals. For example, as in the sports world, video playback can be used for mentorship, feedback, and every day in-field training that ultimately can strengthen the agency’s accountability to both the rule of law and to their various mandates of crime control and community legitimacy. Ultimately, the goal of police agencies is the prevention of sentinel events and bad behaviors in the first place, rather than paying for them later. Figuring out how to use cameras to reap long-term gains of strengthening organizational accountability and functioning may be a better investment in camera use than the more short-term gains measured here”

(Lum, et al. 2020, <https://onlinelibrary.wiley.com/doi/10.1002/cl2.1112>.)

We think that WCSO is well positioned to implement a BWC program that goes beyond current practices and take a leadership role as an innovator in the actionable analysis of BWC data along lines recommended in new research and using emerging technologies. Since WCSO has just started to deploy BWCs across the entire agency, there is flexibility to build and adapt the program to ensure better return on taxpayers’ investment by optimizing how camera data is analyzed and used.

<sup>1</sup> <https://onlinelibrary.wiley.com/doi/10.1002/cl2.1112>



# WCSO Comprehensive UOF Review Report



Among the innovations we recommend that WCSO consider are the following:

- Create an official protocol for line deputies and supervisors to submit BWC footage from successful contacts, particularly in situations related to safe and effective de-escalation and force mitigation, effective early application of minimal force that prevented a dangerous situation from becoming more violent, positive community interactions, exceptional decision-making, sentinel event and “near-miss” situations, and so forth.
- Formalize the use of BWCs and BWC footage for training at all levels, including deploying BWCs during training events and using footage in after-action reviews.
- Tag, download, and save relevant BWC footage in all use of force events and add BWC tracking information in the UOF reporting process.
- Formalize the use of BWC videos in performance evaluations of all personnel who use them.
- Use structured as well as random samples of BWC footage during quarterly audits.
- Deploy BWCs on academy recruits and use videos for individual and unit level performance monitoring
- Implement the use of software to convert BWC videos into training and performance evaluation scenarios.
- Explore externally funded research and development opportunities that would give WCSO low-cost or free access to BWC innovations.
- Explore options with WCSO’s BWC provider, Utility, for collaboration on “test bed” opportunities.



**45. WCSO should revise Policy 806-R06, *Body-Worn Cameras*, to include more explicit protocols for tracking, analyzing, and auditing video footage.**

While the current policy does an excellent job of covering many critical areas of WCSO's BWC program, Polis recommends adopting more of explicit protocols for using BWC data to support wide objectives of building police-community trust and performance related to the use of force and other critical areas. This includes implementing a process and protocol for sharing the video with both internal and external stakeholders, and developing a process with which to audit body-worn camera use both at the officer level and as an organization. The current policy of conducting a quarterly audit based on a random sample of BWCs videos does not suffice to achieve maximum value from the BWC program. Most important, a sound BWC program must go far beyond merely ensuring appropriate use of the BWCs, e.g. adherence to activation policies, and actually spell out how BWC data will be analyzed and applied in a manner that supports wider organizational objectives and community expectations. Among other measures, supervisors should regularly audit officer's BWC use, activation, and compliance with the BWC policy, and regularly review videos from deputies under their command. Further, the agency should also track and conduct regular reviews of the supervisory BWC audits to ensure greater accountability. These auditing procedures should be laid out in either the BWC policy and/or related manuals or protocols. Disciplinary procedures associated with the failure to comply with the BWC policy and procedures should also be stipulated within the agency's disciplinary matrix.

**46. WCSO should implement a policy to track, analyze, and audit camera footage from the jail that parallels protocols used for body-worn cameras in patrol operations.**

While we recognize that the current BWC program is limited to the patrol division, we nonetheless strongly recommend that WCSO adopt policies and procedures to track, analyze, and audit camera footage from the jail. These policies and procedures should parallel those eventually developed for the BWC program. In addition, we recommend that WCSO consider testing use of BWCs in the jail. While we understand that while the existing video surveillance system in the jail might make BWCs seem unnecessary or redundant, the audio recording capabilities of BWCs together with other technical features add significant capabilities that benefit officer and adult in custody (AIC) safety as well as wider performance and accountability objectives. As with various other recommendations throughout this report, we appreciate that what we are proposing here would require funds beyond the scope of WCSO's current budget. Even so, we owe it to the WCSO and community it serves to recommend what we think is ideal, and to leave it in their collective hands to decide how best to use limited resources.



## EQUIPMENT

### **47. WCSO should significantly expand the immediate availability of less-lethal tools and other safety equipment essential for effective de-escalation and force mitigation efforts.**

The vast majority of patrol deputies reported in the line officer survey that less-lethal 12-gauge shotguns, 37mm/40mm platforms, pepperballs, ballistic shields, and similar tools are not immediately available to them, and must be brought to the location of an incident. Such tools and equipment are critical for conducting safe and effective de-escalation and force mitigation efforts. Due to the rapidly unfolding nature of many volatile situations, the lack of immediately available less-lethal tools can result in the need to resort prematurely to lethal force. This issue can be even more acute in geographically large jurisdictions like Washington County, where lower staffing levels in outlying areas and related backup response times heighten safety concerns for deputies and community members alike. The wider immediate availability of longer range less-lethal tools (greater than 25 feet) also gives deputies safer alternatives to deploying short/intermediate range tools such as Tasers™ and with pepper spray (OC) in situations where maintaining greater distance from a dangerous person is tactically appropriate. As such, Polis recommends that in addition to whatever closer-range, belt-carried tools they have such as Tasers™ or pepper spray (OC), every deputy on the street should have immediately available in their patrol vehicle a stand-off, less-lethal weapon that they are fully trained and qualified to use. We understand that this recommendation may result in significant equipment costs, though urge WCSO to consider the wider liability, operational, and other implications of maintaining the status quo.

### **48. WCSO should have a patrol lieutenant on duty at all hours.**

We understand that at present, all patrol lieutenants work a day shift schedule. During our interviews with WCSO staff, several people mentioned the need for more leadership presence at night. Polis recommends that particularly because of the disproportionate number of high-risk incidents and use of force events occurring from 5:00 PM – 2:00 AM, WCSO should consider staffing changes to ensure that a duty operations lieutenant is working 24/7 and available to ensure effective supervision, incident command, mentoring, and guidance for sergeants. This is particularly important, as newly promoted sergeants tend to be assigned to graveyard shifts. Having a night lieutenant on duty may also assist in freeing up sergeants to take a more active role in the field, including but not limited to responding with deputies under their command to higher risk incidents. We also think that the presence of a lieutenant at night is conducive to enhancing communication between line staff and leadership, and to ensuring greater continuity of operations and performance expectations across the entire agency.

**49. WCSO should formalize in writing and systematically uphold the expectation that patrol sergeants’ primary responsibility as first-level supervisors is to spend time in the field leading and guiding the deputies under their command.**

We heard from several WCSO personnel that due to their significant administrative responsibilities and for a host of other reasons, there is a tendency for some patrol sergeants to stay off the road for much of their shifts completing paperwork and attending to other matters. We heard concerns as well that particularly in the case of less experienced sergeants, senior deputies act as *de facto* squad leaders for their work teams. While there is significant value in having senior deputies



act as peer leaders, and have them provide guidance to newly promoted sergeants who may have significantly less operational experience, this cannot substitute for the organizational imperative to develop the leadership capacity of the sergeants themselves. With these points in mind, we recommend that WCSO leadership set and uphold clear written expectations that sergeants’ foremost responsibility is to lead from the front and be visibly and actively present in the field with the deputies under their command, particularly for response to high-risk incidents such as calls involving suicidal people, weapons, domestic violence, and so forth.

**50. WCSO should revise General Order 1310-R02, *Dealing with Persons with Mental Illness*, to address gaps in the policy’s comprehensiveness and to further ensure it meets current promising police practices.**

General Order 1310-R02, *Dealing with Persons with Mental Illness* was last updated in 2012, and while it is important to acknowledge the WCSO’s initiative in drafting such policy years before this topic came to the forefront of policing discussions, the brevity of the policy fails to include the detail on the tactical approach and procedures that WCSO deputies should undertake when dealing with persons with mental illness further. To be clear, the limits of the current policy are separate from the fact that WCSO has had an effective and well-regarded Mental Health Response Team (MHRT) for over a decade. General Order 1310-R02 should be revised to include definitions for mental illness and mental crisis, terms often confused. The revised general order should also provide in depth directives on recognizing atypical behavior, assessing risk, the role of de-escalation, and appropriate documentation of such incidents. WCSO should refer to IACP’s model policy on Responding





to Persons Experiencing a Mental Health Crisis, as well as similar policies established by the Denver, CO Police Department and the Harris County, TX Sheriff's Office. These model policies provide detailed direction to officers and deputies on how to best respond to persons with mental illness or suffering from a mental crisis to ensure both officer and public safety.

## **51. WCSO should enhance its Peer Support team and related employee assistance resources.**

Peer support teams and employee assistance programs are vital elements of a comprehensive agency health and wellness program, and help contribute to improvements in officer and community safety. Although WCSO maintains a policy related to these issues, Policy 402-R02, *Peer Support Counseling*, it has not been revised since 2012, and should be updated and expanded to ensure its thoroughness, viability, and foundation in current medical research. Updating and expanding peer support and employee assistance resources is particularly crucial at a time when the inherent stresses of law enforcement service have been drastically compounded by the deep erosion in community support across much of the country. While WCSO enjoys unusually high community support, we heard several WCSO personnel express concerns about the limited capacity of current resources to address the unique mental health and resilience needs of the first responder community in Washington County. First and foremost, we recommend that WCSO establish liaison with local mental health counselors and therapists who are trained and experienced at serving law enforcement and other first responder clients, and respectful of their unique needs. Experience in the evidence-based treatment of PTSD, depression, anxiety disorders, substance abuse, suicidality, and other similar issues are particularly important. The current policy should be revised to include provisions on the use of the peer support team not just after critical incidents, but also for proactively addressing the chronic emotional stresses of law enforcement service and the toll it takes on and off duty alike. The policy should also detail training received by members, and the process for deputies to access peer support. Further, as we elaborate in the recommendation below, the policy would benefit from an opening statement that reinforces WCSO's commitment to officer health and wellness, the importance of such programs to officer safety and wellness, and the assurance of confidentiality in the process. As a starting point, we suggest referring to recent publications, free resource guides, and ongoing federally funded initiatives such as the BJA VALOR program.<sup>1,2,3</sup>

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<sup>1</sup> <https://cops.usdoj.gov/RIC/Publications/cops-p371-pub.pdf>

<sup>2</sup> <https://bja.ojp.gov/program/valor/overview#ugj9n>

<sup>3</sup> <https://www.theiacp.org/resources/document/the-critical-components-of-officer-mental-wellness-and-resiliency>





**52. WCSO should update and significantly expand Policy 205-R02, *Ensuring Health and Fitness for Duty*, to reflect current research and best practices in officer wellness, mental health, and resilience.**

New research continues to identify the widespread prevalence of mental health disorders among law enforcement officers and other first responders.<sup>1</sup> Moreover, law enforcement officers' physical and mental fitness closely relates to their overall resilience and capacity to serve the community. Relative to the foundational importance of comprehensive fitness for duty, WCSO's current Policy 205-R02 is too brief and outdated. In keeping with national best practices, we recommend that WCSO develop and implement a comprehensive fitness and wellness plan that addresses the physical, mental, emotional, and spiritual wellbeing of WCSO personnel both on and off duty. As a starting point, we suggest the following sources:

<https://vcpi.org/measuring-what-matters/measuring-what-matters-officer-safety-and-wellness/>

<https://www.frontiersin.org/articles/10.3389/fpsyg.2020.614995/full>

<https://www.igi-global.com/chapter/assessing-needs/240268>

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<sup>1</sup> <https://www.tandfonline.com/doi/abs/10.1080/23774657.2019.1641765>

<sup>2</sup> <https://journals.sagepub.com/doi/abs/10.1177/1098611121991111>

# **TRAINING AND EDUCATION**

## TRAINING AND EDUCATION

To the credit of the Washington County community for their political and financial support, WCSO has an impressive new state-of-the-art training center and array of training initiatives already in place that place it well ahead of most comparable agencies in the United States. In fact, the center outshines even many of the training facilities at much larger agencies. During interviews with WCSO staff of all ranks, we consistently heard training mentioned as a special point of agency pride. We also heard many constructive ideas from WCSO instructors about how to improve WCSO's training operations. All of this is to say that WCSO starts from a position of strength in meeting the challenge of continuing to improve its training and education strategies and practices. In this section, we offer observations and recommendations on how WCSO can best use and improve its exceptional training resources and human talent to serve the evolving public safety needs of the Washington County community.



WCSO's training and education programs should focus on developing and refining the knowledge, skills, and abilities (KSAs) necessary for the Sheriff's Office to accomplish its mission in a safe, lawful, and ethical manner that upholds agency values and honors community trust. To do so, WCSO's training and education must be guided by a clear and compelling forward-looking vision. Among other things, this means having a fully developed learning strategy that aligns with wider organizational plans for evolution and growth. Such a strategy must be rooted in an affirmative commitment to excellence, and cannot overrely on undisciplined reaction to near-term crises at the expense of setting wider conditions for organizational success.

To the longstanding detriment of police agencies and communities alike, law enforcement training in the U.S. has been hampered for decades by a negative, backwards-looking mindset. Under the sway of this mindset, agencies continuously scramble with little foresight to demonstrate often via short-lived training initiatives that they are addressing the crisis of the moment. Unfortunately, this kind of scattershot, reactive approach to training always comes up short in achieving the wider objective of purposefully ensuring that personnel are empowered for success. While the Polis team fully appreciates the need for police agencies to show their responsiveness to immediate community concerns, this is not a substitute for a deep-rooted learning paradigm.

To the longstanding detriment of police agencies and communities alike, law enforcement training in the U.S. has been hampered for decades by a negative, backwards-looking mindset. Under the sway of this mindset, agencies continuously scramble with little foresight to demonstrate often via short-lived training initiatives that they are addressing the crisis of the moment. Unfortunately, this kind of scattershot, reactive approach to training always comes up short in achieving the wider objective of purposefully ensuring that personnel are empowered for success. While the Polis team fully appreciates the need for police agencies to show their responsiveness to immediate community concerns, this is not a substitute for a deep-rooted learning paradigm.



## 53. WCSO should develop and implement a positively oriented, outcomes-based training paradigm.

In reviewing WCSO's Strategic Plan for 2020-2022, we were struck by how little attention is paid to training and education. We think this omission is a good starting point for WCSO to reflect on how better to incorporate training and education into future strategic planning and long-term preparation for mission success. While the Strategic Plan proudly mentions the high quality of WCSO's training, more should be said about how training and education fit within the plan. Simply put, what are the outcomes that WCSO seeks to accomplish, and how do training and education help attain them in measurable, sustainable, and accountable ways? Without a coherent narrative that answers this question, the value of training is significantly diminished.

Training is similarly diminished when it is presented from a negative rather than positive perspective. During our review of WCSO training curricula, we noticed several instances where WCSO's current training is detrimentally framed in a negative way. For example, we reviewed an ethics lesson plan that emphasized the legal and professional perils of dishonesty rather than emphasizing the positive value of always acting with honor and integrity. Similarly, we reviewed a curriculum on "surviving verbal conflict" that narrowly focuses on confrontational interactions rather than on proactively setting conditions for safety and trust on every public and professional contact. We also reviewed a counter-ambush curriculum that unhelpfully dismisses some community concerns about the apparent frequency of police deadly force. The curriculum quibbles over statistics rather than highlighting the essential relationship between officer safety and public trust. Ironically, the same training has an imbalanced focus on the exceptionally rare phenomenon of long-distance, stand-off attacks on law enforcement officers, and gives insufficient attention to the more common risk of close-quarters attacks.

We offer these examples to illustrate how WCSO, like most U.S. police agencies, often tends to frame training in negative ways that perpetuate unhelpful skepticism toward the essential role of learning in supporting professional development and mission success. Unfortunately, too many police training initiatives are born in the immediate aftermath of crisis. As such, they often tend to be hastily designed, short-lived reactionary responses to legal and political exigencies rather than disciplined, well-planned, sustainable initiatives. While it is essential for the policing profession to learn from its mistakes and failures, this objective alone cannot be the heart and soul of training and education. Rather than instilling fear of failure and holding up examples of catastrophic error as cautionary tales, training should build deputies' confidence in their ability to succeed.



To put a finer point on this, the vast majority of police-community interactions go uneventfully well. In Washington County, only a tiny percentage of incidents involve the use of force, and of those, very few involve allegations let alone sustained findings of improper or excessive force. The same is true of other kinds of unprofessional and inappropriate conduct. Yet while nearly all police-community interactions end peacefully, law enforcement training historically focuses on rare events and high-profile catastrophes. This misalignment of training with organizational operations ill serves the interest of improving performance.

The first step in creating an organizational culture of learning is to develop and implement a positive, outcomes-based training paradigm. A positive paradigm is one rooted in the systematic analysis and replication of success rather than narrowly focusing on preventing catastrophic failure. It is a basic tenet of training and education that it is far more effective to teach people what they should do rather than what they shouldn't.

An outcomes-based paradigm is one that explicitly ties every aspect of training to measurable outcomes rooted in the organization's mission and values. Most important, this means that training must be designed and implemented in a manner that fosters mission success rather than isolated proficiency in siloed technical skills. Above all else, we think an effective training must focus on adaptive decision-making, social interaction, and trust-building.

**54. WCSO should revise General Order 2501-02, *Training Administration*, to reflect the enhanced role of training and education at WCSO in realizing organizational and community objectives.**

According to documents we reviewed, WCSO has not revised General Order 2501-02 since 2004. The policy is outdated and does not reflect the current state of the art in situating the role of training and education within the wider strategic operations of a sophisticated, modern law enforcement agency. Among other things, the title of "Training Coordinator" should be revised to "Training and Education Director." The change in title is not merely semantic, but rather reflects the fact that the person who holds this position has significant leadership responsibility for ensuring that WCSO's mission is seamlessly supported and enhanced by state-of-the-art training and education initiatives.



**55. WCSO should revise its policies on instructor tenure to ensure that the agency gets maximum benefit from its most experienced instructors.**

We understand that WCSO's full-time, lead instructors typically serve for only two years before rotating to other assignments. Unfortunately, this means that instructors leave the Training Unit just when they are starting to hit their stride. The two-year rotation cap means that the Training Unit diminishes its capacity to build a dedicated faculty of full-time senior instructors. While we heard the argument that instructors can continue to work in the training unit on a part-time basis after rotating to a new assignment, we respectfully disagree, and think an effective training cadre needs a core group of experienced, full-time instructors. As such, we recommend that WCSO instructors serve a minimum three-year rotation with a performance-based option to extend for a second term. We also recommend staggering rotations to avoid a situation where a significant percentage of instructors are new to the training unit.

**56. WCSO should build a network of training and education partnerships.**

WCSO should work to establish formal training, education, and research partnerships with academic, non-profit, and corporate organizations. These partnerships should be local, regional, and national, and should seek to foster mutual benefits between outside organizations and the WCSO. For example, some of the companies in the "Silicon Forest" could support initiatives to modernize and update various technology assets at WCSO. We also encourage WCSO to explore options for exchange programs that would embed WCSO personnel in highly regarded local private sector organizations, and bring outside experts to WCSO to teach a wide range of topics.

**57. WCSO should aspire to expand the Training Center into the WCSO Center of Criminal Justice Excellence.**

Even in the face of the continuing pandemic, WCSO is making impressively efficient and effective use of the new Training Center. Building on the recommendation above to widen its network of learning partnerships, we challenge WCSO to further leverage this remarkable facility and its ambitious training team to transform the Center into a regional center of excellence. As a starting point, we suggest that WCSO treat the Training Center as a Center of Excellence with a wider mandate similar to Oregon Revised Statute 181A.660, which was passed to establish the DPSST's Center for Policing Excellence.<sup>1,2</sup>

<sup>1</sup> <https://www.oregon.gov/dpsst/cpe/Pages/default.aspx>

<sup>2</sup> [https://oregon.public.law/statutes/ors\\_181a.660](https://oregon.public.law/statutes/ors_181a.660)



**58. WCSO should foster a culture of learning and uphold the principle that every deputy is a career-long learner.**

The continued professionalization of law enforcement requires that progressive agencies like WCSO build a culture of learning. A culture of learning fosters creativity, problem-solving, and curiosity, and values holistic, critical thinking rather than mere technical proficiency. WCSO should implement a policy setting forth expectations that every deputy will be a career-long learner committed to training and education for both professional and personal improvement. WCSO leadership should make clear that from hiring to retirement, deputies will be expected, actively supported, rewarded, and held accountable for improving their intellectual and practical capacity to serve the WCSO community. As a useful example, we point to the 2020 U.S. Marine Corps Doctrinal Publication on Learning, which sets forth an ambitious plan for transforming the role of learning in a large organization, and has much to say about the role of fostering intellectual curiosity and creativity.<sup>1</sup>

**59. WCSO should conduct an organization-wide special skills and knowledge inventory to identify untapped and under-utilized expertise and talent among its work force.**

We encourage WCSO to survey the entire workforce to identify deputies with specialized expertise in areas such as foreign language, medicine, social services, law, computer and technology skills, and so forth. We further recommend that WCSO formalize mechanisms and opportunities for deputies to participate in continuing education and professional development courses.



**60. WCSO should expand the language incentives and education incentives in the current collective bargaining agreement.**

We commend WCSO and Washington County for including a language incentive program in the Collective Bargaining Agreement, and suggest it be expanded in future contract negotiations. If further developed, this program could support wider efforts to improve the diversity of the WCSO workforce. Likewise, we suggest expanding the current education incentive program to include Ph.D., J.D., and other advanced degrees.

<sup>1</sup> <https://www.marines.mil/Portals/1/Publications/MCDP%207.pdf?ver=2020-03-03-111011-120>



## 61. WCSO should implement more robust leader development training for sergeants.

We heard several people voice concerns during our WCSO staff interviews that newly promoted sergeants do not receive adequate leader development training. As first-level supervisors, sergeants are the linchpin of the effective implementation of new policies, procedures, and reform initiatives. Sergeants must serve as highly credible role models for the core values of WCSO, and must exemplify the highest standards of professionalism, integrity, and competence. In order to do so, they need structured, regular professional training and mentorship. As such, WCSO should implement a formal leader development program to ensure that sergeants are optimally capable of fulfilling their role. We recommend that leader development initiatives focus on the art of leadership itself, and not merely on isolated technical competency in various skills. Across the United States, one of the longstanding deficiencies of most police leadership and supervisory training is that it narrowly focuses on technical skill while largely ignoring the core competencies of leadership itself. As a starting point, we recommend that WCSO study the Army's Leader Development Model,<sup>1</sup> which has directly actionable material for civilian police agencies, and the extensive free resources available via the Center for the Army Profession and Leadership.<sup>2</sup> We hasten to add that readers who may balk at the suggestion of applying military leadership training to civilian policing should reserve judgment until they compare the rigorous, evidence-based leader development programs that the defense community has successfully implemented, and compare them to the feeble state of the art in civilian law enforcement. We encourage WCSO to engage with regional colleges and universities to consider opportunities for discounted or tuition-free access for WCSO personnel, especially new leaders, who can be the standard-bearers for progressive policing in the region and beyond. We also recommend that WCSO reach out to some of the many innovative, progressive private sector corporations in the Washington County area to explore opportunities for internships and exchange programs to foster leader development. Other suggestions for supervisor training and development that emerged from our discussions and analysis are as follows:

- Video-based scenario training focuses on leadership and personnel challenges
- Striving for excellence: moving past a culture of policy compliance to elite performance
- Documenting, correcting, and remediating performance problems and deficiencies

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<sup>1</sup> <https://www.benning.army.mil/mssp/Leader%20Development/>

<sup>2</sup> <https://capl.army.mil/>

# **USE OF FORCE TRAINING**



## USE OF FORCE TRAINING

Use of force is doubtless the most tactically, legally, and ethically complex and controversial area of police training. As such, it requires an exceptional degree of sophistication in its design, implementation, delivery, and evaluation. Based on our analysis and observations, we think that WCSO already has a strong use of force training program that is well-positioned for continued reform and expansion. Not least of all, and with the exception of precipitous decreases in training hours in 2020 due to the COVID pandemic, the quarterly use of force training that WCSO deputies normally complete significantly exceeds the national average. We also commend WCSO for their extensive use of reality-based training, and for building an infrastructure at the new Training Center that has vast potential to transform the state of the art in law enforcement learning in the greater Washington County region. Despite these and other strengths, we identified a number of key areas where we recommend that WCSO make additional improvements to ensure that all agency use of force training is systematically grounded in state-of-the-art research and evidence-based best practices.

Our recommendations below are guided by the premise that more than anything else, use of force training should focus on strengthening deputies' capacity to be agile, adaptable, and creative decision-makers who can carefully balance the application of skills of influence and skills of control under exceptionally dangerous and challenging conditions. This means ensuring that training is not siloed into artificially separated technical skills, but rather replicates the ambiguous and challenging reality of the operating environment. Training must also be operationally and financially sustainable enough to be delivered in doses sufficient to influence behavior.

Every opportunity for training must be leveraged to optimal effect. For example, in addition to full-day and half-day training events that require deputies to come to the Training Center, we recommend that WCSO make wider use of brief live and online exercises that can be quickly completed in the field in blocks of thirty minutes. Structured, regular opportunities that enable deliberate practice of key physical, cognitive, and emotional skills are all beneficial. San Francisco PD's "micro-scenario" program is one initiative that would be useful for WCSO to consider. The Texas Department of Public Safety also has a program of daily workouts that could readily be expanded to cover a wide range of skills: <https://www.dps.texas.gov/section/training-operations-tod/daily-workouts>. We also see value for supervisors in particular to develop leadership skills using the successful model of the Army's "Leader Challenge" program: <https://files.eric.ed.gov/fulltext/EJ935581.pdf>.



Here are some more detailed recommendations for the continued improvement of use of force training at WCSO.

**62. WCSO should identify and resolve inconsistencies between patrol and jail use of force training.**

In reviewing training documents, we noticed at times confusing differences between the lesson plans and training materials from the Patrol versus Jail divisions. Polis recommends that WCSO revise and standardize its lesson plan format and structure to ensure uniformity across both operational divisions of WCSO. Formatting and the overarching principles of lesson plans and other training material of both operations should be similar and reflective of representing 'one' department. While we appreciate the significant differences between the operating environments of patrol and corrections, the same principles of adaptive decision-making science, social interaction skills, and adult learning apply equally to both.

**63. WCSO should identify opportunities for joint use of force training that involves both patrol and jail personnel.**

We heard repeatedly from WCSO personnel of all ranks that there are diverging attitudes toward the use of force between the Jail and Patrol Divisions. Most notably, some personnel from patrol, as well as some personnel who have served in both the patrol and jail divisions, think that deputies in the Jail Division can sometimes be quicker to resort to using force in situations where patrol deputies would make a greater effort to use de-escalation skills. As a counterpoint, we want to highlight the staffing ratio of one deputy per 64 AICs in many of the jail pods, and the capacity of deputies to maintain effective order in the midst of a volatile environment where they are overwhelmingly outnumbered. While we cannot render a conclusive opinion on the ground truth of these reported differences between patrol's and the jail's attitudes toward force, they indicate at a minimum the need for greater consistency in mindset and agency-wide commitment to core values and principles regarding the use of force. We appreciate that the different operating environments of jail and patrol and other factors such as varying legal and security requirements separate training and education on various skills and topics related to the use of force. However, we strongly recommend integrating jail and patrol use of force training on key concepts, principles, and skills wherever it makes legal and operational sense to do so. Beyond the obvious benefits of ensuring continuity of training and messaging, joint training events with deputies from both divisions should provide informal opportunities for improved communication, mutual understanding, rapport building, and professional development. Along related lines, we recommend increasing the number of hours that new patrol deputies assigned to field training (FTO) spend working in the jail.



**64. WCSO should ensure that its scenario training follows a deliberate practice model.**

Scenario training program should be updated to align with current research on deliberate practice and adaptive decision-making. Most important, scenario exercises of all kinds should be designed to provide greater challenges to deputies to adapt to the scenario conditions and adjust their actions, tools, and tactics. Upon review of training material and interviews with relevant WCSO personnel, we noted that many of the scenarios provided to deputies were excessively scripted with insufficient opportunity for “on-the-fly” decision-making. Further, scenario training we reviewed has insufficient opportunity for repetition and feedback. Scenario training should include adaptive decision making in an experiential way and include scenarios in which deputies are presented with unknown situation. Deputies should not be extensively primed prior to the start of the scenario. Deputies should have the opportunity to run through scenarios multiple times. This along with continuous constructive feedback will broaden the depth of the learning experience.

**65. WCSO should continue to review and refine its protocols for updating use of force training to ensure use of force training to ensure it fully aligns with current and emerging case law.**

In reviewing current use of force training, we noted general incorporation of standards from *Graham v. Connor*. However, as we commented above, *Graham* was intended to provide guidelines for the judicial review of police use of force decisions, and not to provide operational guidelines for the decisions themselves. We recommend that beyond *Graham*, WCSO should ensure that training is consistent with other landmark Supreme Court cases such as *Tennessee v. Garner* and *Scott v. Harris*, as well as newer rulings such as *Torres v. Madrid*. We further recommend that WCSO ensure that training is updated to reflect key new rulings from the 9th Circuit.

**66. WCSO should move Policy 2506-R13 to a more logical place in the Department manual.**

At present, Policy 2506-R13, Defensive Tools, is included under the policy chapter on training. The policy more appropriately belongs under Chapter 1300, Use of Force, and we recommend should be moved there.

**67. WCSO should refine its current scenario and reality-based training to focus more systematically on integrated use of force response that combines skills in adaptive decision-making, control/defense tactics, and social interaction.**

Beginning with an examination of the latest literature on use of force training and adaptive decision-making, WCSO should revise its current training methodology in a manner that fosters the simultaneous capacity to integrate tactical, social, cognitive, and emotional





skills in actually and potentially violent situations. The best way to summarize this point is to say that WCSO's use of force training should focus on situations, not techniques. In this regard, we suggest that WCSO adopt practices already in use in emergency medicine and other fields that encouraging critical problem solving "on-the-fly." Deputies must be able to adapt expertly to each unique situation by continuously assessing conditions and applying the appropriate balance of skills of influence and skills of control. Training scenarios should incorporate the full spectrum of force options, with emphasis on areas including but not limited to team tactics, transition from force to medical assistance, handgun/ Taser transitions, post vehicle pursuit control tactics, and so forth. In conjunction with this recommend, we think WCSO should identify trends from use of force data to ensure that deputies in the jail and patrol divisions alike are prepared to respond appropriately to high frequency situations that can escalate into more dangerous confrontations if left uncontrolled.

**68. WCSO should use civilian role players and/or professional actors for reality-based training, not instructors or fellow deputies.**

WCSO currently relies almost entirely on its own instructors and personnel to serve as actors in reality-based training events. We recommend implementing programs to use training actors and/or civilian role players instead. Using non-agency personnel significantly enhances training realism, and injects elements of emotional and cognitive stress necessary to build deputies' capacity for self-control.

**69. The Training Unit, Professional Standards Unit/Survival Skills Council, and BWC Program should collaborate more directly to support effective training development and evaluation by reviewing incidents and patterns of force.**

Polis recommends that WCSO implement protocols to ensure that the Training Unit, PSU/ SSC, and BWC Program are working in conjunction to align training with policy, strategic outcomes, and operational trends. To put this in context, one WCSO member who was involved in a shooting said he wished the agency had made better, more formal use of his situation to improve training. Along these lines, we recommend adoption of critical incident and tactical debriefing protocols following major events. Close examination of use of force events and trends requires identifying lessons learned and not merely assessing legal and policy compliance. The mindset for such examinations runs counter to dominant police culture and will likely require collaboration with outside experts to keep discussions focused and objective. Among other elements, effective review should consider what training, equipment, personnel, policies, tactics, and so forth could have improved outcomes. The wider deployment of BWCs at WCSO offers further opportunities for a more expansive, data-driven approach to integration of force review and training development.

**70. WCSO should examine and where necessary remedy potential training gaps identified in the project survey:**

In our survey of WCSO line patrol and jail deputies, we identified a number of skills and situations where deputies expressed a significant lack of confidence in their current abilities. These skills and situations should be examined by the Training Division in closer detail to see where revisions, refresher courses, and/or new training are indicated. The self-identified deficiencies from the survey are as follows:



- Foot pursuits
- Extracting violent/uncooperative people from vehicles
- Placing handcuffed, resisting/combative people in patrol vehicle
- Controlling handcuffed, resisting person in back of patrol vehicle –kicking windows, etc.
- Talking to people at gunpoint
- Attacks by multiple people
- Attack with impact weapon (bat, pipe, etc.)
- Escaping from chokehold
- Knife defense
- Recognizing signs of concealed carry and draw from concealment

**71. WCSO should cross-train use of force instructors to ensure baseline proficiencies in multiple skill areas.**

As at most agencies, WCSO use of force instructors typically specialize in defensive/control tactics or firearms. We recommend that all use of force instructors have baseline skills in all force options and social interaction skills to ensure their capacity to think and teach in terms of integrated, full-spectrum decision-making. The Washington State Patrol’s instructor cadre offers a useful example that WCSO may wish to consider.



## CONCLUSION

It has been our honor and privilege to complete this review on behalf of the WCSO and people of Washington County. We know from experience that planning and implementing meaningful change in law enforcement organizations is a lengthy, complex process that requires vision, discipline, commitment, and most important, the trust and cooperation of diverse agency and community stakeholders, who will inevitably disagree about the ideal path forward. We challenge the WCSO to be an exception to the many agencies that commission reports like this and miss the opportunity to use them as catalysts for positive change.

The Polis team doesn't pretend to have gotten everything right in what we have said here. We know that diligent readers will find errors and omissions. And we know there will be people of intelligence and goodwill who flatly disagree with some of our assessments and recommendations. But whatever the flaws and limitations of our report, for which Polis alone and not the WCSO is responsible, we think there is a starting point here for the WCSO and community to roll up their proverbial sleeves and identify areas of common ground where planning for real, sustainable change can begin.

We appreciate that the recommendations we have presented are numerous, and that implementing them will take a sustained commitment of people, time, money, and other resources. Our concluding advice to the WCSO and community is to find common ground in agreeing on the recommendations that are most urgent to address first, and to work on successfully implementing them. In our experience, success born of early collaboration will earn buy-in, and expand into accelerated progress.

We end by calling attention to the shared skepticism of some voices we heard both inside and outside WCSO that told the Polis team's report will not result in any meaningful change. That fear need not become reality. Given all of the wise and well-intentioned people with whom we spoke in completing this project, we leave this final report in their good hands with our vote of confidence in their collective ability to put it to beneficial use. We are excited to see what comes of all this, and are ready to assist further if the WCSO and people of Washington County decide to ask us to do so.

# APPENDIX



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### **Dr. Jonathan Wender, Ph.D. (Project Director)**

Jonathan Wender is a twenty-year police veteran and interdisciplinary social scientist. His area of expertise is face-to-face social interactions in critical situations where risk is high and trust is low. Jonathan has broad experience developing and implementing large-scale training and reform programs that integrate social and tactical skills, and is lead developer of Polis Solutions' T3 - Tact, Tactics, and Trust training system. Jonathan previously served on the faculty at the University of Washington in the Department of Sociology and Law, Societies, and Justice Program. Jonathan is internationally recognized as a subject-matter expert on police-community interactions, police reform, police use of force, officer decision-making, police training, and other related topics. He holds a Ph.D. in criminology from Simon Fraser University (2004).

### **Dr. Marc Brown, Ph.D.**

Marc Brown serves as a control tactics and use of force instructor at the Federal Law Enforcement Training Center (FLETC), and is also a senior instructor and subject matter expert for Polis Solutions specializing in use of force, de-escalation, diversity, and community trust-building. He is a fourteen-year police veteran, having served primarily with the Charleston (SC) Police Department in a variety of assignments, including defensive tactics instructor, intelligence/federal task force operations, and community relations in historically marginalized African-American neighborhoods. Marc recently completed his doctoral dissertation on the relationship between leadership and patrol officers' work performance. He is passionate about using his research and practical skills to improve trust and safety between police and communities of color.

### **Sgt. (ret.) Donald Juan Gulla**

Don Gulla is Polis Solutions' national training director. He previously served for 33 years with the King County (WA) Sheriff's Office, where he spent the majority of his career in CIT, HNT, SWAT, and training administration. Prior to retiring, Don coordinated unified training and mental health co-response initiatives for all CIT programs in the Seattle-King County metropolitan region. He specializes in developing and delivering CIT, de-escalation, and other training programs that integrate social, tactical, and trust-building skills. Don has an international reputation for innovative approaches to creating safe hands-on techniques that build on procedural justice concepts while ensuring sound officer safety. He is Polis Solutions' lead content developer for ADAPT, a new DOJ-funded program to build a model national defensive tactics curriculum.



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Margaret Hornor serves as Polis Solutions' program manager responsible for overseeing administration of federally-funded research, training, and technical assistance projects related to police reform, de-escalation, use of force, and police decision-making. She is closely familiar with all aspects of Department of Justice and other government awards management and oversight, including data collection and analysis, compliance reporting, program evaluation, and technical support services delivery. Margaret earned her M.A. in Criminal Justice at Seattle University with a focus on police research and police-community trust.

## **Mr. Thomas Larned, Esq.**

Tom Larned is retired from the FBI, where he served for 29 years in a wide range of operational and other assignments, including extensive experience as the FBI Headquarters Inspection Division Team leader responsible for ensuring national field office compliance with high-priority policies related to investigations, training, equity, misconduct, and other critical performance areas. Tom also served as Senior FBI Executive in Iraq during Operation Iraqi Freedom, where he was responsible for implementing rule of law and de-escalation practices into newly formed Iraqi police, military, and security organizations. Since retiring from the FBI, Tom has supported Polis Solutions on a range of major reform projects with large police agencies and the U.S. Department of Justice.

## **Ms. Denise Rodriguez, M.A.**

Denise Rodriguez is a leading expert on collaborative police reform, police accountability, and community-based policing, and currently serves as the Chief Deputy Police Monitor on the Puerto Rico Consent Decree. Prior to joining the Puerto Rico Monitoring team, Denise served as the Deputy Monitor and Assistant Director for the City of Fort Worth's Office of the Police Monitor, which provides oversight over the Fort Worth Police Department. She played an integral role in the Office's efforts in conducting independent reviews and monitoring of citizen complaints, use of force incidents, and police department policies, practices, and procedures. Prior to serving with the City of Fort Worth, Denise spent over 11 years with CNA, where she led the Center for Police Research and Innovation's work on police reform. Most recently, Denise served as Director and Principal Investigator on the racial bias audit of the Charleston, SC Police Department. She has also served as the Director, Principal Investigator, and Monitor for the US DOJ Collaborative Reform Initiatives in Spokane (WA) and Fayetteville (NC). Denise also supported the reform assessments and monitoring of the Las Vegas Metropolitan, NV and Philadelphia, PA Police Departments. Denise speaks fluent Spanish, and has particular expertise in the challenges of building trust between police and historically marginalized communities of color.



## **Ofc. Trak Silapaduriyang, M.A., Ph.D. (cand.)**

Trak Silapaduriyang has served with the Chicago Police Department (CPD) for over twenty years, and is currently assigned to the CPD Academy where he is responsible for developing and implementing de-escalation, officer safety, and mental health awareness training programs. Trak also serves as the City of Chicago's lead expert witness for federal and state litigation related to the use of excessive force, deadly force, and other similar claims against CPD. He is a senior instructor and subject matter expert for Polis, and supports national delivery of T3 training. In addition, Trak works for the U.S. Department of State as an international police reform advisor in Thailand and Vietnam, where he has supported implementation of human rights, procedural justice, and other democratic policing initiatives. He is currently writing his doctoral dissertation on international efforts to implement principles of human rights into policing practices.



## WASHINGTON COUNTY SHERIFF'S OFFICE COMPREHENSIVE USE OF FORCE REVIEW PROJECT INTERVIEW GUIDE

This guide is intended to provide you with a set of strategic objectives for your interviews. As we all agreed, rather than having you follow a set script, the objectives are meant to serve as orienting points that you can adapt to your own interview style. Please note the following points:

- **Interviews should be approximately 60 minutes long.**
- **Our core objective is to build WCSO and community trust in the Polis team and the integrity of our efforts.**
- **Open with mutual introductions.**
  - Explain why the project is personally important to you.
- **The only scripted part of the interview is the following Project Statement, which you should read verbatim before starting your questions:**
  - Polis Solutions is a national research and training company that develops and implements customized, evidence-based solutions for police, criminal justice, and other organizations designed to improve safety and trust. We work with police agencies of all sizes, from small departments that serve remote villages in Arctic Alaska to those serving the largest cities, including New York and Chicago. Whatever the project, we begin and end with the belief that trust is the foundation of policing, and of the work we do to support it. The Washington County Sheriff's Office has hired Polis to provide the Sheriff's Office and the entire Washington County community with a rigorous, objective, and actionable review of all WCSO policies, procedures, and training related to the use of force. As part of our review, we are conducting a series of confidential, anonymous interviews with key members of the Sheriff's Office and Washington County community whose knowledge, expertise, and opinions will help ensure that our final report is as fair and accurate as possible.



# WCSO Comprehensive UOF Review Report



- **By the end of each interview, you should be able to write a brief summary that addresses the following questions:**

1. What unique information does the interviewee have that is relevant for the project?
2. What does the interviewee think are WCSO's most significant strengths?
3. What does the interviewee think are WCSO most significant weaknesses?
4. What does the interviewee think are the greatest risks to officer and public safety in Washington County?
5. What are the interviewee's greatest concerns about issues related to the UOF at WCSO?
6. What do they think is most effective about current UOF policies, practices, and training at WCSO?
7. What do they think is least effective about current UOF policies and practices?
8. What data can they provide and/or identify to support their positions?
9. What specific change(s) does the interviewee recommend for improving UOF policies, practices, and training at WCSO?
10. How does the interviewee rate the level of internal trust at WCSO?  
(WCSO interviewees only)
11. How does the interviewee rate the level of trust between WCSO and the community?
12. What would the interviewee do to improve internal trust? (WCSO interviewees only)
13. What would the interviewee do to improve trust between WCSO and the community?
14. To whom else does the interviewee think we should speak about this project?
15. What results and changes would the interviewee like to see come out of this project?
16. What specific role does the interviewee think they should have in implementing recommendations generated by this project?



## EMPLOYEE INTERVIEW CONSENT FORM WASHINGTON COUNTY SHERIFF'S OFFICE COMPREHENSIVE USE OF FORCE REVIEW

By completing and signing this form, I consent to participate in a voluntary interview with Polis Solutions as part of their comprehensive review of use of force policies and practices at the Washington County Sheriff's Office.

Please check each box below to affirm your understanding of the following statements:

I understand that Polis Solutions ("Polis") has been hired by the Washington County Sheriff's Office (WCSO) to conduct a comprehensive external review of WCSO's policies and practices related to the use of force.

I understand that WCSO has provided my name to Polis as someone with important knowledge, expertise, and experience that can assist the review team.

I understand that to ensure the accuracy, candor, fairness, and objectivity of the review, the Sheriff has agreed to Polis' request that all interviews with WCSO personnel be anonymous and confidential.

I understand that the information I share during my interview will not be directly attributed to me.

I understand that Polis will interview me via videoconference (Zoom, FaceTime, Teams, etc.) unless otherwise arranged.

I understand that my interview will not be recorded.

I understand that if I disclose information regarding an immediate and serious threat to public safety, Polis will share this information with the appropriate authorities. Such information includes but is not limited to the following: allegations of child physical or sexual abuse, the imminent commission of a violent felony or act of terrorism, and threats to commit suicide.

Signature: \_\_\_\_\_

Name (printed): \_\_\_\_\_

Rank/Position: \_\_\_\_\_

Date: \_\_\_\_\_





## COMMUNITY MEMBER INTERVIEW CONSENT FORM WASHINGTON COUNTY SHERIFF'S OFFICE COMPREHENSIVE USE OF FORCE REVIEW

By completing and signing this form, I consent to participate in a voluntary interview with Polis Solutions as part of their comprehensive review of use of force policies and practices at the Washington County Sheriff's Office.

Please check each box below to affirm your understanding of the following statements:

I understand that Polis Solutions ("Polis") has been hired by the Washington County Sheriff's Office (WCSO) to conduct a comprehensive external review of WCSO's policies and practices related to the use of force.

I understand that WCSO has provided my name to Polis as someone with important knowledge, expertise, and experience that can assist the review team.

I understand that to ensure the accuracy, candor, fairness, and objectivity of the review, my interview with Polis will be confidential and anonymous.

I understand that Polis will interview me via videoconference (Zoom, FaceTime, Teams, etc.) unless otherwise arranged.

I understand that my interview will not be recorded.

I understand that if I disclose information regarding an immediate and serious threat to public safety, Polis will share this information with the appropriate authorities. Such information includes but is not limited to the following: allegations of child physical or sexual abuse, the imminent commission of a violent felony or act of terrorism, and threats to commit suicide

Signature \_\_\_\_\_

Name (printed) \_\_\_\_\_

Title/Position \_\_\_\_\_

Organization \_\_\_\_\_

Date \_\_\_\_\_



# WCSO Comprehensive UOF Review Report



## Document Requests and Review

To compliment the qualitative data that was collected during stakeholder interviews Polis systematically requested and reviewed WCSO data and documents including the following:

CALEA Accreditation Reports
Collective Bargaining Agreements
Community Crime Statistics, 2015 - 2020
Critical Incident Protocol
Curricula and Programs of Instruction related to De-Escalation
Decision-Making Training
Defensive/Control Tactics Curricula and Programs of Instruction
Disciplinary Guidelines/Matrix
Early Warning Metrics & Protocols
Exceptional Performance Related to Actual/Potential UOF Situations, 2015-2020
Firearms Curricula and Programs of Instruction (including any less lethal platforms)
Governing Jurisdictional Statutes Related to the Use of Force
Internal Affairs Protocols for UOF Case Investigations
Jail Policies, Orders, & Directives Related to UOF
Molina Case Investigation Key Documents
Near-Miss/Sentinel Event Data for UOF Incidents, 2015-2020
Organizational Chart (General & Services Division)
Patrol Policies, Orders, & Directives Related to UOF
Policies and Procedures re Bias-Free Policing
Policies and Procedures re Community Engagement
Policies and Procedures re Procedural Justice
Policies and Procedures re Immigration Enforcement
Policies and Procedures re Major Crime Unit
Post-Incident Remediation Training Requirements
Sample of BWC Footage of UOF & De-Escalation Incidents
Sample of Use of Force Reports/Investigations (PATROL & JAIL 2015 - 2020)
Summary of UOF-related Legal Claims against WCSO & Disposition, 2015 - 2020
Technology & Facilities Overview for UOF Training
Training Evaluation Standards - Academy, FTO, In-Service
Trauma Informed policies re UOF/community/children/minorities.
Use of Force Analysis System and Technical Capabilities
Use of Force Annual Reports, 2015-2020
Use of Force Instructor Qualifications/Training Requirements/Recertifications
Use of Force Investigation Protocols (Jail & Patrol)
Use of Force Investigator Training Requirements



## DOCUMENT EVALUATION TEMPLATE

Reviewer Name: \_\_\_\_\_

Date Review Completed: \_\_\_\_\_

Document Title: \_\_\_\_\_

Document Reference Name *(i.e. name it is saved under in Zotero)*: \_\_\_\_\_

**A. Summary of document purpose and content:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

**B. Key strengths:** \_\_\_\_\_

\_\_\_\_\_

**C. Key deficiencies:** \_\_\_\_\_

\_\_\_\_\_

**D. Recommended revisions/corrections:** \_\_\_\_\_

\_\_\_\_\_

**Additional Narrative/Comments:** \_\_\_\_\_

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# WCSO Comprehensive UOF Review Report



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