



## San Juan County Sheriff's Office

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On October 2<sup>nd</sup> at 1:00 pm I conducted a Loudermill hearing in my office for conduct alleged in an incident that took place on August 21<sup>st</sup>, 2020. Present at the meeting were (list). The following are my findings and determinations.

On August 21<sup>st</sup> you made a traffic stop on San Juan Island. The driver was DWLS, had an interlock requirement, was possibly DUI and also had an out of county felony arrest warrant.

There are several troubling issues that took place on that night that deeply concern me. First and foremost was your lack of judgement for your own safety as well as those around you. Your lack of awareness of the safety issues and your reliance upon a policy that allows for deputies to use discretion (best judgement) *when and if* to handcuff someone once they are arrested. You have made several statements that contradict your statements that you felt you exercised good judgement and that everyone was safe. It is that lack of judgement that concerns me the most.

In coming to this determination, I looked at the facts of the case as well as your written report and the written reports of other responding deputies, radio logs and the criminal history of the person you arrested.

In this incident I find that you violated San Juan County Lexipol policy 340.5.7 for unsatisfactory work performance, 340.5.10 for failing to observe department safety standards or safe work practices and 900.9 failing to remove and secure your firearm while dealing with inmates within the secure facility.

### **Traffic stop and arrest**

On the night of the traffic stop, you did not know the person you stopped nor were you aware of his criminal history. You were made aware via communication with dispatch, that he had an out of county felony arrest warrant for eluding law enforcement and DUI. You were informed there was the odor of drugs which may have led to possible impairment. You later found a white powder substance on his

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person presumed to be cocaine and there was a hard-cylindrical object in his pocket that you stated you felt but could not identify which was not removed until after you transported him to the jail. Inside the subject's car, there were numerous other types of illicit drugs and paraphernalia. Based upon all the information outlined above, this should have given you a heightened sense of awareness for officer safety.

Making a traffic stop on a known drug dealer and a person who has shown to have a felony history with law enforcement is one of the most dangerous contacts law enforcement can have. On this night you stated your belief that subject was agitated because of all the law enforcement personnel on scene. However, you did not ever consider the fact that he was possibly agitated because he had a felony arrest warrant, was impaired and had a large number of illegal narcotics inside his car when you were contacting him.

You describe him as being over 6'2" and having wide shoulders and being agitated, yet you did not do the most prudent and safest thing by securing him safely in handcuffs. Furthermore you did not search him properly once you had him in handcuffs (when was he placed in handcuffs?). On this night you had 2 options to consider, either arrest him on the spot and secure him safely in the back of your patrol car or utilize the safety in numbers of your fellow deputies on scene and process him for DUI with them on scene as backup. Instead you performed a poor search, transported him to the station where you were then uncuffed him and performed another poor search of his person without the benefit of backup should you need it. You said, "Due to Christopher being over 6'2" and having wide shoulders I found doing a more thorough search at the station would be more productive."

As you wrote in your arrest report, you returned to the station and performed a more thorough search. In looking at the jail camera video of the incident you spend exactly 24 seconds in your search. (How long does a typical thorough search take?) You removed items from his front pocket and did a quick frisk of his cargo pockets. You did not remove his hat, shoes, sunglasses (?) or check his waistband area. The waistband of a person's pants is most likely to be where a weapon is stored. If this is what you conclude as a more thorough search as written in your report, that would conclude the search in the field lasted less than 24 seconds and therefore could not be a proper or even a good search.

### **Jail and safety procedure**

Once you returned to the station with the arrestee, you removed him from handcuffs without removing your sidearm and properly stowing it. You then did a poor search and put him into the interview room. When asked during your IA interview about not securing your firearm, you said you did it because of a timeline. You stated Deputy Norton was bringing another arrested subject into the jail and that you were in a rush. Deputy Norton's prisoner was safely secured in the

back of his patrol car and could have stayed there until you were finished properly and safely securing your prisoner.

The Sheriff's Office policy is very clear on weapons and inmates. It is a practice that you have observed over your career really without issue. In your interview you agreed that you should have removed your sidearm, but, felt that you didn't have the time to do so with Deputy Norton coming in at some point with another arrestee. This is not an excuse to relax safety procedures and put not only yourself, but the inmate, your fellow deputies and dispatchers at risk of harm.

### **Unsatisfactory work performance**

This is part of a pattern, or a symptom, of a bigger issue. Throughout your career you have struggled with numerous areas. You have a long history of unsatisfactory work performance. While I do not doubt your commitment and desire to be a law enforcement officer and your commitment to your community, your abilities that you have shown so far over your career are troubling.

On 03/02/2020 you met with Undersheriff Reimer and Sergeant Peter regarding serious concerns with your work performance. In this meeting you discussed officer safety issues, report writing issues and procedural issues. On busy scenes you struggle to be able to straighten things out when the scene gets chaotic. In dealing with this incident, during the Loudermill hearing you stated you were at a 1 when the guys were at a 10. You admit that you are a 1 to 10 type person and need to process things in order, but this profession is rarely ever 1 to 10. Scenes and calls often get chaotic and as a law enforcement officer you are relied upon to be mentally agile and bring calm to the chaos if possible.

In the past your co-workers and dispatchers have seen emotional and at times, angry, outbursts from you where they are afraid to stand up to you for fear of how you would act. These types of interactions have caused interpersonal relationship problems inside the office and these relationship problems have created an unfavorable working atmosphere between you and your team. This, unfortunately, is something that has followed you through your career. When you were working on District #2, you had problems with Deputies Distler, and later Johns and Wilsey. On San Juan there have been observed problems with your entire team currently as well as sporadically with some dispatchers.

You have a long-documented history of report writing issues. In this call, you said the subject you arrested was complaining of arm pain and that you wanted to get him out of the handcuffs to alleviate that. You also said that you didn't put it in your report. This is a critical oversight. Over your career you have struggled with report writing and often neglect to put important facts into your reports. Your reports are continually sent back for key missing components like pertinent facts, sentence structure so the report makes sense as well as determining probable cause.

On April 4<sup>th</sup> 2018 you wrote a PC statement for assault 4<sup>th</sup> DV but did not establish probable cause. Judge Loring sent an email directly to your supervisor alerting him to the issue. Your supervisor had to read your report and do follow-up to re-write your PC statement for the courts. This is an ongoing pattern in regard to your reports where they have to be sent back for numerous spell check errors and structural issues.

During your normal course of work, you struggle with knowing the laws, knowing procedures and continually call your supervisors for direction. In the 6 month period from March 16<sup>th</sup> 2020 through September 20<sup>th</sup> you have called your supervisors a total of 216 times. While as supervisors we want a phone call if necessary, as a law enforcement officer, you are expected to be able to handle your job on a day to day basis without constant supervision.

### **Officer Safety**

Over your career you have been written up for numerous officer safety issues. You go through periods where it is not a problem and then you go through periods where it is a major problem. Over the years you have been counseled, coached and written up on hopes of helping you solve the problem with little success. The following are some of the more recent issues we have documented.

- On 02/27/2014 you transported a 50 year old bi-polar male to Friday Harbor for a mental health evaluation. The male was later found to have multiple large edged weapons on his person by the ER staff at the hospital.
- On 5/30/18 you were counseled for not searching a person you arrested when it was later found by corrections that the person brought into the jail a bottle of Captain Morgan's rum and a bottle of cough syrup which was hidden from you while the arrestee was being changed out into the jail clothes.
- On 04/14/2019 you arrested a female for assault 4<sup>th</sup> DV and malicious mischief 3<sup>rd</sup> and transported her to the jail without searching her person incident to arrest.
- On 04/21/2019 you responded to a burglary call in the Golf Course Rd. area at around 3:30am. The report was an unknown white male entered the residence and was caught by the sleeping homeowners. In route to the call, you made contact with a white male in the area and let him go. (Was this the guy?)
- On 04/23/2019 you made a traffic stop on a known male with an extensive arrest record. You did not control the driver and allowed him to exit the vehicle and move around the area while you dealt with a female subject with an arrest warrant.

## **Final findings**

On the evening of August 21<sup>st</sup>, 2020 you made a traffic stop while on DUI emphasis patrol. You had an impaired driver who also had a felony arrest warrant for eluding law enforcement and DUI. Your primary reason for the stop was a non-working headlight. You made the traffic stop and ran the driver. While you were running the driver, you had backup arrive on scene. At that time, you should have made a plan to perform SFST's while you had sufficient backup. As a senior deputy, you are expected to plan on how best to deal with the situation and then deal with it. Your primary focus should have been dealing with a DUI, and the arrest warrant should have come second.

If your driver was getting agitated, and there is nothing in the other three deputies reports to suggest that he was, then it is all of your jobs to de-escalate the situation and deal with it appropriately. You said that you felt the scene was chaotic because there were 3 other deputies on scene who was contacting your subject. You said you felt steamrolled and that "They were on step 10 and you were on step 1" when another deputy called for K9 to respond, which was an appropriate action to take.

Every year there are articles about officers who are assaulted, injured or killed by a suspect who was in handcuffs where the officer did not search them well. We have all seen the videos where a subject is in jail and produces a gun that was taken in with him. The Washington State Criminal Justice Training academy is very thorough on their instruction regarding searching suspects and officer safety. I feel that you failed all of these areas that night.

Based on everything in your employee file, your supervisors note file and the reports taken that night, I am hereby giving you 5 days suspension unpaid. Upon your return I expect you to step up and demonstrate consistently that you are capable of fully performing all of your duties professionally and in compliance with safety standards.

Any future officer safety or performance issues will result in the escalation of the disciplinary process and may result in your termination of employment.

Ron Krebs  
Sheriff