

RE IA #S041102.txt

From: Allais, Kevin
Sent: Wednesday, December 22, 2004 9:46 AM
To: Nolan, Erin
Subject: RE: IA #S041102

Scheduling the laudermill hearing.....

-----Original Message-----

From: Nolan, Erin
Sent: Wednesday, December 22, 2004 9:43 AM
To: Allais, Kevin
Subject: RE: IA #S041102

Two counts... any insight yet?

-----Original Message-----

From: Allais, Kevin
To: Horch, John
Cc: Nolan, Erin; Evans, Mike; Shea, Steve
Sent: 12/21/2004 2:38 PM
Subject: IA #S041102

December 21, 2004
Re: IA #S041102

Deputy John Horch,

As you know, there was an investigation into allegations of possible policy violations regarding two incidents occurring at West and Central Precincts.

After completing this investigation the recommendation regarding the alleged violation of policy were the following:

01.29.120 Employee Misconduct (2cts) Sustained

Chief Evans reviewed the investigation and concurred with the recommended findings.

Based upon current labor relation agreement as the subject of an internal investigation you have the right to obtain a copy of completed investigation and you have the right to have the investigation reviewed by the Board of Inquiry. Please let me know as soon as possible if you want this to be reviewed by the BOI.

I have given a copy of this report to Mark Makler.

Sincerely,

Sergeant Kevin Allais

Cc; Chief Evans
 Sergeant Shea
 Commander Nolan
 Mark Makler

RE Diversity Posters.txt

From: Allais, Kevin
Sent: Wednesday, November 10, 2004 2:10 PM
To: Nolan, Erin
Cc: Shea, Steve
Subject: RE: Diversity Posters

Erin,

We spoke to Chief Evans about this case. I have assigned IA Case # S041102 to this. It is not mandatory that we conduct the investigation even if it is a Major Complaint. It is obviously very cut and dry. I would request that Steve write this up and forward it to us.

At looking at the violation it appears that Employee Misconduct 01.29.120 would be best applicable here. I spoke briefly with Nina and she concured.

Let me know,

Kevin

-----Original Message-----

From: Nolan, Erin
Sent: Tuesday, November 09, 2004 2:10 PM
To: Evans, Mike
Cc: Johnson, Jane; Lucas, Garry; Allais, Kevin; Shea, Steve
Subject: FW: Diversity Posters
Importance: High

Chief,
Please see the email from Sgt. Shea.

Sgt. Allais,
Please prepare a six-part. I believe that the theft and destruction of county property would be considered a "major" complaint.

Thankyou in advance. e

-----Original Message-----

From: Shea, Steve
Sent: Friday, November 05, 2004 11:55 AM
To: Nolan, Erin
Subject: RE: Diversity Posters

Erin,

I brought this to the attention of my squad today with no responses. John Horch is on vacation this week, but happened to call me about something else. I metnioned that if he knew anything, it would be best to come forward. John admitted that he is the one who removed the poster and threw it away. I advised him to expect discipline when he returns from vacation. He said he understood.

John said he knows it is not an excuse, but explained his mindset was that it was his first day on patrol after being demoted. He was upset about that and took it out on the poster.

I'll get with you to discuss options for discipline.

Thanks,

Page 1

Steve

-----Original Message-----

From: Nolan, Erin
Sent: Wednesday, November 03, 2004 10:56 AM
To: Cooke, Mike; Prather, Peggy; Bieber, Tim; Pritchard, Dennis; Shea, Steve
Cc: Allais, Kevin; Evans, Mike; Warren, Rusty
Subject: Diversity Posters
Importance: High

Sergeants,

In June/July of this year, the Sheriff's Internal Diversity committee sent posters to the precincts to honor diversity. Two posters were placed at west, one in the lobby and one in the briefing room.

Today I learned that there have been some incidents where posters at some locations have been defaced, sticky notes have been placed on them expressing comments, and others have been stolen or removed.

I noted today that the poster that was hanging in the briefing room is gone.

I am extremely disappointed to hear that this sort of activity is happening within the Sheriff's Office. As an agency we have taken steps to try to honor our people and recognize that everyone makes their own unique contribution to this agency and the community we serve.

Defacing county property, placing childish notes on a poster, or taking it down doesn't honor any of us.

I expect that you will talk with your shifts. I expect that the diversity poster from the briefing room will be returned immediately to my office and I expect that the person that removed it will be identified by their supervisor and that disciplinary action will follow.

This sort of conduct is unacceptable, it is inappropriate and it will not be tolerated. Please re-emphasize the expectation that people will behave professionally both in and outside the walls of this precinct.

Thank you.



Garry E. Lucas
Sheriff

CLARK COUNTY SHERIFF'S OFFICE

INTERNAL AFFAIRS UNIT

IA CASE # 020601

COMPLETED INVESTIGATION

Investigated by:

Sgt. Jack Foyt

July 9, 2002

*Concur - Written
Reprimand issued.*

[Signature]

Investigation Summary and Findings

On 06/17/02 I received a written report from Commander Erin Nolan regarding a preliminary investigation that she had made into a citizen complaint involving Deputies John Horch, Alan Earhart and Tim Boardman. Cmdr. Nolan's report indicated that on 06/07/02 at about 1930 hours, the three deputies responded to a domestic disturbance at 1616 NW 104th St. where they dealt with Ms. Cynthia Pierce and her husband, Robert Pierce. According to Ms. Pierce, who filed the complaint with Cmdr. Nolan, in the course of her contact with the deputies she became angry and asked for all of their names. In response she received a slip of paper from one of them listing four names: John Horch, Alan Earhart, Tim Boardman and "Jack Mehoff."

Cmdr. Nolan's report indicated that Ms. Pierce thought that it had been Deputy Earhart who had given her the note, though she seemed a bit confused about which deputy was which. The report also indicated that Cmdr. Nolan had contacted and questioned a civilian rider named Travis Ridgeway who had been riding with Deputy Horch that evening. Mr. Ridgeway indicated that he was sure that it had been Deputy Horch who had given the note in question to Ms. Pierce.

Attached to Cmdr. Nolan's report was a photocopy of the note in question, the original being still in the possession of Ms. Pierce. I obtained samples of the handwriting of all three deputies from their personnel files and compared it to the writing on the note. It appeared to be that of Deputy Horch. I subsequently prepared and served Deputy Horch with a formal complaint form alleging a violation of CCSO G.O. 01.29.070 (Courtesy). A photocopy of the note is attached.

I subsequently conducted an investigation into the matter that included a conversation with Ms. Pierce (she had already been interviewed in detail by Cmdr. Nolan), a review of a report of the incident prepared by Deputy Earhart, transcripts of MDC traffic between CRESA dispatchers and the involved deputies during and after the incident, a review of recordings of the radio traffic of the involved deputies during and following the incident,

and a formal taped interview with Deputy John Horch. It should be noted that I was actually contacted by Deputy Horch who requested an appointment to speak with me about the incident.

My review of the MDC and radio traffic revealed little of interest relative to this matter, other than a brief reference during a radio transmission made by Deputy Horch on a "tac" channel to the effect that he felt sorry for the dispatcher who had to spend any time on the telephone with Ms. Pierce.

My review of Deputy Earhart's report of the incident, as well as my review of the CRESA call history and incoming 911 call recording, revealed that Ms. Pierce called 911 from her residence at 1931 hours to report a disturbance between herself and her husband. During that call she reported to the call taker that her husband had grabbed her by the neck. The call taker remained on the telephone with Ms. Pierce while the deputies responded to her residence. During this period Ms. Pierce began to express regret that she had called 911 and attempted to cancel the law enforcement response. When the call taker explained that this was no longer possible based on what she had already reported, Ms. Pierce became angry and eventually hung up the telephone. According to Deputy Earhart's report, when they arrived, Ms. Pierce indicated that she wanted them to leave. She denied that he husband had harmed her and resisted the deputies' attempts to enter her home or speak with her husband. The Deputies were eventually able to speak with Mr. Pierce, whom they described as very cooperative, and concluded that there had been no assault. They continued to stand by until Mr. Pierce, who was in the process of packing a few belongings, had left. Deputy Earhart's report indicates that as Mr. Pierce was attempting to leave, Ms. Pierce, who was apparently mildly intoxicated, attempted to interfere in that process and had to be separated from Mr. Pierce.

Copies of Cmdr. Nolan's report, Deputy Earhart's report, the CRESA call history, and other miscellaneous supporting documents are attached.

On 06/25/02 at about 1435 hours I conducted a formal taped interview with Deputy Horch in the Internal Affairs office. Since Deputy Horch declined the presence of a guild representative, only he and I were present. During this interview, Deputy Horch readily acknowledged that he had written the note and presented it to Mr. Pierce with the intention that it be delivered to Mrs. Pierce. He acknowledged that his intent was to insult Ms. Pierce. He made no attempt to obfuscate the issue, defer blame, or otherwise mitigate his actions, other than to the extent that he described Ms. Pierce as being extremely abusive and antagonistic toward them during their contact with her, including the repeated poking of his chest with her finger. He volunteered, however, that he fully realized that such did not constitute justification for his actions, describing them as "inappropriate" and "not professional."

Deputy Horch indicated that no other deputies had been involved in the preparation of the note, nor did they have knowledge of it until after the fact.

A copy of the transcript of Deputy Horch's interview is attached.

Given the simple fact pattern in this case, Deputy Horch's confession, and the fact that the handwriting of the note matched that of Deputy Horch, I concluded that it would be pointless to proceed with interviews of other involved parties.

Based on the foregoing, I make the following finding recommendation:

G.O. 01.29.070 (Courtesy)

Sustained

Post-It™ brand fax transmittal memo 7671		# of pages > 1
To: Commander Nolan	From: Cindy Pierce	
Co:	Co:	
Dept:	Phone # 360 418-8049	
Fax # 397-2076	Fax #	

SPW 12-26-64
McComb, Amy M.

2-23-75

Homan, Eleanor L.
5-16-85

ALAN GATTAN
* JOHN HORN HORN
THE BOSTONIAN
JACK MCGLOTT

Clark County Sheriff's Office
Internal Affairs Unit
Employee Rights Form-Subject Employee

Case Number: 020601

Date: 6/25/02

Employee Interviewed: JOHN HORCH #3304

You may have been involved in an incident which is being investigated by the Internal Affairs Unit. Specific General Orders which will be addressed in this inquiry are as follows;

G.O. 01.29.070 COURTESY

You are going to be interviewed as part of an official investigation by the Internal Affairs Unit. You are entitled to all the rights and privileges of the laws and constitution of this State and the constitution of the United States. You also have the specific rights listed below:

- A. Employees who are members of a recognized bargaining unit may have a Union/Guild Representative present.
- B. You may provide witnesses and evidence in your own behalf.
- C. You may record any and all portions of the interview. If you agree to having the interview recorded, you may be furnished a copy of the official transcript of the recording and further may have access to the tapes used.
- D. Failure to cooperate with the investigation could subject you to disciplinary action.
- E. You may appeal sustained finding under applicable Civil Service Rules, or under the appropriate grievance procedure.

Also, General Order 01.32.140 outlines specific responsibilities of employees under administrative (non-criminal) investigation. General Order 01.32.140 states as follows;

"Employees under investigation for non-criminal misconduct shall be required to meet with an internal affairs officer/their supervisor for interviewing when a formal complaint has been filed against the employee. Employees will answer fully all questions which an internal affairs investigator/supervisor may ask regarding an internal affairs investigation and will cooperate with the internal disciplinary process. No employee shall obstruct, hinder, or impede internal investigations, disciplinary review boards or other departmental hearing, knowingly conceal or misrepresent material facts relating to the subject matter of an inquiry. Provided that at the same time, no employee shall be deprived of any rights or freedoms afforded to any ordinary citizen by the United States Constitution, by the laws of the State of Washington, Civil Service Rules and/or Labor Contracts."

Clark County Sheriff's Department
Internal Affairs Unit

Memo

To: Chief Evans
From: Sgt. Foyt
Date: 07/17/02
Subj: Discipline history of Deputy John Horch

Sir:

Per your request I have conducted a search of the internal affairs database for entries pertaining to Deputy John Horch. The following is a summary of that search:

<u>CASE #</u>	<u>DATE</u>	<u>COMPLAINT DESCRIPTION</u>	<u>FINDINGS</u>
920708	07/21/92	On-duty MVA	Non-chargeable
940501	05/04/94	Rudeness/unlawful search	Unfounded
940809	08/94	On-duty MVA	Chargeable
941005	06/05/94	Improper evidence handling	Suspended due to timeliness issue
941201	09/11/94	Fail to complete required reports	Sustained
960901	09/05/96	Rudeness (Dave Sturdevant incident)	Not sustained
970702	07/06/97	Use of deadly force (fatal shooting)	Justified
000901	09/01/00	Damaging department property (broke an MDC screen)	Sustained
001104	11/19/00	Fail to complete required reports	Sustained
001105	11/28/00	Fail to complete required reports	Sustained

In addition, I inspected Deputy Horch's personnel file for further evidence of disciplinary action. I located letters pertaining to two additional I.A. matters not referenced in the database:

910417	04/09/91	On-duty MVA	Chargeable
910419	04/24/91	On-duty MVA	Chargeable



 **COPY**

Garry E. Lucas
Sheriff

Clark County Sheriff's Office

Chief Mike Evans
Chief Criminal Deputy

February 8, 2005

John Horch
Clark County Sheriff's Office
Notice of Suspension – Misconduct IA SO41102

Deputy Horch,

As you are aware, Internal Affairs Investigation #SO41102 concluded with a sustained finding.

After careful review of both the Internal Affairs Investigation and the information you provided during the pre-disciplinary meeting, we concur with the findings of the investigation.

Given this, we were presented with the difficult and disagreeable task of determining what level of discipline would be appropriate both for the violations themselves, but more importantly to convey the seriousness with which we view your role and poor judgment in this event. Our goal is for you to understand the importance of the image that your actions leave with respect to the reputation of this department.

Your ability to discern appropriate behaviors fell far below basic expectations of this department. It is our expectation that you treat and exhibit appropriate behavior towards all of our citizens and employees with dignity, respect and courtesy, regardless of gender, color, religion, national origin, age, or other grouping.

After weighing the events of this situation, combined with our review of your work history, current disciplinary file, and after considering the information that the Guild has brought out since our initial decision, we have established the following as the appropriate level of discipline in this case.

- A 94 hour suspension is an appropriate level to help you understand our expectations about your future performance. This suspension is based on your current rotation, meaning 8 days will be necessary to satisfy the suspension. In our discussion the Sheriff will allow use of PDO for half of the suspension hours imposed if you request this option. Otherwise the 94 hours unpaid leave will be arranged and completed between you and Sgt. Steve Shea by March 15, 2005.
- Submission of your resignation to the Bomb Squad is required immediately. Service in a specialized unit is a privilege that will be unavailable to you for a minimum of 24 months. All related Bomb Squad equipment will be returned to Property by Friday, February 18, 2005.

707 W 13th St., PO Box 410, Vancouver, WA 98666

February 8, 2005

Notice of Suspension – John Horch

Failure to meet these expectations will result in progressive, corrective disciplinary action up to and including termination of your employment with the Sheriff's Office. It is my hope and expectation that you will consider the seriousness of your actions and bring your performance within the standards expected of a Deputy Sheriff with the Sheriff's Office, such that further progressive action may not be necessary.

In closing, I appreciate your honesty, integrity and commitment to changing your work behavior to better perform your duties within the Sheriff's Office.

If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink, reading "Michael W. Evans". The signature is fluid and cursive, with a long horizontal line extending to the right.

Michael W. Evans
Chief Criminal Deputy

- ☐ Personnel File
- ☐ Property
- ☐ Nina Bisson, HR Manager
- ☐ Mark Makler, Guild Attorney
- ☐ IA File

Evans, Mike

From: Allais, Kevin
Sent: Tuesday, December 21, 2004 2:39 PM
To: Horch, John
Cc: Nolan, Erin; Evans, Mike; Shea, Steve
Subject: IA #S041102

December 21, 2004
Re: IA #S041102

Deputy John Horch,

As you know, there was an investigation into allegations of possible policy violations regarding two incidents occurring at West and Central Precincts.

After completing this investigation the recommendation regarding the alleged violation of policy were the following:

01.29.120 Employee Misconduct (2cts) Sustained

Chief Evans reviewed the investigation and concurred with the recommended findings.

Based upon current labor relation agreement as the subject of an internal investigation you have the right to obtain a copy of completed investigation and you have the right to have the investigation reviewed by the Board of Inquiry. Please let me know as soon as possible if you want this to be reviewed by the BOI.

I have given a copy of this report to Mark Makler.

Sincerely,

Sergeant Kevin Allais

Cc; Chief Evans
Sergeant Shea
Commander Nolan
Mark Makler

CLARK COUNTY SHERIFF'S OFFICE
MEMORANDUM

TO: Commander Nolan
FROM: Sgt. Shea
DATE: November 22, 2004
RE: Deputy Horch/IA Case #S041102

On November 3rd, 2004 you sent an email to me and other supervisors inquiring about diversity posters missing from the precinct. A copy of the email is attached.

On November 5th, I talked to all squad members present that day. Deputy John Horch was on vacation. I explained the issues of the email and told all of them that if they took the poster or had information about the missing poster it would be best to come forward. No one came forward.

Later that same morning, I happened to talk with Deputy Horch on the phone about an unrelated matter. Like the rest of the shift, I told him if he knew anything about the missing poster it would be best to come forward. Deputy Horch didn't say anything about the issue. A short time later, Deputy Horch called me back. He explained that when we talked earlier he was in the company of other people and couldn't respond to my inquiry about the poster. Deputy Horch admitted that he had thrown the poster away out of frustration from his then recent demotion.

After I was assigned to complete this investigation, I talked with Sgt. Allais and Sgt. Barsness. They recommended that I give Deputy Horch a choice to provide a tape recorded interview or simply provide a written memo of the incident. On November 11th, I presented the options to Deputy Horch with a recommendation that he discuss the investigation with his guild representative and/or attorney. Deputy Horch supplied me with the attached memo on November 14th.

In summary, Deputy Horch admits taking the poster and discarding it. He also admits removing and discarding a second similar poster from Central Precinct. He indicates that he was under stress and admits that he did not use good judgment.

Deputy Horch has since purchased replacement posters. They are on my desk at this time.

Conclusion: Deputy Horch has improperly destroyed county property. While it is true that Deputy Horch was experiencing significant personal and professional problems at the time, there is no excuse for destroying county property. Deputy Horch did show good judgment in coming forward in this case and in admitting to destroying another poster that he was not asked about. On his own volition, but after this investigation was initiated, Deputy Horch purchased replacement posters.

I am recommending that the complaint of Employee Misconduct, 01.29.120, be founded for Deputy Horch.

Evans, Mike

From: Nolan, Erin
Sent: Wednesday, February 18, 2004 1:08 PM
To: Evans, Mike
Cc: Allais, Kevin; Horch, John
Subject: Cell phone usage issue

Chief,



Toevans re cell
usage1.doc (26...

Please see the attached summary of the cell phone issue. The matter has been resolved with an oral reprimand. The matter will be noted in Sgt. Horch's monthly evaluation.

e

*Erin Nolan
Commander - West Precinct
Clark County Sheriff's Office
erin.nolan@clark.wa.gov
360-397-6080*

CLARK COUNTY SHERIFF'S OFFICE
MEMORANDUM

TO: Chief Evans
FROM: Sgt. Shea
DATE: February 13, 2005
RE: Discipline for Deputy John Horch

I have discussed the discipline with Deputy Horch and we have come up with a plan.

John has elected to take a one week suspension during the work days February 21 through 24. That will completely satisfy the first portion of the discipline.

At this time, John does not have enough PDO/Comp Time to satisfy the other 47 hours. As of today, John has 14.75 hours of PDO. I have estimated that he will receive approximately eleven hours of PDO on his February 25 and March 25 pay checks and 1.25 hours on his March 10 paycheck. Assuming he doesn't use any PDO, he will have approximately 38 hours of PDO on March 31st.

Due to expected overtime over this time period, John expects to have at least nine hours of compensatory time built up by March 31st.

Taking 38 hours of PDO and 9 hours of comp time from John's leave balances on March 31st will satisfy the second portion of the discipline. I recommend that John and I go over his leave account balances on March 18th. If he does not have enough PDO or comp time to satisfy the imposed discipline, I will schedule an appropriate number of additional suspension hours to be served during the work week of March 24th. I will keep Lois Hickey and Judy England updated for payroll purposes.

Please let me know if this plan is acceptable to you.

Cc: Cmdr. Nolan
Nina Bisson

Evans, Mike

To: markm@ggfm.com; Latter, Robert
Cc: Bisson, Nina
Subject: Horch Grievance

Mr. Makler,

Earlier this week I indicated to Sgt. Shea that the Sheriff would be willing to reduce the suspension period to one work cycle and maintain all other provisions of the discipline. I spoke privately with Deputy Horch on Tuesday 2/15. During that conversation Deputy Horch apologized for his actions and communicated his remorse. He asked if the Sheriff would consider changing his Bomb unit status from removal to suspension for a period of 6 months. I approached Sheriff Lucas and communicated Deputy Horch's request. I also interrated that I thought a 12 month suspension was more appropriate is a suspension was determined to be sufficient. Sheriff Lucas advised me that he would not support a suspension from the Bomb Unit and feels John's removal from the unit is warranted.

Please advise is our ammeded proposal is acceptable. If it is determined to be acceptable then we will consider the Guild's grievance withdrawn. Thank you for your thoughtful consideration of this proposal.

Chief Mike Evans

To: Chief Evans
Fr: Commander Nolan

Re: Sergeant Horch – April Evaluation

May 12, 2004

Chief,

This document is reflective of the conversation I had with Sergeant Horch on May 11th, and serves both as documentation of the matters discussed and as his April Probationary Evaluation. I have segregated this report by topic area. Sgt. Horch is exhibiting a number of performance issues related to the following:

- Basic supervision
- Documenting performance and effectively working to modify behavior.
- Basic understanding and implementation of critical policy.
- Conduct and decision-making.

Domestic Violence – Policy Issues / Performance

- April 19, 2004 patrol and Sgt. Horch responded to a domestic violence call at the home of VPD Officer Leonard Gabriel. (CAD#2004110338). Deputy Horch authored a case report detailing the incident, on 4-20-2004 following shift briefing. (Refer to S04-5530). In the report he indicated that he notified VPD Sergeant Braflaat of the incident.
- On April 20th, Chief Evans indicated that the DV unit received a call from a female subject that wanted to file a complaint. She indicated that the involved subject was a police officer and that deputies responded and did nothing. Chief Evans made me aware of the complaint during the morning hours and indicated that the CAD records showed that the call was cleared with a code, rather than a report.
- I contacted Sergeant Horch on 4-20-04 and he told me that he'd intended to write a report; however he had not completed it by the end of his shift, due to other issues that had arisen. He related that there had been a stabbing incident at the end of shift and that he was off late and distracted. He sent me an email on 4-20-04 at 7:32pm indicating that the report was complete and noting the case number.
- I contacted records (Connie) on 4-21-04 and confirmed that Sergeant Horch had taken the case number on 4-19-04 between 1730 and 1814 hours, the CAD coding was did not reflect his intent to write a report in the incident.
- I noted that no departmental notifications had been made in the case, and that no information existed in the system as of 4-20-04 when administrators from both departments returned to work.
- In the late afternoon on 4-20-04 I opened an email from Commander Atkins that detailed a domestic violence incident that involved Sergeant Horch personally that occurred during duty hours on 4-19-04.

- I contacted Jean Passon and confirmed that Sergeant Horch received and signed a departmental training reader regarding the Domestic Violence Policy. His signature appears on the reader, with the date "3-27-01". The policy reader is for "V3C04 Domestic Violence Policy and V1C40 Sheriff's Office Personnel Involvement in Domestic Violence Incidents". A copy of the review sign off is available for review.
- During the week following this incident Sergeant Horch and I spoke several times about DV in general, since he was involved in a personal situation. (Several of those meetings are detailed in the following section). Due to the dynamics of that case and the issues involved, I chose to address the policy issues involved in this call on May 11.
- On May 11 I spoke with Sgt Horch regarding several issues. I asked him about the department's domestic violence policy and what his understanding of the policy was on the night of the Gabriel incident. I also asked him if his understanding had changed at all since he'd been involved in the recent incidents both personally and professionally.
- Sgt. Horch told me that he understood that there were issues involved with reporting the domestic violence incident. He said that at the time he contacted Sgt. Braflaat, because he was the only VPD supervisor available. He said that he had "every intention" of doing a case report and that he simply "didn't see it as a major thing that day". I asked him if he'd reviewed the domestic violence policy since the incident. He said he hadn't, but he realized now that he should have done more. I told him that the department had substantial liability with regard to DV incidents involving law enforcement personnel following the Brame incident. I told him that it was critical that sergeants know the policy that is being upheld by other agencies as a model. I told him that we were facing increased scrutiny to see if in fact we were living the policy that we have, and that much of that responsibility fell on the sergeant. He said he understood. I mentioned a second incident at the Gabriel residence and described the notification processes in place and how the communication lines worked interdepartmentally to make sure things were address appropriately. Sgt. Horch said that "honestly, I didn't realize what the policy was".
- I tasked Sgt. Horch with reading the policy following our meeting. I told him that there were two areas were supervisors could really get into trouble, citing DV and police pursuits. I told him that I expected him to review both of those policies regularly to ensure that he was following the guidelines set by the department.
- I suggested that Horch that he also made no notifications to me regarding the incident and that if he was uncertain how to proceed, he could have called, or he could have come to the precinct and looked up the policy to see what he needed to do next.

Domestic Violence Incident – Personal – On duty conduct – policy

- Sgt. Horch was working on 4-19-04 and contacted Sergeant Crawford and Commander Atkins late that evening to tell them that he had been involved in an incident with his wife, Jamie. Commander Atkins documented the information in an email dated April 19, 2004 at 11:44pm.
- Sgt. Horch's CAD activity reflects the following
 - Dispatched to the above listed DV call at 1720 and cleared at 1921 hours.
 - Out at WP 1921 hrs – clear at 1945.
 - Code 7 Applebees at 2018 – clear immediately
 - Code 7 Billyigans at 2026 – clear at 2108
 - 2125 10/10 Detail (no description)
 - 10/10 WP 2151 where he remains until 2346 when he responds to a call call the hospital.
- Sgt. Horch's MDC traffic reflects that he is on the MDC. A message is sent at 2109 hours to 1B20 that reads "you are stinky!!!!!!!!!!!!!!!!!!!!!!!" Horch writes that "my ten year old kid did it".
- Sgt. Horch sent an MDC message to Sgt. Crawford at 2128 hours asking for an "87 ASAP" at Home Depot.
- Commander Atkins authored case report #S04-5667 that details the contacts between Sgt. Horch and his wife Jamie. The document does not specifically state that Sgt. Horch was on duty during the entire event.
- Sgt. Crawford confirmed that he was contacted by Sgt. Horch and told about the incident involving his wife at the Home Depot meeting. Sgt. Crawford indicated that he suggested that they go to WP and contact Commander Atkins, which they did.
- Sergeant Horch and I had a lengthy conversation about his situation on 4-20-04 where he indicated that he was unwilling to talk with Bill Roberts about the situation. He indicated that he felt that Bill was biased toward men, that there were bad feelings from a past DV incident (see S91-3254) and that he was just saying this to protect himself. He said that Bill Roberts interviewed he and Jamie in the past and that she had threatened to embarrass him. He said that he had not come forward about this, because "I am a police officer and a man". He said that he does not want to see Jamie arrested and that she was unpredictable. He also said that there was a list of incidents and that Heidi Elliot could tell me how Jamie was. I spoke to Chief Evans about the matter and he indicated that Bill Roberts was the best person to talk with Horch and that he expected Bill to be objective.
- Prior to the Sgts meeting on 4-21-04 I spoke to Sergeant Horch again. In that, conversation he told me that he would not talk to Bill Roberts. During the Sgts. Meeting Bill Roberts paged Horch, who said he would not talk and told Roberts that the Chief or I would call him back. This was detailed in an email I sent to the Chief dated April 21st at 1231pm.
- During a break in the Sgts. Meeting I spoke to the Chief about Horch's issues.
- Following the Sgts meeting Chief Evans and I spoke to Horch, who related that there had been a history of a dozen or more DV incidents during his relationship with his wife. He was clearly emotional. Arrangements were made to have Commander Atkins take a report from him.

- On 4-27-04 I met with Sergeant Horch regarding a number of matters. During that conversation the topic of Bill Roberts came up again. Horch expressed that he had checked the phone recorder at his former house and that Bill Roberts left a message for Jamie to call, and that he would contact her attorney. Horch said he was concerned. I spoke at length with him about Bill's role and expertise. I indicated that he had a responsibility and was required by policy to investigate DV incidents thoroughly. I talked with John about his fears of talking to Bill and reassured him that no one was trying to harm him, but rather it was in his best interest to deal with the matter thoroughly. I reminded him that he was the victim, not a suspect. I also suggested that he could have someone accompany him during an interview with Bill, and suggested that he could have a guild rep, partner officer, or whomever be there if he was concerned. He said he would think about it.
- On 4-28-04 while in Chief Evans office, Bill Roberts indicated that Sgt. Horch contacted him to be interviewed. Feedback from Sgt. Horch later indicated that the meeting was positive.
- On 5-11-04 I asked Sgt. Horch if, now that emotions had cooled, whether he would do anything differently to address his personal DV situation. He said that he told Commander Atkins that night and that he thought that was fine. He said, "no, not really".
- I told Sgt. Horch that I was concerned that he had been involved in a series of emotional events, all while on duty. I told him that no one would have blamed him for calling his partner sgt, or me, and saying that he had an emergency and had to leave. I told him that he was emerged in a very emotional situation, while his responsibilities should have been focused elsewhere. I suggested that he should have made some notification and gone off the clock to deal with the issues his wife and children had. He agreed, but said that it was hard to see clearly when you are in the middle of the situation. I related to Sgt. Horch that if called, I thought that either Sgt Crawford or I would have covered the shift. He agreed.

Derek Kelley Supervision and Monitoring

- March 25th a meeting was held with Chief Evans, Sgt. Horch, Nina Bisson and Sgt. Neiman regarding the status of Deputy Derek Kelley. Prior to that meeting I tasked Sgt. Horch with creating an action plan and documenting a number of performance issues that had been identified during the previous month. A decision to terminate Deputy Kelley was made and an appointed to meet with him was set up following that meeting.
- On April 1, I was at home and received a call from Sgt. Horch. He told me that he wanted to make me aware of an accident involving Deputy Kelley. I said "that's not possible, Deputy Kelley doesn't work here". He said, well, that's all changed now, I'll tell you about that later." He related in substance that he went to HR and requested 30 days to intensely monitor Deputy Kelley's behavior. They agreed. I asked him what changed, he said that he thought he could monitor him more closely for thirty days to see if he saw improvement. In our phone conversation I related that I thought it important

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Garry E. Lucas
Sheriff

Mike Evans
Chief Criminal Deputy

May 27, 2004

John Horch
Clark County Sheriff's Office
Hand Delivered
Probation Release from Enforcement Sergeant - Involuntary Demotion

Sergeant John Horch,


This letter is written notice of your probationary release from the position of Enforcement Sergeant with the Clark County Sheriff's Office effective today, May 27, 2004. As per our conversation, you are not meeting performance standards required for the Enforcement Sergeant position.

You have reinstatement rights to your previous appointment as a Deputy Sheriff II. In considering this involuntary demotion your rate of pay will be Step 6 - \$28.67/ hourly. No changes to the existing benefits will be necessary. Your seniority as a Deputy Sheriff II will be reinstated with an adjustment for time in classification per the Deputy Sheriff Guild Contract, Article 15.1.1. The prior seniority date of 11/29/89 was adjusted forward by 361 days for the duration of probation time as an Enforcement Sergeant. Your new seniority date will be reflected as 11/25/90.

Based on the involuntary demotion you have shift bidding rights for your transition back to regular patrol as a Deputy Sheriff II.

Please return all items issued that pertains to the rank of Enforcement Sergeant to Property Manager, Dave Beeman, by next Tuesday, June 1, 2004. If you have questions regarding your property list you may contact Mr. Beeman at 360-397-2038.

Respectfully,


Mike Evans
Chief Criminal Deputy

Personnel File, Mike Evans, Dave Beeman, Mark Makler

707 W 13th St., PO Box 410, Vancouver, WA 98666

Phone: 360-397-2211 / Fax: 360-397-2367

4-26-12 PDR Re: Horch's Personnel Records
11th Installment - 001982

Employee Name: John Horch

PSN: 3304

Branch: Enforcement

Job Title: Deputy

Evaluation Period: June - October 2004

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Garry E. Lucas
Sheriff

Performance Evaluation Form

Clark County Sheriff's Office Employees

RATING LEVELS:

Employee performance should be evaluated against the following levels of performance:

Code	Performance Level	Definition
6	Exceptional	Exceptional performance which far exceeds the expected standards
5	Exceeds Requirements	Superior performance exceeding normal expectations of job success
4	Fully Effective	Performance meets all critical standards of competence
3	Developing Adequately	Employee is in a training mode or assignment and is progressing toward fully effective at an acceptable rate
2	Needs Improvement	Employee is not meeting all critical standards of performance and improvement is needed (Addendum Form will be required)
NR	Not Rated	This factor cannot be rated
NA	Not Applicable	This factor is not applicable to this job

INSTRUCTIONS FOR ELECTRONIC COMPLETION OF THE EVALUATION:

For each performance factor, assign a rating and add appropriate comments. The overall rating on each dimension should reflect the weight or importance you assign to the various components of the dimension.

Ratings are a *pull down* field. Select the appropriate rating with the pointer and select. Knowing their popularity, several "in between" ratings are available but managers are encouraged to choose one of the primary ratings.

To move to the next field press "Tab." The comments section is a text box — you may continuously type your response, or press "enter" to begin another paragraph. You should use this box to explain your rating, recognize areas of particular strength and achievement and point out areas for growth and improvement.

PERFORMANCE EVALUATION FACTORS

Rating

Comments

Knowledge/Technical Skills

Professional/technical competence	5 Exceeds Requirements	
Awareness of external trends, issues	5 Exceeds Requirements	
Knowledge of County policy, procedures, systems	2 Needs Improvement	Early in the year, John was issued an oral reprimand and given written notification regarding improper and excessive use of the county cell phone.
Other skills, knowledge	5.5 "Strong Exceeds"	John's many years as a bomb technician has made him a highly trained and competent part of the agency and the metro team.
Overall Rating for this Factor	4 Fully Effective	John is a competent deputy. He makes prudent decisions regarding investigations and call handling. Since his reprimand for the cell phone use, John has obtained and continues to use a personal cell phone. His county cell phone bills have been at or less than average for the shift.

Output and Productivity

Planning, organizing and time management	2 Needs Improvement	John was tasked with managing and supervising a probationary deputy. During John's tenure as his supervisor, he was given specific documentary assignments. Many were not completed in a timely manner, and his performance was documented in monthly probationary evaluations.
Efficiency / productivity / cost effectiveness	4.5 "Strong Fully Effective"	
Energy, diligence, work habits	4.5 "Strong Fully Effective"	
Initiative / independence / self-direction	5 Exceeds Requirements	
Response to deadlines, follow through	4 Fully Effective	John has been late on a few reports. None of the reports are serious, but could be completed in a more timely manner.
Technology management	4 Fully Effective	
Performance against goals and objectives	4 Fully Effective	
Attendance / punctuality	4.5 "Strong Fully Effective"	
Overall Rating for this Factor	4 Fully Effective	This category is difficult to rate John for this year. For the first half of the year,

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		John was not in a position to produce statistical data like most deputies.
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Judgment and Work Quality

Decision making, judgment	2 Needs Improvement	During April of this year, John investigated a DV situation involving a VPD officer and was involved in a personal DV situation. Cmdr. Nolan issued written notification to John about improper notifications regarding these incidents.
Quality and accuracy	5 Exceeds Requirements	
Perception of role	2 Needs Improvement	As mentioned below, John was disciplined for destroying diversity posters at the precinct. John explained part of the reason he destroyed the items was that he was upset over his demotion. Other than that situation, John has adjusted well and generally keeps a good attitude.
Creativity, innovation	5 Exceeds Requirements	John has been willing to help citizens as best he can. In at least one situation, John provided the citizen with his personal cell phone number with an invitation to call at any time. The person was having difficulty dealing her son and removing him from her home.
Vision and perspective	4 Fully Effective	
Professionalism, "polish"	4 Fully Effective	
Conduct and integrity	2 Needs Improvement	In November of this year, Cmdr. Nolan issued an inquiry regarding a diversity poster that had been removed from the briefing room at West. When questioned, John admitted that he removed and discarded the poster. He further disclosed that he had removed and discarded a second diversity poster from Central Precinct. These incidents occurred in June. The destruction of these posters is simply unacceptable. As punishment John was given a two week week (one of which to be served by loss of PDO) and he was removed from the bomb squad.
Safety	5 Exceeds Requirements	
Overall Rating for this Factor	2 Needs Improvement	Although John's competency as a deputy is acceptable or better, above described incidents call for a needs improvement in this category.

Working Relationships

Teamwork / cooperation / coordination	5 Exceeds Requirements	
Flexibility / adaptability	5.5 "Strong Exceeds"	John willingly accepted the position of "wild car" on the squad. This position is different from most squads in that his beat and call sign change daily.
Diplomacy, persuasion, tact	4 Fully Effective	John has generally good skills in this area. There was one time during the year that John made a comment about a fellow deputy handling a call because of the believed victim's race. John did not intend anything inappropriate, but I expressed to

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		him that it appeared insensitive.
Interpersonal skills	5 Exceeds Requirements	
Oral communications	4.5 "Strong Fully Effective"	
Client, customer service orientation	4.5 "Strong Fully Effective"	
Dealing with public	5 Exceeds Requirements	
Written communication	4.5 "Strong Fully Effective"	
Overall Rating for this Factor	5 Exceeds Requirements	

Community Oriented Policing Measures

Promotes & Maintains partnerships with public, neighborhoods, government, business, and all aspects of the community.	5 Exceeds Requirements	John has often given presentations to various groups regarding his bomb unit experience. In October, the outreach unit sent John a thank you note for "great" presentation to the Business and Security Managers meeting.
Identifies problems in community and works to solve them.	5 Exceeds Requirements	John listens to information at briefings regarding citizens concerns of speeding. He has responded to those concerns and taken the appropriate enforcement.
Address citizen fears of crime.	4 Fully Effective	
Deals pro-actively with community issues.	5 Exceeds Requirements	A house in the Sherwood area was the target of neighbors anger. The adult son of the homeowner was hosting parties that upset the neighbors. Even John works dayshift, he worked with the mother to support her in removing the son from the house. John even gave the woman a way to contact him on his days off should she need help.
Respects all members of the community.	2 Needs Improvement	The incident involving the destruction of the diversity posters demonstrated a lack of understanding for the purpose of the posters. John did not understand that the posters were intended to celebrate the differences among people and reduce conflict.
Overall Rating for this Factor	4.5 "Strong Fully Effective"	

SPECIAL FACTORS -- Management Positions:

Supervisory/Managerial Measures

HR / personnel management	2 Needs Improvement	During his time as supervisor, John's documentation of employee problems on his squad was intermittent and patchy. More consistent documentation is required by a supervisor.
Leadership	Rating Levels	
Diversity management	2 Needs Improvement	Referencing the diversity poster incident.
Team building	Rating Levels	
Accessibility, visibility	2 Needs Improvement	Cmdr. Nolan provided John with written notification that he was not present at work enough to function as a supervisor. Other duties and personal issues were keeping him from his basic duties.
Influencing / negotiating	Rating Levels	

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Conflict management	Rating Levels	
Budget development, administration	NA Not Applicable	
Financial management and cost effectiveness	NA Not Applicable	
Overall Rating for this Factor	<p>1</p> <p>2 Needs Improvement</p>	<p>Cmdr. Nolan documented issues regarding basic supervision, documentation of performance and effectively working to modify behavior, basic understanding and implementation of critical policy, and conduct and decision making. As a result of the deficiencies, John was demoted from sergeant to deputy prior to the end of his probationary period.</p>

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Work Unit Performance

Efficiency, functionality	Rating Levels	
Flexible, responsive	Rating Levels	
Customer service orientation	Rating Levels	
Morale, esprit de corps	Rating Levels	
Teamwork, internal relations	Rating Levels	
Performance against goals, accountability	Rating Levels	
Overall Rating for this Factor	Rating Levels	

OVERALL PERFORMANCE RATING	Rating Levels	
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OVERALL COMMENTS:

John has endured a year of personal and professional turmoil. John has maintained a very positive attitude since these setbacks at work, except for the noted poster incident. He returned to patrol with a positive and enthusiastic outlook. In fact, John's experience as a sergeant has lent to his understanding of decisions that all supervisors have to make.

John's performance during the first part of the year led to his demotion from sergeant to deputy. Shortly after returning to the role of deputy sheriff, John showed poor judgement by destroying two diversity posters at the precincts. His actions have led to a two week suspension and removal from the bomb squad. John now understands that his behavior in this incident was unacceptable.

John has had a lot of personal problems on his plate this year. He has kept me up to date on issues in his life and asked for advice at times.

John is able to perform all duties of a deputy sheriff, but needs to use better judgment in some circumstances. He has shown an interest in a marine patrol position in the future.

Rater's Signature: _____ Date: _____

Reviewer's Signature: _____ Date: _____

EMPLOYEE COMMENTS:

Employee's Signature: _____ Date: _____