

GUILD INVESTIGATION CHECKLIST

Employee Name:	Riordan, Daniel J.
Type of Investigation:	<input type="checkbox"/> Formal Complaint <input checked="" type="checkbox"/> Supervisory Complaint
Date:	10-25-19

Disciplinary Process	Date	Time Spent
Complaint received from CAPTAIN SPAHN TO SGT. STULL	10-25-19	
Notice to ^{DEPT. ADMIN} of Internal Investigation	1334 10-25-19	
Internal Supervisory Investigation begins by 253	10-25-19	30
Internal Supervisory Investigation submitted by 253 to 2A6 for review.	11-2-19	45
Internal Supervisory Investigation returned to for: <input type="checkbox"/> Follow-Up -OR- <input checked="" type="checkbox"/> Internal Supervisory Investigation Completed	11-04-19	
72-Hour Notice to 217 of Pre-Disciplinary Hearing by 2A6	11-07-19	30 min
Pre-Disciplinary Hearing with 217 and Guild representative	11-14-19	20 min
Letter of Recommendation completed by 2A6 and submitted to 2A3	11-18-19	10 min
Letter of Recommendation completed by and submitted to		
Final resolution completed by 2A6		
Post Discipline Meeting by 2A6 with employee and delivery of final resolution. Advise employee of the following: <input checked="" type="checkbox"/> I have carefully considered the facts and circumstances of this case and sustain the policy violations cited and will hold you accountable for your performance. <input checked="" type="checkbox"/> Go over the DPA, provide employee their Documented Warning, Timed Letter, etc. <input checked="" type="checkbox"/> Consequences for failing to improve performance. <input checked="" type="checkbox"/> Ask employee if they have any questions.	11-15-19	10 min
Final resolution e-mailed to Guild President	11-19-19	✓

*Note to Guild: Dates are agreed to be accurate unless disputed with Undersheriff.

Revised 06-11-15

TOTAL TIME:	
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Additional Notes:

***Due Dates:**

Pre-Disciplinary Hearing: (within 14 days of completion of supervisory investigation)

Final Resolution:

Step I Grievance: (within 14 days of completion of final resolution)


Step II Grievance: (within 14 days of Step I Grievance)

Step III Grievance: (within 14 days of Step II Grievance)

Arbitration: (within 14 days of Step III Grievance)

Disciplinary Routing:

Bureau Chief, Captain/Lieutenant, Supervisor Conducting Investigation, Guild President, Employee's Supervisor, Employee


11/18/19
DRA
11-22-19

320.10 COMPETENT PERFORMANCE

Employee shall have the necessary competence (i.e., knowledge, work skills, and fitness) to perform all assigned or assumed tasks, functions, duties, and work responsibilities per management's established standards. This standard assumes employees intend to perform competently.

Business Necessity:

In a public safety organization where much of the work effort involves citizens' liberties and physical safety, incompetent performance cannot be tolerated. When incompetent performance is discovered, its source must be dealt with effectively and efficiently to minimize the potential for damage or injury. Otherwise, the organization risks incurring severe criticism, civil liability, loss of public trust, damaged reputation, and/or damage to equipment or human injury.

NOTICE: As the term is used here, competency is a characteristic of a performance outcome, not a characteristic of an individual. Employees are hired to achieve results. If an employee demonstrates acceptable performance, he or she has displayed the ability to apply his or her combination of knowledge, skill, and attitude within the context of the situation to provide a useful outcome for the organization. Knowledge, skill, and attitude are useless to the organization if the employee is unable to apply them in a productive manner.

Elements of the Offense:

1. Documented evidence existed, prior to violation, to show the employee should have known the standard expected.
2. Documented evidence existed, prior to violation, to show the employee should have known the consequences for failing to meet or comply with the expected standard.
3. The relationship between the standard and the efficiency, effectiveness, and safe operations was well documented.
4. Intervening action was taken for similarly situated employees, when applicable.
5. Employee performance was below accepted standard.
6. Employee had adequate time to adjust to new standards.
7. Employee had a fair opportunity to perform.

Corrective Action Guidelines:

1. Employee Self-Improvement Plan; or
2. Performance Improvement Planning, if the employee qualifies; or
3. Progressive discipline, up to and including termination.
4. Last Chance Agreement: Withhold discipline or termination on conditions the employee accepts the terms of non-grievable Last Chance Agreement.

Examples of Violations:

1. Having to be repeatedly told how to complete routine job tasks.
2. A supervisor fails to correct a subordinate's violation when violation is first made known or when the supervisor could have been reasonably expected to be aware of the problem.
3. Accepting or reporting information related to duties as true or factual without taking reasonable steps to verify correctness and accuracy of the information.
4. Consistent failure to enter accurate report data on reports or into records.
5. Consistent failure to pass regular qualifying exams or tests within the established time periods (e.g., firearms, knowledge of policies or procedures, certifications).
6. Consistent inability to comprehend or understand supervisory instructions, explanations, or directions for work performance.
7. Failure to satisfy performance standards on any assigned or assumed duty or task after receiving comparable training and experience relative to the typical employee.
8. Habitually making the same types of performance errors or errors in judgment and decision making.
9. Failure to control temper and/or composure or overreacting to another's verbal comments or physical gestures.
10. Repeated failure to accurately complete reports in a timely manner.
11. Failing to be aware of events and circumstances affecting work responsibilities.
12. Continuing an activity once conditions create an unreasonable safety hazard (e.g., continuing in a pursuit once an unreasonable danger exists).
13. Failure to drive in a safe manner which results in a motor vehicle collision.
14. Mishandling equipment which results in or creates a potential safety or health risk.
15. Failing to recognize the elements of a violation and/or take proper enforcement action.

Examples of Non-Violations:

1. Unable to perform a duty or task due to insufficient training or experience. Notice: This exception does not require the employee be provided additional training beyond that of similarly situated employees.

320.5.1 LAWS, RULES AND ORDERS

- a. Violation of, or ordering or instructing a subordinate to violate any policy, procedure, rule, order, directive, requirement or failure to follow instructions contained in agency manuals.
- b. Disobedience of any legal directive or order issued by any agency member of a higher rank.
- c. Violation of federal, state, local or administrative laws, rules or regulations.

320.5.7 EFFICIENCY

- a. Neglect of duty.
- b. Unsatisfactory work performance including, but not limited to, failure, incompetence, inefficiency or delay in performing and/or carrying out proper orders, work assignments or the instructions of supervisors without a reasonable and bona fide excuse.
- c. Concealing, attempting to conceal, removing or destroying defective or incompetent work.
- d. Unauthorized sleeping during on-duty time or assignments.
- e. Failure to notify the agency within 24 hours of any change in residence address, contact telephone numbers, and emergency contacts.



LEWIS COUNTY SHERIFF'S OFFICE

MEMORANDUM



"Public Safety through Professional Service"

TO: Deputy Daniel J. Riordan
FROM: Sheriff Robert R. Snaza
DATE: May 15, 2020
RE: Removal of Timed Letter

Attached is the 6-month timed letter dated November 15, 2019, that has been removed from your personnel file.

Please contact your supervisor if you have any questions.

cc: Undersheriff Wes H. Rethwill
Field Operations Captain Curt B. Spahn
Deputies Guild President, Jeff R. Godbey

File

Lewis County Sheriff's Office Mission Statement:

Being a committed community partner, providing professional service to enhance the safety, security, and quality of life in Lewis County.



Robert R. Snaza
Sheriff

OFFICE OF THE LEWIS COUNTY
SHERIFF

345 W. Main Street
Chehalis, WA 98532-1900
Phone: (360) 748-9286 • Fax: (360) 740-1476 • TDD: (360) 740-1480
www.lewiscountywa.gov/sheriff

"Public Safety through Professional Service"

Wes H. Rethwill
Undersheriff

Bruce F. Kimsey
Field Operations Chief

Chris J. Sweet
Corrections Chief

Dustin G. Breen
Special Services Chief

November 15, 2019

Deputy Daniel J. Riordan
Patrol Division

Deputy Riordan:

Between September 16 – 17, 2019, it is alleged you allowed your ACCESS Certification to expire and used the system multiple times without proper certification.

After reviewing the file and conducting a pre-disciplinary hearing with you, I conclude you failed to uphold the Lewis County Sheriff's Office Motto, Mission, Code of Ethics, and Core Values, and violated the following policies and Civil Service Rule:

- Lewis County Civil Service Rule 9, Section 1a) – Incompetence, inefficiency, or inattention to or dereliction of duty;
- Lewis County Sheriff's Office Policies:
 - 320.5.1 – Law, Rules and Order
 - 320.5.7 – Efficiency
 - 320.10 – Competent Performance

Your failure to certify and continued use of the ACCESS system caused embarrassment to our agency as we had to notify WSP ACCESS and self-report these violations. Further, additional burden was placed on your squad as you then had to attend the entire ACCESS class instead of the normal two-hour recertification.

In moving forward, it is expected that you follow all agency directives, policies and practices, and to perform all of your duties in the most competent and professional manner possible. Failure on your part to meet these expectations could result in progressive discipline, up to and including removal from your position.

This letter will remain in your personnel file for a period of six (6) months and serve as a reminder of the circumstances of this incident. If you have any questions, please feel free to contact me.

Sincerely,

ROBERT R. SNAZA, SHERIFF

Captain Curtis B. Spahn, Field Operations Commander

cc: Sheriff Robert R. Snaza; Undersheriff Wes R. Rethwill; Deputies Guild President, Jeffrey R. Godbey; Personnel File (Riordan, Daniel J.), File – 2

Lewis County Sheriff's Office Mission Statement:

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PRE-DISCIPLINARY HEARING/D. RIORDAN/11-14-19

The time is 0934, the date is November 14th, 2019. It is intended that this hearing be recorded.

Q. Uh, Dan, do you understand this is being recorded and agree to the recording?

A. Yes, sir.

This is a Pre-Disciplinary Hearing in the case of uh, Deputy Dan Riordan, stemming from his recent investig' investigatory interview within the findings now, interview within, the findings now require action at my level. I am Captain Curt Spahn, Patrol Commander. Present is uh, Deputy Riordan.

Q. You have been through the fact finding phase and the internal investigation interview. It is important you understand the purpose of this hearing that includes the following: allow management to convey an understanding of the events and circumstances of the case, uh, formally notify you of the alleged violations, provide the correlation between your performance and the alleged violations, clarify issues as necessary and provide you an opportunity to respond. Uh, do you understand that?

A. Yes, sir.

Q. Uh, have you had sufficient opportunity to review, review the file?

A. Yes, sir.

Q. Uh, now, I want to express my understanding of the events and circumstances of the case that brings us here today. These allegations were a result of an incident on or about September 16th and 17th, 2019 during which it is alleged after receiving two emails and one instant message, you allowed your ACCESS certification to expire and continued using the ACCESS system 35 times, knowing you were not certified to use it. Uh, did I provide an accurate summary of the case?

A. Uh, to a point. Uh-

Q. -okay-

A. - I received several emails, there's no question, several IM's.

Q. Okay.

A. Uh, I unfortunately did not realize the next day, until I got a IM from Helen that I was using the, that my date had passed.

Q. Okay.

A. And so, I didn't know I was using it illegally, though.

Q. Okay.

A. And then, once I, once, wha' I believe once she sent me the IM, I stopped and started using Dispatch and immediately tried to get into a class.

Q. Okay, you did in short order, correct?

A. Yes. We, that following Wednesday, it was Monday and Tuesday that I was uh, technically un-certified, Wednesday morning, I was in the class.

Q. Okay.

A. I continued to use Spillman, but not –

Q. -right-

A. -WACIC/NCIC.

Q. And that was acceptable.

A. Okay.

Q. So, I just wrote down that uh, you added additional information.

A. Okay.

Q. Um, so, I'll cite the alleged policy violations. Uh, Lewis County Civil Service Rule 9, Section 1A, Incompetence, Inefficiency, or Inattention or Dereliction of Duty; Lewis County Sheriff's Office Oath, Mission, Motto, Code of Ethics and Core Values; Lewis County Sheriff's Office Policies 320.5.1, Laws, Rules & Order; 320.5.7, Efficiency, and 320.10 Competent Performance. Uh, do you understand the correlation between your performance and alleged violations?

A. I understand everything and the first one is inattention, I totally understand that.

Q. Okay. Another purpose of this hearing is to allow you a chance to be heard. Uh, so, I'll give you an opportunity to express whatever you feel is important for me to consider uh, when I make any decision –

A. - I, I believe it's exactly, I, what I've already told to uh, Sergeant Stull, that I was just handling calls, gettin' busy, my last day I planned to do it was that Thursday, cause it was a double day, I was gonna plan it, uh, that's when uh, the Jackson thing tripped off and I went out in the woods and hunted him all day. I didn't work at all that weekend, which was surprising uh, so, I didn't have that co' that reminder to go back in and do my test, so that was all on me.

Q. Okay. Uh, I have a few performance related questions, uh, I'd like to ask you. Uh, number one, how did the performance help meet our Mission, uphold your Oath of Office and show that you abided by the Code of Ethics?

A. Definitely gave it a speed bump.

Q. Uh, number three, uh, was this your best performance?

A. Of course not.

Q. Uh, number five, are you committed to improve?

A. Definitely.

Q. And number seven, what actions have you taken or will you take to correct your performance deficiency?

A. Uh, I will keep my sergeant in the loop immediately on any type of certifications where uh, he will make time for me to sit down and do it and force me, if I'm actin' like a banshee.

Q. Okay. And, and, we have uh, added that CC in the notices that it will also go to the sergeant (Spillman messenger announcements) when Helen sends out that email that ACCESS is uh, supposed to be taken, so, so the sergeants will be aware of it. Uh, so before concluding this hearing, I have a few other questions, uh, prior to the incident that brings us here today, were you aware of the existence and content of the cited policies and the consequences for not, for not-compliance?

A. Yes, sir.

Q. For non-compliance. Uh, during the process, did you receive proper notification in writing of the allegations against you, the date and time of hearings, were you treated fairly and objectively-

A. -yes, sir.

Q. - and were due process rights afforded to you?

A. - yes, sir.

Q. Uh, did I present you an accurate account or recount of the facts and circumstances in the case?

A. With what I added to it, yes, sir.

Q. Okay, I'm just, wrote, documented addition.

A. That's okay.

Q. Uh, have you been uh, given the opportunity to be heard and present I, or present your side of the story?

A. Yes, sir.

Q. Okay, uh, so now, I'll uh, take the time, I know that you requested the, to have the DPA present um, that was provided to use, but uh, I'll go through it again. Uh, and we'll do our roundtable and uh, I'll get back with you.

A. Thank you, sir.

Q. Okay, the time is uh, 0940 and it's still the 14th.

Captain Curtis B. Spahn, #2A6
Lewis County Sheriff's Office
Chehalis, WA

CBS:la
11/14/19

PRE-DISCIPLINARY HEARING

The time is 0934. The date is November 14, 2019.

It is intended that this hearing be recorded, do you understand this and agree to the recording? Yes/ No

This is a PRE-DISCIPLINARY HEARING in the case of Deputy Daniel J. Riordan, stemming from his recent investigatory interview wherein the findings now require action at my level.

I am Captain Curt Spahn, Patrol Commander.

Present Deputy Riordan_____.

You have been through the fact-finding phase and the internal investigation interview. It is important you understand the purpose of this hearing that includes the following:

1. Allow management to convey an understanding of the events and circumstances of the case;
2. Formally notify you of the alleged violation(s);
3. Provide the correlation between your performance and the alleged violation(s);
4. Clarify issues as necessary; and
5. Provide you an opportunity to respond.

YES

Have you had sufficient opportunity to review the investigative file? Yes/ No

Now I want to express my understanding of the events and circumstances of the case that brings us here today. These allegations were a result of an incident on or about September 16 - 17, 2019, during which it is alleged after receiving two emails and one instant message, you allowed your ACCESS Certification to expire and continued using the ACCESS System 35 times knowing you were not certified to use it.

Did I provide an accurate summary of the case? Yes / No

ADDED ADDITIONAL INFORMATION

Next I will cite the alleged policy violations.

- Lewis County Civil Service Rule 9, Section 1, a) Incompetence, inefficiency, or inattention to or dereliction of duty;
- Lewis County Sheriff's Office Oath, Mission, Motto, Code of Ethics, and Core Values;
- Lewis County Sheriff's Office Policies:
320.5.1 – Laws, Rules and Order

320.5.7 – Efficiency

320.10 – Competent Performance

Do you understand the correlation between your performance and the alleged violation(s)? Yes No

Every person holding employment under the Civil Service Rules, will be only in good behavior, and may be disciplined for incompetency, inefficiency or inattention to or dereliction of duty.

Taking the Office of Office, you are swearing you will uphold the Mission, Motto, Code of Ethics and Core Values.

Every employee shall abide by the laws, rules and orders and will not violate any federal, state, local or administrative laws, rules or regulations.

Every employee shall be efficient in their work performance and shall not perform unsatisfactorily, but not limited to, failure, incompetence, inefficiency or delay in carrying out proper orders or work assignments.

Every employee shall perform competently and shall not fail to be aware of events and circumstances affecting work responsibilities.

Another purpose of this hearing is to allow you a chance to be heard.

I will now offer you the opportunity to express whatever you feel is important for me to consider before I make my decision on discipline.

Does anyone else have anything to add? *N/A*

I have a few performance-related questions I would like to ask:

(Always ask questions 1,3,5 and 7)

1. How did the performance help meet our Mission, uphold your Oath of Office and show that you abided by the Code of Ethics?
2. How did your performance adversely affect this organization's business necessity? (i.e. efficiency, effectiveness, and safety)
3. Was this your best?
4. Do you agree your performance needs improvement?
5. Are you committed to improve?
6. What would have to occur for you to improve?
7. What actions have you taken or will you take to correct your performance deficiency?
8. What supervisory assistance, if any, do you need

Before concluding this hearing I have a few process questions:

1. Prior to the incident that brings us here today, were you aware of the existence and content of the cited policies and the consequences for non-compliance? Yes / No
2. During this process, did you receive proper notification in writing of the allegations against you, the date/time of hearings, were you treated fairly and objectively, and were due process rights afforded you? Yes / No
3. Did I present to you an accurate recount of the facts and circumstances in this case? Yes / No *ADDITIONS*
4. Have you been given the opportunity to be heard and present your side of the story? Yes / No
- 5.

I will now take time to again review the information in this case and consider the comments made by you (and your rep) during this hearing. I will contact you when I am ready to give my decision.

Note the time hearing ends: 0940

DISCIPLINE PENALTY ASSESSMENT PROGRAM

LEWIS COUNTY SHERIFF'S OFFICE

ENFORCEMENT GUIDELINES

Discipline Penalty Assessment Program

Employee's Name: Daniel J. Riordan
 Evaluator's Name: Curtis B. Spahn *CS*
 Date: 11/13/2019
 Incident Number:

Documented Warning		Suspension (6-10)	
Timed Written Reprimand	X	Suspension (11-15)	
Untimed Written Reprimand			
Suspension (1-2)			
Suspension (3-5)			

Do not use for Egregous Offenses. See SOC No.1 Guidelines

DIRECTIONS: Place an X in only one choice per section.

- S1 Death or serious injury to self or others**

Loss of work greater than two weeks

Loss of work, one week or less

Required first aid treatment

No injuries or deaths X
- S2 Property damage greater than \$5000**

Less than \$5,000

Less than \$250

None X
- S3 Serious damage to public image**

Awareness confined to a small group inside/outside of the agency X

Public awareness/interest not involved
- S4 Civil action is highly probable or has been taken against the Office**

Civil action is a potential but unlikely

Civil action is highly improbable X
- S5 A strong deterrent is needed to prevent similar offenses and/or civil liability**

Enforcement is used to avoid setting a precedence for non-enforcement X

INSTRUCTIONS FOR CLEARING THIS FORM FOR USE: Save a blank copy of this form BEFORE using it THEN complete, print, save the form under a different name, and close after use.

NOTE: If expired, contact VMA 1.800.331.8025 for renewal of license.

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DISCIPLINE PENALTY ASSESSMENT PROGRAM

LEWIS COUNTY SHERIFF'S OFFICE

ENFORCEMENT GUIDELINES

Discipline Penalty Assessment Program

Employee's Name: Daniel J. Riordan
Evaluator's Name: Curtis B. Spahn
Date: 11/13/2019
Incident Number:

Documented Warning		Suspension (6-10)	
Timed Written Reprimand	X	Suspension (11-15)	
Untimed Written Reprimand			
Suspension (1-2)			
Suspension (3-5)			

S6	Serious disruption of work relationships	
	No apparent lasting or long-term effect on work relationships	X
	No apparent affect on work relationships	
S7	Fails to accept responsibility and/or commit to improvement	
	Acknowledges wrong-doing and will commit to improving future performance	X
S8	Suspension within 2 years of the incident	
	Untimed Written Reprimand within 2 years of the incident	
	Timed Written Reprimand within 2 years of the incident	X
	Documented Verbal Warning within 2 years of the incident	
	Has no record of discipline within 2 years of the incident	
S9	Usually below standards or does just enough to get by	
	Average productive work effort	
	An all around top performer	X

DISCIPLINE PENALTY ASSESSMENT PROGRAM

LEWIS COUNTY SHERIFF'S OFFICE

ENFORCEMENT GUIDELINES

Discipline Penalty Assessment Program

Employee's Name: Daniel J. Riordan
 Evaluator's Name: Curtis B. Spahn
 Date: 11/13/2019
 Incident Number:

Documented Warning		Suspension (6-10)
Timed Written Reprimand	X	Suspension (11-15)
Untimed Written Reprimand		
Suspension (1-2)		
Suspension (3-5)		

S10	Has one of the highest levels of non-scheduled absenteeism	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Has average non-scheduled absenteeism	<input style="width: 100%; height: 20px;" type="checkbox"/>
	The employee has one of the best attendance records	X
S11	Work errors are regular and predictable (e.g., daily, weekly)	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Frequent and minor, but does not show significant improve	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Typical / Average in frequency and nature	X
	Work errors are unusual for this employee	<input style="width: 100%; height: 20px;" type="checkbox"/>
S12	Less than two years service	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Less than five years service	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Less than 10 years service	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Greater than 10 years service	X
S13	Supervisory Level	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Command Level	<input style="width: 100%; height: 20px;" type="checkbox"/>
	Holds a non-supervisory position that requires a high level of trust	X
	Not Applicable	<input style="width: 100%; height: 20px;" type="checkbox"/>



LEWIS COUNTY SHERIFF'S OFFICE
MEMORANDUM



"Public Safety through Professional Service"

TO: Deputy Daniel J. Riordan
FROM: Captain Curtis B. Spahn
DATE: November 7, 2019
RE: Notice of Pre-Disciplinary Hearing

This memo is to advise you allegations have been made against you in reference to violations of the Lewis County Sheriff's Office Policy Manual and the Lewis County Sheriff's Office Civil Service Rules.

These allegations were a result of an incident on or about September 16 –17, 2019, during which it is alleged after receiving two emails and one instant message, you allowed your ACCESS Certification to expire and continued using the system 35 times knowing you were not certified to use it.

You are alleged to have violated the following policy manual provisions:

- Lewis County Civil Service Rule 9, Section 1, a) Incompetence, inefficiency, or inattention to or dereliction of duty;
- Lewis County Sheriff's Office Oath, Motto, Mission, Code of Ethics, and Core Values;
- Lewis County Policies:
 - 320.5.1 – Law, Rules and Order
 - 320.5.7 – Efficiency
 - 320.10 – Competent Performance

In accordance with Lewis County Sheriff's Office Policy #1010, Personnel Complaints, and the Lewis County Deputies Guild Collective Bargaining Agreement, a pre-disciplinary hearing is scheduled for Thursday, November 14, 2019 at 1000 hours, in my office. You may have a Guild representative accompany you to this hearing, if you so desire. The disciplinary file will be made available for your review at least one hour prior to the hearing.

cc: Sheriff Robert R. Snaza
Undersheriff Wes H. Rethwill
Chief Bruce F. Kimsey
Sergeant Alan C. Stull
Deputies Guild President, Jeff R. Godbey
File - 2

Lewis County Sheriff's Office Mission Statement:

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**CHAPTER 01:
SECTION 07:**

**INTRODUCTION
CERTIFICATION AND TRAINING**

Procedure #: 01.07.000

Effective Date: June 1, 2012

Supersedes: ACCESS Manual, TAC Guide,
Ready Reference Guide,
WACIC Manual

See Also:

Applies To: All ACCESS Users

CALEA:

I. CERTIFICATION REQUIREMENTS

A. Below is a list of requirements related to the training and use of ACCESS. These requirements have been established by the FBI as a minimum for terminal operators and personnel who have access to CJI and are subject to audit.

1. Within six months of employment or assignment, train and test the proficiency of terminal operators and personnel who have access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI to ensure compliance with state and FBI CJIS policy and regulations.
 - a. If ACCESS certification was obtained from prior employment, that certification can be transferred to the new agency the subject works for now. The employee will not receive the same six month window as a new hire who has never used the system before. If the employee is expired they will be required to go back to an ACCESS class.
2. Biennially, all terminal operators and personnel who have access to CJI and those who have direct responsibility to configure and maintain computer systems and networks with direct access to CJI must have their proficiency reaffirmed.
3. Provide all sworn law enforcement personnel and other practitioners with continuing access to information concerning NCIC/state systems using methods such as roll call and in-service training.
4. Make available appropriate training on WACIC and NCIC system use for criminal justice practitioners other than sworn personnel.
5. The CSA will annually review all curricula for relevancy and effectiveness.

II. ACCESS TRAINING

A. The FBI and WSP require all criminal justice personnel who use data from NCIC, WACIC, III, WASIS, etc. to receive training on available information and system security. The FBI and WSP also require reaffirmation of that

training once every two years. The WSP complies with FBI standards by offering two certification levels for users:

1. Level 1 Inquiry, locates, and administrative messages
2. Level 2 Includes all abilities of Level 1 and includes entry, clearing, canceling of records within the databases

B. ACCESS complies with FBI standards for reaffirmation by offering a self-paced review and test biennially available through nexTEST.

C. All employees must recertify biennially. There are no grace periods to complete the recertification. If an employee fails to recertify by their certification expiration date, or fails their recertification test, they must attend an ACCESS class.

1. Prior to being able to be scheduled for an ACCESS class in nexTEST, the employee must complete remedial Security Awareness training.
 - a. TACs will need to email access@wsp.wa.gov with the user ID of the employee and request to have the remedial test added in the system.
 - b. Once the employee has completed the remedial Security Awareness training and test, they should notify their TAC to schedule them for an ACCESS class.

III. SECURITY AWARENESS TRAINING

A. Security awareness training for new ACCESS users must be completed through nexTEST prior to going to an ACCESS class and becoming ACCESS certified.

B. Security awareness training shall be required within six months of initial assignment, and biennially thereafter, for all personnel (who are not ACCESS certified) that have unescorted access to CJI. This includes agency employees, custodial staff, IT staff, etc. Records of individuals required to view the training and take the test must be kept at the agency for review during the audit. The security awareness training and test can be found within CJIS online.



LEWIS COUNTY SHERIFF'S OFFICE
MEMORANDUM



"Public Safety through Professional Service"

TO: Captain C. Spahn
FROM: Sergeant A. Stull
DATE: 11-2-19
RE: Deputy Riordan ACCESS certification complaint

On 10-25-19 I, Sergeant A. Stull received the complaint on Deputy Riordan reference his ACCESS certification. I then read through the fact finding memo from Sergeant Wetzel.

In the memo from Sergeant Wetzel, it explains Deputy Riordan received notice from Helen Buda on 08-06-19 that stated his ACCESS certification was expiring on 09-15-19 and he needed to take the test before then or he would need to take the 5 hour class. Deputy Riordan received reminders on 09-04-19 and 09-12-19 which he acknowledged.

On 09-16-19 Helen Buda notified Deputy Riordan that he missed the due date for the test and he would now need to take the class. Deputy Riordan took it upon himself to get registered for the class. Between 09-16-19 and 09-18-19 Deputy Riordan used ACCESS 35 times while he was expired. Deputy Riordan attended and passed the ACCESS class on 09-18-19. I was off on vacation and was aware of the issue until I returned.

On 10-25-19 I gave Deputy Riordan his notice of the internal investigation. He advised me he did not want guild representation and he would waive the 48 hour rule for the interview. I advised him I would need it in writing. I received his waiver by email on 10-25-19.

On 10-27-19 I met with Deputy Riordan. I gave him his notice of right to representation and the order to cooperate. He signed both and affirmed he did not want representation.

In a taped interview, Deputy Riordan confirmed he was given numerous notices that he needed to complete the ACCESS test by 09-15-19. Deputy Riordan said he procrastinated and then became busy the last day he worked before 09-15-19 and forgot to take the test.

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Deputy Riordan did violate policy and our use of ACCESS. He was given several reminders to take the test. He procrastinated and then forgot to take the test. Deputy Riordan put a burden on his team mates when he had to go to Lacey to take the class. Our office had to take time and notify ACCESS that we violated the agreement. He used ACCESS without his certification 35 times between 09-16-19 and 09-18-19. When he was notified he missed the deadline, Deputy Riordan made arraignments to get into the next class which he successfully passed.

Deputy Riordan took full responsibility for not taking the ACCESS test before the due date. I submit this for your review.

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STATEMENT DANNY RIORDAN/A. STULL/10-27-19

This is an interview with Deputy Riordan with Lewis County Sheriff's Office. My name is Sergeant Alan Stull with the Lewis County Sheriff's Office. This is being conducted at Lewis County Motor pool. The date is 10/27/19, the time is now 1332 hours.

Q. Deputy Riordan, do you understand this is being tape recorded?

A. Yes, I do. Do you understand that this is being tape recorded?

Q. Yes and is this being done with your permission?

A. Yes, it is.

Q. Okay. So, this is in reference to a Notice of Investigation on your Access Recertification. Have you read through the packet and are familiar with your allegations?

A. I read the NOI, yes.

Q. Okay. So, if I understand it right, you were given notification on August 6th by Helen Buda-

A. -She's the TAC, yes.

Q. -that your certification is comin' up, is that correct?

A. Uh, yes.

Q. And she also notified you on the-

A. -she, notified me several-

Q. -4th-

A. -yes, several times.

Q. Okay. And September 12th?

A. Yes.

Q. So, did you complete your certification by the time it was due on September 15th?

A. No.

Q. Is there a reason for that?

A. Other than just uh, being very busy and uh, not squared away time, on duty to do it, there's no reason.

Q. Okay. Now, uh, I have your Notice of Rights to Representation and the Order to Cooperate, you signed both of those. Is that correct?

A. Yes.

Q. And you have waived your 48 hour notice and sent me an email on that?

A. Yes.

Q. Okay. Now, after you were notice that you failed to recertify on the 16th, were you contacted by Helen Buda?

A. She sent me an IM uh, I believe in the early morning hours on Monday, uh, cause we were working a Monday through Thursday shift uh, I expired on Sunday uh, so she sent me an IM. The moment I saw the IM and her name on it, uh, I knew that uh, I had forgotten the uh, to take the test, um, so I called her immediately to find out what we needed to do and if we could uh, I asked her to reach out to the, since we only missed, we missed it by a day, technically, uh, if we could uh, some way to get on line and do the test right now. Um, she attempted to contact with uh, her, the next, her representative with the uh, with ACCESS and uh, they advised that I needed to take the class, since I missed the dates.

Q. And what did you do?

A. Uh, Helen, I, I told Helen that we needed to do, as mu' if we could do it as quick as possible. Uh, Helen searched out a date, found a, a class in Lacey uh, which would be on the Wednesday, uh, so on the 18th, Wednesday morning, uh, at Lacey PD and uh, we uh, got me into that class.

Q. Okay. And you passed that class?

A. Yes.

Q. Now, it looks like you used ACCESS thirty-five times during the period that you were not certified between the 15th and the 18th?

A. Uh, yeah, that would be about, about enough time from when she contacted me. I believe I tried to stop using it and had Dispatch run everything once I was aware that uh, that I couldn't, that it would be a violation. So, it was up to the point, I think if, I, if I remember correctly, uh, stopped using it when she told me, it's a violation, if we use it any further. Um, not a hundred percent on that, but uh, she did make me aware that it is a violation, if I used it, so I again uh, using uh, as much as I could through Dispatch.

Q. Now, did you understand what the consequences were when you failed to take the ACCESS test?

A. I, uh, unfortunately, I put it on the back burner, I've done this, this job for twenty years, I haven't missed target date on, on somethin' like this, uh, uh, I knew that it wa' I mean, it's obviously serious, let's put it that way that it was gonna, it took time for me to go to Lacey PD, away from the road, which that's the reason why I missed it, is because I was workin' the road, so, kind of put my, my team in a bind.

Q. Okay. And also violated our Use of ACCESS because they had to make notification that you were not current and used it.

A. Correct.

Q. Okay. Now, you saw the three policy violations on the, the uh, Law, Rules & Orders, Efficiency & Competent Performance. Do you have any questions on those?

A. No.

Q. Do you have any questions on the rest of this investigation?

A. No.

Q. You take full responsibility?

A. Yes.

Q. Okay. I'll now end this interview. The time is 1337 hours, the date is still 10/27/19.

Sergeant Alan Stull, #2S3
Lewis County Sheriff's Office
Chehalis, WA

ACS:la
10/28/19

**LEWIS COUNTY SHERIFF'S OFFICE
ORDER TO COOPERATE**

Deputy Riordan, you are about to be questioned as part of an on-going and official administrative investigation by the Lewis County Sheriff's Office.

You are a principle (principle, witness) in this case and you are being ordered to cooperate fully and completely.

Once this interview has been concluded, you are ordered to keep all information you know or have provided about this case strictly confidential. Any release or exchange of information by you, or found to have flowed from you, that has the potential of jeopardizing the integrity of this investigation will result in your immediate suspension and termination proceedings will be taken against you. This order does not prohibit you from discussing your representation rights only with a labor representative who is not a principle in this case, or your constitutional rights with an attorney.

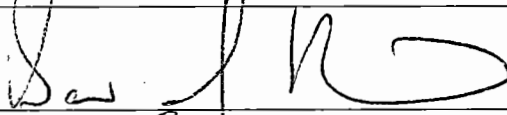

You will be asked specific questions that will relate directly, specifically and narrowly to the performance of your official duties or fitness as an employee of this Office. You are not permitted to refuse to answer all questions asked.

- This is an administrative interview, not criminal, and any responses to questions asked during this interview cannot be used against you in a criminal proceeding.
- All information in this case is confidential, and except as mandated by law, will be released only to proper authorities.
- You are ordered and required to answer all questions fully, truthfully and to the best of your knowledge and ability.
- If you refuse to answer questions specifically directed and narrowly related to the performance of your official duties, you will be subject to agency charges that will result in disciplinary action, up to and including termination.

The allegations to which you are being directed to respond are as follows (attach if necessary):

See notice of formal complaint

I acknowledge that I have been informed of the above order and the nature of the allegations.

Member's Signature:		Date:	10/27/2019 10/27/19
Interviewer's Signature:		Date:	10/27/2019

USE

This form is to be completed BEFORE questioning. The original copy will be placed in the original case file and a duplicate copy will be given to the employee.

**LEWIS COUNTY SHERIFF'S OFFICE
NOTICE OF RIGHT TO REPRESENTATION**

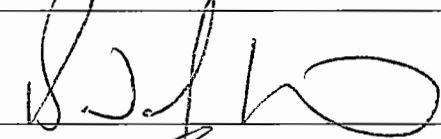

DATE:	10/27/2019	CASE NUMBER:	
INTERVIEWEE:	Deputy D. Riordan		
INTERVIEWER:	A. Stull	POSITION:	Sergeant
NAME OF AGENCY:	Lewis County Sheriff's Office		

Pursuant to your request, the following named person is granted permission to represent you during an administrative interview that has the potential of leading to progressive disciplinary action against you, up to and including termination.

NAME OF REPRESENTATIVE:	None	TITLE:	
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You and your representative should understand that this interview is not a "due process" (i.e. Loudermill hearing). The function of a representative is to observe and assist you in clarifying questions presented to you or to present facts that promote your best interests in a non-confrontational, threatening, intimidating or disruptive manner. Your representative will not be permitted to attempt to bargain with the interviewer. Any attempt by you or your representative to impede the interview, create a disruption or become disrespectful will result in the representative being asked to leave. If your representative is a member of this agency, you and the representative will be subject to disciplinary action, up to and including termination, for such behavior.

Should you or your representative wish to make a brief statement on the record regarding the manner in which the interview was conducted, you will be permitted to do so.

Member's Signature:		Date:	10/27/2019
Representative's Signature:		Date:	10/27/2019

USE

Always complete this form when an employee is interviewed concerning an action that could be reasonably expected to result in progressive discipline, up to and including termination. Keep this form with the original case file.



Waiver of 48 hours after Notice of Investigation

Dan Riordan

Fri 10/25/2019 1:40 PM

To: Alan Stull <Alan.Stull@lewiscountywa.gov>;

Cc: Jeff Godbey <Jeff.Godbey@lewiscountywa.gov>;

I've waived the 48 hours to expedite the process.

Thank you,

Deputy Danny Riordan, 217

Lewis County Sheriff's Office

345 W. Main Street

Chehalis, WA 98532-1900

Cell: (360) 880-2917

Fax: (360) 740-1476

E-mail: Dan.Riordan@lewiscountywa.gov

“Public Safety through Professional Service”



LEWIS COUNTY SHERIFF'S OFFICE
MEMORANDUM



Public Safety through Professional Service

TO: Deputy Daniel J. Riordan
FROM: Captain Curt B. Spahn ^{CS}
DATE: October 24, 2019
RE: Notice of Formal, Non-Criminal, Type I (Internal) Investigation

This is to inform you in accordance with Lewis County Sheriff's Office Policy #1010 Personnel Complaints and the Lewis County Deputies Guild Collective Bargaining Agreement, an investigation of a *Type I Personnel Complaint* has been initiated. The complaint relates to possible policy violation(s). Specifically, it is alleged you violated the following Lewis County Sheriff's Office/Jail policies and/or Lewis County Civil Service Commission rules/regulations:

- Lewis County Civil Service Rule 9, Section 1, a) Incompetence, inefficiency, or inattention to or dereliction of duty;
- Lewis County Sheriff's Office Oath, Motto, Mission, Code of Ethics, and Core Values;
- Lewis County Sheriff's Office Policies:
320.5.1 – Law, Rules and Order
320.5.7 – Efficiency
320.10 – Competent Performance

The above policies/rules/regulations which may have been violated stem from an incident on or about September 16 – 17, 2019, during which it is alleged you acted as follows:

After receiving two emails and one instant message, you allowed your ACCESS Certification to expire and used the system 35 times knowing you were not certified to use it.

If sustained, the range of discipline may range from oral warning to termination.

Initial fact finding has been conducted by a first line supervisor. After review of the fact finding information, command staff has determined further investigation is necessary. The investigation has been assigned to: Sergeant Alan C. Stull.

Sergeant Stull will be contacting you soon to schedule an interview. The interview will not be scheduled within 48 hours of your receipt of this notice, (unless that time period is waived *in writing* by you.) This will provide you with an opportunity to consult a Guild representative prior to the interview. You may also have a Guild representative present during the interview.

You are hereby warned, during the interview, or any follow up interview, if you refuse to answer questions, discipline, up to and including termination of employment, may result.

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You are guaranteed any statements and the fruits of those statements will not be used should there be any criminal prosecution associated with this matter.

PLEASE NOTE: While this matter has originally been designated as a *Type I Personnel Complaint*, such designation may be amended at any time during the course of the investigation, in which case you and your Guild representative will be immediately notified in writing of such change and the circumstances.

Should you have questions regarding this process prior to being contacted by the assigned investigator, please contact me.

Distribution: Robert R. Snaza, Sheriff
Undersheriff Wes H. Rethwill
Field Operations Chief Bruce F. Kimsey
Sergeant Alan C. Stull
Deputies Guild President, Sergeant Jeff R. Godbey
File – 2

Lewis County Sheriff's Office Mission Statement:

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LEWIS COUNTY SHERIFF'S OFFICE
MEMORANDUM



"Public Safety through Professional Service"

TO: Captain Curt Spahn
FROM: Sergeant Fred Wetzel *FW*
DATE: 10-10-2019
RE: Deputy Riordan Fact Finding

This memo is a Fact Finding inquiry, surrounding Deputy Riordan's ACCESS Certification expiration.

On October 10, 2019 at 1400 hours I received information and documentation from you indicating that Deputy Dan Riordan has allowed his ACCESS Certification to expire in spite of email and IM (Instant Message) reminders from Support Tech Helen Buda.

I read the documents given to me and it showed an initial email from Support Tech Helen Buda to Deputy Riordan dating back to August 6, 2019. The email indicated his due date was September 15, 2019. She supplied Deputy Riordan with his Log in number and Password to complete the online test.

There was a second follow up email from Support Tech Helen Buda to Deputy Riordan on September 4, 2019. In that email she copied her initial email indicating the due date for his recertification as September 15, 2019, along with his Log In and Password.

On September 12, 2019 there was an IM exchange between Support Tech Buda and Deputy Riordan. In this exchange Support Tech Buda reminds Deputy Riordan that he now has only three days to complete his ACCESS Recertification.

On September 16, 2019 there was another IM exchange between Support Tech Buda and Deputy Riordan in which she advised him he is now expired. She also advised Deputy Riordan that he had to take the 5 hour recertification class and she has him registered for that at Lacey PD on September 18, 2019.

After reading the documentation, I requested Deputy Riordan contact me in my office in the sheriff's office. Deputy Riordan arrived at 1426 hours. I told him I was conducting the Fact Finding regarding his expired ACCESS certification. Deputy Riordan told me there was no excuse that he just kept procrastinating and then he let it slip by. I asked him how that happened with all the reminders by both email and IM from Support Tech Buda. Deputy Riordan told me he was just busy running around chasing calls like he does and procrastinated and let it slip by. He said there was no excuse or good reason for it to expire. Deputy Riordan took responsibility for the actions.

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Deputy Riordan had no explanation or excuse for letting his ACCESS certification expire. I terminated the interview at 1433 hours.

At 1457 hours I made phone contact with Sergeant Alan Stull, Deputy Riordan's direct supervisor. I explained to Sergeant Stull I was conducting the Fact Finding on Deputy Riordan. I asked Sergeant Stull if Deputy Riordan made immediate notification to him when he learned he was expired. Sergeant Stull told me he did not as he was on vacation. Sergeant Stull told me he returned from vacation on September 23, 2019, and Deputy Riordan self-reported a couple of days later. Sergeant Stull told me that Deputy Riordan made no excuses for the expiration and took ownership of the situation.

On 10-21-2019 I made contact with Support Tech Carrie Breen who is the Access administrator for the sheriff's office. I requested she send me the information regarding Deputy Riordan's ACCESS usage during the time his ACCESS certification was expired. Support Tech Breen forwarded me information showing that Deputy Riordan used ACCESS 35 times knowing he was not certified to use it.

Based on the information provided to me and the statement made by Deputy Riordan there is a clear violation of Lewis County Sheriff's Office Policies.

The Policies violated are:

320.5.1 Laws, Rules and Orders.

- a. Violation of, or ordering or instructing a subordinate to violate any policy, procedure or rule, order, directive, requirement or failure to follow instructions contained in agency manuals.
- b. Disobedience of any legal directive or order issued by any agency member of a higher rank.
- c. Violation of federal, state, local or administrative laws rules or regulations.

320.5.7 Efficiency

- a. Neglect of Duty
- b. Unsatisfactory work performance including but not limited to, failure, incompetence, inefficiency or delay in performing and or carrying out proper orders, work assignments, or the instructions of supervisors without a reasonable or bona fide excuse.

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Helen Buda

From: Helen Buda
Sent: Monday, September 16, 2019 9:02 AM
To: Dan Riordan
Subject: ACCESS CLASS
Attachments: Directions for nexTest (3).docx

Access said you'll have to take the class.

September 18, 2019 8:00 AM Lacey Police Department -- 420 College St. SE, Lacey, WA

Active

If you get the training done today I can sign you up. There are only 4 spots left at this time. You'll need to log in and take the security test & pass that to move on. Let me know when you get it done. Thanks, Helen Buda

Log in: drio9842
Password: DRIO9842

Thanks, Helen

He was expired from
9-16-19 to 9-17-19.

2 days.



Helen Buda

From: Helen Buda
Sent: Wednesday, September 4, 2019 4:09 PM
To: Dan Riordan
Subject: REMINDER: ACCESS TEST TIME COMING UP
Attachments: Directions for nexTest (3).docx

Just a friendly reminder

From: Helen Buda
Sent: Tuesday, August 6, 2019 9:48 AM
To: Dan Riordan <Dan.Riordan@lewiscountywa.gov>
Subject: ACCESS TEST TIME COMING UP

It is almost time for your Access recertification. Your due date is 9/15/19. Please notify me via email when you are finished. _

Log in: drio9842
Password: DRIO9842

(If this password does not work and you have used OMNIXX in the past, then try using the password you have used for OMNIXX login. Thank you)

Failure to take prior to 9/15/19 will have you going to the 5 hour course.
Let me know if you have any questions. Thank you, Helen

Helen Buda, Support Tech I

Lewis Co. Sheriff's Office

345 W Main St

Chehalis, WA 98532

360-740-1352 - (Phone)

360-740-1476 - (Fax)

E-Mail: Helen.Buda@lewiscountywa.gov



Helen Buda

From: Helen Buda
Sent: Tuesday, August 6, 2019 9:48 AM
To: Dan Riordan
Subject: ACCESS TEST TIME COMING UP
Attachments: Directions for nexTest (3).docx

It is almost time for your Access recertification. Your due date is 9/15/19. Please notify me via email when you are finished. _

Log in: drio9842
Password: DRIO9842

(If this password does not work and you have used OMNIXX in the past, then try using the password you have used for OMNIXX login. Thank you)

Failure to take prior to 9/15/19 will have you going to the 5 hour course.
Let me know if you have any questions. Thank you, Helen

Helen Buda, Support Tech I

Lewis Co. Sheriff's Office

345 W Main St

Chehalis, WA 98532

360-740-1352 - (Phone)

360-740-1476 - (Fax)

E-Mail: Helen.Buda@lewiscountywa.gov



Lewis County Sheriff's Office

Electronic Communications Report by Conversation

08:18:45 09/12/19 F: Buda H T: riordd Good Morning, not to bug you about it, but just letting you know you have 3 days to complete your recertification :) I just completed mine, it took me 40 minutes using the books that I have.

08:19:04 09/12/19 F: Riordan D T: budahe ugh, ok

08:50:13 09/16/19 F: Buda H T: riordd call me when you get a chance . 1352

08:50:14 09/16/19 F: Buda H T: riordd thanks

09:19:24 09/16/19 F: Buda H T: riordd I sent you an email. You'll hve to take the class, info is attached to email. Thanks, Helen

09:19:35 09/16/19 F: Riordan D T: budahe ugh, ok

09:34:29 09/16/19 F: Buda H T: riordd I sent you an email with the info on it. Thanks

09:39:09 09/16/19 F: Riordan D T: budahe Roger

12:51:18 09/16/19 F: Buda H T: riordd I got you registered for the 18th at 8am at Lacey PD.

12:51:54 09/16/19 F: Riordan D T: budahe otay....