GUILD INVESTIGATION CHECKLIST

Employee Name:	Deputy Andrew G. Scrivner			
Type of Investigation:	☐ Formal Complaint	Supervisory Complaint		
Date:	March 9, 2017			

Disciplinary Process	Date	Time Spent
Complaint received from Sergeant Alan Stull	03/13/17	
Notice to Deputy Scrivner of Internal Investigation	03/14/17	
Internal Supervisory Investigation begins by Sergeant Alan Stull	3/10/17	3 HRS
Internal Supervisory Investigation submitted by Sergeant Stull to Captain Spahn for review.	3/20/17	
Internal Supervisory Investigation returned to for: ☐ Follow-Up -OR- ☐ Internal Supervisory Investigation Completed		·
72-Hour Notice to Deputy Scrivner of Pre-Disciplinary Hearing by Captain Spahn *Note: Timeline waived by Deputy Scrivner	03/21/17	
Pre-Disciplinary Hearing with 236 and Guild representative WAVED	03-23-17	30 mIN
Letter of Recommendation completed by ZAG and submitted to ZAZ	04-04-17	15 MIN
Letter of Recommendation completed by and submitted to		
Final resolution completed by 246	04-04-17	30 min
Post Discipline Meeting by ZAC with employee and delivery of final resolution. Advise employee of the following: 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. Go over the DPA, provide employee their Documented Warning, Timed Letter, etc. Consequences for failing to improve performance. Ask employee if they have any questions.	04-06-17	15 mm
Final resolution e-mailed to Guild President	Hledo	B

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

Licrae Destrevised 06-11-15
HIGHIR

TOTAL TIME:	r-del	1 HZ	5:30

Additional Notes:

*Due Dates:

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

Final Resolution:

Step | 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



LEWIS COUNTY SHERIFF'S OFFICE MEMORANDUM



"Public Safety through Professional Service"

TO:

Deputy Andrew G. Scrivner

FROM:

Sheriff Robert R. Snaza

DATE:

April 4, 2018

RE:

Removal of Timed Letter

Attached is the 12-month timed letter dated April 4, 2017, that has been removed from your personnel file.

Please contact your supervisor if you have any questions.

cc:

Undersheriff Wes H. Rethwill

Captain Curt B. Spahn

Deputies Guild President, Jeff R. Godbey

File



Sheriff

OFACE OF THE LEWIS COUNTY

345 W. Main Street

245 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

April 4, 2017

Deputy Andrew G. Scrivner Patrol Division

Deputy Scrivner:

On March 9, 2017, at approximately 0117 hours, it is alleged, you were responding to a call for service for a possible intoxicated semi-truck driver leaving Fred Meyer Warehouse on Maurin Road, Chehalis, in assigned patrol car #17-111. While traveling westbound on Maurin Road, you were looking at the update on your MDC taking your eyes away from your driving. When you looked back at the road you were then into an "S" curve. You over compensated your steering causing your patrol vehicle to leave the roadway resulting in a one vehicle collision. This caused damage to your patrol vehicle, totaling the car, with an estimated value of \$1,500.00.

After reviewing the file, I concur with Sergeant Alan C. Stull's conclusion, the collision was preventable on your part, and 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 Policy: 01.05.160 Use and Care of Property and Equipment.
- Lewis County Sheriff's Office Policy: 01.11.060 Call Response

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 further discipline, up to and including removal from your position.

This letter will remain in your personnel file for a period of twelve months (one year) 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

auto Sel

Captain Curtis B. Spahn, Field Operations Commander

cc: Sheriff Robert R. Snaza; Undersheriff Wes R. Rethwill; Captain Curtis B. Spahn; Deputies Guild President, Jeffrey R. Godbey; Deputies Guild Vice-President, Daniel J. Riordan; File – 2
Personnel File (Scrivner, Andrew G.)

DISCIPLINE PENALTY ASSESSMENT PROGRAM

	LEWIS COUNTY SHERIFF'S OFFICE			ENFORCEMEN	IT G	UIDELINES
	Discipline Penalty Assessment Program			Documented Warning		Suspension (6-10)
	Employee's N	Name: Andrew Scrivner		Timed Written Reprimand	Х	Suspension (11-15)
	Evaluator's N	Name: Curt Spahn	>	Untimed Written Reprimand		
		Date: 3/24/2017		Suspension (1-2)		
	Incident Nu	mber: 17C2573		Suspension (3-5)		
		Do not us	se f	or Egregous Offenses. See SOC No	.1 Gu	idelines
	DIRECTIONS: Place an X in only one choice per se	ection.				
S1	Death or serious injury to self or others		II	NSTRUCTIONS FOR CLEARING THIS	FOR	M FOR USE: Save a
	Loss of work greater than two weeks			blank copy of this form BEFORE using it THEN complete, print,		
	Loss of work, one week or less		S	ave the form under a different na	ne,a	nd close after use.
	Required first aid treatment			IOTE: If expired, contact VMA 1.80	พ รร	1 8025 for renewal of
	No injuries or deaths	х		cense.	0.55	1.0025 for relieval of
S2	Property damage greater than \$5000					
	Less than \$5,000	Х		Copyright and property of Var	Me'	ter & Assoiates. Inc. 2006-9.
	Less than \$250			Contact 1.800.331.8		
	None					
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				
S 5	A strong deterrent is needed to prevent similar offenses and/or civil liability Enforcement is used to avoid setting a					

DISCIPLINE PENALTY ASSESSSMENT PROGRAM

	LEWIS COUNTY SHERIFF'S OFFICE		ENFORCEMENT GUIDELINES			
	Discipline Penalty Assessment Program		Documented Warning		Suspension (6-10)	
	Employee's Name	: Andrew Scrivner	Timed Written Reprimand	X	Suspension (11-15)	
	Evaluator's Name	: Curt Spahn	Untimed Written Reprimand			
	Date	3/24/2017	Suspension (1-2)			
	Incident Number	17C2573	Suspension (3-5)			
S6	Serious disruption of work relationships No apparent lasting or long-term effect on work relationships No apparent affect on work relationships X					
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 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 X An all around top performer	_				

DISCIPLINE PENALTY ASSESSSMENT PROGRAM

	LEWIS COUNTY SHERIFF'S OFFICE		ENFORCEMENT GUIDELINES		
	Discipline Penalty Assessment Program		Documented Warning		Suspension (6-10)
	Employee's Name	: Andrew Scrivner	Timed Written Reprimand	Х	Suspension (11-15)
	Evaluator's Name	: Curt Spahn	Untimed Written Reprimand		
	Date	: 3/24/2017	Suspension (1-2)		
	Incident Number	: 17C2573	Suspension (3-5)		
S10	Has one of the highest levels of non- scheduled absenteeism]			
	Has average non-scheduled absenteeism X				
	The employee has one of the best attendance records				
S11	Work errors are regular and predictable (e.g., daily, weekly) Frequent and minor, but does not show]			
	significant improve	_			
	Typical / Average in frequency and nature	-			
	Work errors are unusual for this employee X				
S12	Less than two years service X				
	Less than five years service				
	Less than 10 years service				
	Greater than 10 years service				
S13	Supervisory Level				
	Command Level Holds a non-supervisory posiiton that requires a high level of trust				

Not Applicable

PRE-DISCIPLINARY HEARING/ANDREW SCHRIVNER/03-23-17

Okay, the time is 1802 hours, the date is uh, 03/23/17.

- Q. Andrew, do you understand this uh, pre-disciplinary hearing is being recorded?
- A. Yes, I do.
- Q. Is this being done with your permission?
- A. Yes, it is.
- Q. Okay, this is a pre-disciplinary hearing uh, in the case of you, Andrew Scrivner, stemming from your recent investi' investigatory, investigatory interview within uh, wherein the findings are now uh, have reached my level. I am uh, Captain Curt Spahn, a Patrol Commander. There is nobody else present, uh, Andrew has uh, waived the uh, uh, Guild Representative. Uh, it's intended this uh, hearing is gonna be recorded um, and you understand that, correct?
- A. Yep.
- Q. Uh, you have been through the fact finding uh, phase and the internal investigation interview and it's important that you understand the purpose of this hearing and that includes the following: Uh, allow management to convey and uh, the, an understanding of the events and circumstances of the case, formally notify you of the alleged violations, provide the correlation between your performance in the alleged violations, clarify issues as necessary and provide you with an opportunity to respond.
- A. Okay.
- Q. Uh, have you had sufficient opportunity to review the investigative file?
- A. Yes.
- Q. Uh, now, I want to express uh, my understanding of the events and circumstances of the case that brings us here uh, today. So, on March 9th, uh, which is was in the early morning hours um, you were on patrol, uh, that morning?
- A. That's right.
- Q. And uh, you were operating, your assigned marked patrol car?
- A. That's correct.
- Q. Uh, and from my understanding that you were dispatched to a possible DUI of a semi-truck, semi-driver that was leaving uh, Fred Meyer?

- A. Uh huh, that's correct.
- Q. Uh, and I believe they gave you, I believe they gave you the uh, information the tra' the truck was traveling west, westbound towards I-5?
- A. That's correct.
- Q. And uh, I don't know if you answered up with the call, I think you answered up to the call because you were close in the area?
- A. Yes, correct, I was.
- Q. And uh, so you were responding, attempting to locate the semi-truck?
- A. That's correct.
- Q. Um, and I believe from the investigation uh, you admitted that uh, your speed was definitely faster than the posted 35 mile an hour speed limit?
- That's correct.
- Q. Uh, which you know, I will say that's not an uncommon for uh, patrol vehicles uh, responding to calls. Um, and in the process uh, as usual, there's updates to the call. You were aware that there was updates coming into the call and you looked away from the road to see what the updates of the call were uh, and in that moment, you then, when you looked back, you realized you were into the, to a slight "S" curve and overreacted, uh, putting your car into a spin and ultimately into the ditch?
- A. That is correct.
- Q. Uh, and it should be noted that uh, you took full responsibility of your actions that night.
- A. That's correct.
- Q. Uh, and then in the, in the process uh, Sergeant Stull, you contacted Sergeant Stull, he came there and he pulled your vehicle out, uh, you took it to motor pool and later realized that there was –
- A. -some damage to it.
- Q. Yeah, some damage to your vehicle. Um, and ultimately, it sounds like uh, motor pool put the vehicle out of commission and said it was not worth, worthy to be on road anymore. Uh, did I provide an accurate summary of the case?

- A. Yes, you did.
- Q. And it, it should be noted that you were in the vehicle by yourself.
- A. Yes.
- Q. Okay, so the alleged policy violations, um, stem from um, Lewis County Civil Service Rule 9, Section 1A, Incompetence, Inefficiency or Inattention to or Do' Dereliction of Duty; Lewis County Sheriff's Office, uh, Oath, Motto, Mission, Code of Ethics and Core Values; and Lewis County Sheriff's Office Policies, uh, 01.05.160, Use & Care of Property & Equipment; and 01.11.060, Call Response. And that's what uh, was provided to you through the investigation?
- A. That is correct.
- Q. So, uh, with those uh, mentioned violations, do you see the correlation between your actions, the damage to the car and the cited violations?
- A. Yes, I do.
- Q. Uh, and there's no questions about any of those?
- A. No.
- Q. So, another purpose of this um, hearing is allow you to have a chance to be heard, um, I'll now offer you the opportunity to express whatever fe' you feel is important for me to consider before I make any decisions on discipline.
- A. Okay. Um, as you mentioned before, that it's not uncommon for a patrol vehicle to go over the speed limit when responding to a call.
- Q. Correct.
- A. Um, I do not know exactly how fast I was goin' and I wasn't payin' attention to my speedometer, but uh, it was an accident. I, I looked down and didn't realize I was in the middle of the "S" curves um, I'm fairly new still to the county, so I don't know the roads that, really that well.
- Q. And I would agree with that.
- A. Uh, I just wanted to say that the biggest thing is that I took responsibility for it, I ow' owned up to it, I made a mistake, I wasn't trying to hide anything and unfortunately, that's what happened.
- Q. Okay, uh, thank you for adding that. Uh, so, it looks like uh, I have a few performance related questions, uh, I'd like to ask you.

- A. Okay.
- Q. Um, uh, how did the performance help meet our Mission, uphold uh, your Oath of Office and show that you were abided, or you abided by the Code of Ethics?
- A. I'm not sure if I understand the question.
- Q. Uh, so your performance that night and what happened, uh, how did that help meet our Mission?
- A. Okay.
- Q. So-
- A. -responding to a call that I was trying to take ov' take the drunk driver off the road, that was my ultimate goal, so he wouldn't injure anybody else.
- Q. Okay. So, by, but by having the collision and puttin' yourself out of service-
- A. -uh, didn't do us any, didn't do us any good, yeah.
- Q. (inaudible train horn)
- A. It hurt, it hurt the county.
- Q. All right. And uh, and of course uphold your, your Oath of Office uh, that you're up goo' you're gon' you got, part of it is you're going to uphold the laws.
- A. Right, absolutely.
- Q. And uh, and so, so you understand that, you know, taking yourself out of service?
- A. Yes, I do understand that.
- Q. Okay. And then uh, uh, the Code of Ethics, um, I'm not sure and I will say, I'm not sure if that will fit, um, so, how did your performance adversely uh, negatively affect this organization's business necessity, that efficiency, effectiveness and safety?
- A. Uh, well, I, I probably broke, I'm assuming I broke policy by traveling over the what the policy says, 15 mile an hour over the posted speed limit while you're goin' code. I'm assuming I broke that or I violated that policy and by damaging our equipment, I put the county at cost, took me out of service, uh, fortunately, there was nother' there was not any other higher priority calls

comin vehicl	out that unfortunately, I wouldn't be able to respond to cause I didn't have an' operating e.
Q.	Okay. Uh, was this your best performance?
A.	No.
Q.	Uh, do you agree your performance needs improvement from, from this incident?
A. surrou	Uh, no, I, I don't think I need improvement, but I just need to be more aware of my indings and slow my speed down.
Q.	Uh, so-
A.	-I think that's what um, I think I'm understanding the question correct.
Q. not the	Uh, right, it says, do you agree your performance needs improvements? So, uh, just not, e normal job, but just this incident and, and the way you know, it was handled-
A.	-oh, yeah, it could have been handled much be' it could have been handled better, yes.
Q.	That, that incid-
A.	-yes-
Q.	-ent could have been-
A.	-yes, absolutely-
Q.	-needs improvement.
A.	Yes.
Q.	Okay. Are you committed to improve?
A.	Absolutely.

What actions have you taken or what do you take to correct your performance?

Q.

A.

Q.

A.

Q.

That situation?

I've been driving like a grandma lately.

Absolutely.

Uh.

- A. Um, like I just said, uh, I've been slowing it a lot down, uh, making sure I'm following the policy to a "T" uh, like I said, I just, there's no reason for me to, like I said, it doesn't do us, doesn't do us any good, if I, I'm responding to a call and I can't make it.
- Q. Okay. And uh, what supervisory assistance, if any, uh, do you think you might need?
- A. Uh, I, I don't think I, I'm not sure.
- Q. Okay. So, uh, before uh, concluding this hearing, uh, there's a few process questions. 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?
- A. Yes.
- Q. During this process, did you receive proper notification in writing of allegations against you, the date and time of hearings, were uh, were you treated fairly and objectively and were due process rights afforded to you?
- A. Yes.
- Q. Uh, did I present to you an accurate uh, recount of the facts and the circumstances in this case?
- A. Yes.
- Q. Have you been given the opportunity to be heard and present or present your side of the story?
- A. Yes.
- Q. Um, so, um, so, at, at this time I'm gonna take the, the time to review uh, the rest of this information uh, and from that, uh, reviewing that information, I'm gonna then contact you at a later time and give you my final decision.
- A. Okay.
- Q. Um, so, I will uh, end this, uh, hearing, the date is still uh, 03/23/17 and the time is 1814.

Captain Curt Spahn, #2A6 Lewis County Sheriff's Office Chehalis, WA

CS:la 03/27/17

Curt Spahn

From:

Tim Mixer

Sent:

Friday, March 24, 2017 10:15 AM

To:

Curt Spahn

Subject:

17-111 (wrecked vehicle)

Attachments:

Kelley Blue Book.pdf

Curt, I think \$1500 would be a good number to use for vehicle value (see attached).

Tim Mixer Fleet Operations

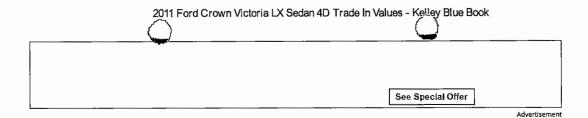
Lewis County Public Works

Motor Pool

476 W. Main St. Chehalis, WA 98532 360.740.1194 Central Shop

109 Forest Napavine Rd. Chehalis, WA 98532 360.740.1150

Tim.mixer@lewiscountywa.gov





2011 Ford Crown Victoria

Style: LX Sedan 4D

Mileage:

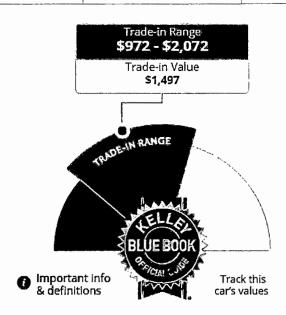
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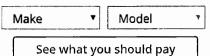
2017 Chevrolet Impala

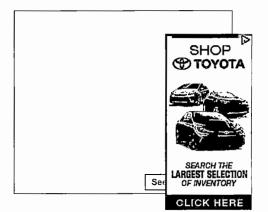


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Curt Spahn

Sent:

Thursday, March 23, 2017 10:02 AM

To:

Sherri Guenther

Subject:

FW: Correction on descipline hearing

From: Andrew Scrivner

Sent: Tuesday, March 21, 2017 9:04 PM

To: Curt Spahn < Curt. Spahn@lewiscountywa.gov>
Cc: Alan Stull < Alan. Stull@lewiscountywa.gov>
Subject: Correction on descipline hearing

Captain Spahn,

Please ignore my last two emails.

After consulting my guild representative, I have decided to waive the 72 hour discipline hearing. I am prepared for our meeting scheduled for 03/23/2017 at 1700 hours.

Thanks again.

Deputy Andrew G. Scrivner

Lewis County Sheriff's Office

345 W Main St.

Chehalis, WA. 98532

360.748.9286 | Office

360.880.2815 | Mobile

andrew.scrivner@lewiscountywa.gov



"Public Safety Through Professional Service"



EWIS COUNTY SHERIFF'S OFFICE **MEMORANDUM**



"Public Safety through Professional Service"

TO:

Deputy Andrew G. Scrivner

FROM:

Captain Curt B. Spahn

DATE:

March 21, 2017

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 Civil Service Rules.

These allegations were a result of a March 9, 2017, incident in which you were responding to a reported DUI in your assigned patrol vehicle. While trying to catch up to the suspect DUI, you were distracted by updates on your computer, were travelling too fast for the road conditions and faster than needed for the call for service, and overcompensated while turning a corner. As such, your vehicle spun and left the roadway, striking a raised manhole cover, which caused damage to the passenger side rocker panel and doors of your patrol vehicle.

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 Sheriff's Office Policies: 01.05.160 - Use and Care of Property and Equipment; 01.11.060 - Call Response.

In accordance with Lewis County Sheriff's Office Policy 01.17.150, Section I, a predisciplinary hearing is scheduled for Thursday, March 23, 2017, at 1700 hours, in my office. (Note: This date is less than the 72-hour notice required per Collective Bargaining Agreement; however, you have waived the notification timeline requirement.) 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.

Sheriff Robert R. Snaza CC: Undersheriff Wes H. Rethwill Chief Bruce F. Kimsey Sergeant Fred M. Wetzel

Deputies Guild President, Deputy Jeff R. Godbey

File - 2...

Lewis County Sheriff's Office Mission Statement:



LEWIS COUNTY SHERIFF'S OFFICE MEMORANDUM



"Public Safety through Professional Service"

TO: Captain Curt Spahn FROM: Sergeant Alan Stull

DATE: 03-20-17

RE: Deputy Scrivner formal complaint

Nature of Allegation

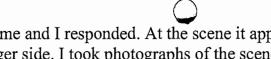
Deputy Scrivner allegedly violated the following;

- 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:
 01.05.160 Use and Care of Property and Equipment
 01.11.060- Call Response

History of the Investigation

On 03-09-17 at approximately 0117 hours Deputy Scrivner was responding to a reported DUI that was leaving the Fred Meyer warehouse on Maurin Road. The caller then reported the semi left on Maurin Road heading west towards I-5.

Deputy Scrivner travelled West on Maurin Road trying to catch up to the suspected DUI. In the 100 block of Maurin Road he looked at his computer to see the update from dispatch. He did not see a slight corner in the roadway. When he looked up he saw the dog leg in the road and turned the wheel. Deputy Scrivner said he was travelling too fast and over compensated while turning. He lost control of his patrol vehicle. His patrol vehicle spun and left the roadway. Where it left the roadway there was a raised manhole cover at the edge of the roadway. The passenger side of Deputy Scrivner's patrol vehicle struck the manhole cover at the passenger doors.



Deputy Scrivner immediately notified me and I responded. At the scene it appeared there was only minor damage on the passenger side. I took photographs of the scene. I was able to pull Deputy Scrivner's patrol vehicle back on the roadway. I had Deputy Scrivner drive his patrol vehicle to motor pool so we could take a better look at it. After the mud was cleaned off his patrol vehicle and we had more light I was able to see the passenger doors and the rocker panels were damaged. I then took more photographs. It was later determined the vehicle was not worth fixing.

On 03-14-17 at about 1830 hours I gave Deputy Scrivner his notification of the investigation.

On 03-15-17 I met with Deputy Scrivner and Sergeant Riordan for my investigative interview. Sergeant Riordan was Deputy Scrivner's guild representative. Deputy Scrivner requested to waive the 48 hour time frame for the interview. I had Deputy Scrivner fill out the order to cooperate with the investigation and notice of his right to representation.

Alleged policy violations

Allegation One: Deputy Scrivner violated Lewis County Civil Service Rule IX, Section 1, Paragraph A, "incompetency, inefficiency to or dereliction of duty."

Deputy Scrivner was inefficient and incompetent in his duties. He was travelling too fast for conditions and faster than needed for the call for service. When he looked at his computer to see the updates, he did not pay attention to the road. He over corrected in the slight turn and spun out. He was unable to respond to the reported DUI. Also, the county will incur the cost of replacing the damaged vehicle.

Allegation Two: Deputy Scrivner violated the Oath of Office which states "That I will abide by the Code of Ethics, Ethical Values, Policies, and Procedures in promoting and achieving the Mission and Vision of the Lewis County Sheriff's Office, and will to the best of my ability faithfully, diligently, and impartially execute the duties of Deputy/Corrections Officer."

Deputy Scrivner violated policies and procedures. Therefore, he violated the Oath of Office.

Allegation Three: Deputy Scrivner violated the Lewis County Sheriff's Office Motto, "Public Safety through Professional Service."

By not being able to respond to the reported DUI, Deputy Scrivner was not providing quality public service.

Allegation Four: Deputy Scrivner violated the Lewis County Sheriff's Office Mission Statement, "Being a committed community partner, providing a professional service to enhance the safety, security and quality of life in Lewis County."

In regards to this incident, Deputy Scrivner was trying to meet the Mission. He was responding to the possible DUI. He failed to complete the Mission when he put his patrol vehicle out of commission and was not able to respond.

Allegation Five: Deputy Scrivner did not violate the Lewis County Sheriff's Office Code of Ethics.

Deputy Scrivner was trying to do the right thing and has taken responsibility for his mistake.

Allegation Six: Deputy Scrivner did not violate the Lewis County Sheriff's Office Core Values because he was attempting to achieve, "responsible, reliable, and affirmative effort."

Allegation Seven: Deputy Scrivner violated Policy 01.05.160, Use and Care of Property and Equipment, "Employees shall maintain, operate and secure all equipment and property assigned to them, used by them, or under their direct or constructive care in a safe and secure manner."

By damaging his assigned patrol vehicle, Deputy Scrivner was not taking care of his issued equipment. The vehicle is now beyond repair.

Allegation Eight: Deputy Scrivner violated Policy 01.11.060, Call Response, "In all response situations, the safety of the Deputy, the public, protection of property, and the needs of individuals at the scene of the incident shall be the primary consideration in determining the type of response."

Deputy Scrivner did not use the appropriate response for the call for service. There was no need to drive that fast while responding to a reported DUI.

Conclusion

My investigation revealed Deputy Scrivner was trying to do the right thing. He was responding to a reported DUI. He was responding too fast for the road conditions and faster than necessary for the call he was responding to. The posted speed limit is 35 MPH on Maurin road. Deputy Scrivner did not know how fast he was travelling. He said he was travelling about 60 to 80 MPH. He looked down to see the update from dispatch. He did not initially notice the small dog leg in the roadway. He turned his steering wheel too hard and spun his patrol vehicle. He overcorrected and his patrol vehicle left the roadway. The passenger side of his patrol vehicle struck a raised manhole cover at the edge of the roadway causing damage. The cause of the collision was due to driving too fast for the conditions and driver inattention.

Deputy Scrivner does not have any current active discipline in his file.

Based on my investigation, Deputy Scrivner violated Lewis County Sheriff's Office policies. Deputy Scrivner did not undermine the public trust or image of the Lewis County Sheriff's Office. Deputy Scrivner has taken full responsibility for his actions. He has learned from his mistake and has taken corrective action.

I am forwarding this to you for review.

Respectfully submitted, Sergeant Alan Stull

STATEMENT OF ANDREW SCRIVNER/A. STULL/03-16-17

This is a taped interview/statement with Deputy Scrivner with the Lewis County Sheriff's Office. This is Sergeant Alan Stull with the Lewis County Sheriff's Office and also present is Sergeant Riordan, who is the Guild Representative.

- Q. Uh, Deputy Scrivner, do you understand this is being tape recorded?
- A. Yes.
- Q. And is this being done with your permission?
- A. Yes.
- Q. Now, you have signed the Order to Cooperate and Notice of Right to Representation. Is that correct?
- A. That's correct.
- Q. And, you were given your uh, Notice of Internal Investigation and I see an email from you, stating that you waived the 48 hour timeframe. Is that correct?
- A. That is correct.
- Q. Okay, so, this is March 15th, 2017, the time is 2117 hours. This is in reference to a collision that occurred on Maurin Road on March 9th, of 2017. Can you tell me how that all started?
- A. I was on duty that night uh, around 0120 hours, I was dispatched to a possible DUI in the area of Maurin Road, coming from the Fred Meyer Warehouse/Factory. I was close by as I was en route to try to catch up to the vehicle, the suspect's vehicle that was DUI. I was traveling east on Maurin Road or correction, westbound on Maurin Road and I remember glancing down at my screen to read the, the uh, CAD notes that were just comin' in and then when I looked up, I was at, near the 100 block, there was a small little dog leg of a tur' of a turn in the roadway and when I took the turn, my rear end from my vehicle tires swept out in front of me. I applied my brakes, tried to save the, my potential collision. Unfortunately, I did not and then I went into a field. Immediately gettin' in the field, I checked myself for injury, make sure I didn't, wasn't hurt and I immediately called my sergeant, Sergeant Stull.
- Q. Okay. And how fast do you think you were traveling?
- A. Be honest with you, I have no idea. But, I do know I was probably goin' over the speed limit for sure.
- Q. Do you know what the speed limit is on that road?

- A. I believe it's 35.
- Q. Okay. So, you're not sure how fast you were goin'. Were you goin' closer to 35 or goin' closer to a 100?
- A. I was probably goin' closer to between 60 to 80, probably.
- Q. Okay.
- A. Like I said, I really don't know for sure.
- Q. Okay. And so, you're sayin' that you were goin' westbound, you, did you see the truck?
- A. I did not, no.
- Q. And did you have any information that the truck went in that direction?
- A. Yes, it said it was, from the information of the call, it was, it left that area, traveling westbound on Maurin Road.
- Q. In the CAD notes that you were readin'?
- A. What's that?
- Q. In the CAD notes that you were readin'?
- A. Yeah.
- Q. Okay, so, you said that you looked down at your computer and when you, what caused the vehicle to step out and start spinning?
- A. Uh, when I, I turned, I turned right to, I turned my steering wheel right to go through this little dog leg of a turn and I probably overcorrect, I probably turned it too hard and that's when my rear end kicked out in front of me.
- Q. Okay. Is there anything else that might have occurred?
- A. Uh, nothin' ran out in front of me, uh, I almost saved, I almost prevented it by applying my brakes, but unfortunately, didn't happen, but.
- Q. Okay.
- A. No, that's it.
- Q. Um, is there any mitigating factors that you know of?

- A. Speed is the probably the, if I would have been goin' slower, I would have prevented it.
- Q. Okay. So, you're saying you're takin' ownership of it?
- A. Yeah, absolutely.
- Q. Okay. All right, is there anything wrong with your vehicle?
- A. Nope, it was, uh, probably was perfectly operational.
- Q. Do you think this is going to be a continued problem?
- A. No.
- Q. Okay. Is there any, any questions you had for me?

The state of the s

Francisco Contraction

- A. No.
- Q. Did you have any questions?

Sergeant Riordan: So, after you're, so, when you got into the collision, um, you got out and you checked yourself and you checked the car, did, did the car appear to have any damage in it?

And the second of the

A. Uh, no, not at, not when I first checked it, no.

Sergeant Riordan: Okay. And you were able to get the car out without a tow truck?

A. That's correct.

Sergeant Riordan: Okay. And you took the car back and did you check it that night or the following day?

A. I checked it that same night.

Sergeant Riordan: Okay, and it did appear there was damage then at that point?

A. Yes, after I cleaned it up, yeah.

Sergeant Riordan: Okay, and how much damage did you think? Just, by you lookin' at it, common sense?

A. Um, there was a small dent in like in between the passenger and driver's side on the right hand side of cor' or rocker panel.

Sergeant Riordan: Okay.

A. And then the passenger side door wasn't able to shut all the way.

Sergeant Riordan: Okay. Okay, um, I think that's it.

Q. Okay.

Sergeant Riordan: And, and Sergeant Stull was with you from that point on, correct?

- A. Yeah, correct.
- Q. Anything else?
- A. No.
- Q. I'll now end this interview. The time is 2123 hours, the date is 03/15/17.

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

AS:la 03/16/17

LEWIS COUNTY SHERIFF'S OFFICE ORDER TO COOPERATE

<u>Andrew Scrivner</u>, 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 <u>principle</u> (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 <u>representation rights only</u> with a labor representative who is <u>not</u> 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 investigation.

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

Member's	0.1	Date:	
Signature:	Chr		3/15/17
Interviewer's		Date:	
Signature:	Ala Da		3/15/17

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:	03/15/2017	CASE NUMBER:	None
INTERVIEWEE:	Andrew Scrivner		
INTERVIEWER:	Alan 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:	Dan Riordan	TITLE:	Sergeant
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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:	Chle	Date:	3/15/17
Representative's Signature:	Dan	Date:	03/15/17

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.

Vehicle Accident Interview



Andrew Scrivner

Wed 03/15/2017 8:37 PM

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

Cc:Dan Riordan < Dan.Riordan@lewiscountywa.gov>;

Sgt. Stull,

At this time I have chosen to waive the 48 hour meeting notification and request to have the investigation interview on 03/15/2017 at 2100 hours at the Lewis County Sheriff's Office.

Deputy Andrew G. Scrivner Lewis County Sheriff's Office 345 W Main St. Chehalis, WA. 98532 360.748.9286 | Office 360.880.2815 | Mobile

andrew.scrivner@lewiscountywa.gov

cid:i mage 001.j

"Public Safety Through Professional Service"



LEWIS COUNTY SHERIFF'S OFFICE MEMORANDUM



"Public Safety through Professional Service"

TO:

Deputy Andrew G. Scrivner

FROM:

Captain Curt B. Spahr

DATE:

March 14, 2017

RE:

Notice of Formal, Non-Criminal, Type I (Internal) Investigation

This is to inform you in accordance with Lewis County Sheriff's Office Policy (01.17.140) and the Lewis County Deputies Guild Collective Bargaining Agreement, an investigation of a *Type 1 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:
 01.05.160 Use and Care of Property and Equipment

The above policies/rules/regulations which may have been violated stem from an incident on or about March 9, 2017, during which it is alleged you acted as follows:

At approximately 0123 hours, you were responding to a reported DUI. While attempted to catch up to the suspect vehicle, you lost control of your patrol vehicle in the 100 block of Maurin Road, Chehalis, causing damage to the passenger side rocker panel and doors.

If sustained, the range of discipline may range from a verbal 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: <u>Sergeant Alan C. Stull.</u>

<u>Sergeant Stull</u> 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.

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 designed as a *Type 1 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: Sheriff Robert R. Snaza

Undersheriff Wes H. Rethwill

Field Operations Chief Bruce F. Kimsey

Sergeant Alan C. Stull

Deputies Guild President, Deputy Jeff R. Godbey

File – 2



LEWIS COUNTY SHERIFF'S OFFICE

MEMORANDUM



"Public Safety through Professional Service"

TO: Captain Curt Spahn FROM: Sergeant Alan Stull

DATE: 03-13-17

RE: Scrivner internal investigation

On 03-09-17 at about 0123 hours I was advised by Deputy Scrivner he had damaged his patrol vehicle. He stated he was travelling west in the 100 block of Maurin Road trying to catch up to a reported DUI case #17C2573. He stated he was most likely travelling too fast for conditions and lost control of his patrol vehicle.

I arrived at the single vehicle collision. I observed the patrol vehicle off the roadway. The vehicle had damage to the passenger side. It appeared when the vehicle left the road sideways, it struck a raised portion where a manhole cover was located along the side of the road.

It appears with my fact finding it was an at fault collision. I will be able to find out more information after Deputy Scrivner is given notice of the internal investigation.

Respectfully Submitted, Sergeant A. Stull



Lewis County Sheriff's Office Injury/Exposure/Damage Report



Employe	e Section							
Name:	Andrew	Scrivner				ID#	4037	
Job Title:	Patrol D	Patrol Deputy				Bureau:	Operations	
Date of inc	ident:	March 9th, 2017			Time:	0122 hours		
Supervisor's Name:		Sgt. A. Stu	ı[]					
Descripti	on of Inc	ident			2 20 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0			
Type of incident:		☐ Injury ☐ Exposure ☒ Damage						
Location of incident:		100 block Maurin Road, Chehalis WA						
If Injury:				Ģ.				
What was i	injured:							
Fully descr	ibe how yo	our injury occu	ırred:					
				2			· · · · · · · · · · · · · · · · · · ·	
If Exposu	re:		4	·	i jy	4 3 4 4 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5		
Type of ex	posure:							
Cause of exposure:								
Fully describe how exposure occurred:								
Medical 7	Treatmen	ıt .						
Was medic		· · · · · ·	ПУ	es	\boxtimes	No	, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
			<u> </u>					
If Yes, doctor's name: Date of treatment: Place of exam/treatment:								
M/bat word	vou doing	when incider	at occurred	12	,	e E perig		
	, .				Daad	attamatina	to ootob up to o	
		as reported ir					to catch up to a	
reported D	or triat wa	as reported in	i lile aiea	Offilly	VEITICI	e accident.		
Could this i	injury/expo	sure been av	oided? Exp	lain:	-			
Yes, if my vehicle speed was slower.								
100, 11 1119	VOLITOIO OF	700a Wao 0.0						
Witness to	incident:							
none								

Equipment Damage								
Equipment involved: 17-111 Patrol Vehicle	•							
Condition of equipment: Vehicle Operation was fine prior to collision.								
Equipment checked by supervisor? ☐ Yes ☐ N	No							
Was supervisor on scene? ☐ Yes ☐ No								
Time/Date Supervisor notified: Date: March 9th, 2017	Time: 0123 hours							
If this report is not being filled out on the day of the incident, give reason for the delay: First thought no damage. Damage report overlooked.								
Have you written a report or statement covering this incident? Yes * No (If yes, please attach to this report)								
Supervisor Section	9 ¹							
Was the employee where he/she should been?	□ No							
Was the employee doing what they should have been doing?	☐ Yes							
Is a safety policy involved? ⊠ Yes □ No								
Describe how the employee's actions were in or out of policy:								
Deputy Scrivner was attempting to catch up to a reported DUI case #17C2573. It appears he was traveling too fast for conditions when his vehicle left the roadway.								
Is this incident linked to inadequate or a lack of training?	□ Yes 🗵 No							
If yes, describe:								
Are the events concerning this incident clearly documented and attached to this report*? ☐ Yes ☒ No If no, when is the expected date for completion? 03/20/17								
Treatment: ⊠ None □ First Aid □ Doctor □ Hospital	☐ Will advise if needed later							
If employee decides to seek medical care, have employee fill out SIF-2 and provide the SIF-2 and all reports and physician documents to the Risk Manager <u>IMMEDIATELY</u> . *If there is a blood exposure incident, do not have employee sign medical release on SIF-2 form.								
Work Status: ☐ Returned to Work								
Returned to Work Anticipated (return to work within 3 days)								
Time Loss (Not back to work on 4 th day from incident) Other:								
Employee Signature: Andrew Scrivner	Date: March 13th, 2017							
Supervisor Signature: Sergeant A. Stull	Date: 03/13/17							
Administration Signature: Captain Curt Spahn								



Lewis County Sheriff's Office

Incident Report

Incident #: 17C2573

Incident: Driving Under Influence

Area: LCW Chehalis/Napavine/Adna

Location: 222 MAURIN RD; FRED MEYER

When Reported: 01:17:19 03/09/17

Occurred Between: 01:15:42 03/09/17

And: 01:15:42 03/09/17

COMPLAINANTS:

1)

Name: FRED MEYER, SERVICE CENTER

DOB: **/**/**

Race/Sex: /

Address: 222 Maurin Rd

Chehalis, WA 98532

Home Phone: (360)740-6600

Work Phone: (360)740-6600

Employer: FRED MEYER WAREHOUSE

222 MAURIN RD

NARRATIVE: Name: Heller S

Printed: 22:24:37 03/15/17

law

Alan Stull

Wed 03/15/2017 10:29 PM

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

When

01:17:19 03/09/2017

Reported: Address:

222 MAURIN RD; FRED MEYER

Chehalis

Directions:

Occurred 01:15:42 03/09/2017 and 01:15:42

between:

03/09/2017

Contact:

SCHAEFER, RICK

Phone:

(360)740-6660

Other Information: -

Other Information:

Received via: Telephone

Received by: Brockmueller L

Hold Until:

Priority: 2 **Complainant**

Name:

FRED MEYER,

Call ID:

Type: |

Alarm #:

D01243737

SERVICE CENTER

Address: 222 Maurin Rd

Chehalis, WA 98532

Race:

Sex:

Phone:

(360)740-6600

Birth Date:

Comments: □ RP ADV THEY HAVE A DRIVER THAT IS GOING TO BE LEAVING SOON THAT APPEARS TO BE

Comments: I

RP ADV THEY HAVE A DRIVER THAT IS GOING TO BE LEAVING SOON THAT APPEARS TO BE THEY CAN SMELL THE ALCOHOL, EYE'S GLAZED OVER

SWIFT TRUCK , # ON SIDE OF TRUCK 163894 . WILL BE HEADING TO LOVES

DRIVER/UNK NAME.

01:17:39 03/09/2017 - Brockmueller L

LIC/247608 UNK STATE

01:18:13 03/09/2017 - Brockmueller L

DRIVER: W/M POSS 50'S, POSS BLU SWEATSHIRT.

01:18:59 03/09/2017 - Brockmueller L

HE JUST LEFT THE YARD ON MAURIN RD NOW GOING TOWARDS I5. WAS GOING TO LOVES 1ST

Radio Logs: = 02:13:06 03/09/2017 - CMPLT

Radio Logs:

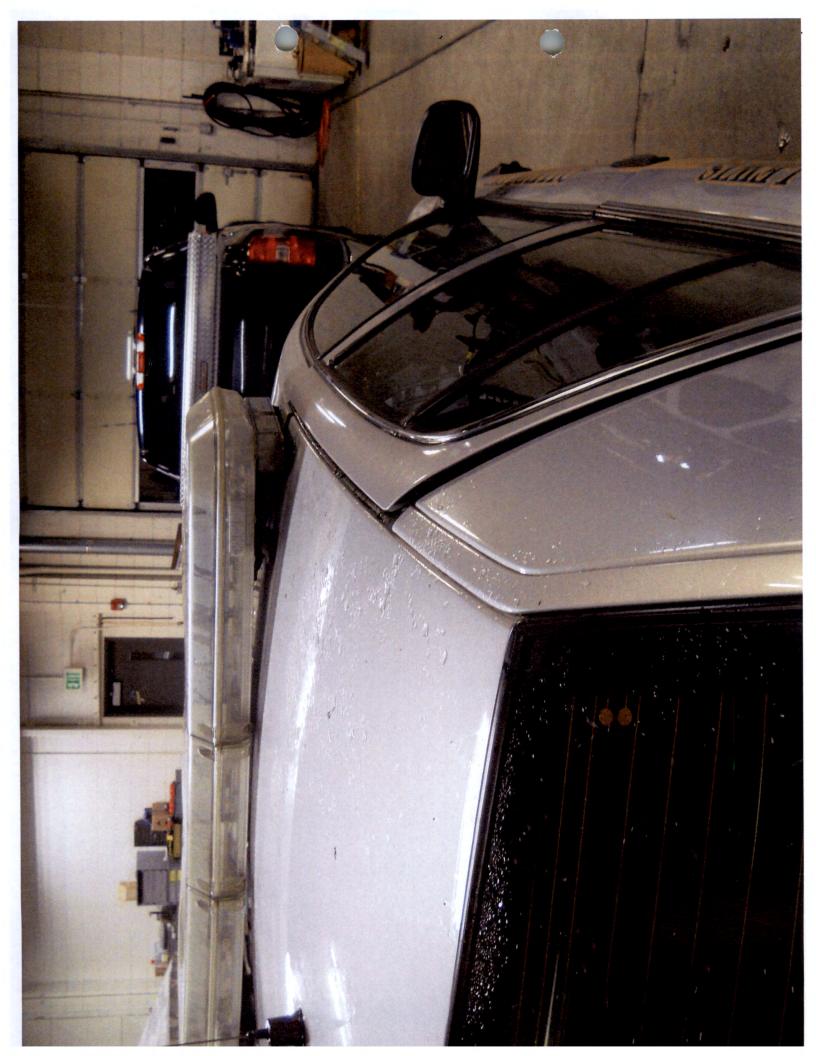
When Reported	Unit Ten Code	Agenc	y Zone Logged By	y Description
02:13:06		ICSO	I CW3 Hammer	incid#=17C2573 Completed call disp:211 clr:CHT
03/09/2017	230 CIVIT LI	LCJO	M	call=5l
02:13:06	236 CMPLT	LCSO	LCW3Hammer	incid#=17C2573 Completed call call=5l
03/09/2017			M	·
02:12:46	230 ASSGN	LCSO	LCW3Hammer	incid#=17C2573 Assigned to a call call=5l
03/09/2017			M	
01:18:02	236 ASSGN	LCSO	LCW3Hammer	incid#=17C2573 Assigned to a call call=5l
03/09/2017			M	-

Involvements: - Law - 03/09/2017 - 211 DUI - Initiating Call

Involvements: 1 1 - 2 of 2

All (2) Law (1) Name (1)

Type Date Description Relationship 4Law 03/09/2017211 DUI * Initiating Call Name03/09/2017FRED MEYER, SERVICE CENTER* Complainant







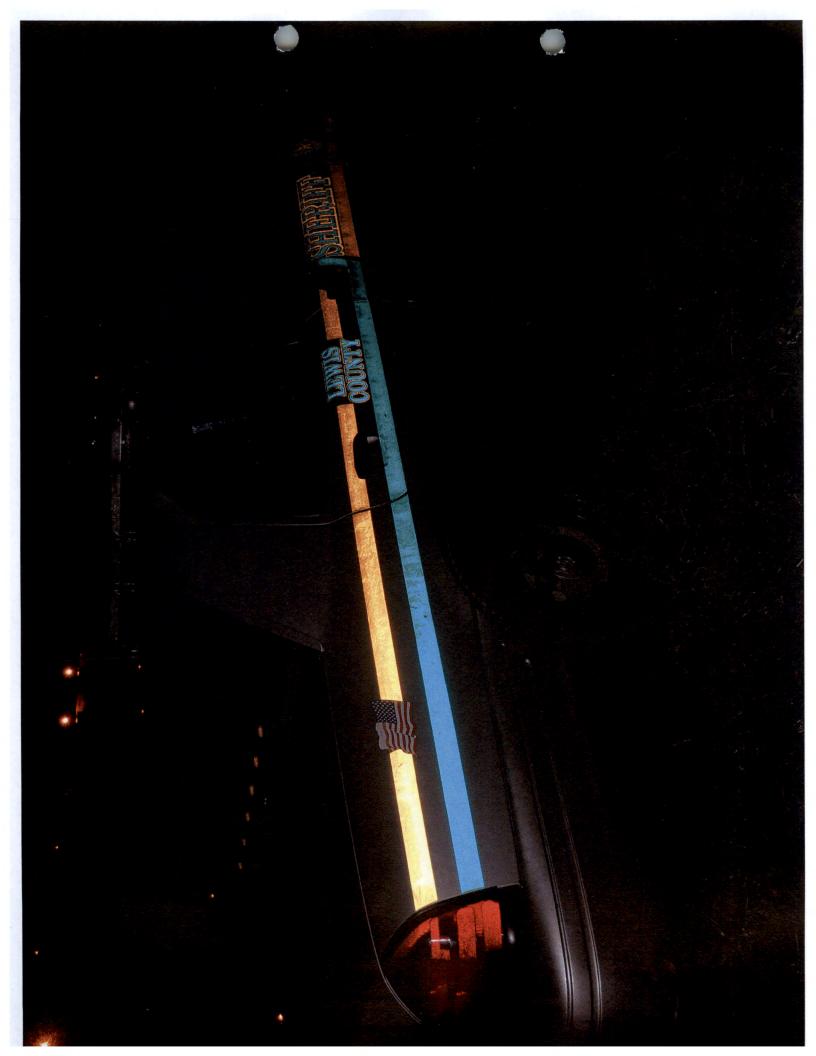








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THE STANCE OF



