

# WASHINGTON STATE PATROL

*Office of Professional Standards*

2017 Annual Report

Published March 14, 2018

# INTRODUCTION



Chief John R. Batiste

The Office of Professional Standards (OPS) provides oversight for the agency's complaint and disciplinary procedures. OPS is supported by the Internal Affairs (IA) Section, which investigates all allegations of serious misconduct and/or serious performance allegations involving Washington State Patrol (WSP) employees. OPS ensures investigations are timely, complete and standardized discipline is imposed. OPS will continue to meet the public's expectations for accountability by conducting fair and impartial administrative investigations.

OPS is comprised of one captain, one lieutenant, four detective sergeants, one civil service investigator and four professional staff. We work collaboratively with Districts and Divisions to provide accurate and timely counsel when allegations are identified, guidance throughout the administrative process, and follow-up to prevent future occurrences. This requires our entire staff be knowledgeable about all aspects of administrative investigations, enabling us to provide guidance which is meaningful, timely, and insightful. This is a critical piece of the OPS role and contribution to the agency. In addition to agency internal investigations, other local, county or state agencies can contract with OPS on a case-by-case basis for IA to conduct administrative investigations.

***We, the Office of Professional Standards, acting with integrity,  
are committed to public employee accountability while respecting and  
protecting the rights of all individuals.***

OPS takes a proactive approach to educating appointing authorities, managers, and supervisors regarding agency guidelines for initiating and conducting administrative investigations. Supervisors are encouraged to attend cross training with OPS where they become fully engaged in the administrative intake process, case work, and interviews. In 2017, OPS provided training for the Supervisor Basic and Trooper Basic Academy classes. The OPS Command Staff attended supervisor's meetings in the Districts and Divisions to discuss the administrative process and solicit feedback. These visits will continue in 2018.

OPS communicates agency standards for the completion, review and approval of Fleet Incidents/Collisions, Lost/Damaged Equipment, Uses of Force, and Pursuits/PIT (FLUPs). This prompts continual interaction between our Division and managers, supervisors, and administrative staff in the field.

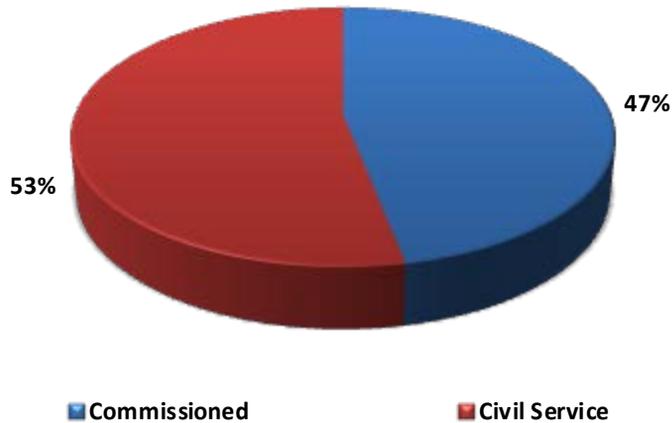
OPS employs a Research Analyst responsible for providing timely and relevant data to those we serve; identifying potential trends to mitigate risk and training opportunities to promote professionalism. This is accomplished through quarterly reports provided to the Districts/Divisions. The OPS Forms and Records Analyst completes public disclosure requests to facilitate public trust and accountability.

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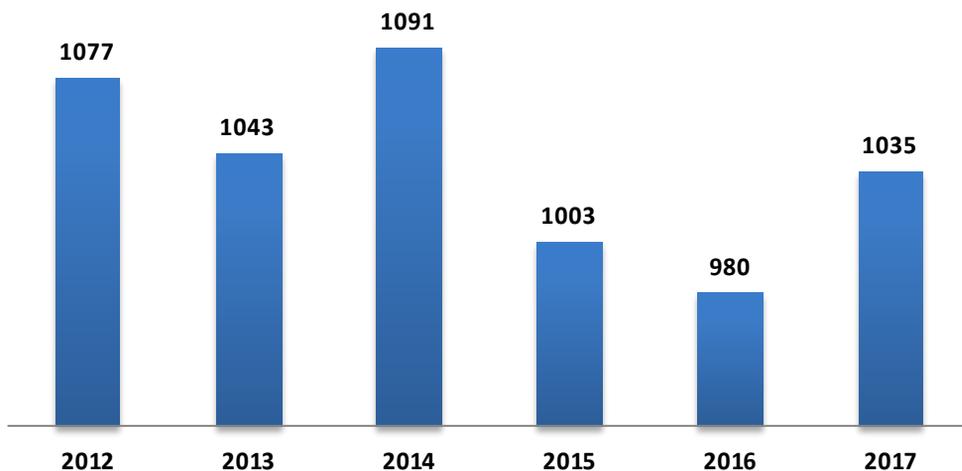
# WSP EMPLOYEE NUMBERS

## WSP Total Employees - 2017



In 2017, the agency averaged 2,207 employees. Commissioned Troopers represented 47% of this total, with 1,035 employees, and Civil Service the remaining 53% with 1,172 employees. While the commissioned employees represent less than half the workforce, they account for 86% of the total case numbers generated. Commissioned employees are responsible for all case reviews generated by pursuits and uses of force, and the greatest number of citizen complaints. Civil service case numbers generally relate to lost/damaged equipment, fleet incidents/collisions, and Minor courtesy complaints.

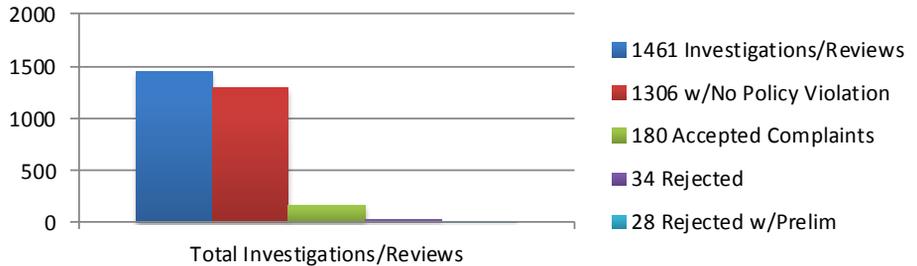
## Commissioned Employees



# ADMINISTRATIVE INVESTIGATIONS OVERVIEW

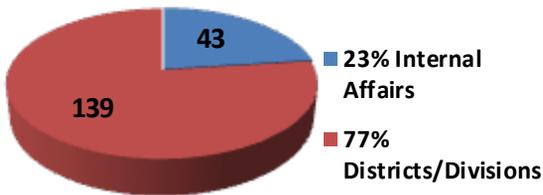
In 2017, OPS generated 1,461 case numbers prompting reviews of the actions of our employees. Of the 1,461 cases reviewed, 88% were found to be consistent with agency policy/procedure and no additional action was taken. The agency addressed a total of 248 complaints against employees. Of those complaints, 182 were investigated, 35 were rejected after a preliminary investigation, and 31 were rejected after initial review by the Appointing Authority. The 248 total complaints represent a 6% decrease compared to 2016, when the agency received 263 total complaints.

Of the cases reviewed, 88% were found to be consistent with agency policy/procedure

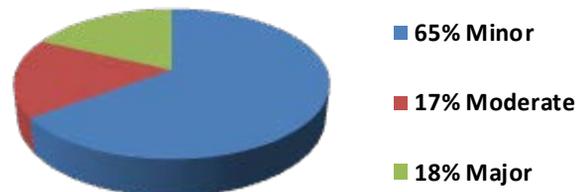


Of the 182 complaints investigated, 65% were Minor, 17% Moderate, and 18% were categorized as Major. The Districts/Divisions completed 77% of the internal investigations, OPS completed 23%. These investigations concluded with 86% resulting in proven findings. Of the sanctions imposed, 26% were written reprimands, 45% verbal reprimands, 8% employee counseling, 18% resulted in suspensions, 2% in employee separation (termination or resignation) and less than 1% were a demotion. OPS received and processed 168 Non-Investigative Matter (NIM) reports in 2017.

## Investigative Responsibility



## Complaint Categories



## Sanctions Imposed



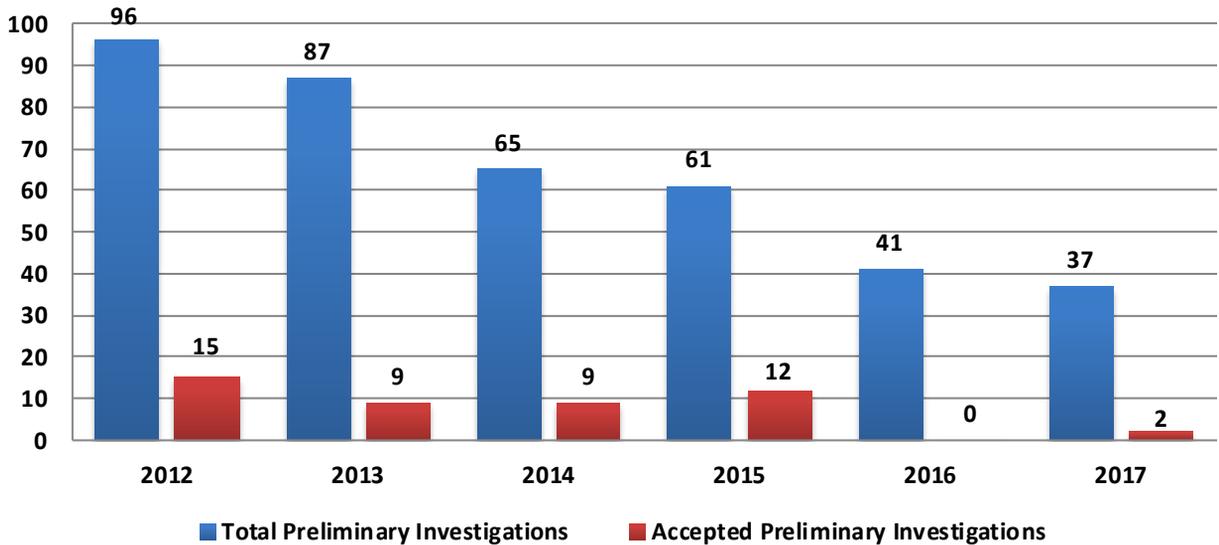
A Settlement Agreement is a tool which streamlines the agency's administrative process, allowing an accused employee to acknowledge their mistake(s) and work toward an appropriate and agreed upon sanction. In 2017, OPS coordinated with District and Division Commanders to complete 32 settlement agreements, a 39% increase from 2016. In 2017, OPS conducted 41 investigations, with 24 of those cases (58%) resulting in a settlement agreement.

# PRELIMINARY INVESTIGATIONS

The agency has the option to conduct a preliminary investigation prior to accepting a formal complaint. A preliminary investigation is used to determine if the alleged conduct involved a WSP employee and, if proven true, the conduct would be a violation of WSP regulations which would result in discipline or corrective action.

Each preliminary investigation must result in one or more of the following determinations:

- The allegations are or are not against an agency employee.
- No factual information of a violation of policy exists.
- Factual information of a violation exists.
- The allegation(s) does not constitute a complaint.
- Criminal misconduct is involved



In 2017, the agency experienced a 9% decrease in the number of preliminary investigations conducted compared to 2016. Citizen complaints accounted for 23 or 62% of the preliminary investigations in 2017. The Districts/Divisions experienced a 28% increase in the number of preliminary investigations completed with 25 in 2016 and 32 in 2017.

# COMPLAINTS

A complaint can come from an external or internal source, and a complaint may be given in person, by telephone, email, or by letter. All complaints are referred to this office for a thorough and impartial review, followed by an administrative investigation when appropriate. At the conclusion of an administrative investigation the complainant and employee receive letters advising them of the outcome to promote transparency and foster trust.

Complaints alleging serious misconduct or serious performance deficiencies are almost solely investigated by Internal Affairs. Other complaints, such as Moderate or Minor, are typically assigned back to the appropriate District or Division in which the allegation occurred.

Complaint categories include:

## **Major**

Major investigations are the most serious and are generally investigated by OPS. A Major investigation is an act or omission that, if proven true, would constitute willful or wanton disregard for WSP policies and procedures.

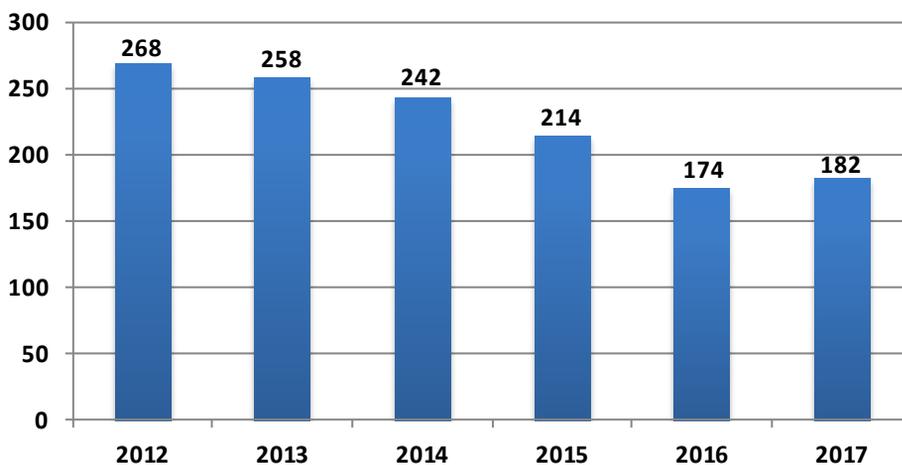
## **Moderate**

Moderate investigations are actions or behavior by an employee in disregard of agency policies and procedures.

## **Minor**

Minor investigations are those against agency employees that may involve perceptual differences and possible violations of agency policies, procedures, or service.

## Agency Total Cases Closed



# COMPLAINTS

In 2017, OPS closed 41 of the 182 cases, which was an 86% increase from the previous year when 22 were closed. Accounting for this increase presents a challenge for OPS as the data pulled for this report is based on the date investigations are closed. In previous Annual Reports, numbers were presented based off the date the cases were initiated.

(CALEA 1.2.9d, 52.2.1)

## DISTRICT/DIVISION MODERATE COMPLAINTS

OPS works collaboratively with the Districts and Divisions to have Moderate complaints investigated at the District/Division level. This has had an ancillary benefit of developing supervisor's skills in the agency's administrative process.

In 2017, there were 19 Moderate complaints investigated at the District or Division level, which is a 9% decrease from 2016. In 2017, OPS assumed investigative responsibility for 13 Moderate cases. Of the Moderate cases investigated by the Districts/Divisions, 63% resulted in a settlement agreement prior to the completion of the investigation.

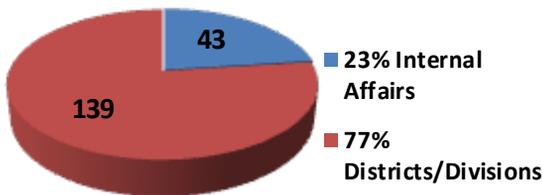
## DISTRICT/DIVISION MINOR COMPLAINTS

Minor complaints address allegations which, if proven true, would result in counseling or written/verbal reprimands. They are generally assigned to the Districts/Divisions for investigation. In 2017, there were 118 Minor complaints investigated at the District or Division level, a 9% decrease from 2016.

Minor investigations tend to be less involved, which contributes to a timely investigation and finding by the Appointing Authority. Often the allegations involve Minor collisions or courtesy complaints and are reviewed using on-scene reports and/or dash camera video if available. The timeliness of these investigations contributes to the limited number of cases resolved with a settlement agreement.

(CALEA 52.1.1 and 52.2.1)

### Investigative Responsibility



### Complaint Categories



## EARLY IDENTIFICATION SYSTEM

In the course of one's career, an employee may experience situations which affect their capacity to perform well on the job, impacting performance, attendance, or conduct. The Washington State Patrol is committed to helping employees prevent or resolve problems to promote employee wellness, contributing to the resilience of the officer, agency, and the communities we serve.

The Office of Professional Standards (OPS) provides oversight of the agency's Early Identification System (EIS), which is designed to detect and address "out-of-the-ordinary" patterns of behavior or performance issues at the earliest stage. EIS seeks to correct issues through non-punitive and timely intervention, emphasizing training and reaffirmation of agency regulations. It is a tool for supervisors and managers to address problems and render tailored assistance to the employee to correct unacceptable behavior. The following are primary elements considered for EI:

- Misconduct
- Unauthorized Use of Force
- Unauthorized Pursuits
- Serious collisions or a pattern of vehicle incidents/collisions

When an employee is identified as a candidate for EIS, the Commander will personally meet with the employee to discuss concerns. The Commander then prepares an IOC outlining the results of the discussion, the employee's response to the concerns shared, and the recommended course of action. Any action taken is communicated with OPS to be included in the employee's file.

The OPS Employee History lists all proven policy violations registered against an employee, showing the date, allegation, finding, and sanction imposed. When new findings are entered into the OPS database, an Early Identification notice is generated if any of the below occurred over the previous twelve months;

- Two proven or undetermined complaints
- Two unauthorized uses of force
- Two unauthorized pursuits
- Two chargeable collisions, incidents, or lost/damaged equipment

OPS can generate a report showing all employee interventions upon request.

# EARLY IDENTIFICATION SYSTEM

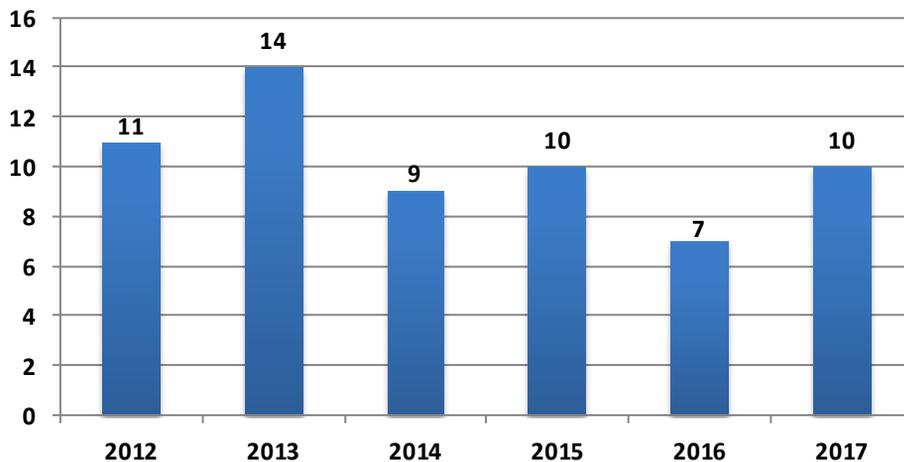
In 2017, OPS identified ten employees for Early Intervention and notices were sent to appointing authorities for follow-up and referral. Of the ten employees identified, six were commissioned males, three were commissioned females and one was a female civil service employee.

Eight of the early intervention behaviors were fleet incidents relating to vehicle operation. In each of these cases the employees involved were counseled, received assessments and completed training with a driving instructor. One of the interventions pertained to the loss of equipment, and one resulted from a complaint.

Re-offenses after Early Interventions are rare, and in 2017 none of the employees involved have had a similar incident since their intervention.

(CALEA 35.1.9)

## Early Identification - 5 Year Trend



# OPS AND DISTRICT/DIVISION OUTCOMES

## PERSONNEL ACTIONS

The focus of the administrative investigation is to protect and preserve the integrity of the community, the agency, and its employees. Determining the appropriate finding at the conclusion of an administrative investigation is critical. The finding affects not only the involved employee(s) and citizen(s), but the reputation of the agency. The conclusions made about cases in which discipline is imposed must involve careful review and analysis of the specific facts and circumstances of the incident. Each separate allegation must be individually determined.

The burden of proof in administrative investigations is a preponderance of the evidence. Preponderance of evidence is defined as evidence that is more convincing to a reasonable person than the opposing evidence (more likely than not.) This decision is based on the totality of the circumstances and the credibility of the evidence presented and does not rest solely on the number of witnesses involved. Decisions are achieved by a preponderance of the evidence adequately supported by fact to lead an ordinary, reasonable, and prudent person to reach the same conclusion after reviewing the same information.

In 2017 the agency completed 182 administrative investigations, a 2% increase from the previous year when 175 cases were closed. Of the total investigations, 154 resulted in proven findings with sanctions imposed, either via a final determination or settlement agreement. Seven of the investigations resulted in missed timelines with no sanctions imposed. When the Appointing Authority administers discipline, the disciplinary matrix is consulted to determine the range of sanctions. If an investigation ends in a settlement agreement, the Appointing Authority may operate outside of the matrix.

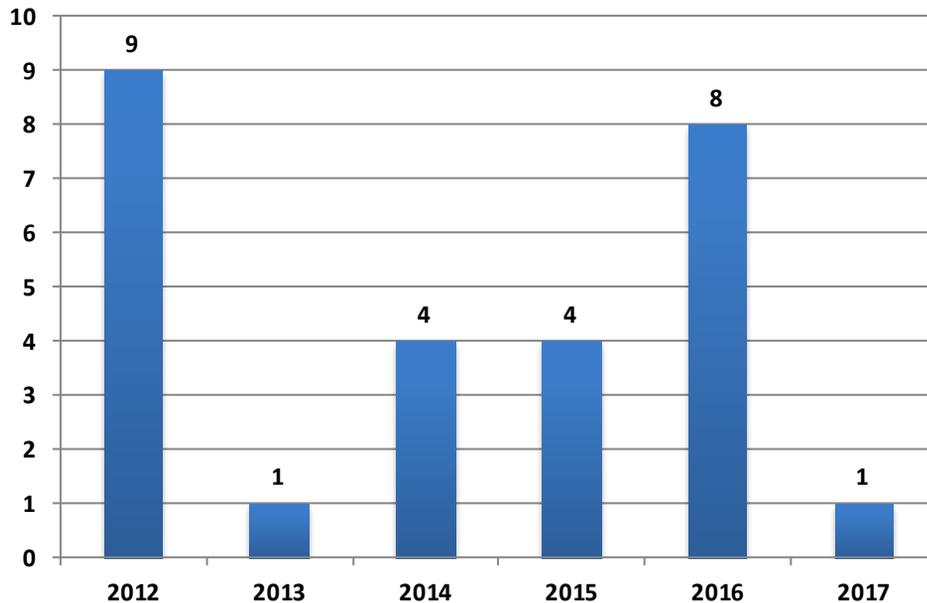
Level	1 <sup>st</sup> Offense	2 <sup>nd</sup> Offense	3 <sup>rd</sup> Offense
Minor	Counseling Written Reprimand	Counseling Written Reprimand	Written Reprimand
Moderate	Written Reprimand - 2 Working day Suspension	1 Working day Suspension - 5 Working day Suspension	3 Working day Suspension - 10 Working day Suspension
Major	3 Working day Suspension - Termination	6 Working day Suspension - Termination	11 Working day Suspension - Termination

The sanctions imposed in 2017 included 12 counseling documents, 106 written/verbal reprimands, 26 suspensions (to include loss of annual leave or compensation time, or reduction in pay), one demotion, two resignations, and one termination. Minimal sanctions were imposed, with 79% consisting of a written reprimand or less, 6% resulting in suspensions, and 1% in a form of employee separations. The discipline is reflective of the types of cases investigated, with 65% being Minor, 17% Moderate, and 18% Major.

# OPS AND DISTRICT/DIVISION OUTCOMES

## OUTSIDE AGENCY CASES

With the Chief's approval, OPS conducts administrative investigations for city, county and state agencies on a contractual basis. OPS initiates contact with the outside agency to establish the scope of the investigation, investigative authority, and timelines. The investigation begins once investigative protocols are established and a contract for services is completed.



In 2017, OPS completed one outside agency administrative investigation. Once the case is completed, it is delivered to the Appointing Authority of the outside agency. The investigator and section Commander provide a brief overview of the case to the Appointing Authority, answer any questions, and provide follow-up if requested. When the final case file is delivered to the agency, OPS involvement is complete. The Appointing Authority of the outside agency determines the finding and sanctions.

## 2017 OPS REVIEWS

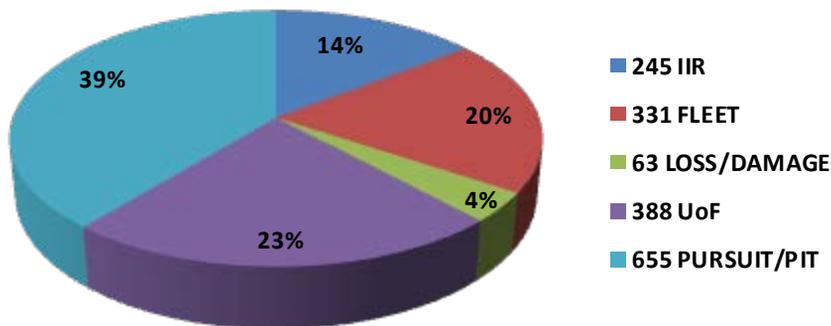
The Administrative Investigation Manual (AIM) and WSP Regulation manual are written directives utilized by all employees of the agency. The AIM identifies processes and requirements for administrative investigations, and the regulation manual defines policy and procedure. The agency complies with the Collective Bargaining Agreements of the seven bargaining units which represent our employees.

An electronic records management system is used to complete timely and thorough reviews of all Fleet Events, Lost/Damaged Equipment, Use of Force, and Pursuits (FLUPs). This system aids reviewers in identifying violations of policy, training opportunities, individual/agency successes, and ensures equity when corrective measures are taken. It is also used to compile statistical data which is analyzed and reported to the District/Division Commanders to identify trends and mitigate risk.

When a potential policy violation is identified, the supervisor conducts an initial review of the incident and notifies their chain of command. If appropriate, the District/Division will complete an Internal Incident Report (IIR) to begin the administrative process.

In 2017, OPS completed 1,682 FLUP reviews with 12% (182) of those resulting in a formal investigation. Agency wide, 88% of the case numbers did not result in an investigation. The Field Operations Bureau was responsible for 85% of the case numbers generated.

### 2017 OPS Total Reviews



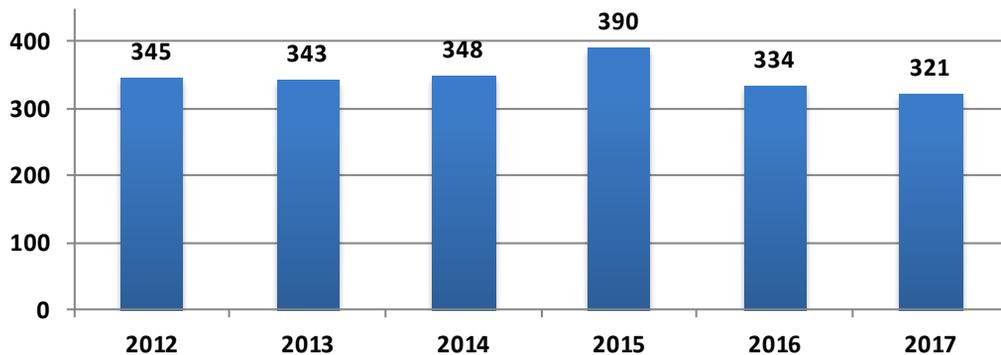
Employees with less than 5 years tenure led the agency in all 5 categories above. This group represents 25% of all commissioned employees and is the largest tenured group in the agency. This may be attributed to the enthusiasm which accompanies the early years in one's profession, combined with the limited involvement in specialty assignments which senior officers are often tasked with.

# FLEET COLLISIONS AND INCIDENTS

Fleet events consist of collisions and incidents. An incident can be defined as damage done to an agency vehicle by natural disaster, damage by road hazard, non-collision push bar damage (either vehicle), prisoners, non-collision dents/scratches by a known or unknown source, or vandalism. A collision is damage done to an agency vehicle in any way other than described as an incident.

A fleet investigation will occur when any agency vehicle is damaged as a result of an incident or collision. If a supervisor determines the employee may have violated policy, an IIR shall be completed by the employee's supervisor after consultation with the District/Division Commander. Upon completion of the administrative investigation, the Appointing Authority will determine if the employee is at fault (policy violation), or the employee is not at fault (no policy violation).

## Fleet Events

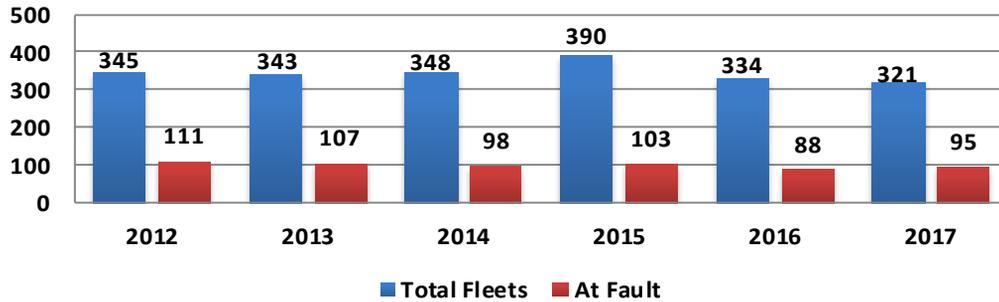


In 2017, there was a total of 321 combined fleet events which is a 3% decrease compared to 334 in 2016. Overall incidents decreased from 125 in 2016 to 119 in 2017. However, collisions decreased 3% from 209 in 2016, to 202 in 2017.

# FLEET COLLISIONS AND INCIDENTS

Of the 321 fleet events in 2017, only 95 (29%) were determined to be in violation of department policy. This number is comparable to 2016 statistics where 88 (26%) of those 334 fleet events were found to be policy violations. Of the 202 collisions in 2017, 87 were found to have proven policy violations, with the most common being improper backing and unsafe following distances.

## Fleet Events - At Fault

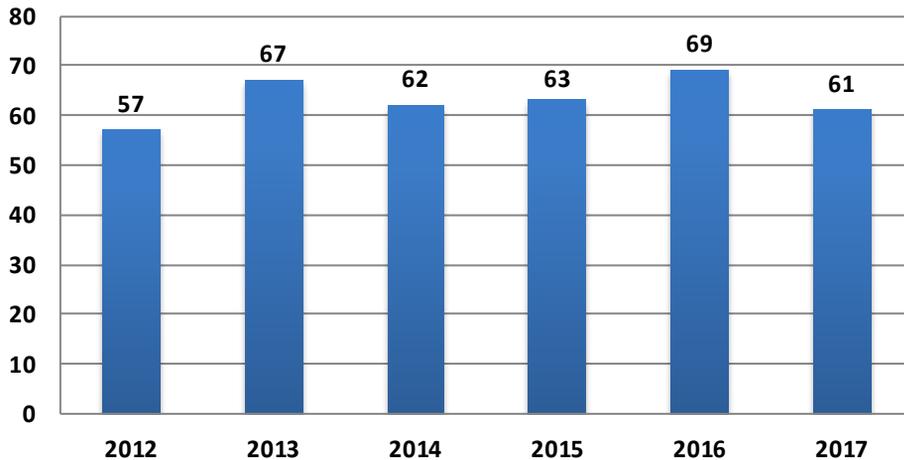


Discipline was administered when allegations of a policy violation were proven true. In 2017, four collisions classified as Major violations compared to only two in 2016. Training was a consistent component for employees involved in a collision with a proven policy violation. This training was completed at the academy or through the employee's local Emergency Vehicle Operators Course (EVOC) instructor and was in addition to standard in-service training for commissioned personnel.

## LOSS/DAMAGE OF EQUIPMENT

A supervisor is notified when agency equipment or property is either damaged or lost, which results in a review of the incident to determine if a policy violation occurred.

### Loss/Damage



In 2017, the loss or damage of equipment decreased 11% when compared to 2016. Of the 61 items identified as lost or damaged in 2017, 37% were found to be a proven policy violation whereas in 2016, 57% was determined to be proven. This constitutes a 20% reduction in 2017 of offenses observed.

Of all items lost or damaged throughout the year, the portable breath test (PBT) instrument was lost or damaged the most followed by employee proximity cards. To address the costs associated with these losses, agency members evaluated each case to see where improvements could be made. As a result, PBTs are now issued with magnetic strips to keep them from falling off of patrol vehicles and proximity cards have been reduced down to just one card.

# USE OF FORCE

The Washington State Patrol consistently reviews all use of force incidents for the benefit of the public and our employees. Use of force is defined as *"Power dynamically considered, that is, in motion or in action; constraining power, compulsion; strength directed at an end. Force may be applied through the use of a person's body, weapons, equipment, and/or other instruments."* Only reasonable force to lawfully perform an officer's duties shall be used.

Reportable uses of force include:

- Physical take-downs, leg sweeps, or any technique which forcibly requires the subject to end up on the ground from means other than his/her own.
- Restraint Strap, if used to overcome combative resistance or aggression.
- Use of OC-10.
- Use of the Taser.
- Striking with hand/fist or foot.
- Any use of an impact tool, whether designed for that function or not.
- Neck restraint hold.
- Any action that results in a complaint of injury and/or any form of visible injury to a subject.
- Use of the Pursuit Immobilization Technique at 40 miles per hour or higher.
- Use of a vehicle in an act of intentional intervention.
- Use of any firearm, including unintentional discharge.

When a use of force incident occurs, the supervisor investigates the incident and documents their findings in the Use of Force electronic FLUP. The completed FLUP is forwarded through the District/Division chain of command for review and approval. Any potential policy violations result in an Internal Incident Report, prompting an administrative investigation. If no policy violations are identified, the FLUP is forwarded to OPS where two additional reviews are completed before the case is closed. The WSP Criminal Investigation Division (CID) oversees investigations involving a lethal Use of Force, and /or force used which may involve criminal conduct.

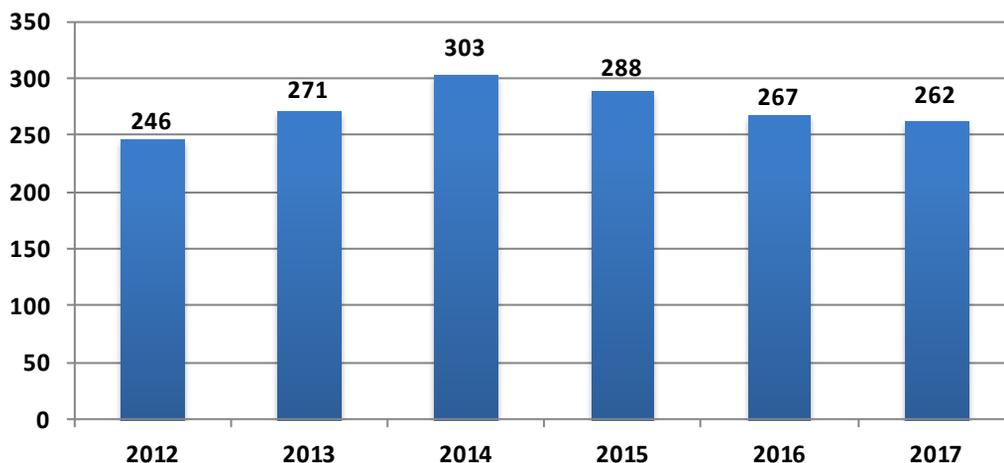
In 2017, WSP Troopers used force to gain compliance with 262 individuals, which is consistent with the average of 275 in the previous five years. There were five less uses of force compared to 2016. The agency has experienced a slight decrease in the total number of uses of force since 2014, which may be attributed to the decline in staffing which has occurred during this period, and the subsequent decline in public contacts/arrests.

The WSP will continue to track, monitor and analyze use of force reports to address violations of policy, improve training, and identify trends to protect the public and our employees.

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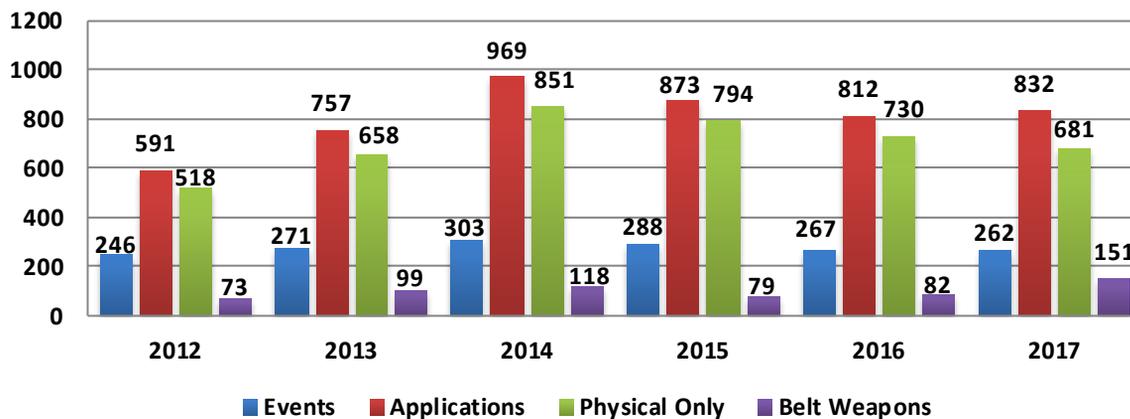
# USE OF FORCE

## Use of Force - Events



For the purpose of this review, use of force “events” are defined as individual contacts where force was used to gain compliance. One event may involve multiple officers and/or multiple “applications” of force, such as a Taser application, followed by joint manipulation and handcuffing. When multiple officers are involved, the actions of each officer and each application of force are reviewed for compliance with policy, procedure and training.

## Use of Force - Breakdown



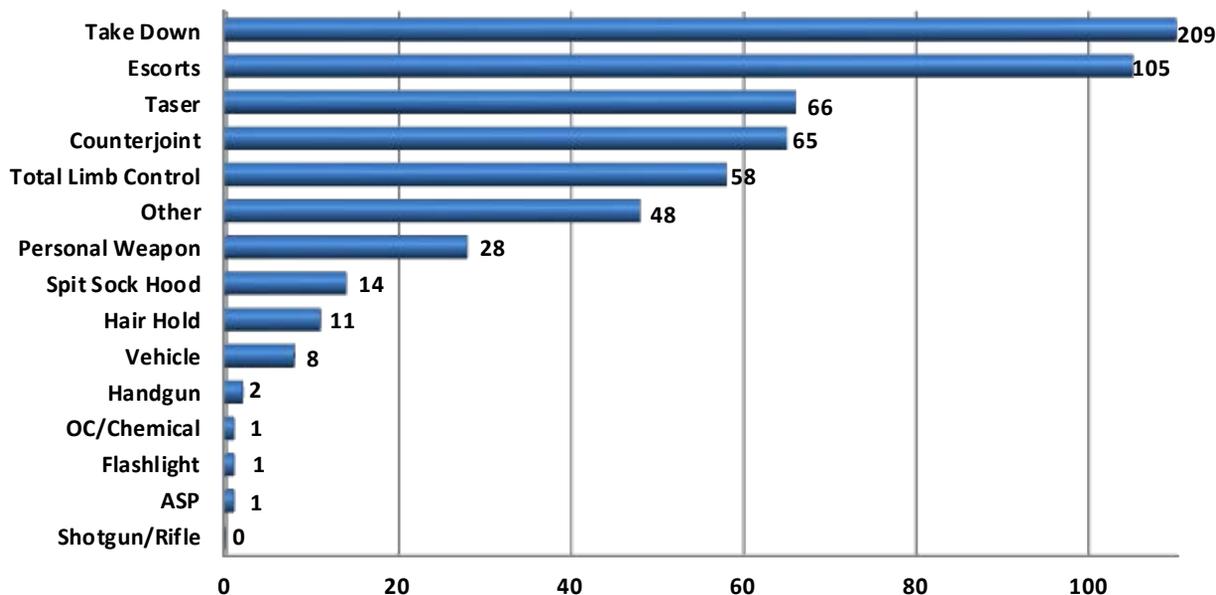
The “Physical Force” line applies to the application of bodily force to gain compliance, which includes the use of handcuffs/restraints *only* when a complaint of injury is made by the subject. The “Belt Weapons” line accounts for every other tool available to the officer, such as the ASP, Taser, flashlight and OC spray.

## USE OF FORCE

Although the agency experienced a slight decrease in the total number of events requiring force, the 832 applications of force in 2017 is a 4% increase over the 5 year average. The 832 applications are a combination of 681 physical uses of force accounting for 82% of the total, and 151 uses of belt weapons (18%).

Recognizing the significant increase in the use of belt weapons (18%) compared to the five year average (11%), the OPS Research Analyst queried the various use of force categories recorded by supervisors. This identified an abundance of applications in the “Other” category, most involving physical force only, which were not appropriately recorded. OPS will respond by narrowing the reporting options to more accurately reflect the force used.

### 2017 Use of Force Tools Deployed

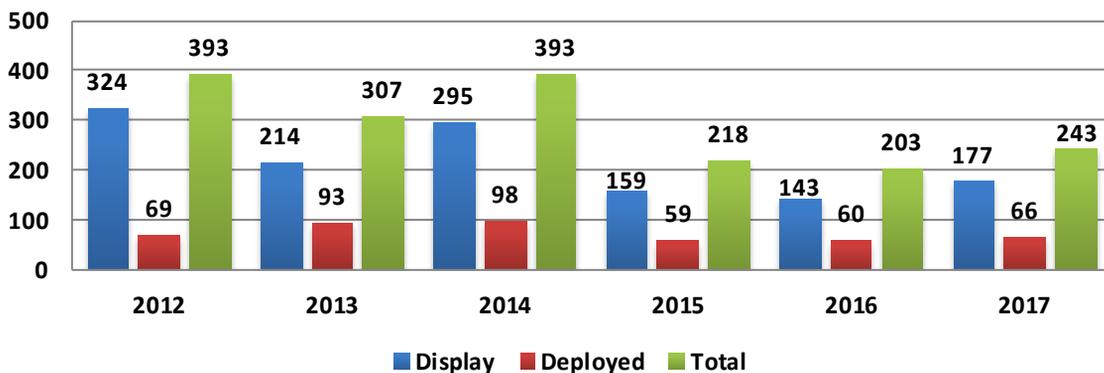


The downward trend in the total uses of force may be a result of the 2015 legislation requiring all commissioned officers participate in Crisis Intervention Training (CIT) by 2021. CIT training educates officers on tools and resources available to them when responding to individuals experiencing emotional, mental, physical, behavioral, or chemical dependency crisis, distress, or other problems. CIT is designed to increase the safety of both law enforcement and individuals in crisis, and the WSP is nearing 100% compliance with the training requirement.

## USE OF FORCE

The most commonly used belt weapon is the Taser, and in 2017 Taser deployment increased 20% compared to 2016. Although this is 12% less than the five year average, it is the first increase experienced by our agency in the last three years.

### Taser



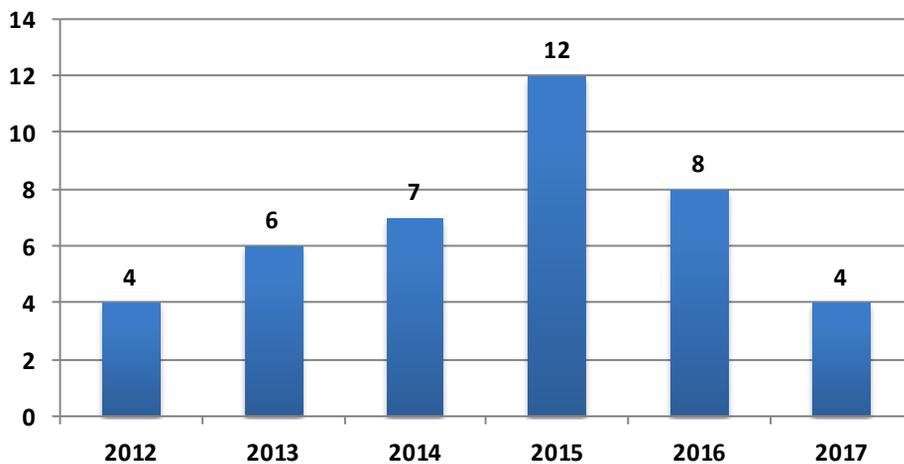
In 2014, our agency became more responsive to the 9<sup>th</sup> Circuit Court ruling which raised the standard for Taser application. This resulted in a significant decrease in Taser use. In 2017, training completed during regional instruction gave clarification to officers on the agencies expectations for Taser use and the reporting requirements. This likely contributed to the increase in use of the Taser in 2017. Taser display was effective in 73% of the applications, and probe/drive stun deployment necessary in 27% of the total.

In 2017, there was one unauthorized use of force involving a Taser application on a fleeing subject. This resulted in discipline, training with the employee, and a review of the training curriculum. Training is guided by Graham vs. Connor and emphasizes the importance of considering the totality of the circumstances before deploying the Taser. It was determined no training revisions were required.

# UNINTENTIONAL DISCHARGE

When an officer discharges a firearm or Taser, except for target practice, qualification shooting, sporting events, or ballistic examinations, the officer is required to notify their immediate supervisor. The supervisor initiates an investigation, notifying the Criminal Investigation Division when the incident involves death, serious injury or there is a need for investigative expertise beyond the supervisor's capabilities. The administrative investigation process is followed when a potential policy violation is identified. All unintentional discharges result in retraining with the involved employee, and a review of the incident by the District/Division Commander, OPS and the Training Division.

## Unintentional Discharges



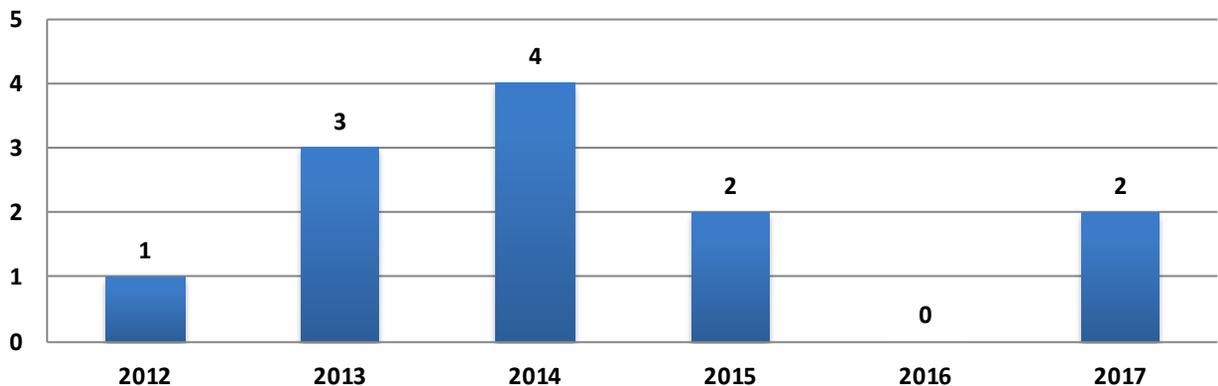
In 2017, the WSP investigated four unintentional discharges, all occurring during administrative processes with the weapons. Three Taser discharges occurred during function checks, and one firearm was discharged during a weapons inspection. This is a 50% decrease from 2016, and 46% less than the five year average.

# USE OF LETHAL FORCE

When an incident involves death, serious injury, the use of lethal force, or an alleged use of lethal force, the District/Division Commander requests the assistance of the Criminal Investigative Division (CID). CID will notify the appropriate county prosecutor and the local agency of jurisdiction to determine investigative responsibilities.

If a potential policy violation is identified the District/Division Commander notifies OPS to discuss the administrative process. An administrative investigation will not typically be initiated until the conclusion of a criminal investigation and receipt of a charging decline from the prosecutor.

## Lethal Uses of Force



Over the previous five years the WSP has averaged 2.4 lethal uses of force per year. In 2017, there were 2 lethal uses of force, both involving firearms. One involved the death of a subject aggressively running towards the officer with a knife. The second resulted from a pursuit which ended when the driver stopped and two occupants exited the vehicle and began shooting at the officer with automatic weapons. The officer returned fire, wounding one of the subjects. Both subjects fled the scene and were later apprehended. Both uses of lethal force were found to be justified after a criminal and administrative review.

(CALEA 1.3.6, 1.3.7 and 1.3.13)

## PURSUIITS

After a pursuit or an application of a Pursuit Immobilization Technique (PIT), to include roadblocks or forcible stops, department policy mandates that a supervisor conduct a thorough review to determine compliance with policy and training. If the pursuit/PIT results in a collision, a supervisor shall respond. If the collision involves Moderate to severe injury, a supervisor shall request a Criminal Investigation Division response to help assist with the collision investigation.

In those instances where a pursuit/PIT crosses District boundaries, a determination shall be made by the respective District Commanders whether joint reporting or single District reporting will occur. In the case of allied agency involvement, a determination will be made by the District Commander, in consultation with the OPS Commander, to determine the proper reporting procedure.

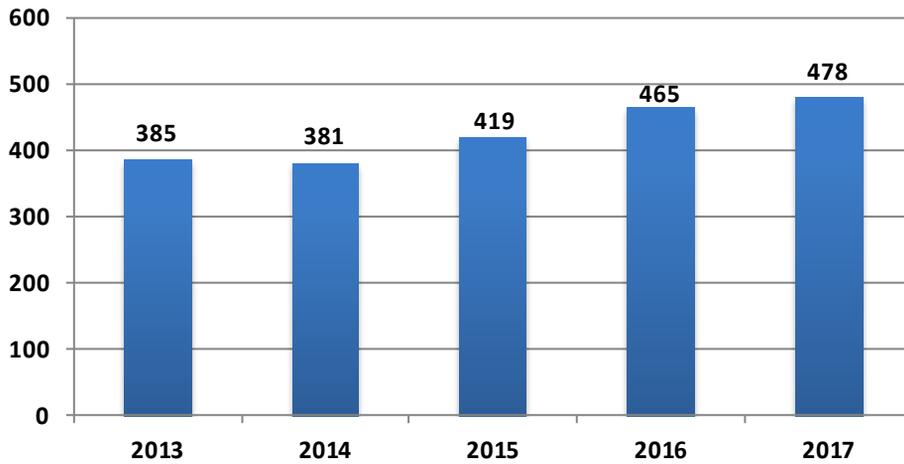
If the investigation reveals there is no policy violation, the supervisor then completes the Pursuit FLUP and a supervisor case log. The FLUP is forwarded through the chain of command to the District/Division Commander for review and approval.

OPS staff reviews all FLUPs to ensure they are complete and works with the appropriate District/Division to satisfy any reporting discrepancies. The final review is then completed by the OPS Commander to ensure concurrence with the Appointing Authority's findings.

A review of the 2017 Regulation Manual, Policy 4.00.010 - Vehicular Pursuits, took place to confirm the existing policy was accurate, complete, and relevant to our field force.

# PURSUIITS

## Pursuits

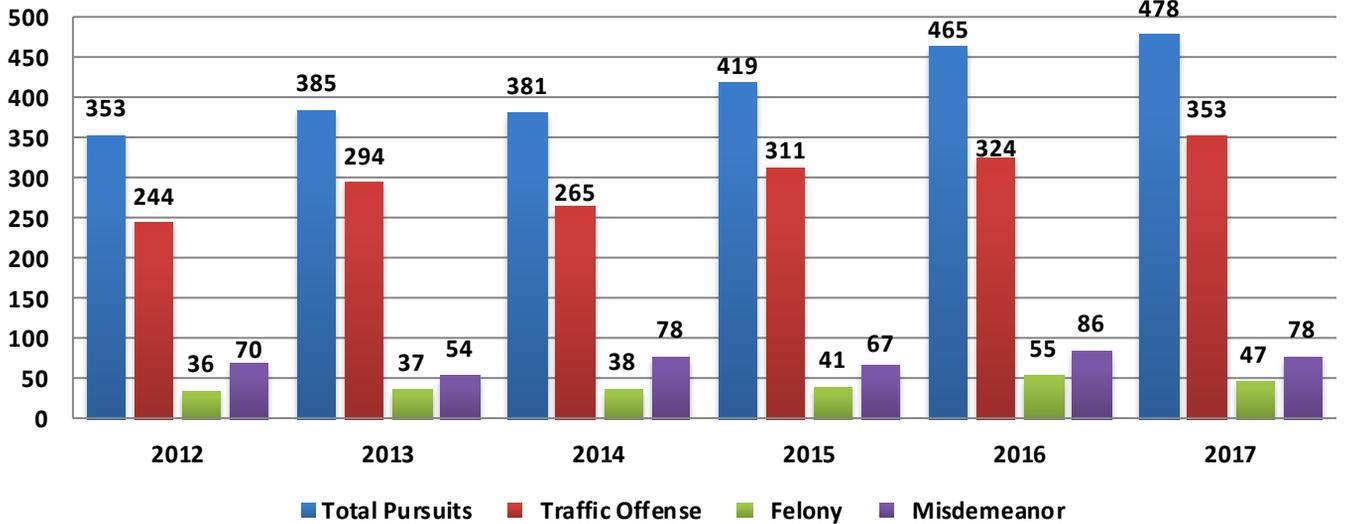


In 2017, 655 officers were involved in 478 total pursuits, which is a 44% increase compared to the average of the previous five years. All but two of the pursuits in 2017 were authorized which is an increase compared to 2016 data.

During the review process, appointing authorities may determine specific procedures were not followed, even if the pursuit was authorized. Examples of this include improper driving protocols, inconsistent utilization of emergency equipment, or inadequate communications. Upon these findings, additional training is given to the employee. The percentage of authorized pursuits with procedures not followed remained consistent over the past two years with 18% in 2017 and 17% in 2016.

# PURSUIITS

## Reason for Pursuit

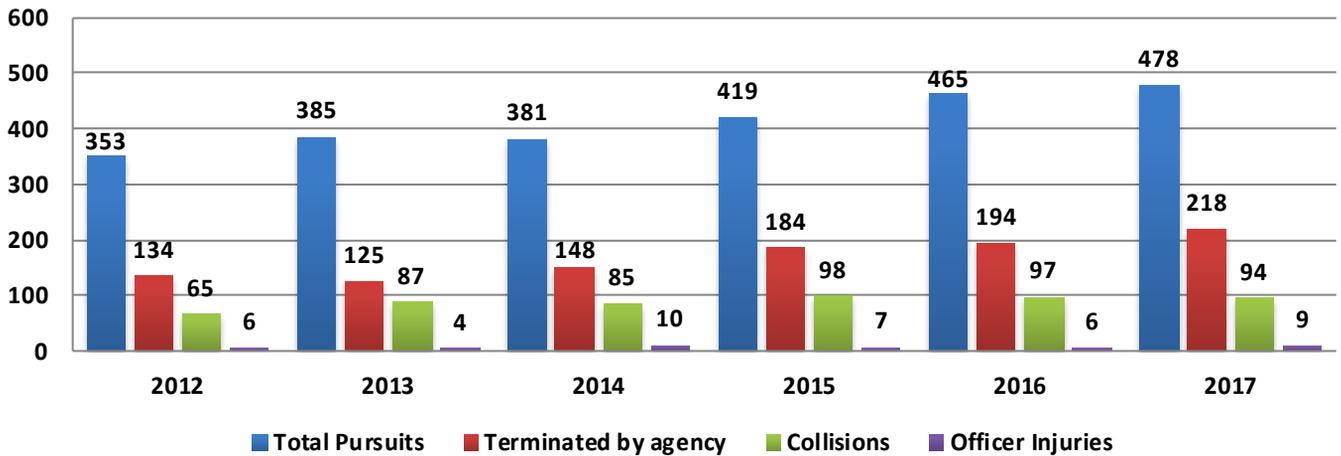


In 2017, the average pursuit lasted approximately 8.26 minutes which was an increase from 7.15 minutes in 2016. In 2017, 76% of the pursuits occurred between the hours of 6:00 p.m. and 6:00 a.m., which was consistent with data from 2016.

Traffic offenses continued to be the primary reason for initiating a pursuit. Misdemeanor crimes were the second highest reason a pursuit was initiated, followed by felonious crimes. This account remained consistent with the average of the previous five years for each offense category. Stolen vehicles were involved in 14 of the pursuits during 2017, which is a 54% decrease from 2016.

# PURSUIITS

## Pursuit Outcomes



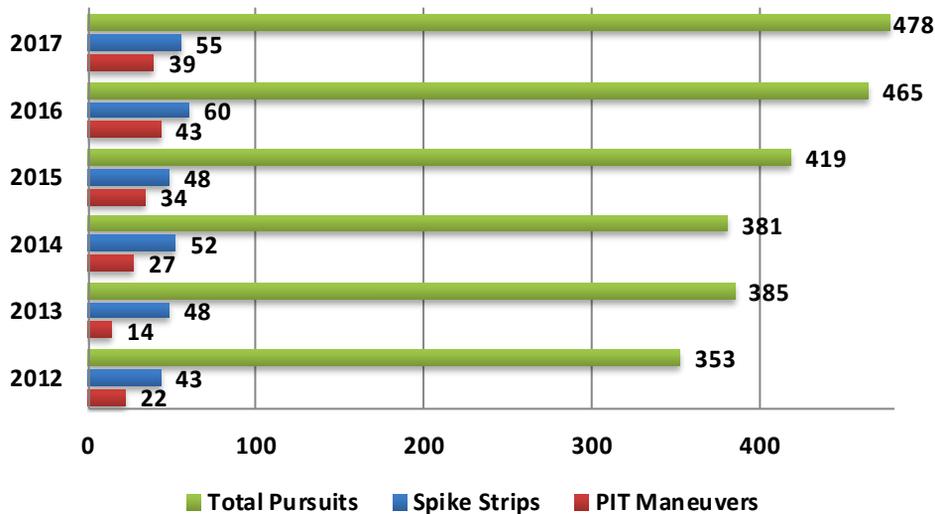
The number of suspects apprehended at the conclusion of the pursuit decreased 10%. The total number of pursuits terminated increased 12% in 2017 compared to the previous year, and they increased by 38% compared to the average of the previous five years. Employee awareness of the high liability and the risks associated with pursuits contributed to decisions to terminate.

Pursuits involving a collision in 2017 remained consistent with 2016. In 2017, the number of pursuits resulting in officer injuries increased 50% compared to 2016 data. This is a 36% increase compared to the five-year average. Officers sustained only 6% of the total number of injuries with 72% of the injuries identified for the suspects and 22% for third parties. This breakdown of injuries is consistent with the average of the previous five years.

# PURSUIITS

The WSP authorizes four methods of a forcible stop: intentional intervention, roadblocks, hollow spike strips, and the Pursuit Immobilization Technique (PIT). Hollow spike strips continued to be the most utilized method of forcible stop used in 2017 and increased in use by 10% compared to the average of the previous five years. PIT and intentional intervention also increased in use compared to the average of the previous five years.

## Methods of Forcible Stopping



Officers continue to receive ongoing training regarding pursuits. A Job Performance Appraisal (JPA) Quiz is completed annually to review officers' knowledge of applicable laws, policies, and procedures. Within the quiz are multiple questions to gauge an officer's knowledge and understanding of pursuit requirements.

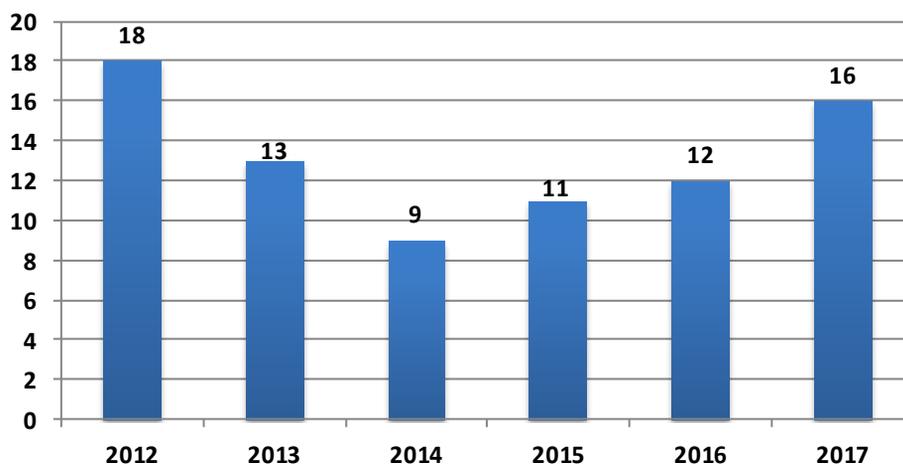
(CALEA 41.2.3e , 42.2.2j, and 42.2.2k)

## BIASED BASED POLICING

The WSP is committed to reviewing and/or investigating all allegations of Biased Based Policing. OPS ensures appropriate corrective measures are taken when an investigation results in a proven finding. This process includes a comprehensive review of the completed investigation by the Appointing Authority and the OPS Commander.

In early 2017, while reviewing CALEA standard 1.2.9 and 8.00.260 Biased Based Policing, it came to our attention regulation 8.00.250 Code of Ethics – Officers (C) Performance of Duties was similar in nature. The WSP began examining both regulations on the same level of review. Our office hopes to revise both policies in 2018. The following chart reflects combined data pulled from both policies.

### Allegations of Biased Based Policing



In 2017, the WSP received sixteen biased based policing allegations, which if proven true, would constitute a violation of policy. There were no proven findings of either policy in 2017.

Following is a summary of the allegations and the findings of administrative investigations involving 8.00.260 Unbiased Policing:

- *It is alleged by the complainant that Trooper "racially profiled" him when he was out shopping in the Fred Meyer store, by needlessly "stalking" him down an aisle. It is further alleged Trooper was "belligerent" to the complainant's mother when she spoke with Trooper about the alleged profiling of her son in the store. – Rejected following a preliminary investigation.*
- *It is alleged CVEO racially profiled a violator and treated him like a terrorist when he asked what country he was from. Additionally, the complainant said the CVEO was "rude, obnoxious, and inappropriate" because he spoke in a "loud" voice. – Rejected following a preliminary investigation.*

## BIASED BASED POLICING

- *It is alleged the trooper engaged in "harassment" during a traffic stop, causing the complainant to believe that she was "going to be dragged out of the car and shot" when he kept looking back at her. It is further alleged the Trooper engaged racial profiling when he "decided to attack" the complainant because "she was the only dark skinned person in the vehicle" when he tapped on her window and stated he needed to talk with her and told her he needed her license.* – Rejected following a review of the contact.
- *It is alleged that Trooper "profiled" the complainant and made the traffic stop because the complainant is African American.* – Rejected following a preliminary investigation.
- *It is alleged the trooper pulled over the complainant because of her gender and race as a "Hispanic woman."* – Rejected following a review of the contact.
- *It is alleged the trooper treated the subject differently, by separating him for questioning, due to the color of his skin.* – Rejected following a preliminary investigation.
- *It is alleged on 08/11/17 that Trooper conducted a traffic stop on complainant for speeding, and issued an infraction because she was African American.* – Rejected following a preliminary investigation.
- *It is alleged the CVEO 1's Commercial Motor Vehicle inspection and citation was racially motivated.* – Rejected following a preliminary investigation.
- *It is alleged the trooper stopped the complainant and issued him a ticket because the complainant was Hispanic* – Rejected following a preliminary investigation.
- *It is alleged the Trooper demonstrated biased policing (profiling) because of the color of complainant's skin, while she was a passenger in a vehicle stopped for a seatbelt violation.* – Rejected following a preliminary investigation.
- *It is alleged the Trooper unlawfully stopped and detained the complainant. It is further alleged the Trooper was biased and profiled the complainant when initiating the traffic stop on 9/24/2017, based on his race and the Trooper's personal beliefs. It is also alleged the Trooper acted unprofessionally while making a statement that an \$800 ticket was better than going to jail, while he was smirking at the complainant.* – Rejected following a review of the contact.
- *It is alleged the trooper unlawfully, and without a law enforcement purpose, removed \$440 from the complainant's purse while she was in his custody. It is further alleged the trooper asked an unnecessary question the complainant believed to be racially motivated.* – Rejected following a preliminary investigation.

## BIASED BASED POLICING

Following is a summary of the allegations and the findings of administrative investigations involving 8.00.250 Code of Ethics – Officer (C) Performance of Duties:

- *It is alleged during a traffic stop, the trooper acted with a racist and unprofessional attitude by refusing to allow the complainant to take groceries from her vehicle that was being impounded.* – Rejected following a preliminary investigation.
- *It is alleged during a traffic stop, the trooper was "rude and racist" by laughing at the complainant and stating "I'm treating you better than in your country, right?"* – Rejected following a preliminary investigation.
- *Complainant was stopped for an illegal license plate cover and he stated that the Trooper's demeanor changed when he got to the window and the only reason he wrote the infraction was because he is Hispanic.* – Rejected following a review of the contact.
- *A SOD trooper was called to a possible controlled substance violation occurring in Sylvester Park. The trooper responded, and contacted three individuals, which were seen on the Department of Enterprise Services (DES) surveillance cameras. During the interaction, the trooper was collecting information on the individuals. During this time, the trooper observed, from his peripheral vision, a subject lunging towards him. The trooper perceived it was an attack, and quickly used force to control and take the subject to the ground. As the trooper was attempting to arrest the subject, a second SOD trooper responded and attempted to arrest the other two individuals. The two additional subjects fled on foot, and the two troopers continued to fight with the initial subject to get him handcuffed and in custody.* – Rejected following a preliminary investigation.

(CALEA 1.2.9 c)

## CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

The agency conducts a Strategic Advancement Forum (SAF) on a bi-monthly basis. This is a public forum where Commanders present their efforts and activities supporting the WSP Strategic Plan and Governor Jay Inslee's "Results Washington." The OPS presentation provides statistical data and historic/emerging trends relating to the agency's functions. The SAF elicits input from all Commanders, Assistant Chiefs, Bureau Directors, and the Chief while providing an opportunity to identify process improvements, training needs, and policy/regulation changes. OPS presented the following topics during SAF in 2017:

- Ongoing communications with District/Division Commanders regarding exceptional conduct, messaging during training opportunities and SAF, and an OPS Presence at District/Division Supervisor Meetings
- Development of an Early Intervention System consistent with the DOJ model
- Complete revisions of the Commissioned and Civil Service Administrative Investigation Manual
- Major OPS Investigations – Prior to service, OPS will provide District/Division Commanders with (list of items we do better now to help with the IIR service)
- Create a library of training programs for consideration by appointing authorities and supervisors
- Revise existing statistical reports to provide relevant and timely data to the field (going from monthly to quarterly report and new formatting)
- Improve accessibility to reports utilized by appointing authorities
- Significant reductions in complaints, collisions, lost/damage equipment, and pursuits in 2017 YTD; TASER deployments had doubled but all authorized
- Provide relevant cross-training experience for all supervisors

OPS is committed to providing strong leadership and resources to foster a safe, ethical, innovative, knowledgeable, and diverse workforce. Continual analysis of agency practices is a direct reflection of this commitment.

OPS completes an annual review of our investigative processes involving citizen complaints, biased based policing, fleet incidents, uses of force, pursuits/PITs, and lost or damaged equipment.

The WSP's investigative process is standardized and clearly detailed in the Administrative Investigation Manual (AIM). In 2017, the AIM underwent a complete revision which addressed best practices, collective bargaining agreement provisions, an update of all investigative documents and forms, hyperlinks to investigative tutorials, and the agency's move to a completely electronic complaint process. The revised AIM was approved and published to our agency's internal website.

## CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

Throughout each year OPS identifies and recommends modifications of regulations in order to comply with emerging case laws, reconcile inconsistent practices, or address newly identified patterns of misconduct. During 2017, OPS reviewed, and when appropriate, requested updates on the following agency regulations:

- 2.01.010 – Department Standard
- 7.00.010 – Employee Rights
- 7.00.020 – Investigations and Questioning
- 7.00.030 – Grievance Procedure
- 8.00.010 – Rules of Conduct
- 8.00.020 – Internal Investigations
- 8.00.030 – Employee Conduct
- 8.00.040 – Employee Identification

Based off our review of the requested regulations, no updates were made at this time. OPS conducts bi-weekly briefings with the Executive Staff (Assistant Chiefs, Bureau Directors, Labor and Policy Advisor, Human Resources Commander) on all complaints being investigated by OPS and cases which involve potential impeachment material. These briefings are designed to provide a forum for Agency Executives to receive a case status report, discuss the investigation, and address procedural issues, training needs, risk mitigation, and discipline.

(CALEA 1.2.9d and 52.1.5)

## CLOSING

The Office of Professional Standards supports the Agency Strategic Plan by focusing on the following goals and priorities:

WSP Goal(s) applicable to the Office of Professional Standards:

*Goal #1: Build a culture of trust, participation and continuous performance improvement.*

*Goal #4: Deliver results oriented, statewide public safety services.*

*Goal #5: Improve and sustain agency infrastructure and business processes.*

WSP Priorities applicable to the Office of Professional Standards:

- 1.2 Uphold an ethical, nonbiased workforce that operates with integrity and accountability.*
- 1.4 Leverage POPS and Lean philosophies to build effective partnerships, solve problems, and improve processes.*
- 1.6 Deliver high-quality training programs for the entire workforce.*
- 4.1 Enhance analytic capability and capacity.*
- 4.2 Improve inter-agency and intra-agency information-sharing.*
- 5.5 Manage and evaluate internal processes and work products to minimize risk and obtain legal compliance, accuracy, completeness, timeliness, and efficiency.*

The OPS Division Operational Plan is a guiding document which identifies strategies and measures the effectiveness of the Division's contributions toward the success of the agency.

OPS strategies for the future include:

- Provide Appointing Authorities with well organized, complete, impartial and timely investigations which require no additional follow-up.
- Meet with new Appointing Authorities to discuss roles and responsibilities relating to administrative investigations.
- Expand the existing cross training program to include mid-managers.
- Provide timely and relevant data to District/Division Commanders to mitigate risk, identify trends, and enhance officer safety.
- Building upon the existing Early Identification System
- Acknowledging the professional efforts of our employees while maintaining accountability

A relationship of trust and confidence between employees and the communities they serve is essential to effective law enforcement. OPS will continue to meet the public's expectations for accountability by conducting fair and impartial administrative investigations. We will work collaboratively with Districts and Divisions to provide accurate and timely counsel when allegations are identified, guidance throughout the administrative process, and follow-up to mitigate future occurrences.

# APPENDIX

## Appointing Authority

Designated by the Chief, the person given the authority to review and adjudicated administrative investigations and take disciplinary action on employees.

## Complaints

Complaints involve reports of alleged employee misconduct that violates WSP regulations. Examples might include a citizen's courtesy complaint or an employee's insubordination to a supervisor. These complaints do not include fleet (incident/collisions), loss/damage of equipment, use of force, pursuits, or discrimination and harassment.

Investigations of **Complaints** can result in one of six findings:

- **Proven:** There exists, by a preponderance of the evidence, sufficient proof to find the accused employee committed the violation
- **Undetermined:** There is insufficient evidence to provide or disprove the allegation
- **Unfounded:** There exists sufficient evidence to conclude that the accused employee did not commit the allegation.
- **Exonerated:** There is sufficient evidence to find that the accused employee committed the act they were accused of, but that the employee's actions were consistent with policy and training.
- **Unintentional Error:** This would be a Minor allegation where there is sufficient evidence to support the claim, as well as equal evidence which shows the act was purely inadvertent.
- **Departmental Error:** The investigation indicates the complain is against the actions of an employee who was following agency policy or procedures which were in error. The employee was in compliance with those policies or procedures and is therefore not personally at fault. As a result, the error in policy would have to be corrected.

## Fleet (Incidents/Collisions)

Fleet investigations occur when an agency vehicle is damaged as a result of an incident or collision. Findings are either *policy violation*, fault of the employee; or *no policy violation*, not the fault of the employee

*Incident – damage done to an agency vehicle by natural disaster, damage by road hazard, non-collision push bar damage (either vehicle), prisoners, non-collision dents/scratches by a known or unknown source, vandalism.*

## Loss/Damage to Equipment

Similar to fleet investigations, the findings under loss of equipment are either *policy violation* or *no policy violation*.

# APPENDIX

## **Pursuits**

A pursuit, as defined by the WSP Regulation Manual, is “*An attempt by a uniformed (commissioned officer) in an officially marked patrol vehicle to stop a moving vehicle where the driver of such vehicle...is resisting to stop.*” Pursuits are found to be either *authorized* or *unauthorized*.

## **Settlement Agreements**

This is an efficiency tool that streamlines the agency’s administrative process; often allowing an accused employee to acknowledge their mistake(s) early on and work toward an appropriate and agreed upon discipline.

## **Standards Officer**

The OPS Commander is the OPS Captain and who has oversight authority on all administrative investigations.

## **Use of Force**

These are circumstances where an employee used physical force to detain or arrest a suspect. Use of force covers everything from placing hands on a person up to and including the use of a firearm. Use of force cases are found to be either *authorized* or *unauthorized*.