



Office of Professional Standards

2019 Annual Report

Published March 13, 2020



# 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 continues 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 2019, OPS provided cross-training to 28 supervisors from across the agency. This included 14 commissioned supervisors and 14 civil service supervisors. OPS also provided training to a Trooper Basic Training Class, two Supervisor Basic Training Classes, and two Commercial Vehicle Enforcement Officer Basic Training Classes.

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 the managers, supervisors, and administrative staff in the field.

OPS employs a Data Consultant 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.

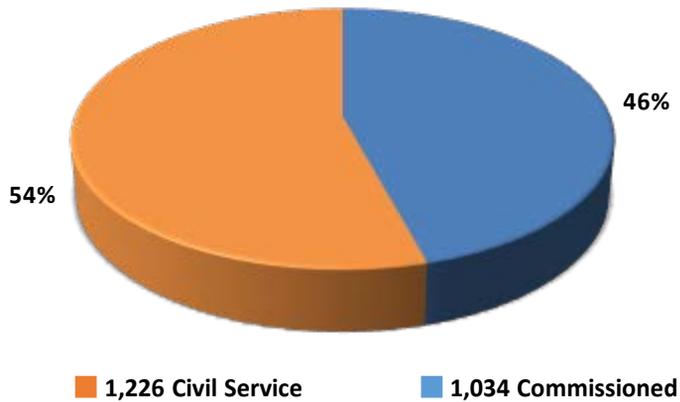


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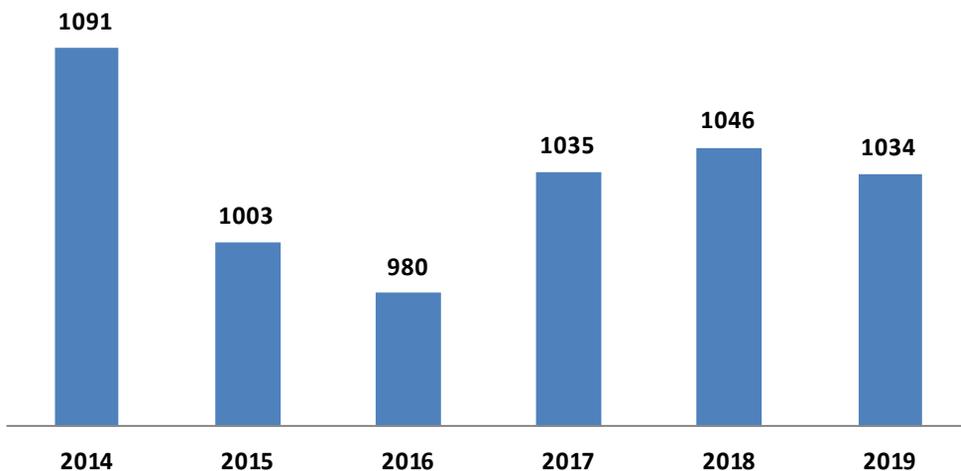


## WSP Average Total Employees - 2,260



In 2019, the agency averaged 2,260 employees. Commissioned Troopers represented 46% of this total, with 1,034 employees, and Civil Service the remaining 54% with 1,226 employees. While the commissioned employees represent less than half the workforce, they account for 87% 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.

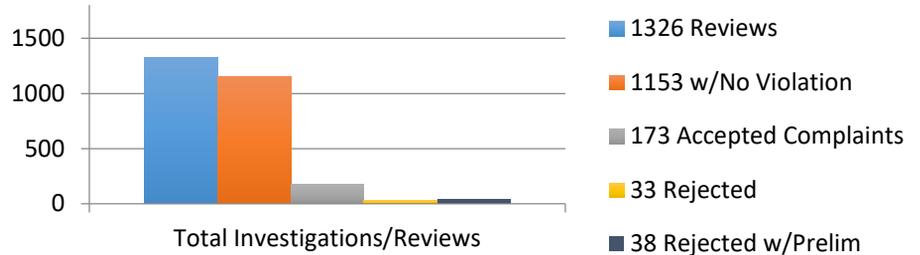
## Commissioned Employees



# ADMINISTRATIVE INVESTIGATIONS OVERVIEW

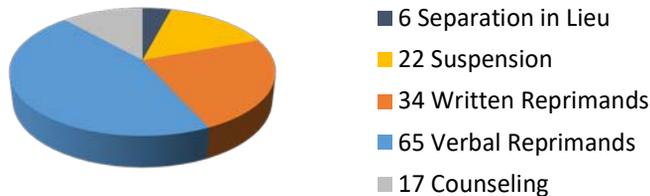
In 2019, OPS generated 1,326 case numbers prompting reviews of the actions of our employees. Of the 1,326 cases reviewed, 87% were found to be consistent with agency policy/procedure and no additional action was taken. The agency addressed a total of 243 complaints against employees. Of those complaints, 173 were investigated, 38 were rejected after a preliminary investigation, and 33 were rejected after initial review by the Appointing Authority. The 243 total complaints represent a 14% decrease compared to 2018, when the agency received 281 total complaints.

87% of cases are consistent with agency policy/procedure



Of the 173 complaints investigated, 64% were Minor, 14% Moderate, and 22% were categorized as Major. The Districts/Divisions completed 75% of the internal investigations, OPS completed 25%. These investigations concluded with 82% resulting in proven findings. Of the sanctions imposed, 22% were written reprimands, 44% verbal reprimands, 8% employee counseling, 16% resulted in suspensions, 5% in employee separation (termination or resignation) and less than 1% were a demotion. OPS received and processed 212 Non-Investigative Matter (NIM) reports in 2019.

## 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 2019, OPS coordinated with District and Division Commanders to complete 35 settlement agreements, a 26% decrease from 2018. In 2019, OPS conducted 43 investigations, with 25 of those cases (58%) resulting in a settlement agreement.

Accounting for changes in this data, and the data presented throughout this report, presents a challenge for OPS as the data is based on the date investigations are closed. In previous Annual Reports, data was based on the date the cases were initiated.

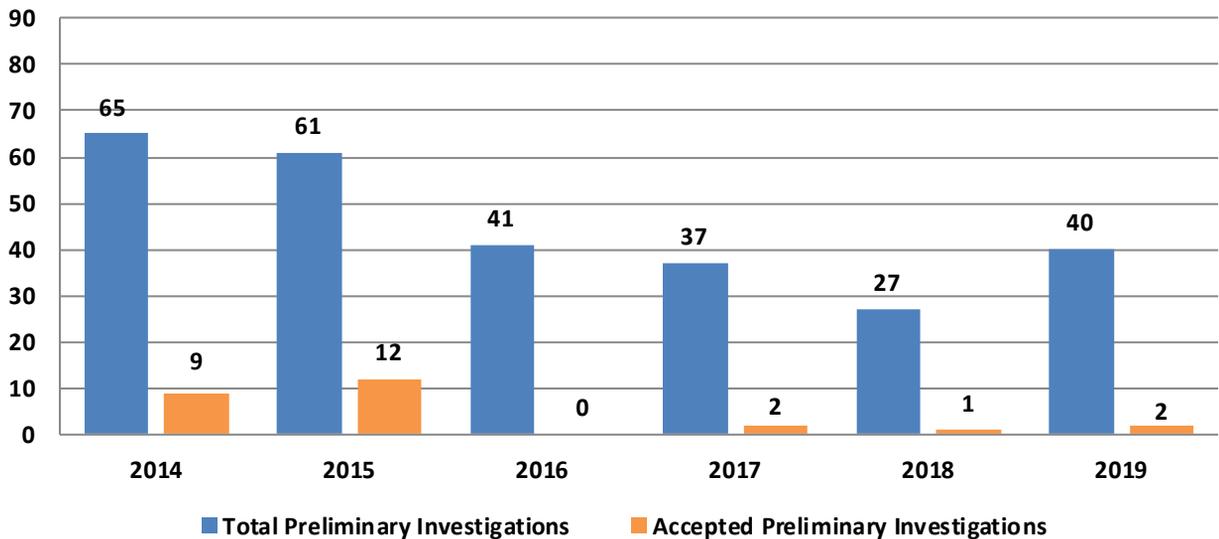


# PRELIMINARY INVESTIGATIONS

The agency has the option to conduct a preliminary investigation prior to accepting a formal complaint. A preliminary investigation is used to determine if factual information exists indicating a violation of policy occurred and/or if departmental personnel were involved.

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

- No factual information of a violation of policy exists.
- Factual information of a violation exists.
- The allegation(s) does not constitute a complaint.
- Determination of alleged criminal misconduct.



In 2019, the agency experienced a 48% increase in the number of preliminary investigations compared to 2018. Citizen complaints accounted for 20% of the preliminary investigations conducted in 2019.



# 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 OPS 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. Complaints involving Moderate and Minor allegations are typically assigned back to the appropriate District or Division for investigation.

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.

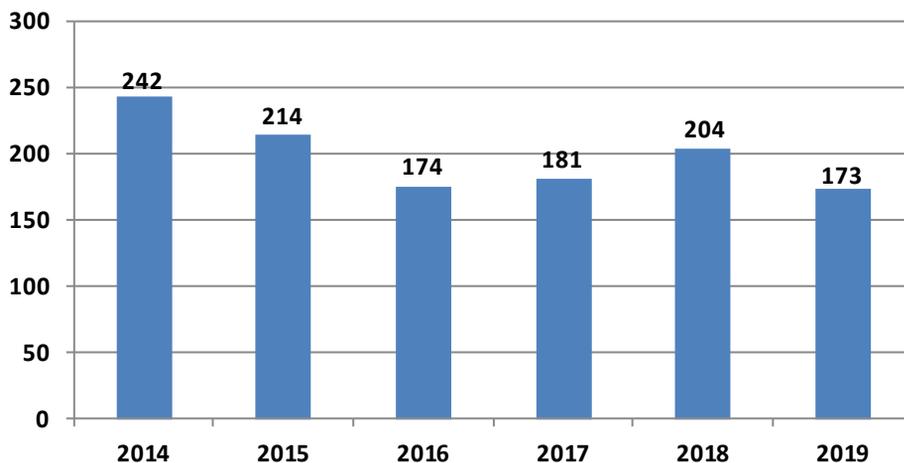
## Moderate

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.

## Total Cases Closed



# COMPLAINTS

In 2019, OPS completed 43 cases, which was a 9% decrease from the previous year when 47 were completed.

(CALEA 1.2.9d, 26.3.1)

## 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 2019, there were 20 Moderate complaints investigated at the District or Division level, which is a 26% decrease from 2018. In 2019, OPS assumed investigative responsibility for five Moderate cases. Of the Moderate cases investigated by the Districts/Divisions, 40% resulted in a settlement agreement prior to the completion of the investigation.

## DISTRICT/DIVISION MINOR COMPLAINTS

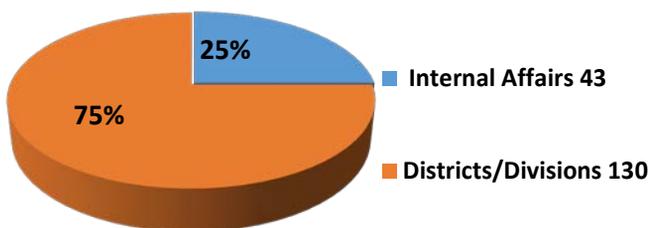
Minor complaints address allegations which, if proven true, would result in counseling or written/verbal reprimands. They are generally assigned to the Districts/Divisions for investigation. In 2019, there were 110 Minor complaints investigated at the District or Division level, a 15% decrease from 2018.

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.

(CALEA 26.2.10 and 26.3.1)

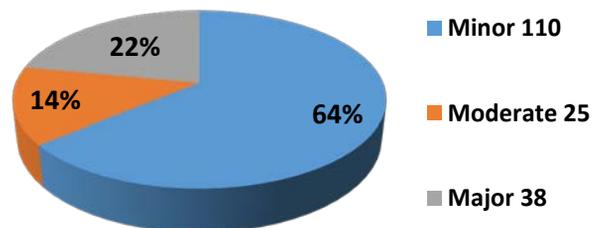
### Investigative Assignment

Total = 173



### Accepted Complaints

Total = 173



# 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.

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:

- Complaints alleging misconduct
- Unauthorized Use of Force
- Unauthorized Pursuits and/or Pursuit Immobilization Techniques (PIT)
- Serious collisions or a pattern of vehicle incidents/collisions

When an employee is identified as a candidate for EIS, the District/Division 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 and 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;

- Proven or undetermined complaints
- Unauthorized uses of force
- Unauthorized pursuits
- Chargeable collisions, incidents, or lost/damaged equipment

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



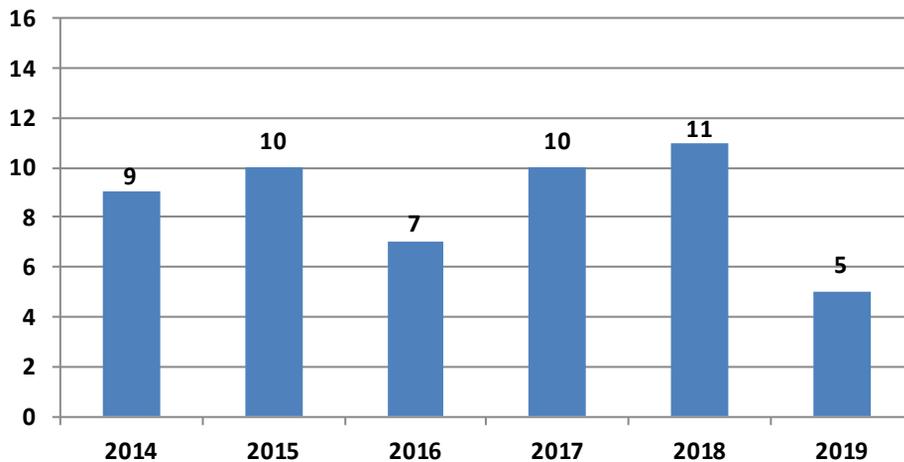
# EARLY IDENTIFICATION SYSTEM

In 2019, OPS identified five employees through EIS and notices were sent to Appointing Authorities for follow-up and referral. Of the five employees identified, four were commissioned and one was civil service.

Four involved 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. The fifth involved loss of equipment.

(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 public 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 2019, the agency completed 173 administrative investigations, a 15% decrease from the previous year when 204 cases were completed. Of the total investigations, 142 resulted in proven findings with sanctions imposed, either via a final determination or settlement agreement. Six 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

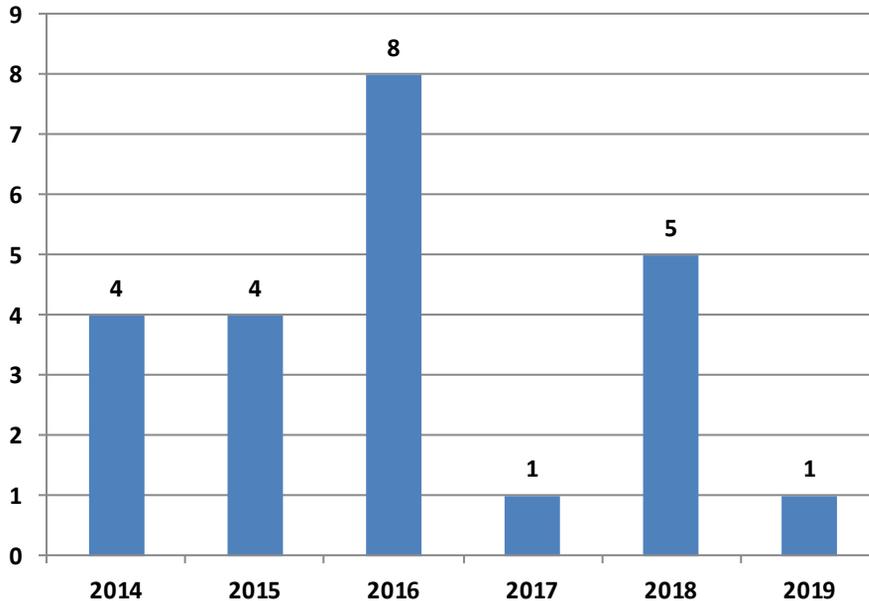
The sanctions imposed in 2019 included 17 counseling documents, 99 written/verbal reprimands, 22 suspensions (to include loss of annual leave or compensation time, or reduction in pay), one demotion, and four resignations. This discipline is reflective of the types of cases investigated, with 64% being Minor, 14% being Moderate, and 22% being 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 2019, 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 Internal Affairs Section Commander provide a brief overview of the case, 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.



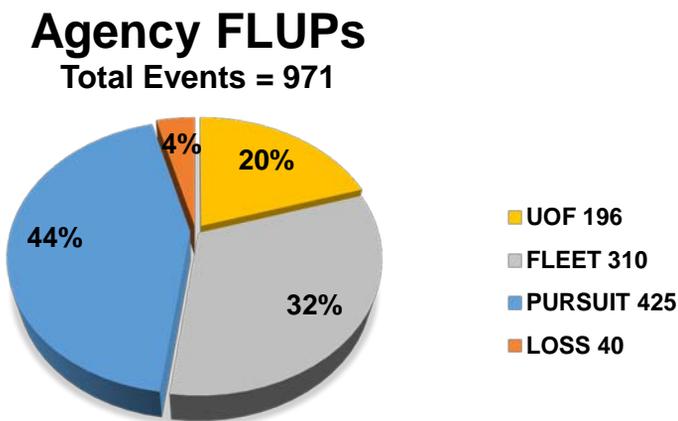
## 2019 OPS REVIEWS

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 investigation process.

In 2019, there were 971 events, resulting in 1,326 FLUPs. Multiple employees may be involved in one event, and the FLUP process ensures the actions of each employee are reviewed for compliance with policy and expectations. It was determined employees acted within policy in 88% of the FLUPs reviewed. The 1,326 FLUPs generated in 2019 resulted in a 23% decrease compared to 2018, when there were 1,716 FLUPs.



Employees with less than 5 years tenure led the agency in all FLUP categories above. This group represents 26% 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.

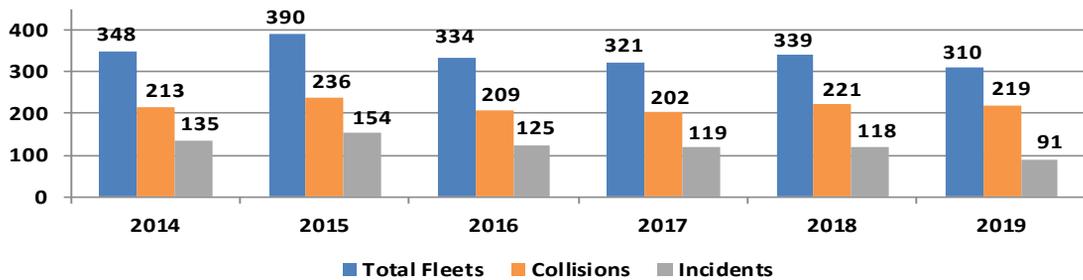


# FLEET COLLISIONS AND INCIDENTS

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 potential policy violation is identified, an Internal Incident Report shall be completed. Upon completion of the administrative investigation, the Appointing Authority will determine if the employee is at fault.

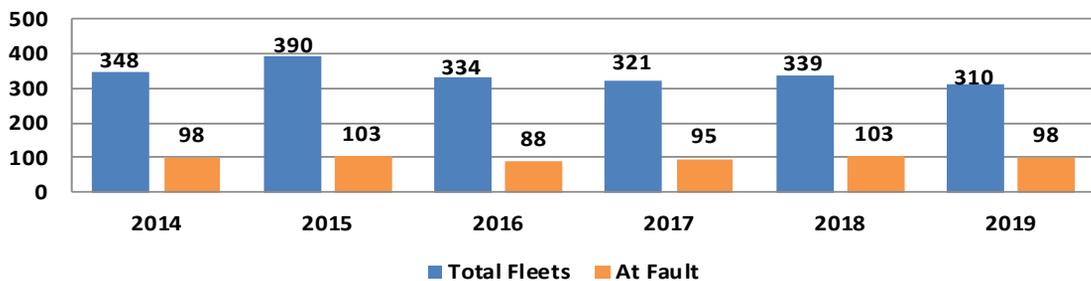
## Fleet Collisions/Incidents



In 2019, there were 310 fleet events which was a 9% decrease compared to 339 in 2018. Overall fleet incidents decreased from 118 in 2018, to 91 in 2019. However, fleet collisions decreased from 221 in 2018, to 219 in 2019.

Discipline was administered when Appointing Authorities determined a policy violation occurred. Of the 310 total fleet events in 2019, 98 (32%) were determined to be in violation of department policy. This number is comparable to 2018 statistics where 103 (30%) of the 339 total fleet events were found to be policy violations. Of the 219 collisions in 2019, 84 were found to have proven policy violations, with the most common being improper backing.

## Fleet Events - At Fault

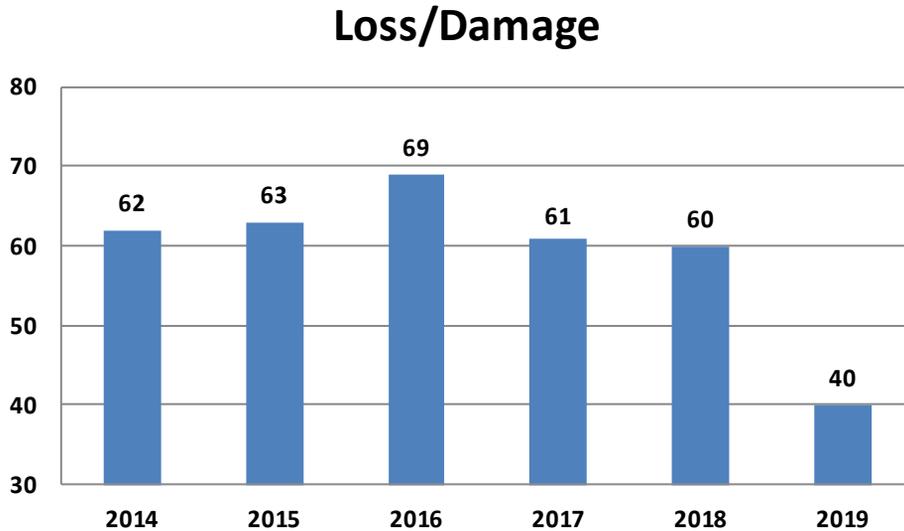


Training was a consistent component for employees involved in a collision with a proven policy violation. This training was completed at the academy or through the employee's local Emergency Vehicle Operators Course instructor and was in addition to standard in-service training for commissioned personnel.



# 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.



In 2019, the loss or damage of equipment decreased 33% when compared to 2018. Of the 40 items identified as lost or damaged in 2019, 33% were found to be proven policy violations, whereas in 2018, 50% were determined to be proven.

Of all items lost or damaged throughout the year, the 20-2A key was lost or damaged the most, followed by exterior door keys.



## 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) serves as a liaison with the agency of jurisdiction investigating uses of lethal force, and/or force used which may involve criminal misconduct.

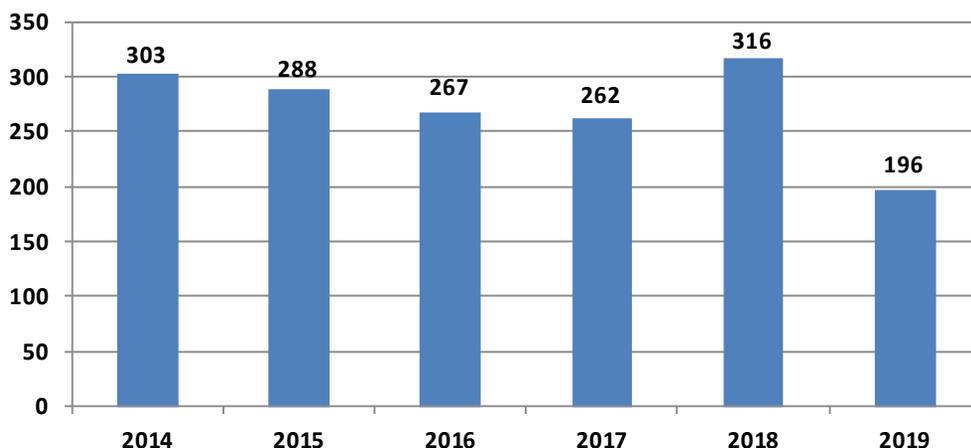
In 2019, WSP Troopers used force to gain compliance during 196 arrests, which was a 38% decrease compared to 2018, when there were 316 arrests with force applied, and 31% below the average of 285 in the previous five years. The decrease in force used corresponds with the decrease in arrests made in 2019, which dropped 5% compared to 2018.

In 2019, 82 uses of force resulted in injuries to officers. White male officers accounted for 77% of these uses of force; 13% involved female officers; and 15% involved non-white officers. Seven uses of force resulted in non-fatal injuries to subjects. All seven injuries were sustained by white males. The average age of any person sustaining an injury, including officers, was 35 years old. Self initiated contacts and calls for service accounted for over 80% of these uses of force.



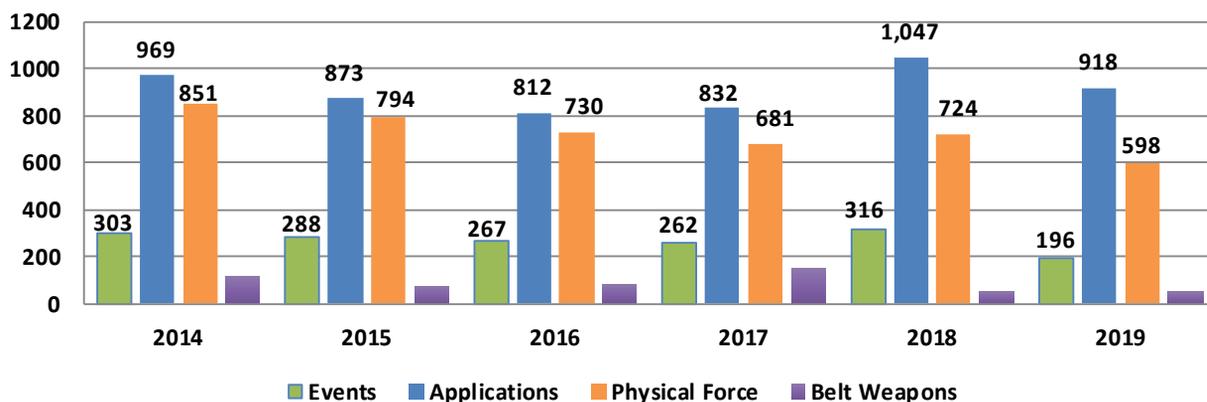
# USE OF FORCE

## Use of Force - Arrests



One event may involve multiple officers and/or multiple applications of force. 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



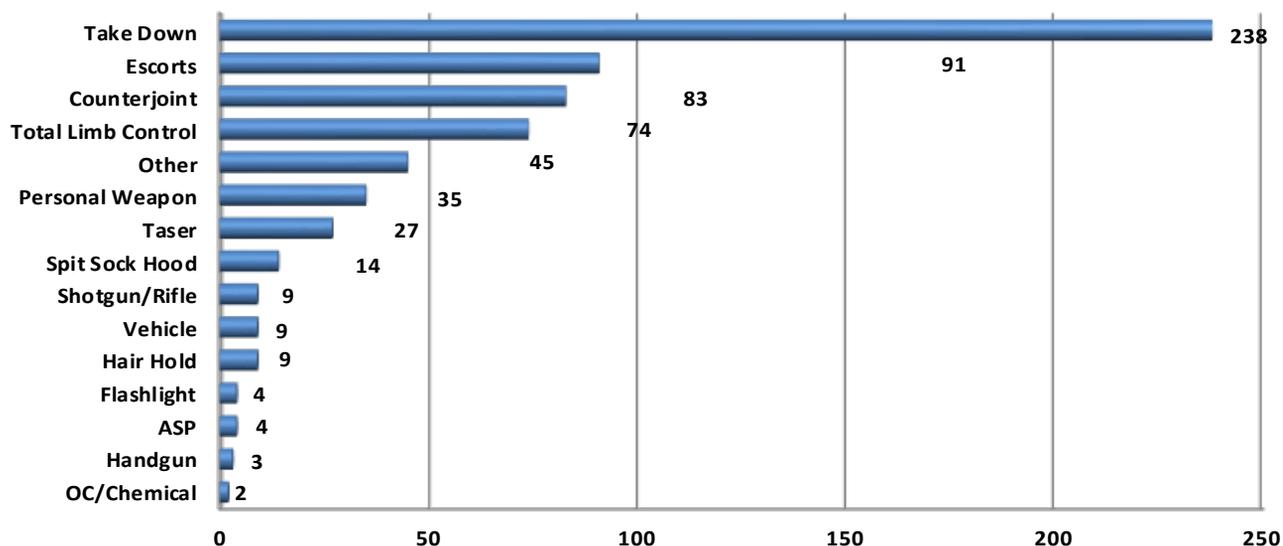
The “Physical Force” line applies to the application of bodily force to gain compliance, which includes the use of handcuffs/restraints *only* when a complaint of injury is made by the subject. The “Belt Weapons” line accounts for every other tool available to the officer, such as the ASP, Taser, flashlight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



## USE OF FORCE

The 918 applications of force in 2019 is a 1% increase over the 5 year average, and a 12% decrease compared to 2018 when there were 1,047 applications of force. Of the arrests with force applied, 65% involved only physical force, while 5% involved belt weapons. The remaining 30% is undefined and the result of improper and/or inaccurate coding. The coding process, to include available options when completing a FLUP, will be evaluated to identify opportunities for improvement. The demographics for individuals involved in these uses of force were 63% White; 11% Black non-Hispanic; 15% Hispanic-Latino; and 11% Other, which includes Asian, Pacific Islander, Native American, and East Indian. Over 50% of the uses of force occurred in January, March, May, and December. Approximately 70% occurred between 4:00 p.m. and 4:00 a.m.

### 2019 Use of Force Tools Deployed



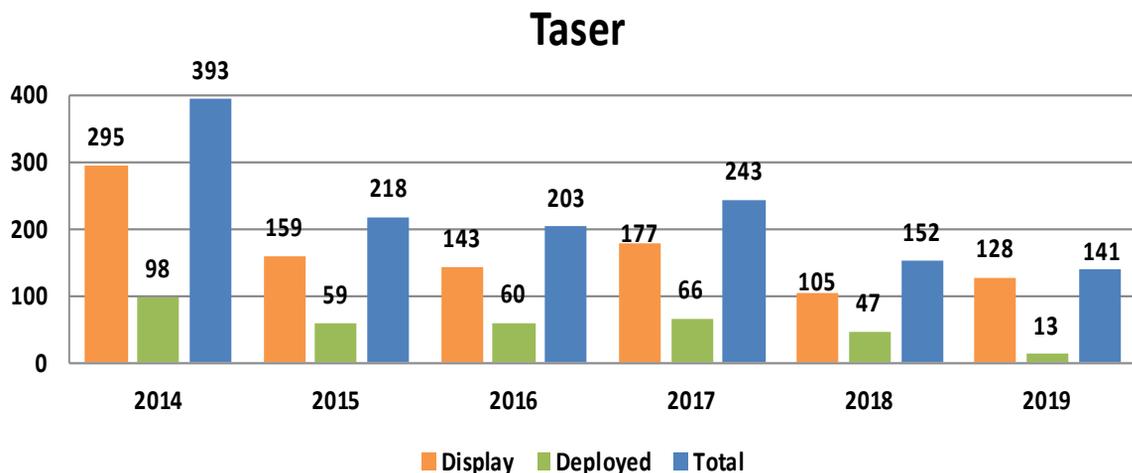
There were five less lethal shotgun deployments in 2019, which accounted for the nine shotgun/rifle applications indicated above. All five deployments involved non-compliant individuals. Three occurred following pursuits, one involved an individual who was yielding a knife, and one occurred in conjunction with the use of lethal force by an allied law enforcement agency.

Commissioned officers participate in Crisis Intervention Training (CIT), which educates them 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. The WSP achieved 100% compliance with this training requirement in 2019.



## USE OF FORCE

In 2019, the most commonly used methods of physical force applied were take downs, escorts, counterjoints and total limb control. The most commonly used belt weapon was the Taser. In 2019, Taser probe deployment decreased 72% compared to 2018, when there were 47 deployments. Taser display increased 22%. Taser display was an effective means of gaining compliance 90% of the time.

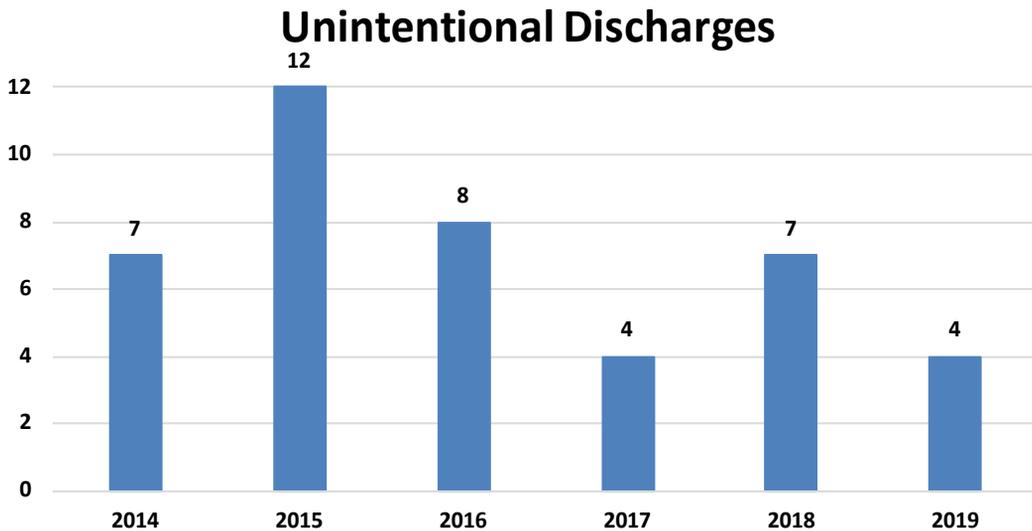


In 2019, there was one unauthorized use of force involving a Taser application on a fleeing subject. This resulted in discipline, training with the employee, and a review of the training curriculum. Training is guided by *Graham v. Connor* and emphasizes the importance of considering the totality of 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 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.



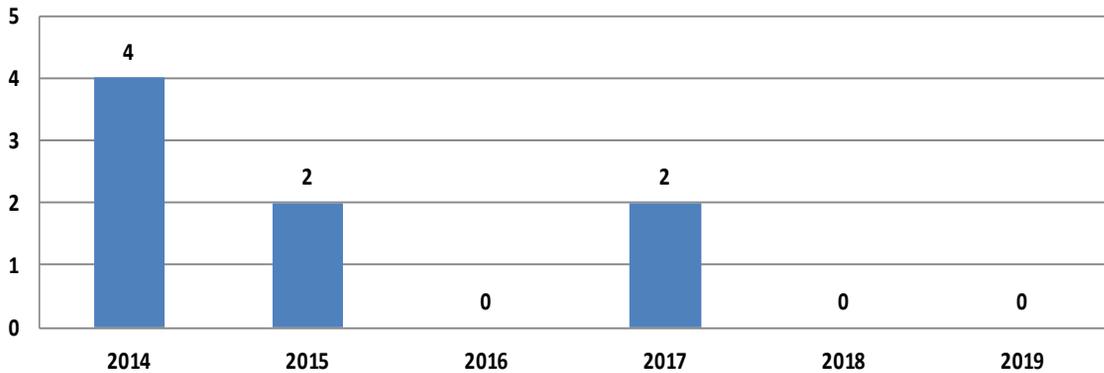
In 2019, four unintentional discharges occurred, a 43% decrease from 2018, and 47% less than the five year average. All four unintentional discharges involved the Taser, with three occurring during a Taser function check and the fourth occurring during an arrest when the suspect attempted to take the Taser from the officer.



# 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 who will serve as the liaison between the WSP and the investigating agency and/or entity with jurisdiction. The OPS Commander will be contacted to discuss the administrative process. If a potential policy violation is identified, an administrative investigation will not typically be initiated until the conclusion of the criminal investigation and receipt of a charging decline from the prosecutor.

## Lethal Uses of Force - Firearm

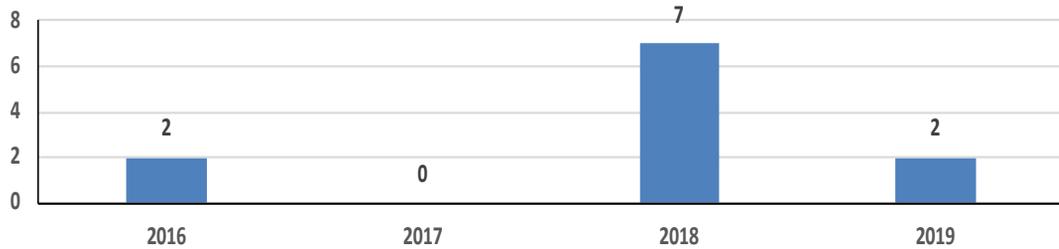


Over the previous five years, the WSP has averaged two lethal uses of force per year. In 2019, there were three lethal uses of force involving a firearm. These uses of lethal force are not indicated in the graph above since the cases have not been closed. They will appear in the data for the 2020 Annual Report. One incident occurred when a suspect attempted to strike an officer with their vehicle during a pursuit. The suspect sustained no injuries. The other incident involved two officers who fired their weapons when a suspect brandished a weapon following a pursuit. The suspect sustained non-life threatening injuries. All three uses of lethal force were found to be justified following a criminal and administrative review.



# USE OF LETHAL FORCE

## Use of Force - Intentional Interventions



Intentional intervention (ramming) of a vehicle is the deliberate act of hitting another vehicle with a patrol vehicle(s) for the purpose of functionally damaging or forcing the other vehicle off the road. Intentional intervention is considered use of lethal force by our policy. It is used to effect an apprehension only as a last resort and only when the officer knows or has reasonable grounds to believe the occupant(s) has committed or is attempting to commit a crime that poses a threat of death or serious bodily injury.

In 2019, two intentional interventions were attempted and both involved vehicles traveling the wrong direction on Interstate roadways. One of the incidents resulted in no contact with the suspect vehicle.

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.

(CALEA 4.2.1, 4.2.2 and 4.2.4)



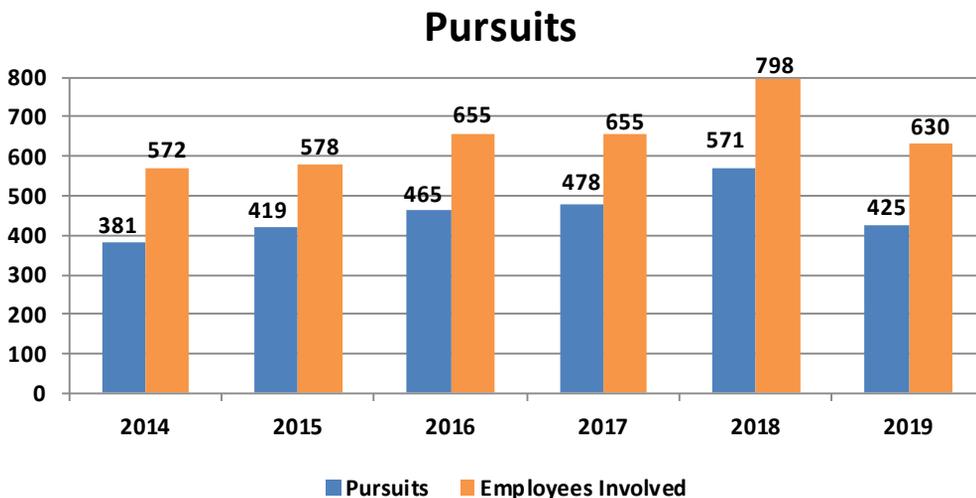
# PURSUIITS

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 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 evident policy violation(s), 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 consideration.

OPS staff conducts administrative reviews of all FLUPs for completeness and coordinates with the appropriate District/Division to address any inconsistencies. The OPS Commander conducts a final review for concurrence consideration with the Appointing Authority's findings.



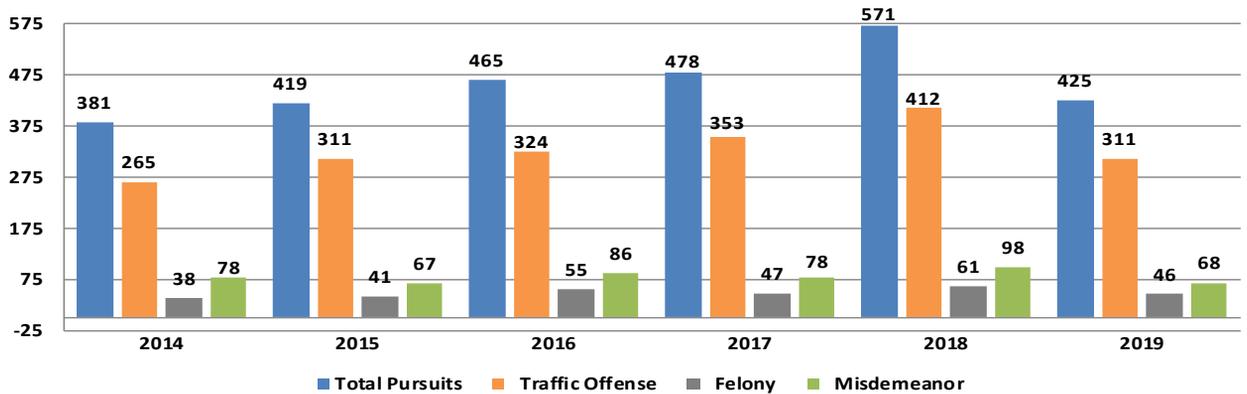
In 2019, 630 officers were involved in 425 pursuits, which is a 8% decrease compared to the average of the previous five years. There were no unauthorized pursuits in 2019 compared to five unauthorized pursuits in 2018.

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 provided to the employee. The percentage of authorized pursuits with procedures not followed increased from 19% in 2018 to 29% in 2019.



# PURSUIITS

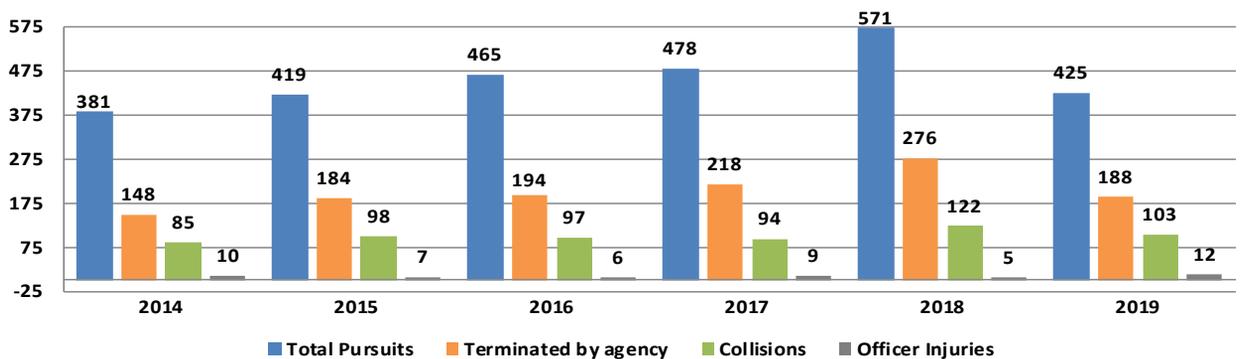
## Reason for Pursuit



In 2019, the average pursuit lasted approximately 11.87 minutes which was an increase from 6.67 minutes in 2018. In 2019, 91% of the pursuits occurred between the hours of 6:00 p.m. and 6:00 a.m. which is a 10% increase from 2018.

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 25 of the pursuits during 2019, which was a 37% decrease from 2018.

## Pursuit Outcomes



The number of suspects apprehended at the conclusion of the pursuit increased 5% compared to 2018. The total number of pursuits terminated decreased 4% in 2019 compared to the previous year and they increased by 8% compared to the average of the previous five years. Employee awareness of the high liability and the risks associated with pursuits contributed to termination decisions.

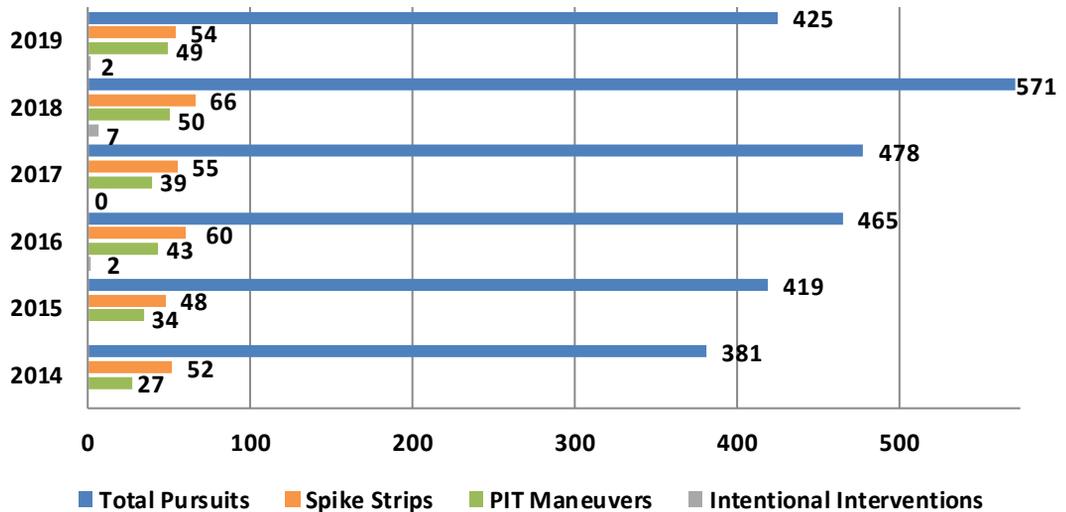
Pursuits involving a collision in 2019 decreased 16%. There were 12 pursuits resulting in officer injuries compared to 5 injuries in 2018 and the five-year average of 7. Officer injuries accounted for 17% of the total number of injuries associated with pursuits, while subject injuries accounted for 72% and third parties accounted for 11% of the injuries. The 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 2019, and decreased 4% compared to the average of the previous five years. PIT also increased when compared to the average of the previous five years and there were two intentional interventions in 2019.

## Methods of Forcible Stopping



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

(CALEA 41.2.3e, 41.2.21)

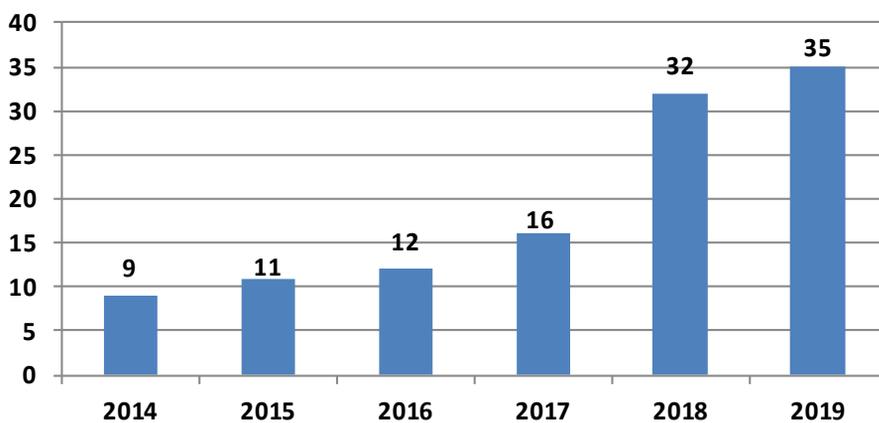


## BIASED BASED POLICING

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.

WSP Regulation 8.00.260 Unbiased Policing references biased based profiling to initiate traffic stops and other field contacts. WSP Regulations 8.00.250 Code of Ethics - Officers (C) Performance of Duties and 8.00.240 Code of Ethics – Employees (B) Performance of the Duties references biased based policing after the initial stop and/or during a field contact. The WSP began examining both regulations on the same level of review. The following chart reflects combined data pulled from these policies.

### Allegations of Biased Based Policing



In 2019, the WSP received twelve biased based policing allegations, which if proven true, would constitute a violation of 8.00.260 Unbiased Policing. There were no proven findings of this policy in 2019.

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

- *It is alleged Trooper engaged in racial profiling of the complainant during a traffic stop. – Rejected following a preliminary investigation.*
- *It is alleged Trooper engaged in racial profiling in his decision to stop a vehicle for speed, and arrest a suspended driver. – Rejected following a preliminary investigation.*



## BIASED BASED POLICING

- *It is alleged Trooper used biased based profiling to initiate a traffic stop and take enforcement. – Rejected following a preliminary investigation.*
- *It is alleged Trooper abused his power when he stopped and harassed the complainant because of his race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper stopped the complainant because of his race. – Rejected following review of the contact.*
- *It is alleged Trooper was rude to the driver during the contact and while issuing a citation. It is further alleged Trooper was rude to the driver because of the driver's race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper made a traffic stop based solely on the race of the complainant. – Rejected following a preliminary investigation.*
- *It is alleged Trooper exhibited bias towards the complainant based on her age and disability status, while responding and conducting a criminal investigation. – Rejected following review of the contact.*
- *It is alleged Trooper stopped the complainant because of her religious affiliation. It is further alleged Trooper lied about a cell phone violation during the traffic stop. It is also alleged Trooper acted in a derogatory manner towards the complainant when he touched her vehicle during the traffic stop after being asked not to by the complainant. – Rejected following a preliminary investigation.*
- *It is alleged Trooper stopped the complainant because of his race. – Rejected following a preliminary investigation.*
- *It is alleged CVEO2 stopped the complainant because of his race. – Rejected following a preliminary investigation.*
- *It is alleged CVEO1 stopped the complainant because of his race. – Rejected following a preliminary investigation.*



## BIASED BASED POLICING

In 2019, the WSP received twenty –three allegations, which if proven true, would constitute a violation of 8.00.250 Code of Ethics – Officer (C) Performance of Duties. There were no proven findings of this policy in 2019.

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 Trooper engaged in racial profiling in his decision to stop a vehicle for speed, and arrest a suspended driver. – Rejected following a preliminary investigation.*
- *It is alleged the Trooper conducted a biased traffic stop based on the vehicle having tribal plates. It is alleged the Trooper was also discourteous. – Rejected following a review of the conduct.*
- *It is alleged the Trooper conducted a biased and inadequate collision investigation based on the race of the involved third party. – Rejected following a review of the contact.*
- *It is alleged the Trooper used biased based profiling to initiate a traffic stop and take enforcement. – Rejected following a preliminary investigation.*
- *It is alleged the Trooper allowed racial boas to influence his conduct during a traffic stop. – Rejected following a preliminary investigation.*
- *It is alleged the Trooper made derogatory, demeaning and stereotypical comments toward minority woman. – Rejected following a preliminary investigation.*
- *It is alleged the trooper made bigoted statements regarding immigrants and tried to close the door of the complainant's vehicle on her leg. It is further alleged the trooper tried to nudge the complainant with his patrol vehicle as she was walking in front of it. – Rejected following a preliminary investigation.*
- *It is alleged the Trooper's treatment of the subject during a DUI investigation was based on his race and ethnicity. – Rejected following a review of the contact.*
- *It is alleged the trooper was racially biased when he cited the complainant's son only after he learned of the complainant's last name. – Rejected following a preliminary investigation.*
- *It is alleged Trooper pulled down the complainant's pants and underwear and told her to urinate in the parking lot of a gas station, after arresting her for DUI. – Rejected following a preliminary investigation.*



## BIASED BASED POLICING

- *It is alleged Trooper acted in a discriminatory manner when issuing a no insurance ticket to the complainant. – Rejected following a preliminary investigation.*
- *It is alleged Trooper conducted a biased collision investigation based on the color of complainant's skin. It is also alleged Trooper only interacted with the white passenger in complainant's vehicle. – Rejected following a preliminary investigation.*
- *It is alleged Trooper lied on a collision report and displayed racial bias. – Rejected following a preliminary investigation.*
- *Complainant is the granddaughter of Ms. Luis Mano, who was involved in a collision on I-5 at the Cascade Mall on 9/9/19. The other vehicle involved fled the scene. Complainant was not present when this event occurred. The Troopers took too long to arrive "15 minutes". The Troopers at the scene were disrespectful to her grandmother by called her "hon and honey" then patting her on the head. Ms. Mano is disabled and in a wheelchair and complainant stated she was treated this way because she is in a wheelchair. – Rejected following a preliminary investigation.*
- *Complainant is the granddaughter of Ms. Luis Mano, who was involved in a collision on I-5 at the Cascade Mall on 9/9/19. The other vehicle involved fled the scene. Complainant was not present when this event occurred. The Troopers took too long to arrive "15 minutes". The Troopers at the scene were disrespectful to her grandmother by called her "hon and honey" then patting her on the head. Ms. Mano is disabled and in a wheelchair and complainant stated she was treated this way because she is in a wheelchair. – Rejected following a preliminary investigation.*
- *It is alleged Trooper drew his sidearm and treated the complainant poorly during a traffic stop, due to the complainant's race. – Rejected following a preliminary investigation.*
- *It is alleged that on August 31, 2019, Trooper unlawfully searched complainant's husband and his vehicle during a traffic stop and then issued a criminal citation for Failing to Obtain a Vehicle License, based on complainant's husband's race. – Rejected following review of the contact.*
- *It is alleged Trooper exhibited bias towards the complainant based on her age and disability status, while responding and conducting a criminal investigation. – Rejected following review of the contact.*
- *It is alleged the trooper practiced biased-based profiling during the investigation of a collision. – Rejected following review of the contact.*



## BIASED BASED POLICING

- *It is alleged that the Trooper lied about observations made during an investigation, was rude, and did not show concern for the complainant's health and well-being due to personal animosities. – Rejected following review of the contact.*
- *It is alleged Trooper failed to perform his duties impartially during the complainant's DUI investigation. It is further alleged Trooper was untruthful when providing information and/or documentation regarding the complainant's DUI investigation. It is also alleged Trooper published inappropriate material on social media. – Allegation determined to be Unfounded as part of a Settlement Agreement reached during the investigation.*
- *It is alleged by the complainant that he was racially profiled when crossing the Canadian border and subjected to a secondary screening. As part of that contact, a trooper was called to investigate a possible DUI. The subject alleged racial bias when he was arrested after refusing to perform voluntary sobriety tests. – Rejected following review of the contact.*
- *It is alleged Trooper was discourteous to complainant and failed to conduct a proper investigation. It is further alleged these actions by Trooper were due to complainant's race. – Allegation Unfounded after an administrative investigation.*

The WSP did not receive any allegations involving 8.00.240 Code of Ethics – Employees (B) Performance of the Duties in 2019.

(CALEA 1.2.9 c)



# CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

The agency conducts a Strategic Advancement Forum (SAF) on a quarterly basis. This is a public forum where Commanders present their efforts and activities supporting the WSP Strategic Plan. 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 2019:

- Creation of an OPS Standard Operating Procedures Manual
- Intentional intervention of wrong way vehicles
- Pursuit data analysis report
- OPS visits to Districts/Divisions
- OPS visits to three Internal Affairs units within law enforcement agencies across the country
- Providing timely and relevant data to the Districts/Divisions
- OPS cross-training program

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 2019, OPS reviewed, and when appropriate, requested updates on the following agency regulations:

- 12.00.020 Complaints
- 12.00.030 Adjudication of Administrative Investigations
- 12.00.040 Early Identification System

WSP Regulation 12.00.030 Adjudication of Administrative Investigations was updated to include all WSP Employees, compared to all WSP Officers.

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 26.2.5)



## CLOSING

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 g an accused employee to acknowledge their mistake(s) early on and work toward an appropriate an 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*.

