



Office of Professional Standards

2021 Annual Report

Published March 11, 2022



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 consistent and thorough, and standardized discipline is imposed. OPS continues to meet the public's expectations for accountability and transparency by conducting fair and impartial administrative investigations.

OPS is comprised of one captain, one lieutenant, five detective sergeants, one civil service investigator, and four professional staff. We work collaboratively with Districts and Divisions to facilitate informed decisions throughout the administrative investigation process, and provide follow-up to help prevent future occurrences. Accordingly, our entire staff must be knowledgeable about all aspects of administrative investigations to ensure meaningful, timely, and insightful guidance is provided. 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 addition, OPS provided training to one Commercial Vehicle Enforcement Officer Basic Training Class and one Trooper Basic Training Class at the WSP Academy in 2021.

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 team and 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 Districts/Divisions, the Annual Report, the Strategic Advancement Forum, and individual data requests. The OPS Forms and Records Analyst completes public disclosure requests to facilitate public trust and accountability.



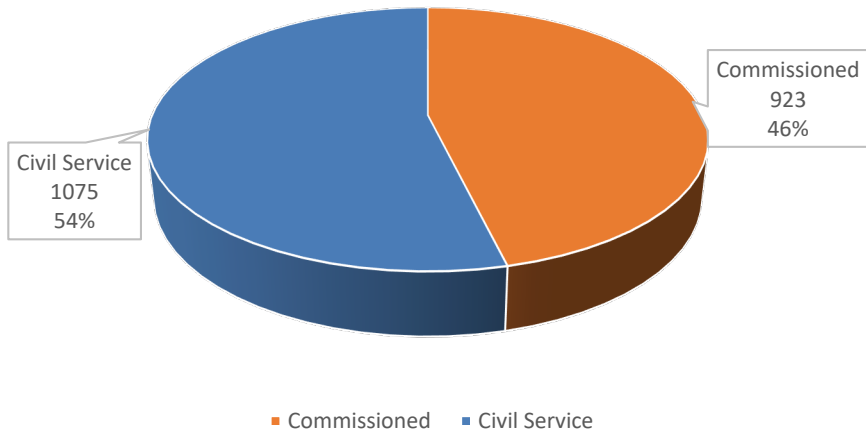
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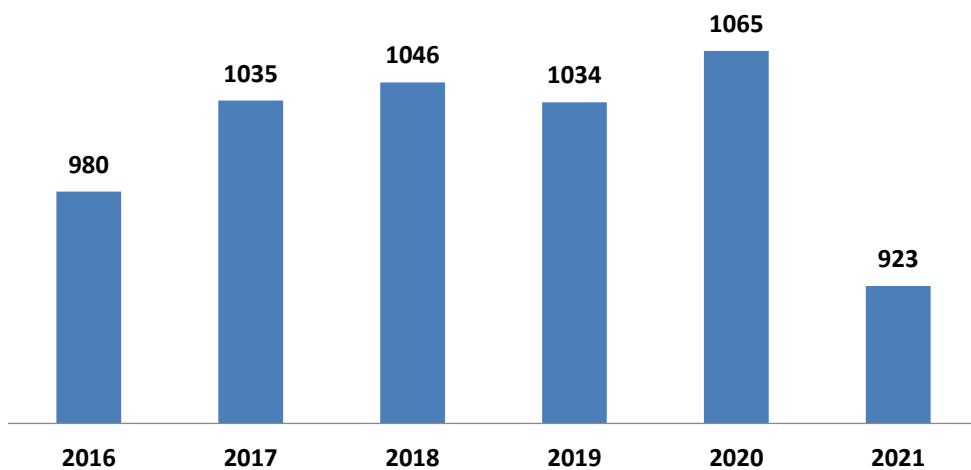
WSP STAFFING

WSP Average Total Employees - 1,998



In 2021, the agency averaged 1,998 employees. Commissioned Troopers represented 46% of this total, with 923 employees, and Civil Service the remaining 54% with 1,075 employees. While the commissioned employees represent less than half the workforce, they account for 92% 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.

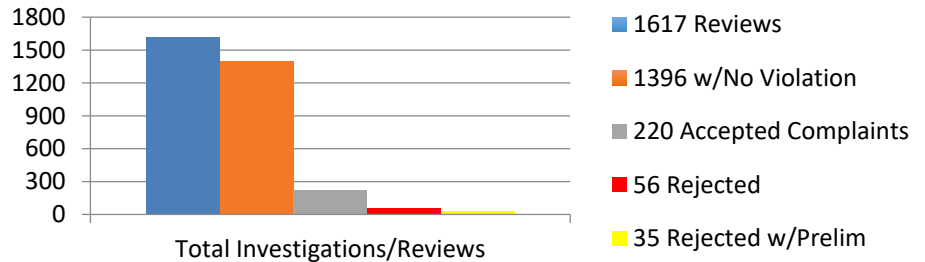
Commissioned Employees



INVESTIGATIVE REVIEW

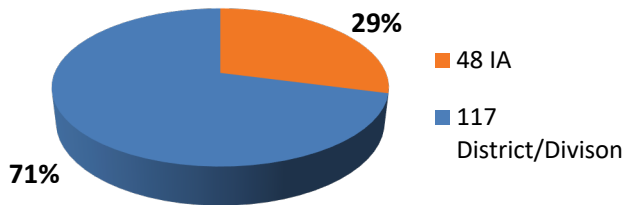
In 2021, OPS generated 1,617 case numbers prompting reviews of the actions of our employees. Of the 1,617 cases reviewed, 86% were found to be consistent with agency policy/procedure and no additional action was taken. The agency received a total of 311 complaints against employees. Of those complaints, 220 were investigated, 56 were rejected after initial review by the Appointing Authority, with 35 complaints being rejected following a preliminary investigation. The 311 total complaints represent a 21% increase compared to 2020, when the agency received 256 total complaints.

86% of cases are consistent with agency policy/procedure

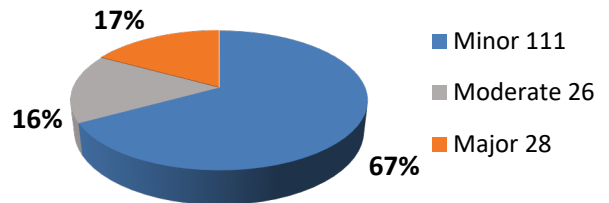


Of the 165 accepted complaints investigated, 67% were Minor, 16% were Moderate, and 17% were categorized as Major. Districts/Divisions completed 71% of the investigations, while OPS completed 29%. These investigations concluded with 68% resulting in proven findings. Of the sanctions imposed, 39% were written reprimands, 48% verbal reprimands, 5% employee counseling, while 8% resulted in suspensions. OPS received and processed 156 Non-Investigative Matter (NIM) reports in 2021.

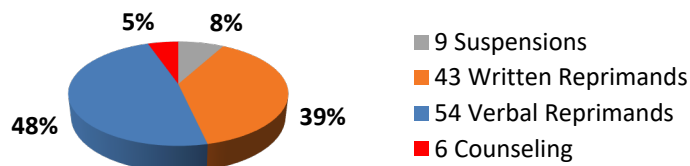
Investigative Responsibility



Complaint Categories



Sanctions Imposed



A settlement agreement is a tool which streamlines the agency's administrative investigation process, allowing an accused employee and the agency to work toward an appropriate and agreed upon sanction. In 2021, OPS coordinated with District and Division Commanders to complete 27 settlement agreements, which was identical to 2020. Of the 48 investigations conducted by OPS in 2021, 44% resulted in a settlement agreement.



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. 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.

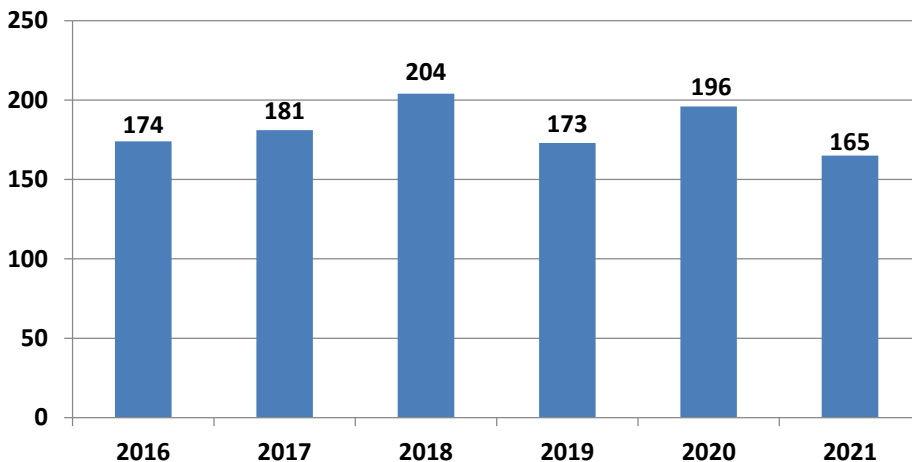
Moderate

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.

Total Cases Closed



In 2021, OPS investigated 48 of the 165 cases, which was a 23% increase from the previous year when 39 were investigated by OPS.

(CALEA 1.2.9d and 26.3.1)



COMPLAINTS

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 2021, there were 10 moderate complaints investigated at the District or Division level, which is a 44% decrease from 2020 where 18 moderate complaints were investigated. In 2021, OPS assumed investigative responsibility for 16 Moderate cases. Of the Moderate cases investigated by the Districts/Divisions, 50% resulted in a settlement agreement prior to the completion of the investigation.

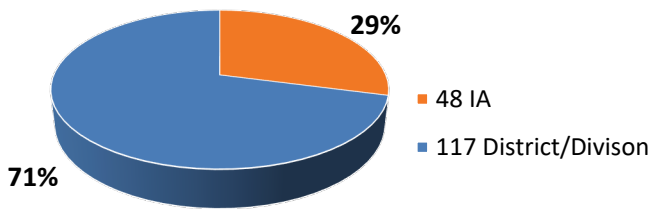
DISTRICT/DIVISION MINOR COMPLAINTS

Minor complaints address allegations which, if proven true, would result in counseling or verbal/written reprimands. They are generally assigned to the Districts/Divisions for investigation. In 2021, there were 111 Minor complaints investigated at the District or Division level, a 19% decrease from 2020.

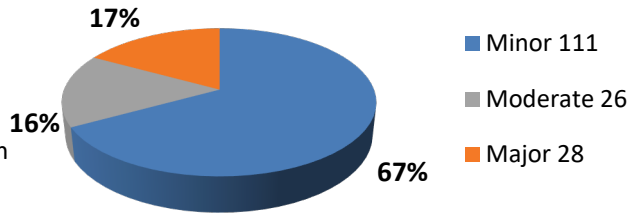
Minor investigations tend to be less involved, which contributes to a timely investigation and finding by the Appointing Authority. Often the allegations involve Minor collisions or courtesy complaints and are reviewed using on-scene reports and/or dash camera video if available.

(CALEA 26.2.10 and 26.3.1)

Investigative Responsibility



Complaint Categories

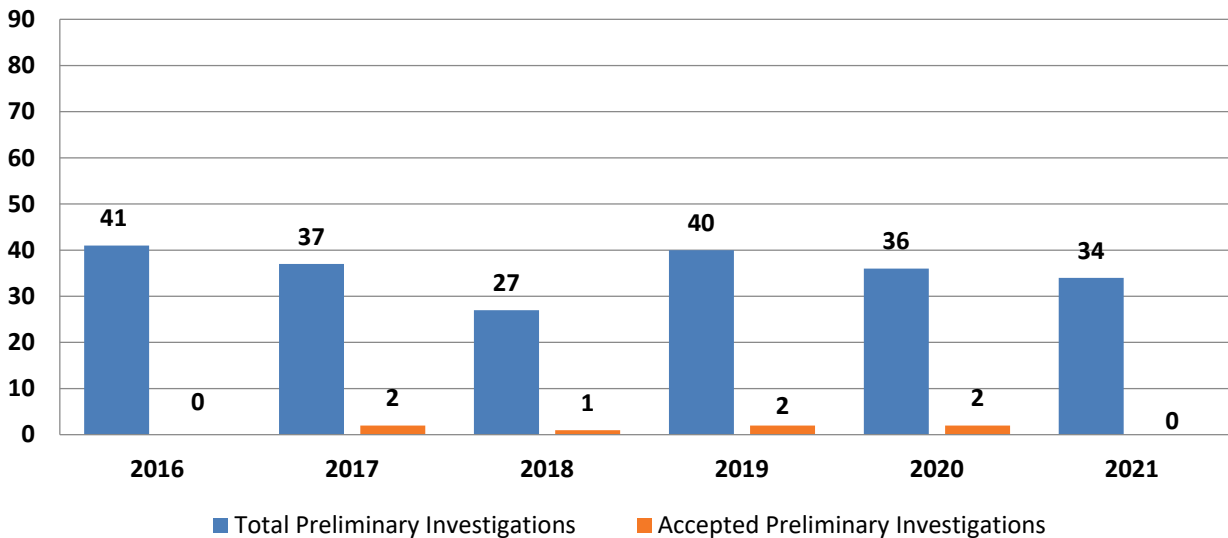


PRELIMINARY INVESTIGATIONS

A preliminary investigation may be initiated before an administrative investigation in certain circumstances. A preliminary investigation is used to determine if factual information exists indicating a violation of policy occurred and/or the alleged misconduct involved a WSP employee.

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 policy violation exists.
- The allegation(s) does not constitute a complaint.
- Criminal misconduct is involved.



In 2021, the agency experienced a 3% decrease in the number of preliminary investigations conducted compared to 2020. Citizen complaints accounted for 10% of the preliminary investigations in 2021.



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 when adequately supported by fact to lead an ordinary, reasonable, and prudent person to reach the same conclusion after reviewing the same information.

In 2021 the agency completed 165 administrative investigations, a 16% decrease from the previous year when 196 cases were investigated. Of the total investigations, 112 resulted in proven findings with sanctions imposed. 10 of the investigations which resulted in proven findings also included missed administrative timelines. No sanctions were imposed in these cases. 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 st Offense	2 nd Offense	3 rd Offense
Minor	Counseling Verbal/Written Reprimand	Counseling Verbal/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

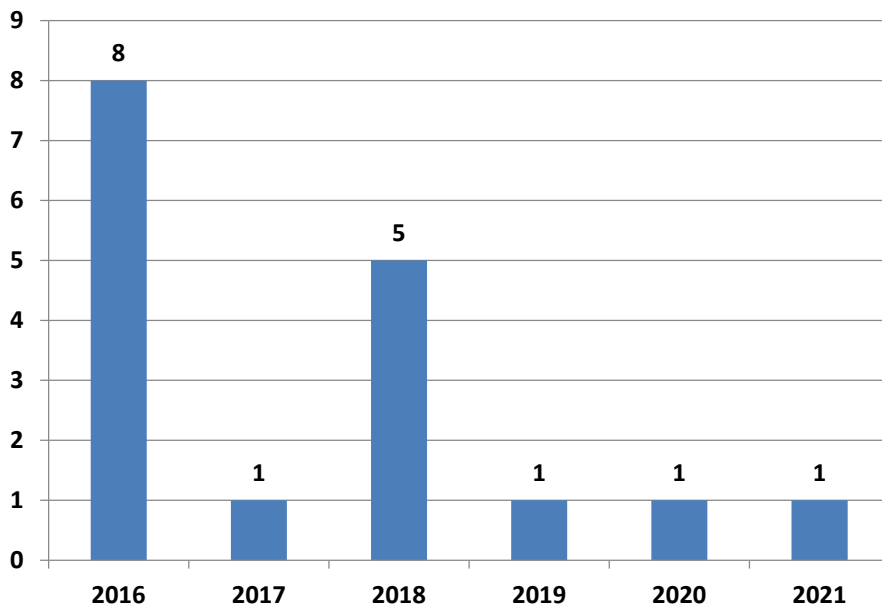
The sanctions imposed in 2021 included 6 counseling documents, 97 written/verbal reprimands, 9 suspensions (to include loss of annual leave, compensation time, or reduction in pay). The discipline is reflective of the types of cases investigated, with 67% being Minor, 16% being Moderate, and 17% being 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, who the investigative authority will be, and timelines to follow. The investigation begins once investigative protocols are established and a contract for services is completed.



In 2021, 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 IA 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.



FLUP OVERVIEW

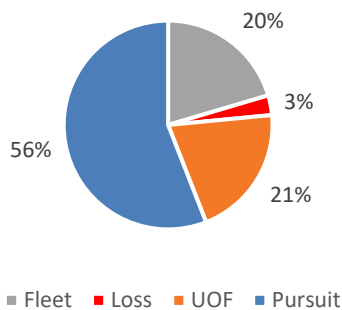
The Administrative Investigation Manual (AIM) and WSP Regulation Manual are written directives utilized by all employees of the agency. The AIM identifies processes and requirements for administrative investigations, and the Regulation Manual defines policy and procedure. The agency complies with the 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 District/Division Commanders to identify trends and mitigate risk.

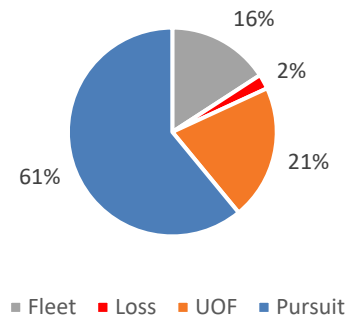
When a potential policy violation is identified, the supervisor conducts an initial review of the incident and notifies their chain of command. If appropriate, the District/Division will complete an Internal Incident Report (IIR) to begin the administrative process.

In 2021, there were 1,180 events, resulting in 1,617 FLUPs, which is a 22% increase compared to 2020, when there were 1,323 FLUPs. Multiple employees may be involved in one event, and the FLUP process ensures the actions of each employee is reviewed for compliance with policy and expectations. It was determined employees acted within policy in 92% of the FLUPS reviewed.

Total Events = 1,180



Total FLUPs = 1,617



Employees with less than 5 years tenure led the agency in all FLUP 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.

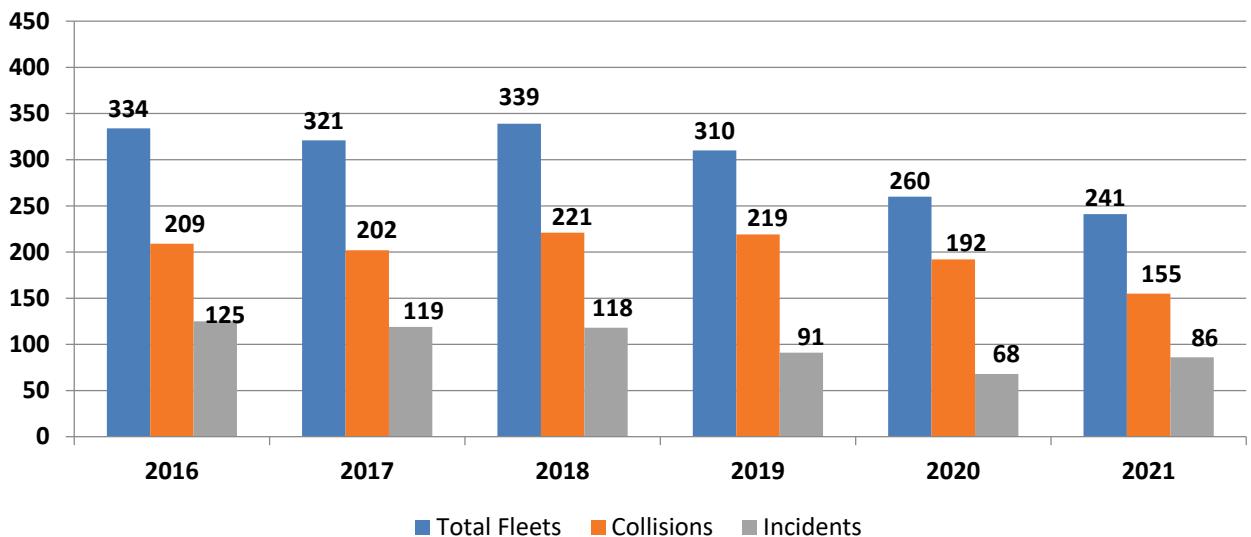


FLEET COLLISIONS AND INCIDENTS

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 Internal Incident Report shall be completed by the employee's supervisor after consultation with the Appointing Authority. Upon completion of the administrative investigation, the Appointing Authority will determine if the employee is at fault.

Fleet Collisions/Incidents



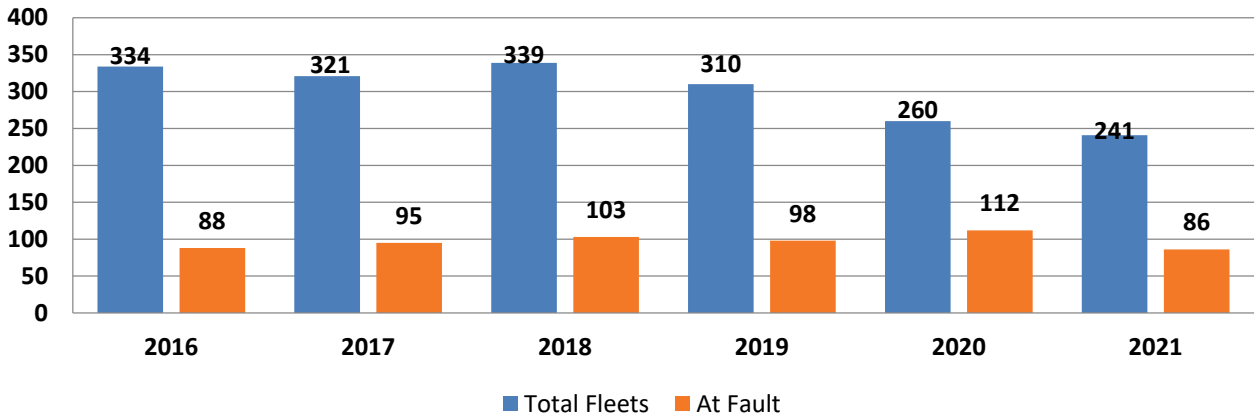
In 2021, there were 241 fleet events which was a 7% decrease compared to 260 in 2020. Overall fleet incidents increased from 68 in 2020 to 86 in 2021. However, fleet collisions decreased 19% from 192 in 2020, to 155 in 2021.



FLEET COLLISIONS AND INCIDENTS

Discipline was administered when Appointing Authorities determined a policy violation occurred. Of the 241 total fleet events in 2021, 86 (36%) were determined to be in violation of department policy, with the most common being improper backing. This represents a 7% decrease compared to 2020 statistics where 112 (43%) of the 260 total fleet events were found to be policy violations.

Fleet Events - At Fault



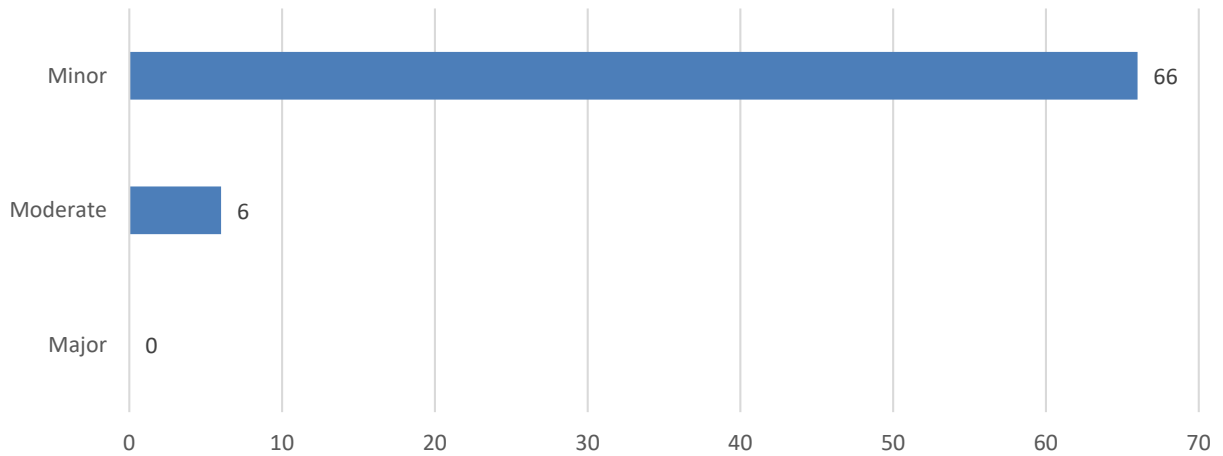
Training was a consistent component for employees involved in a collision with a proven policy violation. This training was completed at the academy or through the employee's local Emergency Vehicle Operators Course (EVOC) instructor and was in addition to standard in-service training for commissioned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



FLEET COLLISIONS AND INCIDENTS

In 2021, collisions generated 72 fleet investigations, 68 of those cases were categorized as minor, 6 were categorized as moderate, and zero were categorized as a major. Only one fleet investigation resulted in the discipline of a suspension or higher while the remainder resulted in a written reprimand or less..

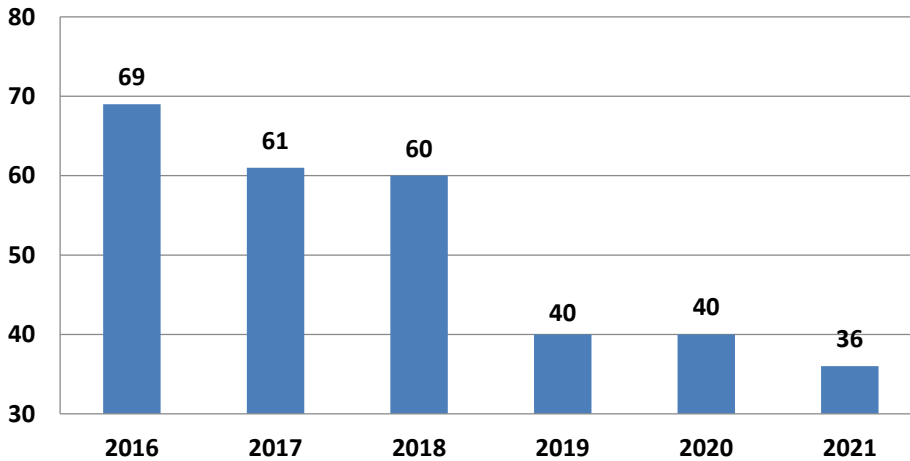
2021 Collision Categorizations



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 2021, the loss or damage of equipment was 10% less when compared to 2020. Of the 36 items identified as lost or damaged in 2021, 44% were found to be a proven policy violations, whereas in 2020, 43% were determined to be proven. Of all items lost or damaged throughout the year, the lost ID Badge and damaged department issued cell phones were the two most common occurrences in 2021. This is consistent with 2020 where a lost ID badge, and damaged department issued cell phones were the two most common occurrences.



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 in accordance with policy and applicable laws 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 (effective July 1, 2021, neck restraint holds were no longer authorized).
- 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. If the incident involves death, serious injury, the use of deadly force, or an alleged use of deadly force, the WSP Criminal Investigation Division (CID) is notified. CID will request an Independent Investigation Team conduct the investigation.

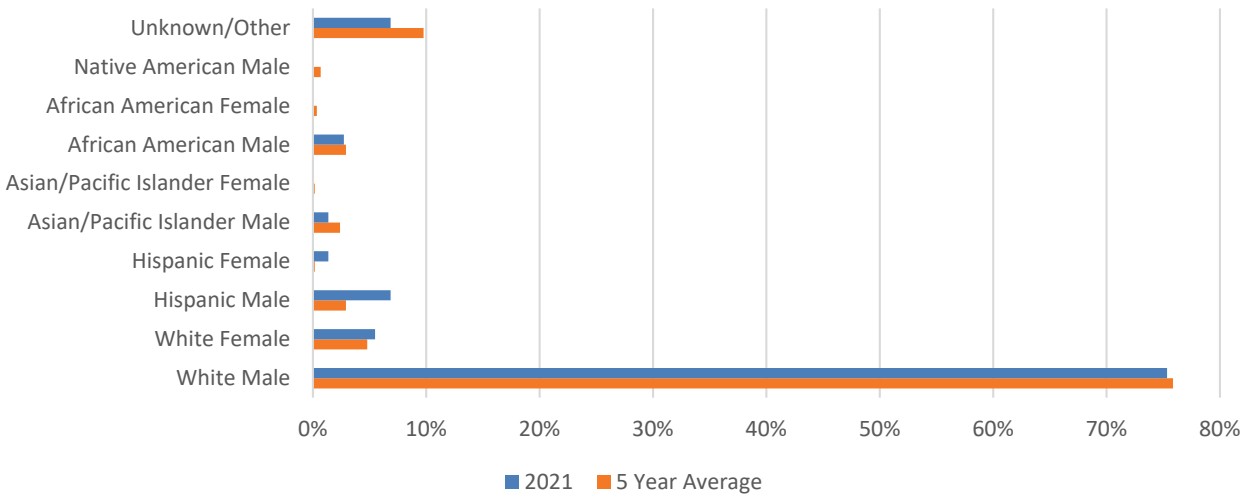
In 2021, WSP Troopers used force to gain compliance during 243 arrests, which is a 3% increase compared to 2020, when there were 236 arrests with a use of force, but is 5% below the average of 255 over the previous 5 years. Self-initiated contacts and calls for service accounted for 87% of these uses of force during an arrest which is an 7% increase from 2020 and an increase of 2% over the previous 5 years.



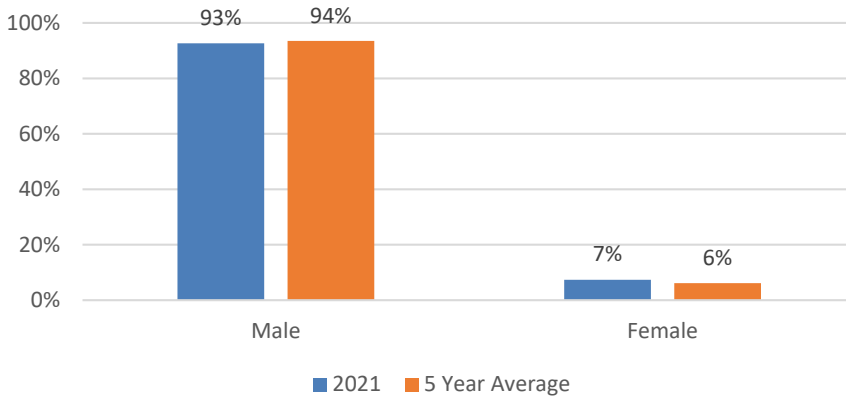
USE OF FORCE

In 2021, 73 uses of force resulted in injuries to officers. White male officers accounted for 75% of these uses of force, White female officers accounted for 5%, Hispanic male officers accounted for 7%, Hispanic female officers accounted for 1%, African American male officers accounted for 3%, Pacific Islander male officers accounted for 1%, and 7% were unknown. Over the course of 5 years the average age of an officer sustaining an injury was 34 years old. In 2021, the average age of an officer sustaining an injury was 31 years old. Over the past 5 years the average age and tenure of officers has trended downwards, which may be a factor for the significant decrease in age of officers injured compared to the 5 year average.

Officers Injured by Race



Officers Injured by Gender



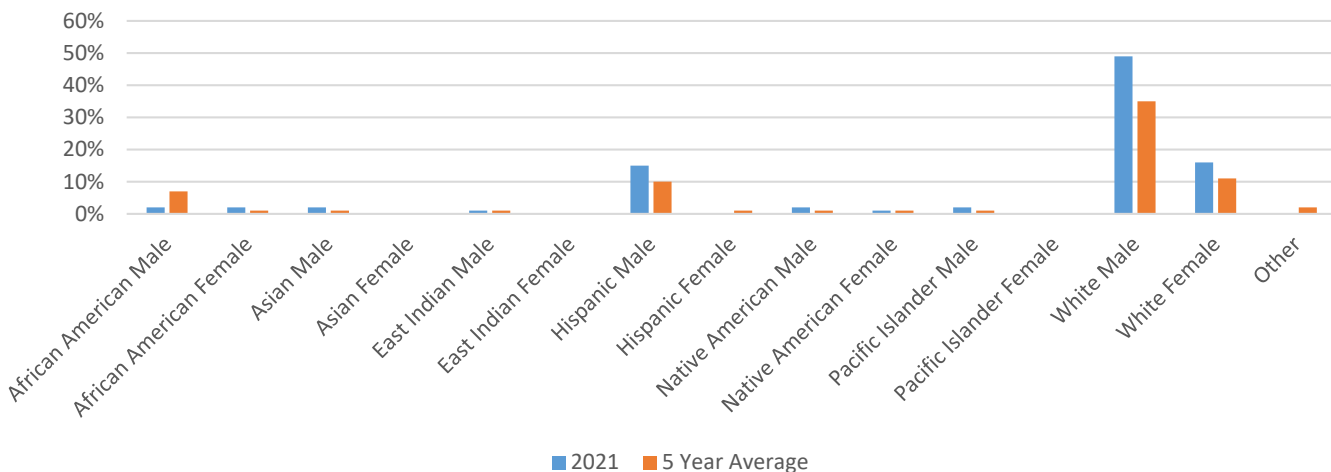
A breakdown of the data shows nominal changes in the race and a slight shift in gender for the officers sustaining an injury during 2021 compared to the 5 year average. In the future as diversity, equity, and inclusion efforts evolve, injuries to officers may become less skewed towards one demographic.



USE OF FORCE

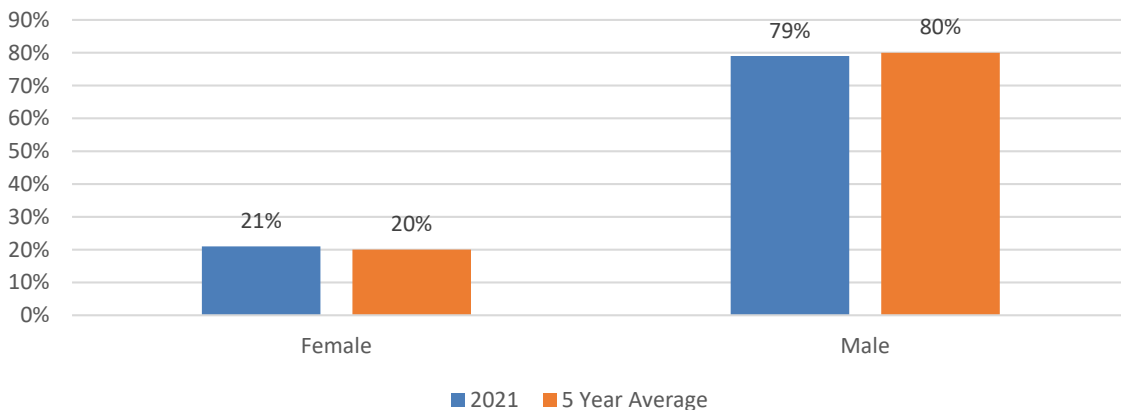
Over the course of the previous 5 years, the average age of a subject reporting an injury during a use of force incident was 39 years old. In 2021, the average age went down to 37 years old during a use of force incident, which indicates the average age of a subject reporting an injury during a use of force is trending downwards year over year.

Race of Subjects Reporting an Injury



In 2021 the following trends were observed for subjects reporting an injury after a use of force incident in relation to the previous 5 year average: African American males decreased 6%, African American females increased 1%, Asian males increased 1%, Hispanic males increased 5%, Hispanic females decreased 1%, Native American males increased 1%, Pacific Islander males increased 1%, White males increased 14%, and White females increased 6%.

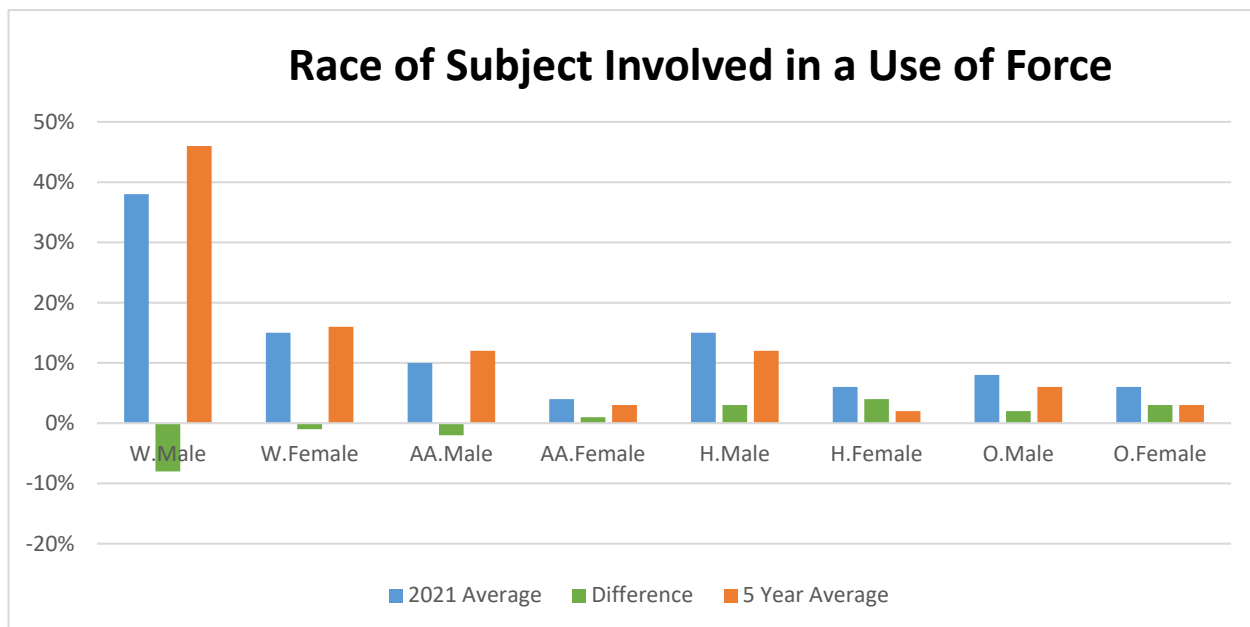
Gender of Subjects Reporting an Injury



During the year 2021, there was nominal deviation from the previous 5 year average in the gender of subjects reporting an injury during a use of force incident.



USE OF FORCE



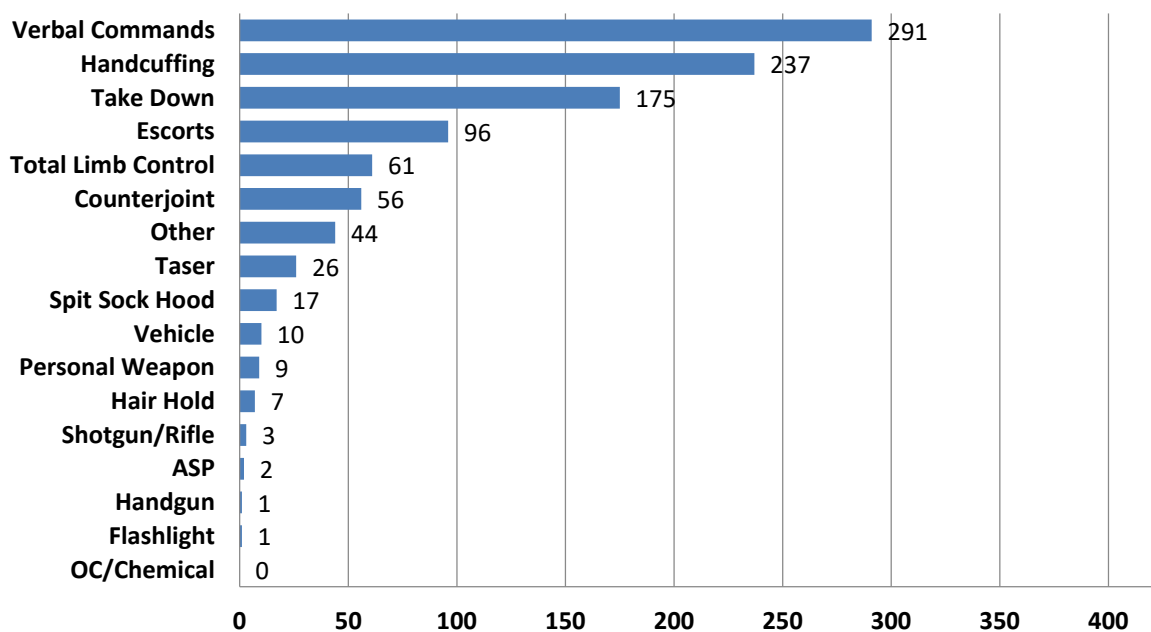
In 2021 the following trends were observed for subjects involved in a use of force incident in relation to the previous 5 year average: White males decreased 8%, White females decreased 1%, African American males decreased 2%, African American females increased 1%, Hispanic males increased 3%, Hispanic females increased 4%, Other males increased 2%, and Other females increased 3%.



USE OF FORCE

The 706 uses of force tools deployed in 2021 is a 25% decrease over the 5 year average of 942, and a 36% decrease compared to 2020 when there were 1,099 uses of force. Of the arrests with a use of force, 69% involved physical force, while 9% involved belt weapons. The remaining 27% is largely accounted for by verbal commands. 62% of the uses of force occurred during the first two quarters of 2021, while the remaining 38% occurred during the last two quarters. This is in stark contrast to 2020 when uses of force were much more evenly spread throughout the year. The decrease in uses of force during 2021 coincides with the passage of legislation which resulted in changes to many agency policies, including those related to uses of force and pursuits. Proactive enforcement also decreased during this time period, which may be an additional contributing factor for the decrease in uses of force during the last two quarters of 2021.

2021 Use of Force Tools Deployed



In previous Annual Reports, the data presented in the above graph has been based on incident date. In 2021, and moving forward, the data presented in the Use of Force Tools Deployed graph will be based on closed date to align with the other data points within the report.

In 2021, the most commonly used methods of physical force applied were take downs, escorts, counterjoints, and total limb control.

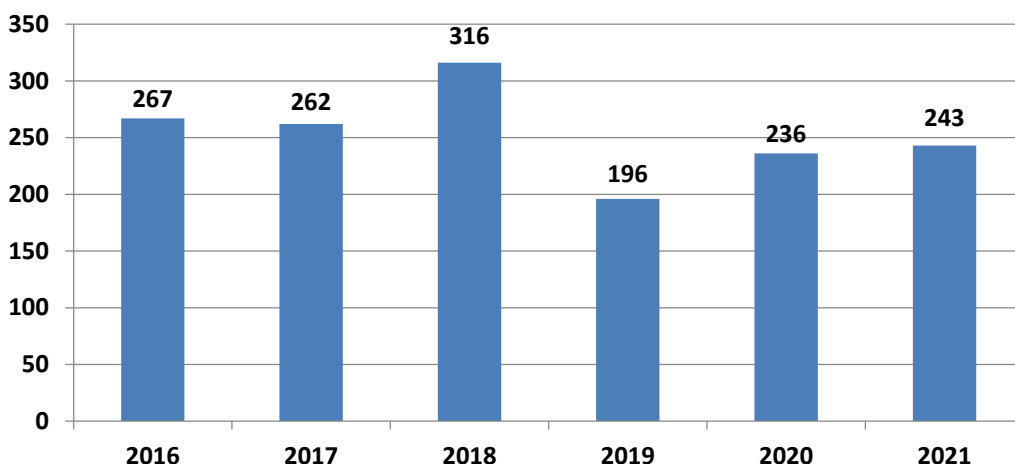
There were two incidents involving a total of three less lethal shotgun deployments in 2021, which accounted for the three shotgun/rifle applications indicated above. One of incidents involved deployments by two officers. One incident involved a non-compliant subject who failed to comply with verbal commands and then advanced towards officers with a weapon. The second incident involved a non-compliant subject who failed to comply with verbal commands, was reported to have a weapon, and repeatedly made furtive movements consistent with reaching for a weapon. One of the incidents occurred in conjunction with an allied law enforcement agency.



USE OF FORCE

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 by helping officers identify individuals suffering from mental issues. The CIT training also helps officers identify appropriate de-escalation techniques. The WSP is nearing 100% compliance with the training requirement.

Use of Force - Arrests

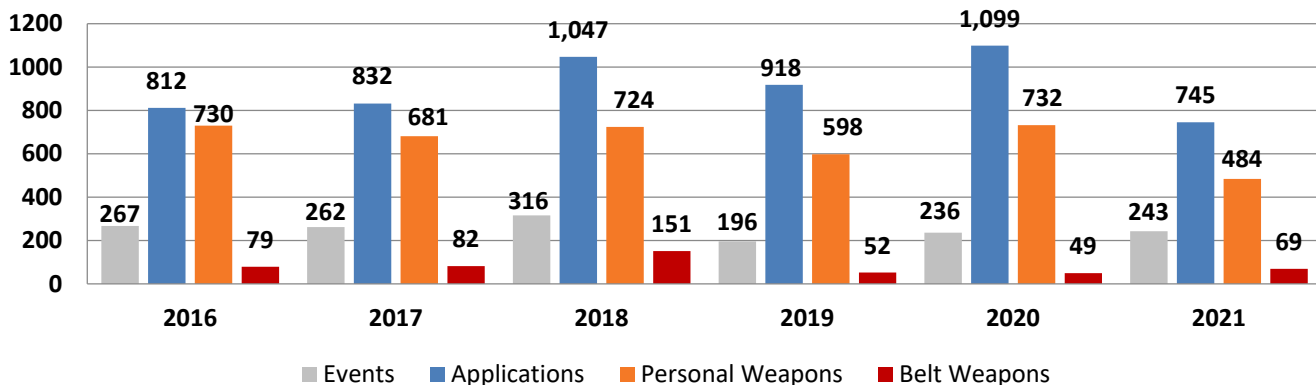


One event may involve multiple officers and/or multiple uses of force, such as a Taser application, followed by joint manipulation and handcuffing. When multiple officers are involved, the actions of each officer and each use of force are reviewed for compliance with policy, procedure and training.



USE OF FORCE

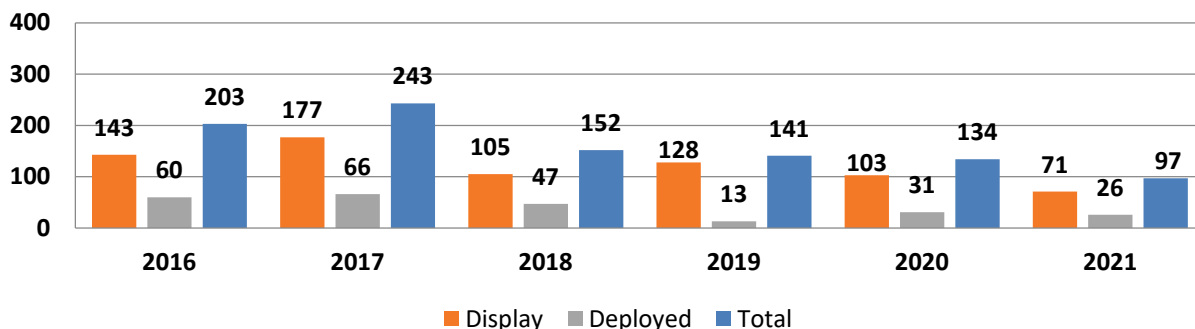
Use of Force - Breakdown



Regarding the above graph, the “Personal Weapons” line applies to uses of force which do not involve the use of a belt weapon or tool, such as a counterjoint, take down, or a strike with a hand/fist or foot. This line also includes the use of handcuffs/restraints *only* when a complaint of injury is made by the subject. The “Belt Weapons” line accounts for the use of every other tool available to the officer, such as the ASP, Taser, flashlight, and OC-10.

In 2021, the most commonly used belt weapon was the Taser. In 2021, Taser probe deployment decreased 16% compared to 2020, where there were 31 deployments. Taser display decreased 31% in 2021 to 71 displays from the 103 recorded in 2020. Taser display was an effective means of gaining compliance 77% of the time.

Taser



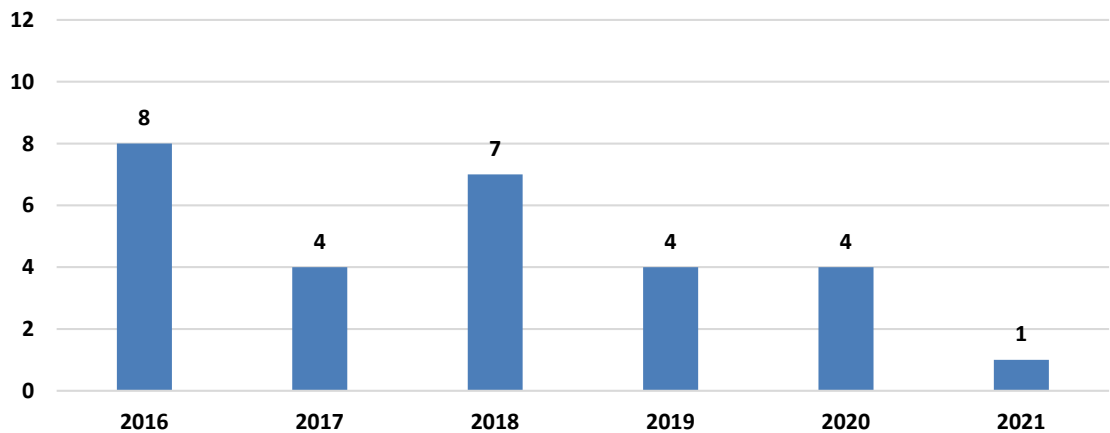
In 2021, all uses of force involving a Taser application were authorized. Unauthorized uses of force result in discipline, training with the employee, and a review of the training curriculum. Training is guided by *Graham vs. Connor* and emphasizes the importance of considering the totality of the circumstances, to include the level of resistance by the subject, before deploying the Taser.



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 WSP Criminal Investigation Division when the incident involves death, serious injury or there is a need for investigative expertise beyond the supervisor's capabilities. All unintentional discharges result in re-training with the involved employee, and a review of the incident by the District/Division Commander, OPS, and the Training Division.

Unintentional Discharges



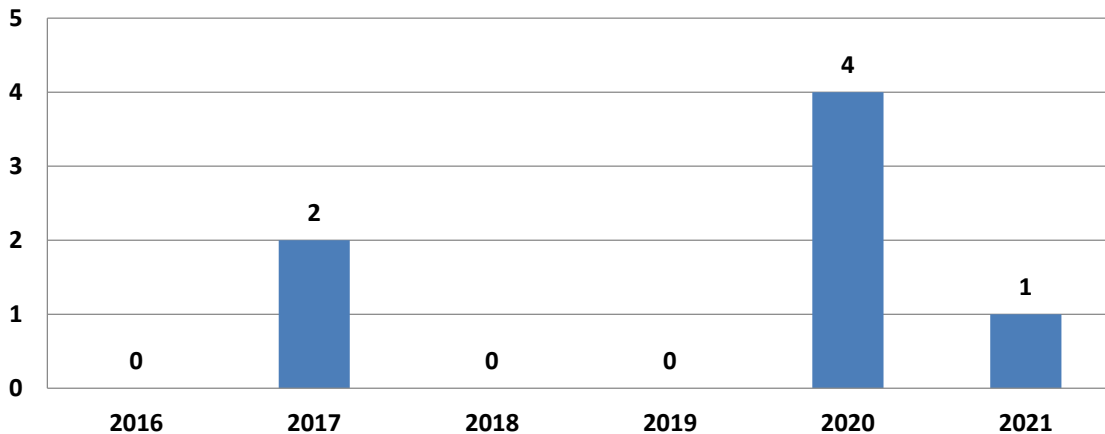
In 2021, one unintentional discharge occurred, 79% less than the five year average. The one unintentional discharge came from a Trooper breaching a door with an improperly holstered pistol during a warrant service. No individuals were hurt in that event.



USE OF LETHAL FORCE

When an incident involves death, serious injury, the use of deadly force, or an alleged use of deadly force, the District/Division Commander shall notify the WSP Criminal Investigation Division and request an Independent Investigation Team (IIT) conduct the investigation. In instances where an administrative investigation is required, it will not typically be initiated until the conclusion of the criminal investigation and receipt of a charging decline from the prosecutor.

Use of Lethal Force - Firearm



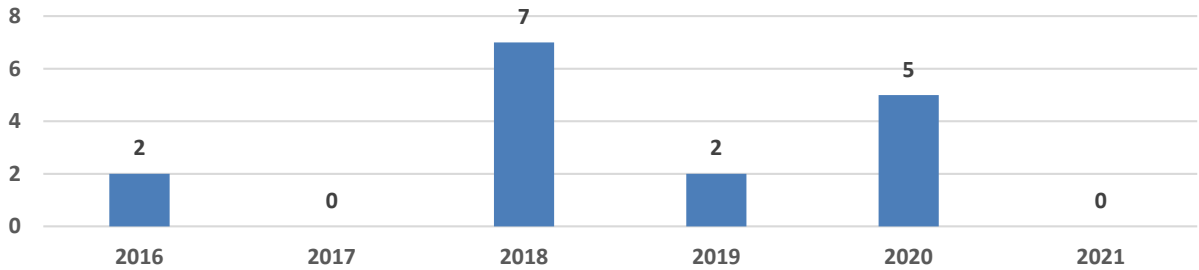
Over the previous five years, the WSP has averaged one lethal use of force per year. The one incident indicated above for 2021 occurred in 2020, but is captured in the 2021 data due to the date the case was closed. This incident involved an officer who returned fire at a subject who failed to comply with verbal commands and then fired his weapon. The subject sustained a self-inflicted fatal gunshot wound. This use of lethal force was found to be justified following a criminal and administrative review.

In 2021, there were four uses of lethal force, all of which involved a firearm. These incidents are not indicated in the graph above due to the closed date, but will be reflected in the data for the 2022 Annual Report. One incident involved an officer who fired his weapon after a subject pointed a firearm at officers following a pursuit. The subject sustained non-life threatening injuries. One incident involved two officers who fired their weapons after a subject, who was believed to have a firearm, made a sudden movement towards officers following a pursuit. The subject sustained non-life threatening injuries. These uses of lethal force were found to be justified following a criminal and administrative review. The fourth use of lethal force involved an officer who fired his weapon at a subject following a pursuit. The subject sustained fatal injuries and the incident is currently being investigated by an independent investigation team.



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 deadly force by our policy, and shall be 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 2021, no intentional interventions occurred. Over the last 5 years, the WSP has averaged 3.2 intentional interventions per year.

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

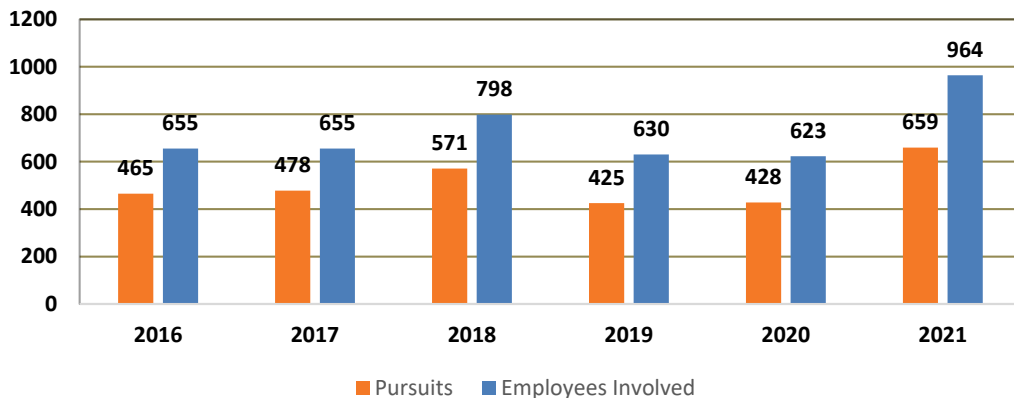
After a pursuit or an application of a Pursuit Immobilization Technique (PIT), to include roadblocks or forcible stops, department policy mandates that a supervisor conduct a thorough review to determine compliance with policy and training. If the pursuit/PIT results in a collision, a supervisor shall respond. If the collision involves Moderate to severe injury, a supervisor shall request a Criminal Investigation Division response to 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 reviews all FLUPs to ensure they are complete and works with the appropriate District/Division to satisfy any discrepancies found. The final review is then completed by the OPS Commander to ensure concurrence with the Appointing Authority's findings.

Pursuits



In 2021, 964 officers were involved in 659 total pursuits, which is a 39% increase compared to the average 473 pursuits of the previous five years. While newly passed legislation suggests a probable decrease in pursuits; the timing of the data aggregated for this report is reflective of pursuits that predominately occurred before the new legislation was passed. There was one unauthorized pursuit in 2021, which is down from an average of 1.6 unauthorized pursuits over the previous five years.

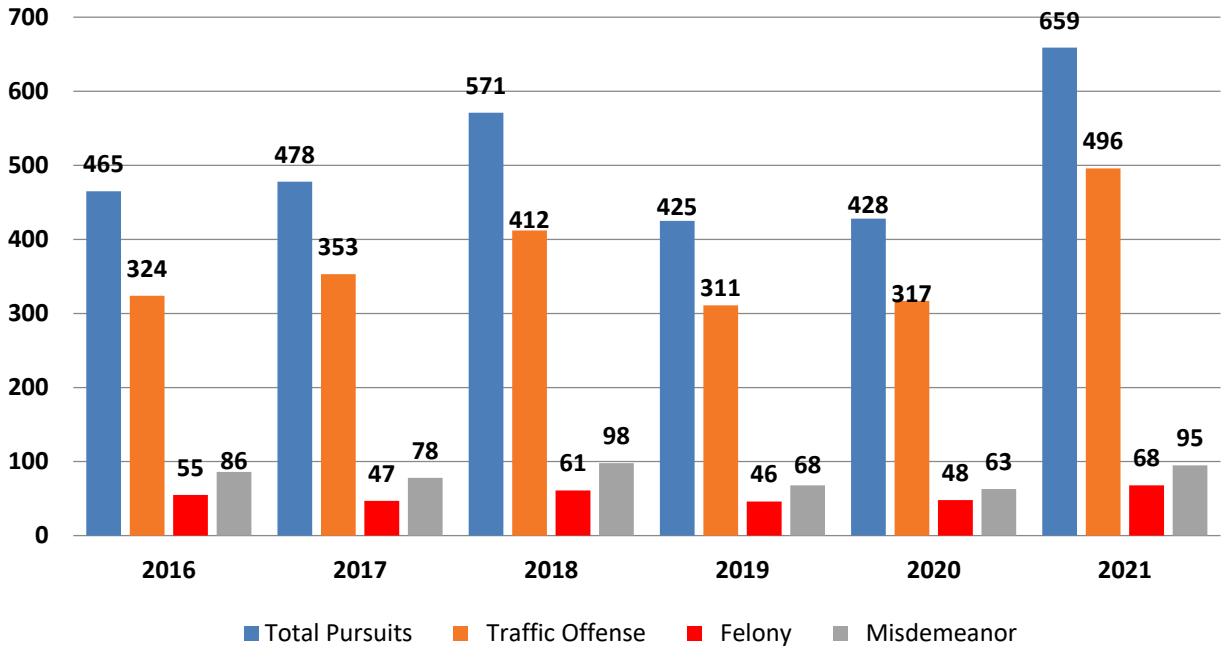
In 2021 there were 116 pursuits that were authorized where procedures were not followed. This is an increase of 65% from 2020 where 70 pursuits were authorized, but procedures were not followed.



PURSUIITS

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, employees are provided with additional training.

Reason for Pursuit



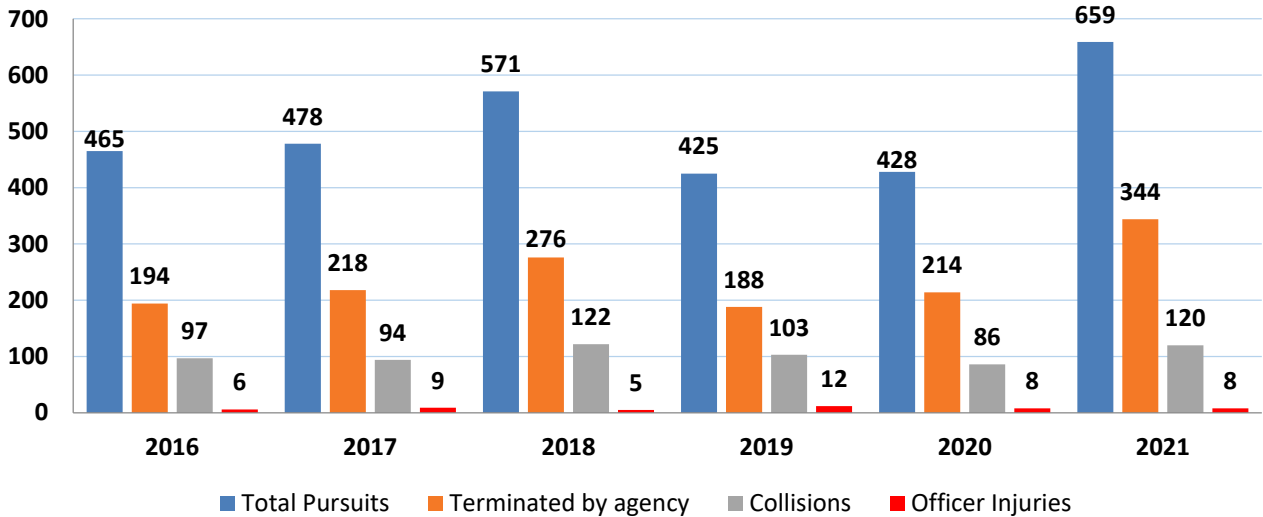
In 2021, the average pursuit lasted approximately 8.20 minutes which was an increase of 6% from 7.54 minutes in 2020. In 2021, 55% of the pursuits occurred between the hours of 6:00 p.m. and 6:00 a.m. which is a 31% decrease from 2020 where 86% of pursuits happened between 6:00 p.m. and 6:00 a.m. Meanwhile pursuits occurring during the daylight hours of 6:00 a.m. to 6:00 p.m. rose 31% from 2020.

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 32 of the pursuits during 2021, which was a 7% increase from 2020



PURSUIITS

Pursuit Outcomes



The number of suspects apprehended at the conclusion of the pursuit decreased 79% compared to 2020. The total number of pursuits terminated increased 54% in 2021 compared to the previous year, and they increased by 43% compared to the average of the previous five years. Supervisor awareness of the high liability and the risks associated with pursuits contributed to termination decisions in conjunction with new legislation where many additional requirements for initiating and authorizing pursuits must now be met.

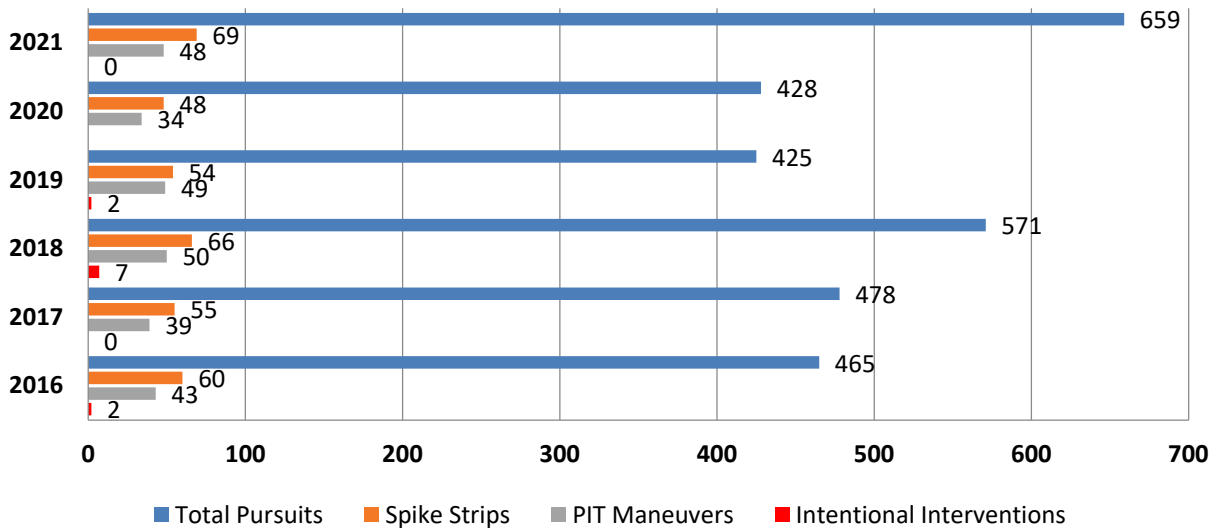


PURSUIITS

Pursuits involving a collision in 2021 increased by 40%. The number of pursuits resulting in officer injuries did not change from the previous year or the 5 year average. Officers sustained 11% of the total number of injuries with 61% of the injuries identified for the suspects and 28% for third parties. The breakdown of injuries is a 10% increase for third parties, a 9% decrease for suspects, and a 1% decrease for officers. As officers continue to prioritize safety and use discretion, the number of officers injured should decrease.

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 2021. This was an increase of 22% compared to the average of the previous five years. PIT increased 12% when compared to the average of the previous five years and there were zero intentional interventions in 2021.

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 questions to gauge an officer's knowledge and understanding of pursuit requirements.

(CALEA 41.2.3e , and 41.2.21)

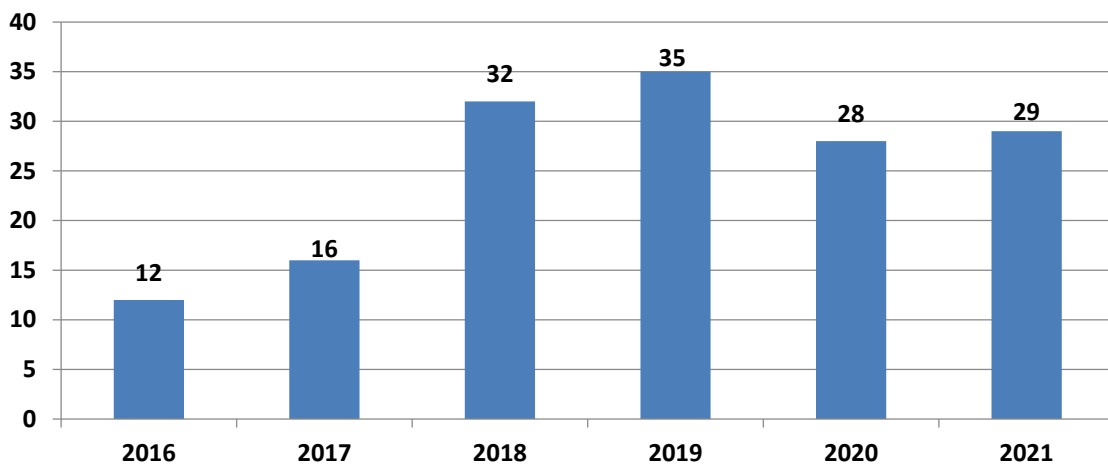


BIASED BASED POLICING

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 the Duties of an Officer 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.

Total Allegations of Biased Based Policing



In 2021, the WSP received 10 biased based policing allegations, which if proven true, would constitute a violation of policy. There were no proven findings of this policy in 2021.

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

- *It is alleged Trooper made a traffic stop based on the complainant's race and utilized a racial slur toward the complainant during the arrest process. – Rejected following a preliminary investigation.*
- *It is alleged that on October 6, 2020, at 0756 hrs, Trooper engaged in biased policing when he contacted the complainant and issued her a traffic infraction for speed. The complainant alleged she was stopped for being a Latina female and she has been cited with traffic citations at a higher rate than her peers due to racial and gender profiling. – Rejected following a review of the contact.*



BIASED BASED POLICING

- *It is alleged Trooper initiated a traffic stop based on the complainant's race.– Rejected following a review of the contact.*
- *It is alleged Trooper racially profiled the occupants of a vehicle. – Rejected following a review of the contact.*
- *It is alleged the trooper conducted a traffic stop based on the driver's race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper racially profiled and attempted to intimidate a driver stopping them for no reason. – Rejected following a review of the contact.*
- *It is alleged Trooper initiated a traffic stop based on the complainant's race. – Rejected following a preliminary investigation.*
- *It is alleged that Lieutenant initiated a traffic stop of complainant based solely on her race. . – Rejected following a preliminary investigation.*
- *It is alleged that trooper initiated a traffic stop of Complainant based solely on his race and religion. It is further alleged Trooper caused injury to the complainant with the application of handcuffs. – Rejected following a preliminary investigation.*
- *Trooper racially profiled the complainant and Trooper was speeding 5-10 mph over the posted speed limit. – Rejected following a review of the contact.*



BIASED BASED POLICING

In 2021, the WSP received 19 allegations, which if proven true, would constitute a violation of policy 8.00.250 Code of Ethics - Officer (C) Performance of the Duties of an Officer. There were no proven findings of this policy in 2021.

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

- *It is alleged Trooper made a traffic stop based on the complainant's race and utilized a racial slur toward the complainant during the arrest process.– Rejected following a preliminary investigation.*
- *It is alleged, while assisting a disabled vehicle, Trooper touched his holster and/or gun because of the race of the complainant's husband.– Rejected following review of the contact.*
- *It is alleged the Trooper was racist during a traffic stop/contact. It is further alleged the Trooper pushed the subject, was intimidating and threatening. – Rejected following review of the contact.*
- *It is alleged that on October 6, 2020, at 0756 hrs, Trooper engaged in biased policing when he contacted the complainant and issued her a traffic infraction for speed. The complainant alleged she was stopped for being a Latina female and she has been cited with traffic citations at a higher rate than her peers due to racial and gender profiling.*
- *It is alleged, while conducting a collision investigation, Trooper treated the complainant differently because of her race when he made inappropriate comments and issued her infraction. – Rejected following review of the contact.*
- *It is alleged Trooper, while conducting a collision investigation, did not display courtesy to the involved party based solely on his race. – Rejected following review of the contact.*
- *It is alleged Trooper harassed the occupants of a vehicle during a traffic stop. – Rejected following review of the contact.*
- *It is alleged that Trooper cited complainant for a collision due to her race. It is further alleged that Trooper prevented the fire department from treating complainant at a collision scene because of her race. – Rejected following review of the contact.*



BIASED BASED POLICING

- *It is alleged, during a DUI blood draw, Trooper inappropriately touched the breast of a female while trying to place her in a chair. It is also alleged Trooper treated her differently because of her race and/or gender. – Rejected following a preliminary investigation.*
- *It is alleged Trooper discounted the statements of the complainant during a collision investigation due to his race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper Cadet discounted the statements of the complainant during a collision investigation due to his race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper spoke to complainant in a derogative manner because of their race. – Rejected following review of the contact.*
- *It is alleged Trooper made inappropriate comments to another Trooper during a traffic stop. It is further alleged Trooper improperly encouraged, coached and/or pressured another Trooper to make a DUI arrest without probable cause. – Unfounded after a settlement agreement.*
- *The complainant alleges the Trooper was bias and intimidating while investigating a collision. – Rejected following review of the contact.*
- *It is alleged that Trooper treated the complainant differently when arresting him for DUI because of his race. – Rejected following a preliminary investigation.*
- *It is alleged, during a DUI arrest, Trooper made an inappropriate comment to a subject regarding her race. – Unfounded after a settlement agreement.*
- *It is alleged that Trooper followed complainant's vehicle due to complainant's race. – Rejected following review of the contact.*
- *It is alleged Trooper violated federal civil rights law and/or treated the complainant differently due to his race when he failed to provide an interpreter prior to having the complainant sign documents. – Rejected following a preliminary investigation.*
- *It is alleged, while conducting a DUI investigation and arrest, Trooper treated the complainant differently due to her race. – Rejected following a preliminary investigation.*

The WSP did not receive any allegations involving 8.00.240 Code of Ethics – Employees (B) Performance of the Duties in 2021.

(CALEA 1.2.9 c)



EARLY IDENTIFICATION SYSTEM

In the course of one's career, an employee may experience situations which impact their performance, attendance, or conduct. The Washington State Patrol is committed to helping employees prevent or resolve problems to promote employee wellness, which contributes to the resilience of the officer, employee, 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 early identification:

- 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, their 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.

An OPS 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.



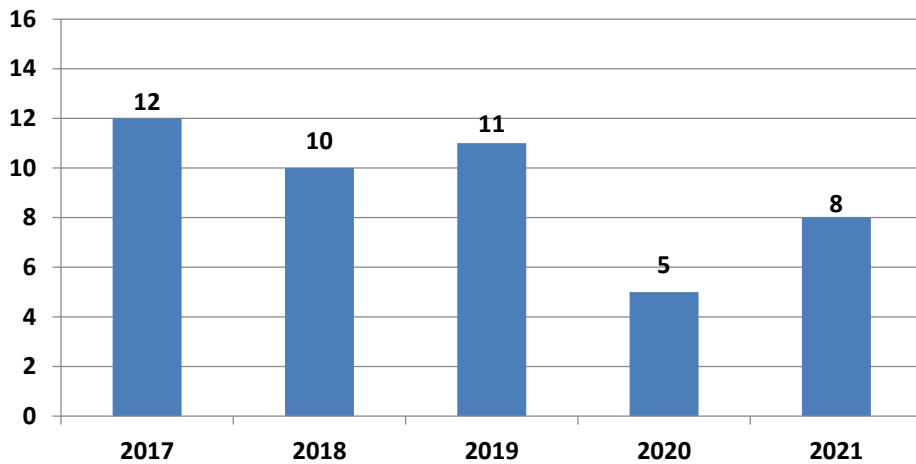
EARLY IDENTIFICATION SYSTEM

In 2021, the Early Identification System was utilized for eight employees through notices to commanders for follow-up and referral. Of the eight employees identified, six were commissioned males and two were commissioned females.

Seven of the eight early intervention behaviors were fleet incidents relating to vehicle operation. In each of those cases the employees involved were counseled, received assessments, and completed driver re-training with a driving instructor. One of the eight early interventions resulted from a complaint which resulted in a meeting with the commander to outline a plan of continuous improvement to prevent further incidents.

(CALEA 35.1.9)

Early Identification - 5 Year Trend



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 2021:

- Providing accurate and updated data for the Annual Report and CALEA
- OPS cross-training program in a virtual environment
- OPS cross-training lessons learned and implementations for future virtual training.
- OPS is in the process of updating the Administrative Investigators Manual (AIM) to a Standard Operating Procedure (SOP).

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.



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 2021, OPS reviewed, and when appropriate, requested updates on the following agency regulations:

- 8.00.100 Requests for Assistance
- 8.00.110 Unsatisfactory Performance
- 8.00.120 Insubordination
- 8.00.130 Conflicting or Illegal Orders
- 8.00.140 Forwarding Necessary Information
- 8.00.200 Payment of Debts
- 8.00.230 Police Activity
- 8.00.240 Code of Ethics - Employees

OPS conducts bi-weekly briefings with the Executive Staff (Assistant Chiefs, Commanders, 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 law enforcement and the communities we serve is essential. OPS will continue to strive to meet the public's expectations for accountability and transparency by conducting fair and impartial administrative investigations. We will also continue to collaborate with Districts and Divisions to facilitate informed decisions throughout the administrative investigation process and provide follow-up to mitigate future occurrences.



APPENDIX

Appointing Authority

Designated by the Chief, the person given the authority to review and adjudicate 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 complaint is against the actions of an employee who was following agency policy or procedures. The employee was in compliance with those policies or procedures and is not personally at fault. As a result, the error in policy will be reviewed and 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*.

