



**Office of Professional Standards**

**2022 Annual Report**

Published March 17th, 2023



# 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 investigation process. 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 2022.

OPS also provides oversight 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 who is responsible for providing timely and relevant data to help identify potential trends, which can be utilized to mitigate risk and identify 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.

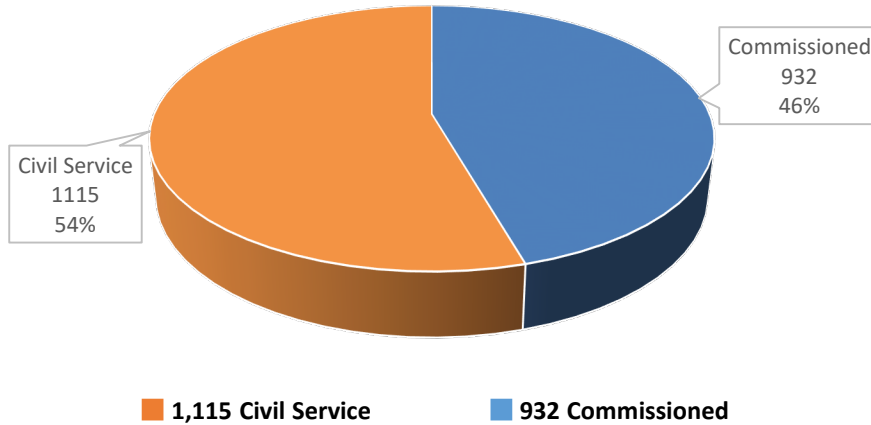


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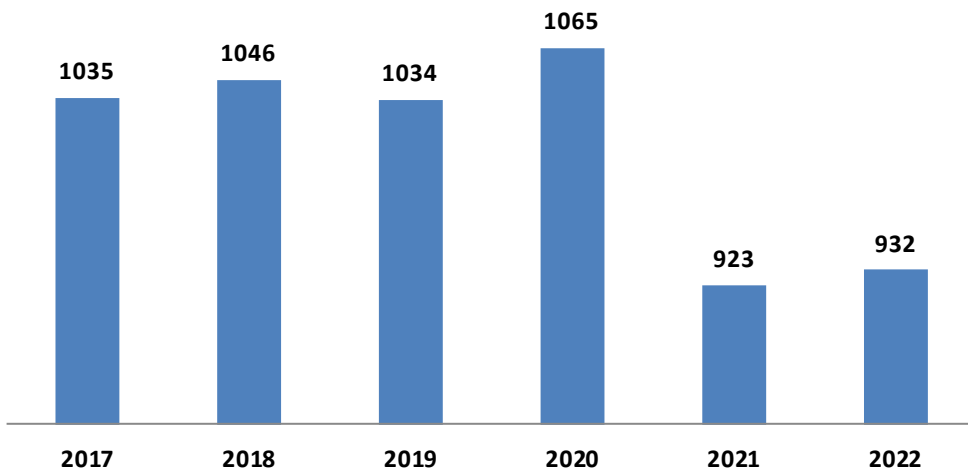


## WSP Average Total Employees - 2,047



In 2022, the agency averaged 2,047 employees. Commissioned Troopers represented 46% of this total, with 932 employees, and Civil Service the remaining 54% with 1,115 employees. While the commissioned employees represent less than half the workforce, they account for 84% 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.

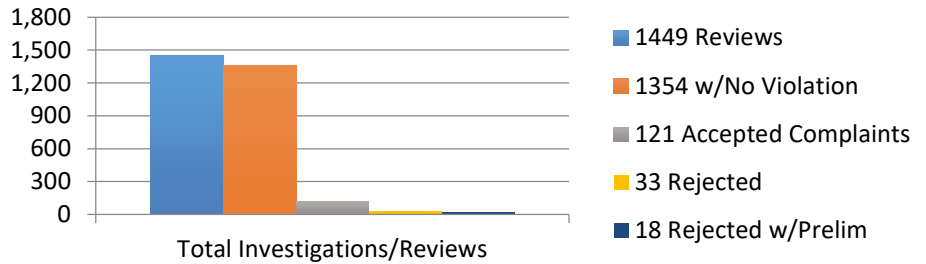
## Commissioned Employees



# ADMINISTRATIVE INVESTIGATIONS OVERVIEW

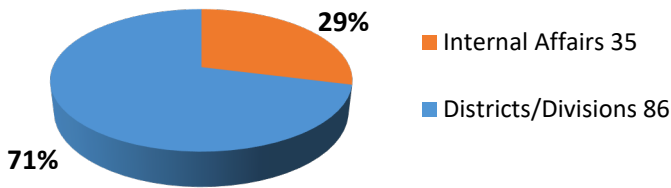
In 2022, OPS generated 1,449 case numbers prompting reviews of the actions of our employees. Of the 1,449 cases reviewed, 93% were found to be consistent with agency policy/procedure and no additional action was taken. The agency addressed a total of 172 complaints against employees. Of those complaints, 121 were investigated, 33 were rejected after initial review by the Appointing Authority, and 18 were rejected after a preliminary investigation. The 172 total complaints represent a 23% decrease compared to 2021, when the agency received 222 total complaints.

93% of cases are consistent with agency policy/procedure

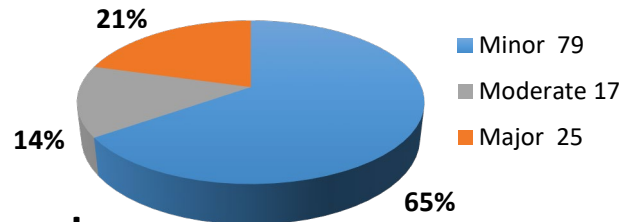


Of the 121 complaints investigated, 65% were categorized as Minor, 14% as Moderate, and 21% as Major. The Districts/Divisions completed 71% of the internal investigations, OPS completed 29%. These investigations concluded with 79% resulting in proven findings. Of the sanctions imposed, 17% were written reprimands, 59% verbal reprimands, 15% suspensions, 9% employee counseling, and no transfers, no resignations in lieu, nor any terminations. OPS received and processed 79 Non-Investigative Matter (NIM) reports in 2022.

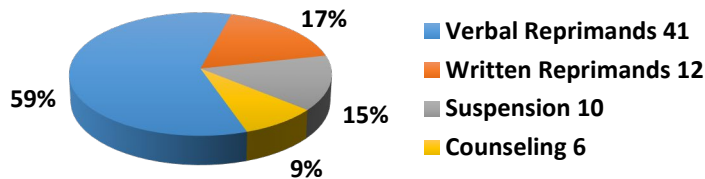
## Investigative Responsibility



## Complaint Categories



## Sanctions Imposed



A Settlement Agreement is a tool which streamlines the agency's administrative process, allowing an accused employee to acknowledge their mistake(s) and work toward an appropriate and agreed upon sanction. In 2022, OPS coordinated with District and Division Commanders to complete 44 Settlement Agreements, a 40% decrease from 2021. In 2022, OPS conducted 35 investigations, with 12 of those cases (34%) resulting 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.

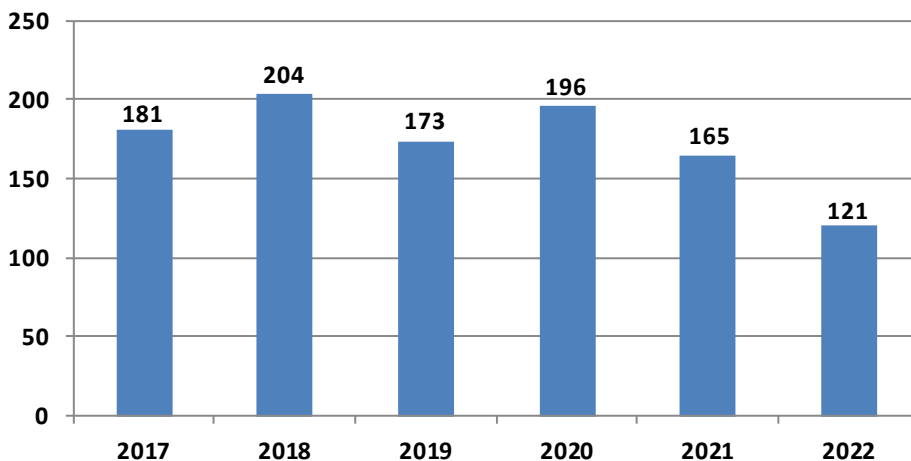
## **Moderate**

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 2022, OPS closed 35 of the 121 cases, which was a 12% decrease from the previous year when 47 were closed.

(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 2022, there were 9 Moderate complaints investigated at the District or Division level, which is a 10% decrease from 2021 where 10 moderate complaints were investigated. In 2022, OPS assumed investigative responsibility for 8 Moderate cases. Of the Moderate cases investigated by the Districts/Divisions, 33% resulted in a settlement agreement prior to the completion of the investigation.

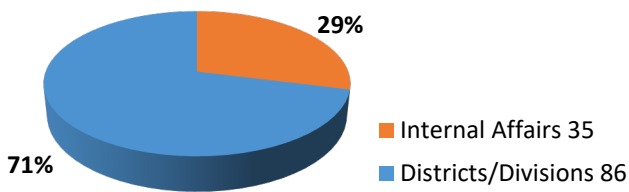
## DISTRICT/DIVISION MINOR COMPLAINTS

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 2022, there were 77 Minor complaints investigated at the District or Division level, 28% decrease from 2021.

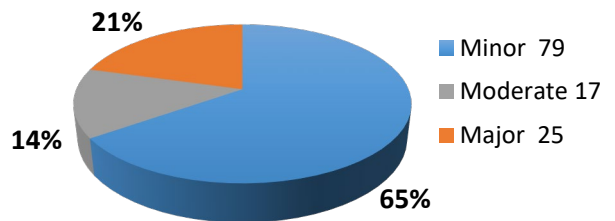
Minor investigations tend to be less involved, which contributes to a timely investigation and finding by the Appointing Authority. Often the allegations involve Minor collisions or courtesy complaints and are reviewed using on-scene reports and/or dash camera video if available.

(CALEA 26.2.10 and 26.3.1)

### Investigative Responsibility



### Complaint Categories

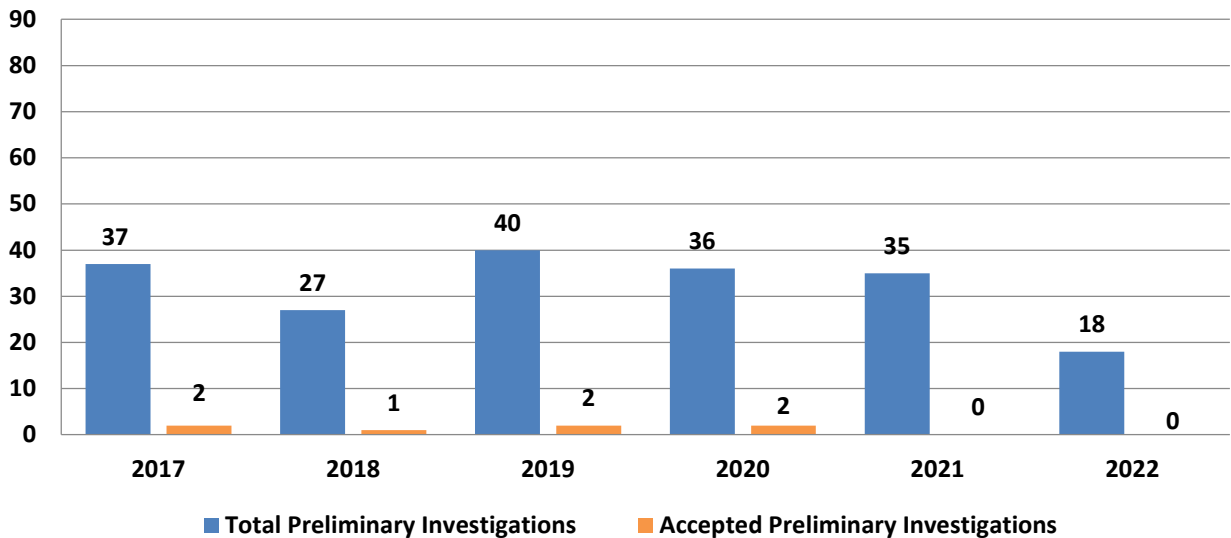


# PRELIMINARY INVESTIGATIONS

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



In 2022, the agency experienced a 47% decrease in the number of preliminary investigations compared to 2021. Citizen complaints accounted for 89% of the preliminary investigations in 2022, which is a 6% increase from 2021.

NOTE: The 2021 Annual Report stated citizen complaints accounted for 10% of preliminary investigations. The actual percentage of preliminary investigations generated from citizen complaints in 2021 was 83%.





# OPS AND DISTRICT/DIVISION OUTCOMES

## PERSONNEL ACTIONS

The focus of the administrative investigation process 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 the 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 2022 the agency completed 121 administrative investigations, a 27% decrease from the previous year when 165 cases were closed. Of the total investigations, 96 resulted in proven findings with sanctions imposed. Seven investigations involved a missed timeline with no sanctions imposed. Training was provided following the six investigations involving fleet collisions. 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

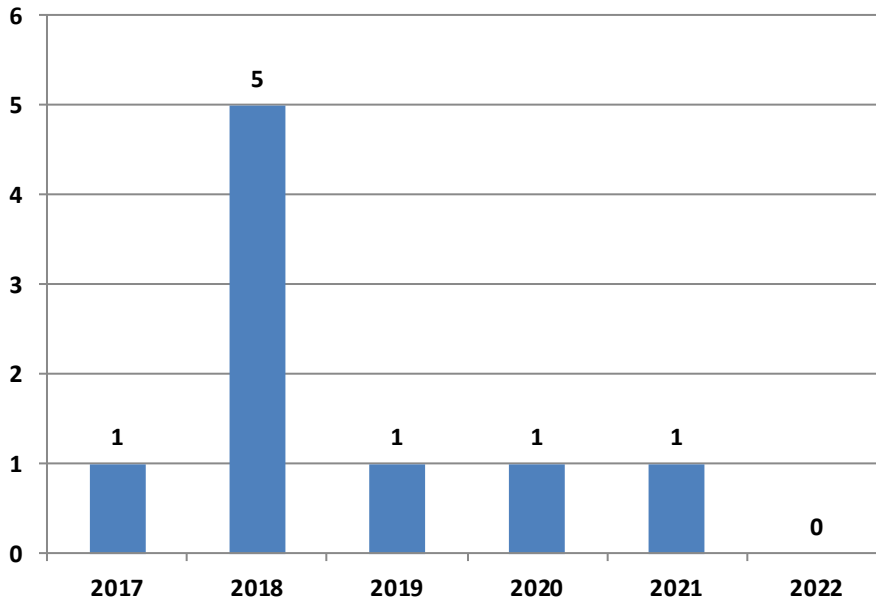
The sanctions imposed in 2022 included 6 counseling documents, 53 written/verbal reprimands, and 16 suspensions (to include loss of annual leave, compensatory days, or reduction in pay). The discipline is reflective of the types of cases investigated, with 65% being Minor, 14% being Moderate, and 21% 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.



Once a case is completed, it is delivered to the Appointing Authority of the outside agency. The investigator and OPS 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.

OPS did not complete any outside agency administrative investigations in 2022.



# FLUP OVERVIEW

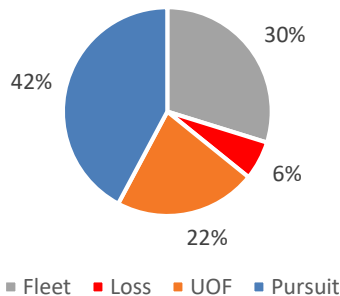
The Administrative Investigation Manual (AIM) and WSP Regulation Manual are written directives utilized by all employees of the agency. The AIM identifies processes and requirements for administrative investigations, and the Regulation Manual defines policy and procedure. The agency complies with the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

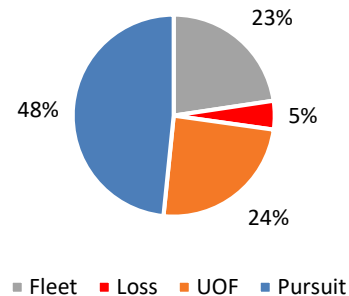
When a potential policy violation is identified, the supervisor conducts an initial review of the incident and notifies their chain of command. If appropriate, the District/Division will complete an Internal Incident Report (IIR) to begin the administrative process.

In 2022, there were 1,064 events, resulting in 1,449 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 93% of the FLUPS reviewed. The 1,449 FLUPS generated in 2022 was a 12% decrease compared to 2021, when there were 1,617 FLUPS.

## Total Events = 1,064



## Total FLUPs = 1,449



Employees with less than 5 years tenure accounted for the highest number of complaints and all five FLUP categories above. This may be attributed to a variety of factors, which may include the enthusiasm which accompanies the early years in one's profession, and/or the limited involvement in specialty assignments which senior officers are often tasked with. Employees with less than 5 years tenure represent 28% of all commissioned employees – the largest group in the agency.

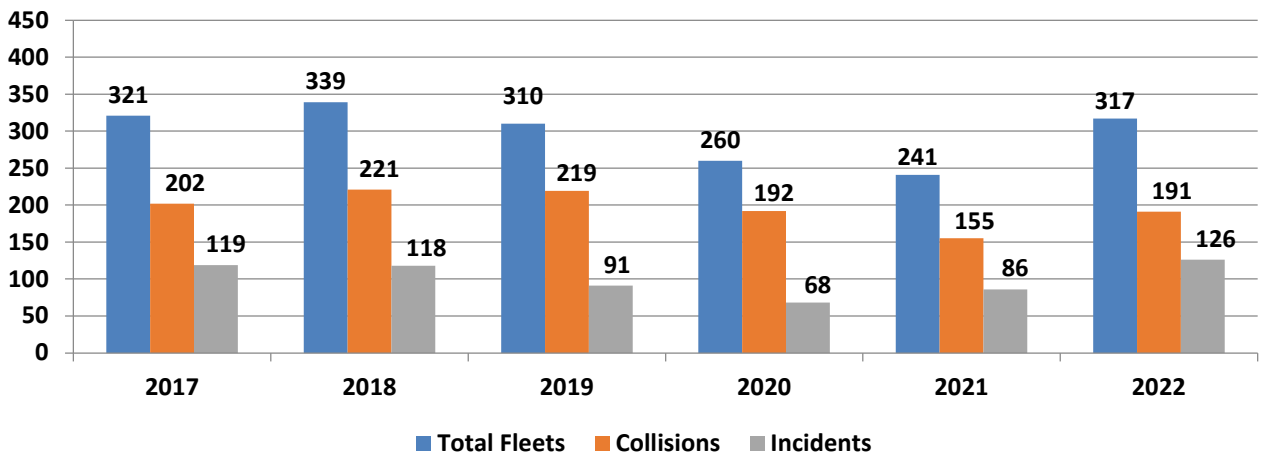


# FLEET COLLISIONS AND INCIDENTS

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



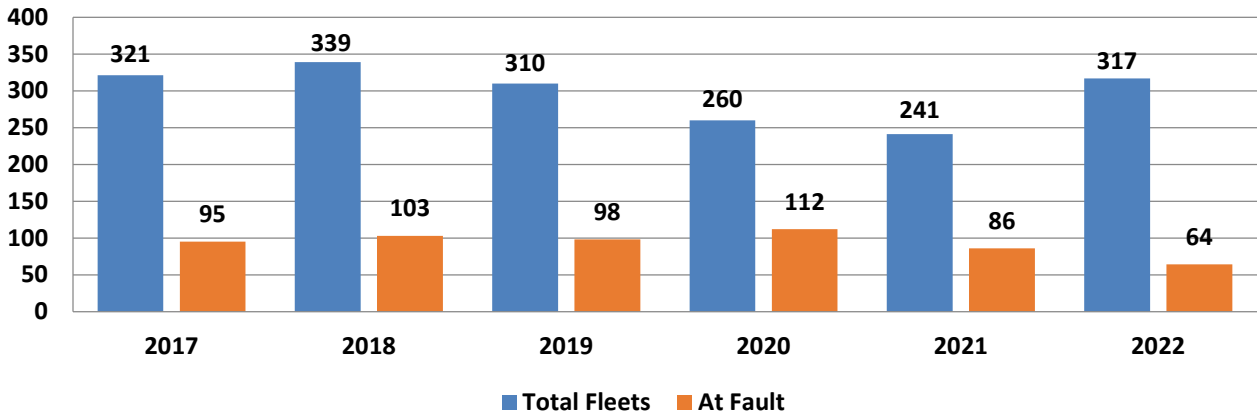
In 2022 there were 317 fleet events, a 32% increase compared to 241 in 2021. Fleet collisions increased 23% from 155 in 2021 to 191 in 2022. Fleet incidents increased from 86 in 2021 to 126 in 2022.



# FLEET COLLISIONS AND INCIDENTS

Discipline was administered when Appointing Authorities determined a policy violation occurred. Of the 317 total fleet events in 2022, 64 (20%) were determined to be in violation of department policy, with the most common being improper backing. This represents a 26% decrease compared to 2021 statistics where 86 (36%) of the 241 total fleet events were found to be policy violations.

## Fleet Events - At Fault



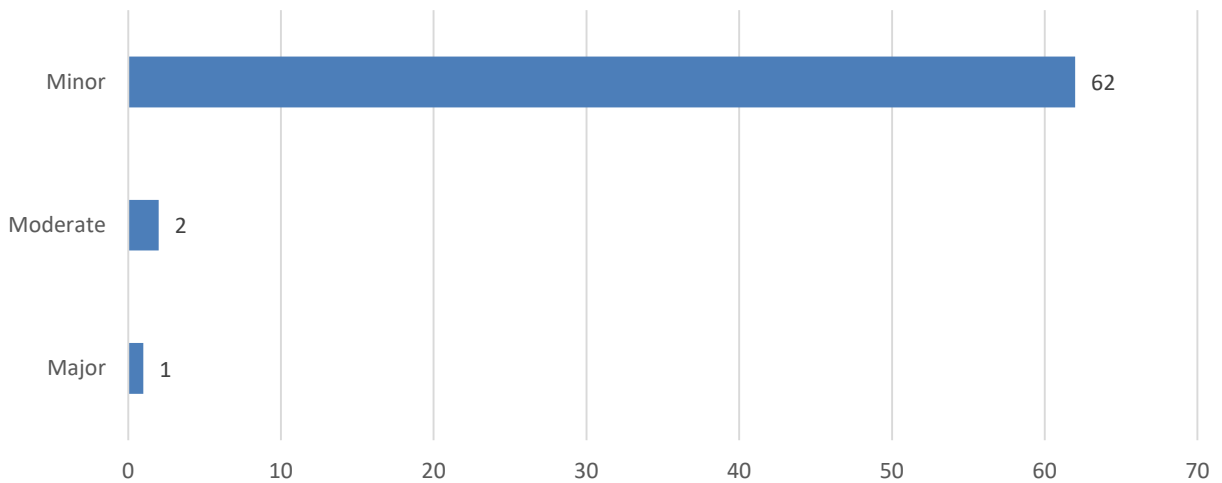
Training was a consistent component for employees involved in a collision with a proven policy violation. This training was completed at the academy or through the employee's local Emergency Vehicle Operation Course (EVOC) instructor and was in addition to standard in-service training for commissioned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



# FLEET COLLISIONS AND INCIDENTS

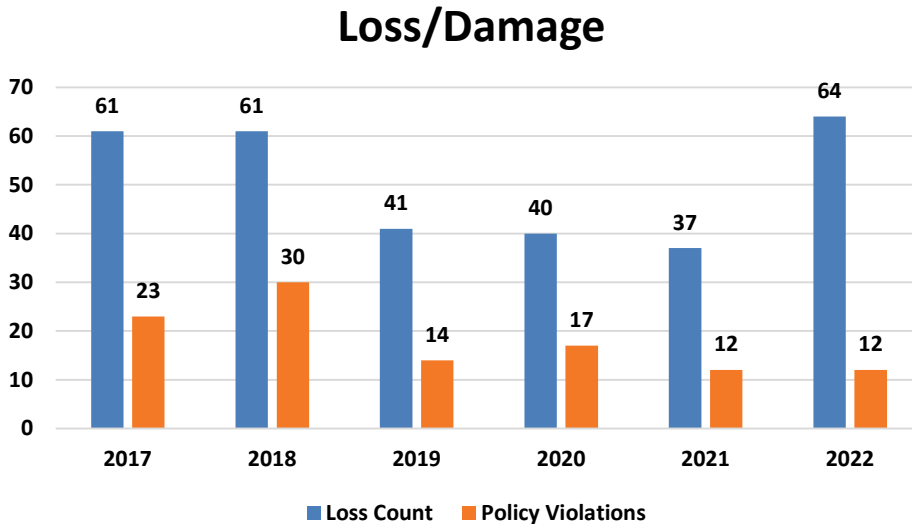
In 2022, collisions generated 65 fleet investigations, 62 of those cases were classified as minor, 2 were classified as moderate, and 1 was classified as major. Only one fleet investigation resulted in the discipline of a suspension or higher while the remainder resulted in a written reprimand or less. There was 1 fleet investigation which did not result in a proven finding of a policy violation.

## 2022 Collision Discipline Classifications



# 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 2022, the loss or damage of equipment was 73% more when compared to 2021. Of the 64 items identified as lost or damaged in 2022, 19% were found to be proven policy violations, whereas in 2021, 32% were determined to be proven. In 2022, Prox Cards/ID Cards were the most common item lost, followed by lost or damaged FST/PBT Alco-Sensors. This is in contrast with 2021 where a lost ID badge and damaged department issued cell phones were the two most common occurrences.



# USE OF FORCE

The WSP consistently reviews all use of force incidents for the benefit of the public and our employees. In 2022, the agency updated use of force policies to align with statutory changes and requirements. The WSP Regulation Manual defines use of force 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. For the purpose of this policy, use of force includes but is not limited to physical force.*"

Physical force is defined as "*Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.*

Only reasonable physical 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.
- Hobble Restraint Strap, if used to overcome an assaultive person.
- Use of OC-10.
- Use of an electronic control weapon (e.g. TASER).
- Striking with personal weapons (e.g., hand, fist, elbow, knee or foot).
- Any use of an impact tool, whether designed for that function or not.
- 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.
- Pointing a firearm at a person.

NOTE: Underlined language denotes updates effective December 1, 2022.





## USE OF FORCE

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 use of force involves death, substantial bodily harm, or great bodily harm, the WSP Criminal Investigation Division (CID) is notified. CID will then serve as the agency liaison with the Independent Investigation Team or the Office of Independent Investigations.

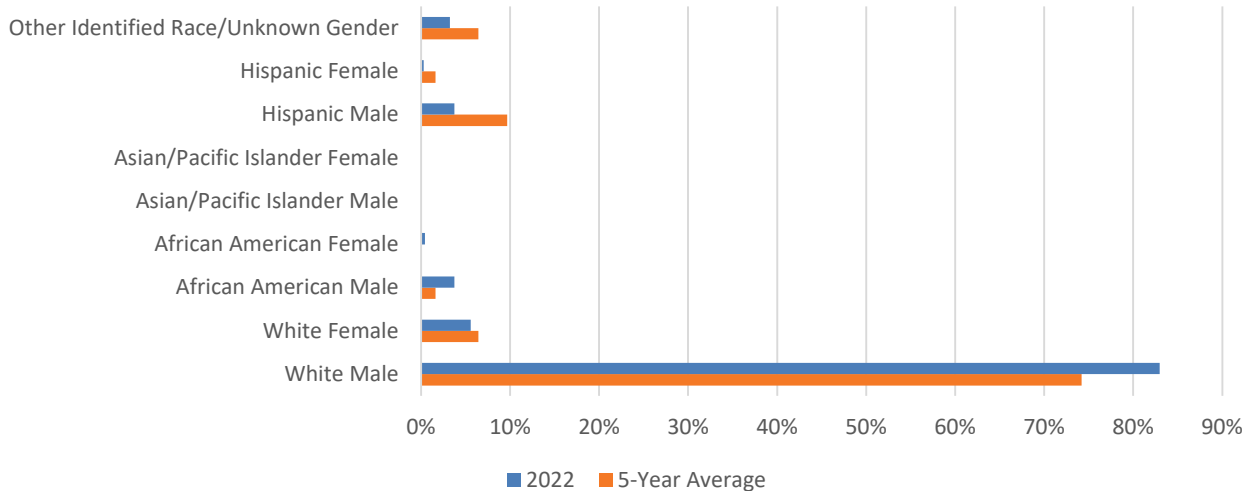
In 2022, WSP Troopers used force to gain compliance during 234 arrests, which is a 4% decrease compared to 2021, when there were 243 arrests with a use of force, and is 8% below the average of 253 over the previous 5 years. Self-initiated contacts and calls for service accounted for 84% of these uses of force during an arrest which is a 3% decrease from 2021, and a decrease of approximately 1% over the previous 5 years.



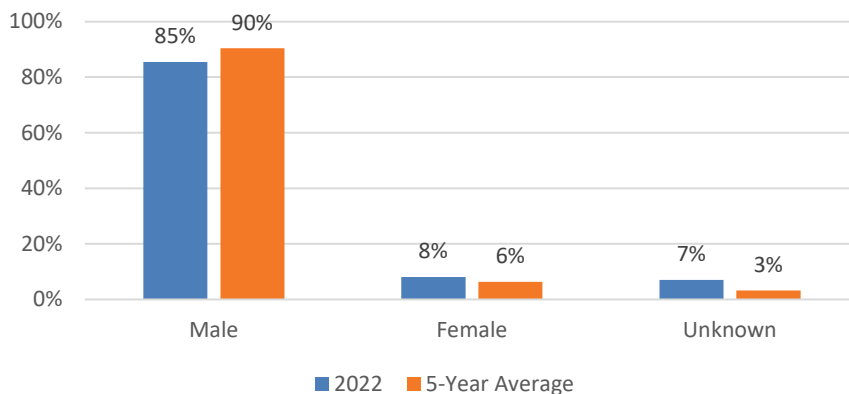
# USE OF FORCE

In 2022, 76 uses of force resulted in injuries to officers. White male officers accounted for 83% of these uses of force, White female officers accounted for 6%, Hispanic male officers accounted for 4%, African American male officers accounted for 4%, and 3% were unknown. Over the course of 5 years, the average age of an officer sustaining an injury was 34 years old. In 2022, the average age of an officer sustaining an injury was 33 years old. Over the past 5 years, the average age and tenure of officers has trended downwards, which may be a factor for the decrease in age of officers injured compared to the 5 year average.

## Officers Injured by Race



## Officers Injured by Gender



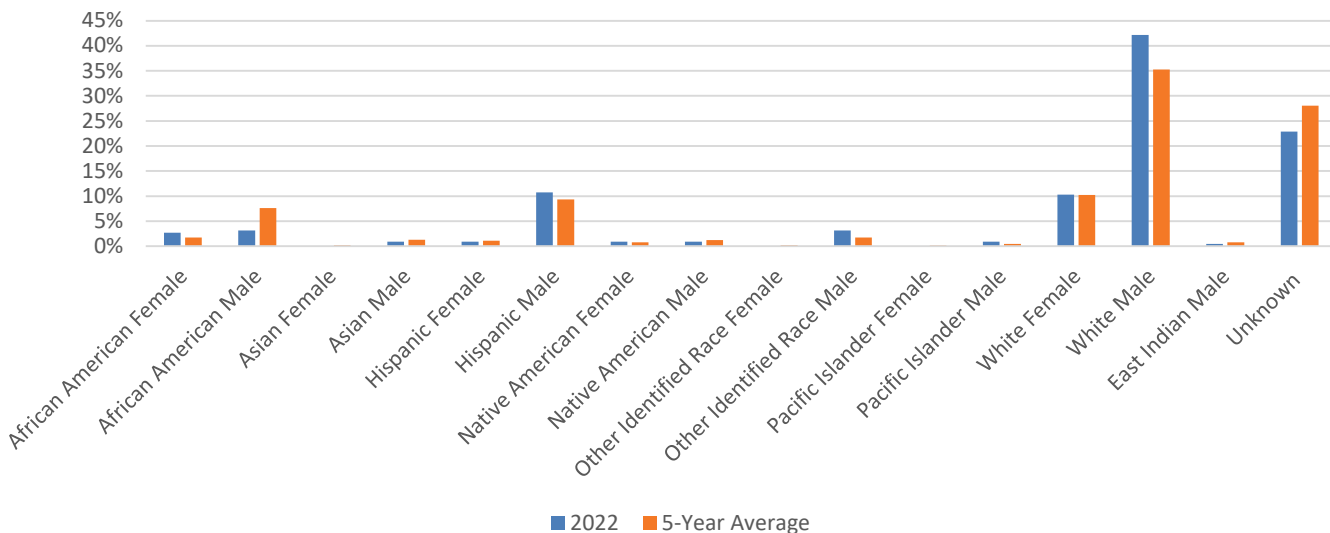
A breakdown of the data shows a slight shift in the race and gender for officers sustaining an injury during 2022 compared to the 5 year average. In the future, as diversity and equity in hiring increases, and inclusion efforts within the agency evolve, injuries to officers may become less skewed towards one demographic.



# USE OF FORCE

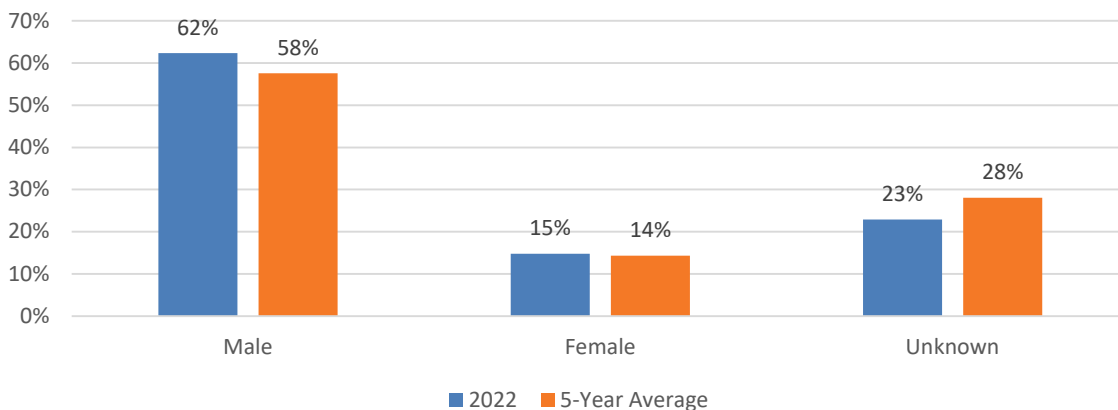
Over the course of the previous 5 years, the average age of a subject reporting an injury during a use of force incident was 33 years old. In 2022, the average age slightly decreased to 32 years old during a use of force, which continues a downward trend seen in previous years.

## Race of Subjects Reporting an Injury



In 2022, 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 4%, African American females increased 1%, Hispanic Males increased 1%, Pacific Islander males increased 1%, White males increased 7%, and Other Race Males increased by 1%.

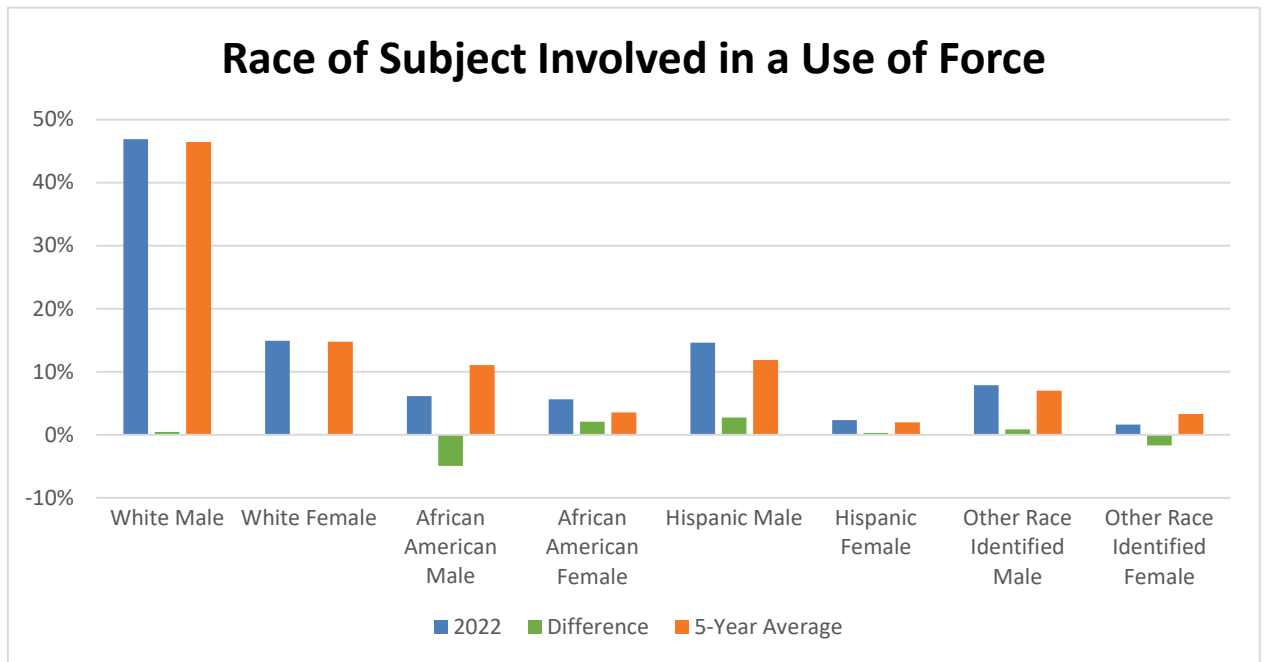
## Gender of Subjects Reporting an Injury



During 2022, there was a 5% increase in males and a nominal deviation in females from the previous 5 year average of subjects reporting an injury during a use of force incident. Race and gender identification by subjects to the WSP is voluntary.



# USE OF FORCE



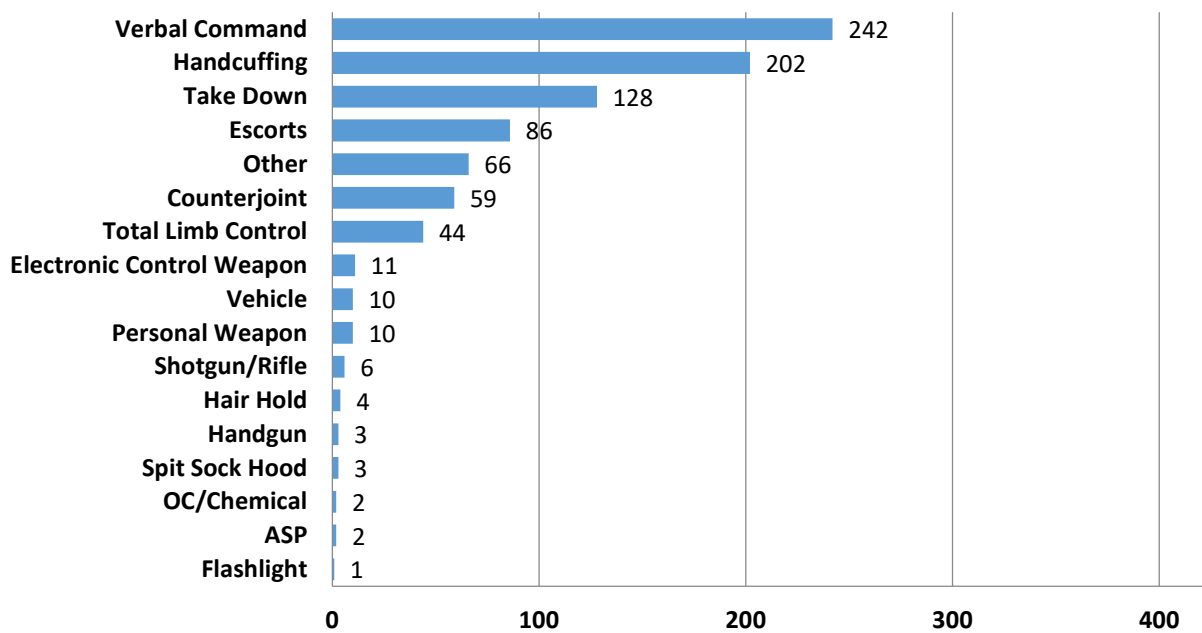
In 2022, the following trends were observed for subjects involved in a use of force incident in relation to the previous 5 year average: African American males decreased 5%, African American females increased 2%, Hispanic males increased 3%, Other males increased 1%, and Other females decreased 2%.



## USE OF FORCE

The 643 uses of force tools deployed in 2022 is a 30% decrease over the 5 year average of 920, and a 9% decrease compared to 2021 when there were 706 uses of force. Of the arrests with a use of force, 62% involved personal weapons, while 5% involved belt weapons. The remaining 33% is largely accounted for by verbal commands. 62% of the uses of force occurred during the first two quarters of 2022, while the remaining 38% occurred during the last two quarters. This is in stark contrast to 2021 when uses of force were much more evenly spread throughout the year. The decrease in uses of force during 2022 coincides with the passage of legislation which resulted in changes to many agency policies, including those related to uses of force and pursuits.

### 2022 Use of Force Tools Deployed



In 2022, the most commonly used methods of personal weapons applied were take downs, escorts, counterjoints, and total limb control.

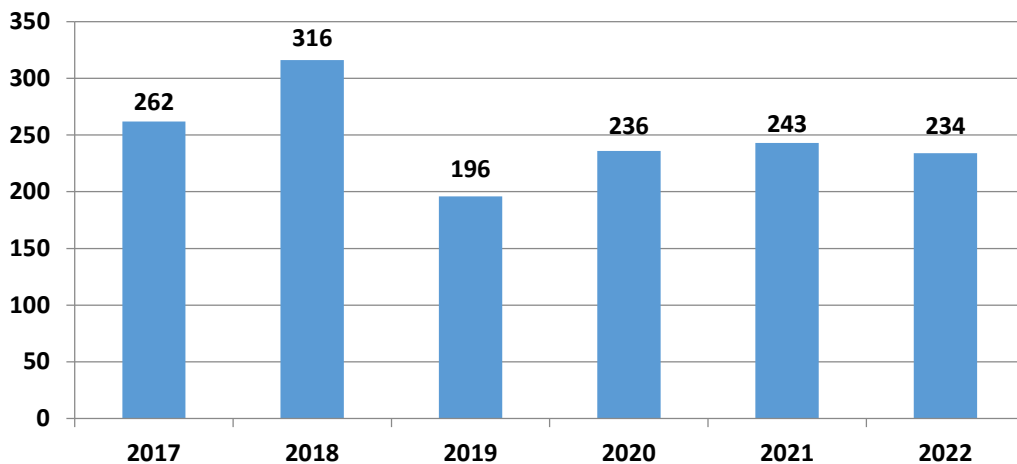
There were five incidents involving a total of six less lethal shotgun deployments in 2022, which accounted for the six shotgun/rifle applications indicated above. Four of the incidents occurred after a high risk stop and/or pursuits, two of which were initiated by allied agencies. Two of the incidents involved subjects who displayed weapons, including one incident with deployments by two officers when a subject advanced towards them with a knife.



## 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

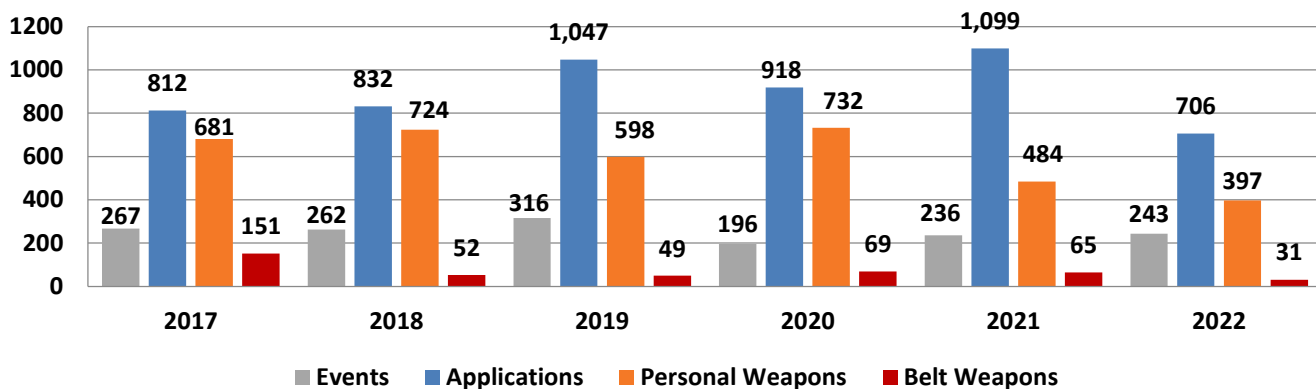


One event may involve multiple officers and/or multiple uses of force, such as a electronic control weapon application, followed by joint manipulation and handcuffing. When multiple officers are involved, the actions of each officer and each use of force are reviewed for compliance with policy, procedure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



# USE OF FORCE

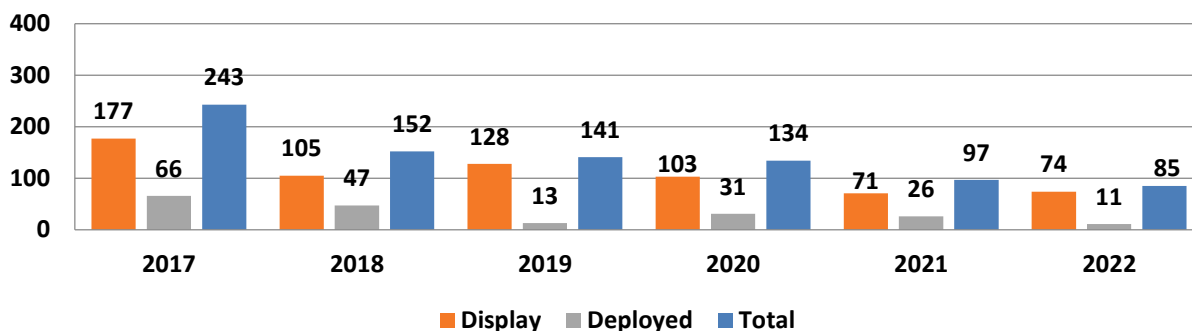
## Use of Force - Breakdown



Regarding the above graph, “Personal Weapons” 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. “Belt Weapons” accounts for the use of every other tool available to the officer, such as the ASP baton, electronic control weapon (ECW), flashlight, and OC-10.

In 2022, the most commonly used belt weapon was the ECW with 11 deployments. In 2022, ECW deployment decreased 58% compared to 2021, where there were 26 deployments. ECW display increased 4% in 2022 to 74 displays from the 71 recorded in 2021. ECW use, including display-only and deployment, had an average reported effectiveness of 3.3 on a scale from 1 to 5 for 2022, which is a marginal 2% increase over the 5-year average reported effectiveness of 3.2.

## Electronic Control Weapons



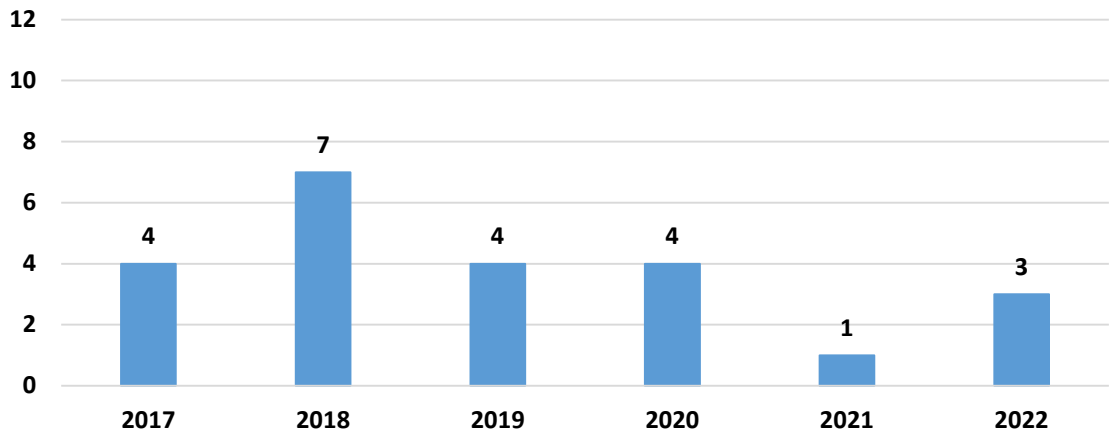
In 2022, all uses of force involving an ECW application were authorized. Unauthorized uses of force result in discipline, training with the employee, and a review of the training curriculum. Training emphasizes the importance of considering the totality of the circumstances, including the immediacy of the threat, the actions of the person against whom force is used, the actions of the officer, and the seriousness of the law enforcement purpose.



# UNINTENTIONAL DISCHARGE

When an officer discharges a firearm or ECW, 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 retraining with the involved employee, and a review of the incident by the District/Division Commander, OPS, and the Training Division.

## Unintentional Discharges - Firearms



In 2022, three unintentional discharges of a firearm occurred, which is a 36 % decrease from the five year average. One unintentional discharge occurred when an employee was cleaning his department-issued rifle at his residence. The second unintentional discharge occurred when an employee was inspecting his department-issued handgun at an agency facility. The third unintentional discharge occurred when an employee disassembled his department-issued handgun at a firearms training session.

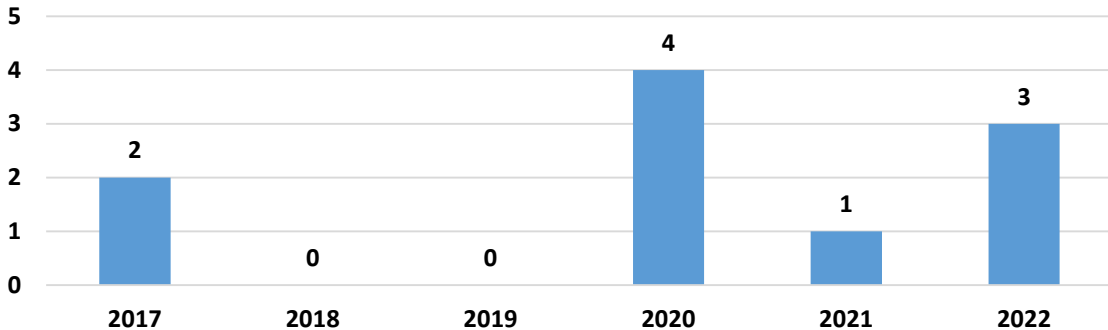




# USE OF DEADLY FORCE

When an incident involves death, substantial bodily harm, or great bodily harm the WSP Criminal Investigation Division is notified. CID then serves as the agency liaison with the Independent Investigation Team (IIT) or the Office of Independent Investigations. 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 Deadly Force - Firearm



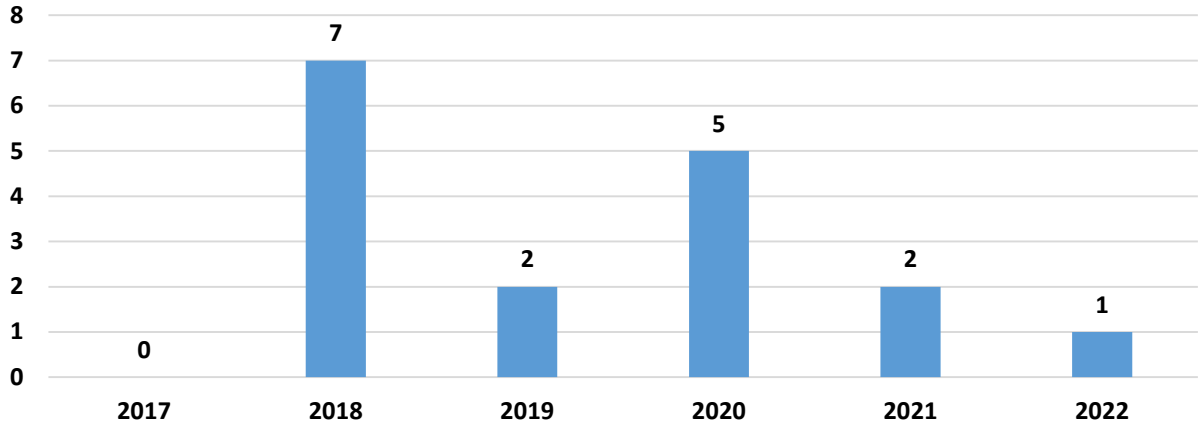
Over the previous five years, the WSP has averaged 1.4 deadly uses of force per year. The three incidents indicated above for 2022 occurred in 2021, but are captured in the 2022 data due to the date the cases were closed. Each of these uses of deadly force were determined to be justified following criminal and administrative reviews. Additional information can be located in the 2021 Annual Report. A fourth use of deadly force in 2021, which involved an officer who fired his weapon at a subject following a pursuit, is undergoing a prosecutorial review. Once closed, this incident will be reflected in the data of the corresponding year's Annual Report.

In 2022, there were 8 uses of lethal force, all of which involved a firearm. These incidents are not indicated in the graph above, but once closed, will be reflected in the data of the corresponding year's Annual Report. The first incident involved one officer who fired his weapon during a traffic stop, and the subject sustained non-life threatening injuries. The incident is being investigated by an independent investigation team (IIT). The second incident involved two officers who returned fire after a subject fired a weapon at them during a traffic stop. The subject sustained non-life threatening injuries, and the incident is being investigated by an IIT. The third incident involved three officers who fired their weapons during a Special Weapons and Tactics Team (SWAT) deployment. The subject sustained fatal injuries and the incident is being investigated by an IIT. The fourth incident involved two officers who fired their weapons during a SWAT deployment after less-lethal options were deployed towards a subject who advanced on officers with a weapon. The subject sustained fatal injuries. These two uses of deadly force were investigated by an IIT, determined to be justified following a criminal review, and are currently being reviewed administratively.



# 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.

The one intentional intervention reflected above for 2022 involved a subject traveling the wrong way on the Interstate, and was determined to be authorized. The incident resulted in a complaint of injury for the officer. The subject did not sustain any injuries. Over the last 5 years, the WSP has averaged 2.8 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

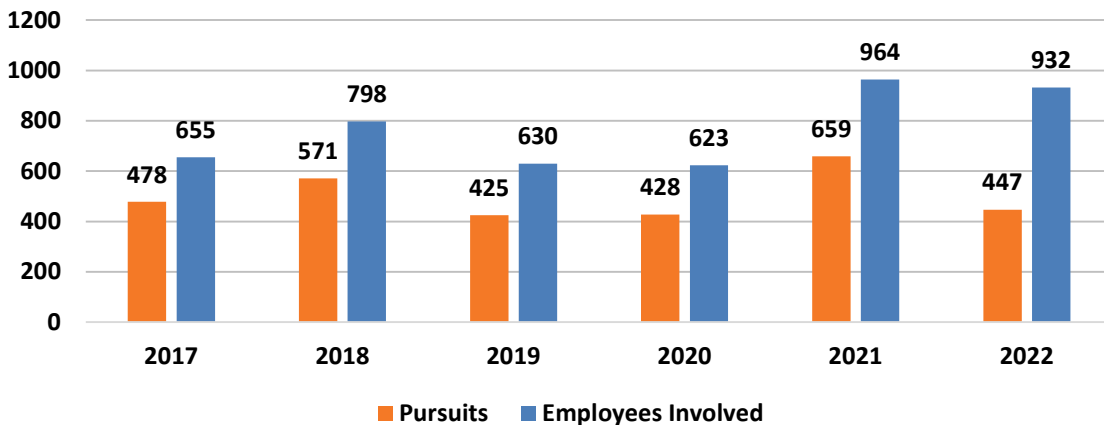
After a pursuit or an application of a Pursuit Immobilization Technique (PIT), to include roadblocks or forcible stops, department policy mandates that a supervisor conduct a thorough review to determine compliance with policy and training. If the pursuit/PIT results in a collision, a supervisor shall 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 staff 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



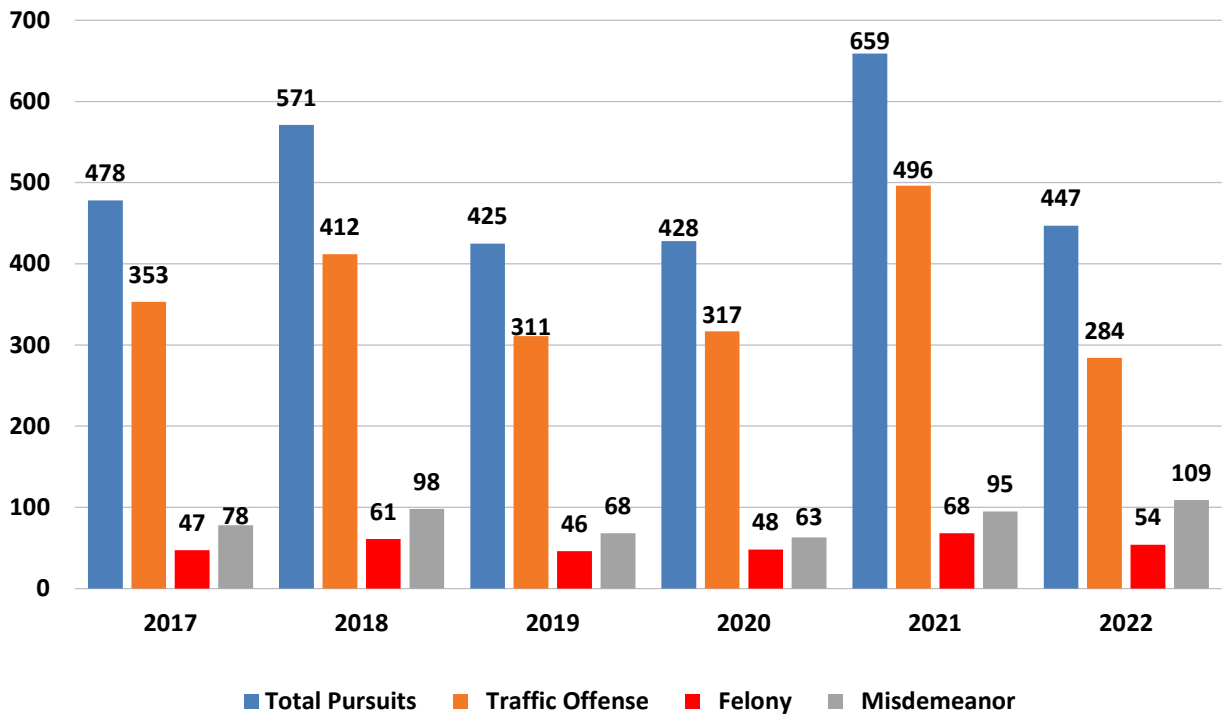
In 2022, 932 officers were involved in 447 total pursuits, which is a 13% increase compared to the average of the previous five years. There was one unauthorized pursuit in 2022, which is down from an average of 1.6 unauthorized pursuits over the previous five years.



# PURSUIITS

In 2022 there were 67 pursuits that were authorized where procedures were not followed. This is a decrease of 42% from 2021 where 116 pursuits were authorized, but procedures were not followed. 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



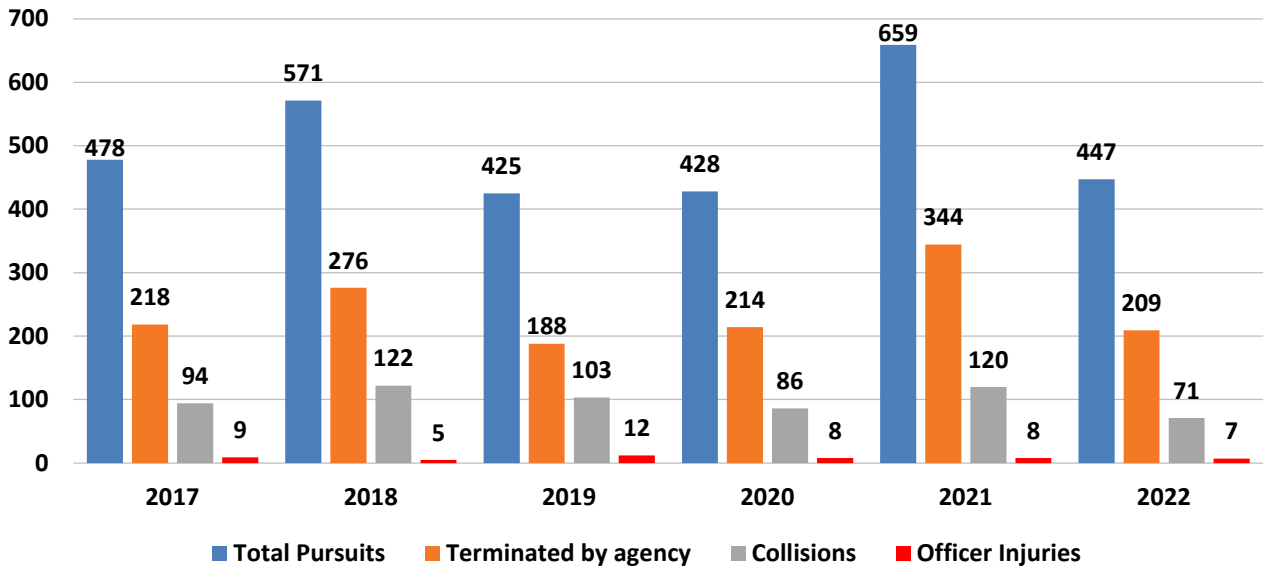
In 2022, the average pursuit lasted approximately 6.07 minutes which was a decrease of 26% from 8.23 minutes in 2021. In 2022, 68% of the pursuits occurred between the hours of 6:00 p.m. and 6:00 a.m. which is no change from 2021 where 68% of pursuits also happened between 6:00 p.m. and 6:00 a.m.

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 remains consistent with trends from the previous five years for each offense category. Stolen vehicles were involved in 25 of the pursuits during 2022, which was a 22% decrease from 2021.



# PURSUIITS

## Pursuit Outcomes



Pursuits involving a collision in 2022 decreased by 41% compared to the 5-year average. The number of suspects apprehended at the conclusion of the pursuit decreased 20% compared to 2021. The total number of pursuits terminated decreased 32% in 2022 compared to the previous year, and they decreased by 13% compared to the average of the previous five years. Continued supervisor awareness of the high liability and the risks associated with pursuits contributed to termination decisions in conjunction with new legislation where many additional and/or changing requirements for initiating and authorizing pursuits must now be met.

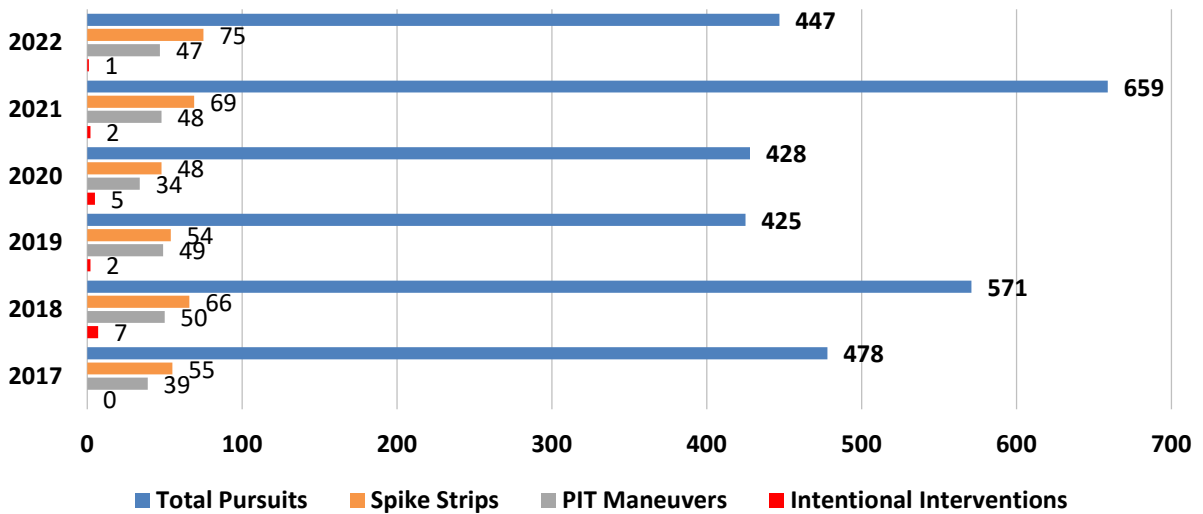


# PURSUIITS

The number of pursuits resulting in officer injuries decreased from eight in 2021 to seven in 2022, a 17% decrease from the 5-year average. Officers sustained 9% of the total number of injuries with 70% of the injuries identified for the suspects and 21% for third parties. The breakdown of injuries is a 10% increase for third parties, an 85% decrease for suspects, and a 63% 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 2022. This was an increase of 28% compared to the average of the previous five years. PIT increased 7% when compared to the average of the previous five years and there were zero intentional interventions in 2022.

## 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)

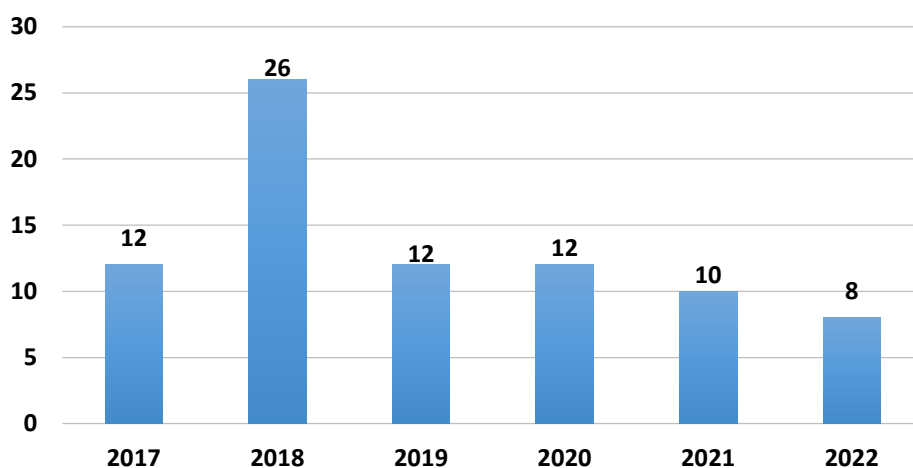


## BIASED BASED POLICING

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 reference 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 2022, the WSP received eight biased based policing allegations, which if proven true, would constitute a violation of policy. There were no proven findings of this policy in 2022.

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

- *It is alleged Trooper acted in an inappropriate manner during a contact with the complainant. It is further alleged the reason for the contact and/or Trooper's actions during the contact were due to the complainant's race. – Unfounded following an internal investigation.*
- *It is alleged that Trooper made racist insinuating, micro-aggressive comments during a DUI arrest. – Rejected following a review of the contact.*



## BIASED BASED POLICING

- *It is alleged Trooper stopped and/or cited the complainant due to her race and/or gender. It is further alleged Trooper looked at the complainant in an inappropriate manner. – Rejected following a preliminary investigation.*
- *It is alleged that the Trooper racially profiled the complainant due to his race, vehicle and the amount of money he had with him. – Rejected following a review of the contact.*
- *It is alleged; Trooper stopped a motorist due to his race. It is further alleged that Trooper was discourteous. – Rejected following a review of the contact.*
- *It is alleged Trooper acted in an inappropriate and/or discriminatory manner towards the complainant. – Rejected following a preliminary investigation.*
- *It is alleged Trooper stopped the complainant because of his race. It is further alleged Trooper treated the complainant differently during the traffic stop because of his race. – Rejected following a review of the contact.*
- *It is alleged, Trooper was discriminating against the complainant due to his age and class status when issuing an infraction from a collision. – Rejected following a review of the contact.*

In 2022, the WSP did not receive any allegations involving an asset forfeiture which, if proven true, would constitute a violation of 8.00.250 Code of Ethics - Officer (C) Performance of Duties.





## BIASED BASED POLICING

In 2022, the WSP received 20 Code of Ethics - Officers (C) Performance of Duties of an Officer allegations, which if proven true, would constitute a violation of policy. There were no proven findings of this policy in 2022.

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

- *It is alleged Trooper acted in an inappropriate manner during a contact with the complainant. It is further alleged the reason for the contact and/or Trooper's actions during the contact were due to the complainant's race. – Unfounded following an internal investigation.*
- *It is alleged that the Trooper acted in a discriminatory manner during a traffic stop. – Rejected following a review of the contact.*
- *It is alleged Trooper acted in a discriminatory manner towards the complainant and/or her brother-in-law during a collision investigation because they did not speak English. – Rejected following a preliminary investigation.*
- *It is alleged Trooper stopped and/or cited the complainant due to her race and/or gender. It is further alleged Trooper looked at the complainant in an inappropriate manner. – Rejected following a preliminary.*
- *It is alleged that the Trooper racially profiled the complainant due to his race, vehicle and the amount of money he had with him. – Rejected following a review of the contact.*
- *It is alleged CVEO 1 acted in a discriminatory manner during a traffic stop. – Rejected following a preliminary investigation.*
- *It is alleged Trooper treated the complainant with hatred and racism. – Rejected following a review of the contact.*
- *It is alleged Trooper treated the complainant in an inappropriate manor during a traffic stop due to his race. – Rejected following a review of the contact.*
- *It is alleged Trooper acted in a racist and/or discriminatory manner by submitting the complainant for a driver's re-evaluation without notifying the complainant. – Rejected following a review of the contact.*
- *The complainant alleged he was racially profiled during the traffic stop. – Rejected following a review of the contact.*
- *It is alleged Trooper treated the complainant in a harassing and/or discriminatory manner during a traffic stop because of his race. – Rejected following a preliminary investigation.*



## BIASED BASED POLICING

- *It is alleged Trooper arrested the complainant for DUI because of her race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper stopped the complainant because of his race. It is further alleged Trooper treated the complainant differently during the traffic stop because of his race. – Rejected following a review of the contact.*
- *It is alleged, while in his patrol car, Trooper watched and followed the complainant's vehicle due to his race. – Rejected following a preliminary investigation.*
- *It is alleged Trooper treated the complainant in a harassing and/or intimidating manner during a traffic stop due to his ethnicity. – Rejected following a preliminary investigation.*
- *It is alleged Trooper engaged in an unauthorized pursuit of the complainant. It is further alleged Trooper continued the pursuit due to the complainant's race. – Rejected following a preliminary investigation.*
- *It is alleged that the Trooper racially profiled complainant leading to his arrest for DUI. – Rejected following a review of the contact.*
- *It is alleged Trooper engaged in an unauthorized pursuit of the complainant. It is further alleged Trooper continued the pursuit due to the complainant's race. – Rejected following a review of the contact.*
- *It is alleged Trooper engaged in an unauthorized pursuit of the complainant. It is further alleged Trooper continued the pursuit due to the complainant's race. – Rejected following a review of the contact.*
- *It is alleged Trooper engaged in an unauthorized pursuit of the complainant. It is further alleged Trooper continued the pursuit due to the complainant's race. – Rejected following a review of the contact.*

In 2022, the WSP did not receive any allegations which, if proven true, would constitute a violation of 8.00.240 Code of Ethics - Employees (B) Performance of the Duties. Following is a summary of the allegation.

(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, 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.

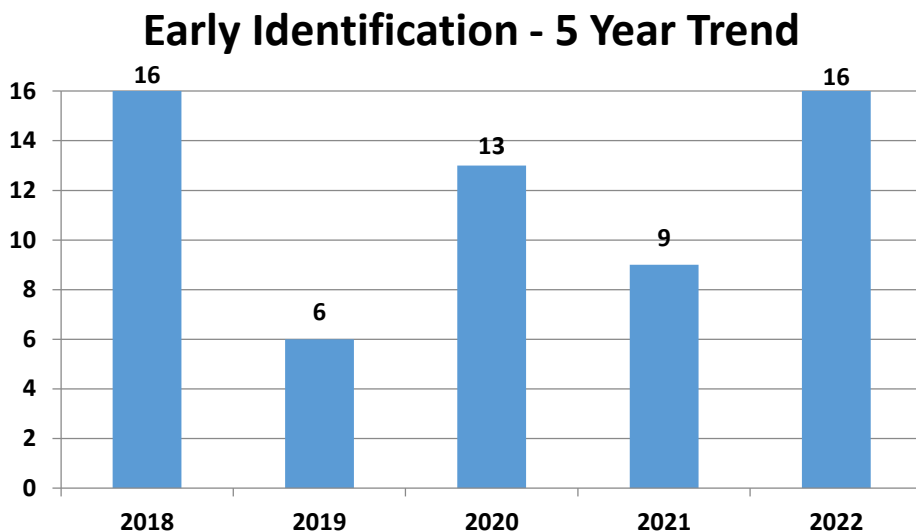


## EARLY IDENTIFICATION SYSTEM

In 2022, the Early Identification System was utilized for 16 employees through notices to commanders for follow-up and referral. Of the 16 employees identified: 13 were commissioned males, 1 was a commissioned female, 1 was a civil service male, 1 one was a civil service female.

8 of the 16 early intervention behaviors were fleet incidents relating to vehicle operation. In each of these cases, the involved employees were counseled, received assessments, and completed training with a driving instructor. 4 of the 16 early interventions resulted from complaints, and the remaining 4 from a loss of equipment.

(CALEA 35.1.9)



# 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 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. Some of the topics OPS presented during SAF in 2022 included:

- Legislative updates regarding potential impeachment disclosures
- Legislative updates regarding peace officer certification
- Converting the Administrative Investigation Manual (AIM) to a Standard Operating Procedure (SOP) format.
- Diversity, Equity, and Inclusion efforts
- Strategic objectives and goals
- The 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 outlined in the Administrative Investigation Manual (AIM). The AIM is currently being reviewed and will be converted to a Standard Operating Procedure (SOP) format.



# CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

Throughout each year OPS reviews regulations in order to comply with emerging case laws, reconcile inconsistent practices, or address newly identified patterns of misconduct. During 2022, OPS reviewed, and when appropriate, recommended updates to the following agency regulations:

- 2.00.010 Use of Force
- 2.00.100 Division/District/Section Responsibilities
- 2.00.110 Responsibilities – Investigation
- 2.00.120 Use of Force Review
- 7.00.010 Employee Rights
- 7.00.020 Investigations and Questioning
- 8.00.030 Employee Conduct
- 8.00.040 Employee Identification
- 11.24.010 Search of Department Property
- 18.00.010 Care, Use, and Exchange of Equipment or Property

OPS conducts bi-weekly briefings with the Executive Staff (Assistant Chiefs, Bureau Directors, Labor and Policy Advisor, and the Human Resource Commander) on all complaints being investigated by OPS, and cases involving potential impeachment and/or peace officer certification 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 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**

As defined by the WSP Regulation Manual: 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**

As defined by the WSP Regulation Manual: 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. For the purpose of this policy, use of force includes but is not limited to physical force. Use of force cases are found to be either *authorized* or *unauthorized*.

## **Physical Force**

As defined by the WSP Regulation Manual: Any act reasonably likely to cause physical pain or injury or any other act exerted upon a person's body to compel, control, constrain, or restrain the person's movement. "Physical force" does not include pat-downs, incidental touching, verbal commands, or compliant handcuffing where there is no physical pain or injury.

