



Office of Professional Standards

2018 Annual Report

Published March 14, 2019



INTRODUCTION



Chief John R. Batiste

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

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

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

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

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

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

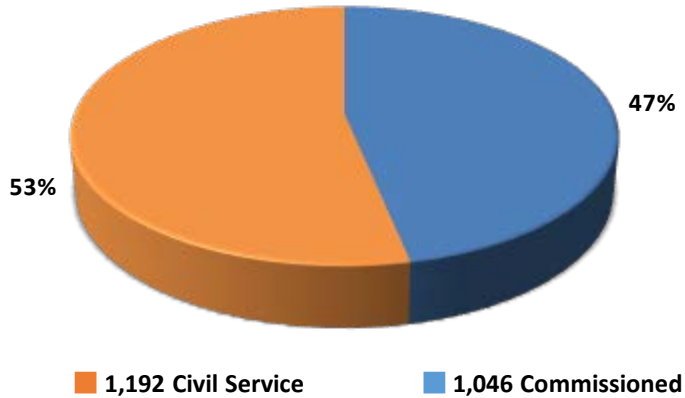


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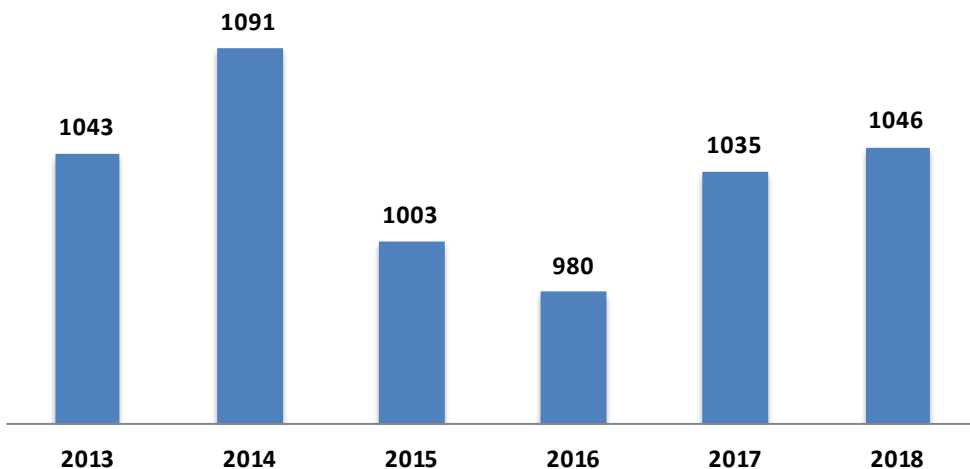


WSP Average Total Employees - 2,238



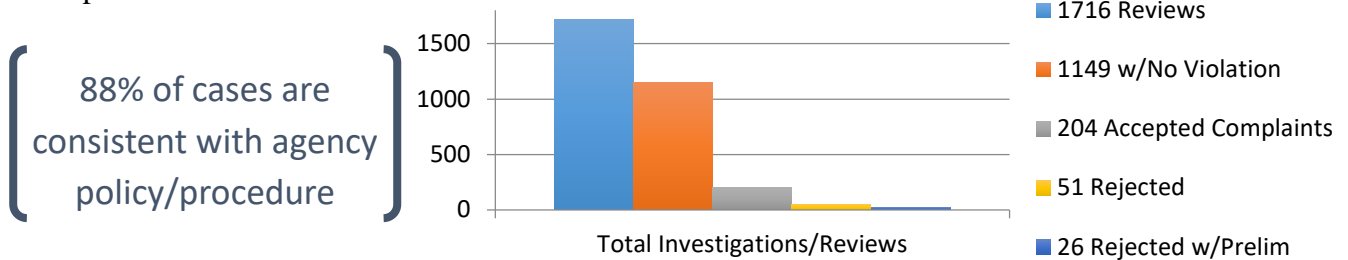
In 2018, the agency averaged 2,238 employees. Commissioned Troopers represented 47% of this total, with 1,046 employees, and Civil Service the remaining 53% with 1,192 employees. While the commissioned employees represent less than half the workforce, they account for 86% of the total case numbers generated. Commissioned employees are responsible for all case reviews generated by pursuits and uses of force, and the greatest number of citizen complaints. Civil service case numbers generally relate to lost/damaged equipment, fleet incidents/collisions, and Minor courtesy complaints.

Commissioned Employees



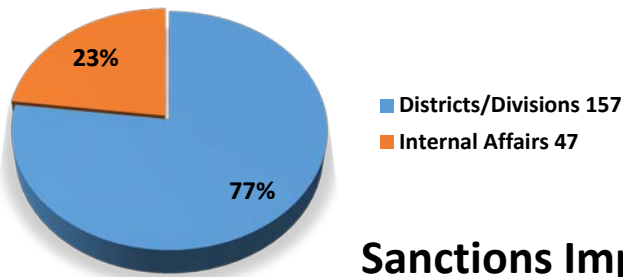
ADMINISTRATIVE INVESTIGATIONS OVERVIEW

In 2018, OPS generated 1,716 case numbers prompting reviews of the actions of our employees. Of the 1,716 cases reviewed, 88% were found to be consistent with agency policy/procedure and no additional action was taken. The agency addressed a total of 281 complaints against employees. Of those complaints, 204 were investigated, 26 were rejected after a preliminary investigation, and 51 were rejected after initial review by the Appointing Authority. The 281 total complaints represent a 13% increase compared to 2017, when the agency received 248 total complaints.

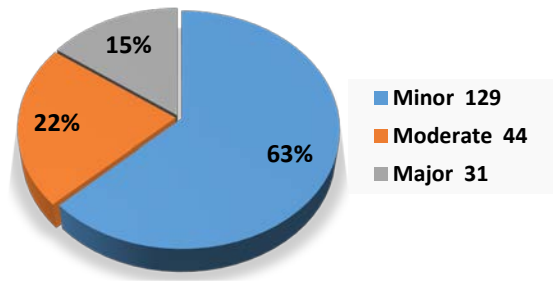


Of the 204 complaints investigated, 63% were Minor, 22% Moderate, and 15% were categorized as Major. The Districts/Divisions completed 77% of the internal investigations, OPS completed 23%. These investigations concluded with 79% resulting in proven findings. Of the sanctions imposed, 27% were written reprimands, 44% verbal reprimands, 6% employee counseling, 20% resulted in suspensions, 2% in employee separation (termination or resignation) and less than 1% were a demotion. OPS received and processed 213 Non-Investigative Matter (NIM) reports in 2018.

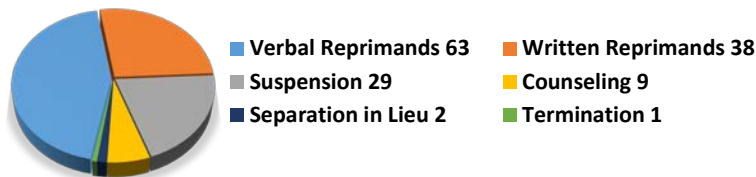
Investigative Assignment



Accepted Complaints



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 2018, OPS coordinated with District and Division Commanders to complete 47 settlement agreements, a 34% increase from 2017. In 2018, OPS conducted 47 investigations, with 27 of those cases (57%) resulting in a settlement agreement.

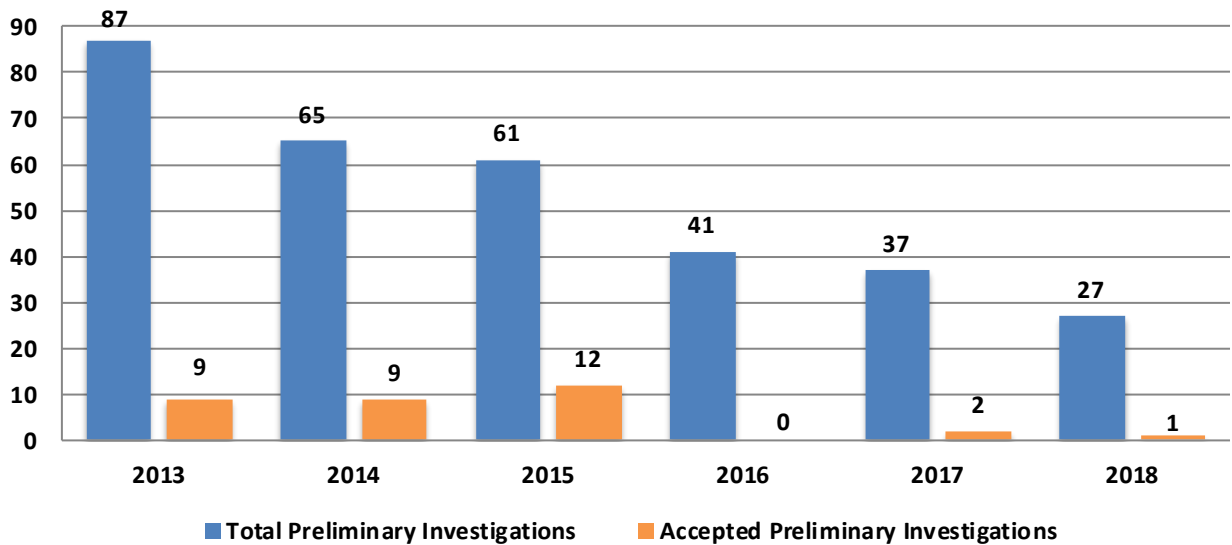


PRELIMINARY INVESTIGATIONS

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

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

- 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 2018, the agency experienced a 27% decrease in the number of preliminary investigations conducted compared to 2017. Citizen complaints accounted for 6 or 22% of the preliminary investigations in 2018. The Districts/Divisions experienced a 18% increase in the number of preliminary investigations completed with 32 in 2017 and 26 in 2018.



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.

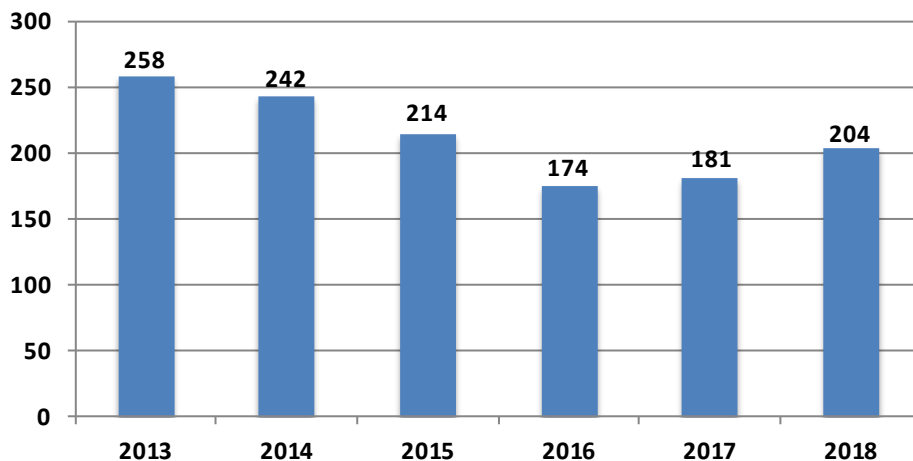
Moderate

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



COMPLAINTS

In 2018, OPS closed 47 of the 204 cases, which was a 14% increase from the previous year when 41 were closed. Accounting for this increase presents a challenge for OPS as the data pulled for this report is based on the date investigations are closed. In previous Annual Reports, numbers were presented based on the date the cases were initiated.

(CALEA 1.2.9d, 52.2.1)

DISTRICT/DIVISION MODERATE COMPLAINTS

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

In 2018, there were 28 Moderate complaints investigated at the District or Division level, which is a 47% increase from 2017. In 2018, OPS assumed investigative responsibility for 16 Moderate cases. Of the Moderate cases investigated by the Districts/Divisions, 64% resulted in a settlement agreement prior to the completion of the investigation.

DISTRICT/DIVISION MINOR COMPLAINTS

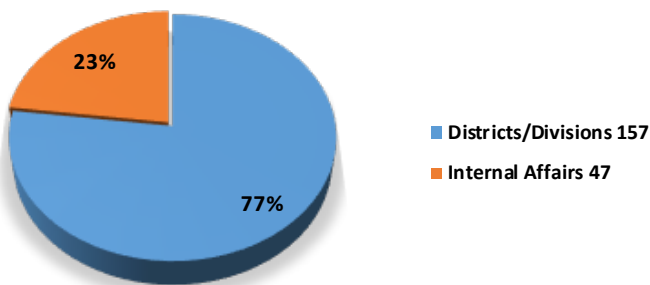
Minor complaints address allegations which, if proven true, would result in counseling or written/verbal reprimands. They are generally assigned to the Districts/Divisions for investigation. In 2018, there were 129 Minor complaints investigated at the District or Division level, 9% increase from 2017.

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 52.1.1 and 52.2.1)

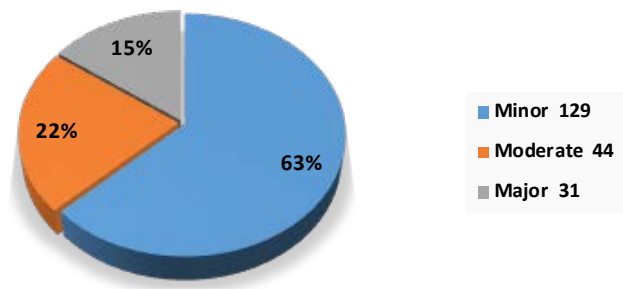
Investigative Assignment

Total = 204



Accepted Complaints

Total = 204



EARLY IDENTIFICATION SYSTEM

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

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

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

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

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

- 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

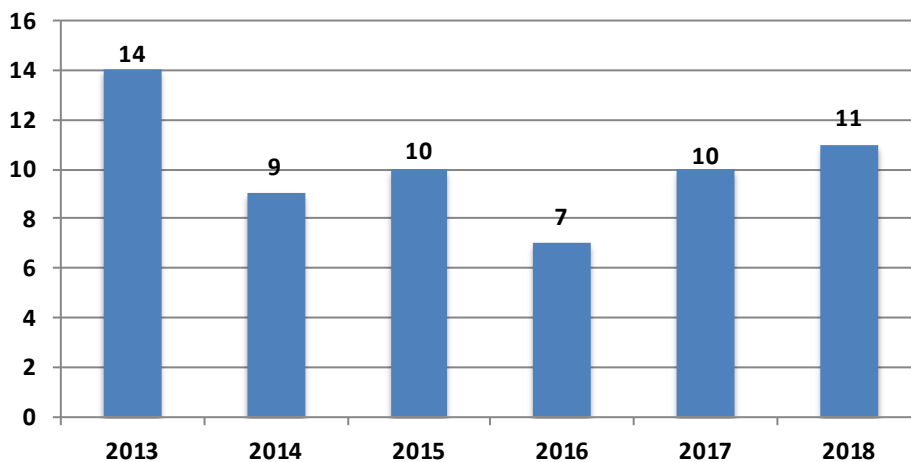
In 2018, OPS identified eleven employees for Early Intervention and notices were sent to appointing authorities for follow-up and referral. Of the eleven employees identified, eight were commissioned males, one was a commissioned female and two were civil service employees.

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

In 2018, one employee identified for early intervention had a similar policy violation occur.

(CALEA 35.1.9)

Early Identification - 5 Year Trend



OPS AND DISTRICT/DIVISION OUTCOMES

PERSONNEL ACTIONS

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

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

In 2018 the agency completed 204 administrative investigations, a 12% increase from the previous year when 182 cases were closed. Of the total investigations, 161 resulted in proven findings with sanctions imposed, either via a final determination or settlement agreement. Seven of the investigations resulted in missed timelines with no sanctions imposed. When the Appointing Authority administers discipline, the disciplinary matrix is consulted to determine the range of sanctions. If an investigation ends in a settlement agreement, the Appointing Authority may operate outside of the matrix.

Level	1 st Offense	2 nd Offense	3 rd 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

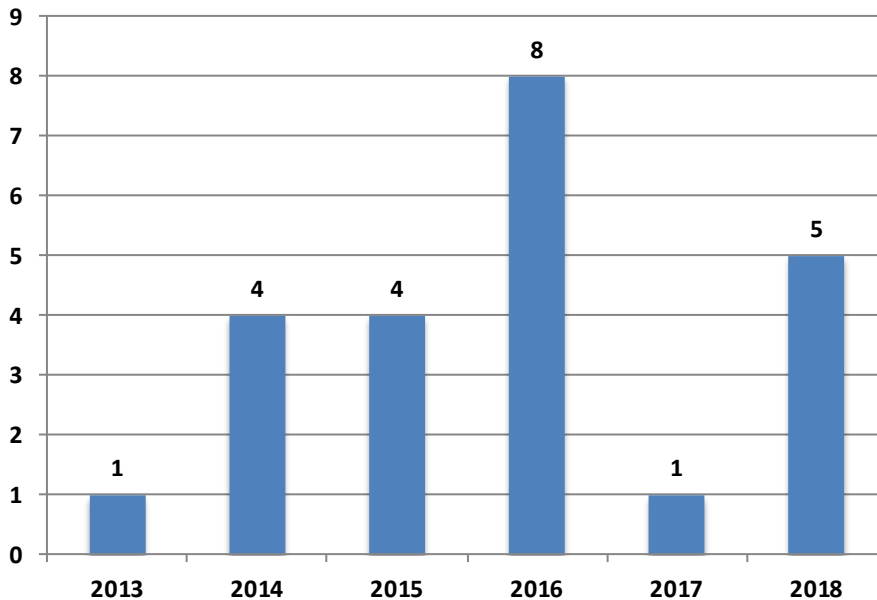
The sanctions imposed in 2018 included 9 counseling documents, 101 written/verbal reprimands, 28 suspensions (to include loss of annual leave or compensation time, or reduction in pay), one demotion, two resignations, and one termination. Of the 142 cases with sanctions imposed, 78% consisted of a written reprimand or less. The discipline is reflective of the types of cases investigated, with 63% being Minor, 22% being Moderate, and 15% being Major.



OPS AND DISTRICT/DIVISION OUTCOMES

OUTSIDE AGENCY CASES

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



In 2018, OPS completed five outside agency administrative investigations for four agencies. Once the case is completed, it is delivered to the Appointing Authority of the outside agency. The investigator and section Commander provide a brief overview of the case to the Appointing Authority, answer any questions, and provide follow-up if requested. When the final case file is delivered to the agency, OPS involvement is complete. The Appointing Authority of the outside agency determines the finding and sanctions.



2018 OPS REVIEWS

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

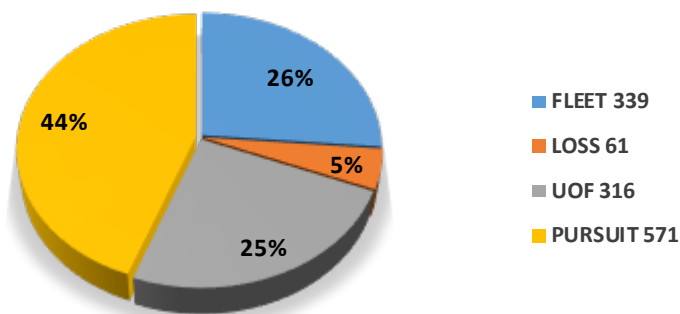
An electronic records management system is used to complete timely and thorough reviews of all Fleet Events, Lost/Damaged Equipment, Use of Force, and Pursuits (FLUPs). This system aids reviewers in identifying violations of policy, training opportunities, individual/agency successes, and ensures equity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

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

In 2018, there were 1,287 events, resulting in 1,716 FLUPs. Multiple employees may be involved in one event, and the FLUP process ensures the actions of each employee are reviewed for compliance with policy and expectations. It was determined employees acted within policy in 88% of the FLUPS reviewed. The 1,716 FLUPS generated in 2018 was a 15% increase compared to 2017, when there were 1,461 FLUPs.

Agency FLUPs

Total Events = 1287



Employees with less than 5 years tenure led the agency in all 5 complaints and FLUP categories above. This group represents 27% 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.

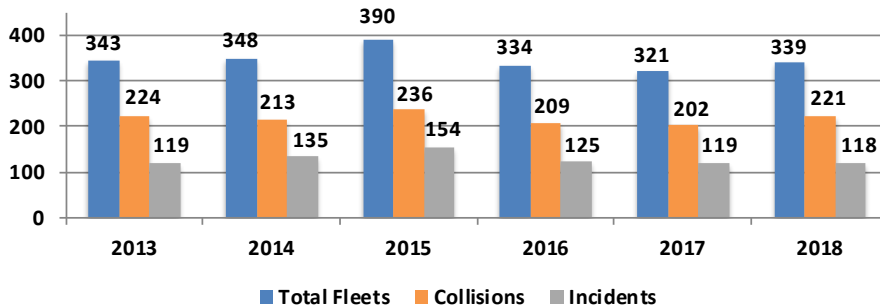


FLEET COLLISIONS AND INCIDENTS

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 District/Division Commander. Upon completion of the administrative investigation, the Appointing Authority will determine if the employee is at fault.

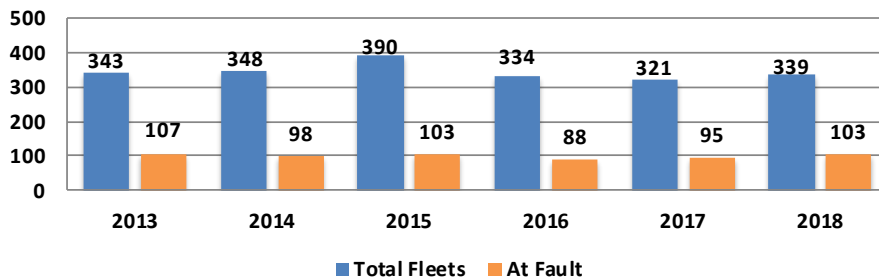
Fleet Collisions/Incidents



In 2018, there were 339 fleet events which was a 5% increase compared to 321 in 2017. Overall fleet incidents decreased from 119 in 2017 to 118 in 2018. However, fleet collisions increased 9% from 202 in 2017, to 221 in 2018.

Of the 339 total fleet events in 2018, only 103 (30%) were determined to be in violation of department policy. This number is comparable to 2017 statistics where 95 (29%) of the 321 total fleet events were found to be policy violations. Of the 221 collisions in 2018, 90 were found to have proven policy violations, with the most common being improper backing.

Fleet Events - At Fault

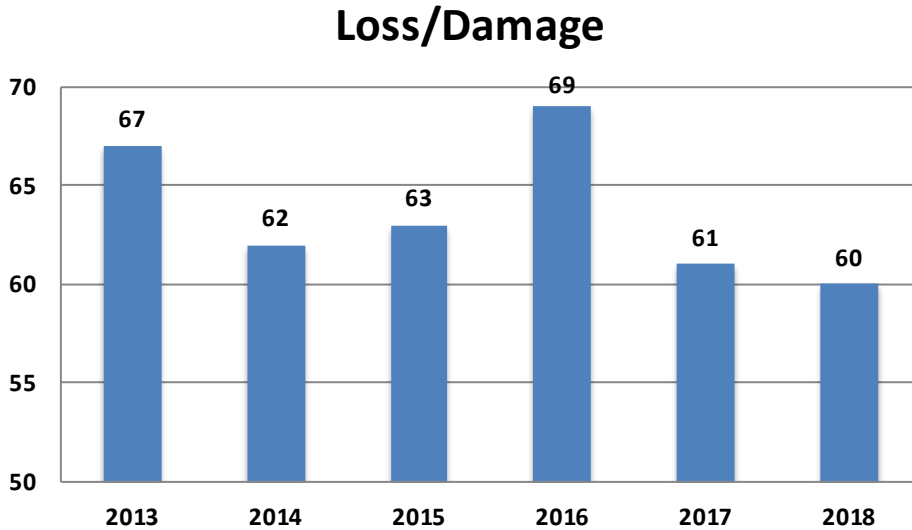


Discipline was administered when allegations of a policy violation were proven true. In 2018, six collisions were classified as Major violations compared to only four in 2017. Training was a consistent component for employees involved in a collision with a proven policy violation. This training was completed at the academy or through the employee's local Emergency Vehicle Operators Course (EVOC) instructor and was in addition to standard in-service training for commissioned personnel.



LOSS/DAMAGE OF EQUIPMENT

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



In 2018, the loss or damage of equipment decreased 1% when compared to 2017. Of the 60 items identified as lost or damaged in 2018, 50% were found to be a proven policy violations, whereas in 2017, 37% were determined to be proven.

Of all items lost or damaged throughout the year, the cell phone was lost or damaged the most followed by lost or damaged portable breath test (PBT) instruments. To address the costs associated with these losses, agency members evaluated each case to see where improvements could be made.



USE OF FORCE

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

Reportable uses of force include:

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

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

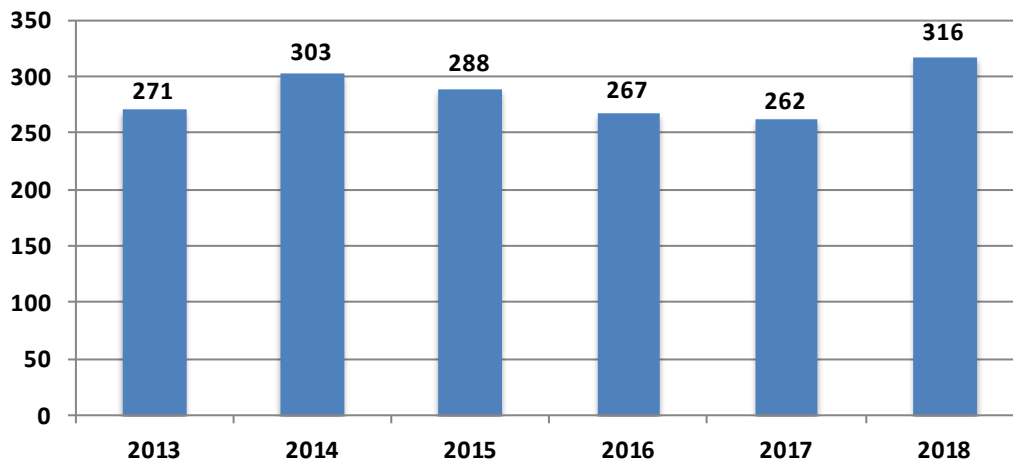
In 2018, WSP Troopers used force to gain compliance with 316 individuals, which is a 17% increase compared to 2017, when there were 262 arrests with force applied, and 12% above the average of 278 in the previous five years. The increase in force used is consistent with the increase in arrests made in 2018, which rose 11% compared to 2017.

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.



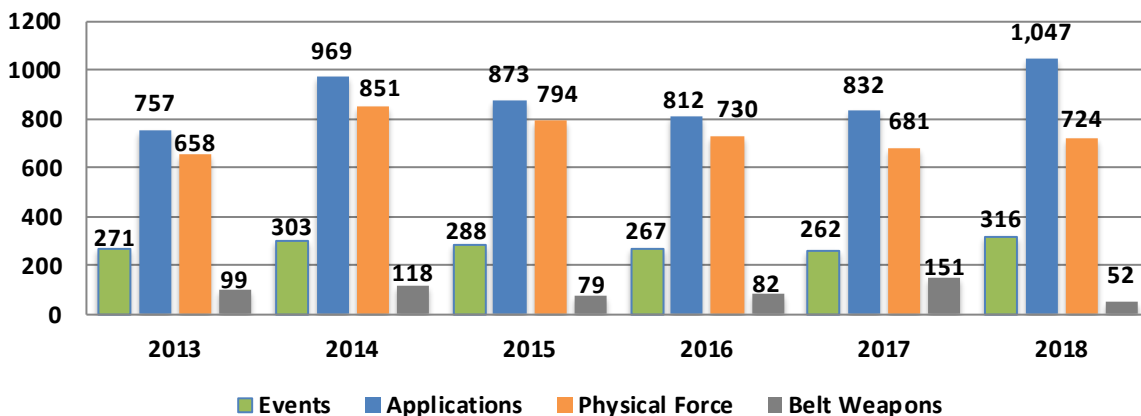
USE OF FORCE

Use of Force - Arrests



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

Use of Force - Breakdown



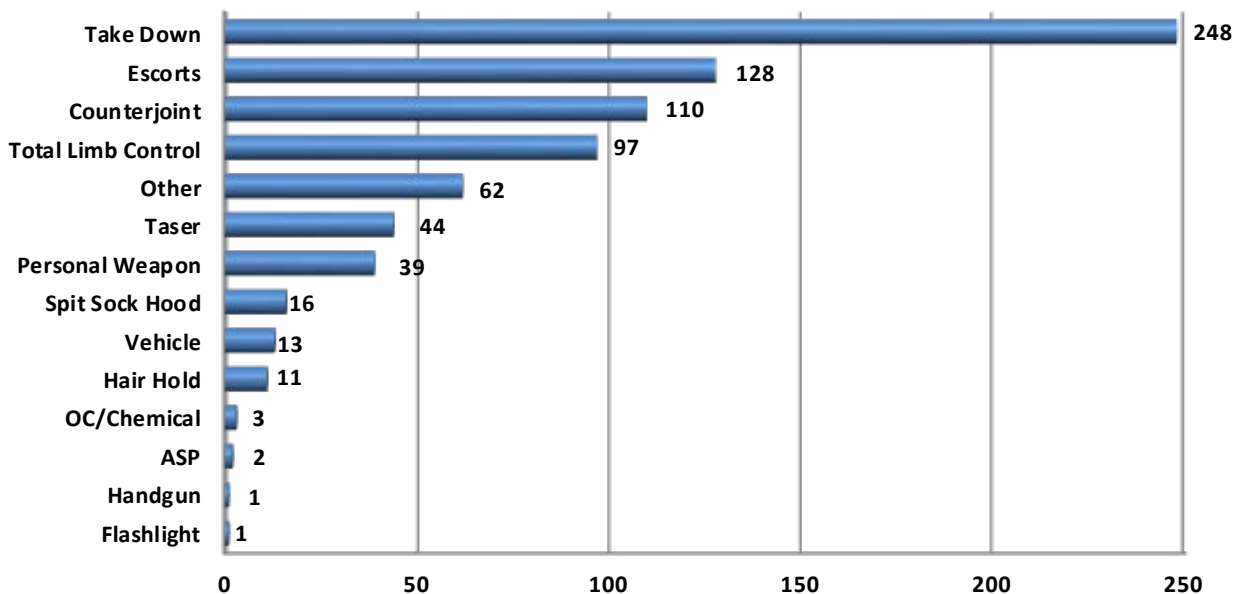
The “Physical Force” line applies to the application of bodily force to gain compliance, which includes the use of handcuffs/restraints *only* when a complaint of injury is made by the subject. The “Belt Weapons” line accounts for every other tool available to the officer, such as the ASP, Taser, flashlight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



USE OF FORCE

The 1,047 applications of force in 2018 is a 23% increase over the 5 year average, and a 11% increase compared to 2017 when there were 832 applications of force. Of the arrests with force applied, 69% involved only physical force, while 5% involved belt weapons. The remaining 26% is undefined and the result of improper coding. This is being corrected.

2018 Use of Force Tools Deployed

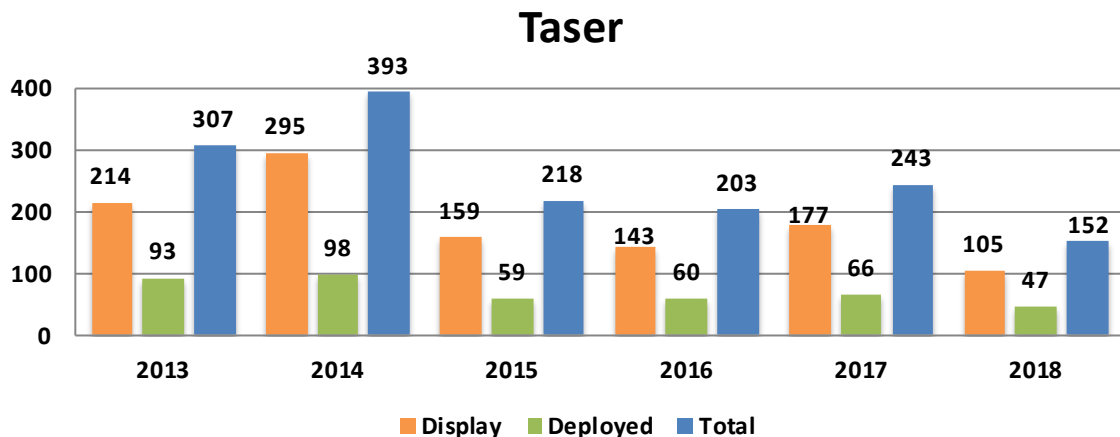


Commissioned officers participate in Crisis Intervention Training (CIT), which educates them on tools and resources available to them when responding to individuals experiencing emotional, mental, physical, behavioral, or chemical dependency crisis, distress, or other problems. CIT is designed to increase the safety of both law enforcement and individuals in crisis, and the WSP is nearing 100% compliance with the training requirement.



USE OF FORCE

In 2018, the most commonly used methods of physical force applied were take downs, escorts, counterjoints and total limb control. The most commonly used belt weapon was the Taser. In 2018, Taser probe deployment decreased 29% compared to 2017, when there were 66 deployments. Taser display decreased 41%. Taser display was an effective means of gaining compliance 69% of the time.

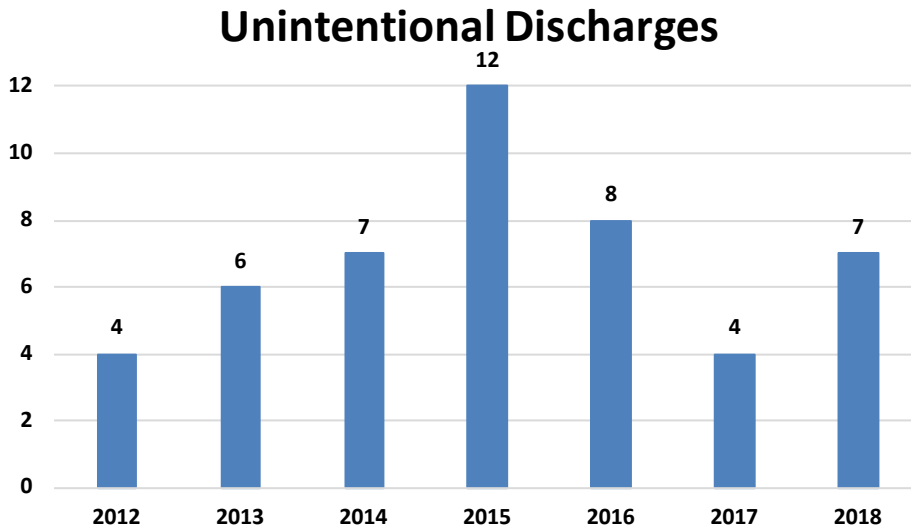


In 2018, there were two unauthorized uses of force involving a Taser application on a fleeing subject. This resulted in discipline, training with the employee, and a review of the training curriculum. Training is guided by *Graham vs. Connor* and emphasizes the importance of considering the totality of the circumstances before deploying the Taser. It was determined no training revisions were required.



UNINTENTIONAL DISCHARGE

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



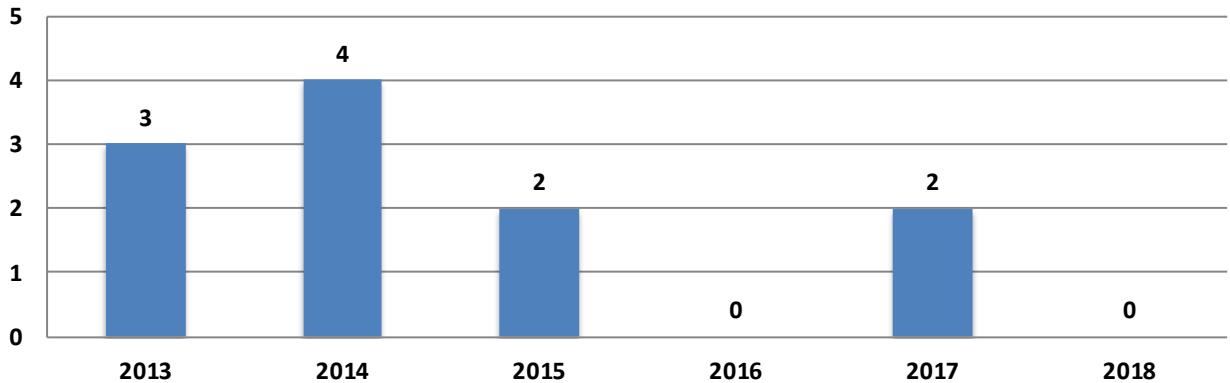
In 2018, seven unintentional discharges occurred, a 75% increase from 2017, and 14% less than the five year average. Six of the seven unintentional discharges involved the Taser, with five occurring during Taser function checks, and one occurring when an employee attempted to use the flashlight feature of the Taser to illuminate an object. One discharge of a less-than-lethal shotgun occurred when an employee slipped and fell during a foot pursuit. No individuals were hurt in any of these events.



USE OF LETHAL FORCE

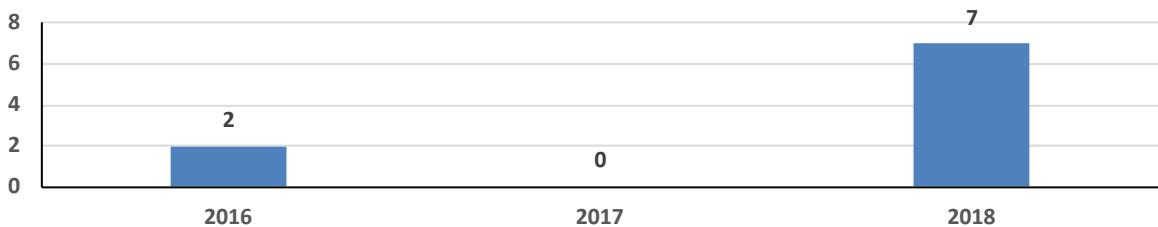
When an incident involves death, serious injury, the use of lethal force, or an alleged use of lethal force, the District/Division Commander requests the assistance of the Criminal Investigative Division and the OPS Commander to discuss the administrative process. An administrative investigation will not typically be initiated until the conclusion of a criminal investigation and receipt of a charging decline from the prosecutor.

Lethal Uses of Force - Firearm



In 2018, there were no lethal uses of force involving a firearm, compared to 2017 when there were two. Over the previous five years the WSP has averaged 2.2 lethal uses of force per year.

Use of Force - Intentional Interventions



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

In 2018, there were seven intentional interventions involving vehicle traveling the wrong direction on Interstate roadways. Each was reviewed by a prosecutor as a use of lethal force, and each were found to be justified.

(CALEA 1.36, 1.3.7 and 1.3.13)



PURSUIITS

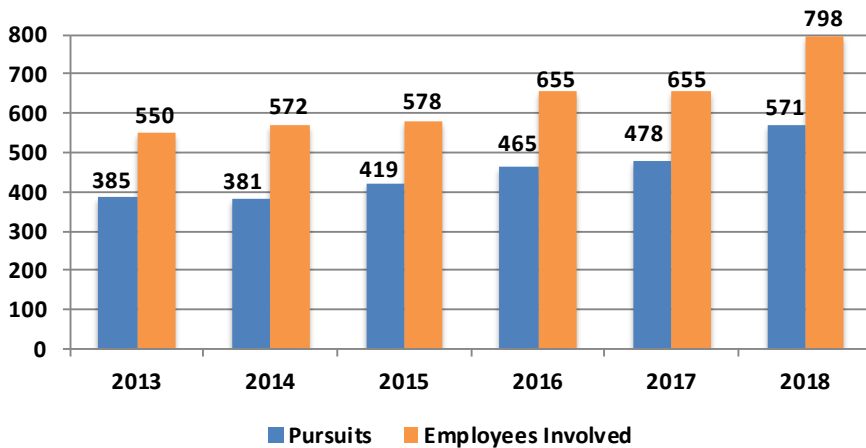
After a pursuit or an application of a Pursuit Immobilization Technique (PIT), to include roadblocks or forcible stops, department policy mandates that a supervisor conduct a thorough review to determine compliance with policy and training. If the pursuit/PIT results in a collision, a supervisor shall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

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

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

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

Pursuits



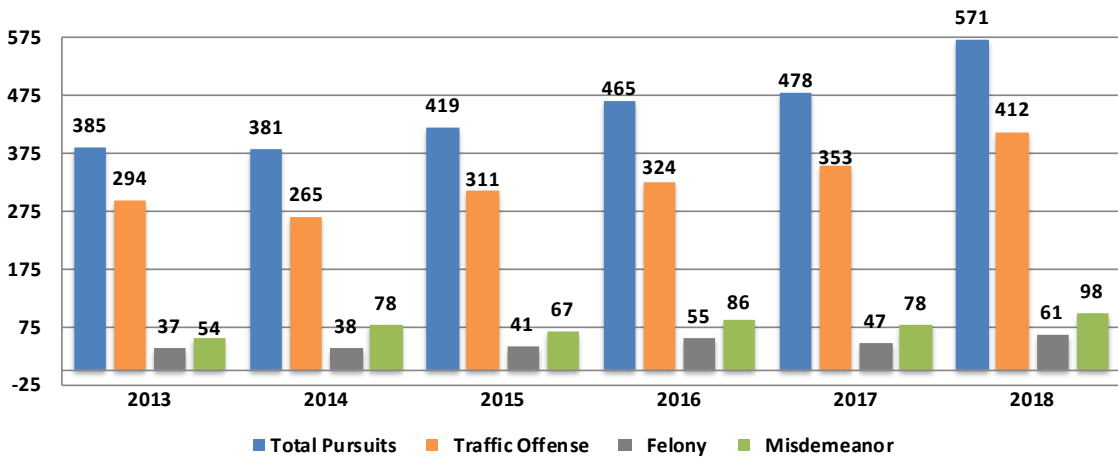
In 2018, 798 officers were involved in 571 total pursuits, which is a 34% increase compared to the average of the previous five years. All but five of the pursuits in 2018 were authorized which is a 150% increase compared to 2017 data.

During the review process, appointing authorities may determine specific procedures were not followed, even if the pursuit was authorized. Examples of this include improper driving protocols, inconsistent utilization of emergency equipment, or inadequate communications. Upon these findings, additional training is given to the employee. The percentage of authorized pursuits with procedures not followed remained consistent over the past two years with 19% in 2018 and 18% in 2017.



PURSUIITS

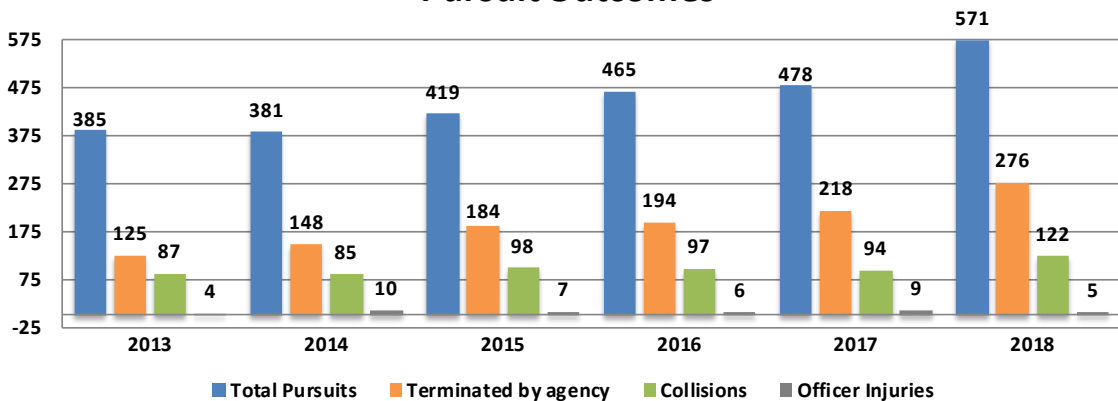
Reason for Pursuit



In 2018, the average pursuit lasted approximately 6.67 minutes which was a decrease from 7.19 minutes in 2017. In 2018, 81% of the pursuits occurred between the hours of 6:00 p.m. and 6:00 a.m. which is consistent with data from 2017.

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 40 of the pursuits during 2018, which was a 48% increase from 2017.

Pursuit Outcomes



The number of suspects apprehended at the conclusion of the pursuit increased 22% compared to 2017. The total number of pursuits terminated increased 26% in 2018 compared to the previous year, and they increased by 59% compared to the average of the previous five years. Employee awareness of the high liability and the risks associated with pursuits contributed to termination decisions.

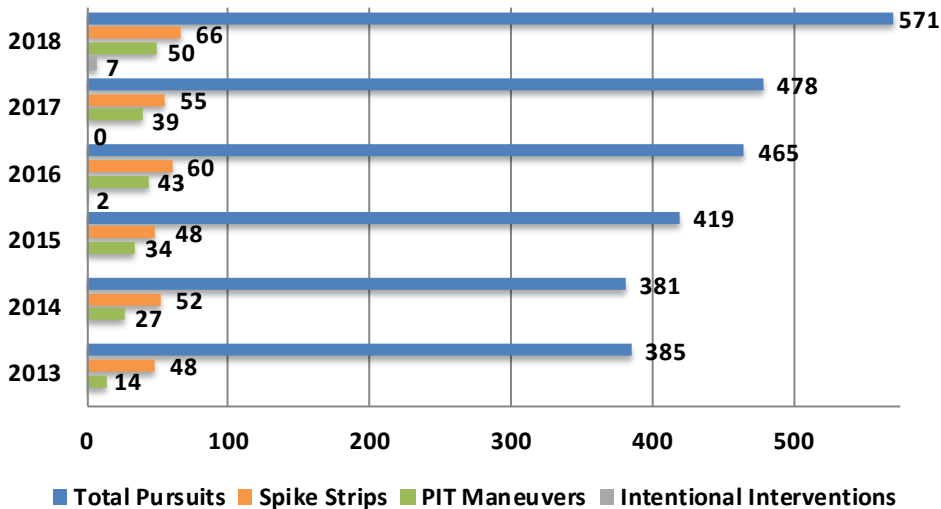
Pursuits involving a collision in 2018 increased 29%. The number of pursuits resulting in officer injuries decreased 44% compared to 2017 data and a 30% decrease compared to the five-year average. Officers sustained only 8% of the total number of injuries with 72% of the injuries identified for the suspects and 20% for third parties. The breakdown of injuries is consistent with the average of the previous five years.



PURSUIITS

The WSP authorizes four methods of a forcible stop: intentional intervention, roadblocks, hollow spike strips, and the Pursuit Immobilization Technique (PIT). Hollow spike strips continued to be the most utilized method of forcible stop used in 2018, and increased 25% compared to the average of the previous five years. PIT and intentional intervention also increased when compared to the average of the previous five years.

Methods of Forcible Stopping



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

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

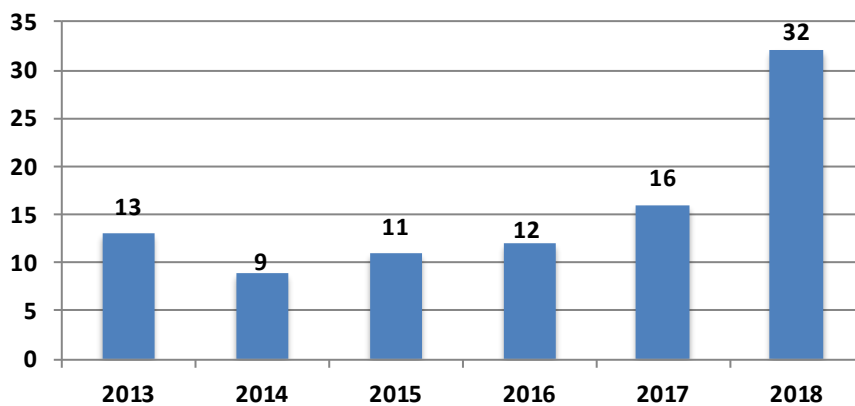


BIASED BASED POLICING

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

In prior years when reviewing CALEA Standard 1.2.9 it came to our attention we had multiple regulations which would apply. 8.00.260 Biased Based Policing referenced Biased Based Policing may occur as the result of the Officer initiating a traffic stop. Similar in nature, 8.00.250 Code of Ethics - Officers (C) Performance of Duties would be applied when conclusion of the stop Biased Based Policing occurred. The WSP began examining both regulations on the same level of review. Our office hopes to revised both policies in 2019. The following chart reflects combined data pulled from both policies.

Allegations of Biased Based Policing



In 2018, the WSP received twenty-seven biased based policing allegations, which if proven true, would constitute a violation of policy. There were no proven findings of this policy in 2018.

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

- *It is alleged the Trooper stopped and issued a speeding infraction to the complainant based on her sexual orientation. –Rejected following a preliminary investigation.*
- *It is alleged the only reason the Trooper stopped the individual was due to the fact he is a man of color. It is also alleged the Trooper was not courteous. – Rejected following a preliminary investigation.*



BIASED BASED POLICING

- *It is alleged the Trooper used excessive force and dislocated the subjects left wrist while performing a counter joint hold. It is further alleged the Trooper was biased by detaining the subject. - Rejected following review of the contact.*
- *It is alleged the Trooper racially profiled a driver during a traffic stop. - Rejected following review of the contact.*
- *It is alleged the Trooper engaged in discrimination during a traffic stop. It is further alleged the Trooper was being overly aggressive during the traffic stop. - Rejected following a review of the contact.*
- *It is alleged the CVEOI stopped a subject "because he was black." It is further alleged the CVEOI was "aggressive with her tone of voice" while communicating with the subject. – Rejected following a preliminary investigation.*
- *It is alleged the CVEO stopped the complainant because he is black. The complainant stated he was driving a transit bus across the scale, following another transit bus, and he was the person stopped because he was black and the other driver was white. – Allegations were Unfounded following the completion of an administrative investigation*
- *It is alleged the Trooper made a traffic stop based only on the ethnicity of the occupants in a vehicle. – Rejected following a review of the contact.*
- *It is alleged the Trooper failed to properly investigate and report a collision involving the complainant because of racial bias. –Rejected following a review of the contact.*
- *It is alleged the Trooper stopped the complainant's because of the front, right passenger was Native American. – Rejected following a review of the contact.*
- *It is alleged the Trooper was biased in his conduct when investigating the reports of a domestic assault on Interstate 405. –Rejected following a review of the contact.*
- *It is alleged the Trooper was biased in his conduct when investigating the reports of a domestic assault on Interstate 405. –Rejected following a review of the contact.*
- *It is alleged the only reason the Trooper stopped the complainant was due to the fact he is a man of color. It is also alleged the Trooper was not courteous. – Rejected following a preliminary investigation.*



BIASED BASED POLICING

- *It is alleged the Trooper's enforcement decision and the manner in which he investigated a collision were influenced by his alleged negative bias towards people of Asian descent. – Rejected following a preliminary investigation.*
- *It is alleged the Trooper profiled the complainant because of the way he looks and the fact he had Montana license plates. It is further alleged the trooper did not perform his duties professionally by drawing his sidearm when the situation did not call for it – Rejected following a preliminary investigation.*
- *It is alleged the Lieutenant was rude and pulled the complainant over because of the color of his skin. - Rejected following a preliminary investigation.*
- *It is alleged the Trooper stopped the complainant because of her race. It is also alleged during the contact the Trooper was rude, applied handcuffs too tight, searched the female complainant without a female present, and arrested the un-arrested the complainant. - Rejected following a review of the contact.*
- *It is alleged the Trooper was biased and unethical during a traffic stop/DUI investigation. - Rejected following a review of the contact.*
- *It is alleged the Trooper stopped the complainant because he is black. - Rejected following a review of the contact.*
- *It is alleged the Trooper made an inappropriate and racially motivated comment after the complainant disclosed he was armed and possessed a concealed pistol license (CPL). - Rejected following a preliminary investigation.*
- *It is alleged the Trooper was discriminatory in the way that he cited the subject for an HOV violation. - Rejected following a review of the contact.*
- *It is alleged the Trooper stopped the complainant for "driving while black." – Rejected following a preliminary investigation.*
- *It is alleged the Trooper was rude, hostile, and accusatory toward a driver at a collision scene. – Rejected following a review of the contact.*
- *It is alleged the Trooper used biased-based profiling to initiate a traffic stop on the complainant's husband. - Rejected following review of the contact.*
- *It is alleged the Trooper used racial bias when making an enforcement decision at the scene of a collision. - Rejected following review of the contact.*



BIASED BASED POLICING

- *It is alleged the Sergeant unlawfully harassed, searched, and discriminated against a driver involved in a collision. - Rejected following a preliminary investigation.*
- *It is alleged the Trooper unlawfully harassed, searched, and discriminated against a driver involved in a collision. - Rejected following a preliminary investigation.*

In 2018, the WSP received five Code of Ethics - Officer (C) Performance of Duties allegations, which if proven true, would constitute a violation of policy. There were no proven findings of this policy in 2018.

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

- *It is alleged the Trooper acted discourteously toward the victim at a collision scene because she was African American. –Rejected following a preliminary investigation.*
- *It is alleged the Trooper stopped the complainant because of her race. It is also alleged during the contact the Trooper was rude, applied handcuffs too tight, searched the female complainant without a female present, and arrested then un-arrested the complainant. – Rejected following a review of the contact.*
- *It is alleged the Trooper handcuffed and arrested the complainant because of his race. – Rejected following a preliminary investigation.*
- *It is alleged the Sergeant was rude and racist when interacting with the complainant during a traffic stop. – Rejected following a preliminary investigation.*
- *It is alleged while contacting the complainant during a traffic stop, the Trooper's statement "whose car is this" was racially biased. - Rejected following a preliminary investigation.*

(CALEA 1.2.9 c)



CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

The agency conducts a Strategic Advancement Forum (SAF) on a bi-monthly basis. This is a public forum where Commanders present their efforts and activities supporting the WSP Strategic Plan. 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 2018:

- Unintentional Errors
- Development of an Early Intervention System consistent with the DOJ model
- Providing accurate and updated data for the Annual Report and CALEA
- OPS Cases on Long-Term Hold
- Electronic Non-Investigative Matter (e-NIM) available in Remedy
- Unbiased Policing Allegations
- Intentional Intervention of Wrong Way Vehicles
- OPS Visits to Districts/Divisions
- Combining Social Media Regulations
- Providing Timely and Relevant Data to the Districts/Divisions

OPS is committed to providing strong leadership and resources to foster a safe, ethical, innovative, knowledgeable, and diverse workforce. Continual analysis of agency practices is a direct reflection of this commitment. OPS completes an annual review of our investigative processes involving citizen complaints, biased based policing, fleet incidents, uses of force, pursuits/PITs, and lost or damaged equipment.

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



CHANGES TO ADMINISTRATIVE REVIEW PROCESS/POLICIES

Throughout each year OPS identifies and recommends modifications of regulations in order to comply with emerging case laws, reconcile inconsistent practices, or address newly identified patterns of misconduct. During 2018, OPS reviewed, and when appropriate, requested updates on the following agency regulations:

- 6.01.065 - Disclosures to Prosecuting Attorneys and Judiciary
- 8.00.070 - Use of Alcohol or Drugs
- 8.00.150 - Truthfulness
- 8.00.160 - Court Case Disposition - Recommendation
- 8.00.250 - Code of Ethics - Officers
- 11.24.010 - Search of Department Property
- 18.00.010 - Care, Use, and Exchange of Equipment
- 18.00.060 - Loss or Damage of Department Property and Equipment

WSP Regulation 8.00.070 Use of Alcohol or Drugs was updated to include information regarding the Washington State Employee Assistance Program (EAP). OPS conducts bi-weekly briefings with the Executive Staff (Assistant Chiefs, Bureau Directors, Labor and Policy Advisor, Human Resources Commander) on all complaints being investigated by OPS and cases which involve potential impeachment material. These briefings are designed to provide a forum for Agency Executives to receive a case status report, discuss the investigation, and address procedural issues, training needs, risk mitigation, and discipline.

(CALEA 1.2.9d and 52.1.5)



CLOSING

In 2018, the Office of Professional Standards supported the Agency Strategic Plan by focusing on the following goals and priorities:

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

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

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

WSP Priorities applicable to the Office of Professional Standards:

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

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



APPENDIX

Appointing Authority

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

Complaints

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

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

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

Fleet (Incidents/Collisions)

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

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

Loss/Damage to Equipment

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



APPENDIX

Pursuits

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

Settlement Agreements

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

Standards Officer

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

Use of Force

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

