

SERVICE

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*2020  
PROFESSIONAL  
STANDARDS REPORT*

*PORT ORCHARD POLICE  
DEPARTMENT*



- Complaints
- Administrative Investigations
- Procedural Investigations
- Bias Based Policing
- Use of Force
- Pursuits / Eluding
- Officer Collisions



PORT ORCHARD POLICE DEPARTMENT  
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MEMORANDUM

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TO: Chief Matt Brown  
FROM: Deputy Chief Donna Main  
SUBJECT: 2020 Professional Standards Report  
DATE: 03-28-2021

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The purpose of the annual Professional Standards Report is twofold. First, this report provides information to the community on the results of investigations of both citizen and Department-initiated complaints, as well as policy reviews and investigations. Second, the report is designed to provide greater insight and transparency into efforts by the Police Department covering several categories.

The Professional Standards Report covers the following categories:

- Complaints
- Administrative Investigations
- Procedural Investigations
- Bias Based Policing
- Use of Force
- Collisions
- Pursuits/Eluding

The data in this report has been presented to inform the citizens of Port Orchard of the key characteristics of strong police/community relationships. The Department believes an informed community will have a better understanding of the difficult and critical role a police officer must fulfill. Police officers perform a vital public service by preserving the peace, protecting life and property, preventing crime, apprehending criminals, and enforcing the laws and ordinances.

The overall goal of the Port Orchard Police Department is to provide efficient and effective police services to our citizens. By continually holding ourselves true to our department's values of Service, Honor, and Integrity, and with the cooperation and confidence of the community, we will continue to earn their trust, maintain legitimacy, and meet their needs and expectations.

  
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Matt Brown, Chief of Police

March 29<sup>th</sup>, 2021  
\_\_\_\_\_  
Date Received

## Complaints

The Department recorded 13 complaints in 2020. Complaints against employees of the Port Orchard Police Department can be made in several ways. All employees of the Police Department have the capability for receiving a complaint, so the process can be initiated any time a citizen chooses. A complaint may be filed against the Department or any employee, in person, by e-mail, by telephone, or by mail. Anonymous complaints will be taken and followed up to the extent possible. All complaints will be handled at the appropriate organizational level and in a timely manner. The Department also takes internal (Administrative/Procedural) complaints from staff and investigates them to ensure a professional and ethical environment.

General Categories of 2020 Complaints <sup>1</sup>	
Respondents were dissatisfied with the handling of calls, investigations, or reports	9
Demeanor / Courtesy / Rudeness	3
Use of Force	1
Traffic Violations / Vehicle Use by Officer	0
Failure to Arrest	0
Search and Seizure	0
Disagreed with Traffic Ticket	0
Unlawful Arrest	0
Harassment / Racial Discrimination	0
Total	<b>13</b>

Dispositions	Explanation of Dispositions	# of Complaints in each category
<b>Sustained</b>	When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. <sup>2</sup>	2
<b>Not Sustained</b>	When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.	3
<b>Unfounded</b>	When the investigation discloses that the alleged acts did not occur or did not involve department members. Complaints that are determined to be frivolous will fall within the classification of unfounded.	0
<b>Exonerated</b>	When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.	8
		<b>13</b>

<sup>1</sup> Some complaints fit two or more categories (e.g. “I didn’t like getting a ticket and the officer was rude.”) Judgements are made as to the best category fit for such complaints.

<sup>2</sup> Complaints are logged in this category if any portion is sustained.

Control #	Complaint / Allegation	Disposition	Action Taken
20-005	Complaint about damage to evidence item.	Not Sustained	No Action
20-013	The complainant was upset about being arrested for burglary/theft.	Not Sustained	No Action
20-014	The complainant was upset about unprofessional language used by officer.	Sustained	Letter to file
20-017	The complainant was upset about his son being placed with CPS, claimed the incident was racist.	Exonerated	No Action
20-019	Officer responded to a domestic violence detail failed to complete the case narrative.	Sustained	Letter to file
20-021	The Officer responded to a Domestic violence detail between a mother and daughter, the complainant was upset the officer placed the daughter with her biological father instead of CPS.	Not Sustained	No Action
20-024	Officer responded to an intoxicated, belligerent subject refusing to leave a business. Subject was non-compliant and eventually tased and taken into custody. Community member alleged excessive force.	Exonerated	No Action
20-029	Officer responded to a possible theft. It was determined to be unfounded; the complainant felt nothing was done.	Exonerated	No Action
20-035	Officer responded to a verbal dispute over a loose dog. The complainant was not happy with the officer's decision and called the officers response "uninspired policing"	Exonerated	No Action
20-042	The complainant was upset the officer conducted their yearly sex offender check and felt this contact was harassment. They were also upset the officer did not wear a face mask.	Exonerated	No Action
20-060	The complainant felt the officer was overly aggressive and intimidating when offered a face mask during an arrest.	Exonerated	No Action
20-067	Complainant felt officer failed to arrest person on an order violation.	Exonerated	No Action
20-072	The complainant was upset that the officer was not wearing a mask while in contact with South Kitsap Fire and Rescue employee	Exonerated	No Action

## ADMINISTRATIVE INVESTIGATIONS

**Administrative Investigation Definition** - Any investigation or inquiry conducted by a supervisor, or other person specifically designated by a supervisor, into the alleged improper conduct by any member. These investigations are not criminal investigations, they are policy reviews.

Control #	Description	Disposition	Action Taken
20-012	Officer responding to an emergency call struck pedestrian in a crosswalk.	Sustained	Written Reprimand
20-039	Officer was assigned to work an event in another jurisdiction and arrived late.	Sustained	Suspension
20-052	Officer alleged gender discrimination and retaliation.	Exonerated	No Action
20-063	Detective did not complete supplemental case reports for 6 years.	Sustained	Suspension
20-064	Detective did not complete supplemental case reports for 5 years.	Sustained	Suspension

## PROCEDURAL INVESTIGATIONS

**Procedural Investigation Definition** – For the purpose of this analysis Procedural Investigations are incidents that were reported by officers, supervisors, administrative and command staff members that lead to an internal policy review. These reviews generally examine how actions comport to known policies with the goal of improving and understanding internal procedures.

Control #	Description	Disposition	Action Taken
20-006	Officer attempted to push a vehicle that was stuck in a ditch with their patrol vehicle and became stuck.	Exonerated	Within Policy
20-018	Officer placed several firearms in the evidence room but did not secure them in a locked evidence locker.	Exonerated	New Policy Implemented
20-041	Officers responded to a seriously injured bicyclist. Officers did not take photographs or evidence.	Sustained	Remedial Training / Policy review
20-071	Officer did not secure evidence according to policy.	Sustained	Remedial Training / Policy review

## **Review and Analysis of Administrative / Procedural Investigations and Complaints -2020**

A total of thirteen complaints were investigated in 2020, resulting in two sustained findings, three not sustained and eight exonerated. Most complaints came from citizens who were dissatisfied with the way the officer treated them or they were dissatisfied with the outcome. It is of critical importance to have a system in place that allows citizens to bring these concerns to the attention of police command staff. This system must create a sense of confidence on the part of citizens that their complaints will be taken seriously, properly investigated, and corrective measures will be taken when needed.

In 2020, the department initiated and completed five Administrative Investigations and four Procedural Investigations. Of the five Administrative Investigations, three resulted in suspension, one resulted in a written reprimand, and one resulted in exoneration.

The failure to turn in supplemental reports by detectives triggered an administrative review of supervisor oversight of the Investigation Unit and the department's case management protocols. Procedures and policies that were lacking were changed and/or updated to help prevent any further missing/late reports by officers and detectives.

Of the four Procedural Investigations, two resulted in exoneration and two were sustained. Of the two sustained results the officers were required to review the applicable policies and received additional training on proper evidence handling.

The department's analysis did not identify behavioral patterns by any one officer, nor were there any patterns directed at a specific group or groups of citizens. The review found the department has demonstrated its ability to be transparent, critically evaluate citizen concerns, and hold our members accountable when appropriate. We will continue to review all alleged complaints, no matter the source or how they were received, and we will hold our members accountable when appropriate.

## BIAS- BASED POLICING

The Port Orchard Police Department prohibits race, ethnicity, nationality, religion, sex, sexual orientation, economic status, age, cultural group, disability, or affiliations with any other similar identifiable group from being used as the basis for providing different levels of law enforcement services or the enforcement of the law. The Port Orchard Police Department is committed to providing law enforcement services to the community with due regard for the racial, cultural, or other differences of those served. It is the policy of this department to provide law enforcement services and to enforce the law equally, fairly, objectively and without discrimination toward any individual or group.

The most common way police agencies have attempted to learn whether bias-based policing is systematically occurring is through the analysis of discretionary traffic stops. The Port Orchard Police Department can track by race any infractions and citations issued through the electronic capture of SECTOR data and ILEADS, our Records Management System (RMS). The review of this data led to the table below. If the officer could not distinguish the race of the individual, the designation of unknown was placed in the race box.

Race	Criminal Traffic <sup>3</sup>		Traffic Infractions <sup>4</sup>		Port Orchard Demographics (14,597 <sub>est</sub> ) <sup>5</sup>
	# by race	% by race	# by race	% by race	
White	104	78.2	193	77.51	73.8
Black	7	5.26	6	2.41	4.6
Hispanic	8	6.02	25	10.04	11.3
Asian-PI	2	1.53	6	2.41	9.2
Amer Ind.	2	1.53	0	0.00	.60
Unknown	10	7.52	19	7.63	
Totals	133		249		

### Notes / Trends

- Infraction statistics from SECTOR and hand-written tickets.
- Demographic data from 2019 US census.
- Infractions include both traffic and non-traffic infractions.

In late 2019, all department staff received training on implicit bias. This training was provided by an acclaimed professor, Dr. Bryant Marks, who has studied implicit bias and race and is a

<sup>3</sup> Examples – DUI, Driving While License Suspended, Reckless Driving.

<sup>4</sup> Examples – speeding, moving violations, seatbelt/cell phone violations.

<sup>5</sup> Source: <https://www.census.gov/quickfacts/fact/table/portorchardcitywashington/INC110219>

leading authority and trainer. The Port Orchard Police Department requires all staff to receive annual training in the following areas: Sexual Harassment, Hate Crimes, Implicit Bias, Interacting with the Mentally Ill, Anti-Bias, Ethics, Anti-Harassment in the Workplace, and Racial Profiling. On a monthly basis, all staff are issued fifteen Daily Training Bulletins (DTB) based upon departmental policies. The DTBs allow all department members a chance to regularly review and apply these policies in the context of realistic scenarios.

### **Review and Analysis of Racial / Biased-Based Policing - 2020**

When compared to the City's demographic makeup, the rate citations and infractions are issued appear to show no bias. When officers choose to issue a verbal warning during a traffic stop, the department does not collect demographic data on these drivers. To gather this additional demographic data, the department would have to issue written warnings, a practice in which we do not currently engage. The Port Orchard Police Department remains committed to ensuring all community members are treated fairly and impartially. As a department we prohibit officers from engaging in bias-based profiling in the performance of their official duties.

The department reviews each Use of Force report to assure there are no indications of racial bias or patterns suggesting issues with any employee using force. The annual review did not discover any concerning behavior.

In 2020, the police department investigated one complaint of racial bias. This investigation was conducted by the Deputy Chief and determined the officers' actions were appropriate, within the scope of their duties, within policy, and within the law. The training files for the involved sergeants, officers, and detectives were checked for current training in Racial Profiling, Implicit Bias, Hate Crimes and Anti-Bias. All members were current. The files of the involved officers were reviewed, and no other complaints were found. This is a singular complaint for all of those involved. The department is sensitive to complaints and monitors them closely,

This review found no evidence of bias-based policing. The demographics of our city, the listed statistical data, and the singular specific complaint supports this conclusion.



## USE OF FORCE

**Force** - The application of physical techniques or tactics, chemical agents, or weapons to another person. It is not a use of force when a person allows him/herself to be searched, escorted, handcuffed, or restrained.

Port Orchard officers must document all uses of force, beginning at the lowest level of force, to overcome resistance. Examples of physical control would be armbars, hair holds, and taking someone to the ground to stop resistance. Higher levels of force may include the use of less lethal tools and techniques.

**Process** – Each use of force is reviewed by a sergeant and the Deputy Chief. The sergeant conducts the initial review for policy compliance and forwards it to the Deputy Chief. If it is determined that a use of force policy was violated, the Chief of Police shall be advised. The Chief of Police will review the complaint and additional actions may be taken. All incidents involving the use of force are reviewed by command staff to ensure they hold true to current law, policy, and best practice.

In 2020, the Port Orchard Police Department documented a total of forty-seven use of force incidents. A careful review of all forty-seven incidents determined they were within current policy.

Use of Force: Type of Force			
Primary Type – the first tool or tactic an officer used.		Secondary Type – used when the 1 <sup>st</sup> tool or tactic proved ineffective	
Physical controls	22	Physical controls	3
Taser: Air deployment	1	Taser: Air deployment	1
Taser: Contact deployment	0	Taser: Contact deployment	2
Taser: Point and Direct	9	Taser: Point and Direct	0
OC / Chemical	0	OC / Chemical	0
Impact / Baton	0	Impact / Baton	0
Baton used as Leverage tool	0	Baton used as Leverage tool	0
Firearm Draw and Direct	15	Firearm: Draw and Direct	0
Firearm	0	Firearm	0
Empty hand	0	Empty hand	1
Impact Munition	0	Impact Munition	0
Other (K-9)	0	Other (K-9)	0
Leg Restraints	0	Leg Restraints	0
<b>TOTAL</b>	<b>47</b>	<b>TOTAL</b>	<b>7</b>

Use of Force Aggravating Factors	
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Intoxicated / Drugs	8
Domestic Violence	1
Mental Illness	10

\*40% of all uses of force involved one or more of the above.

Use of Force by Race		Use of Force by Gender of Subject	
White	38	Male	44
Black	6	Female	3
Asian	2		
Native American	0		
Hispanic	1		
Unknown	0		

	Use of Force Injuries			
	Treatment			
	# of Injuries (visible or complained of)	Minor – No treatment required	On-scene by Aid	Hospital
Officer	2	0	2	0
Suspect	2	0	2	1

### Notes / Trends

- Total incidents where officers used force: 47
- Total calls for service: 17,294
- Percentage of Incidents where force was used: 0.27%

**Note:** Injury statistics do not include those cases where the only “injury” was probe penetration from the use of the Taser.

Medical assistance shall be obtained for any person who exhibits signs of physical distress, has sustained visible injury, expresses a complaint of injury or continuing pain, or was rendered unconscious.

Suspects are transported to the hospital out of an abundance of caution, not necessarily due to an injury.

## **Review and Analysis of Use of Force Events – 2020**

In 2020, the Port Orchard Police Department responded to 17,294 calls for service. Officers used force forty-seven times which is equal to 0.27% of incidents. The Port Orchard Police Department uses time, distance, and barriers to help a resistive person de-escalate their violent behavior.

The department has increased training in use of force and deadly force, to include policies, legal updates, defensive tactics, firearms training and qualifications, and less lethal training.

There are times and situations where it is not possible to use verbal tactics, and some form of reasonable force is needed to de-escalate the volatile, violent, or resistive person. De-escalation is an outcome; it is not a result or a specific technique. Measuring the success of de-escalation is not done by counting if force was used or not. The review of appropriate force must also consider the context in which force is used, the level at which it is used, whether other options could have created a better outcome, and if officers were able to reduce the level force as the incident evolved.

De-escalation is an important tool used by law enforcement to assist with managing heightened stress during critical incidents. Part of de-escalation is the effective use of tools, tactics, and timing to allow people to de-escalate their behavior. It is incredibly important to recognize that de-escalation is not something you can force another person to do; you can, however, provide an opportunity and a measure of safety for that person to do it themselves. Peace and public safety are always the goal at the onset of each critical incident.

In 2020, there were six use of force events involving individuals who identified themselves as Black. In all six of these incidents, officers responded to reports of criminal behavior and risks to public safety. Of these six, two individuals were involved twice. Both were known to officers at the time to frequently display behaviors consistent with co-occurring chemical dependency and behavioral health disorders. These behaviors included unpredictability, aggression, and sometimes violence. The use of force used in each incident was of a lower level, and there were no reported injuries. Both individuals were referred to our department's Behavioral Health Navigator for connection to treatment, services, and resources.

In 2020, there was one use of force event that resulted in an injury to an actively resistive individual. This individual required medical treatment for a laceration to his forehead. He was transported to the hospital by South Kitsap Fire and Rescue for treatment and later booked into jail. There were other four incidents when South Kitsap Fire and Rescue responded to treat law enforcement and other individuals for minor scrapes; hospitalization for these incidents was not needed.

Any time an officer deploys a taser against an individual, the officer shall request South Kitsap Fire and Rescue to the scene for a medical evaluation. All members shall take appropriate steps to provide initial medical aid in accordance with their training and current certification level. Use of force injury statistics do not include taser probe penetration injuries.

Port Orchard officers appear to be exercising good judgement in their decisions to use force. Most incidents involve the display of weapons to gain compliance, or force techniques that do not require strikes or less lethal tools. In 2020, 40% of use of force incidents involved subjects with aggravating factors such as drugs, alcohol, mental illness, and domestic violence. There is no indication of a racial disparity in the use of force.

The review identified no concerning trends with the respect to the use of force by Port Orchard police officers in 2020.

**VEHICLE PURSUITS / ELUDING**

**Vehicle pursuit** - An event involving one or more law enforcement officers attempting to apprehend a suspect, who is attempting to avoid arrest while operating a vehicle by using high-speed driving or other evasive tactics, such as driving off a highway, turning suddenly or driving in a legal manner but willfully failing to yield to an officer’s emergency signal to stop.

**Attempting to Elude** - Refers to the actions of a vehicle operator who after being given a visual or audible signal to bring the vehicle to a stop fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed officer operating a pursuing police vehicle that is equipped with emergency lights and siren (RCW 46.61.024).

It is the policy of the Port Orchard Police Department to weigh public safety first when determining whether to pursue a suspect. Pursuit and other driving training are regularly conducted in the classroom and at the driving course.

2020 Pursuit Statistics	
Total number of vehicle pursuits	12
Eluding crimes without pursuit	1
Suspect collisions	0
Officer collisions	0
Pursuits ruled “Within Policy”	10
Pursuits ruled “Outside of Policy”	2

2020 Precipitating event	
Traffic violations	3
DUI’s	1
Suspicious/Other	3
Stolen vehicles	2
Warrants	1
Domestic Violence	2
Reckless Driving	1

## **Review and Analysis of Vehicle Pursuits - 2020**

All pursuits are reviewed by first level supervisors and then command staff to ensure they hold true to the law, policy, and best practice.

In 2020, thirteen individuals attempted to elude police. The Port Orchard Police Department pursued twelve of these individuals. Ten pursuits were determined to be within policy and two were found to be out of policy. Officers involved in the out-of-policy pursuits were provided additional training, required to review applicable policies, and a letter was placed in their division file.

The department discovered officers routinely and appropriately terminated the pursuit once the risk outweighed the need for apprehension. Most of the pursuits were initiated during the hours of darkness and with minimal traffic; officers are examining all risk factors and discontinuing based on the totality of circumstances. Departmental review found 83% of all pursuits to be within policy. However, command staff did determine that additional changes to our policy would increase safety to the public and provide better clarity to our officers. While officers are still allowed appropriate discretion, pursuits for non-violent offenses and property crimes are now strongly discouraged and, without other aggravating factors, expected to be terminated.

The review concluded that our recently revised pursuit policy is effective, Port Orchard officers understand it, and are strictly abiding by it.

## EMPLOYEE COLLISIONS

All collisions involving police department employees are investigated regardless of the degree of damage. Depending on the seriousness of the collision, an outside agency may be requested.

Most incidents involved low speeds and minimal damage (i.e. minor scrapes and dents) and would not be classified as a reportable collision under Washington State Law.

Each collision is reviewed by the Deputy Chief who evaluates all available data and then classifies the collision as 'Preventable' or 'Non-preventable'.

Action taken depends on many factors, including the employee's previous driving history, the amount of damage, and the degree of inattention involved.

Collisions by Category	
# of Officer-involved collisions	8
# of Collisions ruled 'Preventable'	5
# of Collisions ruled 'Non-preventable'	3
# of Collisions that involved injury	1
# of Collisions that involved pursuits	0
# of Backing collisions	2

Control #	Description	Prev.	Non-Prev.	Disposition
20-003	Officer attempted a traffic stop. Was struck by another vehicle.		X	No Action
20-007	Officer struck a curb, causing minor damage to wheel.	X		Letter to file
20-012	Officer responding to an emergency call struck pedestrian in a crosswalk.	X		Written Reprimand
20-037	Officer backed into a parked semi-truck trailer.	X		Letter to file
20-043	Officer attempted to use patrol vehicle push bars to push stalled/blocking RV out of roadway, causing damage to bumper.		X	No Action
20-047	Officer backed into a wooden post.	X		Letter to file
20-058	Officer did not place vehicle in Park when exiting to apprehend a felony warrant subject known to carry firearms. Vehicle struck a tree		X	No Action
20-078	Officer ran into the back of another patrol vehicle when it made a sudden stop.	X		Letter to file

## **Review and Analysis of Employee Collisions**

In 2020 there were a total of eight officer-involved collisions. Departmental review determined 63% were preventable, leaving 37% as non-preventable. Officers involved in preventable collisions may receive some form of discipline dependent upon the totality of the circumstance. All officers involved in preventable collisions receive additional training intended to reduce the likelihood of further collisions and a letter is placed in their personnel file.

Motor vehicle-related incidents are a leading cause of on-the-job deaths for law enforcement officers in the U.S. To assist with keeping officers and the community safe, we practice and incorporate the following safety measures: Buckle Up, Slow Down, Focus and Remain Calm. We actively train and annually participate in an Emergency Vehicle Operator Certification Course which is designed to increase the officer's skills with pursuit driving, vehicle safety and driving techniques to include backing up. The goal is to arrive alive and increase the safety to our community.