



PORT ORCHARD POLICE DEPARTMENT

PROFESSIONAL STANDARDS REPORT

2021



SERVICE – HONOR - INTEGRITY



PORT ORCHARD POLICE DEPARTMENT
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MEMORANDUM

TO: Chief Matt Brown
FROM: Deputy Chief Donna Main
SUBJECT: 2021 Professional Standards Report
DATE: February 24th, 2021

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 administrative investigations. Second, the report is designed to provide greater insight and transparency into law enforcement activity conducted by the police department.

The Professional Standards Report covers the following categories:

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

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 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.


Matt Brown, Chief of Police

February 24th, 2022
Date Received

Complaints

The department recorded 12 complaints in 2021. Complaints against employees of the Port Orchard Police Department can be made in several ways. All employees of the Police Department have the capability to receive 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 also be taken and fully investigated. 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 2021 Complaints¹	
Respondents were dissatisfied with the handling of calls, investigations, or reports	5
Demeanor / Courtesy / Rudeness	2
Use of Force	0
Traffic Violations / Vehicle Use by Officer	1
Failure to Arrest	1
Lost property after arrest	1
Search and Seizure	0
Disagreed with Traffic Ticket	0
Unlawful Arrest	0
Harassment / Racial Discrimination	2
Total	12

Dispositions	Explanation of Dispositions	# Of Complaints in each category
Sustained	When the investigation discloses sufficient evidence to establish that the act occurred and that it constituted misconduct. ²	1
Not Sustained	When the investigation discloses that there is insufficient evidence to sustain the complaint or fully exonerate the member.	2
Unfounded	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.	5
Exonerated	When the investigation discloses that the alleged act occurred but that the act was justified, lawful and/or proper.	4
		12

¹ 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.

² Complaints are logged in this category if any portion is sustained.

Control #	Complaint / Allegation	Disposition	Action Taken
21-008	Complainant was upset that a male officer responded to her suicidal threats and said the department should have sent a female officer or a social worker.	Exonerated	No Action
21-009	Complainant reported the arresting officer lost her cell phone.	Not Sustained	No Action
21-014	Complainant reported an officer submitted a false and perjurious report.	Unfounded	No Action
21-015	Complainant stated the officer made a racist statement about his wife.	Unfounded	No Action
21-016	Secondhand complainant stated the officer refused to offer assistance to a family of color who was pan handling.	Unfounded	No Action
21-020	Complainant thought the officer gave preferential treatment to a suspected DUI.	Unfounded	No Action
21-023	Complainant said the officer was disrespectful and rude when he tried to report a vehicle as stolen that was not registered to him.	Not Sustained	No Action
21-025	Complainant was upset that she did not receive a follow up call from the officer after the initial investigation.	Exonerated	No Action
21-030	Complainant reported an officer was tailgating his vehicle then used his emergency lights to go around his car for personal benefit not an actual emergency.	Sustained	Verbal Counseling and policy review.
21-032	Complainant was upset about the way the officer used a ruse during the investigation of one of his employees.	Exonerated	No Action
21-035	Complainant was dissatisfied with the way the investigation was handled.	Exonerated	No Action
21-038	Complainant reported that an officer was rude towards a postal employee.	Unfounded	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
21-010	Officer used an inappropriate level of force on a fleeing suspect.	Sustained	10-hour suspension, removed as instructor, required to attend two use of force training courses
21-026	Allegations of an Officer having sexual relations on duty and the officer refused to follow direct orders.	Sustained	Officer resigned prior to discipline

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. There were no Procedural Investigations reported in 2021.

Review and Analysis of Administrative / Procedural Investigations and Complaints -2021

A total of twelve complaints were investigated in 2021, resulting in one Sustained finding, two Not Sustained, four Exonerated, and five Unfounded. 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 2021, the department initiated two Administrative Investigations. Of the two Administrative Investigations, one was investigated and completed within the police department. The second Administrative Investigation was initiated within the police department and investigated by an outside investigative agency.

The first administrative investigation involved an officer that used an inappropriate level of force on a fleeing suspect. The officer involved in this incident received a 10-hour suspension, was removed as a Less Lethal Instructor, and was required to attend two use of force training courses. The second administrative investigation involved allegations of an officer having sexual relations on duty. During the initial part of this investigation the officer refused to follow direct orders. The charges were sustained but the officer resigned prior to a final disciplinary decision.

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 members accountable when appropriate. The department will continue to review all alleged complaints, no matter the source or how they were received, and hold members accountable when appropriate.

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. 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, the Deputy Chief, and the Chief of Police. The sergeant conducts the initial review for policy compliance and forwards their analysis to the Deputy Chief for further review. If it is determined that the use of force appears to be a policy violation, the Chief of Police may initiate an internal Administrative Investigation. 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 2021, the Port Orchard Police Department documented a total of twenty-five use of force incidents. A careful review of the twenty-five use of force incidents determined twenty-four were within current policy and one use of force incident was determined to be outside of policy.

Use of Force: Type of Force used by the officer(s)			
Primary Type – the first tool or tactic an officer used.		Secondary Type – used when the primary tool or tactic proved ineffective	
Physical controls	12	Physical controls	3
Taser: Air deployment	3	Taser: Air deployment	0
Taser: Contact deployment	0	Taser: Contact deployment	2
Taser: Point and Direct	4	Taser: Point and Direct	4
OC / Chemical	0	OC / Chemical	0
Impact / Baton	2	Impact / Baton	0
Baton used as Leverage tool	0	Baton used as Leverage tool	0
Firearm Draw and Direct	2	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
TOTAL	25	TOTAL	10

* If more than one officer used force, the type of force used for this incident would be counted separately in the total number. Example: Physical control by one officer and taser display by the second officer. The type of force is documented in the chart above as two separate primary tools.

Use of Force Aggravating Factors

Intoxicated / Drugs	14
Domestic Violence	2
Mental Illness	5

*84% of all uses of force involved one or more of the above.

Use of Force by Race of Subject		Use of Force by Sex	
White	20	Male	17
Black	1	Female	4
Asian	0	X	0
Native American	0		
Hispanic	0		
Unknown	0		

* Race and Gender is captured one-time per incident not per use of force.

	Use of Force Injuries			
	# Of Injuries (Visible or complained of)	Treatment		
		Minor – No treatment required	On-scene by Aid	Hospital
Officer	2	0	2	0
Suspect	4	1	3	0

Notes / Trends

- Total incidents where officers used force: 25
- Total calls for service: 14,460
- % of incidents where force was used: 0.17%

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

Review and Analysis of Use of Force Events – 2021

In 2021, the Port Orchard Police Department responded to 14,460 calls for service. Officers used force twenty-five times which is equal to 0.17% of incidents. The Port Orchard Police Department uses time, distance, and shielding/barriers to help a resistive person de-escalate their violent behavior to increase the likelihood of a favorable outcome.

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. In 2021, the department purchased two FN 303 less lethal launchers that allow the officers to maintain a safer distance from the subject. The FN 303 less lethal launcher has a range of 50 meters and

deploys an impact projectile that contains oleoresin capsicum (OC). The FN 303 less lethal launcher is a pneumatic system which means the projectile is powered by compressed air.

There are times and situations where may not be 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 was used, the level at which it was 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 2021, there were four use of force events that resulted in an injury to the actively resistive individuals. The individuals received on scene medical treatment from South Kitsap Fire Rescue for minor injuries to include scrapes and bruising. None of the individuals required hospitalization for their minor injuries. There were two incidents when South Kitsap Fire Rescue responded to treat law enforcement officers for minor scrapes and a sprained finger; hospitalization for these incidents was not needed.

Any time an officer deploys a taser against an individual, the officer shall request South Kitsap Fire 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 physical control/hands on force techniques that do not require strikes or the use of less lethal tools such as Impact/baton, FN 303 less lethal launcher and oleoresin capsicum (OC spray). In 2021, 84% 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 these use of force incidents. When appropriate the individual may be referred to the department's Community Health Navigator for connection to treatment, services, and resources.

The review identified no concerning trends with respect to the use of force by Port Orchard police officers in 2021. The department had one use of force which was investigated and determined to be out of policy. This incident resulted in discipline, policy review, and additional training.

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, which is the department's 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 ³		Traffic Infractions ⁴		Port Orchard Demographics ⁵
	# By race	% By race	# By race	% By race	
White	47	75.8	155	76.7	73.8
Black	5	8.1	14	6.9	4.6
Asian-PI	2	3.2	6	3.0	9.2
Amer Ind - AK Native	0	0.0	0	0.0	.60
Unknown	8	12.9	27	13.4	
Totals	62		202		

Notes / Trends

- Infraction statistics are reported through SECTOR. In 2021 the Port Orchard Police Department stopped issuing hand-written tickets and exclusively issued electronic infractions and citations through SECTOR.
- Demographic data from 2020 US census.
- Infractions include both traffic and non-traffic infractions.
- To report the demographic makeup for the Professional Standards Report the department used a combination of SECTOR, ILEADS and 2020 Census data. Each of the three

³ Examples – DUI, Driving While License Suspended, Reckless Driving.

⁴ Examples – Speeding, Moving Violations, Seatbelt/Cell Phone Violations.

⁵ Source : <https://www.census.gov/quickfacts/fact/table/portorchardcitywashington/PST045221#PST045221>

systems vary slightly in how the demographic makeup is categorized. For example: The census data includes a category of “two or more races.” SECTOR and ILEADS do not utilize this demographic category.

- The Office of Financial Management (OFM) estimates the population for Port Orchard for 2021 to be 15,960.

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 - 2021

When compared to the City’s demographic makeup, the rate of citations and infractions are issued do not appear to show 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 officers do not currently engage. The Port Orchard Police Department remains committed to ensuring all community members are treated fairly and impartially. The department prohibits 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 2021, the police department investigated two complaints of racial bias. Both investigations were conducted by the officers’ direct supervisor and reviewed by the Deputy Chief and Chief. In the first complaint of racial bias the complainant accused the officer of saying a racial comment. The investigation determined the comment came from an uninvolved third party and not the officer. This complaint was determined to be Unfounded.

The second complaint of racial bias was against a different officer for allegedly not offering assistance to a “family of color”. It was determined that the contact with the family was positive, and they neither requested nor needed help. This complaint was determined to be Unfounded.

The department is sensitive to complaints and monitors them closely. This review found no evidence of bias-based policing. The demographics of the city, and the listed statistical data, supports this conclusion.

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.

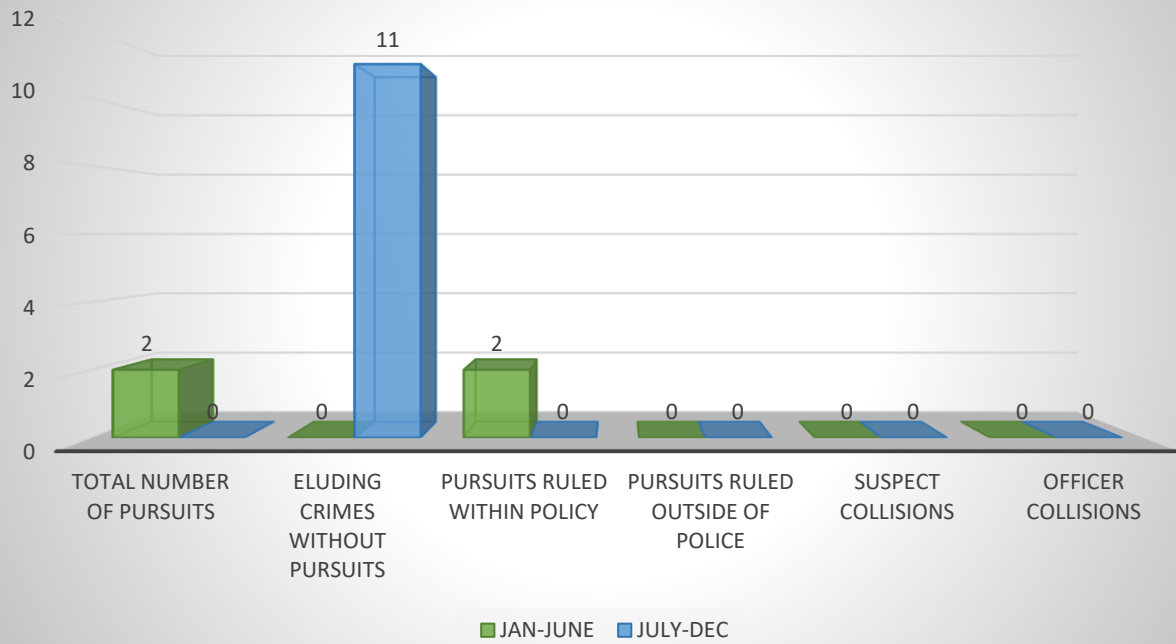
Attempting to Elude - Refers to the actions of a vehicle operator who, after being given a visual or audible signal to bring the vehicle to a stop, fails or refuses to immediately stop the vehicle and drives in a reckless manner while attempting to elude a uniformed officer operating a pursuing police 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. From January 2021 through June of 2021, the Port Orchard Police Department pursued two vehicles. Each incident was examined and determined to be within policy.

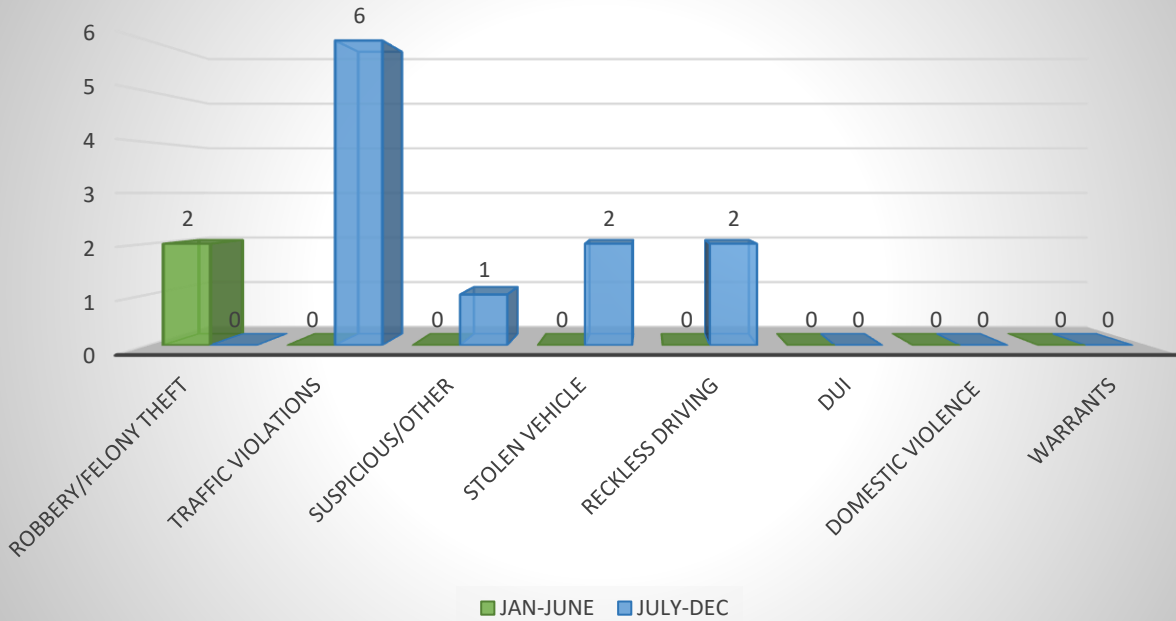
On July 25, 2021, the Washington State Legislation passed several bills that address tactics police can use, the degree of force an officer may use, and factors that law enforcement must consider before using any degree of force. The new police reform laws also include changes to when an officer may engage in a vehicular pursuit. The officer must have probable cause that a person in the vehicle committed or is committing a violent offense, sex offense, escape, DUI, or other offense where the public safety risks of failing to apprehend is greater than allowing the suspect to escape. The pursuit must also be necessary for the purpose of identifying or apprehending the person.

The dates listed below are divided into two categories. Those events which occurred before July are depicted in green, those which occurred from July forward are depicted in blue.

2021 PURSUIT STATISTICS



2021 PRECIPITATING EVENTS



Review and Analysis of Vehicle Pursuits – 2021

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

In 2021, thirteen individuals attempted to elude police, eleven of these occurred after the new police reform laws were implemented. There were two pursuits prior to July, and both were determined to be within policy.

After a thorough review, the department determined that officers routinely and appropriately terminate a pursuit once the risk outweighed the need for apprehension and when the pursuit did not meet standards. Officers understand and strictly abide by the pursuit policy.

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	0
# of collisions ruled ‘Preventable’	0
# of collisions ruled ‘Non-Preventable’	1
# of collisions that involved injury	0
# of collisions that involved pursuits	0
# of backing collisions	0

Control #	Description	Prev.	Non-Prev.	Disposition
21-034	Damage to wheel on patrol vehicle due to debris in roadway, unable to avoid.		X	No Action

Review and Analysis of Employee Collisions – 2021

In 2021, there was one officer-involved collision. A review of the incident determined it to be non-preventable. Officers involved in preventable collisions may receive some form of discipline dependent upon the totality of the circumstances. If officers are involved in preventable collisions, they 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, the department practices and incorporates the following safety measures: Buckle Up, Slow Down, Focus, and Remain Calm. The department trains annually in an Emergency Vehicle Operator Certification Course which is designed to increase officers' skills with pursuit driving, vehicle safety, and driving techniques to include backing. The goal is to arrive alive and increase the safety of our community.