

HOUSE BILL REPORT

HB 2057

As Reported by House Committee On:
Transportation

Title: An act relating to strengthening diversity, equity, and inclusion in the state patrol workforce.

Brief Description: Strengthening diversity, equity, and inclusion in the state patrol workforce.

Sponsors: Representatives Valdez, Ramos, Senn, Morgan, Johnson, J. and Pollet.

Brief History:

Committee Activity:

Transportation: 1/24/22, 2/1/22 [DPS].

Brief Summary of Substitute Bill

- Requires the Governor's Office of Equity to provide oversight of the Washington State Patrol's (WSP) development and ongoing implementation of its Diversity, Equity, and Inclusion Strategic Recruitment and Retention plan (strategic plan).
- Directs the Office of Equity to work with the Department of Enterprise Services to contract for an independent, expert consultant to assist with the oversight.
- Requires the consultant to establish benchmark goals for the demographic composition of the WSP workforce, develop agency-specific process and outcome measures of performance, recommend effective agency programs and services to reduce disparities, evaluate progress in the implementation of the strategic plan, annually update the strategic plan in coordination with the WSP, report biannually on the composition of the WSP workforce and otherwise assist the Office of Equity.
- Requires the Office of Equity to provide technical assistance to the WSP, publish the strategic plan on its performance dashboard, report

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performance on the dashboard, establish accountability procedures for the WSP, report annually to the Governor and Legislature on the WSP's compliance with the strategic plan and progress towards meeting performance goals.

- Expires these requirements on June 30, 2032.
- Appropriates \$650,000 from the State Patrol Highway Account to the Governor's Office of Equity for the independent consultant contract, a study of barriers to hiring commissioned officers, and the Office's costs of oversight.
- Appropriates \$331,000 from the State Patrol Highway Account to the WSP to support the costs of its Diversity, Equity, and Inclusion office and the external psychologist contract.

HOUSE COMMITTEE ON TRANSPORTATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 25 members: Representatives Fey, Chair; Wylie, 1st Vice Chair; Bronoske, 2nd Vice Chair; Ramos, 2nd Vice Chair; Barkis, Ranking Minority Member; Eslick, Assistant Ranking Minority Member; Robertson, Assistant Ranking Minority Member; Volz, Assistant Ranking Minority Member; Berry, Chapman, Dent, Donaghy, Duerr, Entenman, Goehner, Griffey, Hackney, Klicker, Paul, Ramel, Riccelli, Slatter, Taylor, Valdez and Wicks.

Minority Report: Without recommendation. Signed by 4 members: Representatives McCaslin, Orcutt, Sutherland and Walsh.

Staff: Beth Redfield (786-7140).

Background:

Beginning with the 2019-21 Biennial Transportation Budget, the Washington State Patrol (WSP) has been required to report to the Governor and Legislature on the demographic composition of the WSP workforce. The most recent report showed that the total WSP workforce was 84 percent white and 67 percent male. The field force workforce was 86 percent white and 86 percent male.

The 2020 Supplemental Transportation Budget included a requirement that the WSP work with the Department of Enterprise Services (DES) and the Office of Minority and Women's Business Enterprises to contract for a workforce diversity strategic action plan. That report was delivered to the WSP in April 2021 and provided a comprehensive strategy for improving diversity, equity, and inclusion at the WSP, with a particular focus on workforce

recruitment, retention, and training.

Summary of Substitute Bill:

The Governor's Office of Equity is required to provide oversight of the WSP's ongoing implementation of its strategic plan.

The Office of Equity is required to work with the DES, which will run and oversee a competitive procurement to contract for an independent, expert consultant.

The consultant's duties are to:

- collect benchmark data on the demographic composition of the WSP workforce, applicants in the recruitment process, including trooper academy classes and new hires across positions in the agency. In addition, the consultant must also collect comparative demographic data for other law enforcement training classes within the state;
- conduct a study of the labor force available for the commissioned and non-commissioned staff of the WSP, with a focus on the availability of Black, Indigenous, Latino, Asian, and other groups currently underrepresented in the WSP workforce;
- using the results of the labor force availability study, establish benchmark goals for the demographic composition of the WSP workforce and a plan for reaching the goals;
- develop agency-specific process and outcome measures of performance, taking into consideration community feedback;
- recommend effective agency programs and services to reduce disparities across the agency;
- evaluate progress in the implementation of the strategic plan developed for the WSP in 2021;
- in coordination with the WSP, annually update the strategic plan to reflect activities completed, new strategies, and next steps;
- report biannually to the Governor and appropriate committees of the Legislature on the composition of the current workforce compared to established benchmarks and goals; and
- otherwise assist the Office of Equity in monitoring and reporting the WSP's implementation of its strategic plan.

The Office of Equity is directed to:

- provide technical assistance to the WSP regarding best practices to effectively foster a diverse workforce;
- publish the WSP's strategic plan on the Office's performance dashboard;
- report the WSP's performance on the Office's performance dashboard;
- establish accountability procedures for the WSP consistent with the Office's authorizing statutes; and

- report annually to the Governor and appropriate committees of the Legislature on the WSP's compliance with developing its strategic plan.

The section requiring the Office of Equity oversight over the implementation of the WSP strategic plan expires on June 30, 2032.

An appropriation of \$650,000 from the State Patrol Highway Account is provided to the Governor's Office of Equity for the independent consultant contract, a study of barriers to hiring commissioned officers, and the Office's costs of oversight. An appropriation of \$331,000 from the State Patrol Highway Account is provided to the WSP to support the costs of its Diversity, Equity, and Inclusion office and the external psychologist contract.

Substitute Bill Compared to Original Bill:

The substitute bill requires the Office of Equity to provide oversight for the development and ongoing implementation of the WSP strategic plan. Instead of the WSP contracting for the independent consultant, the Office of Equity is directed to contract for an independent, expert consultant to support their oversight of the WSP plan. Additional consultant activities include developing agency-specific process and outcome measures which consider community feedback and recommending effective agency programs and services to reduce disparities across the WSP. Several activities assigned to the consultant in the underlying bill are assigned to the Office of Equity: providing technical assistance to the WSP and annual reporting to the Governor and Legislature on the evaluation of progress in implementing the plan. The Office of Equity is also directed to publish the strategic plan on its performance dashboard, report on WSP performance on the dashboard, establish accountability procedures for the WSP consistent with the Office of Equity's authorizing statutes, and report annually on WSP compliance with developing the plan.

The appropriation to the WSP is reduced, supporting the costs of WSP's Diversity, Equity, and Inclusion office and as well as the contract for an external psychologist. The WSP is also directed to annually update the strategic plan in coordination with the Office of Equity. An appropriation is added for the Office of Equity to hire the independent consultant, study existing state barriers to hiring commissioned officers, and provide resources for oversight.

Appropriation: The sum of \$981,000 is appropriated from the State Patrol Highway Account.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) It is important that the employee makeup of all of our state agencies really and truly reflects the diversity of our state. That includes our WSP, which is one of the most visible and public interfacing agencies in state government. They are hardworking state employees, facing many challenges every day out on the roads and highways and many dangerous situations on a daily basis. The intent is to ensure that anyone interested in being a WSP employee has the opportunity to serve the public. The independent Deloitte and Touche report which came out in April 2021 reported that the agency needed to do better to attract and recruit a more diverse workforce, particularly women and people of color. In 2018 the WSP had 909 sworn employees, of which 8.7 percent were women, 3.6 percent were African American, and just over 5 percent were Latino. Breaking it down further, of supervisors and executive staff, just under 5 percent were women, 3.1 percent were African American, and 3.1 percent were Latino. Looking at non-sworn personnel in upper administration, the numbers from 2018 show that of 930 employees in those positions, just 3.5 percent were African American and just over 5 percent were Latino. These numbers demonstrate the WSP has much work to do. They need to do better. The bill will have the WSP address its lack of diversity, will have them work with a consultant to establish benchmarks, bring in an outside professional to have an annual recruitment plan to find and recruit employees, but also be responsible back to the Legislature on a regular basis. The Deloitte report also noted that the in-house psychologist was a significant barrier for creating a diverse workforce. Finally, six months after the report was issued, there was a change made to this outdated practice and now the WSP uses an outside firm to conduct the psychology exams. Since its creation in 1921 the WSP has become one of the premier law enforcement agencies in the United States. It is a proud organization with a long history of tradition and accomplishments. In 1995 Chief Annette Sandberg was the first woman at age 33 to head the WSP and the first woman in the United States to lead a state police agency. In 2005 Chief John Batiste became the first African American to lead the WSP and continues to this day. These are two examples of no matter who you are, you can start as a cadet and make your way up the line to the top spot and become the Chief. Many agencies cannot make that statement. It is important for any organization to have diversity in its workforce especially in law enforcement which interacts with the general public every day. Currently, the WSP is down 243 commissioned personnel and 253 are eligible to retire by 2025. Yet there are just 46 cadets in the last phases of their training and only 40 cadets signed up for next academy class. The number of applicants has sharply decreased. Prior to last year, there was an average of 400 to 450 applicants per month. Since then the number dropped to 100 or less but now is increasing. Now is the time to redouble efforts and focus on people who would not usually consider the WSP for a career. Today, in its 101st year, the WSP is still overwhelmingly male and white. Meanwhile Washingtonians are becoming increasingly diverse. The WSP is the second largest law enforcement agency in the state. How the WSP looks and acts matters to all of us. The WSP is under fire for disproportionately policing people of color and for disproportionately rejecting Black, Indigenous, Hispanic, and Asian job applicants. In reality, this is about police culture. Police culture drives judgment and decision making. The diversity of an organization is a part of its culture. The hiring outcomes of the WSP must change. Pay close attention to the provisions of this bill to assure that there is in place a transparent framework with strong

accountability measures for monitoring, oversight, reporting, and a way to get results from the benchmarks required. A first generation Cambodian American applied to become a trooper in 2019 and failed the psychological portion of the hiring process. It is a positive step to hold the WSP more accountable in their hiring practices and push towards diversifying their predominantly white male agency. With the number of current vacancies in the WSP, there is an opportunity to ensure that the workforce is more representative of the communities served. With recent events and public sentiment, this creates additional challenges in not only hiring a workforce dedicated to public safety but also one that is diverse. Additional resources as well as a system of checks and balance will help narrow the gap and help bring the WSP closer to the commitment to diversity, equity, and inclusion. This bill partners with the 2021 report and provides support in the implementation of the strategic plan. The quarterly reporting needs to change to semi-annual reporting. Statewide affirmative action data is published two times a year in July and January for all state agencies. It is more reasonable to assess agency diversity in partnership with those reports.

(Opposed) None.

Persons Testifying: Representative Javier Valdez, prime sponsor; Spike Unruh, Washington State Patrol Troopers Association; Leslie Cushman; Kathleena Ly; Jason Linn, Washington State Patrol Lieutenants and Captains Association; and Captain Neil Weaver, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.