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43 Use of Force

44 • OLEO will be involved throughout the investigative and adjudicative process of every
45 major use of force incident involving a KCSO employee.¹ OLEO's involvement in these
46 matters includes:

47 1. Being immediately notified by the KCSO Command Post of a Critical Incident,
48 where Critical Incident means:

- 49 a. An officer-involved shooting resulting in death or injury;
50 b. The use of force resulting in death or serious bodily injury;
51 c. An in-custody death;
52 d. A vehicular pursuit resulting in death or serious bodily injury;
53 e. A traffic collision involving an officer resulting in death or serious bodily
54 injury; or
55 f. Any incident of workplace violence.

56 2. Being present at the scene of a Critical Incident and observing the investigation
57 in progress;

58 3. Reviewing KCSO's investigation of the incident and conducting additional
59 investigation if needed;

60 4. Attending any KCSO board reviewing use of force;

61 5. Reviewing and assessing the KCSO investigative reports and the Sheriff's final
62 report; and

63 6. Preparing an evaluation and assessment the KCSO's investigative reports and the
64 Sheriff's final report.

65 Public and Employee Complaints

- 66 • Assists members of the public as well as KCSO employees in filing complaints of
67 misconduct involving KCSO employees.
- 68 • Assists KCSO employees in matters involving allegations of retaliation and other
69 workplace concerns, as well as monitors KCSO's investigations into such matters to
70 ensure that both the employee's rights as well as KCSO's mission are protected.
- 71 • Investigates, in response to a complaint or on its own initiative, any administrative act
72 by the KCSO when deemed necessary by OLEO to further its mission.
- 73 • Ensures that other complaints of misconduct are properly handled and are thoroughly
74 and objectively investigated.
- 75 • Prepares an annual review and assessment, to be presented to the Council in public
76 session, of KCSO's handling of complaints and any claims of retaliation.

¹ Major use of force incidents include those that could result in serious risk of injury, death, or civil liability. Examples include, but are not limited to, an officer-involved shooting, a head strike with an impact weapon, an in-custody death, and a law enforcement related injury involving hospitalization.

77 **Operational Authority**

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79 The operational authority that OLEO needs in order to accomplish its mission includes the
80 following.

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82 1. To mitigate risks inherent to police operations, the Office needs the authority to respond to,
83 review, and investigate the following incidents, whether classified as misconduct or not,
84 without having to wait for the conclusion of any other review or investigation of the
85 incidents:

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87 a. Use of force investigations;
88 b. The negligent or accidental discharge of a firearm;
89 c. Officer involved shootings, even when the rounds fail to strike the suspect;
90 d. In custody deaths, which occur while the victim and/or suspect is under the control
91 of KCSO personnel;
92 e. Law enforcement related injuries (i.e., head strikes with a baton or other impact
93 weapon, carotid restraint control holds, positional asphyxia, or the discharge of a
94 TASER);
95 f. Incidents involving K-9 bites;
96 g. Instances of workplace violence;
97 h. Vehicular pursuits or accidents resulting in death or serious injury to KCSO personnel
98 or members of the public;
99 i. Criminal investigations involving KCSO deputies; and
100 j. Any incident that could expose King County to civil liability.

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102 2. To assure the adequacy of supervisory oversight and the Sheriff's internal discipline process,
103 OLEO needs the authority to:

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105 a. Assess the manner in which specific instances of discipline were recommended and
106 administered by KCSO, including any settlements of grievances or appeals related to
107 the discipline;
108 b. Access crime scenes to evaluate the quality of internal investigations and the
109 conduct of the involved Deputy;
110 c. Assess KCSO investigations, whether classified as misconduct or not, especially those
111 that involve high risk incidents or expose King County to potential civil liability;
112 d. Respond to Critical Incidents, including review and investigation as needed;
113 e. Have access to review board files and findings, such as those of the Use of Force
114 Review Boards, Shooting Review Boards, and Accident Review Boards, for purposes
115 of evaluation and oversight; and
116 f. Review and assess KCSO Internal Investigations Unit processes, investigations and
117 findings.

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119 3. To support KCSO's implementation of best practices in the law enforcement community,
120 OLEO needs the authority to:

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- a. Conduct performance audits of KCSO standards and procedures to identify risk and determine the adequacy of policies, training, and internal controls;
 - b. Audit and review investigative reports (i.e., arrest, booking, and charging reports) to assure compliance with Department policy and the rule of law; and
 - c. Conduct audits and reviews of allegations of racial profiling and other Constitutional violations such as those involving search and seizure, *Miranda*, and due process.
4. To assure OLEO and its employees have unfettered access to Department files and personnel, OLEO needs to have the following provision memorialized in the KCSO Manual:

INQUIRIES OR INVESTIGATIONS BY THE OFFICE OF LAW ENFORCEMENT OVERSIGHT

Duty to Provide Access to Department Records and Information: Per an Agreement approved by the King County Sheriff's Office, Department employees have an affirmative duty to cooperate fully with the Office of Law Enforcement Oversight and to provide complete, unrestricted and prompt access to inspect and/or photocopy all King County Sheriff Office records, including reports, audits, reviews, plans, projections, documents, files, contracts, memoranda, correspondence, data or information on audio/video computer tape/disc or other materials of the Department, including ongoing and in-progress matters. The Office of Law Enforcement Oversight is not required to articulate to the Department any reason or rationale for any specific request.

No Department protocols restricting access to Department records or information shall be applied to the Office Law Enforcement Oversight. In order to carry out the duties of the office, the Office of Law Enforcement Oversight shall have prompt access to any employee of the King County Sheriff's Office, subject to limitations imposed by law or collective bargaining agreement.

When inspecting or photocopying Departmental records or evidence maintained by the Department, the Office of Law Enforcement Oversight shall follow the same protocols pertaining to chain-of-custody, preservation of integrity of physical evidence and confidentiality applicable to Department personnel. When requesting materials from an in-progress crime investigation, the Office of Law Enforcement Oversight shall coordinate all activities with the Officer in Charge in a manner which does not interfere with or compromise the investigation.