

# Office of Law Enforcement Oversight

Annual Report | 2018



King County

**OLEO**

OFFICE OF LAW ENFORCEMENT OVERSIGHT

# Table of Contents

<b>About OLEO</b>	<b>1</b>
Letter from the Director	
OLEO Purpose	
OLEO Activities	
Who We Serve	
OLEO's History	
<b>Monitoring Sheriff's Office Investigations of Misconduct Complaints</b>	<b>6</b>
How to File a Complaint	
Understanding the Complaint Process	
Complaint Intake Classifications	
Types of Allegations	
Patterns in Complaints Against Officers	
<b>OLEO Review of Complaint Investigations</b>	<b>11</b>
Certification of Investigations	
<b>Case Dispositions</b>	<b>12</b>
Analysis of Investigative Findings	
Case Abstracts	
<b>OLEO and Sheriff's Office Training</b>	<b>16</b>
OLEO Staff Training	
Implicit Bias	
De-escalation	
<b>Systemic Reviews</b>	<b>17</b>
Reviews/Reports	
Sheriff's Office Policy and Practices	
<b>Summary of Critical Use of Force Incidents</b>	<b>20</b>
Critical or Serious Use of Force Incidents in 2018	
<b>Community Engagement</b>	<b>22</b>
Community Advisory Committee on Law Enforcement Oversight	
<b>Appendix</b>	<b>24</b>
Complaints by District	

# About OLEO



**Deborah Jacobs**

*Director of OLEO*

## **Letter from the Director**

In 2018, OLEO leaned into its duties, expanding its efforts into a full complement of oversight activities, consistent with OLEO's ordinance authority. I'm proud to share highlights of this work, which are detailed within this annual report.

OLEO continued its commitment to robust training for Sheriff's Office employees, including providing ongoing input and support for the 2017/2018 de-escalation in-service training for all personnel. OLEO also sponsored an anti-bias training for Sheriff's Office command staff with Dr. Bryant T. Marks, Sr. from Morehouse College. Participants gave this training unanimous high ratings and expressed a desire for the entire department to benefit from the experience.

OLEO also continued to support the quality of misconduct investigations. Over the course of the year, OLEO certified 127 misconduct investigations and required follow-up in 27 of those cases. Ultimately, OLEO determined that 18 investigations did not meet its standards for thorough, timely, and objective investigations.

Conducting systemic reviews of Sheriff's Office policies and practices allows OLEO to take a deeper dive into the systems, training, and supervision that most impact how police services are being delivered in a way that is equitable and meets community desires. In 2018, OLEO released three such reports: two related to how the Sheriff's Office handles complaints from the public and one that addressed Sheriff's Office practices for communicating with the media and the public following a police-involved shooting or another such critical incident. These reports included numerous recommendations that we continue to advocate for the Sheriff to adopt.

OLEO also provided feedback to the Sheriff's Office relating to such subjects as use of force investigation procedures and a policy on use of less-lethal shotguns, such as those that shoot beanbag rounds. The Sheriff's Office adopted a portion but not all of OLEO's recommendations on these policies.

The Community Advisory Committee for Law Enforcement Oversight also made strides in 2018. In addition to conducting expanded outreach activities, the committee communicated with the Sheriff's Office on issues of equity and social justice, as well as supporting the adoption of OLEO policy recommendations mentioned above.

Even though OLEO's authorities remained under collective bargaining restraints throughout 2018, the office made strides in its work and impact. Our hope is that in 2019, we will see some of OLEO's pending recommendations adopted, as well as the conclusion of the ongoing collective bargaining of OLEO's authorities.

Finally, with gratitude to the King County Council and King County Executive, during the 2019/2020 budget process, OLEO was granted three new full-time positions, allowing us to grow from four to seven staff members. This growth will enable OLEO to expand the quantity and quality of its oversight work over the coming years.

*Sincerely,*

A handwritten signature in black ink that reads "Deborah Jacobs". The signature is fluid and cursive.

**Deborah Jacobs**  
Director

# About OLEO

## **OLEO Purpose**

OLEO represents the interests of the public in its efforts to hold the King County Sheriff's Office (Sheriff's Office) accountable for providing fair and just policing services. By conducting independent reviews and engaging communities, OLEO seeks to instill public trust in law enforcement, promote transparency and integrity of the Sheriff's Office operations, and help ensure the professionalism of Sheriff's Office employees.

## **OLEO Activities**

### **Reviewing Police Use of Force**

When police use force that results in serious injury or death, OLEO attends the scene. OLEO later reviews the Sheriff's Office's internal investigations of these incidents and is also present during the Use of Force Review Board meetings.

### **Ensuring Greater Confidence in Misconduct Investigations**

OLEO strives to ensure that the Sheriff's Office conducts investigations in a fair and factual manner that seeks to uncover the truth. It reviews the work of the Internal Investigations Unit (IIU), the Sheriff's Office unit that investigates complaints against its employees, to ensure that misconduct investigations are thorough and objective.

### **Incorporating Community Input into Sheriff Policies**

OLEO looks at systemic issues, such as use of force, search and seizure, recruitment, and training, to identify trends in police practices and areas for improvement. OLEO typically reports its findings following such reviews and recommends changes to the Sheriff's Office. In addition, King County Code requires the Sheriff's Office to allow for OLEO's review of proposed policy changes before adopting them.

### **Cultivating Public Input and Engagement**

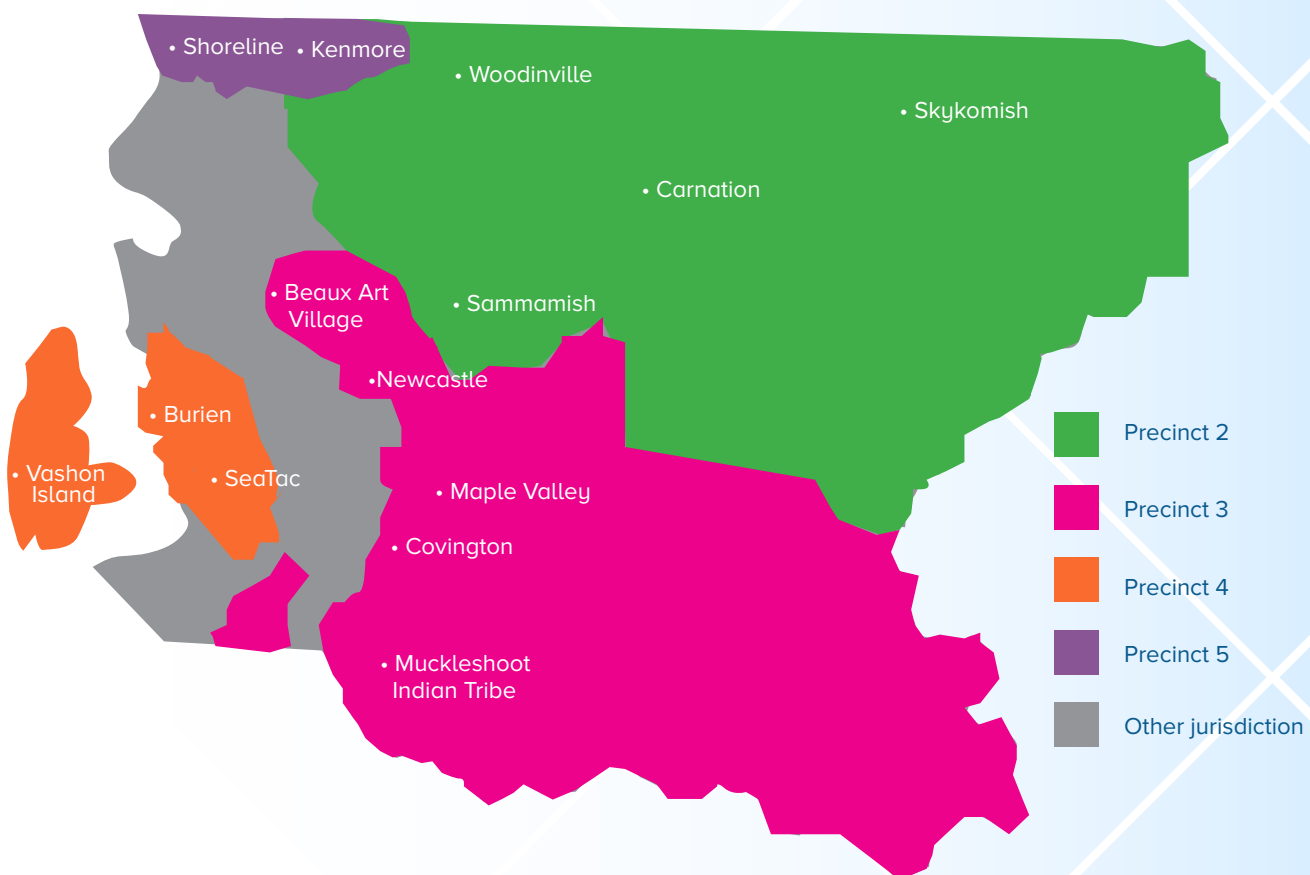
The Community Advisory Committee for Law Enforcement Oversight members serve as liaisons between OLEO and the public. OLEO staff also conducts public outreach. Community input informs OLEO's work and priorities. OLEO also provides updates and information through social media, its website, and its e-newsletter, the *OLEO Insider*.

### **Brokering Restorative Resolution of Disagreements**

OLEO collaborates with the Sheriff's Office to offer an Alternative Dispute Resolution (ADR) program in which a neutral third party facilitates a voluntary discussion between community members and Sheriff's Office employees to address complaints. The purpose of this program is to enhance understanding between the parties.

## Who We Serve

OLEO's jurisdiction extends to all places served by the Sheriff's Office. This includes, but is not limited to, unincorporated King County, King County Airport, Metro, Sound Transit, and the partner cities identified below that contract with the Sheriff's Office to receive policing services. OLEO and the Sheriff's Office serve over 500,000 residents.



## Diverse, Global Community

The Sheriff's Office patrols rural, suburban, and urban areas of the County, requiring deputies to operate within diverse and dynamic environments. With more than two million residents, King County is the largest metropolitan county in the State of Washington by population, number of cities, and employment. It is the thirteenth most populous and second-fastest growing county in the United States. Over the past 20 years, persons of color have constituted most of the population increase. King County residents and workers are a diverse and global community, with 20 percent of the population foreign born, 29 percent people of color, and 25 percent persons who speak a language other than English at home. Collectively, King County residents speak **170+ different languages**.

# OLEO's History

2005

The *Seattle Post-Intelligencer* runs the first of its series “**Conduct Unbecoming**,” which highlights problems with police practices within the Sheriff’s Office. These articles spark dialogue about the need for oversight of the Sheriff’s Office.

2006

The King County Council creates the Office of Law Enforcement Oversight via **Ordinance 15611**. The Office is intended to ensure the integrity, transparency, and accountability of the King County Sheriff’s Office in misconduct investigations and to foster greater community trust in the Sheriff’s Office. The King County Police Officer’s Guild (KCPOG) promptly challenges OLEO’s oversight role as an Unfair Labor Practice; the challenge takes nearly three years to resolve, during which time the implementation of OLEO’s operations is suspended.

2009

The original authority established under Ordinance 15611 is revised through the King County Council’s adoption of **Ordinance 16511**, which includes modified OLEO rights and responsibilities that reflect negotiations with KCPOG.

2011

OLEO begins operations.

2015

King County voters approve **Charter Amendment 1**, expanding the scope of OLEO’s authority. The Charter amendment also enhances the role of OLEO’s community advisory committee.

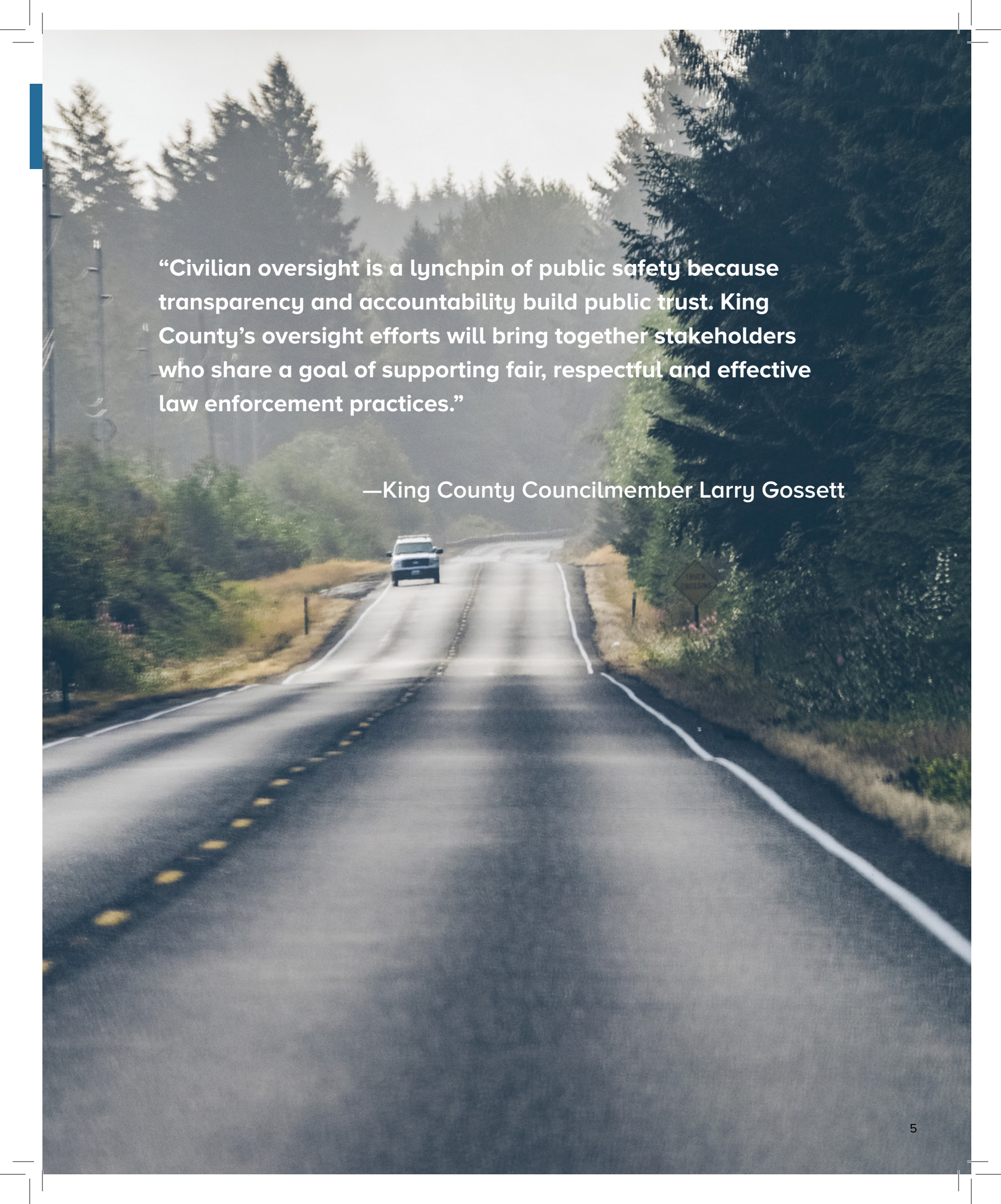
2017

The King County Council adopts **Ordinance 2017-0139** to implement Charter Amendment 1.

2018

OLEO’s expanded authority is subject to collective bargaining with the KCPOG. The process is ongoing at the time of publication.





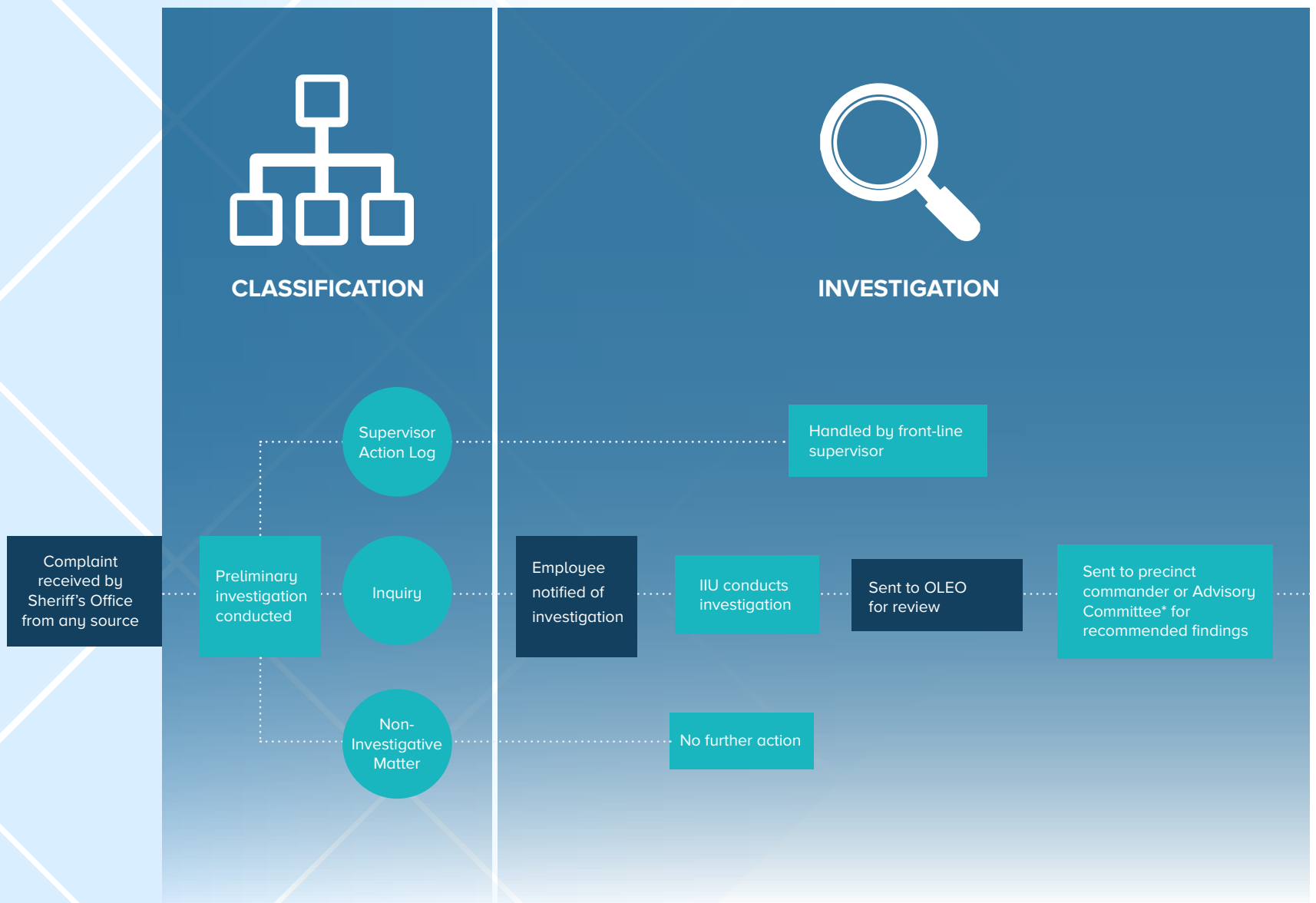
**“Civilian oversight is a lynchpin of public safety because transparency and accountability build public trust. King County’s oversight efforts will bring together stakeholders who share a goal of supporting fair, respectful and effective law enforcement practices.”**

**—King County Councilmember Larry Gossett**

# Monitoring Sheriff's Office Investigations of Misconduct Complaints

## How to File a Complaint

Both OLEO and the Sheriff's Office accept complaints from any party, including Sheriff's Office employees, through email, a **complaint form**, and other means. Complaints may be filed anonymously or by a third party not directly involved in the incident.



Notes: \*The Internal Investigations Advisory Committee is composed of the Prosecuting Attorney's Office, Labor Relations, and Sheriff's Office personnel. The committee meets to advise the IIU commander or other Sheriff's Office commanders on legal issues associated with cases that the Sheriff's Office presents to the committee.

<sup>a</sup> A Loudermill hearing is part of the due process requirement that must be provided to a public employee prior to discipline imposition. The hearing is an opportunity for the employee to present their side of the story before the employer makes a discipline decision.



## Understanding the Complaint Process

The complaint process involves four stages:

- Classification – IIU determines whether to investigate a complaint.
- Investigation – IIU gathers evidence and facts, and interviews witnesses.
- Findings – The Undersheriff determines, based on the investigation, whether any laws or policies were violated.
- Discipline/Appeal – The Sheriff determines whether disciplinary action is taken or can be imposed, and a neutral arbitrator hears and decides any further appeal.



### FINDINGS

Unfounded

Undetermined

Exonerated

Non-sustained

Sustained

Command staff makes findings determination



### DISCIPLINE / APPEAL

Employee formally notified

Employee formally notified

Employee formally notified

Employee formally notified

Command staff decides discipline or corrective counseling/training and notifies employee

Grievance or Loudermill hearing<sup>a</sup>

Arbitration

# Monitoring Sheriff's Office Investigations of Misconduct Complaints

## Complaint Intake Classifications

When the Sheriff's Office receives a complaint, one of its early steps is to classify the complaint, which determines whether and to what extent the Sheriff's Office will take action on a misconduct allegation. IIU currently classifies complaints into one of three categories:

- **Inquiries:** Allegations considered serious and therefore require a full investigation. Examples include complaints about excessive or unnecessary use of force against a person or conduct that is criminal in nature. OLEO's current authority to review complaints is limited to complaints classified by IIU as Inquiries.
- **Non-Investigative Matter (NIM):** Allegations that, even if true, would not violate Sheriff's Office policy. The Sheriff's Office takes no action on these complaints. For example, a community member objects to having been stopped for a traffic violation, but the deputy had authority to conduct the stop, and there is no claim of misconduct.
- **Supervisor Action Log (SAL):** Allegations considered minor and referred to the employee's supervisor for handling. Examples include tardiness, uniform and equipment violations, and personal appearance infractions.

In 2018, there were 590 complaints received by either OLEO or the Sheriff's Office, and IIU classified more than half of the complaints as Inquiries.<sup>1</sup> Fifty-eight percent of those complaints came from community members (community complaints), and 42 percent of the complaints came from Sheriff's Office employees (internal complaints). See Table 1.

Table 1: Breakdown of Complaint Classifications, 2018

Classification	Community complaints	Internal complaints	Complaints by classification
Inquiry	218 (64%)	130 (53%)	348 (59%)
Non-Investigative Matter (NIM)	70 (20%)	13 (5%)	83 (14%)
Supervisor Action Log (SAL)	54 (16%)	104 (42%)	158 (27%)
<b>Total complaints by source</b>	<b>342</b>	<b>247</b>	<b>589</b>

<sup>1</sup>As of June 30, 2019, IIU had noted one complaint as "Preliminary." It is unclear from the file whether IIU acted on this complaint. It is excluded from further analysis.

## Types of Allegations

A complaint often includes more than one allegation; therefore, the number of allegations will usually exceed the number of complaints. The 589 complaints filed against Sheriff's Office employees, both sworn officers and civilians, included 945 allegations of misconduct. Community complaints included 570 allegations of misconduct, and internal complaints included 375 allegations of misconduct.

IUU investigated 348 complaints classified as Inquiries, which involved 663 allegations of misconduct.<sup>2</sup> From the complaints classified as Inquiries, 417 allegations originated from the community, and 246 originated internally. External allegations, or allegations made by community members, typically concerned treatment of the public by officers, with 26 percent of external allegations involving excessive or unnecessary use of force. Internal allegations generally concerned employees' performance of duties. Fifteen percent of internal allegations were related to violations of Sheriff's Office directives, rules, policies, or procedures. Examples of these include negligent discharge of a firearm, failing to collect or submit photographic evidence for an investigation, and improper use of a County issued fuel card. A summary of the five most common allegations is highlighted in Table 2 and 3.

**Table 2: Five Most Common External Allegations, 2018**

Nature of allegations	Number and percentage of allegations	
Excessive or unnecessary use of force	108	26%
Lack of courtesy	45	11%
Inappropriate use of authority	42	10%
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	40	9%
Conduct unbecoming	29	7%
<b>Total number of five most common external allegations</b>	<b>264</b>	<b>63%</b>
<b>Total number of external allegations</b>	<b>417</b>	

**Table 3: Five Most Common Internal Allegations, 2018**

Nature of allegations	Number and percentage of allegations	
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	36	15%
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so	28	11%
Conduct unbecoming	22	9%
Lack of courtesy	21	8%
Willful violation of either Sheriff's Office Civil Career Service Rules or King County Code of Ethics, as well as King County Sheriff's Office rules, policies, and procedures, and absence without leave	17	7%
<b>Total number of five most common internal allegations</b>	<b>124</b>	<b>50%</b>
<b>Total number of internal allegations</b>	<b>246</b>	

<sup>2</sup> As of June 30, 2019, there were 6 complaint investigations that included 12 allegations that were still open and pending completion.

# Monitoring Sheriff's Office Investigations of Misconduct Complaints

## Patterns in Complaints Against Officers

Tables 4 and 5 show patterns of complaints for individual Sheriff's Office sworn officers. Table 4 shows the number of complaints lodged against Sheriff's Office sworn officers, and Table 5 shows the number of complaints of excessive use of force. The tables include all complaints reported, regardless of how they were classified, whether they were investigated and/or ultimately sustained.

In 2018, 61 percent of Sheriff's Office sworn officers received no complaints and 39 percent received one or more complaints. See Table 4.

**Table 4: Complaints Reported Against Individual Officers, 2018**

Number of complaints	Number and percentage of sworn officers	
0	525	61%
1	202	23%
2	72	8%
3	38	4%
4 or more	24	3%
<b>Total sworn officers receiving complaints</b>	<b>336</b>	<b>39%</b>
<b>Total sworn officers</b>	<b>861</b>	

Notes: Percentages do not add to 100 percent because of rounding. We excluded cases in which IIU either could not identify the subject officer or the subject officer was unknown. King County Department of Human Resources provided counts of the Sheriff's Office sworn officers.

Officers interact with community members to varying degrees depending on their role and unit. Officers assigned to Patrol Operations have the most regular contact with community members by responding to calls and conducting traffic enforcement, but officers in other units such as those that serve legal documents, conduct evictions, and enforce court orders also interact with the public. Within Patrol Operations, 82 percent of officers were not the subject of a complaint alleging excessive or unnecessary use of force, and 18 percent were the subject of a complaint with a use of force allegation. See Table 5.

**Table 5: Excessive Use of Force Complaints per Officer in the Patrol Operations Unit, 2018**

Number of complaints	Number and percentage of sworn officers in the Patrol Operations Unit	
0	402	82%
1	72	15%
2	14	3%
3	2	<1%
<b>Total sworn officers receiving excessive use of force complaints</b>	<b>88<sup>a</sup></b>	<b>18%</b>
<b>Total sworn officers in the Patrol Operations Unit</b>	<b>490</b>	

Notes: We excluded cases in which IIU either could not identify the subject officer or the subject officer was unknown. King County Department of Human Resources provided counts of the Sheriff's Office sworn officers.

<sup>a</sup> Count includes officers that work in units other than the Patrol Operations Unit.



# OLEO Review of Complaint Investigations

## Certification of Investigations

OLEO oversees the Sheriff's Office complaint investigations to help ensure that they are thorough, objective, timely, and in compliance with Sheriff's Office procedures.<sup>3</sup> OLEO maintains guidelines that set forth minimum steps for an investigation to be deemed "thorough." Criteria include whether all material witnesses are identified and thoroughly interviewed, all evidence is obtained in a timely manner, and both the complainant and subject officer are treated fairly. After OLEO reviews the investigation, it transmits a letter with its certification decision to the Sheriff's Office.

During the review, OLEO often identifies opportunities for the Sheriff's Office to provide training or clarify and improve its policies and procedures. Issues addressed in 2018 include detention procedures and pacing cars for potential speeding violations.

## OLEO Follow-up on Investigations

During the certification review process, OLEO communicates with IIU, seeking clarification or providing feedback on complaint investigations. If needed, OLEO requests that investigators conduct additional investigatory steps. In 2018, there were 27 investigations in which OLEO sought clarification or additional investigation. Matters included recommendations for interviewing witnesses, obtaining photographs, identifying the source of the complainant's injuries, determining the scope or accuracy of allegations identified in the investigation, providing proper notice to deputies under investigation, handcuffing and detention procedures, and chain-of-command accountability.

If IIU does not complete the additional investigation that OLEO deems essential to a thorough investigation or is unable to obtain evidence because it did not process OLEO's request in a timely manner, OLEO does not certify the investigation as thorough, objective, timely, and in compliance with Sheriff's Office procedures.

## Certified versus Not Certified Cases

Of the 2018 investigations formally reviewed, OLEO certified 127 cases and **declined to certify 18 cases**.<sup>4</sup> Reasons for declining to certify an investigation included, for example, IIU failed to conduct the additional investigation OLEO requested or provide written notice to the subject deputy that they were under investigation. The number of inquiries that OLEO declines to certify each year provides Sheriff's Office leadership, the King County Council, and the public with important information about the quality of the investigations.

---

<sup>3</sup> These Sheriff's Office misconduct investigations are conducted by IIU or front-line sergeants at the precinct.

<sup>4</sup> Due to limited resources this year, OLEO was not able to formally review as many cases as the prior year.

# Case Dispositions

## Analysis of Investigative Findings

Following the case review process, IIU issues a finding for allegations of misconduct.<sup>5</sup> According to Sheriff’s Office policies, the standard of proof to sustain an allegation generally requires a “preponderance of evidence” (i.e., “more likely than not”) that the policy violation occurred based on the facts. However, if criminal or serious misconduct is alleged and there is a likelihood of suspension, demotion, or termination, the standard of proof is “clear and convincing evidence.” The Sheriff’s Office determines whether allegations are:

**SUSTAINED**  
the allegation is supported by sufficient factual evidence and was a violation of policy.

**NON-SUSTAINED**  
there is insufficient factual evidence either to prove or disprove the allegation.

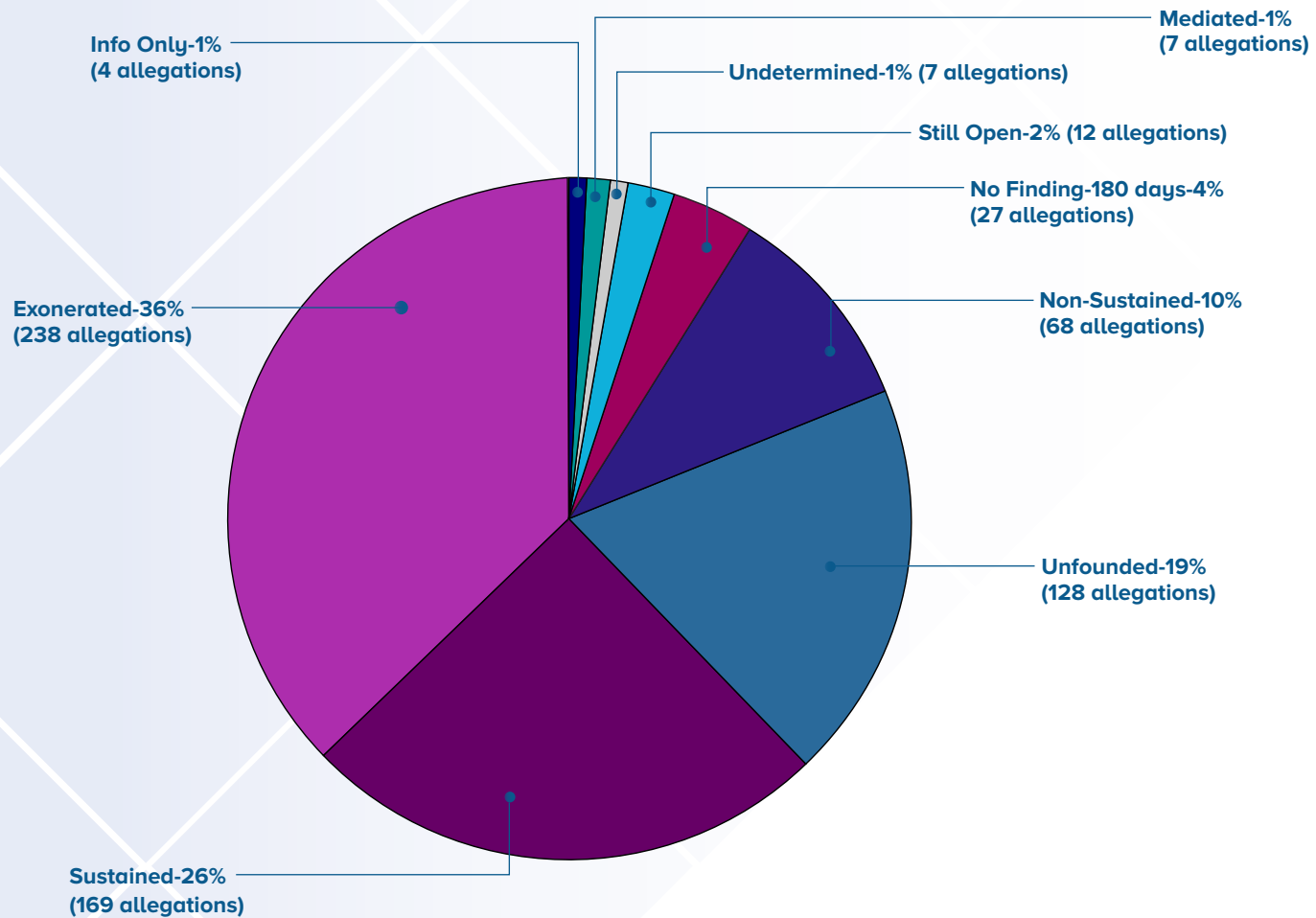
**UNFOUNDED**  
the allegation is not factual and/or the incident did not occur as described.

**EXONERATED**  
the alleged incident occurred, but was lawful and proper.

**UNDETERMINED**  
the completed investigation does not meet the criteria of the other classifications.

Figure 1 shows dispositions for all allegations of misconduct reported by community members and Sheriff’s Office employees. The Sheriff’s Office sustained 26 percent of total allegations of misconduct.

Figure 1: Case Dispositions for Allegations Against Sheriff’s Office Employees, 2018



<sup>5</sup> OLEO does not currently recommend findings to the Sheriff’s Office and is prohibited from any involvement in discipline.

The Sheriff's Office sustained 10 percent of external allegations made by community members compared to 49 percent of internal allegations made by its own employees. Excessive or unnecessary use of force accounted for 108 external allegations of misconduct, and IIU sustained one of those allegations. Acts in violation of Sheriff's Office directives, rules, policies, or procedures accounted for 36 internal allegations of misconduct, and the Sheriff's Office sustained more than half of those allegations.

Tables 6 and 7 provide a summary of the sustain rate for the five most common external and internal allegations. The Sheriff's Office also issues corrective actions following a sustained finding, including discipline in the form of oral, verbal, or written reprimand; suspension; demotion; termination; or corrective counseling. See [the expanded table](#) for a summary of the types of corrective actions and other outcomes taken for all sustained allegations.

**Table 6: Sustain Rate of the Five Most Common External Allegations, 2018**

Nature of allegations	Total allegations	Sustained allegations	Rate
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	40	15	38%
Conduct unbecoming	29	6	21%
Lack of courtesy	45	3	7%
Inappropriate use of authority	42	1	2%
Excessive or unnecessary use of force	108	1	1%
<b>Total</b>	<b>264</b>	<b>26</b>	<b>10%</b>

**Table 7: Sustain Rate of the Five Most Common Internal Allegations, 2018**

Nature of allegations	Total allegations	Sustained allegations	Rate
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	36	19	53%
Willful violation of either Sheriff's Office Civil Career Service Rules or King County Code of Ethics, as well as King County Sheriff's Office rules, policies and procedures, and absence without leave	17	14	82%
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so	28	11	39%
Lack of courtesy	21	10	48%
Conduct unbecoming	22	7	32%
<b>Total</b>	<b>124</b>	<b>61</b>	<b>49%</b>

# Case Dispositions

## Case Abstracts—Examples of Dispositions in Closed Cases

The following case abstracts are taken from closed 2018 investigations of complaints and serve as examples of what the different Sheriff's Office's dispositions mean in practice:

### Sustained

This complaint involved an allegation of excessive use of force. A deputy was providing traffic control due to a road that was closed for repairs. An individual attempted to drive around the closure and stated he did so after another deputy gave him permission. When he arrived at the subject deputy's post, the individual alleged that the deputy immediately started yelling at him and pointed his firearm at him without necessity. The subject deputy stated during his interview that the vehicle approached him at a high rate of speed, and that he was concerned for his safety. The subject deputy stated he initially had his firearm pointed at the vehicle, but once the vehicle slowed and stopped, he lowered his firearm. The Sheriff's Office sustained the excessive force allegation. It reasoned that although the subject deputy could have perceived his safety to be at risk, it found that the subject deputy did not use de-escalation tactics in order to reduce the need for force.

### Non-Sustained

This complaint involved an allegation of excessive use of force. The deputy responded to a shoplift report. The store's loss prevention officer confronted the individual, who had attempted to steal beer, to give him a trespass warning. A surveillance video from inside the store showed a confrontation in which the individual bumped the loss prevention officer out of the way in order to leave the store. The deputy attempted to detain the individual in the parking lot, but he pulled away. The deputy and the loss prevention officer wrestled the individual to the ground. The individual alleged that he was choked by the deputy to the point of almost blacking out. The deputy denied the allegation. There were no marks or injuries. The loss prevention officer stated he did not see the deputy apply a chokehold, but his view may have been obstructed. No other witnesses were interviewed. The Sheriff's Office found the allegation non-sustained, reasoning that there was insufficient evidence to prove or disprove the allegation.

### Unfounded

This complaint involved allegations of inappropriate use of authority and willful violations of federal and state law. The deputies went to a residence to conduct a welfare check. The individual who filed the complaint stated the deputies kicked in his front door and had guns drawn. The deputies stated they knocked on the door and used a flashlight to get the attention of someone inside the home. The individual's son opened the door and, at some point, the individual himself came to the door. After the deputies confirmed he was alive and well, they left the residence. The individual did not provide IIU with a follow-up statement, and the pictures he provided did not show any damage or marks to the door that was allegedly kicked in. A civilian who was on a ride-along with the deputies also corroborated the deputies' version of events. The Sheriff's Office found the allegations unfounded because, although a welfare check was conducted, it did not occur as described by the individual making the complaint.



## **Exonerated**

This complaint involved an allegation of biased-based policing. The deputy conducted a traffic stop after observing the individual on his cell phone while driving. The individual filed a complaint alleging the deputy used the cell phone as a pretext to stop him because he was listening to rap music and had a visible tattoo. The individual stated he was adjusting the volume on his device, but when asked, would not clarify whether or not he was referring to his cell phone. The deputy denied stopping the individual based on his skin color, stating he and the individual were the same skin color, he also has a visible tattoo, and he could not hear the music before contacting the individual for the cell phone violation. The Sheriff's Office found the allegation exonerated because although a traffic stop did occur, there was no evidence of biased-based policing, and it was, therefore, lawful and proper.

## **Undetermined**

This complaint involved an allegation of biased-based policing. An individual alleged that a courthouse security screener laughed at him when he dropped things at the screening checkpoint and did so because of his disability. IIU tried to reach the complainant to find out the location of the courthouse in which this incident occurred and to obtain a description of the security screener, but the individual could not be reached for further information. The Sheriff's Office entered a finding of undetermined because it was unable to identify the security screener at issue.

## **Alternative Dispositions—Mediation**

When a misconduct complaint is filed, one option available to deputies and complainants is to resolve the complaint through mediation rather than the traditional route of investigation. Feedback provided by participants showed that parties in the process felt heard and learned something about another person's perspective – something that typically cannot be gained through investigation.

As a result, in 2018, OLEO and IIU jointly worked to identify and refer more complaints for mediation. To encourage deputies to participate in mediation, OLEO recommended that the General Orders Manual (GOM) and practices be updated to reflect language in the existing collective bargaining agreement, which specifies that complaints will be administratively dismissed if the officer participates in good faith during mediation. The Sheriff's Office declined to adopt OLEO's recommendation without explanation. This relates to GOM 3.03.185 and 3.03.325.

# OLEO and Sheriff's Office Training

## OLEO Staff Training

In addition to supporting training for Sheriff's Office personnel, OLEO prioritizes sending its own staff to law enforcement trainings as well as regularly taking ride-alongs with Sheriff's Office deputies to bolster OLEO staff's knowledge, skills, and experience. In 2018, OLEO staff took classes on implicit biases, less-lethal shotguns, de-escalation, patrol tactics, and IAPro (the Internal Investigations database). In June 2018, OLEO co-sponsored a one-day regional conference of the National Association for the Civilian Oversight of Law Enforcement (NACOLE) with panels on Inquests, Reviewing Uses of Force, and Community Engagement, attended by oversight professionals and community members.

## Implicit Bias

On March 14, 2018, OLEO sponsored a three-hour implicit bias training by Dr. Bryant T. Marks, Sr. of Morehouse College. Dr. Marks presented to about 30 members of the Sheriff's Office command staff and received positive survey responses from all attendees, who also expressed interest in having Dr. Marks present to all Sheriff's Office personnel, a shared goal with OLEO.

## De-escalation

In 2018, OLEO continued to advocate for greater funding for training of Sheriff's Office employees, including a three-day de-escalation training that took place in both 2017 and 2018 with OLEO's support and involvement. On January 23, 2018, [OLEO's director testified](#) before the King County Council's Law and Justice Committee about the benefits of in-person de-escalation training.

## De-escalation in action

Some of the most important tactics taught in de-escalation training relate to finding ways to slow an encounter. This includes creating distance, looking for cover, and engaging people in dialogue.

On an annual basis, there are many examples of successful de-escalations by Sheriff's Office deputies. For example, on May 23, 2018, the Sheriff's Office was called to assist with an armed and barricaded suicidal female in unincorporated King County near Auburn. The woman had cut herself with a knife, was reportedly suffering from depression and PTSD, and had been drinking alcohol and using a combination of drugs.

One of the sergeants trained in crisis negotiation opened dialogue with the woman, while others gathered information from her boyfriend and mental health professionals. She had threatened "suicide by cop," and the sergeant leading the negotiation also observed that she was bleeding from self-inflicted wounds.

The sergeant maintained a back-and-forth dialogue with the woman, remaining calm and composed for more than two hours without a break. He utilized empathy and active listening skills, and the woman mentioned more than once that he had a calming voice. After over two hours, a risk assessment by Command Staff recommended that police withdraw. The Sheriff's Office personnel departed and, about 15 minutes later, the woman emerged from the home, unarmed, and was referred for involuntary commitment.

# Systemic Reviews

## Reports/Reviews

One way that OLEO can impact how the Sheriff's Office serves the public is by conducting systemic reviews and publishing reports and recommendations on topics relating to systems, policies, and practices. In 2018, OLEO issued three such reports:

- **Report on the Sheriff's Office's public information practices** by the Brechner Center for Freedom of Information at the University of Florida. The report discusses how the Sheriff's Office reported to the media and public in the aftermath of a critical incident and provided recommendations for improvement. This report was presented to the King County Council's Law and Justice Committee on June 13, 2018.
- **Report on complaint intake classifications for internal investigations** by consultants at Daigle Law Group. This report discusses the Sheriff's Office's policies and practices for deciding which complaints it investigates, which it sends to a supervisor, and which receive no action. This report was presented to the King County Council's Law and Justice Committee on July 10, 2018.
- **Report analyzing use of force complaints** by consultants at Change Integration Consulting, et al. This report discusses the Sheriff's Office's policies and practices for investigating complaints of uses of force. This report was presented to the King County Council's Law and Justice Committee on August 28, 2018.

Although the Sheriff's Office had internal workgroups review these reports, it did not provide any response to OLEO's recommendations. Therefore, at the end of 2018, the King County Council adopted a proviso withholding a portion of the 2019/2020 budget until the Sheriff's Office provided a response to OLEO's recommendations.

## Sheriff's Office Policy and Practices

OLEO provides feedback and recommendations on specific policies in the Sheriff's Office GOM and on procedures in various Standard Operating Procedures. OLEO initiates some of the recommendations after observing a need and makes other recommendations in response to the Sheriff's Office's notification that it proposes to revise specific policies.

These recommendations serve as another avenue for OLEO to address systemic issues of policing and provide the public's perspective to the Sheriff's Office. In 2018, OLEO's recommendations included:

### Less-Lethal Shotgun

A less-lethal shotgun is loaded with beanbag rounds and is designed to not kill a person. The Sheriff's Office implemented the less-lethal shotgun program to provide deputies with options other than deadly force.<sup>6</sup>

<sup>6</sup> In December 2017, the Sheriff's Office initially came out with a Less-Lethal Shotgun policy without waiting for OLEO's recommendations. In 2018, the new Sheriff's Office administration halted the implementation of the less-lethal shotgun program to revise the policy, among other things, and engaged OLEO for input.

# Systemic Reviews

## **OLEO's recommendations included:**

- Raising the threshold for which a less-lethal shotgun can be used on an individual from “resistive . . . subjects that pose a threat” to “**physically** resistive . . . subjects who pose an **imminent** threat”;
- Prohibiting the use of the less-lethal shotgun against an individual in a crowd unless the officer has supervisor approval and certain conditions are met;
- Prohibiting the use of the less-lethal shotgun against an individual in an elevated position (such as standing on a raised platform or at the top of a building) unless certain conditions are met; and
- Unless deadly force is justified, officers using the less-lethal shotguns should target specific areas to avoid striking the individual in the face, neck, chest, and back because of the risk of death or serious bodily injury should those areas be hit.

Most recommendations were adopted or included in training, and the Sheriff's Office raised the threshold to “active” rather than “physical” resistance. See GOM 6.04.055.

## **Use of Force Reporting, Investigation, and Review Procedures**

OLEO worked with the Sheriff's Office to revise how force incidents, especially serious or deadly uses of force, are reported, investigated, and reviewed internally by the Sheriff's Office. Key recommendations included:

- Clarifying force reporting requirements, including requiring officers to report when they aim a firearm at a person;
- Creating a force team separate from the one that investigates misconduct allegations so that the force team can specialize in investigating serious or deadly uses of force and quality check all lower-level use of force reports and investigations for an added level of accountability;
- Broadening the Force Review Board's scope to review all aspects of a force incident, including pre-force decision making such as tactics and de-escalation, the force itself, and administrative reporting and investigation of the force; and
- Requiring that the first statement provided by employees in a force incident be an interview recorded in a timely manner rather than the current requirement of providing a written statement within 48 hours.

At the time of publication of this report, the Sheriff's Office is in the process of implementing many of these recommendations, some of which are subject to bargaining with the police unions.



## Off-Duty Employment Exception for Probationary Lateral and Phase 4 Deputies

Currently, the Sheriff's Office has a blanket prohibition for employees who are on probation from working off-duty ("secondary employment").<sup>7</sup> In an effort to provide recruitment incentives, the Sheriff's Office considered an exception to this policy by allowing student deputies who no longer require monitoring by a trainer (Phase 4) or new deputies who have been hired from another police department ("laterals") to work off-duty while on probation, subject to precinct commander approval.<sup>8</sup>

OLEO recommended that the Sheriff's Office establish a cap on the number of hours Phase 4 and lateral deputies could work off-duty.<sup>9</sup> The recommendation sought to strike a balance between the challenge of recruiting new deputies in a competitive market and the need to maximize the learning capacity and safety of new deputies who are still new to Sheriff's Office policies and practices and policing in King County. The Sheriff's Office declined to adopt OLEO's recommendation without explanation. See GOM 4.03.025.

## Foot Pursuit (potential new General Order policy)

Following a [Pierce County incident](#) in which an officer involved in a foot pursuit was killed by the suspect, the Sheriff's Office began drafting a new policy intended to provide deputies with clearer guidance for when to engage in foot pursuits and what to do in such circumstances.

OLEO assisted by researching and obtaining foot pursuit policies from other law enforcement agencies for Sheriff's Office review. After the new policy was drafted, OLEO recommended that the Sheriff's Office amend it as follows:

- Provide deputies with a clearer timeframe in which they must broadcast via radio that they are in a foot pursuit;
- Require commanders, such as sergeants, to clearly articulate the circumstances supporting their decision to order termination or allow continuation of the pursuit; and
- Document and disseminate to personnel any "lessons learned" from a foot pursuit.

At the time of publication of this report, the Sheriff's Office is still finalizing the proposed policy.

---

<sup>7</sup> Off-duty work may include an officer providing security services for businesses while in Sheriff's Office uniform.

<sup>8</sup> GOM 2.17.010(2)(d).

<sup>9</sup> This recommendation is consistent with the 2017 King County Auditor's Office's [report on the Sheriff's Office overtime practices](#), which included a recommendation that the Sheriff's Office place an overall cap on the amount of off-duty hours officers can work based on safety risks.

# Summary of Critical Use of Force Incidents

Deputies who use force on an individual that meets the Sheriff's Office's criteria for reporting are required to call a sergeant. For lower-level uses of force, a sergeant responds to the scene and begins an administrative force investigation, and the report eventually works its way up the chain of command for review. For serious or deadly uses of force, the Sheriff's Office's Administrative Review Team (i.e., the force investigation team) and Major Crimes Unit respond to the scene to investigate. In 2018, there were 147 reported uses of force by Sheriff's Office deputies. Of those force incidents, three were shootings that either resulted in death or serious injury (referred to as "critical incidents").

OLEO's role in reviewing critical incidents includes attending and observing the processing of scenes of police shootings and serious uses of force. OLEO has authority to monitor the administrative investigation and attend force reviews for critical incidents.

In addition to independent criminal investigations and King County inquests, the Sheriff's Office has several internal mechanisms for review of critical incidents:

- Administrative Review Team review intended to look for "lessons learned."
- Use of Force Review Board review of the incidents and determination of whether deputy actions violated policy.<sup>10</sup>
- Misconduct Investigation by the Internal Investigations Unit of incidents in which a complaint with allegations of misconduct during the incident is made.

## Critical or Serious Use of Force Incidents in 2018

### July Shooting Death

On July 26, 2018, an individual was shot and killed during an encounter with a Sheriff's Office deputy in the Kent Sound Transit parking garage. OLEO attended the scene and Sheriff's Office's "lessons learned" review of this incident. Review by the Force Review Board is still pending at time of publication of this report.

### August Shooting Death

On August 24, 2018, an individual was shot and killed during an encounter with Sheriff's Office personnel. OLEO attended the scene and one of two of the Sheriff's Office's "lessons learned" reviews of this incident. Review by the Force Review Board is still pending at time of publication of this report.

### September Accidental Discharge of Firearm

On September 18, 2018, a Sheriff's Office marshal had completed his annual handgun qualification at the range. He failed to clear the handgun before attempting to disassemble it and in the process shot himself in the hand. He was transported to the hospital and received treatment. OLEO did not attend the scene or Sheriff's Office's "lessons learned" review. A separate misconduct investigation was conducted; however, the Sheriff's Office failed to enter findings on the allegation within the 180-day deadline. As a result, no findings or discipline could be imposed.

---

<sup>10</sup>According to the GOM 6.03.010 in effect in 2017, the following questions are answered: (a) If a firearm was used was it intentional or unintentional?; (b) Was the use of force justified or unjustified, regardless of the tactics or choices leading up to the use of force?; (c) Were the officer's choices leading up to the event sound?; (d) Were there reasonable alternatives to the use of force?; (e) Was either inadequate or improper training a contributing factor to the event?; (f) Were policies and procedures followed after the event?; and (g) Did the use of force involve a policy violation?

## Updates on 2017 Critical Incidents

As reported in OLEO's 2017 Annual Report, there were two shootings involving the Sheriff's Office that resulted in the death of the individuals. Either a civil lawsuit or claim is pending in both of those cases.

## Update on King County's Inquest Process Reform

In January 2018, King County Executive Dow Constantine suspended inquest proceedings and created a [King County Inquest Process Review Committee](#) to determine what, if any, changes should be made to the current inquest process.

State law authorizes elected coroners or appointed medical examiners to investigate the causes and circumstances of any death involving a member of law enforcement in the performance of their duties. The King County Charter requires a coroner's inquest, and King County Code gives the Executive control over the inquest process.

Since the 1970s, inquests in King County have been conducted by District Court judges, who have traditionally accepted the delegation of the Executive's fact-finding duties in a coroner's inquest. Coroner's inquests have been held before a six-member jury that listens to testimony and then answers questions to determine the significant factual issues involved in the case.

The Inquest Process Review Committee engaged the community and had multiple meetings with law enforcement, stakeholders, experts, and family members of those killed by police.

On February 28, 2018, OLEO Director Deborah Jacobs appeared before the Inquest Process Review Committee to provide testimony relating to broadening the scope of the Inquest; providing information, support, and representation to the families of people killed in encounters with police; and considering the need for reconciliation processes outside of legal settings.

The committee released its [report](#) and recommendations in March 2018, and a new King County inquest team began working in early 2019 to implement the recommendations, which included:

- Limiting the role of the Superior Court/District Court and the Prosecuting Attorney's Office and instead having the King County Hearing Examiner oversee a pool of *pro tem* (temporary) judges/attorneys to preside over/facilitate inquests;
- Increasing the jury to 12 and broadening the scope of issues the jury can consider;
- Increasing timely information to and support for decedents' families; and
- Referring inquest participants to a parallel process to promote resolution and healing.

# Community Engagement

OLEO has an important role to play in improving community and police relations. One of the goals of oversight is to improve trust between communities and law enforcement by bringing transparency and a community voice to aspects of police practices. But to accomplish this goal, it is essential to understand the priorities of the people served by the Sheriff's Office.

By creating feedback loops with the public served by the Sheriff's Office, OLEO learns what is most important to those receiving Sheriff's Office services and can also spread the word about OLEO and its work. Ultimately, OLEO's success depends on partnerships with community members who can inform and help guide OLEO's priorities.

Central to this work is the involvement of OLEO's Community Advisory Committee for Law Enforcement Oversight (CACLEO). The committee members have two key responsibilities:

- Serving as liaisons between OLEO and the communities it serves by attending events and appearing on behalf of CACLEO; and
- Providing input on police practices to the Sheriff's Office and the King County Council using an equity and social justice lens.

## **In 2018, highlights of CACLEO's work include:**

- The passage of a new version of its ordinance and bylaws to clarify its role.
- Letters of support urging Sheriff Mitzi Johanknecht to adopt recommendations for public information practices provided by the Brechner Center for Freedom of Information at the University of Florida (sent March and September 2018).
- Letter of support to the King County Council calling for an increase in OLEO's staffing (sent September 2018).
- Letter to Sheriff Mitzi Johanknecht encouraging Sheriff's Office engagement with King County's Equity and Social Justice initiative (sent September 2018).



# Community Engagement

## 2018 CACLEO members



**Rep. Mia Gregerson**  
At-Large, Pos. 3



**Mayor David Baker**  
Co-Chair  
Contract City, Pos. 1



**Mayor Kimberly Lisk**  
Contract Cities



**Pastor Anja Helmon**  
Contract Cities



**Sili Savusa**  
Co-Chair  
Unincorporated  
King County, Pos. 5



**Joseph Nguyen**  
Unincorporated  
King County



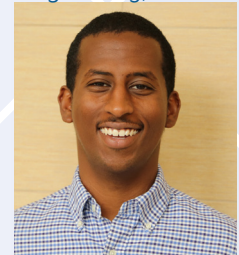
**Tamika Moss**  
Unincorporated King  
County, Pos. 7



**Abel Pacheco**  
At-Large, Pos. 9



**Pastor Kenneth Ransfer**  
At-Large



**Abiel Woldu**  
At-Large

For biographies of CACLEO members, please refer to the [OLEO website](#).

## Interns

OLEO engages summer interns to help spread the word about OLEO and its work throughout King County. OLEO interns attend an array of events, festivals, and street fairs, in which they distribute information about OLEO and talk to community members about their experiences with police. In the summer of 2018, OLEO's interns were:



**Nadra Fredj**, a Law, Society & Justice major at the University of Washington, has a demonstrated history in community service, mentorship and event planning. Her personal experience as part of an international family inspired her to build bridges between communities and be a resource to those going through difficult transitions.

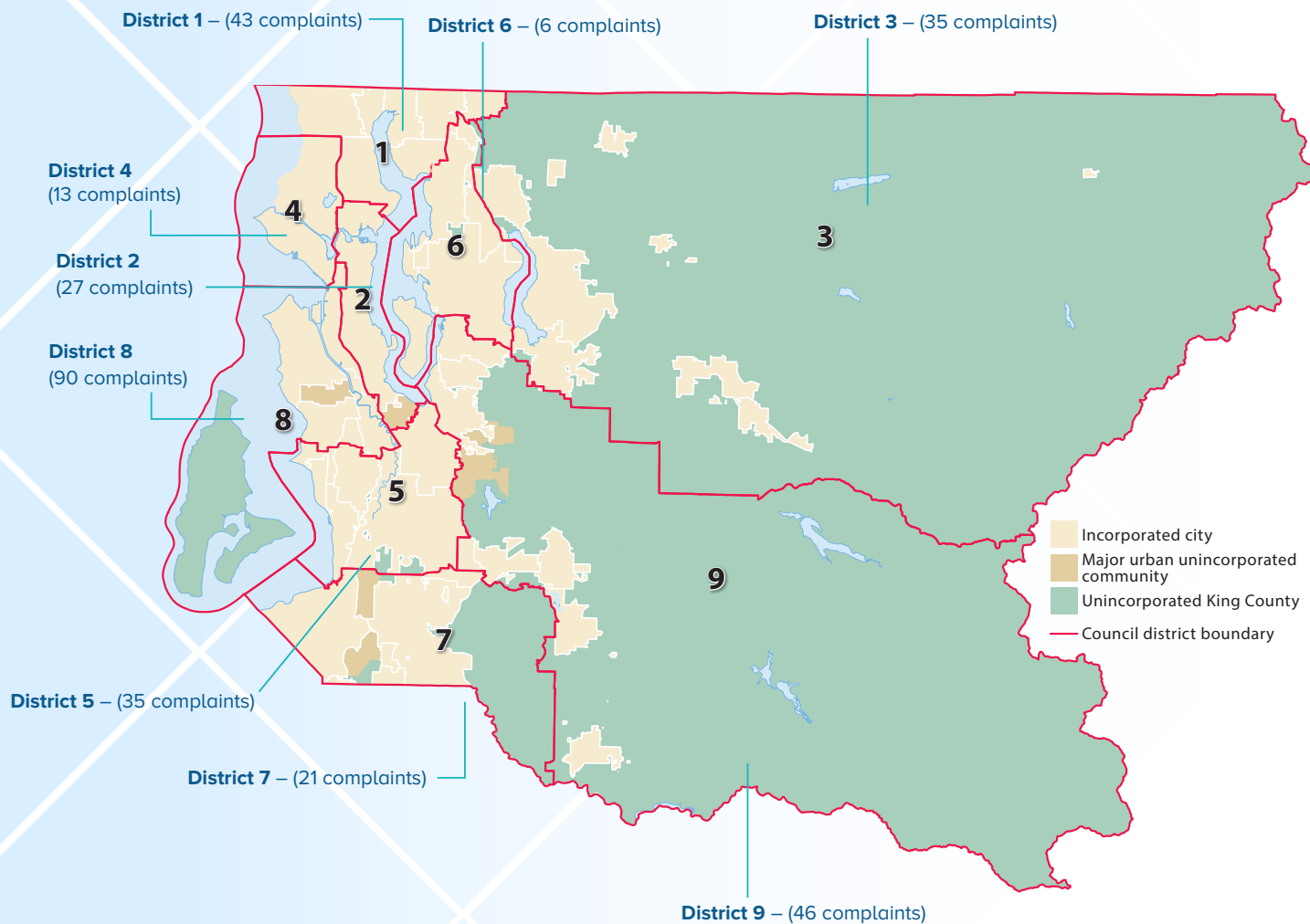


**Dhalu Sherpa**, a Communications major at the University of Washington, is the daughter of immigrants. As part of her Nepalese background, she also has extensive knowledge of the histories and cultural sensitivities of different religions, including Islam, Buddhism, and Hinduism. She has a lengthy volunteer history rooted in social justice and community building, and experience in research, event planning, and basic graphic design.

# Appendix

## Complaints by District

The following map shows the total number of complaints made by community members about Sheriff's Office employees, both sworn and civilian, across all nine council districts. District 8, which includes West Seattle and Burien, had the highest number of complaints reported to either OLEO or the Sheriff's Office. District 1, which includes Kenmore and Shoreline, had the lowest number of complaints of misconduct reported by community members.



Note: Data in this map excludes complaints made by Sheriff's Office employees against other employees because those complaints would not allow for an accurate representation of district-based complaints. There were 18 complaints reported that involved Sheriff's Office officers but occurred outside of King County and eight complaints where the location was not indicated in the reporting system.



## Contact OLEO



206.263.8870



[kingcounty.gov/OLEO](https://www.kingcounty.gov/OLEO)



[OLEO@kingcounty.gov](mailto:OLEO@kingcounty.gov)



@KingCountyOLEO



@KingCountyOLEO



@KingCountyOLEO

For print readers, visit <https://www.kingcounty.gov/independent/law-enforcement-oversight/reports.aspx> to view the online version of this report.



**King County**  
**OLEO**

OFFICE OF LAW ENFORCEMENT OVERSIGHT