



## King County

### Metropolitan King County Council Law & Justice Committee

#### STAFF REPORT

<b>Agenda Item:</b>	6	<b>Name:</b>	Nick Bowman
<b>Proposed No.:</b>	2019-0244	<b>Date:</b>	July 23, 2019

#### SUBJECT

A MOTION acknowledging receipt of a detailed in-service training plan for Sheriff's Office personnel, in compliance with the 2019-2020 Biennial Budget Ordinance, Ordinance 18835, Section 21, Proviso P3.

#### SUMMARY

The proposed motion and attached report responds to the requirements of Ordinance 18835, the 2019-2020 biennial budget. Section 21, Proviso P3, of the adopted budget which obliged the King County Sheriff's Office (KCSO) to transmit a report detailing the methods and curriculum of the in-service training program requested by the Sheriff in the biennial budget.

In accordance with the proviso requirements, the report describes various training topics, course objectives, lecture settings and methods of delivery. The report also provides information regarding the anticipated commencement of the trainings. While the proviso language asked KCSO to include an analysis as to whether or not the proposed training program would meet anticipated state mandates, the state had yet to adopt the final rules for law enforcement training at the time the report was transmitted. Though KCSO believes the proposed in-service training program will meet state standards, the report notes that revisions to the program and/or additional training sessions may be necessary to comply with state criteria.

Missing from the report is the assessment of the efficacy of the training program by the Office of Law Enforcement Oversight. The report states that OLEO was consulted on the development of the training curriculum and their feedback was incorporated in to the final training program. However, the report does not contain OLEO's independent assessment of the final training program. Since the report was transmitted OLEO has provided such an assessment, which is discussed in the analysis section of this staff report.

The proviso also requires that Council pass a motion acknowledging receipt of the report in order to release \$1,100,000 in appropriated funding to KCSO. The proposed motion, if passed by Council, would fulfill the proviso requirement.

## **BACKGROUND**

The Executive's proposed 2019-2020 biennial budget included \$1.3 million for a new in-service training program for Sheriff's Office personnel. According to the Sheriff's Office, the request was intended to support the County's equity and social justice strategic priority and align with the potential changes to state law enforcement training requirements resulting from the passage of Initiative 940.<sup>1</sup> In order to gain a better understanding of the training program's schedule and curriculum, the Council included a proviso in 2019-2020 biennial budget which was later amended by the 1<sup>st</sup> omnibus budget of 2019.<sup>2</sup> The amended proviso read:

*Of this appropriation, \$1,100,000 shall not be expended or encumbered until the sheriff's office, in cooperation with the office of law enforcement oversight, transmits a detailed in-service training plan and a motion that should acknowledge receipt of the plan and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion and a motion acknowledging receipt of the plan is passed by the council.*

*The plan shall include, but not be limited to:*

*A. Descriptions of the specific in-service training curriculum modules, which shall include the areas of procedural justice, listen and explain with equity and dignity communication, violence de-escalation, and antibias training;*

*B. Description of the method of delivering such trainings to both deputies and other employees managed by the sheriff;*

*C. The timeline for implementation of in-service trainings in the areas of procedural justice, listen and explain with equity and dignity (LEED) communication, violence de-escalation, and antibias training to both deputies and other employees managed by the sheriff;*

*D. An analysis describing how the in-service training curriculum in the areas of procedural justice, listen and explain with equity and dignity (LEED) communication, violence de-escalation, and antibias training will meet the anticipated state-mandated law enforcement training requirements; and*

*E. An assessment of the efficacy of the planned in-service training curriculum modules in the areas of procedural justice, listen and explain with equity and dignity (LEED) communication, violence de-escalation, and antibias training, methods of delivery and implementation timeline by the office of law enforcement oversight.*

*The sheriff's office should file the plan and a motion required by this proviso by June 1, 2019, in the form of a paper original and an electronic copy with the clerk of the council, who shall retain the original and provide an electronic copy to all councilmembers, the council chief of staff and the lead staff for the law and justice committee, or its successor.*

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<sup>1</sup> Initiative 940 was approved by the voters in 2018. The initiative required police to receive de-escalation and mental health training among other changes to law enforcement standards for the use of deadly force.

<sup>2</sup> Ordinance 18930. The amendment removed Crisis Intervention Training (CIT) from the list of training areas the Sheriff's Office was to provide information on under the proviso. KCSO stated that CIT was never intended to be included in the proposed training program and therefore asked that it be removed from the proviso requirements.

## **ANALYSIS**

Ordinance 18835 required KCSO to transmit a report by June 1, 2019, that includes the following elements:

1. A description of the specific in-service training curricula covering procedural justice, listen and explain with equity and dignity communication, violence de-escalation, and antibias training;
2. A description the methods of delivering the various trainings;
3. The timeline for implementing the trainings;
4. An analysis of how the Sheriff's proposed program will align with anticipated state training mandates; and
5. An assessment of the efficacy of the training program by the Office of Law Enforcement Oversight.

**In-Service Training Curriculum, Delivery Methods and Timelines.** The proviso report describes the proposed in-service training plan as a three day, twenty-four hour, program for commissioned staff and a single day program for all KCSO personnel. Each day will cover various topics under the broader themes of bias awareness, de-escalation/use of force and defensive/control tactics. Attachment 3 to this staff report is an outline of the training program developed by KCSO's Advanced Training Unit (ATU), which shows the specific training topics and methods, as well as, the amount of time to be spent on each topic area. The outline does not include material on the bias awareness portion of the training as that is an independent program developed outside the ATU. The report notes that the Sheriff's Office believes this training will help reduce the likelihood of and improve the outcomes in potential use of force situations and advance understanding and trust within the communities it serves.

### **Bias Awareness (Day 1)**

The first day of the program covers bias awareness and is required for all KCSO personnel, both commissioned and non-commissioned staff. The report notes that this portion of the training program began in early 2019 and will run through the end of 2020. According to KCSO, seven training sessions, out of a total of twenty-four, have occurred with approximately 245 KCSO personnel having received the training to date.

As described in the report, bias awareness course topics include:

- An overview of the 21<sup>st</sup> Century Police Task Force Report including recommendations and action items likely to reduce biased policing;
- An analysis of implicit bias research and key findings;
- National data related to community policing; and,
- A discussion of implicit biases toward police among males of color.

The eight hour training course is being held in the auditorium of the Washington State Criminal Justice Training Commission Academy and is conducted by Dr. Bryant Marks who was introduced to KCSO by OLEO Director Deborah Jacobs in 2018. Dr. Marks is the Founding Director of the National Training Institute on Race and Equity, a professor in the Department of Psychology at Morehouse College and has provided implicit bias

training to over 2,000 police chiefs and executives across the country, as well as, thousands of patrol officers in local police departments including the Los Angeles Police Department.

### De-escalation/Use of Force (Day 2)

The second day of the program would offer instructions on de-escalation and KCSO's use of force policies to all commissioned officers. The eight hour training session will be held at the Sunnydale School in Burien and conducted by KCSO's Advanced Training Unit.

As described in the report, the de-escalation and use of force course topics include:

- Introductions for course objectives to reduce/improve use of force situations;
- A review of KCSO's updated use of force policies with an emphasis on policy changes, relevant case law and the use of force continuum;
- A discussion of de-escalation tools, tactics and techniques to generate voluntary compliance, Listen and Explain with Equity and Dignity (LEED) communication and Procedural Justice and how it applies to use of force encounters;
- A discussion of de-escalation concepts and their relationship to crisis and non-crisis situations;
- Exercises on proper use of force documentation based on mock scenes; and,
- Active simulator drills on working with persons in crisis, threat identification, Shoot/Don't Shoot scenarios and de-escalation tactics, transitions and communication methods.

### Defensive/Control and Police Tactics (Day 3)

The third and final day of the program would cover the safety of the police officer and the public in situations where the use of force is a possibility. This training is also mandatory for all commissioned staff. This eight hour course will be held at the Sunnydale School in Burien and conducted by KCSO's Advanced Training Unit.

As described in the report, the defensive/control and police tactics course topics include:

- Hands on encounters, officer safety and force options without using service weapons such as a firearm or Taser;
- Review new concepts for managing high risk traffic stops including waiting for back up, clear communication, depth and distance as it applies to cover and other de-escalation techniques;
- A discussion of safe building searches and team movements; and
- Mock scenarios incorporating all in-service training lessons.

The Sheriff's Office intends to begin scheduling sessions in 2019 as soon as the restrictions on the appropriated funds are lifted by the Council. Should the funding restrictions be lifted, the trainings for KCSO commissioned staff will be offered once or twice a week, depending on the start date, and have a class size of no more than twelve. The report notes that KCSO will work to coordinate worksite schedules to maximize on-duty training and limit overtime, but for continuity of operations, the

majority of training time will require employee or backfill overtime. The report also notes that following days two and three of the in-service training there will be detailed training for supervisors to provide at roll call<sup>3</sup> to their work groups.

### Additional Trainings

The report describes other training courses, in addition to the three days of in-service training that will be offered to KCSO personnel starting in 2019. These include online training courses focusing on KCSO's Use of Force Policy and proper documentation, de-escalation, LEED communication and procedural justice concepts. According to the Sheriff's Office, this online training will be mandatory for commissioned staff who did not receive the 2017-2018 in-service training and must be completed before participating in the proposed three day in-service training program in 2019-2020. Commissioned staff who have completed the 2017-2018 in-service trainings will have the online training available to them as a voluntary refresher for the 2019-2020 in-service training.

The report also notes that KCSO non-commissioned staff will receive separate de-escalation and bias awareness training throughout 2019-2020. The training content will include a de-escalation presentation, a review of the LEED communication model, a civilian response course, real world safety consideration strategies such as environmental awareness, pre-attack indicator identification, stress management during a dynamic encounter and physical skill sets that will enable employees to maximize personal safety and minimize personal injury. This course will not include the defensive tactics training included in the third day of the in-service training program described above.

**In-Service Training's Alignment with State Training Mandates** As stated earlier in this staff report, the state mandated training requirements under I-940 and HB 1064 had not yet been promulgated by the Washington State Criminal Justice Training Commission (Commission) at the time the proviso report was transmitted to Council. The report notes that KCSO's Advanced Training Unit worked closely with Commission staff in the development of the in-service training program and that KCSO believes the program will meet the anticipated requirements, though additional trainings and changes to the training curricula may be necessary to meet state mandates.

Since the proviso report was transmitted, the state's training requirements have been formally adopted and released to the public. The rules require forty hours of de-escalation and mental health training for all commissioned law enforcement officers certified before December 7, 2019 and lateral officers certified in Washington after December 7, 2019 every three years. All incumbent law enforcement officers have until January 1, 2028 to complete the initial 40 hours of training. The rules go on to state specific topics which must be included in the forty hours of training. A summary of the state mandated training topics includes:

- de-escalation patrol tactics, actions and communication methods;
- an understanding of the psychology and the foundational principles of procedural justice;

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<sup>3</sup> A "roll call" is a briefing where supervisors share information with their work group such as ongoing incidents to be aware of, suspects to be on the lookout for, relay any law or procedural changes and offer lessons learned from trainings received.

- implicit and explicit bias;
- recognizing patterns of behavior related to mental or behavioral health issues and techniques and strategies to calm individuals demonstrating such behaviors;
- nonlethal defensive and control tactics;
- decision-making simulator and cognitive exercises to improve accurate threat recognition and proper force level response such as “Shoot, Don’t Shoot” simulations;
- understanding the “good faith” standard as it now applies to justifiable homicide or use of deadly force by a police officer after the passage of I-940/HB 1064;
- learning about the history of police interaction with communities of color, the intersection of race and policing, cultural competency and effective communication with historically marginalized communities; and,
- first aid training to meet the state’s new policy requiring police personnel to provide or facilitate first aid at the earliest safe opportunity to injured persons.<sup>4</sup>

Though the report shows that many of the topics required by the state’s rules are included in KCSO’s proposed in-service training program, the state’s rules also require that all I-940/HB 1064 training curricula be reviewed and approved consistent with commission policies and procedures.<sup>5</sup> Staff analysis of the state’s process for reviewing and approving KCSO’s proposed in-service training program is on-going.

**OLEO’s Assessment of the In-Service Training Program** As noted earlier in this staff report, the proviso report does not contain an independent assessment of KCSO’s in-service training program by the Office of Law Enforcement Oversight. However, the report does note that OLEO was consulted throughout the development of the training program and that feedback from the OLEO resulted in changes to the final program elements. OLEO also provided council staff with an assessment of KCSO’s proposed training program after the proviso report was transmitted to Council.<sup>6</sup> To begin with, Director Jacobs recommended Dr. Marks to KCSO for the bias awareness portion of the in-service training and has expressed a high degree of confidence in his antibias course. Director Jacobs was also invited to observe beta testing of the de-escalation and use of force portion of the in-service training on two separate occasions in March of 2019. Director Jacobs provided council staff with two memos written after each observed session that offer OLEO’s feedback an assessment of the test training.<sup>7</sup> Combined, the documents offer OLEO’s analysis of the specific training elements, highlight the positives, identify areas of improvement, and offer recommendations for future collaboration for continuous improvement of KCSO’s in-service training program.

According to Sheriff’s Office, OLEO’s work with KCSO’s Advanced Training Unit generated a number of changes to the training program. For example, the OLEO memos suggest the firearms portion of the training, though necessary, was unrelated to de-escalation and therefore did not align with the proposed training as described in the Sheriff’s budget request. To address these issues, Director Jacobs recommended having firearm portion separate from the proposed in-service training to allow for greater

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<sup>4</sup> WAC 139-11-020  
<sup>5</sup> WAC 139-11-040  
<sup>6</sup> Attachment 4  
<sup>7</sup> Attachments 5 & 6

focus on de-escalation, LEED, procedural justice and changes in use of force policies. In response to this feedback, the time allotted for firearms training was reduced and more time was allocated to the topics specifically called out in the Sheriff's budget request. Additionally, OLEO observed that in the "Shoot, Don't Shoot" simulators, the majority of the simulations called for the trainee to shoot. According to the Sheriff's Office, the ATU responded to this observation by changing the simulation scenarios to offer a greater balance in the training exercise.

It should be noted that OLEO was only able to observe a written outline of the defense/control and police tactics training. However, as OLEO was able to observe a similar police tactics training as part of the 2017-2018 in-service training program, OLEO stated "confidence that [the 2019-2020 training] will be well-delivered, with a goal of building confidence and knowledge for officers going hands-on with suspects."<sup>8</sup>

Ultimately, OLEO concluded that while KCSO's training program looks "very strong on paper, and reflects OLEO's input, [there is a need to observe additional training sessions as] further refining may emerge through the live test runs."<sup>9</sup>

### **INVITED**

- Mitzi Johanknecht, Sheriff, King County Sheriff's Office
- Liz Rocca, Chief of Staff, King County Sheriff's Office
- Deborah Jacobs, Director, King County Office of Law Enforcement Oversight.

### **ATTACHMENTS**

1. 2019-0244 (and its attachments)
2. Transmittal Letter
3. KCSO Advanced Training Unit 2019-2020 In-Service Training Outline dated June 26, 2019
4. OLEO Director's Assessment of the Efficacy of KCSO's Proposed 2019-2020 In-Service Training Program
5. OLEO Director's Training Feedback Memo dated March 4, 2019
6. OLEO Director's Training Feedback Memo dated March 7, 2019

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<sup>8</sup> Attachment 4

<sup>9</sup> Attachment 4