



Office of Law Enforcement Oversight (OLEO) Reviews and Investigations of KCSO Officer-involved Shootings

The following reviews take place following an officer-involved shooting (they generally occur in the order presented).

Immediately Following a Shooting

In the immediate aftermath of the shooting, involved officers are typically removed from the scene and taken to the nearest police station to meet with union representatives, Command staff, and Personal Assistance Team (PAT) members (also known as peer support). Two investigations occur after an officer-involved shooting. One is conducted by the Criminal investigations unit (CID) and the other is an administrative investigation (policy violations). In the criminal investigation, an officer has the same rights as under the 5th Amendment, and do not have to provide a statement.

In the administrative investigation, the employer (KCSO) has a right to “compel” employees/officers to cooperate in an investigation, which includes preparing a statement concerning the use of force. Officers have 48-hours to provide a compelled statement per GOM 6.01.015(2)(c). The compelled statement is segregated and kept confidential, to avoid tainting the criminal investigation.

On-Scene

- The scene is secured and processed by the Major Crimes Unit and MARR (Major Accident Response and Reconstruction) Team.
- Personnel from the Internal Investigations Unit (IIU) are also on-scene, some in the capacity of leading the Administrative Review Team (ART).
- The Office of Law Enforcement Oversight (OLEO) attends the scene at the Command Post. OLEO personnel may enter the secured area of the crime scene itself after the processing of evidence has been completed.
- Relevant GOM 6.00.100 (Serious Use of Force and Officer Involved Incidents).

Criminal Investigation

The investigation of what happened is primarily conducted by the Major Crimes Unit. Its investigation will ultimately be provided to the prosecutor to review for potential criminal charging decisions related to both the officer(s) who used force and the subjects involved. The timeline for criminal investigations and charging decisions are limited only by the statute of limitations.

Administrative Investigation

The administrative investigation is conducted by ART and is led by investigators from IIU. ART reviews all serious force and officer-involved events and completes a review focused on training, tactical decisions, equipment, and policy or procedural violations. If a policy violation is found or a complaint alleges that the use of force violated policy, then a typical IIU investigation will be conducted, with the potential outcome being discipline of involved officers. In addition, within 90 days of the incident, ART presents its findings at a “lessons learned” briefing to command staff.

Inquest

The purpose of an [inquest](#) is for the public to hear the facts surrounding the person’s death while the participants testify under oath. The parameters of questioning and issues to be explored are established by the judge (King County Superior Court or District Court). At the inquest, the prosecutor (whose role is to assist the judge) and lawyers representing the family of the person killed, the officers involved, King County, as well as perhaps other impacted parties, have an opportunity to question the involved officers and other witnesses under oath. At the conclusion of the inquest, the jury answers a set of questions (called “interrogatories”) determined by the judge after input from the parties. The jury need not be unanimous in their answers to the questions.

New facts may be uncovered during the inquest. As a result, the prosecutor may review the case again after the inquest to decide whether or not to file criminal charges.

Use of Force Review Board

The Use of Force Review Board (formerly Shooting Review Board) convenes after the conclusion of the inquest. It is established by GOM 6.03.000 and consists of the following voting members:

- The Chief Deputy (Chairperson).
- The Chief of Patrol Operations or designee chosen by the Chairperson of equal rank.
- A Patrol Operations Captain chosen by the Chairperson.
- Sergeant from the Advanced Training Unit.
- A Union representative appointed by the Bargaining unit of the member under review.
- The Department Legal Advisor or designee selected by the Chairperson.

These voting members answer the following questions:

- If a firearm was used was it intentional or unintentional?
- Was the use of force justified or unjustified, regardless of the tactics or choices leading up to the use of force?
- Were the member’s choices leading up to the event sound?
- Were there reasonable alternatives to the use of force?
- Was either inadequate or improper training a contributing factor to the event?
- Were policies and procedures followed after the event?
- Did the use of force involve a policy violation?