



King County
Office of Law Enforcement Oversight

February 15, 2018

TO: Sheriff Mitzi Johanknecht, King County Sheriff's Office (KCSO)
Undersheriff Scott Somers

FR: Deborah Jacobs, Director, Office of Law Enforcement Oversight (OLEO)

RE: Mediation update to General Orders Manual (GOM) 3.03.185 and 3.03.025

OLEO and IIU have recently started working more closely together to identify and refer more complaints for mediation.

Part of this collaboration included evaluating whether and how to encourage KCSO members to participate in the program, especially in those cases where they do not believe they did anything wrong. In doing so, IIU noticed that when mediation is utilized and the member participated in good faith, only a "mediated" disposition is listed in IAPro. Such a disposition could create a disincentive for members to participate.

As a result, OLEO reviewed the current King County Police Officers Guild agreement and found language in the agreement that corrects this issue. Article 22, Section 6 states that "[a]ssuming the officer participates in good faith during the mediation process, the officer will not be subject to discipline and the complaint will be administratively dismissed." (Emphasis added.) Given that terminology, OLEO is proposing the following update to the GOM 3.03.185 and 3.03.025.

Thank you for your consideration.

3.03.185

CLASSIFICATIONS: ~~02/15~~02/18

1. UNFOUNDED

- The allegation is not factual and/or the incident did not occur as described.

2. EXONERATED

- The alleged incident occurred, but was lawful and proper.

3. NON-SUSTAINED

- There is insufficient factual evidence either to prove or disprove the allegation.

4. SUSTAINED

- The allegation is supported by sufficient factual evidence and was a violation of policy.

5. DISMISSED

- The allegation is resolved through mediation and the mediator determined the member participated in good faith.

56. UNDETERMINED

a. The completed investigation does not meet the criteria of classifications 1 through 45.

b. This may involve the following:

- The complainant withdraws the complaint.
- The complainant cannot be located.
- The complainant is uncooperative.
- The accused member separates from the Sheriff's Office before the conclusion of the investigation and the investigator cannot reach another classification.

c. Notwithstanding the above situations, if enough information has been collected to close the investigation with a classification of 1 through 45, an undetermined classification will not be used.

3.03.325

REPORTING: 01/1402/18

1. The mediator will inform the OLEO Director of the completion of the mediation session and whether the deputymember participated in good faith.

2. The OLEO Director will then inform the IIU Commander that the matter was or was not resolved by mediation.

3. If the member participated in mediation in good faith, the IIU Commander will enter a "dismissed" classification in IA Pro and in the investigative file.

34. If the mediator determines that the deputymember did not participate in good faith, the complaint will be processed as would have been done in the absence of the offer of mediation.

- This finding is not subject to challenge.