

Office of Law Enforcement Oversight

2019 ANNUAL REPORT

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Letter from the Director

In 2019, the Office of Law Enforcement Oversight (OLEO) made significant strides in efforts to fulfill the community's vision for strong and meaningful independent Sheriff's Office oversight. With the addition of three new positions, OLEO's personnel nearly doubled in 2019 and now includes a deputy director and a community engagement expert. With this growth, OLEO brings greater effectiveness, transparency, and independence to its work, as detailed within this annual report.



DEBORAH JACOBS Director of OLEO

I'm proud to report that OLEO's work has increased not only in quantity, but in quality-starting with ourselves. In 2019, OLEO adopted numerous operational policies and practices to ensure that OLEO performs with the same level of integrity and excellence that we expect from the King County Sheriff's Office (Sheriff's Office). Some of the adopted policies and practices relate to program work such as monitoring critical incidents and conducting complaint investigation reviews, as well as establishing operational principles for OLEO.

OLEO's efforts to monitor the quality of the Sheriff's Office's complaint investigations also benefitted from the designation of a dedicated employee solely focused on reviewing investigations and the addition of a policy analyst in 2019. Over the course of the year, OLEO certified 163 complaint investigations and required follow-up in 24 of those complaint investigations. Ultimately, OLEO determined that 33 investigations did not meet its standards for thorough, objective, and timely investigations. In addition to improving the quality of complaint investigations, this work gives OLEO the opportunity to share perspectives with Sheriff's Office investigators, which has proven mutually beneficial.

OLEO continues to provide input on Sheriff's Office training, including its de-escalation training, which teaches tactics to avoid using of force, to defuse potentially dangerous situations, and to respond to people in behavioral crisis. The success of these trainings can mean the difference between life and death in a law enforcement encounter, not only for community members but also for the officers sworn to protect them.

OLEO's feedback on the Sheriff's Office 2019/2020 de-escalation training–which was mandated by the King County Council (Council) through a budget requirement–resulted in several changes, including the addition of training scenarios that could end in successful de-escalation. OLEO also asked that firearms training be moved to a separate training module to provide more time for de-escalation practice and to help underscore the desired outcome of de-escalation.

Using the carrot and stick of the budget process, the Council also required the Sheriff's Office to respond substantively to three separate reports OLEO issued in 2018: two related to how the Sheriff's Office handles complaints from the public and the third addressed Sheriff's Office practices for communicating with the media and the public following an officer-involved shooting or another such critical incident. In responding to the Council, the Sheriff's Office indicated that it intends to adopt a good number of the expert recommendations offered within OLEO's reports, and that work is ongoing.

On behalf of myself and OLEO's team, I am grateful to serve the diverse communities of King County and I look forward to continuing to help improve the Sheriff's Office by advancing equitable practices that center and value all human experiences.

Sincerely,

Deborah Jacobs

2019 By the Numbers



Number of cases certified by OLEO

cases were not certified by OLEO

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OLEO provided **3** recommendations on KCSO policy



61% of complaints received by the Internal Investigations Unit were from the community



39% of complaints

received by the Internal Investigations Unit were from internal sources



The Internal Investigations Unit received 594 complaints from community and internal sources

OLEO staff received over **732 hours of training** in 2019



ABOUT OLEO OLEO Activities

Reviewing Police Use of Force and Deaths While in Police Custody

- OLEO observes the processing of incident scenes after deputy use of force results in serious injury or death, as well as in-custody deaths.
- OLEO reviews critical incident investigations and attends Sheriff's Office Critical Incident Review Board meetings to monitor the process, ask questions, and add community perspective.
- OLEO recommends policies and practices to support quality incident investigations and use-of-force reviews.

Ensuring Greater Confidence in Complaint Investigations

- OLEO monitors and reviews how the Sheriff's Office handles complaints and promotes thorough and objective investigations.
- OLEO attends Sheriff's Office interviews with complainants and involved personnel and asks questions as needed.
- Each year, OLEO reports on how many Sheriff's Office investigations fail to meet its standards for thorough and objective investigations.

Incorporating Community Input into Sheriff Office Policies and Practices

- OLEO consults with the community to identify and explore concerns with Sheriff's Office practices and recommend improvements.
- OLEO provides the Sheriff's Office with recommendations on policies through systemic reviews that examine particular practices, as well as through review of Sheriff's Office policies under revision (which the Sheriff is required to give OLEO an opportunity to review before adopting).

Cultivating Public Input and Engagement

- OLEO engages the community in an effort to ensure that public perspectives inform OLEO's work and priorities.
- Members of OLEO's Community Advisory Committee for Law Enforcement Oversight (CACLEO) serve as liaisons with the community to explore how Sheriff's Office services are experienced by and impact the public.
- OLEO shares updates and information about our work through our website, community briefings, and our 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 about complaints to enhance understanding between the parties.



Challenges of Oversight

History, Common Goals, Context, Tools, Challenges

Independent oversight is a growing and evolving tool for law enforcement accountability. OLEO is one of about 150 law enforcement oversight agencies across the country that conduct similar duties within different legal, political, and social contexts.

All law enforcement oversight offices share common challenges to performing their duties. This includes inadequate authority, resources, and access to information. It also includes the challenge of establishing a trusting and collaborative relationship with law enforcement agencies while also maintaining a critical eye. Oversight agencies' authority and actions are often further restricted based on collective bargaining with police unions.

Because oversight offices lack authority to mandate law enforcement to take any particular action, it is essential that oversight offices maintain collaborative relationships with both the community and the law enforcement agencies they oversee. Oversight offices rely on input from the public to inform work and priorities, as well as on public support for the adoption and implementation of recommendations they make to law enforcement.

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The following are essential components to successful oversight:

- **1. Independence** from law enforcement, political actors, and special interests to enable the office to fulfill its authorities without undue interference.
- 2. Independent legal counsel to advise, guide, and, if needed, defend oversight work product.
- Adequate authority to accomplish agency and community goals; provide oversight of internal and community complaints, officer-involved shootings, in-custody deaths, and serious uses of force; and recommend discipline and findings on investigations.
- Unfettered access to relevant records, information, department trainings, and law enforcement databases for use in conducting systemic reviews and other authorities.
- 5. Access to people including law enforcement leaders, command staff, internal investigations personnel, and elected leaders to discuss oversight recommendations and concerns.
- 6. Full and timely cooperation of the law enforcement agency in providing access to information and considering oversight recommendations.
- 7. Support of empowered stakeholders and political decision-makers, particularly in the face of opposition from police unions or police executives.

- 8. Adequate budget and staffing to conduct the breadth and depth of oversight duties essential to meeting current and evolving needs, based on credible budget and staffing analyses.
- Authority to issue public reports and recommendations in order to advance important issues, and as a demonstration of a transparent and accountable civic process.
- Authority to conduct research and quantitative analysis and report systemic issues in relation to community-raised issues, misconduct complaints, critical incidents and uses of force, in-custody deaths, and other policing policies and practices.
- An engaged community, including historically underserved people who may fear or distrust government or members of law enforcement, to identify key accountability concerns and provide input on law enforcement policies and practices.
- 12. A commitment to ethical practices and confidentiality in order to increase oversight agencies' effectiveness by ensuring professional rules of conduct are at the forefront of maintaining access to confidential records and building trust between oversight professionals, members of law enforcement, the public, and political leaders.

Who We Serve

OLEO serves everyone who is served by the Sheriff's Office. This includes, but is not limited to, unincorporated King County, King County Airport, Metro, Sound Transit, and partner cities that contract with the Sheriff's Office to receive policing services. OLEO and the Sheriff's Office serve over 500,000 diverse residents–speaking over 170 languages–across rural, suburban, and urban patrol areas of the county.









OLEO Personnel



Deborah Jacobs

The Director provides overall management, strategic direction, and functional leadership for OLEO and its staff. As a steward of the public's interest to improve policies, practices, and procedures both with OLEO and with the Sheriff's Office, the Director also manages communications, enables engagement, and directs the development of policies, practices, and recommendations that continuously improve the Sheriff's Office operations and advance OLEO's professional practices. In addition, the Director works to expand OLEO's capacity for oversight by improving codes, advocating for OLEO's authority during collective bargaining, and establishing cooperative relationships with the Sheriff's Office.



Andrew Repanich

Investigations Monitor

The Investigations Monitor provides programmatic, investigative, and quality assurance leadership within OLEO and the Sheriff's Office Internal Investigations Unit related OLEO's complaint monitoring and Certification Program. The Investigations Monitor provides expertise and advice that improves the quality of investigations related to allegations of misconduct by Sheriff's Office personnel, reviews findings, and determines if the investigation was objective, thorough, and timely.



Katy Kirschner

Policy Analyst

The Policy Analyst conducts reviews of internal investigations and complaint classifications in support of the certification program and conducts analysis of practices relating to police use of force. This work enables OLEO to provide effective and timely review of community concerns and critical or use of force incidents and investigations. In addition, the Policy Analyst identifies issues and patterns within the complaint system that lead to recommendations for systemic improvements.



Jenna Franklin

Community Engagement Manager

The Community Engagement Manager leads efforts to expand awareness and increase community input that informs OLEO's work and recommendations. OLEO's engagement seeks to advance equity and social justice, build trusting relationships with the community, and provide inclusive and meaningful ways for all people served by the Sheriff's Office to influence decisions that impact them.



Adrienne Wat

Deputy Director

The Deputy Director provides functional leadership for OLEO staff and provides expert analysis of police policies and practices to enable OLEO to fulfill its duties and address compliance issues with OLEO's authority. Additionally, OLEO's Deputy Director provides strategic direction during collective bargaining, manages OLEO access to Sheriff's Office information, and ensures the standards and practices of OLEO's Certification Program and active monitoring of OLEO recommendations.



Dee Abasute

Senior Policy Analyst

OLEO's Senior Policy Analyst provides subject matter expertise and strategic leadership regarding analytical methodology and develops recommendations that drive continuous improvement in policy and practices through research and datadriven analysis, and compliance monitoring. The Senior Policy Analyst also leads systemic reviews that bring a broad range of issues and concerns into focus and help make resulting OLEO recommendations for improvement to Sheriff's Office operations actionable.



Liz Dop Office Manager

The Office Manager provides administrative support for all staff, and develops operational best practices, tools, and standards that ensure accurate data-keeping and management of records. Additionally, the Office Manager leads daily coordination of business support services, supports contracting and procurement, and serves as liaison with other departments and the public to ensure efficiency across OLEO teams to help achieve work priorities.

Understanding the Complaint Process and How to File a Complaint

Anyone can file a complaint against a member of the Sheriff's Office personnel, through OLEO or through the Sheriff's Office. Both OLEO and the Sheriff's Office accept complaints by mail, email, phone, and in person. OLEO personnel work with the public to answer questions about the complaint process and what information to include when filing a complaint.

Who can file a complaint?

- Anyone, including members of the public or employees of the Sheriff's Office, may file.
- · Complaints are accepted regardless of age, background, or immigration status.
- People may also file anonymously, and do not have to be involved in the incident to complain.
- Complaints may be submitted in any language-free translation or interpretation services are available.

What can someone file a complaint about?

Examples include, but are not limited to complaints of:

- Harassment.
- Use of unnecessary or excessive force.
- Courtesy (e.g., using language or engaging in conduct that is insulting, demeaning, or humiliating).
- Discriminatory treatment.
- Ethics, conflicts of interest, and appearance of conflicts of interest.
- Inappropriate use of authority.

The Sheriff's Office, not OLEO, conducts complaint investigations. The Sheriff's Office explicitly prohibits retaliation against anyone who complains about misconduct. However, not all complaints received by the Sheriff's Office are investigated. If an allegation is not serious and the involved personnel does not have a related disciplinary history, then the matter may be referred to a supervisor for informal handling. And, if the Sheriff's Office determines that even if true, the alleged actions of personnel do not violate policy, those complaints are neither investigated nor referred to a supervisor.

Once a complaint investigation is complete, it is referred to a command staff member for "findings" in which they determine whether the actions personnel took, as determined in the investigation, violate policy. If so, then the matter is referred to the Undersheriff to determine what, if any, discipline might be applied. Based on the agreement between King County and the Police Officers Guild, when a complaint is investigated, the Sheriff's Office has 180 days to complete that investigation in order to enter findings or impose discipline.

How to File a Complaint



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. The Sheriff's Office's Internal Investigations Unit (IIU) currently classifies complaints into one of three categories:

- **Inquiries:** Allegations considered serious and therefore requiring a full investigation. Examples include complaints about excessive or unnecessary use of force against a person or conduct that is criminal in nature.
- 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 received a traffic ticket and does not dispute having committed the violation. However, the community member asserts the deputy should have issued a warning first despite there being no policy or legal requirement to do so.
- 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 2019, there were 594 complaints received by either OLEO or the Sheriff's Office, and IIU classified more than half of the complaints as Inquiries.¹ Sixty-one percent of those complaints came from community members (community complaints), and 39 percent of the complaints came from Sheriff's Office employees (internal complaints). See Table 1.

Table 1: Breakdown of Complaint Classifications, 2019

Classification	Community complaints	Internal complaints	Complaints by classification
Inquiry	278 (71%)	115 (29%)	393 (66%)
Non-Investigative Matter	41 (82%)	9 (18%)	50 (8%)
Supervisor Action Log	45 (30%)	106 (70%)	151 (25%)
Total complaints by source	364	230	594 ²

¹ We analyzed data for complaints reported in 2019 and closed through June 30, 2020, the date when the 180-day investigation timeframe expired for complaints reported in 2019.

² Percentages do not add up to 100 because of rounding.

The 2019 OLEO Annual Report is required by King County Code 2.75.040.(H). OLEO's report includes qualitative and quantitative information demonstrating how the office fulfills its purpose, duties, and responsibilities.

Data for this report includes complaints that were reported between January 1, 2019, and December 31, 2019, from the Sheriff's Office's internal investigations database, IAPro. It is reflective of accurate and complete data at the time of publication, September 1, 2020.





A complaint can include more than one allegation; therefore, the number of allegations will usually exceed the number of complaints. In 2019, the 594 complaints filed against Sheriff's Office employees, both sworn and civilian, included 1,033 allegations of misconduct. Community complaints included 673 allegations of misconduct, and internal complaints included 360 allegations of misconduct.

IIU investigated 393 complaints classified as Inquiries, which involved 783 allegations of misconduct. From the complaints classified as Inquiries, 571 allegations originated from the community, and 212 originated internally. Allegations made by community members (i.e., external allegations) typically concerned treatment of the public by officers, with 23 percent of external allegations involving excessive or unnecessary use of force.

A summary of the 10 most common external allegations is highlighted in Table 2.

The subsequent analyses will focus only on external allegations and complaints classified as Inquiries.¹

Table 2: Ten Most Common External Allegations, 2019

Nature of allegations	Number and percentage of allegations			
Excessive or unnecessary use of force	129	23%		
Lack of courtesy	88	15%		
Inappropriate use of authority	81	14%		
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	55	10%		
Performs at a level significantly below the standard achieved by others in the work unit	52	9%		
Conduct unbecoming	29	5%		
Biased based policing	27	5%		
Conduct that is criminal in nature	17	3%		
Failure to abide by federal and state laws and applicable local ordinances, whether on or off-duty	15	3%		
Discrimination, incivility, and bigotry	15	3%		
Total for ten most common external allegations	508	90%		
Total for external allegations	571			

¹ OLEO's current authority to review complaints is limited to complaints classified by IIU as Inquiries.

Patterns in Complaints Against Sworn Employees

In 2019, the Sheriff's Office had 1,209 employees, 337 civilians and 872 sworn. Tables 3 and 4 show patterns of complaints reported by community members against individual Sheriff's Office sworn employees. Table 3 shows the number of community complaints lodged against Sheriff's Office sworn employees, and Table 4 shows the number of complaints of excessive use of force.

In 2019, 70 percent of Sheriff's Office sworn employees received no complaints from community members and 30 percent received one or more complaints.

Table 3: Complaints Reported by Community Members Against Sworn Sheriff'sOffice Employees, 2019

Number of Complaints	Number and percentage of sworn employees				
0	609	70%			
1	188	22%			
2	51	6%			
3	13	1%			
4 or more	11	1%			
Total deputies receiving complaints	263	30%			
Total sworn employees	872				

Notes: The table includes only complaints classified as Inquiries. Percentages do not add up to 100 because of rounding. We excluded complaint investigations in which IIU either could not identify the subject deputy or the subject deputy was unknown. King County Department of Human Resources provided counts of the Sheriff's Office employees.

Deputies interact with community members to varying degrees depending on their role and unit. Deputies assigned to Patrol Operations have the most regular contact with community members by responding to calls and conducting traffic enforcement, but deputies in other units such as those that serve legal documents, conduct evictions, and enforce court orders also interact with the public. Almost 90 percent of sworn Sheriff's Office employees were not the subject of a complaint alleging excessive or unnecessary use of force, and 11 percent were the subject of such a complaint. See Table 4.

Table 4: Excessive Use of Force Allegations per Sworn Employees, 2019

Number of allegations	Number and percentage of sworn employees			
0	776	89%		
1	72	8%		
2	17	2%		
3 or more	7	1%		
Total sworn employees receiving allegations of excessive use of force complaints	96	11%		
Total sworn employees	872			

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

OLEO REVIEW OF COMPLAINT INVESTIGATIONS Certification Review of Investigations

OLEO monitors and reviews Sheriff's Office complaint handling to promote thorough and objective investigations. 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. In considering whether an investigation is objective, OLEO considers factors such as whether there is a conflict of interest in fact or appearance between any of the persons involved in the incident and the investigator and whether the investigator reported the facts in a neutral, unbiased manner. 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 practices. Issues addressed in 2019 include the quality of use of force investigations, Sound Transit fare enforcement practices, precinct sergeant training, and vehicle pursuits.

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 2019, there were 24 complaint investigations in which OLEO sought clarification or additional investigation. Matters included recommendations for conducting additional interviews of the complainant or subject deputy and obtaining additional evidence.

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 and objective.

Certified versus Not Certified Complaint Investigations

Of the 2019 investigations formally reviewed, OLEO certified 163 complaint investigations and <u>declined to certify 33.</u>¹ Reasons for declining to certify an investigation included, for example, lack of objectivity demonstrated by the investigator and investigators not completing a thorough investigation. The number of Inquiries that OLEO declines to certify

each year provides Sheriff's Office leadership, the Council, and the public with important information about the quality of the investigations.

¹ https://aqua.kingcounty.gov/mkcc/docs/2019-Decline-to-Certify_Final.pdf

COMPLAINT INVESTIGATION DISPOSITIONS

Analysis of Investigative Findings

Following the investigation process, the Sheriff's Office issues a finding for allegations of misconduct.¹ 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 above classifications.

Figure 1 shows dispositions for allegations of misconduct reported by community members.² The Sheriff's Office exonerated over half of external allegations of misconduct, and sustained 8 percent of external allegations of misconduct. Excessive or unnecessary use of force accounted for 23 percent of external allegations of misconduct, and IIU sustained one of those allegations.

Figure 1: Complaint Investigation Dispositions for Allegations Against Sheriff's Office Employees, Both Sworn and Civilian, 2019



¹ OLEO does not currently recommend findings to the Sheriff's Office and is prohibited from any involvement in discipline.

² This figure also shows "Mediation," which is a program that provides an alternative method to resolving complaints by allowing willing community members and deputies to share their perspectives with a neutral third party facilitating the discussion, and "No Finding-180 Days," which occurs when IIU is does not close an investigation within 180 days and is no longer allowed to enter a finding or impose discipline.



Table 5 provides a summary of the sustain rate for the 10 most common external allegations. The Sheriff's Office issues corrective actions following a sustained finding, including discipline in the form of oral, verbal, or written reprimand; suspension; demotion; termination; or corrective counseling. IIU sustained 7 percent of the top 10 allegations of misconduct. For the one sustained excessive use of force allegation, the subject deputy received a written reprimand as disipline. The most common form of discipline was corrective counseling followed by written reprimand. **See the expanded table for a summary of the types of corrective actions**¹ and other outcomes taken for all sustained allegations.

Table 5: Sustain Rate of the Ten Most Common External Allegations, 2019

Nature of allegations	Total allegations	Sustained allegations	Rate
Excessive or unnecessary use of force	129	1	1%
Lack of courtesy	88	6	7%
Inappropriate use of authority	81	4	5%
Acts in violation of Sheriff's Office directives, rules, policies, or procedures (e.g., speeding during non-emergency, failing to attend training, or posting inappropriate content on social media)	55	13	24%
Performs at a level significantly below the standard achieved by others in the work unit	52	3	6%
Conduct unbecoming	29	7	24%
Biased based policing	27	0	0%
Conduct that is criminal in nature	17	0	0%
Failure to abide by federal and state laws and applicable local ordinances, whether on or off-duty	15	2	13%
Discrimination, incivility, and bigotry	15	0	0%
Total	508	36	7%

¹ https://aqua.kingcounty.gov/mkcc/docs/Table-of-Corrective-Action-2019.pdf

Complaint Investigation Abstracts

The following complaint investigation abstracts are taken from closed 2019 complaint investigations and serve as examples of what the different Sheriff's Office's dispositions mean in practice.

Sustained

This complaint involved several allegations against two deputies. It was alleged that the deputies lied and omitted facts in their incident reports about the timing of events to strengthen the basis for arrest and to cover up an unlawful search. It was also alleged that one of the deputies failed to report the misconduct of his partner who conducted the unlawful search. The deputies were on patrol and observed an illegally parked motorcycle with an altered license plate. After obtaining information regarding the motorcycle owner, the deputies went into a business to locate the individual. In the incident report, the deputies stated they conducted a safety pat-down of the individual and located brass knuckles on his person, which is an illegal dangerous weapon. The incident report also included that after arrest, the individual was searched and drugs were located. He was booked into jail for possession of a controlled substance. The motorcycle was impounded for safekeeping while a search warrant was sought.

After a detective asked one of the deputies to obtain surveillance video of the incident, that deputy reported the misconduct to the detective. The deputy reported that the brass knuckles were not actually located until after the individual was arrested. However, they fabricated the timing of when the brass knuckles were found to justify the arrest because the more senior deputy believed that the original basis for the arrest was weak. Additionally, he reported that the deputies lifted the seat of the motorcycle and saw a handgun, but omitted that fact from their report because they did not have lawful authority to lift the seat. Based on the evidence in the file, including that one deputy confessed and that the surveillance video showed the deputies lifting the motorcycle seat, the Sheriff's Office sustained the allegations. One deputy resigned before employment termination. The other deputy is appealing the decision to terminate his employment.

Non-Sustained

This complaint involved an allegation that the deputy was discourteous during a traffic stop. The deputy stopped a vehicle because its registration had been expired for over 10 months. The driver, who filed the complaint, stated that during the traffic stop, he asked the deputy if he knew another deputy whom he named. The deputy stated that he did. The individual stated that the deputy aggressively moved toward him and asked if that should mean anything to him. The individual was surprised by that response and also explained he thought the deputy might give him a warning. Additionally, the individual stated that the deputy responded condescendingly when asked to explain the citation. The deputy was interviewed as part of the investigation and stated he did not treat the individual any differently than others he had stopped and did not raise his voice. There was no evidence corroborating the individual's allegation. The Sheriff's Office found the allegation non-sustained, reasoning there was insufficient evidence to prove or disprove the allegation.



Unfounded

This complaint involved allegations of inappropriate use of authority against two Sheriff's Office employees. The deputy responded to a report that a woman was taking pictures of an individual, the complainant, at a recreational facility. Although what was reported did not yet rise to a crime, the deputy responded by speaking with the woman and learned she was taking pictures of her child and not the individual. At a later date, the individual informed the deputy that he was no longer able to use the recreational facility. The deputy learned that the individual had been trespassed from the facility. The individual later went to the precinct and met with the deputy and a captain. He alleged that during that meeting, the deputy and captain both had their hands on their guns, which scared him and led him to believe that they would shoot him. As part of the investigation into the complaint, the investigator obtained surveillance video showing the individual's meeting with the deputy and captain. Neither of them placed their hands on their guns. The Sheriff's Office found the allegations unfounded because, although the events took place, it did not occur as described by the individual making the complaint.

Exonerated

This complaint involved an allegation of discourtesy. An individual called 911 to report a possible home intruder. She reported that the 911 call receiver, the subject employee, seemed as if she was not listening, was annoyed, and did not provide any coaching or reassurance about the situation. Among the evidence gathered was the recording of the 911 call. On the recording, the call receiver provided timely and accurate information to the 911 caller and had no tone of annoyance. As a result, the Sheriff's Office exonerated the subject employee, reasoning that although the incident occurred, it was within policy and proper.

Undetermined

This complaint involved an allegation of conduct unbecoming. It was reported that a vehicle with Sheriff's Office markings used its emergency lights in the HOV lane to get other vehicles to move over. Although the approximate location and time was provided, the Sheriff's Office attempted but was unable to identify the deputy during its investigation. As a result, the Sheriff's Office entered a finding of undetermined.



OLEO AND SHERIFF'S OFFICE TRAINING OLEO Staff Training

In addition to supporting the training needs for Sheriff's Office personnel, OLEO prioritizes sending its own employees to law enforcement trainings as well as taking ride-alongs with Sheriff's Office deputies. OLEO's participation in these activities bolsters its employees' knowledge, skills, and experience. In 2019, OLEO employees took Sheriff's Office's trainings on procedural justice, anti-bias, de-escalation, and use of force, among others. OLEO employees also attended external trainings, such as Force Science, Undoing Racism, and Team Facilitation hosted by King County Office of Equity and Social Justice. In total, OLEO staff trained for 732 hours in 2019, and took several ride-alongs.

Sheriff's Office Training

OLEO maintains a strong commitment to advocating for Sheriff's Office personnel to receive regular in-person training and professional development. OLEO has advocated for a multi-year training plan to help ensure that personnel receive skills, management, and leadership training throughout their careers.

For 2019, the Sheriff's Office hired Dr. Bryant T. Marks of Morehouse College to conduct implicit bias training for all personnel. Implicit bias refers to the unconscious attitudes or stereotypes that affect our understanding, actions, and decisions. OLEO introduced Dr. Marks' work to the Sheriff's Office in the spring of 2018 when OLEO sponsored a training by Dr. Marks for command personnel. This is one example of collaboration between OLEO and the Sheriff's Office that can further build trust between community and officers.

OLEO advocates for Sheriff's Office personnel to receive regular de-escalation training. Training includes tactics to defuse potentially dangerous situations and to respond to people in behavioral crisis with the goal of reducing the need for force. The success of these trainings can mean the difference between life and death in a police encounter, not only for community members but for the officers sworn to protect them.

OLEO's feedback on the Sheriff's Office 2019/2020 de-escalation training—which was mandated by the Council through a budget proviso—resulted in several changes to the curriculum. For example, OLEO recommended the addition of training scenarios that could end in successful de-escalation. It also recommended that firearms training be moved to a separate training to provide more time for de-escalation practice and to help underscore the desired outcome of avoiding the need for force.

De-Escalation in Action

OLEO's commitment to de-escalation training extends to seeing how tactics work in the field. The following are two highlights of Sheriff's Office personnel successfully de-escalating situations with people in crisis.

SeaTac Incident

In the early hours of a Saturday in November, SeaTac Police were dispatched to address a male armed with a handgun who was apparently suffering from hallucinations and paranoia. He was in a home with his mother and pregnant girlfriend. While a SeaTac Police deputy was en route, he fired two shots out of the window into the backyard of the house. The mother was speaking with dispatch and was too afraid to try and leave the house, and the girlfriend was in the back of the house trapped by her boyfriend. Dispatch could hear the mother and son arguing in the background of the call.

Burien and Tukwila Police both responded in support of SeaTac and a perimeter was established around the house. Soon after, the mother and girlfriend managed to escape the home.

A sergeant on the Crisis Negotiation Team reached the suspect by phone and engaged. He built a rapport with the man in crisis while a crisis negotiator monitored that the sergeant was doing well and did not require relief, and interviewed the mother and girlfriend to get background. The rest of the Crisis Negotiation Team was also called and en route.

The mother indicated that her son has suffered paranoia for the past several months and has experienced hallucinations of threat around him. He was also under extra stress due to the impending birth of his child. He had not held a job for the past six years. His hallucinations were getting worse and he was starting to think his loved ones were against him.

The Crisis Negotiation Team sergeant continued to talk with the man, who eventually calmed down and agreed to surrender. He was taken into custody in the driveway of the house without further incident.



Shoreline Incident

In September, deputies with the Crisis Negotiation Team, as well as a mental health professional, responded to a call regarding a female with a long history of mental illness. The mental health professional accompanied the deputies as a civilian within the Crisis Negotiation Team.

The deputies had a warrant to arrest the woman for assault. The first two deputies on scene established communication with the woman through a window at the front of the house. They were joined a short time later by two additional deputies along with the mental health professional.

It took time to build rapport as the woman was very resistant. The mental health professional had the woman's history and assisted in helping to establish rapport. For instance, she offered to help the woman get information about her children, who had been removed previously from her home. Working together, the Crisis Negotiation Team members were able to persuade the woman to come into her living room, where they could more easily access her. A short time later she was arrested without incident at the front door of her home, resulting in a peaceful resolution.

SYSTEMIC REVIEWS

Sheriff's Office Policy and Practices

OLEO provides feedback and recommendations on specific policies in the Sheriff's Office General Orders Manual (GOM) and on 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 of proposed revisions to specific policies. These recommendations serve as an avenue for OLEO to address systemic issues of policing and to provide the public's perspective to the Sheriff's Office. The following are recommendations OLEO made in 2019.

TASER (GOM 6.04.030)

The Sheriff's Office's proposed revisions included prohibiting its officers from carrying Taser cartridges in their pockets and mandating that a warning ("Taser, Taser, Taser") be provided when it is feasible to do so.

OLEO's recommendations included that:

- A clearer warning and direction be provided to persons, such as "Police, stop or you will be Tased." This type of warning lets a person know what is expected of them and how to act in order to avoid being Tased.
- The policy explicitly states that if an officer does not provide a warning, that they clearly articulate why a warning was not safe or feasible in their use of force report.

Less-Lethal Shotgun Post-Application Procedures (GOM 6.04.070)

As part of its force reporting and investigating procedures for the less lethal weapon, the Sheriff's Office proposed adding to its policy that "photographs shall be taken of any injuries or impacted areas" and be included in the use of force report file.

OLEO recommended the language in bold: "Photographs shall be taken of any injuries or impacted areas **of the subject** of the force. . ." The purpose of its recommendation was to make explicit in the policy who should be photographed.

Pepper Spray (GOM 6.04.095, 6.04.100, 6.04.105)

The Sheriff's Office revised this policy, among other aspects, to state that officers shall only carry department issued pepper spray and if needed, officers should obtain first aid or medical treatment for extreme reactions.

Some of OLEO's recommendations included that:

- The policy state that "when safe and feasible, [officers] shall give warnings before application" and add that "[officers] shall clearly articulate the reasons for each separate application of pepper spray." These recommendations would make the Sheriff's Office policy on pepper spray consistent with its policies and legal requirements on using other types of force.
- The policy state that "[officers] offer to call medical aid whenever someone is pepper sprayed," instead of in "extreme reactions." OLEO recommended this because (1) basing a policy on "extreme reactions" left room for wide interpretation by individual officers, and (2) the policy seemed contrary to GOM 6.00.015, Use of Force and Medical Treatment, which states aid shall be called if there is an obvious, suspected, or alleged injury.

Policy Recommendations

OLEO has multiple avenues for making policy recommendations. To begin with, King County Code requires the Sheriff to run policy changes by OLEO for feedback prior to finalizing. OLEO also makes policy recommendations in its systemic reviews. OLEO can initiate policy recommendations as well. However, the Sheriff has ultimate authority over policy decisions and can decide whether to implement OLEO's recommendations. Information about the status of specific policy recommendations is reported on OLEO's website.

OLEO's input on Sheriff's Office policies in 2019 involved following up on the recommendations provided in reports that OLEO issued in 2018: 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 after high profile matters, including officer-involved shootings.

Because the Sheriff's Office did not initially respond to OLEO's reports, the Council adopted a budget proviso to require a response to the 66 recommendations contained within the three 2018 reports. The Sheriff's Office issued a letter on April 1, 2019, indicating which of OLEO's recommendations it intends to adopt. The policy changes remain in progress and OLEO continues to follow up with the Sheriff's Office.

OLEO also worked throughout 2019 on public safety improvements to the Sheriff's Office policy on vehicle pursuits, which is still under revision. In addition, OLEO continued working on changes to the Sheriff's Office's policies on uses of force and reviews of critical incidents, such as officer-involved shootings. In December 2019, the Sheriff's Office updated its use of force policies but did not adopt key OLEO recommendations. For example, OLEO recommended that officers involved in critical incidents be interviewed after the incident, rather than the current policy which allows involved officers 48 hours to submit a written statement. In addition, OLEO has recommended several revisions to the questions considered by the Sheriff's Office when assessing whether a use of force was "justified."



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. With the new Washington State law requiring independent criminal investigations for police use of deadly force that went into effect in 2019, the Seattle Police Department's Force Investigation Team conducted the criminal investigations of some the Sheriff's Office's critical incidents. The Sheriff's Office's Administrative Review Team (i.e., the team that conducts the administrative investigation for critical incidents) and Major Crimes Unit also respond to the scene to observe and, where needed, to assist the independent investigators or conduct investigation for administrative aspects, such as policy, training, and equipment.

In 2019, there were 279 reported uses of force by Sheriff's Office deputies. Of those force incidents, three were considered "critical incidents." These incidents could be officer-involved shootings that either resulted in death or serious injury, deaths that occurred while in Sheriff's Office custody, or use of deadly force, regardless of whether any contact or injury occurred.

OLEO's role in reviewing critical incidents includes attending and observing the processing of scenes of officer-involved 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 administrative processes to review critical incidents:

- Administrative Review Team (ART): a team of investigators and commanders that reviews the incident and conducts an administrative investigation intended to look at issues such as policy, training, equipment, tactics, and communications.
- Critical Incident Review Board (CIRB): a board that convenes to determine whether deputy actions violated Sheriff's Office policy.
- Internal Investigations Unit: investigators conduct complaint investigations when a complaint alleges that misconduct occurred during the critical incident.

2019 Critical Incidents

February Tasing and Shooting

On February 4, 2019, the Sheriff's Office responded to domestic violence call near a business in White Center. Several uses of force, including multiple Taser deployments, firearm discharge, and police canine, were used before the individual could be arrested. OLEO attended the scene and the ART presentation. Review by the CIRB is still pending at the time of this publication.

Vehicle Pursuit and Intervention

On August 24, 2019, deputies heard gunshots in the area they were patrolling. Shortly after, they spotted a vehicle driving erratically with a shattered windshield and suspected it may have been involved in the shooting. The deputy driving activated his emergency lights and sirens in an attempt to stop the vehicle. Instead of stopping, the vehicle drove away. As a result, the deputies began pursuing the vehicle with the emergency lights and sirens still on. The deputies reported that at some point, the deputies noticed the occupants reaching in the back seat and believed they could be trying to reach for a weapon. The deputy driving attempted to perform a pursuit intervention technique (PIT) with his vehicle and made some contact with the suspect vehicle. However, the suspect vehicle turned out of the way and in doing so, hit a semi-truck. Both the driver and passenger in the suspect vehicle were injured and taken to the hospital. The Sheriff's Office's Driving Review Board and ART separately reviewed the incident and determined that the pursuit and PIT were within department policy.

In-Custody Suicide

On September 11, 2019, an individual died while in custody in a holding cell at the Sheriff's Office in Burien. The individual had been arrested during an undercover sting operation in Burien. A flashbang was used to distract him prior to arrest. Once at the precinct, he was placed in a holding cell in Burien and checked on periodically. When he was unresponsive to a verbal check, Sheriff's Office personnel entered the cell and found that he had hanged himself by tying his shirt to a vent above the toilet. Deputies attempted lifesaving aid but could not revive him. OLEO attended the scene and the ART presentation, as well as a May 2020 CIRB to evaluate the incident. The biggest concern identified through these reviews was the lack of operational cameras in the holding cell. There was no camera in the toilet area in which the incident took place, as well as an overall lack of working cameras and monitors. Following the incident, precinct commanders determined that the holding cells could not be used unless working cameras and monitors were installed or unless someone monitored the person in the holding cell face to face. In the meantime, the Sheriff's Office is working with county facilities management to make sure adequate equipment is installed throughout Sheriff's Office precincts with holding cells. Sheriff's Office personnel also reflected on ways to improve on training and internal communication related to this incident.

October Shooting

On October 9, 2019, the Sheriff's Office executed an operation to arrest an outstanding homicide suspect. During that arrest, a deputy fired his weapon but no one was hit or injured. OLEO was not called out to scene. Review by the CIRB is still pending at the time of this publication.

November Shooting Death

On November 25, 2019, an individual was shot and killed during an encounter with Sheriff's Office detectives near Black Diamond. OLEO attended the scene. The Sheriff's Office's misconduct investigation and the ART review is still pending at the time of this publication.

Updates to 2018 Critical Incidents

The Sheriff's Office review of the three critical incidents that occurred in 2018 were still ongoing in 2019. OLEO will provide updates in its 2020 Annual Report.

COMMUNITY ENGAGEMENT

OLEO's Community Engagement Approach

The diverse communities served by the Sheriff's Office play an important role in informing OLEO's priorities for changes to Sheriff's Office policies and practices.

OLEO's approach to community engagement builds on the *King County Strategic Plan – Working Together for One King County*, the *National Association for Civilian Oversight of Law Enforcement (NACOLE) Code of Ethics*, as well as the *King County Equity and Social Justice Ordinance*. Each provides goals and guiding principles related to engaging communities, advancing equity, and addressing matters of public safety and justice.

OLEO seeks to offer community members opportunities to share their views, needs, and priorities, and to open meaningful channels to influence decisions that directly impact them. OLEO relies on partnering with community members and organizations to bring expertise and experience to help influence priorities on behalf of those they serve.

By bringing community voice to the civilian oversight process, OLEO promotes greater equity and transparency in how the Sheriff's Office provides services.

OLEO also seeks to advance a central goal of oversight: to improve trust between communities and law enforcement. Our success in this goal depends on the responsiveness, transparency, and willingness to change of law enforcement leadership.

OLEO's engagement seeks to:

- Center the value of all human experiences in advocating for improved police practices.
- Use a range of inclusive, equitable, and accessible approaches that fit community conditions.
- Provide people with the information needed to engage in police accountability work in a meaningful way.
- Address barriers that may prevent communities from engaging in police accountability work.
- Promote shared leadership through partnerships with community members and organizations.
- Invite community to influence OLEO's work and county leaders.
- Communicate to community how their input influences actions or decisions.

King County is a great place to live, work, and visit, but inequities still exist. OLEO recognizes the importance and challenge of providing oversight in what is the thirteenth most populous and second-fastest growing county in the United States. King County's 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 an impressive **170+ languages**.

Community Advisory Committee on Law Enforcement Oversight

The Community Advisory Committee for Law Enforcement Oversight is an 11-member appointed body that advises and works collaboratively with OLEO.

- CACLEO members serve as liaisons between OLEO and the public to help increase transparency and accountability in the Sheriff's Office.
- CACLEO provides OLEO input and guidance on policies and practices relating to the Sheriff's Office and policing in King County.
- CACLEO also advises the Sheriff's Office and the Council on matters of equity and social justice related to law enforcement, and on systemic problems and opportunities for improvement within the Sheriff's Office.

CACLEO appointees must reflect the diversity of the Sheriff's Office service areas, including partner cities, or are appointed as at-large members based on demonstrated commitment to advancing the interests of community. Information about how to apply for consideration to become a member of CACLEO is available on OLEO's website.

2019 CACLEO Members

Abiel Woldu	Mayor Kimberly Lisk	Tamika Moss
Sili Savusa	Pastor Anja Helmon	Vicente Omar Barraza

Nick Allen, Esq.

2019 CACLEO Highlights:

- CACLEO members received training to enhance their ability to do work within their role, authority, and within King County expectations, including an orientation to key documents, policy, and practice issues.
- CACLEO members met with the King County Equity and Social Justice (ESJ) director, who provided an ESJ
 orientation and briefed the committee on equity goal areas and disparate outcomes related to the Sheriff's Office.
- CACLEO took on a planning process to develop strategic priorities; the committee plans to begin assessment of several key issues and opportunities, such as Body Worn Cameras, in early 2020.



APPENDIX Complaint Investigations Reported by Sheriff's Office Employees

There were 230 internal complaints of misconduct that included 360 allegations. Of those 230 complaints, IIU classified 115 complaints as Inquiries. The most common allegation involved a subject employee violating Sheriff's Office directives, rules, policies or procedures followed by harassment. IIU sustained 98 allegations, or 46 percent of internal allegations. See the table below.

Allegations	N/A	Exonerated	Mediated	No Finding - 180 Days	Not Sustained	Other	Sustained	Undetermined	Unfounded	Total
Acts in violation of Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere		3	-	-	3	-	31	-	2	39
Harassment based on race, ethnicity, gender, religion disability or sexual orientation	-	12	2	-	6	-	-	-	1	21
Performs at a level significantly below the standard achieved by others in the work unit	-	1	-	-	2	-	9	1	2	15
Conduct unbecoming	-	4	-	1	3	-	5	-	1	14
Absence from duty without leave	-	2	-	-	2		7	-	2	13
Insubordination or failure to follow orders	-	1	-	-	4	-	8	-	-	13
Lack of courtesy	-	4	-	-	2	-	6	-	-	12
Ridicule	-	3	-	-	1	-	5	-	3	12
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so	-	3	-	-	3	-	4	1	-	11
Excessive or unnecessary use of force against a person	-	4	-	-	-	-	-	-	4	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	-	1	-	-	-	-	4	-	2	7
Inappropriate use of authority	-	-	-	-	1	-	2	-	2	5
Discrimination, incivility, and bigotry	-	-	-	-	5	-	-	-	-	5
Fails to submit reports, citations, or other appropriate paperwork in a timely manner	-	-	-	-	-	-	3	1	1	5
Failure to obey laws and orders	-	-	-	-	3	-	1	-	-	4
Sleeping on-duty	-	-	-	-	-	-	4	-	-	4

Allegations (cont)	N/A	Exonerated	Mediated	No Finding - 180 Days	Not Sustained	Other	Sustained	Undetermined	Unfounded	Total
Conduct that is criminal in nature	-	-	-	-	-	1	-	-	2	3
Lack of punctuality	-	-	-	-	-	-	3	-	-	3
Supervision	-	1	-	-	1	-	1	-	-	3
Failure of training or qualification	-	-	-	-	1	-	1	-	-	2
Failure to report a member's possible misconduct	-	1	-	-	1	-	-	-	-	2
Not in FILE / None Selected	1	-	-	-	-	-	-	1	-	2
Otherwise fails to meet Sheriff's Office standards	-	-	-	-	-	-	2	-	-	2
Failure to abide by federal and state laws and applicable local ordinances, whether on or off-duty	-	1	-	-	-	-	-	-	-	1
Biased based policing	-	-	-	-	1	-	-	-	-	1
Fails to achieve a passing score in any required training or qualification session	-	-	-	-	1	-	-	-	-	1
Failure to cooperate in a Sheriff's Office administrative investigation	-	1	-	-	-	-	-	-	-	1
Failure to report use of force	-	-	-	-	-	-	1	-	-	1
Lack of fitness for duty	-	-	-	-	1	-	-	-	-	1
Personal business or recreation while on-duty or in uniform	-	-	-	-	-	-	1	-	-	1
Total	1	42	2	1	41	1	98	4	22	212

Update on 2018 Complaints Investigations

In the 2018 Annual Report, we reported that the Sheriff's Office had not closed six complaint investigations that included 12 allegations of misconduct. As of June 30, 2020, the Sheriff's Office closed four of the six complaint investigations and reclassified one of those four investigations as a Non-Investigative Matter (NIM). IIU sustained one of the four closed investigations and the employee was terminated. The table below provides disposition details of the closed complaint investigations.

Case #	Complaint type	Closed date	Allegation	Disposition	Discipline
2018-124	External	4/2/2020	Inappropriate use of authority	Info only (Reclassified as NIM)	N/A
2018-319	External	1/6/2020	Accepting any gratuity, fee commission, loan, reward, or gift for services rendered incident to duty as a deputy, unless approved by the Sheriff	Sustained	Termination
2018-319	External	1/6/2020	Lack of ethics, conflicts, and appearance of conflicts	Sustained	Termination
2018-319	External	1/6/2020	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	Sustained	Termination
2018-319	External	1/6/2020	Otherwise fails to meet Sheriff's Office standards	Sustained	Termination
2018-371	External	12/11/2019	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	No Findings - 180 Days	N/A
2018-371	External	12/11/2019	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	No Findings - 180 Days	N/A
2018-614	External	7/30/2019	Lack of courtesy	Unfounded	N/A



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CO FIELD

King County

OLEO

FFICE OF LAW ENFORCEMENT OVERSIGHT

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