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August 13, 2020

IIU Case No. 2020-021

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

After a review of the findings memo, OLEO rescinds its certification letter of February 20, 2020 and declines to certify IIU2020-021 pursuant to King County Code 2.75.040(C) on the basis that the Internal Investigations Unit (IIU) failed to comply with KCC 2.16.060(B)(6)(3)(b), which states that the King County Sheriff will provide notice to OLEO "with a reasonable opportunity to comment on all administrative investigation before notifying the employee of the findings."

On February 12, 2020, OLEO received a completed investigation ready for review with a due date of February 20, 2020. On February 20, 2020 OLEO sent a letter certifying the investigation that included an alleged violation of GOM 3.00.015(2)(k). However, on May 14, 2020, IIU changed the alleged violation in the investigation from GOM 3.00.015(2)(k) to GOM 3.00.015(2)(i). OLEO was not notified of the change to the allegation nor of any changes to the follow-up report in the investigative file, and therefore did not have the opportunity review the investigation as it pertained to the new allegation.

Any change to a completed investigation requires notification to OLEO along with a new review period. OLEO was not notified of the change in allegations nor was given the opportunity to review the investigation as to the new allegation before findings were published.

For the above reasons, OLEO rescinds its certification and declines to certify this investigation. If you have any questions, please contact our office at 206-263-8870.

Deborah Jacobs

Deborah Jacobs Director Office of Law Enforcement Oversight



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July 24, 2020

IIU Case No. 2020-074

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

The Internal Investigations Unit (IIU) advised the Office of Law Enforcement Oversight (OLEO) that it completed investigation number IIU2020-074. OLEO has independently reviewed the internal investigation and we do not certify the investigation pursuant to King County Code 2.75.040(C) because it is not thorough.

In this matter the complainant stated that deputies failed to arrest her brother, who she reported had assaulted her during a domestic violence call investigation. The allegation is a failure to meet performance standards.

On February 6, 2020, the subject deputies responded to a 911 call in Kenmore. The reporting party, an adult, is also the complainant in this case. She reported that her adult brother had assaulted her by throwing her to the ground. The deputies did not find probable cause to make an arrest and left the residence. The complainant later called the precinct to complain about the lack of an arrest, which initiated this investigation.

The deputies wrote in their incident reports that the complainant was intoxicated and belligerent when they reported to the scene. They wrote that she was unable to provide specific details and that her account was not corroborated by her father and brother, who were both present. They noted that the complainant said that she "probably" had a broken finger, but that no sign of injury was visible. The deputies later spoke with the complainant's brother, who indicated that the complainant was intoxicated and aggressive, and that he had defended himself from her attack. As a result, the deputies did not believe they had probable cause for arrest. The deputies' incident reports were forwarded to the Kenmore Prosecutor's office for review and the office declined to file any charges.

General Orders Manual 12.04.035 requires a Domestic Violence Supplemental Report even when there is no probable cause to arrest. In this case, there is no indication that any such

IIU2020-074 July 22, 2020 Page 2

supplemental report was completed. The deputies also failed to attempt to obtain a release of medical information even though the complainant reported a finger injury. These omissions were not identified in the investigator's Blue Team Follow-up Report. IIU did a cursory review and was not able to locate either document. IIU declined to attempt to cure the omissions because of time and practice constraints. Additionally, these issues were not identified by the precinct's chain of command and OLEO recommends follow up with the deputies and chain of command to help ensure consistency with domestic violence call investigations.

If you have any questions, please contact our office at 206-263-8870.

Deborah Jacobs

Deborah Jacobs Director Office of Law Enforcement Oversight



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August 13, 2020

IIU Case No. 2020-088

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

After a review of the findings memo, OLEO rescinds its certification letter of March 27, 2020 and declines to certify IIU2020-088 pursuant to King County Code 2.75.040(C) on the basis that the Internal Investigations Unit (IIU) failed to comply with KCC 2.16.060(B)(6)(3)(b), which states that the King County Sheriff will provide notice to OLEO "with a reasonable opportunity to comment on all administrative investigation before notifying the employee of the findings."

On March 20, 2020, OLEO received a completed investigation ready for review with a due date of March 27, 2020. On March 27, 2020 OLEO sent a letter certifying the investigation that included alleged violations of GOM 3.00.030 and GOM 3.00.020(3). However, on July 1, 2020, IIU removed the alleged violation of GOM 3.00.020(3). OLEO was not notified of the removal of the allegation nor of any changes to the follow-up report in the investigative file, and therefore did not have the opportunity review the investigation as it pertained to the new allegation.

Any change to a completed investigation requires notification to OLEO along with a new review period. OLEO was not notified of the change in allegations nor was given the opportunity to review the investigation as to the new allegation before findings were published.

For the above reasons, OLEO rescinds its certification and declines to certify this investigation. If you have any questions, please contact our office at 206-263-8870.

Deborah Jacobs Deborah Jacobs

Deborah Jacobs Director Office of Law Enforcement Oversight



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IIU Case No. 2020-157

June 16, 2020

John McSwain Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain McSwain:

OLEO has independently reviewed the internal investigation for case number IIU2020-157. We are not certifying the investigation pursuant to King County Code 2.75.040(C) because it is not objective.

The allegation in this case is excessive or unnecessary use of force. On May 1, 2020, a number of KCSO personnel were involved in the apprehension of two men suspected of carjacking and armed robbery. The suspects crashed the car they were in and were pursued, individually, on foot. One suspect, the complainant in this case, was surrounded in a fenced-in work area. He was detained by three deputies, including the subject deputy. The subject deputy is alleged to have placed his knee on the back of the suspect's head during the arrest. During the course of the apprehension the complainant stated that he was not resisting arrest. He also asked for a supervisor and complained of injuries.

One of the personnel involved in the apprehension of the complainant was a sergeant. The sergeant responded to a radio call and used his car to block off the area. He then jumped a fence and ran towards the scene of the apprehension. When he arrived, a witness deputy had a gun pointed at the complainant and was ordering him to drop an object later determined to be a cellphone. The sergeant then maintained cover for the deputy, since he was aware that there was another suspect. He then witnessed three deputies use force to apprehend the complainant, who he indicated was resisting arrest.

After the apprehension, the sergeant was informed that the complainant had requested to speak with a sergeant. A sergeant who had not witnessed the apprehension was on the scene, but he indicated that he was retiring in a few days and did not wish to take the statement. Another sergeant who had not witnessed this apprehension was also on the scene, but he was not asked to take the statement.

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The witnessing sergeant was not aware of any complaint of injuries at the time and reported that he did not know he would be conducting a use of force interview. He was then told by another deputy that he had deployed a Taser at the complainant. Although the sergeant did not see the actual Taser deployment, he was on-scene when it occurred. The sergeant then interviewed the complainant, eliciting details about the force used during the apprehension, the taser deployment, and the incident that precipitated the arrest.

Credible investigations must be free from impairments or perceived impairments that threaten an investigator's ability to investigate in an unbiased, objective manner. Section 3 of IIU's Standard Operating Procedures states that "investigations should be conducted in a fair and impartial manner and the investigators should remain neutral and fact-based." This includes an investigator's ability to be free from any conflicts of interest with the subject matter or with any party involved in the incident being investigated. In this case, conflict of interest is invoked by a sergeant who witnessed an event subsequently undertaking its preliminary investigation. One of the sergeants who responded to the scene and did not witness the apprehension should have conducted the investigation. At a minimum, the witnessing sergeant should have stopped the interview when he heard an excessive use of force allegation and referred the matter to another supervisor for further investigation.

Identifying potential conflicts of interest before an investigation commences is paramount to a credible investigation. For this reason, OLEO has recommended on several occasions, including in its 2018 Internal Investigations Complaint Classifications Report, that IIU utilize a conflict of interest screening form.

For the above reasons, OLEO declines to certify due to lack of objectivity. If you have any questions, please contact our office at 206-263-8870.

Deborah Jacobs

Deborah Jacobs Director Office of Law Enforcement Oversight



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July 30, 2020

IIU Case No. 2020-175

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

OLEO has independently reviewed the internal investigation for case number IIU2020-175. We decline to certify this investigation pursuant to King County Code 2.75.040(C) because it is not objective.

The allegations in this case are violations of General Orders Manual 3.00.015 (Excessive or Unnecessary Use of Force), 3.00.020 (Performance Standards: Appropriate Use of Authority), and 3.00.020 (Performance Standards: Acts in Violation of Directives, Rules, Policies, or Procedures). The case stems from a traffic stop performed by the subject employee, a KCSO captain, while traveling to work in an unmarked car that was equipped with emergency lights and sirens. The complainant alleges that he was removed from his truck by force without being given a chance to disembark voluntarily. He also alleges that he was handcuffed unnecessarily and that the cuffs caused injury. The final allegation stems from the subject captain potentially not calling himself into service before making the stop, and not double-locking the handcuffs used on the complainant.

Credible investigations must be free from impairments or perceived impairments that threaten an investigator's ability to investigate in an unbiased, objective manner. Section 3 of IIU's Standard Operating Procedures states that "investigations should be conducted in a fair and impartial manner and the investigators should remain neutral and fact-based." In this case, the IIU investigator's follow-up report includes photographs from the complainant's Facebook page that are not relevant to the resolution of the allegations and, as a result, create the appearance that the investigation is not objective. The photos include the complainant's vehicle lined up with other vehicles that may indicate he races, and another of a traffic infraction that was dismissed.

OLEO requested the photographs be removed. IIU, however, disagreed. OLEO does not believe those photographs are relevant to resolving the allegations because the complainant does not allege that he was pulled over unlawfully or dispute how he was driving. While the photographs are included without pejorative commentary from IIU, OLEO believes that its effect is to IIU2020-175 July 30, 2020 Page 2

discredit the complainant's character on an issue, meaning his driving, that he does not factually dispute in this case.

We appreciate the conversations that IIU had with OLEO about our concerns, but we still decline to certify this investigation.

If you have any questions, please contact our office at 206-263-8870.

Deborah Jacobs

Deborah Jacobs Director Office of Law Enforcement Oversight



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IIU Case No. 2020-178

AMENDED LETTER

October 9, 2020

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

OLEO has independently reviewed the internal investigation for case number IIU2020-178. We decline to certify this investigation pursuant to King County Code 2.75.040(C) because it is not thorough.

This is an amended letter. After OLEO's original review of this complaint, KCSO notified OLEO that IIU added a subject sergeant to the investigation based on the complainant having specific issues with that sergeant putting his name on a safety bulletin.

The allegations in this case are that the subject sergeants violated General Orders Manual 3.00.015(1)(a): Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so. In this case, the complainant left four voicemail messages with City of Seattle's Office of Police Accountability complaining about his interactions with the subject sergeants. His complaints are not completely clear, but his primary complaint appears to be that the sergeants lied to him and put his name "in the computer" for making threats against law enforcement. He also indicates an intent to file charges against one sergeant for "five counts" of attempted murder, harassment, and attempted assault with intent to harm.

The investigator was outside of IIU due to the subject of the complaint. During his investigation he did not attempt to contact the complainant due to the complainant's perceived mental health and volatility, as well as the likelihood of the contact generating another complaint or safety issues.

OLEO requested that the investigator attempt to contact the complainant to give him the opportunity to explain and provide context to his allegations. The investigator declined to fulfill this request. OLEO also requested the investigator remove conclusory language from the follow-up report and correct an error on the A-150, which was fulfilled.



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After the complaint was amended to include an additional subject, the investigator did follow-up interviews with that sergeant and a witness sergeant.

We appreciate the conversations that IIU had with OLEO about our concerns, and we further recognize the additional work that IIU and the investigator conducted after identifying an allegation against another sergeant. Nonetheless, we still decline to certify because the complainant did not have an opportunity to clarify his allegations.

If you have any questions, please contact our office at 206-263-8870.

Adrienne Wat Interim Director Office of Law Enforcement Oversight



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IIU Case No. 2020-191

October 2, 2020

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

OLEO has independently reviewed the internal investigation for case number IIU2020-191. We decline to certify the investigation pursuant to King County Code 2.75.040(C) because it is not thorough or timely.

This investigation involved allegations that the subject deputy violated GOM 3.03.030, Bias Based Policing, and GOM 3.00.020(1)(c), Performance Standards. On May 8, 2020, the subject deputy responded to a call about abandoned vehicles on a public right of way. When he arrived, he noticed several vehicles that he was familiar with, which he tagged with 24-hour notices. The subject deputy also encountered two vehicles with expired tabs over 45 days, which he did not recognize. He looked up the registration information for these vehicles and noticed that the vehicles were registered to addresses outside of the area that they were parked in. It is the subject deputy's practice to impound vehicles in this circumstance, which is what he did. The next day, the complainant noticed that his and his girlfriend's cars had been towed. He called KCSO to inquire about why these cars were towed, since he had just parked in the spot the night before and all of the vehicles parked in that area had expired tabs, some over 45 days. The complainant also stated that he believed the impounds were racially motived, since the names registered to the vehicles could be recognized as non-white.

After review of the completed investigation, OLEO requested that IIU upload the recorded interview of the subject deputy and the non-emergency call from the reporting party to IAPro. We also requested that IIU contact the complainant and ask if he took any photos of the vehicles that were tagged but not towed and that IIU attempt to obtain the registration information of the vehicles that were tagged by the subject deputy but not towed.

IIU agreed to conduct additional investigation and uploaded the recorded interview of the subject deputy, but the recording of the reporting party's call was no longer available. The investigator subsequently conducted an interview with the reporting party. While this effort is appreciated,

the reporting party's poor memory about the vehicles she reported and which vehicles were towed as a result do not satisfy the reason for the original request.

Additionally, while IIU was able to get ahold of the complainant who stated he would send photos of the vehicles as requested, the photos were never obtained. Similarly, the registration information of the vehicles that the subject deputy tagged 24-hour notices on was not obtained nor uploaded to the investigative file. Obtaining this documentation was time-sensitive due to the mobility of vehicles and the potential renewal of registration information. Part of OLEO's criteria for whether an investigation is "timely" includes whether the investigator considered these issues in evidence gathering. OLEO acknowledges that IIU attempted to cure the deficiencies with the investigation. However, the lack of evidence in the file, in part due to not attempting to obtain the evidence earlier in the investigation, prevents those making findings from determining whether the subject deputy's discretion was applied equally in this case and ultimately prevents the investigation from being thorough.

For the above reasons, OLEO declines to certify this investigation.

If you have any questions, please contact our office at 206-263-8870.

Sincerely,

Adrienne Wat Interim Director Office of Law Enforcement Oversight



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November 5, 2020

IIU Case No. 2020-201

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

The Internal Investigations Unit (IIU) advised the Office of Law Enforcement Oversight (OLEO) that it completed investigation number IIU2020-201. OLEO has independently reviewed the internal investigation and decline to certify it because it is not timely.

In this case, the allegation was that a payroll specialist violated General Orders Manual (GOM) 3.00.015(1)(g), Discrimination, Harassment, Incivility, and Bigotry; 3.00.020(1)(d), Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures; 3.00.015(2)(i), Courtesy; 3.00.015(2)(h), Ridicule; and 3.00.015(1)(h), Harassment based on Disability. The payroll specialist was accused of subjecting a co-worker to workplace harassment and creating a hostile environment. The complainant alleged that the payroll specialist commented negatively on her work ethic, intelligence, and attendance.

OLEO was notified that this investigation was complete and ready for review on November 2, 2020. The 180-day deadline is November 9, 2020. Due to the deadline, OLEO could not be provided 10 business days to review the investigation as provided for in Article 22, Section 22.11 of the Collective Bargaining Agreement. Therefore, we decline to certify this investigation.

If you have any questions, please contact our office at 206-263-8870.

Adrienne Wat Interim Director Office of Law Enforcement Oversight



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IIU Case No. 2020-219

September 4, 2020

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

OLEO has independently reviewed the internal investigation for case number IIU2020-219. We decline to certify the investigation pursuant to King County Code 2.75.040(C) because it is not thorough.

This investigation involved allegations that the subject deputies violated GOM 3.00.020(3), Appropriate use of authority, and GOM 3.00.015(2)(d), Excessive or unnecessary use of force. The allegations in this case stemmed from the complainant stating that the deputies had no authority to arrest him and that he was not resisting during his arrest which resulted in him being tased, but that the position the subject deputies had him in prevented him from moving his arms behind his back as requested.

After review of the completed investigation, OLEO requested that IIU conduct additional investigation, which included attempting to contact and interview two witnesses who may have been able to help determine the accuracy of the allegations. The investigator attempted to contact one of the witnesses without success. A statement from the second witness taken by one of the subject deputies at the time of the incident was added to the investigative file, but the statement does not address the potential misconduct allegations.

While we do appreciate the investigator fulfilling some of OLEO's requests, the failure to attempt to interview the second witness about the excessive or unnecessary use of force and appropriate use of authority allegations prevents the investigation from being thorough.

For the above reasons, OLEO declines to certify this investigation. If you have any questions, please contact our office at 206-263-8870.

Adrienne Wat on behalf of

Deborah Jacobs Director, Office of Law Enforcement Oversight



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August 31, 2020

IIU Case No. 2020-262

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

OLEO has independently reviewed the internal investigation for case number IIU2020-262. We decline to certify the investigation pursuant to King County Code 2.75.040(C) because it is not complete.

This investigation involved allegations that the subject deputies violated GOM 3.00.015(2)(i), Courtesy, and that one of them violated GOM 3.00.015(2)(d), Excessive or unnecessary use of force. On April 28, 2020 one of the subject deputies responded to a report of shoplifters at a CVS store. When he arrived, he approached the complainant and asked to see what was in her bag. The complainant refused, at which point she alleged that the deputy grabbed her arm and threw her on the ground. The second deputy arrived and helped handcuff the complainant and the first deputy escorted her to his patrol vehicle. Both deputies reported that the complainant claimed she was pregnant during this incident.

While the first deputy was being photographed for an injury he sustained during the incident, he noticed the complainant had exited the patrol vehicle and was running away. He immediately ran after her and the second deputy followed in his own patrol vehicle. When the deputy caught up to the complainant by foot, he deployed his taser twice. Although both deployments achieved neuromuscular incapacitation, the second deployment occurred because the complainant began getting up after the first deployment. The first set of probes connected with the complainant's back and the second set connected with her front midsection. Both instances caused the complainant to fall to the ground. The complainant stated that while she was on the ground the second deputy approached her and put his knee in her back, called her a "stupid fucking bitch" a few times, and twisted her arm. The complainant again claimed that she was pregnant. The deputy who deployed the taser stated he did not consider that the complainant may have been pregnant before tasing her.

After review of the completed investigation, OLEO requested that IIU conduct additional investigation, which included asking the department's taser coordinator to clarify whether the taser use was within policy, adding excessive use of force allegations against both subject

IIU2020-262 August 31, 2020 Page 2

deputies for the hands-on force used during the incident, interviewing both subject deputies to inquire about their considerations of the complainant's alleged pregnancy before using force and to inquire about the handcuffing technique used during the arrest, and interviewing any witnesses who were present during the incident.

IIU agreed to fulfill some of the requests but declined to add excessive use of force allegations against the subject deputies. While we appreciate the investigator's efforts in obtaining some of the requested information, the failure to add excessive use of force allegations neglects part of the complainant's claims about the hands-on force used by each deputy throughout the incident and results in an incomplete investigation.

OLEO acknowledges that the IIU investigator attempted to contact the complainant for a second statement. However, we also note that the field interviews should be conducted more thoroughly to capture the complainant's concerns. In this case, the complainant's statement at the scene lacked detail, and clarifying questions may have gleaned relevant information. The field interview is often the only opportunity to hear the complainant's account and allowing the complainant space to explain the entirety of the incident is of utmost importance. A thorough initial interview can potentially resolve issues that arise during the investigation into complaints and mitigate the need to re-contact the complainant.

For the above reasons, OLEO declines to certify this investigation because it is not complete. If you have any questions, please contact our office at 206-263-8870.

Deborah Jacobs

Deborah Jacobs Director Office of Law Enforcement Oversight



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November 4, 2020

IIU Case No. 2020-291

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

The Internal Investigations Unit (IIU) advised the Office of Law Enforcement Oversight (OLEO) that it completed investigation number IIU2020-291. OLEO has independently reviewed the internal investigation and we decline to certify because it is not timely or thorough.

In this case, the allegation was that a captain, three sergeants, and three deputies violated General Orders Manual (GOM) 3.00.015(2)(d), Excessive or Unnecessary Use of Force, and GOM 3.00.020(1)(d), Acts in Violation of Sheriff's Office Directives, Rules, Policies, or Procedures, when they used a Mobile Arrest Team maneuver in which they "boxed in" the complainant's car during what the team deemed a high-risk arrest. When this incident occurred on May 21, 2020, both the complainant and the civilian witness, who was a passenger in the vehicle, were interviewed at the scene by sergeants who were substantially involved in the operation and who were later were subjects of this investigation. Additionally, the civilian witness indicated during her interview that she was too upset to give a statement and could not continue doing so.

OLEO was notified on October 26, 2020 that the case was complete and ready for review. As a result of our review, on October 28th, OLEO requested that the IIU investigator re-interview both the complainant and the civilian witness in order to resolve the conflict of interest presented by the subject sergeants interviewing them at the scene and to ensure a thorough investigation. IIU attempted to re-interview both witnesses, but neither were available. The complainant, through his attorney, declined to participate and the civilian witness could not be located, although she is believed to be living with the complainant. This impacted the thoroughness of the investigation, as the complainant and the civilian witness were not given the opportunity to be interviewed by an uninvolved investigator. Additionally, the civilian witness was not given the opportunity to complete her statement. The 180-day for this investigation is November 17, 2020. For this reason, we decline to certify the investigation.

If you have any questions, please contact our office at 206-263-8870.

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Adrienne Wat Interim Director Office of Law Enforcement Oversight



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IIU Case No. 2020-298

October 30, 2020

Kelly Park Internal Investigations Unit King County Sheriff's Office 516 3rd Ave, Room W-150 Seattle, WA 98104

Dear Captain Park:

The Internal Investigations Unit (IIU) advised the Office of Law Enforcement Oversight (OLEO) that it completed investigation number IIU2020-298. In this case, the allegation was that the subject majors violated General Orders Manual (GOM) 3.00.015(1)(i), Retaliation, by giving directives that impacted the complainants' pay. OLEO has independently reviewed the internal investigation and we decline to certify the investigation because it is not timely.

During interviews for a related investigation in early January, the complainants made allegations of retaliation, which were reported to command staff on January 7, 2020, making the investigation's 180-day deadline to complete investigations July 5, 2020. However, an IIU complaint was not initiated until July 10, 2020. Consequently, OLEO was sent the completed investigation for review on October 23, 2020, well after the 180-day deadline. For this reason, we decline to certify the investigation because, pursuant to GOM 3.03.150(1), it is not timely.

If you have any questions, please contact our office at 206-263-8870.

Sincerely.

Adrienne Wat Interim Director Office of Law Enforcement Oversight