

# Annual Report | 2017



King County  
**OLEO**

OFFICE OF LAW ENFORCEMENT OVERSIGHT

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## Dear King County Residents,

It is my pleasure to report that the Office of Law Enforcement Oversight (OLEO) made important strides in 2017 toward King County's vision for empowered police oversight of the King County Sheriff's Office. Oversight serves many stakeholders, including members of the public who interact with Sheriff's Office employees, our elected leaders who have demonstrated perseverance in strengthening systems of police accountability, and the Sheriff's Office itself, which benefits from the perspective and expertise gained through civilian input.

In April 2017, the King County Council unanimously passed an ordinance to implement the voter-approved November 2015 Charter Amendment that expanded OLEO's authority. In addition to existing duties, the ordinance authorizes OLEO to: weigh in on whether particular complaints are investigated, give input on proposed Sheriff's Office policies prior to their adoption, conduct independent investigations, and issue subpoenas. While some of these activities require collective bargaining with police unions prior to implementation, OLEO has forged ahead on others.

OLEO has combined its knowledge of the public's concerns with its expertise in police practices to inform Sheriff's Office policies on matters such as restricting Immigration and Customs Enforcement (ICE) access to people in custody for the purpose of immigration enforcement, conducting searches of people of the opposite sex, and providing aid to people after force is used against them. OLEO also launched its community engagement efforts, establishing new and meaningful connections with diverse communities throughout our expansive county. OLEO's Community Advisory Committee played a key role in this outreach and in initiating its work to advise the Sheriff's Office on issues of equity and social justice.

Additionally, OLEO emerged as a strong advocate for professional training, helping secure funding for a three-day de-escalation training for deputies, and recommending a curriculum that focuses more on tactics and physical role-playing and less on classroom time. The year did not go by without challenges. The work of oversight partly depends upon the cooperation of the police agency, and OLEO met obstacles in this regard under the administration of Sheriff John Urquhart. For example, it took months to obtain needed information from the Sheriff's Office, significantly delaying OLEO's work. The Sheriff's Office also at times objected to OLEO's public outreach activities, such as when OLEO shared its official policy input with members of the public at a community meeting.

However, OLEO is encouraged by the collaborative opportunities ahead. With the 2017 election of the new sheriff, Mitzi Johanknecht, we are optimistic that oversight and systems between OLEO and the Sheriff's Office can improve. We also look forward to continuing our work with oversight stakeholders throughout King County. By working together, we can establish effective systems for civilian oversight of police and better meet community needs.

*Sincerely,*

A handwritten signature in black ink that reads "Deborah Jacobs".

**Deborah Jacobs**

*Director, King County Office of Law Enforcement Oversight*

# About OLEO

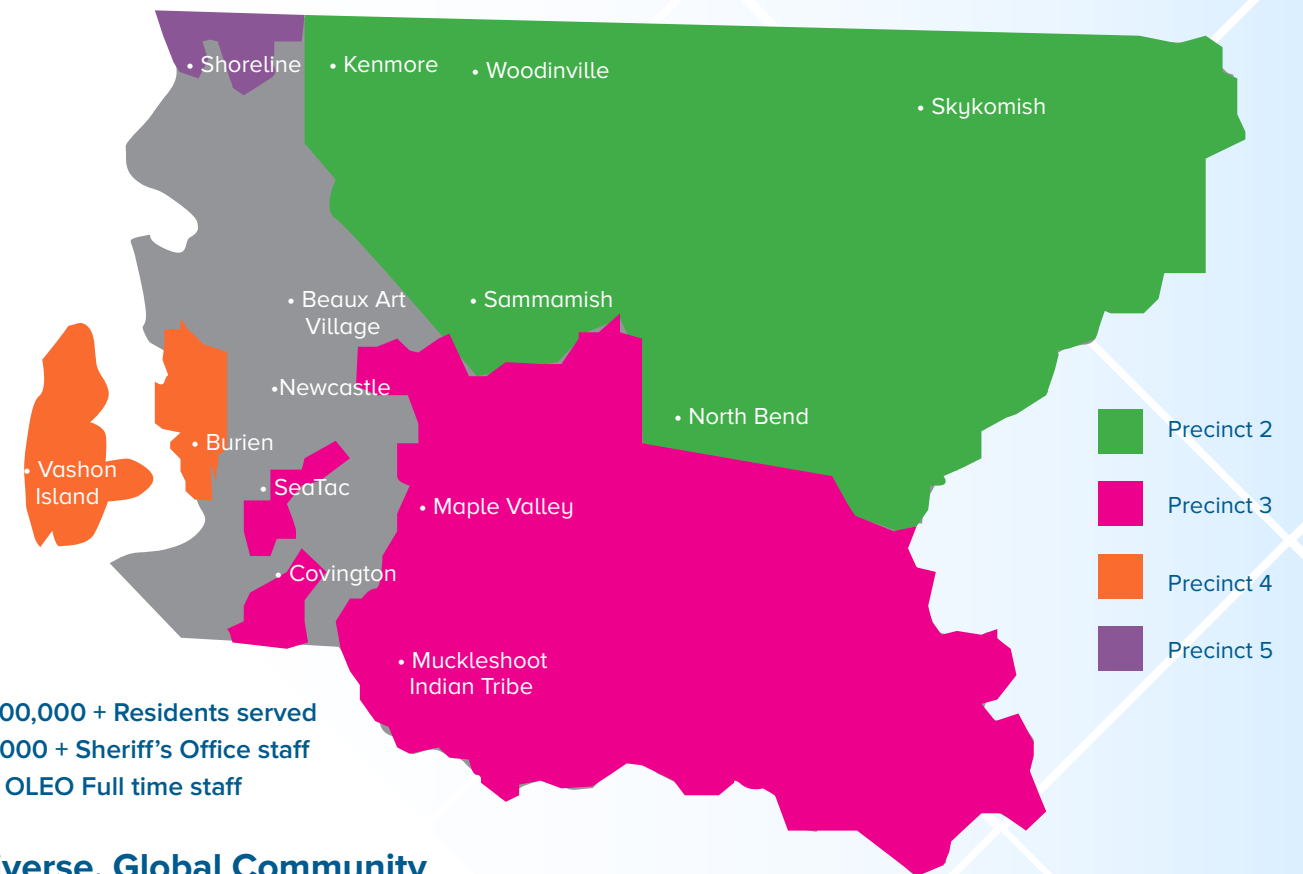
OLEO represents the interests of the public in its efforts to hold the King County Sheriff's Office accountable for providing fair and just policing services. By conducting independent reviews and engaging communities, OLEO seeks to instill public trust in law enforcement, promote transparency and integrity of Sheriff's Office operations, and help ensure the professionalism of Sheriff's Office employees. OLEO provides oversight by reviewing misconduct complaints and broader systemic issues. It issues public reports and makes recommendations to the Sheriff's Office on policies and practices impacting the public. OLEO adheres to the National Association for Civilian Oversight of Law Enforcement (NACOLE) [Code of Ethics](#).



## Who We Serve

OLEO's jurisdiction extends to all places served by the Sheriff's Office including, but not limited to, unincorporated King County, King County Airport, Metro, Sound Transit, and the following cities that contract to receive policing services from the Sheriff's Office:

- **Beaux Arts Village**
- **Burien**
- **Covington**
- **Kenmore**
- **Maple Valley**
- **Muckleshoot Indian Tribe**
- **Newcastle**
- **North Bend**
- **Sammamish**
- **SeaTac**
- **Shoreline**
- **Skykomish**
- **Woodinville**



## Diverse, Global Community

With more than two million residents, King County is the largest metropolitan county in the State of Washington by population, number of cities, and employment. It is the thirteenth most populous and second-fastest growing county in the United States. Over the past 20 years, persons of color have constituted most of the population increase.

King County residents and workers are a diverse and global community, with 20.3% of our population foreign born, 28.7% people of color, and 25.4% persons who speak a language other than English at home. Collectively, King County residents speak **170+ different languages**.

# Our History

**2005**  
AUGUST

The Seattle P-I runs the first of its series [Conduct Unbecoming](#), which highlights problems with police practices within the Sheriff's Office. These articles spark dialogue about the need for oversight of the Sheriff's Office.



**2009**  
MAY

The original authority established under Ordinance 15611 is revised through the King County Council's adoption of [Ordinance Enactment 16511](#), which reflects modified OLEO rights and responsibilities that reflect negotiations with KCPOG.



**2015**  
NOVEMBER

King County voters approve [Charter Amendment 1](#), expanding the scope of OLEO's authority including independent investigations. The Charter amendment also enhances the role of OLEO's community advisory committee.



**2017**

Some of OLEO's expanded authority remains in collective bargaining with the KCPOG.

**2006**  
OCTOBER

The King County Council creates the Office of Law Enforcement Oversight via [Ordinance Enactment 15611](#). The Office is intended to ensure the integrity, transparency, and accountability of the King County Sheriff's Office in misconduct investigations and to foster greater community trust in the Sheriff's Office. The King County Police Officer's Guild (KCPOG) promptly challenges OLEO's oversight role as an Unfair Labor Practice, which takes nearly three years to resolve.



**2011**  
OCTOBER

OLEO begins operations.



**2017**  
APRIL

The King County Council adopts [Ordinance Enactment 18500](#) to implement Charter Amendment 1.





# Our Staff



## **Deborah Jacobs, Director**

Deborah joined OLEO in 2016 after a 20+ year career with the American Civil Liberties Union (ACLU). Working in such places as Newark, N.J., and Ferguson, Mo., she has addressed a wide array of police practices including internal affairs, bias-based policing, sexual harassment, enforcement of federal immigration laws, and excessive uses of force. Deborah holds a B.A. in English and an M.A. in Liberal Studies from Skidmore College, and is a former Fulbright Scholar.



## **Toshiko Hasegawa, Communications Manager**

Toshiko joined OLEO in 2017 to help launch its communications and outreach efforts. Previously, she worked on criminal justice issues at the state and county level, and was Gov. Inslee's appointee to the Washington State Joint Legislative Task Force on the Use of Deadly Force in Community Policing. Toshiko holds a B.A. in Criminal Justice and in Spanish from Seattle University, where she is currently pursuing a master's degree in Criminal Justice, specializing in investigative criminology.



## **Adrienne Wat, Senior Law Enforcement Analyst**

Adrienne joined OLEO in 2017 to take a lead role on policy and reviews. Her desire to address the systemic issues in police practices stems from representing clients as a public defender in Pierce County, and she sees reshaping police practices as a critical step towards reform of the criminal justice system. She grew up in Hawaii and graduated from Seattle University School of Law and the University of Washington.



## **Danica Person, Summer Intern**

Born and raised in Vancouver, Wash., Danica attended the University of Washington to major in International Studies and Law Society and Justice. She has a long-standing interest in human rights and seeks to help foster better communication between communities across the world.



## **Tess Mullarkey, Law Enforcement Analyst**

Tess joined OLEO in 2014 to review the Sheriff's Office's internal investigations of complaints. Her career in auditing and investigations has been recognized with multiple bronze medal awards from the U.S. Department of Commerce Inspector General. She holds a Masters of Public Administration degree from Troy University in Alabama.



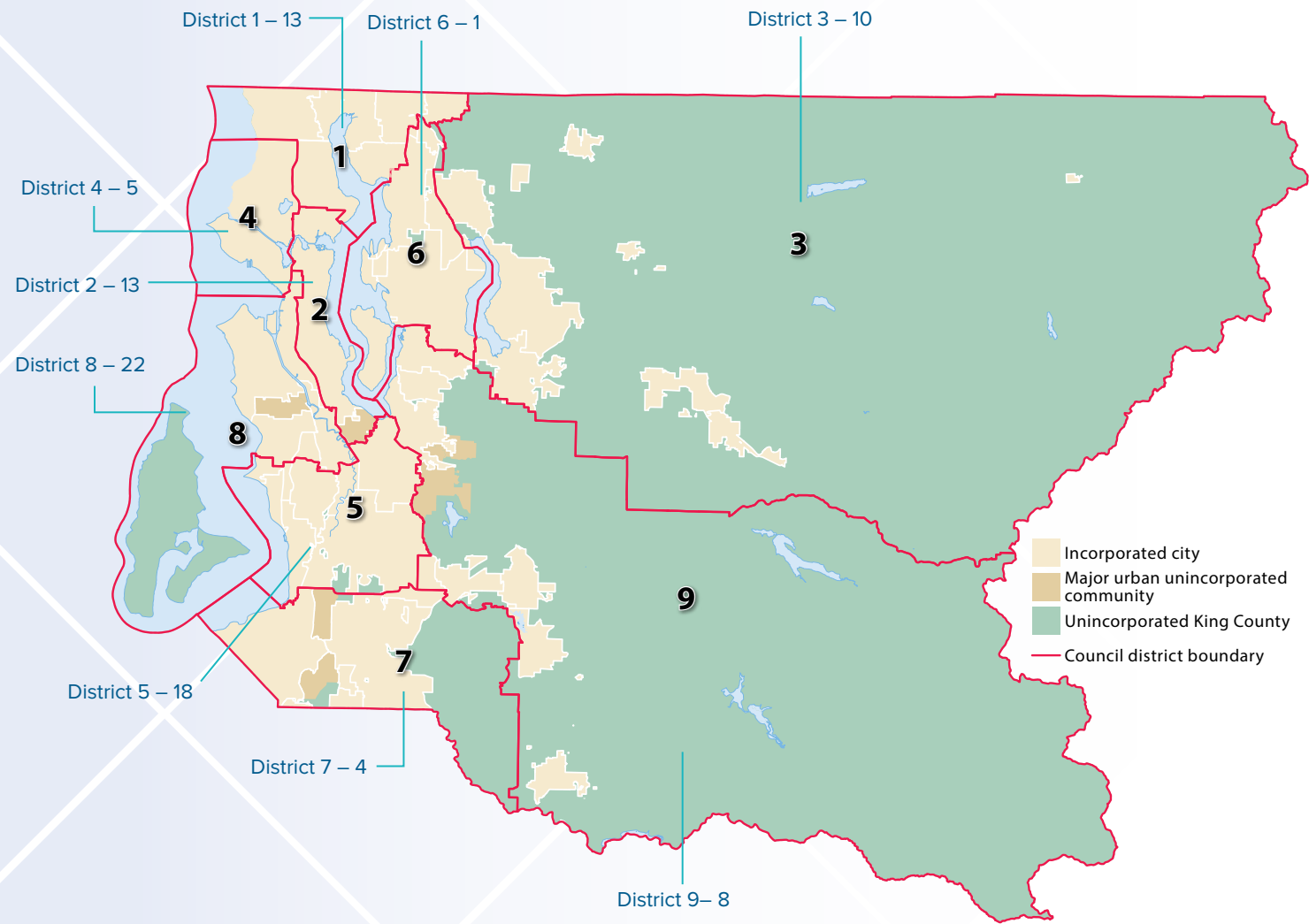
## **Abiel Woldu, Summer Intern**

The son of Eritrean immigrants, Abiel is a second-generation Seattleite pursuing a double major in Economics and Political Science at the University of Washington. He founded the Black Pre-Law Student Association at UW to help minority students make connections within the law school.

# Monitoring Allegations of Officer Misconduct

## Complaints by District

In 2017, the Sheriff's Office investigated 99 complaints from members of the public, which constituted a total of 182 allegations of misconduct. The following map demonstrates the total number of investigations into complaints made by members of the public per council district.



## Processing of Misconduct Complaints

There are various systems of accountability, one being investigation into complaints of misconduct by Sheriff's Office employees.

## How to File a Complaint

Both OLEO and the Sheriff's Office accept complaints from any party, including Sheriff's Office employees themselves. Complaints may be filed anonymously or by a third party not directly involved in the incident. All complaints will be accepted regardless of immigration status, age, or other factors. Complaints received by OLEO are promptly forwarded to the Sheriff's Office, as required by the KCPOG's Collective Bargaining Agreement.

## Complaint Intake Classifications

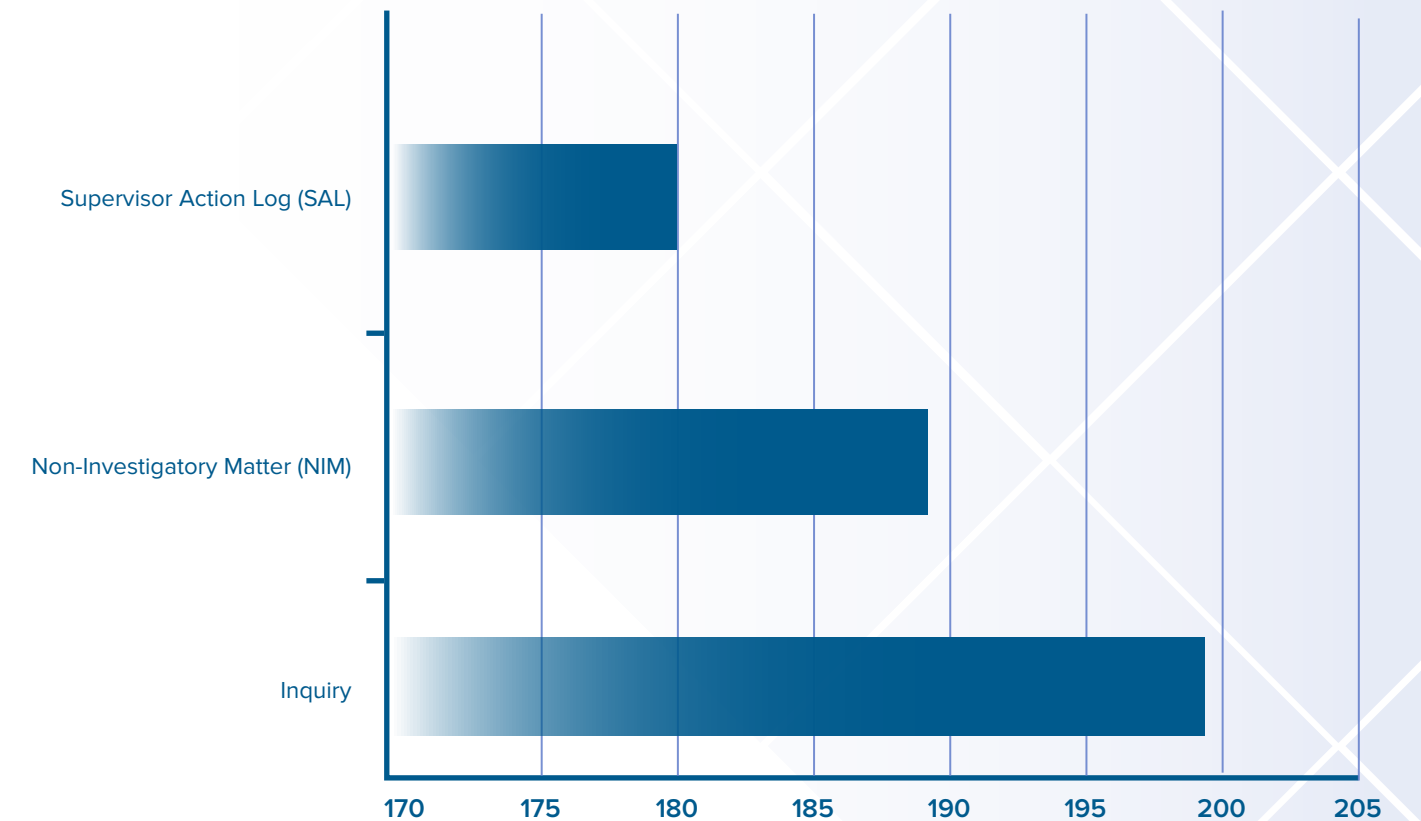
In 2017, there were 567 total complaints filed. When the Sheriff's Office receives a complaint, its first step is to classify the complaint, which determines whether and to what extent the Sheriff's Office will take action on a misconduct allegation. The Internal Investigations Unit (IIU) currently classifies complaints into one of three categories:

- **Inquiries:** Allegations considered serious and therefore requiring investigation.
- **Supervisor Action Log (SAL):** Allegations considered minor and referred to the employee's supervisor for handling.
- **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.

During the second half of 2017, OLEO's certification reviews revealed an increase in cases that should have been investigated, but were reclassified for either no action or non-disciplinary action. OLEO conversations with the Internal Investigations Unit Captain yielded no reasonable explanation for these classifications, which were contrary to Sheriff's Office policy.

Chart 1: Breakdown of Classifications - 2017





# OLEO Certification Review of Complaints Against Officers

## Misconduct Allegations of Complaints Investigated

According to OLEO’s analysis of IIU’s 2017 data, IIU classified 199 complaints as Inquiries<sup>1</sup> and, of those, completed 184 investigations. Those complaints investigated involved 350 allegations. Among all complaints classified as Inquiries, 52 percent came from members of the public (external) and 48 percent came from Sheriff Office employees (internal). External complaints typically concern the treatment of the public by police, with the top allegation involving use of force. Internal complaints typically concern employees’ performance of duties. A summary of the most frequent allegations within investigated complaints is listed below in Table 1. As of June 30, 2018, there were 15 investigations from 2017 still open pending completion.

**Table 1: Top Allegations<sup>2</sup> Externally Reported Compared to Those Internally Reported**

| External Complaints                                    | % of Total |
|--|------------|
| Excessive or unnecessary use of force against a person | 27         |
| Lack of courtesy                                       | 14         |
| Inappropriate use of authority                         | 13         |
| Conduct unbecoming of an officer                       | 9          |
| Conduct criminal in nature                             | 5          |

| Internal Complaints   | % of Total |
|---|------------|
| Acts in violation of Sheriff’s Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere | 15         |
| Performs at a level significantly below the standard achieved by others in the work unit  | 11         |
| Conduct unbecoming of an officer  | 10         |
| Lack of punctuality   | 8          |
| Ridicule  | 8          |

<sup>1</sup>OLEO’s report of this data does not include an analysis of whether all complaints received by the Sheriff’s Office were classified appropriately. In 2018, one of OLEO’s reviews includes examining the Sheriff’s Office IIU classifications system.

<sup>2</sup>There can be more than one allegation in a complaint, therefore the number of allegations will always exceed the number of complaints. There can be more than one KCSO employee named in a complaint as well as multiple allegations for each complainant.

One of the main functions of OLEO’s oversight of the Sheriff’s Office is to conduct reviews of Sheriff’s Office misconduct investigations to ensure they are thorough, objective, and timely. OLEO determines, among other things, whether all material witnesses are identified and interviewed, all evidence is obtained in a timely manner, and both the complainant and subject officer are treated fairly. OLEO often identifies areas where IIU can achieve more consistency through clearer policies and proposed updates to IIU’s Standard Operating Procedures. OLEO has also developed a guideline for minimum steps for an investigation to be deemed “thorough.”

## OLEO Follow-up on Investigations

During the certification review process, OLEO engages with IIU by providing feedback on complaint investigations and, if needed, requesting that investigators conduct additional investigatory steps. In 2017, there were at least 65 investigations in which OLEO provided feedback on issues such as accuracy of allegations, interviewing officers and witnesses, scope of investigation, and conflict of interest. If IIU does not complete additional investigation that OLEO deems essential to a thorough investigation, OLEO does not certify the case.

## Certified versus Not Certified

Of the 2017 investigations reviewed, OLEO certified 130 cases. OLEO did not certify 13 cases for reasons including insufficient efforts to identify witnesses in an excessive use of force case, IIU’s failure to interview officers and the complainant in an incident where the complainant was bitten by a police canine, failure to identify any allegations for an investigation, failure to issue required written notices to employees who were under investigation, failure to photograph a complainant who alleged excessive use of force, missing the 180-day deadline to enter findings or impose discipline, and conflicts of interest.

## Conflicts of Interest

OLEO identified cases that presented actual or perceived conflicts of interest and therefore threatened to compromise the integrity of investigations. Most often, one or more parties in these matters were members of command staff with authority or influence over IIU. OLEO offered input to the Sheriff’s Office on how to avoid conflicts of interest.

A full description of 2017 IIU investigations in which OLEO followed-up can be found on the [OLEO website](#).

# Case Dispositions

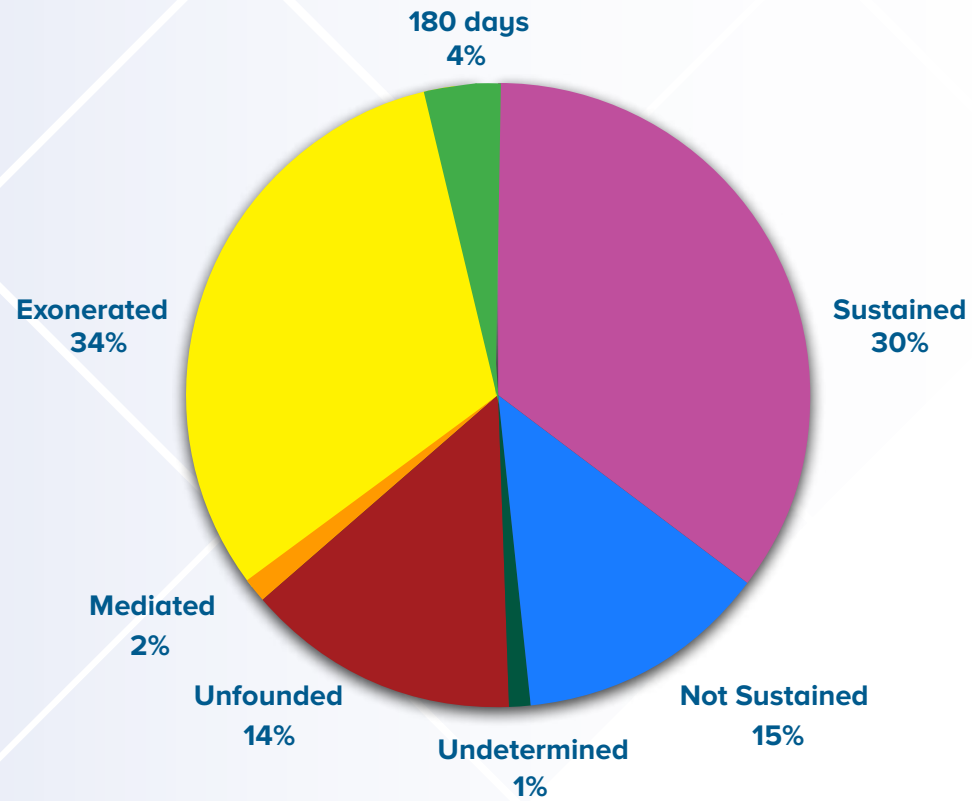
## Analysis of Investigative Findings

According to Sheriff’s Office policies, the standard of proof to sustain an administrative investigation is generally a “preponderance of evidence.” 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.
- 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.
- NON-SUSTAINED**  
there is insufficient factual evidence either to prove or disprove the allegation.
- UNDETERMINED**  
the completed investigation does not meet the criteria of the other classifications.

The following pie chart demonstrates allegation determinations. (“180 day” below means the Sheriff’s Office exceeded its 180-day deadline and therefore was prohibited by the collective bargaining agreement to enter findings or impose discipline.)

**Chart 2: Allegations Dispositions**



## Sustained Allegations

Of the 184 total investigations completed, the Sheriff’s Office sustained 30 percent (97) of allegations. The top sustained allegation was “lack of punctuality,” followed closely by “performs at a level significantly below the standard achieved by others in the work unit.” When combined, these two allegations account for 27% of the total sustained allegations. **Table 2** below provides the most common allegations for **2017** and **2016**.

**Table 2: Top Five Sustained Allegations**

| Allegation Type   | Total allegations in 2017 | Total sustained allegations in 2017 | Total sustained allegations in 2016 |
|---|---------------------------|-------------------------------------|-------------------------------------|
| Acts in violation of Sheriff’s Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere | 28                        | 12                                  | 19                                  |
| Lack of punctuality   | 14                        | 14                                  | 18                                  |
| Conduct unbecoming of an officer  | 33                        | 12                                  | 15                                  |
| Performs at a level significantly below the standard achieved by others in the work unit  | 26                        | 13                                  | 6                                   |
| Fails to submit reports, citations, or other appropriate paperwork in a timely manner   | 14                        | 8                                   | 3                                   |





## Corrective Actions or Other Outcomes

In 2017, there were 97 total corrective actions taken, or other outcomes, as a result of sustained allegations (compared to 110 in 2016). These involved 63 cases and 45 different employees. Corrective actions include discipline (oral/verbal/written reprimand, suspension, demotion, or termination) or corrective counseling (which the Sheriff's Office does not consider to be discipline). Other outcomes include resignation, retirement, or implementing a performance improvement plan. Table 3 summarizes the types of corrective actions or other outcomes taken for each sustained allegation.

**Table 3: Corrective Actions or Other Outcomes**

\* Finding of Sustained Allegations - no disciplinary action taken.

| Allegation   | Corrective Counseling | Oral/Verbal Reprimand | Resignation | Retired   | Suspension | Termination | Written Reprimand | Demotion  | Performance Improvement Plan | Other     | Grand Total |
|--|-----------------------|-----------------------|-------------|-----------|------------|-------------|-------------------|-----------|------------------------------|-----------|-------------|
| Absence from duty without leave  | 1                     |                       |             |           | 2          |             | 1                 |           |                              |           | 4           |
| Acts in violation of Sheriff's Office directives, rules, policies, or procedures, as set out in the manual, the training bulletins, or elsewhere | 1                     |                       |             |           | 4          |             | 7                 |           |                              |           | 12          |
| Inappropriate use of authority   |                       |                       |             |           |            |             | 1                 |           |                              |           | 1           |
| Being under the influence of either drugs or alcohol while off-duty, resulting in criminal conduct, charge, or conviction                        |                       |                       |             |           | 1          |             |                   |           |                              |           | 1           |
| Conduct that is criminal in nature   |                       |                       | 1           |           | 2          |             |                   | 1         |                              |           | 4           |
| Conduct unbecoming of an officer   |                       |                       |             |           | 6          | 2           | 3                 | 1         |                              |           | 12          |
| Lack of courtesy   | 1                     |                       |             |           | 2          | 1           | 3                 |           |                              |           | 7           |
| Discrimination, incivility, and bigotry  |                       |                       |             |           | 1          |             | 1                 |           |                              |           | 2           |
| Excessive or unnecessary use of force against a person   |                       |                       |             |           | 1          |             |                   |           |                              |           | 1           |
| Fails to achieve a passing score in any required training or qualification session   |                       |                       |             |           | 1          |             |                   |           |                              |           | 1           |
| Fails to submit reports, citations, or other appropriate paperwork in a timely manner  | 2                     |                       |             |           | 1          |             | 4                 |           | 1                            |           | 8           |
| Failure of training or qualification   |                       |                       |             |           | 1          |             |                   |           |                              |           | 1           |
| Failure to report a member's possible misconduct   | 1                     |                       |             |           |            |             |                   |           |                              |           | 1           |
| Failure to report use of force   | 1                     |                       |             |           |            |             |                   |           |                              |           | 1           |
| Insubordination, or failure to follow orders   |                       |                       | 1           |           | 1          | 1           | 1                 |           |                              |           | 4           |
| Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so                                     |                       |                       | 1           |           |            |             |                   |           |                              |           | 1           |
| Lack of obedience to laws and orders   |                       |                       |             |           |            |             | 1                 |           |                              |           | 1           |
| Performs at a level significantly below the standard achieved by others in the work unit   | 1                     |                       |             |           | 5          |             | 7                 |           |                              |           | 13          |
| Lack of punctuality  |                       |                       |             |           | 8          |             | 5                 |           |                              | 1*        | 14          |
| Ridicule   |                       |                       |             |           | 3          | 2           | 2                 |           |                              |           | 7           |
| Supervision  |                       |                       |             |           |            |             |                   |           |                              | 1         | 1           |
| <b>Grand Total</b>   | <b>8</b>              | <b>0</b>              | <b>3</b>    | <b>0</b>  | <b>39</b>  | <b>6</b>    | <b>36</b>         | <b>2</b>  | <b>1</b>                     | <b>2</b>  | <b>97</b>   |
| <b>Grand Total by Percentage</b>   | <b>8%</b>             | <b>0%</b>             | <b>3%</b>   | <b>0%</b> | <b>40%</b> | <b>6%</b>   | <b>37%</b>        | <b>2%</b> | <b>1%</b>                    | <b>2%</b> | <b>100%</b> |

## OLEO Input on Police Training

OLEO recommended that the Sheriff's Office conduct a live in-service training for its patrol deputies and sergeants, and lobbied the King County Council to secure funding.<sup>2</sup> It was the first time since 2014 that the Sheriff's Office held such a training.<sup>3</sup> OLEO advocated for a focus on active scenario-based training, which the Sheriff's Office modeled on training developed by the Seattle Police Department. The final training curriculum included topics such as: tactical de-escalation, justice-based policing, and defensive tactics.

The roll-out of this training was successful, due in large part to the hard work of those in the Sheriff's Office Advance Training Unit and to an encouraging collaborative effort between OLEO and the Sheriff's Office. OLEO will advocate for important trainings like this to take place annually.

## OLEO Review of Sheriff's Office Practices

### Mark43

In 2017, the Sheriff's Office sought to implement a new records management system (RMS) created by Mark43 to replace an outdated system. Although the Sheriff's Office seeks to use this RMS primarily for managing police incident reports, OLEO had concerns that it could be used for "predictive policing," which could disproportionately impact communities of color and low-income communities. OLEO also raised concerns about Mark43's potential to violate personal privacy rights.

OLEO sought to obtain the contract between the Sheriff's Office and Mark43, to better understand which platform options the Sheriff's Office selected. Despite assurances from the Sheriff's Office that Mark43 could not provide data collected to anyone outside the King County government or use it to develop technology, OLEO found a contract provision allowing Mark43 to do just that. Concerned that this could be used toward predictive policing technology without public input, OLEO notified the King County Council and the Sheriff's Office. As a result, the Council required the Sheriff's Office to revise the contract to remove the provision.

### Alternative Dispute Resolution

OLEO collaborates with the Sheriff's Office to use Alternative Dispute Resolution (ADR) to address complaints. If someone files a misconduct complaint against a Sheriff's Office employee, ADR may be an option to talk through issues with the employee, with a neutral third party facilitating the discussion. ADR must be entered into voluntarily by both parties, allowing them to resolve the issue themselves, rather than depending upon the judgment of others.





# Recommendations to Improve Sheriff's Office Procedures

OLEO provides feedback and recommendations on specific policies and procedures in the Sheriff's Office General Orders Manual (GOM). Some of the recommendations were initiated by OLEO after observing a need, and others were in response to the Sheriff's Office's notification that it proposed to revise specific policies.

These recommendations serve as another avenue for OLEO to address systemic issues of policing and provide the public's perspective to the Sheriff's Office. Since May 2017, when this authority went into effect, OLEO's recommendations have included the following:

## ICE non-compliance

The Sheriff's Office adopted a new policy that its members not allow federal immigration (ICE) officers in Sheriff's Office facilities solely for immigration enforcement. OLEO recommended that the language limiting the policy to "Sheriff's Office facilities" be expanded to "Sheriff's Office custody." OLEO made this recommendation to include situations where a person is in Sheriff's Office custody but not in a Sheriff's Office facility, such as a medical facility or patrol vehicle. This recommendation was adopted, see GOM 5.05.020.<sup>1</sup>

## Sexual assault investigations by patrol officers

OLEO recommended that the Sheriff's Office adopt a new policy to guide patrol deputies in their responses to sexual assault investigations and suggested that training on this policy be included in the three-day in-service training. In addition to conducting its own research and policy review of the topic, OLEO drew upon the expertise of the King County Sexual Assault Resource Center in developing these recommendations. With respect to OLEO's recommendations, the Sheriff's Office included most of the information on victims of sexual assault and the forensic exam advisements, but did not include the example phrases that officers could utilize when speaking with victims. We had hoped the phrases would be included in the GOM for easy reference for patrol deputies; however, the Sheriff's Office determined it would be more appropriate for online training. See GOM 17.20.000.

## Searches of opposite sex

After noticing several of these complaints, OLEO recommended that the existing policy be revised to specify that, if there is no deputy of the same sex available to conduct a search or pat-down when requested, the deputy conducting the search or pat-down must verbally explain the steps of the search or pat-down to the suspect. See GOM 5.00.055(4) and (5)(e). A factor contributing to objections relating to searches by deputies of the opposite sex is the frequency with which members of our society – and females in particular – experience sexual trauma. Many survivors of abuse are triggered or re-traumatized by unwanted physical contact. For this reason, arrestees may have concerns with respect to the gender of the deputy who searches them, particularly females preferring a search by a female.

<sup>1</sup>This GOM was largely superseded by King County Ordinance 18665, which took effect in March of 2018.

## Persons in behavioral crisis

A portion of this policy (See GOM 5.08.025(6)) was revised to be compliant with the new Washington State law, RCW 71.05.457. The state law requires law enforcement agencies to adopt a policy establishing criteria and procedures for a law enforcement officer to refer a person to a mental health agency after receiving a report of threatened or attempted suicide. OLEO provided comments concerning procedural aspects of the Sheriff's Office policy, regarding how and to which agency law enforcement makes the referral. OLEO's recommendation was not adopted, but its advocacy did result in the Sheriff's Office making other important revisions.

## Administering aid after use of force

OLEO proposed a policy to make formal what was being taught in the Sheriff's Office three-day live in-service training. Specifically, we recommended that, when safe and feasible, officers involved in use of force incidents are encouraged to provide aid to persons injured. The Sheriff's Office adopted OLEO's substantive policy language, but removed specific examples of aid to provide. See GOM 6.00.015.

## Spit hood

In April 2017, the Sheriff's Office adopted a policy that read, "Spit hoods should not be used on suspects that are vomiting or bleeding significantly from their mouth, nose or head as it poses a risk of suffocation." See GOM 5.01.015(3). After researching other law enforcement agency policies, OLEO recommended adding to this provision, "[i]f a person begins to vomit or bleed from their mouth, nose or head while wearing a spit hood, the spit hood shall be promptly removed and discarded." The Sheriff's Office did not adopt this recommendation.





# Summary of Critical Use of Force Incidents

OLEO's role in reviewing critical incidents includes attending and observing the processing of scenes of police shootings and serious uses of force. OLEO has authority to monitor the administrative investigation and attend force reviews for critical incidents.

## The Sheriff's Office has several internal mechanisms for review of critical incidents:

- Administrative Review Team review intended to look for "lessons learned."
- Use of Force Review Board review of the incidents and determination of whether deputy actions violated policy.<sup>1</sup>
- Misconduct Investigation by the Internal Investigations Unit of incidents in which a complaint with allegations of misconduct during the incident is made.

In addition to these internal reviews, King County holds inquests into fatal incidents involving a member of law enforcement in the performance of their duties. However, starting in January 2018, King County Executive Dow Constantine suspended inquest proceedings pending a review of potential ways to enhance or improve inquests, which has impacted some of the incidents described below.

## Recommendations made in 2017 for a 2016 Critical Use of Force Incident

In June 2017, following the completion of the investigation of a 2016 shooting of the subject of a wellness check, OLEO submitted training and policy recommendations to the Sheriff's Office related to interacting with people in behavioral crisis. [OLEO's recommendations](#) included to:

- Require all commissioned officers to complete a 40-hour Crisis Intervention Team (CIT) training.
- Designate a commissioned CIT Coordinator position to enhance the abilities of deputies addressing people in crisis in the field through coaching, improvements to training, and acting as a liaison between behavioral health providers and Sheriff's Office personnel.
- Revise current policies to require greater emphasis on de-escalation.

The Sheriff's Office accepted OLEO's recommendation for CIT training and, with funding from the Executive, was able to have additional classes added so that all its commissioned officers can be trained by the end of 2018. OLEO continues to work towards implementing its other recommendations.

<sup>1</sup> According to the General Orders Manual 6.03.010 in effect in 2017, the following questions are answered: (a) If a firearm was used was it intentional or unintentional?; (b) Was the use of force justified or unjustified, regardless of the tactics or choices leading up to the use of force?; (c) Were the officer's choices leading up to the event sound?; (d) Were there reasonable alternatives to the use of force?; (e) Was either inadequate or improper training a contributing factor to the event?; (f) Were policies and procedures followed after the event?; (g) Did the use of force involve a policy violation?

## Critical Use of Force Incidents in 2017

### January Shooting Death

On January 27, 2017, an individual was shot and killed during a Sheriff's Office undercover operation related to an investigation of a hit and run homicide that occurred two days before. The goal of the operation was to arrest a "person of interest" in the homicide – not the individual shot.

As part of the operation, detectives set up an alcohol purchase where the person of interest agreed to sell bottles of liquor to a minor, who was actually an undercover officer. During the operation, the person of interest was accompanied by the individual shot, whose presence was unanticipated. The operation did not go according to plan and during the course of it, the individual was shot and killed.

### June Shooting Death

On June 14, 2017, an individual was shot and killed when the Sheriff's Office responded to 911 calls regarding a disturbance in their residential neighborhood. Callers reported that the individual had run after them with a knife in his hands. The individual may have been in behavioral crisis. Deputies responded. They gave verbal commands for the individual to drop the object in his hand, but he did not. He moved toward the deputies and bystanders. Deputies deployed Tasers, to no avail. Deputies drew their weapons and one of them shot. After the individual was shot, deputies discovered that the item in his hand was a pen.

### August Non-fatal Shooting

On August 29, 2017, two Sheriff's Office deputies were dispatched to a home in Enumclaw for a domestic violence call. After the alleged victims were safely out of the home, the deputies noticed that someone was looking at them from a window and had turned off all the interior and exterior lights. One of the deputies retrieved a rifle and night vision monocular. With the night vision monocular, the deputies saw the suspect come outside with what appeared to be a rifle. Deputies ordered the suspect to drop the weapon, but he did not put the weapon down. In response to seeing the suspect raise his rifle in the direction of the deputies, one deputy fired his rifle. After the suspect was shot, deputies applied a tourniquet to his leg before medics arrived to treat him. He survived and was charged with domestic violence assault. OLEO attended the Sheriff's Office's review of this incident.

### Canine (K9) bites

On October 18, 2017, deputies responded to a report that a suspect violated a court-issued domestic violence "no contact" order. When deputies arrived, the suspect fled on foot. A police K9 was used to locate the suspect, who was hiding in a bush. A deputy gave him several warnings to surrender, warning that the dog would find and bite him. The suspect did not surrender and was dragged out of the bushes by the K9, sustaining severe injuries to his arm for which he was taken to the hospital for treatment. This resulted in a callout of the Administrative Review Team (ART), the unit that internally investigates deadly or serious uses of force. OLEO accompanied the investigator to the hospital to interview the person bitten regarding the force used.

OLEO uncovered another 2017 K9 bite incident that should have been investigated but was misclassified as a non-investigatory matter. OLEO brought this issue to the Sheriff's Office's for appropriate action, but we are unaware of any further action taken on the matter.



# Community Engagement

OLEO has an important role to play in improving community–police relationships and inspiring the public’s trust in law enforcement. In March 2017, OLEO commenced public engagement efforts to raise awareness of the office, its role and function in efforts to hold the Sheriff’s Office accountable, and to obtain public input on issues relating to policing. In 2017, OLEO staff attended over 80 community-based events, including town halls, fairs, festivals, parades, rallies, conferences, panel discussions, community-based organizations’ board and membership meetings, classroom talks, vigils, and other events.

With OLEO’s Community Advisory Committee members as partners, we are well-positioned to disseminate information and collect public input from all corners of the county. County Councilmembers have also opened doors in their districts via informational gatherings at which OLEO informs the community of important available resources. Bringing diverse stakeholders into conversations around policing and oversight practices goes far to ensure operations are both effective and meaningful.

## Community-Led Public Forum on the Shooting Death of Tommy Le

In the aftermath of the shooting to Tommy Le, OLEO participated in [a public forum](#) along with Sheriff John Urquhart, King County Council Chair Joe McDermott, King County Councilmembers Dave Upthegrove and Larry Gossett, Deputy County Executive Rhonda Berry, State Senator Bob Hasegawa, State Representative Mia Gregerson (CACLEO member), and Michal Itti from the Commission on Asian Pacific American Affairs. The panelists heard public comments and answered questions. Nearly 200 people attended the event, held on July 19, 2017 at Asian Counseling & Referral Service. Attending outreach events like this allows OLEO to provide the public with information about the process for reviewing critical incidents and to answer questions about police practices and oversight in general.

At the public forum, Sheriff John Urquhart announced his support for the Washington State Patrol to investigate police-involved shootings statewide. On July 24, 2017 OLEO Director Deborah Jacobs published an [op-ed in the Seattle Times](#) recommending a civilian-led approach to investigating critical incidents and allegations of misconduct.



## Community Advisory Committee on Law Enforcement Oversight

King County’s Community Advisory Committee on Law Enforcement Oversight (CACLEO) provides input on policies, procedures, and practices relating to policing. Committee members act as liaisons between OLEO and the public, engaging with diverse communities about their perceptions and concerns relating to the Sheriff’s Office. Committee members advocate for the interests of oversight to the County Council, the County Executive, the Sheriff’s Office, and the community. They also advise on matters of equity and social justice, systemic problems within the Sheriff’s Office, as well as opportunities for improvement. Some highlights of their work in 2017 include:

- Successfully advocating to the Metropolitan King County Council in support of County Ordinance 2017-0139, which expanded the authority of OLEO.
- Sending a joint letter of support to King County Executive Dow Constantine in support of OLEO.
- Sending a letter to Sheriff John Urquhart urging him to meet with King County’s Office of Equity & Social Justice (ESJ) to begin convening a plan to comply with the required ESJ Strategic Plan.
- Conducting an analytical review of the Sheriff’s Office’s partner cities’ Annual Reports.

CACLEO is composed of 11 members who are appointed by the King County Executive and confirmed by the King County Council. Committee members engage in activities that enhance OLEO’s work. The committee meets, at minimum, on a quarterly basis. Members can serve up to two three-year terms. The Committee meets as a whole and sometimes forms subcommittees to explore issues in greater detail for consideration by the full body.



**Mayor David Baker**  
Co-Chair  
Contract City, Pos. 1



**John Jensen**  
Contract City, Pos. 2



**Rep. Mia Gregerson**  
At-Large, Pos. 3



**Sili Savusa**  
Co-Chair  
Unincorporated  
King County, Pos. 5



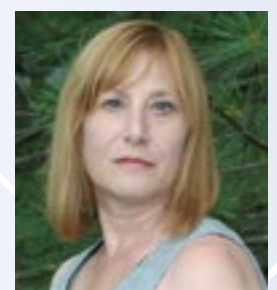
**Rev. Steve Baber**  
Unincorporated  
King County, Pos. 6



**Tamika Moss**  
Unincorporated King  
County, Pos. 7



**Abel Pacheco**  
At-Large, Pos. 9



**Elizabeth Campbell**  
At-Large, Pos. 11

For biographies of our members, please refer to the [OLEO website](#)



## Summer Interns

OLEO's summer interns conducted outreach between June and August at 16 separate events in 10 different partner cities and at several light rail stations. Outreach activities took place in all nine council districts and included both incorporated and unincorporated parts of King County, in rural and urban areas alike. A summary of summer intern activities can be found in the Appendix.

“ I enjoyed spending time out of the office, representing OLEO in the public. A lot of my learning came from the hands of community members that I spoke to. Learning from others is extremely valuable.

— Danica Person,  
2017 Summer Intern

“ I loved being able to see that the work I was doing had a direct impact. It helped me realize the weight this understaffed office has to carry. It gave me a sense of pride in everything I worked on.

— Abiel Woldu, 2017  
Summer Intern



## Communications, Website & Social Media

In 2017, OLEO re-vamped its [website](#)—which is updated monthly and can be translated into all of King County's Tier 1 and Tier 2 languages – and developed print materials for distribution while engaging with members of the public. Overall in 2017, OLEO was mentioned in at least 30 news stories.

### The Seattle Times

#### Create civilian-led state agency to investigate police shootings



King County Sheriff John Urquhart speaks July 19 at a community forum focused on the death of Tommy Lee. (Erika Schultz/The Seattle Times)

The best way to earn the public's trust and ease community fears is a statewide solution that serves the investigatory needs of all law-enforcement agencies.

By [Deborah Jacobs](#)  
Special to The Times



#### Watchdog Says Sheriff Is Holding Back County Police Reform

Oversight director says staff still can't get information it needs to fully vet law enforcement.



OLEO also launched its social media presence, establishing accounts for [Facebook](#), [Twitter](#), and [Instagram](#).

**#KingCountyOLEO**



# Goals and Priorities of 2018

## Fulfilling the County's Vision for Oversight

Perhaps the most important goal for 2018 remains the full implementation of the Charter Amendment to expand OLEO's authority, including the ability to conduct independent investigations, adopted by King County voters in November 2015. The King County Council unanimously adopted Ordinance 2017-0139 to fulfill this vision for empowered independent oversight in King County in April 2017. However, the authority granted within the ordinance remain in collective bargaining with the unions that represent Sheriff's Office personnel. Although the final outcome of this process is uncertain, OLEO hopes to begin its enhanced operations, including conducting independent investigations of complaints and misconduct allegations.

In 2017, OLEO engaged the Athena Group of Olympia, Washington, to conduct an independent staffing analysis for OLEO to assess its needs. OLEO will use this analysis to determine its needed growth in 2018 and seek to secure adequate resources to perform its prescribed functions.

## Promoting Integrity in Complaint Investigations

In 2018, OLEO continues its work to review completed complaint investigations by the Sheriff's Office and certify those conducted in a thorough and objective manner. It also submits recommendations to the Sheriff's Office on making internal investigations more accessible to the public and improving internal investigations.

## Analyzing Trends to Improve Community Outcomes

Our duties includes reviewing systemic issues and trends in complaints, reporting our findings to the public, and making recommendations for changes in policy or practice to the Sheriff's Office. Our 2018 reviews include:

- **Public Information Policies** – Practices for providing information to the press and public following a critical incident;
- **Complaint Classifications** – Practices for classifying complaint intake and criteria for determining which are investigated; and
- **Use of Force Complaints** – Practices for the investigation of use of force complaints.

## Community Input into Sheriff's Office Policies

Applying expertise in police practices and community input, OLEO continues its work to review Sheriff's Office policies on issues of public importance. Bringing a civilian eye to policies relating to how people are treated by police can significantly impact outcomes of police interactions.

## Listening to our Constituents

OLEO hits the road again in 2018 to learn from community members served by the Sheriff's Office throughout our diverse geographic region. OLEO will continue upon its mission of promoting public education, earning trust, and soliciting input. Community input helps OLEO prioritize its work.

**Community input helps OLEO identify priority areas for review and improvement of services by the Sheriff's Office.**

# Appendices

[NACOLE Code of Ethics](#)

[Tier 1 & Tier 2 Languages](#)

[OLEO Enabling Legislation: Ordinance 15611\\_2006](#)

[Ordinance 16511\\_2009](#)

[2015 Charter Amendment](#)

[Ordinance 18500\\_2017](#)

[Process After a Shooting \(OLEO's role\)](#)

[OLEO in the News](#)

[2017 IIU Investigations in Which OLEO Requested Further Information](#)

## Contact OLEO



206.263.8870



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**King County**

**OLEO**

OFFICE OF LAW ENFORCEMENT OVERSIGHT