



Office of Law Enforcement Oversight (OLEO)

Date: November 7, 2022

To: Patti Cole-Tindall, Sheriff, King County Sheriff's Office

From: Tamer Abouzeid, Director, Office of Law Enforcement Oversight (OLEO)

Re: Use of Force Policy, GOM 6.00.000

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OLEO has reviewed the Sheriff's Office's revisions to General Orders Manual (GOM) 6.00.000 made in response to changes in state law. In preparation for making recommendations, OLEO considered the previous Sheriff's Office policy, changes to state law, and the Washington State Attorney General's Office Model Use of Force Policy (model policy). OLEO recommends that the Sheriff's Office adopt the model policy and strengthen it regarding use of force on fleeing persons by making the policy more restrictive.

Among other important topics, the model policy provides a clearer framework than the Sheriff's Office's current policy for de-escalation, appropriate levels of force depending on the circumstances, and the exercise of reasonable care. The model policy also clarifies a path for deputies to call upon alternative responses to people experiencing behavioral crises, or other non-violent incidents, that would benefit from a non-law enforcement response.

OLEO finds value in policies that not only respond to community calls for alternatives to policing, but also in those that relieve the Sheriff's Office of previously obligatory responses that prevent deputies from responding to higher-priority, explicitly violent calls for service.

In addition to adopting the model policy, OLEO contends that the Sheriff's Office should strengthen the model policy to align with community concerns surrounding excessive force. OLEO supported the Sheriff's Office's past policy regarding using force on fleeing persons, which outlined that obstructing alone was not a sufficient basis for using force in those situations. However, the Sheriff's Office's current policy states that a deputy may use physical force when necessary to:

*"...prevent a person from fleeing, or stop a person who is actively fleeing, a lawful temporary investigative detention (Terry stop), provided that the person has been given notice that he or she is being detained and is not free to leave"*

OLEO is aware that this provision is made legal through RCW 10.120.020 [2022 c 80 §3]. However, the inherent risks of using force on subjects for merely fleeing far outweigh the benefits, particularly when the subjects were stopped for suspicion of low-level, non-violent offenses. In these cases, the subjects do not pose a significant threat to nearby parties, the

deputies who stopped them, nor the community at large. The threat and use of force during these incidents escalates a non-violent situation into one that has potential to result in serious injury. **Additionally, permitting deputies to use force on subjects fleeing a stop for low-level, non-violent offenses allows for a wide range of discretion and permits potential biases to fuel stops that could result in otherwise preventable uses of force.**

OLEO recommends that the Sheriff's Office remove this provision, or, at the very least, that it adopt its previous provision that allowed deputies to use physical force to prevent a person from fleeing only when specific crimes are suspected. OLEO believes that if the Sheriff's Office adopts this recommendation, it will prevent unnecessary uses of force and result in a safer interaction for both the community and deputies alike.