

# King County Sheriff's Office Trauma-Informed Notification

*Policy Review and Recommendations*

July 2024



King County

**OLEO**

OFFICE OF LAW ENFORCEMENT OVERSIGHT

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## Policy Review and Recommendations

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### Content Warning

This report includes discussion of law enforcement use of force, deadly use of force, death, serious injury, suicide, and other traumatic experiences.

OLEO is available as a resource if you have specific concerns about the actions or potential misconduct of Sheriff's Office personnel. You can contact OLEO by calling **206-263-8870** or by emailing [OLEO@kingcounty.gov](mailto:OLEO@kingcounty.gov).

For more information, including guides about filing complaints in additional languages, visit OLEO's website: [kingcounty.gov/OLEO](https://kingcounty.gov/OLEO).

You may also file a complaint directly with the Sheriff's Office by calling **206-263-2525** or visiting: <https://kingcounty.gov/depts/sheriff/about-us/contact/complaint.aspx>.



# OLEO

OFFICE OF LAW ENFORCEMENT OVERSIGHT

**The Office of Law Enforcement Oversight (OLEO) is dedicated to improving the lives of King County residents through its independent oversight of the King County Sheriff's Office (Sheriff's Office).**

We aim to further policing standards that are driven by community and rooted in equity through objective reviews, independent investigations, and evidence-based policy recommendations.

### Contact OLEO

 Phone: 206-263-8870

 Email: [OLEO@kingcounty.gov](mailto:OLEO@kingcounty.gov)

 Web: [kingcounty.gov/OLEO](https://kingcounty.gov/OLEO)

**Language is constantly evolving, and language choices can play a significant role in advancing goals of equity, fairness, justice, and accountability.**

This report includes terms that match the original source material or OLEO's language style sheet which aims to reflect terms that are more neutral, inclusive, and people- and community-centered. For example, OLEO uses phrases like "police shooting" which is recognized to be more neutral than "officer-involved shooting."

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Call 206-263-8870 or TTY: 711.

## Executive Summary

This report explores trauma-informed notifications after a critical incident, which includes engagement with next of kin and public communication. "Critical incident" is an umbrella term that includes three scenarios that require notification.<sup>a</sup> These incidents are treated differently in terms of the procedures of investigation and who is tasked with communicating with next of kin and the public: (1) a use of deadly force which results in death or serious injury,<sup>b</sup> (2) a use of non-deadly force which results in death or serious injury, and (3) an in-custody death or serious injury with no use of force.

### Deadly Force

State law requires an independent investigation of incidents involving deadly force that result in death, substantial bodily harm, or great bodily harm. The Sheriff's Office has taken a position not to communicate with next of kin during an independent investigation. However, state law calls for either the involved agency or the independent investigators to notify next of kin, whichever is fastest, of the deadly force. OLEO's review of recent critical incidents involving the Sheriff's Office included some instances where next of kin could possibly have been contacted by the Sheriff's Office more quickly than independent investigators; for example, if next of kin was on-scene or proactively reached out to Sheriff's Office personnel. Where the Sheriff's Office's actions resulted in the death or serious injury of a loved one, even if they don't directly communicate with next of kin, they bear responsibility of owning the process (i.e., leading creation of new policies). OLEO recommends the creation of new policy guidance for potential interactions between Sheriff's Office personnel and next of kin after a critical incident including after the conclusion of an independent investigation. The Sheriff's Office has some policy guidance on communication with the public including press releases and public statements, but OLEO's review of best practices and peer agency policies identified some potential areas of improvement in standardizing public communications and increasing accessibility and transparency of critical incident information after the fact.

### Non-Deadly Force

Under state law, a use of non-deadly force which results in death or serious injury does not activate an independent investigation, though the needs for trauma-informed engagement with next of kin and the public are the same. Current Sheriff's Office practice gives primary notification responsibility to hospital personnel and the Medical Examiner, which OLEO agrees is appropriate, but OLEO recommends the creation of a clearer protocol to provide information to the subject of force or next of kin upon request.

<sup>a</sup> This report discusses critical incidents that may require trauma-informed notifications to next of kin and the public; it does not address those critical incidents where there is no death or serious injury which may not require notification such as a firearm discharge with no resulting injury.

<sup>b</sup> The exact conditions which activate an independent investigation are great bodily harm, substantial bodily harm, or death as defined in RCW 9A.04.110.

### In-Custody Death or Serious Injury

An independent investigation is not required by state law for an in-custody death or an incident not involving use of force which results in serious injury; however, the Sheriff’s Office has established a practice to solicit an independent investigation as a matter of best practice. Given that there was some inconsistency in notification of next of kin and the public in the past, OLEO recommends formalizing the practices of independent investigations of other serious incidents and creating consistent standards for trauma-informed notification.

**Table 1.**  
*Critical incident overview*

	Serious Force Incidents		Other Serious Incidents
	<ul style="list-style-type: none"> <li>Discharging a firearm.</li> <li>Any use of force that results in death or serious injury.</li> </ul>		<ul style="list-style-type: none"> <li>A person dies or otherwise requires hospitalization while in custody.</li> <li>Any other contact that results in hospital admission or death, such as vehicle accidents.</li> </ul>
	Deadly force	Non-deadly force	Non-force
<b>Description</b>	The intentional application of force through the use of firearms or any other means reasonably likely to cause death or serious physical injury.	The use of intermediate or lower-level physical force that is neither likely nor intended to cause death, yet may pose risk of serious harm or injury.	No physical force is used but contact with Sheriff’s Office personnel results in death or hospitalization.
<b>Example</b>	A deputy shoots a civilian with a firearm.	A deputy punches, kicks, or uses a Taser CEW on a civilian.	A vehicle accident involving a deputy where someone is hospitalized or an in-custody death such as suicide.
<b>Independent investigation requirement</b>	Activates an independent investigation governed by the Law Enforcement Training and Community Safety Act (LETCSA).	Does not activate an independent investigation under LETCSA, however, the Sheriff’s Office has authority to request an independent investigation.	While not required by LETCSA, Sheriff’s Office practice is to activate an independent investigation in the case of in-custody deaths.
<b>Notification practices</b>	Current Sheriff’s Office practice defers next of kin notification to the Independent Investigation Team for next of kin notifications and has some policy guidance on communication with the public including press releases and public statements.	Current Sheriff’s Office practice gives primary next of kin notification responsibility to hospital personnel and the Medical Examiner. Public notification practices are inconsistent and not formalized in policy.	In case of in-custody death, current Sheriff’s Office practice defers next of kin notifications to the Medical Examiner and follows the same public notification practice as deadly force. Otherwise, there is no formalized practice for next of kin or public notification.

## Recommendations

This report issues the following recommendations (explained in further detail on [page 28](#)) which aim to promote trauma-informed practices and greater transparency and consistency in the Sheriff's Office service to the community:

**1.****Create a policy and include language in Memorandums of Understanding<sup>c</sup> for trauma-informed notification and engagement after each type of critical incident.**

- Create a multidisciplinary family engagement team that is responsible for next of kin communication in the aftermath of a critical incident. This engagement team should:
  - » Require personnel who engage with next of kin to be accompanied by non-law enforcement representatives.
  - » Require in-person engagement with next of kin whenever possible.
  - » Require personnel who engage with next of kin to be in plain clothes.
  - » Provide written materials or pamphlets to leave with next of kin.
- Provide trauma-informed communication training for personnel to utilize in emergency circumstances.

**2.****Partner with organizations that offer victim support services within King County to provide trauma-informed responses and equitable, culturally competent community organization referrals.****3.****Clarify confidentiality, or lack thereof, of interactions between next of kin and independent investigator family liaisons.****4.****Publish Independent Investigation Team protocols on the Sheriff's Office website.***continued*

<sup>c</sup> Memorandums of understanding govern the Sheriff's Office involvement in critical incidents when an IIT is involved.

**Recommendations** *continued**continued***5.****Create a policy for media release after a critical incident to include:**

- Timing of release.
- Contents of initial press release.
- Broadening the prohibition on release of criminal history.
- Release of names of deputies.
- General guidance on public communication.

**6.****Create a video release policy that includes release of critical incident footage within 72 hours and requires transparency in decision-making.****7.****Create a data portal with easily accessible data of all critical incidents.**

## Introduction

In two recent evaluations of fatal shootings involving the Sheriff's Office, OLEO issued policy recommendations aiming to improve communication with families and loved ones after a critical incident occurs.<sup>2</sup> OLEO continued to have conversations with impacted next of kin who emphasized the need for the Sheriff's Office to adopt a formal notification system in the aftermath of a critical incident. This follow-up report provides additional research and policy recommendations to improve communication between the Sheriff's Office and community members after a critical incident and to promote trauma-informed best practices.

The Sheriff's Office was involved in 20 critical incidents within the four-year review period of this report (January 2019-December 2022), which includes law enforcement contacts with uses of deadly force or non-deadly force that resulted in death or serious injuries and other serious incidents, such as in-custody death or serious injury. Behind each of these incidents is an individual and their loved ones whose lives were impacted and who were exposed to significant trauma. In preparation for this report, OLEO spoke with some of the next of kin who shared that they faced challenges in receiving information and communication about what happened to their loved ones. Often next of kin are in an immensely vulnerable position; sensitive and clear communication or lack thereof has the power to either help or significantly hinder their ability to heal. The potential trauma associated with a law enforcement incident resulting in death or serious injury extends to the broader community as well. High-profile acts of police violence have profound impacts on community trust in law enforcement.<sup>3</sup> And as one survey of King County residents found, "ensuring the public receives timely, accurate updates about a case following a deadly force incident" is among the community's highest priority issues for police oversight.<sup>4</sup>

OLEO's report aims to answer the question: How can the Sheriff's Office use a trauma-informed lens to speak with community members after a critical incident? This report examines the legal and policy landscape governing notifications and public communication after a critical incident, current Sheriff's Office policy, and national research and best practices for incorporating trauma-informed notifications; this report concludes by offering policy recommendations the Sheriff's Office can implement to improve their communication practices for next of kin and the public.

### Important note on the terms deadly force and non-deadly force.



This report and relevant policies and procedures uses the terms **deadly force** and **non-deadly force**. It is important to clarify that these terms are defined by the type of force which is predetermined under state law and Sheriff's Office policy and does not change based on the outcome of an incident. For example, personnel may use "deadly force" which results in no death or injury. Likewise, they could use "non-deadly force" which results in death.

It is this distinction that impacts whether or not the Law Enforcement Training and Community Safety Act activates an independent investigation.

Executive Summary	Introduction	<b>Current Notification Procedures</b>	Best Practices	Analysis and Recommendations
Deadly Force	Non-Deadly Force and Other Serious Incidents	Incident Notifications in Practice		

# Current Notification Procedures

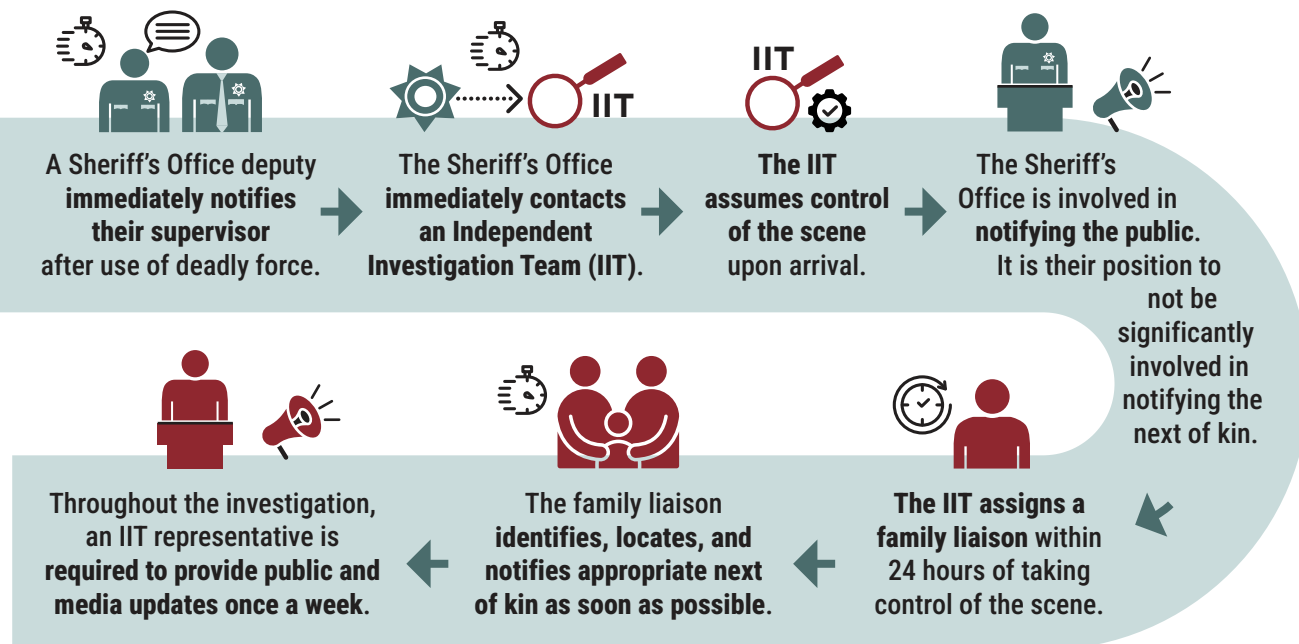
This section describes the Sheriff's Office current notification procedures related to a critical incident.<sup>5</sup> Where applicable, we have included guidance from the Law Enforcement Training and Community Safety ACT (LETCSA)<sup>6</sup> and best practices from the Washington State Criminal Justice Training Commission (WSCJTC)<sup>7</sup>:

## Incidents Involving Deadly Force

- A Sheriff's Office deputy uses **deadly force**, and immediately notifies their supervisor.<sup>8</sup>
- Once the scene is rendered safe and life-saving measures have been applied for life-threatening injuries, the Sheriff's Office immediately contacts an Independent Investigation Team (IIT).<sup>9</sup>
  - » An IIT is a team of qualified and certified law enforcement investigators, civilian crime scene specialists, and at least two non-law enforcement community representatives who operate completely independent of any involved agency to conduct investigations of law enforcement deadly force incidents. An IIT is created when multiple law enforcement agencies enter into a written agreement to investigate law enforcement use of deadly force incidents in their geographical regions. A single law enforcement agency may fulfill the independent investigative function, provided it is not the involved agency.<sup>10</sup>

Three IITs served the Sheriff's Office within the 2019-2022 review period, as outlined in Table 2 on the next page.

Figure 1. Current notification procedures for incidents involving deadly force





Executive Summary	Introduction	Current Notification Procedures	Best Practices	Analysis and Recommendations
Deadly Force	Non-Deadly Force and Other Serious Incidents		Incident Notifications in Practice	

**Table 2. Independent Investigation Teams (IITs) serving King County**

IIT	Seattle Force Investigations Team	Independent Force Investigations Team – King County	Valley Independent Investigations Team
<b>Agencies within the IIT</b>	<b>Seattle Police Department</b>	<b>North King County Police Departments</b> Bellevue, Clyde Hill, Duvall, Issaquah, King County Sheriff’s Office, Kirkland, Lake Forest Park, Medina, Mercer Island, Redmond, Snoqualmie/North Bend, University of Washington, and Washington State Patrol	<b>South King County Police Departments</b> Auburn, Des Moines, Federal Way, Kent, Port of Seattle, Renton, and Tukwila

- » An independent criminal investigation must be completed whenever a law enforcement officer’s use of deadly force results in great bodily harm,<sup>11</sup> substantial bodily harm,<sup>12</sup> or death.<sup>13,14,e</sup>
- » At this point in the incident, the Sheriff’s Office has the authority to notify next of kin of the subject of force.<sup>f</sup> However, Sheriff’s Office personnel have indicated that there is no policy in the General Orders Manual (GOM) related to critical incident notifications,<sup>15</sup> and that their current practice is to defer all notification to the designated IIT, even in instances where the Sheriff’s Office could provide the notification sooner than the IIT.<sup>16, g</sup>
- Once the IIT arrives, the Sheriff’s Office must relinquish control of the scene.<sup>17</sup>
- While the Sheriff’s Office’s position is not to be significantly involved in next of kin notification, they are involved in notifying the public. The practice is that quickly after an incident occurs (usually within hours), the Sheriff’s Office Public Information Officer will issue a press release which generally includes:
  - » Notification that an incident occurred and general information pertaining to the nature of the event and the subject of force (age, sex, marital status, occupation, and prior convictions);
  - » General details of the alleged offense and circumstances surrounding an arrest including resistance, pursuit, and possession of weapons;
  - » The location of the command post or other contact information of the Public Information Officer or field supervisor;
  - » The status of those involved;
  - » Whether medical aid or the Medical Examiner has been called to the scene;

<sup>e</sup> In-custody deaths that do not involve a use of force by the Sheriff’s Office do not automatically activate an IIT. The fatal nature of these incidents (even though they are absent of a use of force) has historically caused inconsistency in notification practices by the Sheriff’s Office as evidenced in Appendix I.

<sup>f</sup> “A family member of the person against whom deadly force has been used will be notified as soon as they can be located by either the involved agency or the IIT, whichever is faster.” (WAC 139-12-030(3)(b))

<sup>g</sup> Sheriff’s Office personnel indicated during interviews that this practice is based on interpretation of state law.

- » The number and type of department resources used/assigned, (e.g., TAC-30, K-9, Negotiators, etc.) unless doing so hinders the investigation;
- » Major highway or road blockages and evacuations; and
- » The IIT assigned to the investigation.<sup>18</sup>
- The IIT assigns a family liaison within 24 hours of taking control of the scene.<sup>19</sup>
  - » If the person against whom deadly force is used is believed to be a member of a federally recognized tribe, a member of the IIT will be assigned as a tribal liaison within the first 24 hours and keep the tribe (or a representative of the tribe's choice) apprised of all significant developments of the investigation.<sup>20</sup>
- The family liaison identifies, locates, and notifies appropriate next of kin of the person against whom deadly force has been used, as soon as possible, to ensure that next of kin:
  - » Is notified, when possible, prior to learning about the incident from the press, social media, friends, or neighbors.
    - Next of kin notification of a death should be done in consultation with the venue coroner or Medical Examiner. The Medical Examiner may become involved earlier in the process if there is difficulty identifying the decedent.<sup>21</sup> They may also work with investigators and the media to work to identify the remains.<sup>22</sup>
  - » Has a reliable way to communicate directly with the liaison and the IIT.
  - » Is kept informed about the investigative process, even when there is nothing new to report.
  - » Is provided timely notice of significant developments of the investigation, to include press releases.
  - » Has assistance in coordinating with a victim advocate if one is available, especially if requested by next of kin.
  - » Receives support with any communication and/or access to the remains of the decedent.<sup>23</sup>
- Throughout the investigation, an IIT representative is required to provide public and media updates once a week even if new information is unavailable.<sup>24</sup> Updates provided focus on the investigation process and not the contents of the investigation (evidence, statements, law enforcement reports, etc.).

## Incidents Involving Non-Deadly Force and Other Serious Incidents

Cases where contact with a Sheriff's Office deputy involved non-deadly lower levels of force or that did not involve any use of force and resulted in death or serious injury—like a vehicle accident or in-custody suicide—will not follow the same notification procedure outlined above. Sheriff's Office personnel indicated that in some of these instances where they believe there is value in added transparency, they may elect to call in an IIT to investigate, in which case notification procedures may be similar.<sup>25</sup> However, if no IIT is involved, there are complex considerations of privacy of the involved individual and liability of the Sheriff's Office that shape who is tasked with delivering notifications to next of kin and the public. The current practice for notifications in these incidents, while not guided by any formal policy or state law, generally involves other stakeholders like hospital personnel (social workers or medical professionals) or the Medical Examiner with limited to no involvement on the part of the Sheriff's Office, though that may change depending on the circumstances.<sup>26</sup>

## Incident Notifications in Practice

**Summary: OLEO's review indicates that next of kin notifications practices do not always align with the procedures described above and that the Sheriff's Office did not provide notifications to the public in the majority of critical incidents reviewed.**

## Next of Kin Notification

To better understand how the notification processes impact those receiving the news of their loved ones' death or serious injury, OLEO made efforts to contact subjects of force and next of kin who were impacted by Sheriff's Office critical incidents within the 2019-2022 review period and consulted subject matter experts outside of King County's jurisdiction. From interviews, one subject matter expert, Sonia Joseph—founder of MyAdvocate<sup>h</sup> and Seattle-area resident who lost her son Giovonn Joseph-McDade in 2017 when he was shot and killed by Kent Police—shared that she was never contacted by law enforcement about her son's death and instead learned about it through her in-laws and the media.<sup>27</sup> She spoke about being met with a complete lack of transparency surrounding the incident despite multiple attempts she made to contact law enforcement for information.



Joseph-McDade's death did not involve the Sheriff's Office and occurred before the implementation of LETCSA<sup>28</sup> which significantly shifted post-critical incident notification practices. However, OLEO's systemic review of the 2019 shooting of Anthony Chilcott and subsequent incidents revealed similar concerns about the manner in which next of kin was informed, indicating that even since LETCSA's implementation, there is need to improve practices in King County.<sup>29</sup>

<sup>h</sup> MyAdvocate is a Washington-based nonprofit whose mission "is to provide resources and support to families impacted by law enforcement use of deadly force in Washington and take action to advocate for restorative justice and reforms to change policing culture." Learn more at <https://myadvocatewa.org/>.

**Next of Kin  
Notification***continued*

Anthony Chilcott's next of kin heard about a police shooting incident and suspected that their loved one, Chilcott, was involved. They reached out to 911 dispatchers who only gave limited information. Chilcott's cousin expressed concerns about Chilcott's mother's mental health and requested that a relative be with Chilcott's mother when she received the news of Chilcott's death. However, it was not clear whether this information was conveyed to the King County Medical Examiner's Office who ultimately informed Chilcott's mother that her son had died. OLEO and the Sheriff's Office later learned that Chilcott's mother was upset that no one from the Sheriff's Office had initially reached out to her.



OLEO reviewed the Sheriff's Office database, IAPro, which tracks all records relating to use of force, critical incidents, and internal misconduct investigations, to understand trends in the timing and manner of Sheriff's Office communication with involved parties of critical incidents and potential areas for improvement. From IAPro case files, OLEO found no consistent standard for documenting notification of next of kin in critical incidents within the review period (detailed in [Appendix I](#)). Of the 20 incidents reviewed, four cases included documentation of formal next of kin notification. It appears that the Sheriff's Office made notification for only one case (ART2019-003) and three notifications were made by independent investigators. The instance where the Sheriff's Office made notification was an in-custody death which was not the result of force used by a Sheriff's Office deputy and therefore would not prompt an independent investigation.<sup>30</sup> In this case, documents indicate that the Sheriff's Office contacted next of kin after it appeared to investigators that an unknown third party was attempting to enter the decedent's residence.<sup>31</sup>

Two cases (ART2020-006 and ART2020-008) included a full report from the independent investigator family liaison which documents communication between investigators and next of kin. Consistent with state law,<sup>32</sup> these reports record the family liaison establishing contact with next of kin, offering chaplain services, providing background on the procedures of independent investigations, and providing regular updates and opportunities to review weekly press releases before distribution.

## Public Notification

To better understand how the public learned of these events, OLEO reviewed public communication (press releases, statements from the Sheriff, etc.) relating to these incidents collected through keyword internet searches and formal records requests. There was significant inconsistency in Sheriff's Office public communication practices for these incidents. Public notification by the Sheriff's Office was not provided in nine of the 20 incidents reviewed. Of those 20 incidents, OLEO was only able to obtain six press releases authored by the Sheriff's Office (see [Appendix I](#) for detail). Notably, not all of these were easily publicly accessible; some were only obtained by requesting records directly from the Sheriff's Office. This may mean that the Sheriff's Office issued no statements to press on the remaining incidents or that those records are no longer available. Additionally, OLEO has raised concerns regarding timely public release of video footage of critical incidents or acknowledgement that such footage exists and why it cannot be released.<sup>33</sup> For example, the Sheriff's Office never informed the public that video footage of a fatal shooting by deputies on April 14, 2022 existed, neither did it insist on the IIT releasing it after the Prosecutor's Office no longer had objections, nor did it release the video after the independent investigation concluded.<sup>34</sup>



## Best Practices

This section describes best practices in trauma-informed communication surrounding critical incidents as found in research literature and through interviews with subject matter experts in the fields of civil rights, academia, law, mental health, and victim advocacy.<sup>35</sup> These findings are split into two categories detailing notification best practices for: (1) the loved ones of those harmed or killed by law enforcement, and (2) the public. There are some elements of the Sheriff's Office current practices that align with what OLEO found in our research; areas of potential improvement are addressed within the recommendations section below.

### Next of Kin Notification

The moment of learning of the death of a loved one is a critical moment with potential to help next of kin on a path to healing or exacerbate their trauma.<sup>36, 37</sup> While the needs of next of kin and challenges of each situation are unique, this section outlines findings from research for best practices to deliver trauma-informed notifications.



### Who should deliver notification?

**Summary: Research shows a variety of opinions on law enforcement involvement in notification, but there is consensus that a trauma-informed non-law enforcement professional should always be present to help deliver difficult news to next of kin of those killed or seriously injured by law enforcement.**

Experts interviewed by OLEO expressed a range of views on who should deliver the news that a loved one has been killed or seriously injured by law enforcement. Many recommended little or no involvement of law enforcement at all, often citing that more extensive trauma-informed training would be necessary.<sup>38</sup> If law enforcement is going to be involved, experts recommended they be accompanied by culturally competent and trauma-informed mental health professionals.<sup>39</sup> Because interacting with law enforcement can compound the trauma for next of kin—especially in communities that have historically been harmed or mistreated by law enforcement—some interviewees recommended notification be delivered by a neutral third party trained in trauma-informed communication such as an independent investigator, family liaison, chaplain, or civilian responder.<sup>40</sup> One expert also mentioned it can be helpful to have individuals that are of the same gender, racial and/or cultural background of subjects of force and/or next of kin in order to potentially ease engagement.<sup>41</sup>

Experts noted that some community members want law enforcement involved to provide regular updates to next of kin throughout the investigative process.<sup>42</sup> One interviewee shared that that restorative justice circles<sup>43</sup> or mediation processes may be beneficial if affected subjects of force and/or next of kin express a willingness to participate.

**Who should deliver notification?***continued*

The responsibility for delivering a death notification is heavy, and the notification team will be exposed to stress and vicarious trauma. To lessen the stress and vicarious trauma that can come from delivering difficult news and witnessing the trauma of next of kin, the U.S. Department of Justice and others recommend a clear department policy, adequate preparation, and support for the notification team, and having at minimum two people present to deliver the notification.<sup>44</sup> Having two members present allows one person to serve as the main communicator and the other person to be aware of surroundings, be prepared for the emotional response of next of kin, and provide emotional support for their colleagues.<sup>45, 46</sup>

**When should the notification be delivered?**

***Summary: Notifications should be delivered to next of kin at the earliest possible moment.***

The literature is clear that next of kin should be notified as soon as possible after the incident occurs and release of any information to the media should be delayed until next of kin has been notified.<sup>47,48,49</sup> The need for prompt notification is long-standing and widely recognized. In 1990, the United Nations issued guidance to “ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment” after force is used.<sup>50</sup>

The experts we interviewed agreed, saying that notification should happen as quickly as possible to ensure next of kin is not learning of their loved one's death or serious injury through the media.<sup>51</sup> The promptness of providing information is just as important as ensuring what is shared is accurate, so interviewees noted that the notification team should balance these two priorities and be clear, direct, and honest in communicating whether details of an incident are still unknown.<sup>52</sup> Interviewees speaking about the experiences of the individuals they have worked with expressed that positive encounters with law enforcement manifest when next of kin feel informed.<sup>53</sup>

## How should the notification be delivered?

**Summary:** *Notifications should be tailored to the unique needs of the people receiving the news and should be followed up with referrals to community-based resources to provide additional support.*



Subjects of force and next of kin may require a range of supports to address the physical, emotional, legal, and social consequences of a critical incident. To ensure cultural competency and versatility for specific groups, it is important to provide training and consider the unique needs and perspectives of the diverse communities served by the law enforcement agency.<sup>54</sup> The notification team should seek information about survivors and next of kin and tailor their approach to delivering notification. For example, if next of kin is elderly or has physical or mental health conditions which may be impacted by receiving difficult news, the notification team may want to stage mental health professionals or emergency medical services or ensure other loved ones are present when they deliver the news.<sup>55</sup>

### ***Most sources, including experts we interviewed, recommended that death notification should:***

- Only be done in-person and notification by phone should only be used as a last resort.
- Take place when next of kin is not alone<sup>56</sup> but not in the presence of children.<sup>57</sup>
- Be done in plain clothes (not in a uniform).<sup>58</sup>
- Use the decedent's name and never use phrases like "subject," "suspect," "the body," or "remains."
- Be clear and use statements like "I'm sorry, but your loved one is dead" as opposed to generalized statements like "passed," "gone," or "no longer with us" which may cause confusion.<sup>59</sup>
- Provide as much detail about the incident as possible in order to answer next of kin's questions.
- Be clear on what information can and cannot be released during a preliminary investigation.<sup>60, 61, 62</sup>
- Not focus on any wrongdoing or justification of law enforcement actions as this only dehumanizes and criminalizes the victim.
- Avoid the term closure. While not harmful on its own, the word can be made harmful when it is used as a justification for how a process is completed.<sup>63</sup>
- Consider non-verbal communication. In some cultures, body language and eye contact can often be more impactful than words in expressing oneself.<sup>64</sup>
- Use interpreters or translators to ensure equitable access and effective communication.<sup>65</sup>



**How should the notification be delivered?***continued*

Those notifying next of kin should be aware that that, after receiving traumatic news, people may not process or remember additional information. Multiple sources recommended leaving next of kin with resources, written information or pamphlets on processes and next-steps, and a point of contact with the department for additional follow-up.<sup>66,67</sup> Any written materials should be accessible to different literacy levels and be made available in the individual's primary language.<sup>68</sup>



In addition, all interviewees stressed the importance of proactively providing referrals to community resources for mental health and social service supports. Interviewees<sup>69</sup> expressed that resources specific to critical incidents can often be challenging to come by, as most victims' support resources are not specifically designed for next of kin and survivors of police violence and cater instead to victims of interpersonal violence not involving law enforcement such as domestic violence, sexual assault, and child abuse. If a critical incident results in serious injury, but not death, interviewees indicated that resources should center around navigating social services such as social security, disability, and other financial assistance programs. These resources can assist with basic needs for access to food, childcare, and housing if income or employment is lost due to temporary or permanent physical disabilities as well as coordination with employers regarding medical leave, medical support for physical injury, crime victim compensation, legal resources for navigating court processes, and other victim support services. If the incident involves a death, financial support can be provided to assist with burial and funeral/memorial needs that align with the specific cultural traditions of subjects of force. Additional needs may include assistance with public records requests to access body-worn camera footage, and connection with local advocacy communities which provides opportunities for healing through involvement in activism endeavors. The notification team should avoid making assumptions about the individualized needs of subjects of force and take cues from impacted next of kin to ensure they have access to the resources best suited to support them.<sup>70</sup>

## How do other law enforcement departments manage next of kin critical incidents notifications?

**Summary: Most departments do not have policies for notifying next of kin after a critical incident. However, when they do have relevant policy guidance, it aligns with best practices of timely, respectful, clear communication that incorporates a team of both law enforcement and non-law enforcement professionals.**



OLEO reviewed policies from eight peer law enforcement agencies within Washington and another eight across the United States.<sup>i</sup> Generally, most department policies reviewed did not include clear protocols for communication with next of kin after a critical incident. However, the Portland Police Bureau (Oregon) stood out in acknowledging the traumatic impact of law enforcement use of force on next of kin and communities within their deadly force policy, saying:

“The Bureau also understands the impact that these traumatic incidents has [sic] on the families and communities of those persons upon whom deadly force is used and acknowledges the need to be sensitive when conducting the required investigation. All interviews and conversations with family or community members will be conducted in a manner that strives to be respectful while balancing the need to obtain critical information.”<sup>71</sup>

– *Portland Police Bureau (Oregon)*

Additionally, the Portland Public Bureau (Oregon) has policy guidance specifically for death messages.<sup>72</sup> The policy applies to “any message related to death or serious injury.” The policy clarifies that the Medical Examiner is responsible for notification of next-of-kin [sic] whenever a death investigation is required by statute but acknowledges that the police department may be asked to assist or deliver notification in emergency circumstances. In circumstances where department involvement does not pose legal issues, the department is directed to “provide this service to the community in a humane and compassionate manner.” The policy continues by setting procedures for assisting the Medical Examiner in notifications, requests from outside agencies for notifications, and on-scene notifications:

<sup>i</sup> Departments reviewed within Washington include: Bellevue Police Department, Federal Way Police Department, Kent Police Department, Pierce County Sheriff's Department, Seattle Police Department, Spokane Police Department, Tacoma Police Department, and Tukwila Police Department. National agencies reviewed include: Cambridge Police Department (Massachusetts), Dallas Police Department (Texas), Frederick Police Department (Maryland), Los Angeles County Sheriff's Department (California), Louisville Metro Police Department (Kentucky), New Orleans Police Department (Louisiana), New York Police Department (New York), and Portland Police Bureau (Oregon).

## How do other law enforcement departments manage next of kin critical incidents notifications? *continued*



“It is important that the family is notified in person or a member stands by during telephone notification by the originating agency. This allows the member to assess the appropriate services the family may need. When notifying non-English speaking families it is important to have translation services ready and available to assist. Volunteer chaplains can be a valuable aid to members dealing with grieving families by freeing members to focus on other immediate police functions while the chaplains work with the family...Since grief and bereavement may cause varied reactions ranging from none at all to a strong emotional reaction and even violence, safety is a first priority. The ultimate responsibility for the scene of the death investigation rests with the District Attorney and the [Medical Examiner] for the county.”

– *Portland Police Bureau (Oregon)*

Notably, the policy acknowledges that families may have a wide variety of reactions and encourages flexibility and consideration of the families' wishes including viewing the body at the scene, getting details of the incident and investigation, and accessing personal belongings. Portland Police Bureau (Oregon) also has an extensive media relations policy and a helpful section on the Portland Police Bureau (Oregon) web page archiving all media resources.<sup>73, 74</sup>

In 2018, the Los Angeles County Sheriff's Civilian Oversight Commission issued recommendations to improve the county's interactions with families and communities after a deadly use of force or in-death custody.<sup>75</sup> Among the issues identified in Los Angeles County's practice were inadequate communication with families, official messaging from the department stereotyping or characterizing deceased loved ones as gang members, and disrespectful treatment of a deceased loved one's body. The report noted that families of people killed or seriously injured by law enforcement most often are unable to access victims' assistance programs to support medical or funereal expenses. The commission recommended the creation of a multidisciplinary team to centralize communication and support the families, trauma-informed trainings for department personnel, the creation of a pamphlet specifically outlining available resources, and more.

Some departments have policies on death notification which don't necessarily apply to force incidents. For instance, the Pierce County Sheriff's Department and Tukwila Police Department both limit release of any identifying information of decedents until next of kin has been notified.<sup>76</sup> Bellevue Police Department's policy instructs that next of kin notifications “will generally be the responsibility of the Medical Examiner's Office, but should be coordinated with their office to avoid errors or confusion.” The department indicates that notifications should be delivered in person and that members should “attempt to determine the effect of the notification and provide the necessary support resources such as relatives, friends, and/or clergy.” In addition, the policy indicates that officers should aim to share support services for next of kin where necessary.<sup>77</sup>

**How do other law enforcement departments manage next of kin critical incidents notifications?**

*continued*

Seattle Police Department has some notable provisions in their use of force policy which promote aspects of trauma-informed communication; two provisions acknowledge the negative impact of use of force and empower officers to mitigate that impact. The policy instructs officers to explain the actions they are taking to the people they interact with when feasible and to follow up with neighbors or family after a use of force to explain the actions police took and to provide an opportunity to voice any concerns or hear feedback.<sup>78</sup> Cambridge Police Department (Massachusetts), which is nationally recognized for trauma-informed policing practices,<sup>79</sup> has a robust policy incorporating trauma-informed principles on support for officers in the aftermath of a police shooting.<sup>80</sup> Much of the language they use in this policy is also applicable to traumatized families.



The Frederick Police Department (Maryland) outlines specific protocols for death notification in cases requiring independent investigation. For example, the policy stipulates that “if there has been a police-involved incident that results in the death of a civilian or injuries likely to result in death, [independent investigation] personnel will make the next-of-kin [sic] notification to the family of the involved decedent. At the discretion of the [independent investigators], a representative from the local [law enforcement agency] may accompany [independent investigation] personnel to the next-of-kin [sic] notification.” The policy makes clear that the independent investigators are the designated primary point of contact for the family throughout the rest of the investigation.<sup>81</sup>

**Public Notification**

Agency transparency in the aftermath of a critical incident increases public trust and clarity. This section discusses research around what information should be shared with the public and how to do so in a trauma-informed manner.



**What notifications should be delivered?**

***Summary: Within hours, the basic facts of an incident should be released to the public and in the days following, additional relevant information like video footage should be proactively released in coordination with next of kin and investigators.***

The release of at least basic information within hours of the incident and regular updates as the investigation unfolds is a guiding principle for notification practices.<sup>82, 83, 84</sup> In its report for OLEO, the Brechner Center noted the distinction of proactive versus reactive release of information, acknowledging that proactive disclosure can promote community trust and allow the agency to dispel rumors or misinformation.<sup>85</sup> A significant issue of debate in the literature is the timing of release of body-worn camera footage

**What notifications should be delivered?***continued*

and similar materials (911 recordings, surveillance footage, etc.). A broad coalition of civil rights groups coalesced around the recommendation that if there is body-worn camera or other video footage of the incident, the footage should be made publicly available and only released after communicating with next of kin, providing opportunity for them the review the footage, and taking appropriate steps to address privacy concerns.<sup>86</sup> OLEO has stated its position that footage of critical incidents should be released within 72 hours with only rare exceptions.<sup>87</sup>

**How should the notifications be delivered?**

**Summary: Public notifications about a critical incident should be done transparently, sensitively, and using neutral language.**

Special care should be taken to release only verifiable facts<sup>88</sup> and to avoid release of misinformation or falsehoods, which has been all too common in the aftermath of police shootings across the U.S.<sup>89</sup> If information cannot be publicly released, decision-making should be publicly communicated, transparent, and supported by an explanation.<sup>90</sup> For instance, if the County does not publicly release video footage of a force incident for privacy reasons, the Sheriff's Office should issue a public statement citing the relevant section of RCW 42.56.240—which enumerates public records requirements relating to law enforcement—and explain to the public the reason for non-release. Additional sources recommended that stakeholders communicate messages that acknowledge loss of life or injury and seek to uphold the dignity of all involved.<sup>91</sup>

Social media is generally recognized as a tool available for law enforcement to communicate with the public directly, gauge community sentiment, and increase transparency.<sup>92</sup> But sources also recognize that misuse of social media to spread misinformation can harm community trust and the perceived legitimacy of the department.<sup>93</sup> The International Association of Chiefs of Police and the U.S. Department of Justice recommended that department policies should explicitly prohibit involved officers from posting or discussing an incident on social media.<sup>94</sup>

Much like the delivery of next of kin notifications, law enforcement should consider verbal, written, and body language choices for public communication. Do not use victim-blaming language or justify law enforcement actions.<sup>95</sup> Avoid using jargon; for example, instead of saying that "the officer contacted the car" or that "the officer discharged their weapon," use plain language such as "the officer walked up to the car and spoke with the person" or "the officer fired their weapon."<sup>96</sup>

## How do other law enforcement departments manage public critical incident notifications?

**Summary:** *Notable department policies establish clear protocols for release of public information after a critical incident that include specific timelines, designated roles and responsibilities, and guidelines for what information can and cannot be released. Another peer agency practice is to create a clearinghouse that ensures the public can easily access and navigate information and data about critical incidents.*



OLEO reviewed peer law enforcement agencies' department manuals to survey current practice within Washington and nationally.<sup>j</sup> The following section outlines notable policy language from media release and critical incident policies.

Seattle Police Department was unique in having a full chapter in the policy manual devoted to protocols for media relations in the aftermath of an officer-involved shooting.<sup>97</sup> Seattle's policy includes issuing a factual statement, a prohibition on release of the subject's criminal history with some exceptions, and a 72-hour release of relevant footage and the names of involved officers.

- “ 1. The Department Will Issue a Statement as Soon as Feasible to Inform the Public of the Investigatory Timeline and Process
2. Information Released by the Department Will Be Factual and Will Not Contain Any Pre-Judgement  
The Department will not compromise the investigatory timeline in order to expedite the release of information.
3. The Public Affairs Unit Coordinates the Release of Information Related to Officer-Involved Shootings (OIS) as Approved by the Chief of Police or Designee  
Investigative units will provide all relevant information to the Public Affairs Unit.
4. Except as Otherwise Required by Law, the Department Will Not Release the Subject's Criminal History, Unless if it was Relevant to the Incident and Known to the Involved Officer(s) Prior to Engagement
5. Within 72 Hours of an OIS, the Department Will Release the Names of any Officers Who Discharged a Firearm, Absent Exigent Circumstances

*continued*

<sup>j</sup> Departments reviewed within Washington include: Bellevue Police Department, Federal Way Police Department, Kent Police Department, Pierce County Sheriff's Department, Seattle Police Department, Spokane Police Department, Tacoma Police Department, and Tukwila Police Department. National agencies reviewed include: Cambridge Police Department (Massachusetts), Dallas Police Department (Texas), Frederick Police Department (Maryland), Los Angeles County Sheriff's Department (California), Louisville Metro Police Department (Kentucky), New Orleans Police Department (Louisiana), New York Police Department (New York), and Portland Police Bureau (Oregon).

## How do other law enforcement departments manage public critical incident notifications? *continued*



*continued*

6. Within 72 Hours of an OIS, the Department Will Release Video That Provides a General Overview of What Occurred, if Any Such Video Has Been Identified This includes both Department-produced video (ICV, etc.) and private video (store security camera, etc.). The Department will not necessarily release all video related to an incident, just a representative and relevant sample.
7. Exception: The Department will not release video that may compromise an investigation.
8. Within 72 Hours of an OIS, the Department Will Release Photos of Relevant Evidence, if Any Such Evidence Has Been Identified  
Exception: The Department will not release evidence that may compromise an investigation.
9. The Chief of Police Will Neither Approve Nor Condemn the Actions of Officers During an OIS Incident Until the Department's Process of Investigation and Review has Concluded
10. Except in Narrow Circumstances, all Information is Presumptively Releasable at the Conclusion of an Investigation "

– *Seattle Police Department*

## How do other law enforcement departments manage public critical incident notifications? *continued*



An important consideration in developing media release policies is whether information will be released proactively or reactively—at the request of the public, media, or other public entities. The Louisville Police Department's (Kentucky) media release policy after a police shooting has been recognized as one of the most proactive.<sup>98</sup>

**“3.3.4 OFFICER-INVOLVED SHOOTINGS** When an officer-involved shooting occurs, the Media and Public Relations Office will proactively contact media organizations which regularly cover departmental activities. When possible, the on-scene commander or Public Information Specialist will direct media to a staging area. Media briefings and updates will be held at these designated areas.

The release of immediate on-scene identifying information of the member(s) will be confined to the member's rank, tenure, and assignment. Within 24 hours of the incident (when feasible), the Media and Public Relations Office will release the member's name(s).

Within 72 hours of the incident, the Media and Public Relations Office will present updates to the media regarding the current stage of the investigation. At this time, the investigative process will be explained, the units involved will be identified, and a general time frame to complete the investigation will be shared.

Upon completion of the incident's investigation, a post-incident investigative summary will be released to the public. The Media and Public Relations Office may utilize the departmental website, traditional media outlets, and/or social media to release the investigative summary.

If requested, the Media and Public Relations Office will distribute the incident-related press releases to local community members who have expressed concern over the incident.”<sup>99</sup>

– *Louisville Police Department (Kentucky)*

The policy continues, stipulating a requirement for any member to report factual errors in media reports to assist the department in efforts to correct the spread of misinformation.



## How do other law enforcement departments manage public critical incident notifications? *continued*



“3.3.5 QUALITY CONTROL Members who notice factual errors in media reports will report those errors, as soon as possible, to the Media and Public Relations Office. The Media and Public Relations Office is responsible for correcting those errors when warranted. Members should also contact the Media and Public Relations Office if they believe a media report to be unfair or biased. The Media and Public Relations Office will address the issue with the appropriate media members.”

– *Louisville Police Department (Kentucky)*

Maryland has protocols requiring independent investigation of certain use of force incidents much like Washington and the Frederick Police Department (Maryland) policy provides a helpful example of balancing independence and the need to communicate with the public. The policy acknowledges the pressure for quick release of information and the tension that can hold with vetting information thoroughly to ensure accuracy, all while ensuring the independence and integrity of the investigation. To strike this balance, the policy allows some discretion for the involved agency to either take responsibility for an initial media response or to defer all media communication to independent investigators. However, there are explicit limits on an involved agency's initial public statement which should be limited to including: “the date, time, and location of the incident; the type of call for service that led officers to the scene; information concerning injuries sustained by any surviving civilians and/or an officer, and whether any individuals were transported to the hospital; how many officers discharged their firearms; whether a weapon was recovered or located on-scene; basic information [*sic*] regarding the age, race, duty assignment, tenure, and current administrative status of the officer(s).”<sup>100</sup> Of note, the policy stipulates that independent investigators should generally release any body-worn camera footage within 14 days of the incident with very limited exceptions and are responsible for communicating to the public about the status and completion of the investigation. According to state law, the independent investigation report remains confidential until any criminal prosecution is complete.<sup>101</sup>

Finally, OLEO identified notable web pages hosted by peer law enforcement agencies that readily provide public access to incident-level data. The strongest examples use accessible language and navigation that allow the public to easily browse all available information for a given incident. For example, the City of Tacoma has a web page titled “Police and Use of Deadly Force in Tacoma” which explains state requirements for independent investigations, outlines the administrative review which occurs for an incident, and then provides a list of case numbers, some of which are identified by the subject's name and all associated information including: the names of involved officers; links to press releases from independent investigators and public officials; and links to public reports, charging decisions, and administrative investigations.<sup>102</sup> The page also includes information about how the public can request access to Tacoma Police body-worn camera footage and additional information about ongoing law enforcement reform efforts. Dallas Police Department (Texas) provides an alternative approach with data-heavy visualizations of trends while also providing incident-level detail to keep the public informed.<sup>103</sup> The web page is structured to explain the values behind policy decisions and commitment to transparency. The format which links incident-level geo-data and links to press releases and incident summaries are easy to navigate and analyze.

# Analysis and Recommendations

## Analysis

There are three major categories of incidents which may necessitate a trauma-informed notification: (1) a use of deadly force which results in death or serious injury,<sup>k</sup> (2) a use of non-deadly force which results in death or serious injury, and (3) an in-custody death or serious injury which did not involve force. Each of these situations may require a different approach and the involvement of additional stakeholders such as: hospital personnel and medical professionals, the Medical Examiner, independent investigators, mental health and victims' service professionals, etc. And while some next of kin may not wish to communicate with the agency that was involved in the death or serious injury of their loved one, other next of kin may perceive communication with the involved agency as an important and necessary step in understanding what happened to their loved one.<sup>104</sup>

## Deadly Force

Additionally, as is established in the WAC and the Memorandums of Understanding (MOUs) between the Sheriff's Office and the IITs, the involved agency shares responsibility for next of kin notification with independent investigators, whichever agency is able to locate next of kin faster.<sup>105</sup> While it is the Sheriff's Office's position not to communicate with next of kin during an independent investigation to preserve independence, this does not preclude communication with next of kin after the investigation is complete.

Review of past critical incidents indicates that there are instances when next of kin are present on the scene of an incident and may be contacted by the Sheriff's Office more quickly than independent investigators, or instances where next of kin specifically requests contact with the Sheriff's Office.

Protocols in the GOM should clearly establish the timing and nature of coordination with the independent investigator family liaison. Additionally, clear procedures and training will help to lessen the stress and vicarious trauma the family engagement teams are exposed to when they are responsible for delivering difficult news or communicating with grieving next of kin.



<sup>k</sup> The exact conditions which activate an independent investigation are great bodily harm, substantial bodily harm, or death as defined in RCW 9A.04.110.

**Non-Deadly Force**

While the needs for trauma-informed engagement with next of kin after use of non-deadly force resulting in death or serious injury are substantially similar to those in a case of deadly force, the protocol may differ because these incidents do not automatically activate an independent investigation. OLEO agrees that current practice in these incidents of giving primary notification responsibility to hospital personnel and the Medical Examiner is appropriate but recommends that the Sheriff's Office establish protocol to be available to provide information at the individual's or next of kin's request.

The Sheriff's Office should establish MOUs incorporating trauma-informed best practices with the Medical Examiner and hospitals in their service areas to formalize this practice and make it more consistent across incidents.



OLEO acknowledges that it would be difficult to establish MOUs with every hospital within the service area, however, MOUs with the major and more commonly used hospitals like Harborview Medical Center or St. Anne Hospital would be a significant step forward in establishing consistent and clear protocols to provide necessary support for next of kin.

**In-Custody Death  
or Serious Injury**

Similarly, in-custody deaths or serious injuries which do not involve force do not automatically activate an independent investigation. OLEO's review of recent critical incidents revealed some inconsistency in notification practices following in-custody deaths.<sup>1</sup>

The Sheriff's Office should establish in policy that independent investigators will be contacted in the event of an in-custody death. This appears to have been accomplished in the recently finalized Valley Independent Investigations Team Organizational and Operational Guidelines and Independent Force Investigations Team – King County Protocol and Guidelines but should be clarified within the GOM.



In cases of in-custody deaths, similar to coordination with hospital personnel above, the Sheriff's Office should create an MOU governing coordination with the Medical Examiner to provide adequate support and information for next of kin and consistent protocol across cases.

<sup>1</sup> ART2019-003 and ART2019-006 did not include IITs, but ART2022-004 was investigated by Valley Independent Investigations Team.

## Recommendations

### Recommendation

1.

**Create a policy and include language in MOUs<sup>m</sup> for trauma-informed notification and engagement after each type of critical incident.**

OLEO's position is that when the Sheriff's Office has the legal ability to communicate with the impacted next of kin, they have an obligation to do so unless a surviving individual declines communication. Following the practice of the Portland Police Bureau (Oregon), OLEO recommends that the policy include language acknowledging the traumatic impact critical incidents have on survivors, next of kin, and communities and acknowledging the agency's role in supporting an independent and thorough investigation.<sup>106</sup> Given that no such policy currently exists, the Sheriff's Office should develop a policy to clarify and standardize agency practice for trauma-informed notification of, and engagement with, next of kin in the aftermath of a critical incident. OLEO issued similar recommendations in two previous systemic reviews of critical incidents.<sup>107</sup>

Where applicable, the Sheriff's Office should:

***Create a multidisciplinary family engagement team that is responsible for next of kin communication in the aftermath of a critical incident.***

***This engagement team should:***

- **Require personnel who engage with next of kin to be accompanied by non-law enforcement representatives.**

Research indicates that when notifying and engaging with next of kin following tragic events, at least two individuals should be present.<sup>108</sup> The first individual should be designated as the primary communicator with next of kin, while the second individual provides an observation of the situation as it unfolds for safety and other support needs.<sup>109</sup> However, in the aftermath of a critical incident, it is not uncommon for the affected next of kin to associate law enforcement personnel with the death of their loved one and thus refuse any further engagement with law enforcement personnel.<sup>110</sup> Therefore, to balance the presence of law enforcement, OLEO recommends including someone who is not law enforcement and is available to provide loved ones with an alternative to engaging with law enforcement, and who can provide additional assistance where needed.

That is not to say that the Sheriff's Office should not attempt to play a role in engagement with next of kin following critical incidents. Initiating engagement can demonstrate accountability and an attempt on the part of the Sheriff's Office to repair the harm and regain community trust.<sup>111</sup> One interviewee indicated that lack of communication with next of kin after a critical incident can give the impression that law enforcement are trying to hide and avoid accepting responsibility. Instead, the Sheriff's Office has an opportunity to initiate support through being intentional

**OLEO's recommendations for communicating with next of kin in the aftermath of a critical incident:**

- Be accompanied by non law-enforcement
- Meet with the next of kin in-person (not over the phone)
- Wear plain clothes (not in uniform)
- Give written materials/pamphlets

<sup>m</sup> Memorandums of understanding govern the Sheriff's Office involvement in critical incidents when an IIT is involved.

## Recommendation

### 1.

**Create a policy and include language in MOUs for trauma-informed notification and engagement after each type of critical incident.**

*continued*

and visible.<sup>112</sup> The presence of non-Sheriff's Office personnel can provide next of kin with a buffer to the resistance and vulnerability they might feel in communicating with law enforcement after a critical incident.

- **Require in-person engagement with next of kin whenever possible.** Following best practices, in-person engagement following critical incidents can help to avoid compounding the grief of the victim or their next of kin.<sup>113</sup> If next of kin lives outside of King County, OLEO recommends partnering with other jurisdictions when necessary to ensure that affected next of kin are still granted an in-person meeting at locations that are comfortable to them.<sup>114</sup> This aligns with GOM 2.07.000 which outlines notifications in the case of death or serious injury of Sheriff's Office personnel.
- **Require personnel who engage with next of kin to be in plain clothes.** Interactions with someone in a law enforcement uniform after a critical incident can further traumatize survivors and their next of kin.<sup>115</sup> At times it can be difficult to see past the uniform to the person underneath, making meaningful engagement challenging.<sup>116</sup> The Sheriff's Office should enact policy guidance for family engagement teams to be in plain clothes.
- **Provide written materials or pamphlets to leave with next of kin.** Next of kin who are grieving in the immediate aftermath of learning of the death or serious injury of a loved one can have a hard time processing information or remembering fine details—especially those that are communicated verbally. To ensure next of kin have adequate access to information, it is recommended that the same information that is delivered during a notification be provided in written format.

Preparing written materials in advance can ensure information is available in multiple languages for accessibility and accuracy. OLEO recommends that the Sheriff's Office create a pamphlet to provide information tailored to the incident (for example a deadly versus non-deadly incident). This pamphlet could be provided to next of kin either by Sheriff's Office personnel or by another stakeholder (hospital personnel, Medical Examiner, independent investigators, etc.). The pamphlet should include at least the following:

- » A follow-up point of contact and contact information for someone at the Sheriff's Office and/or the independent investigator family liaison.

## Recommendation

### 1.

**Create a policy and include language in MOUs for trauma-informed notification and engagement after each type of critical incident.**

*continued*

- » An outline of the investigative process including explanations of the relevant types of investigations that will occur (administrative, independent, State Office of Independent Investigations, etc.), the purpose of each (criminal investigation, administrative investigation, etc.), and why they are required (this should include explanation of what investigative steps are legally required and what might be discretionary from the agency or at the request of next of kin; for example, explain that next of kin can access an independent autopsy if they wish).
- » What next of kin should expect including an investigative timeline, who might contact them, information about the autopsy, and access to their loved one's remains and personal effects, if applicable.
- » Information about accessing investigative information (public disclosure requests, investigative reports, autopsy reports, death certificates, body-worn camera footage, etc.).
- » Resource list such as referrals to OLEO and community organizations for financial assistance, grief assistance, mental health support, etc.

***Provide trauma-informed communication training for personnel to utilize in emergency circumstances.***

Aside from the multidisciplinary family engagement team described above, there may be unplanned circumstances where personnel must promptly engage with the loved ones of someone who was killed or seriously injured by the Sheriff's Office. For example, if next of kin is on scene for the incident, or if next of kin reaches out to personnel on their own. To ensure personnel are prepared to handle these unique situations in a way that is trauma-informed, OLEO recommends that policy establish a separate internal group of trained personnel responsible for delivering prompt, trauma-informed communication in unplanned circumstances. Any personnel, including communications staff (e.g., 911 dispatchers), should be aware of and be able to hand off communication to a member of this internal Sheriff's Office team. These protocols should draw on best practices from the U.S. Department of Justice<sup>17</sup> and those described throughout this report. By pre-planning designated roles and responsibilities within the agency, the Sheriff's Office will be better prepared for sensitive, efficient, and professional delivery of difficult information. When necessary and appropriate, such as if there is an ongoing independent investigation, the team should hand off communication to the multidisciplinary family engagement team described in Recommendation 1.

**Recommendation****2.**

**Partner with organizations that offer victim support services within King County to provide trauma-informed responses and equitable, culturally competent community organization referrals.**

OLEO recommends that the Sheriff's Office establish MOUs with community organizations within King County to provide pre-established, proactive support networks to benefit and encourage healing for loved ones and survivors affected by force incidents.

Such organizations should have licensed and accredited professionals trained at length in trauma response protocols for engagement and in culturally competent communication practices. Through such intentional and collaborative efforts, the Sheriff's Office can facilitate a shift toward providing the right resources at the right time, that meet the needs of the recipient and promote community trust, not only with impacted individuals but also the wider community.

**Recommendation****3.**

**Clarify confidentiality, or lack thereof, of interactions between next of kin and independent investigator family liaisons.**

While accessing an IIT's designated family liaison is now a resource allotted to affected next of kin under LETCSA, the role and expectation of the family liaison is not clearly specified. In other words, it is not clear whether those interactions, or any interactions next of kin has, become part of the investigation record, and can later be used against the decedent or their next of kin.<sup>118</sup> This may cause next of kin to be reluctant to communicate with the family liaison. OLEO recommends the Sheriff's Office provide clarity about all aspects of the family liaison's role. Next of kin should be informed about whether information they share with either the Sheriff's Office, their assigned family liaison, or with outside entities will be included in investigative records, holds the potential to be subpoenaed and/or used in a way that they may not have intended. The family must be warned of how information will be used, have the option to consult a lawyer before speaking with the independent investigator family liaison, and should also have the option of excluding any notes from meetings with the family liaison from the investigative record.<sup>119</sup> Clarification can assist in avoiding further feelings of victimization experienced by the next of kin and support the integrity of the engagement process.

**Recommendation****4.****Publish IIT protocols on the Sheriff's Office website.**

Transparency, accountability, and open communication are widely recognized as necessary components when it comes to establishing and maintaining community trust.<sup>120</sup> IIT guidelines for the Independent Force Investigation Team – King County and Valley Independent Investigations Team are not readily accessible on any public-facing or online platform even though both protocols explicitly state within that such policies and operating procedures shall be open to the public for review. For these reasons, OLEO recommends that the Sheriff's Office publish the protocols of any entity which may conduct independent investigations on behalf of the Sheriff's Office.

**Recommendation****5.****Create a policy for media release after a critical incident.**

While GOM 1.06.000 provides some guidance for release of information to the news media, OLEO recommends that the Sheriff's Office develop a policy regarding media release that provides additional protocols specific to the aftermath of a critical incident. Given that this practice has been inconsistent in the past and mishandling of media relations after a critical incident has been cited by stakeholders as a source of trauma and frustration,<sup>121</sup> a policy is necessary to standardize and clarify expectations for personnel and the public. As noted within the Frederick Police Department's (Maryland) policy on media relations for officer-involved shootings, "Communication with the public and media in the wake of a fatal or potentially fatal incident must balance the public's desire for quick answers, the need for accuracy and the need to convey independence of the investigation."<sup>122</sup> To strike this delicate balance, OLEO recommends that Sheriff's Office's critical incident media relations policy address at least the following:

- **Timing of release.** The policy should require that the Sheriff's Office release a statement informing the public of the occurrence of an incident as soon as feasible, but only after next of kin has been notified, and in coordination with independent investigators if they are involved. The policy should specify roles and responsibilities including who within the Sheriff's Office is responsible to draft, review, approve, verify, and distribute the press release and provide similar protocol for statements on social media.



## Recommendation

### 5.

#### Create a policy for media release after a critical incident.

*continued*

- **Contents of initial press release.** Consistent with the Seattle Police Department policy,<sup>123</sup> the initial press release should be limited to only verifiable facts and not contain any pre-judgement. The main purpose of the statement is to notify the public of the incident and the investigatory timeline. The policy should codify what information may be included in this initial statement. OLEO recommends the list include the following which is adapted from the Sheriff's Office's existing release of information policy (GOM 1.06.025) and peer agencies including Seattle Police Department<sup>124</sup> and Frederick Police Department (Maryland).<sup>125</sup> Recommended additions:
  - » The date, time, and location of the incident.
  - » The type of call for service that led deputies to the scene.
  - » Basic information regarding the duty assignment, tenure, and current administrative status of the deputies.
  - » A description of the investigative steps that will follow including which independent investigators will be involved, if any.
- **Broadening the prohibition on release of criminal history.** In addition to the prohibition on release of information regarding prior arrests that do not result in convictions,<sup>126</sup> the policy should include language that mirrors that from Seattle Police Department: "Except as otherwise required by law, the department will not release the subject's criminal history, unless if it was relevant to the incident and known to the involved officer(s) prior to engagement."<sup>127</sup> This is also consistent with WSCJTC best practice.<sup>128</sup>
- **Release of names of deputies.** Consistent with Seattle Police Department, OLEO recommends the GOM affirmatively state that the names of any deputies who discharged a firearm or otherwise employed force during a critical incident be released publicly within 72 hours of an incident.
- **General guidance on public communication.** OLEO recommends that the policy provide general guidance on public communication on any critical incident. The Sheriff's Office should never communicate approval nor condemnation of the actions of officers during a critical incident until the internal review by the Administrative Review Team has been completed. Whenever possible, the language the Sheriff's Office uses to discuss an incident should be simplified and plain, and not include technical or legal jargon, so it is accessible and easily understood by the public.<sup>129</sup>

**Recommendation****6.**

**Create a video release policy that includes release of critical incident footage within 72 hours and requires transparency in decision-making.**

Consistent with prior OLEO recommendations, the Sheriff's Office should create a policy to publicly release any footage of critical incidents within 72 hours of the incident.<sup>130</sup> OLEO recommends this timeline because it allows sufficient time for internal briefings and for next of kin to review the footage prior to release. The policy should also ensure that next of kin is offered an opportunity to view the footage if they wish before public release. In the case of an independent investigation, the Sheriff's Office should issue a formal request for release of footage as early as possible, in accordance with WAC 139-12-030. And as OLEO has stated before, interviews with involved deputies should be completed before the video is released to maintain the integrity of the investigation.

If there is a delay in release or if some information cannot be released for a legal reason, the Sheriff's Office should be fully transparent in its decision-making and cite specific reasons why something cannot be released. A practice of proactive and timely release of information promotes community trust and provides a check on potential misinformation in the public sphere.

**Recommendation****7.**

**Create a data portal with easily accessible data of all critical incidents.**

There is currently no singular accessible resource for the interested public to review and track critical incidents within King County. The Sheriff's Office has a Use of Force dashboard which provides some aspects of this historical data; however, the portal has not been updated since December 2021 and provides only the most basic information about incidents.<sup>131</sup> Additionally, there is no single repository for press releases or publicly available investigative documents related to critical incidents. An updated and more robust data portal would fill the information gap and allow for the public to reliably know where to go to track incidents and general trends going forward. There are existing models of data tracking systems like the Dallas Police Department (Texas) On-Duty Officer Involved Shootings Data web page<sup>132</sup> and the City of Tacoma Police and Use of Deadly Force web page<sup>133</sup> that can be adapted to suit the needs in King County.

These types of accessible data portals promote public transparency and trust by providing basic data about the incident (date, force employed, injuries sustained, location, etc.) as well as links to press releases and publicly available investigative documents to provide a narrative of the incident in an accessible format. OLEO recommends that the Sheriff's Office create a data portal and codify in policy a protocol to regularly update and maintain the web page.

# Appendix I – Summary Table of Notification Practices

## King County Sheriff’s Office Notification Practices in Critical Incidents<sup>a</sup> (Jan. 2019 - Dec. 2022)

Incident Number	Date Occurred	Force Employed <sup>b</sup>	Hospitalization	Independent Investigation	Independent Investigation Team	Next of Kin Notification <sup>c</sup>	Public Notification <sup>d</sup>	Press Release	News Links
ART2019-001	2/4/2019	Canine bite, Projectile impact weapon, Pepper balls, Taser CEW, Firearm	Yes	Yes	Seattle Force Investigations Team	No record of notification found	Yes, record of notification found	<a href="#">Press Release 1</a> <a href="#">Press Release 2</a>	<a href="#">The Seattle Times</a> <a href="#">KIRO News</a> <a href="#">X (formerly Twitter) 1</a> <a href="#">X 2</a>
ART2019-002	7/22/2019	Vascular neck restraint <sup>e</sup>	Yes	No	N/A <sup>f</sup>	No record of notification found	No record of notification found	<a href="#">N/A</a>	<a href="#">N/A</a>
ART2019-003	9/11/2019	None (In-custody death) <sup>g</sup>	No	No	N/A	Yes, record of notification found	Yes, record of notification found	<a href="#">Press Release</a>	<a href="#">Westside Seattle</a>
ART2019-004	10/9/2019	Firearm, No injury	No	Yes	Valley Independent Investigations Team	No record of notification found	Yes, record of notification found	<a href="#">N/A</a>	<a href="#">The Seattle Times</a> <a href="#">KIRO 7 News</a> <a href="#">X</a>
ART2019-005	11/25/2019	Firearm, Fatal	No	Yes	Seattle Force Investigations Team	No record of notification found	Yes, record of notification found	<a href="#">Press Release</a>	<a href="#">X</a> <a href="#">King 5 News</a>
ART2019-006	12/18/2019	None (In-custody death) <sup>g</sup>	No	No	N/A	No record of notification found	No record of notification found	N/A	N/A
ART2019-007	8/24/2019	Precision immobilization technique, Point and aiming firearm	Yes	No	N/A	No record of notification found	No record of notification found	N/A	N/A

Incident Number	Date Occurred	Force Employed <sup>b</sup>	Hospital-ization	Independent Investigation	Independent Investigation Team	Next of Kin Notification <sup>c</sup>	Public Notification <sup>d</sup>	Press Release	News Links
ART2020-001	3/19/2020	Taser CEW	Yes	Yes	Valley Independent Investigations Team	No record of notification found	No record of notification found	N/A	N/A
ART2020-002	5/13/2020	Precision immobilization technique, Taser CEW	Yes	No	N/A	No record of notification found	No record of notification found	N/A	N/A
ART2020-003	7/16/2020	Firearm, Fatal	No	Yes	Seattle Force Investigations Team	No record of notification found	Yes, record of notification found	<a href="#">Press Release</a>	<a href="#">X</a> <a href="#">KOMO News</a>
ART2020-004	8/6/2020	Taser CEW, Self-inflicted stabbing	Yes	No	N/A	No record of notification found	No record of notification found	N/A	N/A
ART2020-005	8/27/2020	Attempted precision immobilization technique (Motor vehicle collision)	Yes	No	N/A	No record of notification found	Yes, record of notification found	N/A	<a href="#">KOMO News</a> <a href="#">X</a>
ART2020-006	9/19/2020	Firearm, Fatal	No	Yes	Valley Independent Investigations Team	Yes, record of notification in found	Yes, record of notification found	<a href="#">Press Release</a>	<a href="#">The Seattle Times</a> <a href="#">King 5 News</a> <a href="#">Auburn Examiner</a> <a href="#">X</a>
ART2020-007	11/9/2020	Firearm, Fatal	Yes	Yes	Seattle Force Investigations Team	Yes, record of notification found	Yes, record of notification found	<a href="#">Press Release</a>	<a href="#">The Seattle Times</a> <a href="#">X</a>
ART2020-008	1/22/2020	Firearm, Non-fatal	Yes	Yes	Valley Independent Investigations Team	Yes, record of notification found	No record of notification found	N/A	N/A

Incident Number	Date Occurred	Force Employed <sup>b</sup>	Hospitalization	Independent Investigation	Independent Investigation Team	Next of Kin Notification <sup>c</sup>	Public Notification <sup>d</sup>	Press Release	News Links
ART2021-001	6/2/2021	Projectile impact weapon, Taser CEW	Yes	No	N/A	No record of notification found	No record of notification found	N/A	N/A
ART2022-001	5/4/2022	Firearm, Fatal	No	Yes	Valley Independent Investigations Team	No record of notification found	Yes, record of notification found	N/A	<a href="#">King 5 News</a> <a href="#">Auburn Reporter</a>
ART2022-002	8/9/2022	Taser CEW	Yes	No	N/A	No record of notification found	Yes, record of notification found	N/A	<a href="#">KOMO News</a>
ART2022-003	9/10/2022	Firearm, Fatal	No	Yes	Valley Independent Investigations Team	No record of notification found	Yes, record of notification found	N/A	<a href="#">King 5 News</a>
ART2022-004	12/26/2022	None (In-custody death) <sup>g</sup>	No	Yes	Valley Independent Investigations Team	No record of notification found	No record of notification found	N/A	N/A

**Table notes:**

- a. For each incident, OLEO reviewed documentation in IAPro relating to internal investigations and linked reviews where applicable (including use of force files, critical incident reviews, and pursuit reviews). OLEO reviewed all written documentation and audio recordings marked as calls. While the documentation varied for each case, files generally included officer witness statements, compelled statements of involved deputies, investigative files, incident reports, and related email exchanges. OLEO did not review photos; videos; or audio recordings of radio, witness statements, or interviews. OLEO used the following search terms to capture mention of next of kin or public notification: notification, notify, call, media, press release, family, next of kin, mother, father, wife, husband, friend.
- b. Force definitions:
- Canine bite: Bite or injury caused by physical contact between a trained law enforcement dog and a subject. (GOM 6.01.000)
  - Firearm: Discharge of a firearm loaded with lethal ammunition. (GOM 6.01.000)
  - None, In-custody death: Death of an arrestee or detainee while in the custodial care of the Sheriff's Office, no force was applied.
  - Pepper balls: A projectile filled with the chemical irritant oleoresin capsicum, also commonly known as pepper spray.
  - Pointing and aiming firearm: Intentionally directing the muzzle of a firearm at a person. This is considered an intermediate use of force. (GOM 6.01.000)
  - Precision immobilization technique: A tactic to stop a moving vehicle using intentional collision to force the vehicle to rotate and stop. (GOM 9.01.000)

- Projectile impact weapon: A firearm equipped to fire a rubber, bean bag, soft nose, sponge, or other nonpenetrating projectile intended to cause non-lethal blunt trauma resulting in temporary distraction and/or incapacitation of a person. (GOM 6.03.000)
  - Self-inflicted stabbing: In this case, the subject was holding a knife and during the struggle to take him into custody, the subject cut his own neck.
  - Taser CEW: A taser CEW or conducted electrical weapon is a portable device that deploys darts that transmit an electrical charge or current intended to temporarily immobilize a person. (GOM 6.03.000)
  - Vascular neck restraint: Neck restraint or hold in which pressure is applied to the neck for the purpose of constricting blood flow. (RCW 10.116.020)
- c. An entry of “Yes, record of notification found” means that the IAPro file includes some documentation of a formal notification by the Sheriff’s Office or independent investigators to next of kin. An entry of “No record of notification found” does not necessarily mean that notification was not made to next of kin; it simply means that there was no formal notification documented within available files. OLEO notes that it is likely that the most recent cases (those occurring in 2022), where the independent investigation remains open, do not have all documentation fully uploaded to IAPro at of the time of review.
- d. An entry of “Yes, record of notification found” means that OLEO’s search of Sheriff’s Office social media pages and other media outlets returned a record where the Sheriff’s Office (including contract cities) was quoted or credited with announcing that an incident had occurred and that the Sheriff’s Office was involved in the incident. An entry of “No record of notification found” indicates that after a search of the Sheriff’s Office social media pages and other media outlets a notification initiated by the Sheriff’s Office was not located.
- e. OLEO reviewed and made policy recommendations on this incident. ([https://cdn.kingcounty.gov/-/media/king-county/independent/governance-and-leadership/government-oversight/office-of-law-enforcement-oversight/recommendations/memo\\_recs\\_art2019-002.pdf?rev=9650a4a50a574dcc83f0a7aec29940af&hash=7227CBB3C797E5782EC44E10810DB4E9](https://cdn.kingcounty.gov/-/media/king-county/independent/governance-and-leadership/government-oversight/office-of-law-enforcement-oversight/recommendations/memo_recs_art2019-002.pdf?rev=9650a4a50a574dcc83f0a7aec29940af&hash=7227CBB3C797E5782EC44E10810DB4E9))
- f. At the time of this incident, the Sheriff’s Office policy was unclear about whether a lateral vascular neck restraint was a deadly use of force. Consequently, no independent investigation was activated.
- g. An in-custody death falls within the category of “Other Serious Incidents” which means “Incidents that are not uses of force and include: 1. Any death of an arrestee or detainee while they are in the custodial care of the department. 2. Any other contact that results in hospital admission or death, such as vehicle accidents. 3. Death, attempted homicide, or serious injury of a member [hospitalization] as the result of an attack or assault.” (GOM 6.02.010)

## Endnotes

- <sup>1</sup> Michael Conklin, "Officer-Involved Shootings': How The Exonerative Tense of Media Accounts Distorts Reality," January 2022, University of Miami Race & Social Justice Law Review, 12:1, pp. 53-62, <https://repository.law.miami.edu/cgi/viewcontent.cgi?article=1138&context=umrsjlr>.
- <sup>2</sup> Katy Kirschner, Adrienne Wat, Liz Dop, "Evaluation of King County Sheriff's Office: Policy, Practice, and Review Mechanisms for Officer-Involved Shootings Systemic Review relating to November 25, 2019 Officer-Involved Shooting of Anthony Chilcott," August 2021, [https://kingcounty.gov/en/legacy/independent/law-enforcement-oversight/-/media/independent/law-enforcement-oversight/report-recommendations/2021-08-31\\_OISReport\\_Nov2019\\_AChilcott.ashx?la=en&hash=F0C8B349215D7A8B05764DB2009D642B](https://kingcounty.gov/en/legacy/independent/law-enforcement-oversight/-/media/independent/law-enforcement-oversight/report-recommendations/2021-08-31_OISReport_Nov2019_AChilcott.ashx?la=en&hash=F0C8B349215D7A8B05764DB2009D642B); Michael Gennaco and Stephen Connolly, "Evaluation of the King County Sheriff's Office: Policy, Practice, and Review Mechanisms for Officer-Involved Shootings Insight Gained from Systemic Review of January 27, 2017, Officer-Involved Shooting of Mi'Chance Dunlap-Gittens," February 2020, [https://kingcounty.gov/en/legacy/independent/law-enforcement-oversight/-/media/independent/law-enforcement-oversight/report-recommendations/2020\\_OIS\\_MiChance.ashx?la=en&hash=5FCE8E4B5F6383938BDF64E651678FB2](https://kingcounty.gov/en/legacy/independent/law-enforcement-oversight/-/media/independent/law-enforcement-oversight/report-recommendations/2020_OIS_MiChance.ashx?la=en&hash=5FCE8E4B5F6383938BDF64E651678FB2).
- <sup>3</sup> Desmond Ang, Panka Bencsik, Jesse Bruhn, and Ellora Derenoncourt, "Police violence reduces civilian cooperation and engagement with law enforcement," September 20, 2021, [https://scholar.harvard.edu/files/ang/files/abbd\\_crimerreporting.pdf](https://scholar.harvard.edu/files/ang/files/abbd_crimerreporting.pdf).
- <sup>4</sup> Toshiko Hasegawa, "Assessing Public Priorities for Police Oversight In King County," 2019, Master of Arts in Criminal Justice Thesis, <https://scholarworks.seattleu.edu/cgi/viewcontent.cgi?article=1008&context=macj-theses>.
- <sup>5</sup> RCW 10.114.011 [2021 c 318 § 401; 2019 c 4 § 5.], <https://app.leg.wa.gov/rcw/default.aspx?cite=10.114.011>; WAC 139-12-030, <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030>; WSCJTC, "Independent Investigation of Officer Involved Use of Deadly Force Incident Best Practices," October 2023, [https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d\\_2](https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d_2); Sheriff's Office, "General Orders Manual," <https://public.powerdms.com/KCSO/tree/documents/1820455>.
- <sup>6</sup> RCW 10.114.011 [2021 c 318 § 401; 2019 c 4 § 5.], <https://app.leg.wa.gov/rcw/default.aspx?cite=10.114.011>; WSCJTC, "About LETCSA," <https://www.cjtc.wa.gov/letcsa/about-letcsa>.
- <sup>7</sup> WSCJTC, "Independent Investigation of Officer Involved Use of Deadly Force Incident Best Practices," October 2023, [https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d\\_2](https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d_2).
- <sup>8</sup> GOM 6.01.020 (1), <https://public.powerdms.com/KCSO/tree/documents/1758026>.
- <sup>9</sup> WAC 139-12-030(1)(b), <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030>.
- <sup>10</sup> WSCJTC, "Independent Investigation of Officer Involved Use of Deadly Force Incident Best Practices," October 2023, [https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d\\_2](https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d_2).
- <sup>11</sup> "As set forth in RCW 9A.04.110, 'great bodily harm' means bodily injury which creates a probability of death, or which causes significant serious permanent disfigurement, or which causes a significant permanent loss or impairment of the function of any bodily part or organ." (WAC 139-12-020, <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-020>)
- <sup>12</sup> "As set forth in RCW 9A.04.110, 'substantial bodily harm' means bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily part or organ, or which causes a fracture of any bodily part." (WAC 139-12-020, <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-020>)
- <sup>13</sup> RCW 10.114.011, <https://app.leg.wa.gov/rcw/default.aspx?cite=10.114.011>.
- <sup>14</sup> "Except as required by federal consent decree, federal settlement agreement, or federal court order..." (RCW 10.114.011, <https://app.leg.wa.gov/rcw/default.aspx?cite=10.114.011>)
- <sup>15</sup> Sheriff's Office Personnel, interviews with OLEO, July 24, 2023, September 6, 2023, and November 21, 2023.
- <sup>16</sup> Ibid.
- <sup>17</sup> WAC 139-12-030(1)(b), <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030>.
- <sup>18</sup> GOM 1.06.025, <https://public.powerdms.com/KCSO/tree/documents/1757947>.
- <sup>19</sup> WAC 139-12-030(3)(b), <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030>.
- <sup>20</sup> Ibid.
- <sup>21</sup> King County Medical Examiner's Office Personnel, interview with OLEO, August 22, 2023; King County Medical Examiner, "The role of the Medical Examiner," <https://cd10-prod.kingcounty.gov/en/dept/dph/health-safety/medical-examiner/about-the-medical-examiner>.
- <sup>22</sup> RCW 68.50.300(1), <https://app.leg.wa.gov/RCW/default.aspx?cite=68.50.300&pdf=true>.
- <sup>23</sup> WSCJTC, "Independent Investigation of Officer Involved Use of Deadly Force Incident Best Practices," October 2023, [https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d\\_2](https://www.cjtc.wa.gov/docs/default-source/letcsa/iit-best-practice-guidelines---october-2023.pdf?sfvrsn=d0470b5d_2).
- <sup>24</sup> WAC 139-12-030(2)(e), <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030>.
- <sup>25</sup> Sheriff's Office Personnel, interviews with OLEO, July 24, 2023, September 6, 2023, November 21, 2023.
- <sup>26</sup> Ibid.
- <sup>27</sup> MyAdvocate, interview with OLEO, August 31, 2023.

Endnotes *continued*

- <sup>28</sup> RCW 10.114.011 [2021 c 318 § 401; 2019 c 4 § 5.], <https://app.leg.wa.gov/rcw/default.aspx?cite=10.114.011>.
- <sup>29</sup> Katy Kirschner, Adrienne Wat, Liz Dop, "Evaluation of King County Sheriff's Office: Policy, Practice, and Review Mechanisms for Officer-Involved Shootings Systemic Review relating to November 25, 2019 Officer-Involved Shooting of Anthony Chilcott," August 2021, [https://kingcounty.gov/~media/independent/law-enforcement-oversight/report-recommendations/2021-08-31\\_OISReport\\_Nov2019\\_AChilcott.ashx?la=en](https://kingcounty.gov/~media/independent/law-enforcement-oversight/report-recommendations/2021-08-31_OISReport_Nov2019_AChilcott.ashx?la=en).
- <sup>30</sup> RCW 10.114.011 [2021 c 318 § 401; 2019 c 4 § 5.], <https://app.leg.wa.gov/rcw/default.aspx?cite=10.114.011>; GOM 6.01.050, <https://public.powerdms.com/KCSO/tree/documents/1758026>.
- <sup>31</sup> ART 2019-003, "Officer Witness Statement – 15 Report," September 18, 2019. (Note: This is a Sheriff's Office internal record.)
- <sup>32</sup> WAC 139-12-030(3)(b), <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030>.
- <sup>33</sup> Tamer Abouzeid, "Letter to Sheriff Cole-Tindall Regarding Body Worn Camera Video Release," October 26, 2022, [https://cdn.kingcounty.gov/-/media/independent/law-enforcement-oversight/policy%20recommendations/2022-10-26\\_BWC\\_Video\\_Release.ashx?la=en&hash=258F0B52390C9F01AA007F801CC01163](https://cdn.kingcounty.gov/-/media/independent/law-enforcement-oversight/policy%20recommendations/2022-10-26_BWC_Video_Release.ashx?la=en&hash=258F0B52390C9F01AA007F801CC01163).
- <sup>34</sup> WAC 139-12-020(1)(b), <https://apps.leg.wa.gov/wac/default.aspx?cite=139-12-030>; King County Prosecuting Attorney Public Integrity Team, "Use of Force – Fatality of Sanchez, Cicero 10/29/1990," October 10, 2023, <https://cdn.kingcounty.gov/-/media/king-county/depts/pao/documents/public-integrity/use-of-force-fatalities/2022/sanchez-cicero-public-memo---redacted.pdf?rev=c8377db33c4c420facd80c8d9e7a98ca&hash=69A2FBFB38B59FAE951D30811044AAB1>.
- <sup>35</sup> Alice Nichols (Regional Director of Mental Health Organization), interview with OLEO, September 25, 2023; American Civil Liberties Union of Washington Program Director, interview with OLEO, September 19, 2023; Anwar Peace (Police Accountability Expert and Chair of City of Spokane Human Rights Commission), interview with OLEO, September 19, 2023; King County Department of Public Defense Representative, interview with OLEO, September 6, 2023; Colleen McIngalls (Director of Victim Services King County Prosecuting Attorney's Office), interview with OLEO, September 6, 2023; Joseph Marchesano (Senior Deputy Prosecuting Attorney of Special Operations Unit King County Prosecuting Attorney's Office), interview with OLEO, August 22, 2023; King County Medical Examiner's Office Personnel, interview with OLEO, August 22, 2023; Manasseh Begay (Licensed Clinical Social Worker, Faculty, and Research Manager of Washington University in St. Louis), interview with OLEO, August 23, 2023; MyAdvocate, interview with OLEO, August 31, 2023; Lauren Bonds (Executive Director of National Police Accountability Project), interview with OLEO, September 20, 2023; Paul Holland (Associate Dean for Experiential Learning Seattle University School of Law), interview with OLEO, September 25, 2023; Seattle Behavioral Health Provider, interview with OLEO, September 11, 2023; Dr. Michaela Weber (Executive Director of Victim Support Services), email correspondence with OLEO, September 15, 2023.
- <sup>36</sup> Jazzlyn Johnson, "Bad Death Notifications are Affecting Families, Can They be Fixed?," The Voice, August 7, 2020, <https://www.communityvoiceks.com/2020/08/07/bad-death-notifications-are-affecting-families-can-they-be-fixed/>.
- <sup>37</sup> Sheriff Civilian Oversight Commission Family Assistance and Communication Ad Hoc Committee, "Proposed Recommendations," September 27, 2018, [https://file.lacounty.gov/SDSInter/bos/supdocs/1044781\\_FR5final.pdf?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://file.lacounty.gov/SDSInter/bos/supdocs/1044781_FR5final.pdf?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=).
- <sup>38</sup> American Civil Liberties Union of Washington Program Director, interview with OLEO, September 19, 2023; Anwar Peace, (Police Accountability Expert and Chair of City of Spokane Human Rights Commission), interview with OLEO, September 19, 2023; King County Department of Public Defense Representative, interview with OLEO, September 6, 2023; Lauren Bonds (Executive Director of National Police Accountability Project), interview with OLEO, September 20, 2023; Manasseh Begay (Licensed Clinical Social Worker, Faculty, and Research Manager of Washington University in St. Louis), interview with OLEO, August 23, 2023.
- <sup>39</sup> Alice Nichols (Regional Director of Mental Health Organization), interview with OLEO, September 25, 2023; Colleen McIngalls (Director of Victim Services King County Prosecuting Attorney's Office), interview with OLEO, September 6, 2023; Dr. Michaela Weber (Executive Director of Victim Support Services), email correspondence with OLEO, September 15, 2023.



Endnotes *continued*

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**King County**

# **OLEO**

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