



King County OLEO

Office of Law Enforcement Oversight

ANNUAL REPORT **2020**





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FREDDIE GRAY
GEORGE

FLYD

TRAYVON
MARTIN

KENDRA
JAMES

ERIC
GARNER

SARRA
BLAND

JAMAR
CLARK

QUINCY
HAYES

WALTER
FRITZ

OSCAR GRANT

MIKE

BROWN

VANCE
CAMPBELL

ALTON
STERLING

ANNAMAUD
ALBEE



YEAR IN REVIEW

Letter from the Director



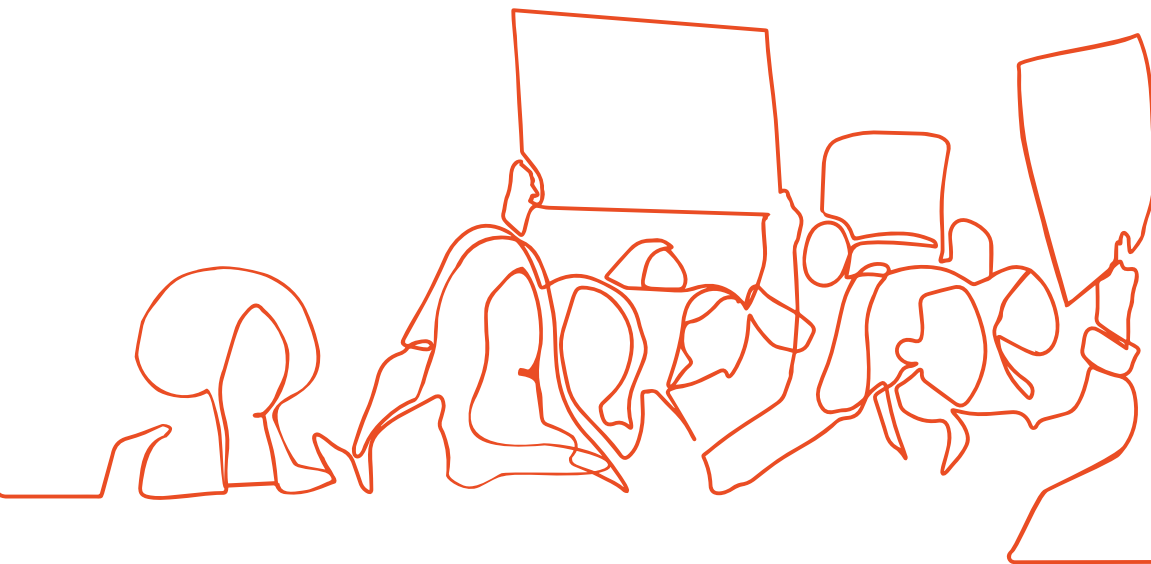
ADRIENNE WAT
OLEO Interim Director

2020 was a year of enormous challenge, adversity, and public outcry. From the disturbing killings of George Floyd and Breonna Taylor to the worldwide pandemic, external events compounded the difficulties posed by a leadership transition at the Office of Law Enforcement Oversight (OLEO). Before this year, OLEO had been steeped in police oversight work to improve how the King County Sheriff's Office (Sheriff's Office) serves the public, especially people and communities who have historically been most negatively impacted by policing. But the summer protests and larger scale mainstream media reporting on the national call to overhaul law enforcement systems was a first since OLEO began operating in 2011. The tide and lack of accountability from the community's view resulted in King County voters changing the Sheriff's position from elected to appointed, providing the King County Council (Council) the ability to change the duties of the Sheriff's Office, and strengthening OLEO's subpoena authority by adding it to the County Charter.

This year, a period of interim leadership began at OLEO while the Council commenced a nationwide search for a new director. I am proud to report that OLEO has embraced the challenges of 2020 and seized the opportunity to continue to address racial disparities in policing, strengthen our oversight approach, and improve the lines of communication with the Sheriff's Office. This has led to OLEO being more impactful and influential when engaging directly with the Sheriff's Office, allowing the two agencies to have difficult discussions about divisive topics such as officer-involved shootings and critical incidents. This work chips away at shifting department culture to one of greater accountability at all levels and to one that provides fair and equitable service to the communities in King County.

Three years in the making, a new labor contract between King County and the King County Police Officer's Guild (Guild) was signed in February 2020 and resulted in OLEO's ability to have new oversight duties. This expanded OLEO's ability to conduct independent investigations to non-labor represented Sheriff's Office employees, including the Sheriff. It also means that OLEO can review how the Sheriff's Office determines whether misconduct complaints will be investigated and make recommendations on investigative findings, such as whether allegations of misconduct by personnel should be sustained.

However, OLEO was unable to implement these new authorities in 2020. We look forward to utilizing and growing into our new authorities in 2021.



During 2020, OLEO conducted significant work this year to further transparency and accountability of the Sheriff's Office. Two important reports this year provided a systemic evaluation the 2017 officer-involved shootings of Mi'Chance Dunlap-Gittens and Tommy Le. The reports shed light on what occurred during the incidents and evaluate the Sheriff's Office respective investigations and internal reviews. Highlights of areas for improvement are included in this report.

The number of policy recommendations made in 2020 was more than double from 2019, most of which were made in the last quarter of this year. OLEO weighed in on pursuit policy revisions and the Sheriff's Office's body-worn camera pilot program, which will be negotiated between the Sheriff's Office and the Guild in 2021. OLEO reviewed 115 misconduct investigations and provided more frequent and in-depth conversations with Sheriff's Office Internal Investigation's Unit investigators on allegations and investigative strategy, which resulted in the investigations being more thorough, objective, and timely.

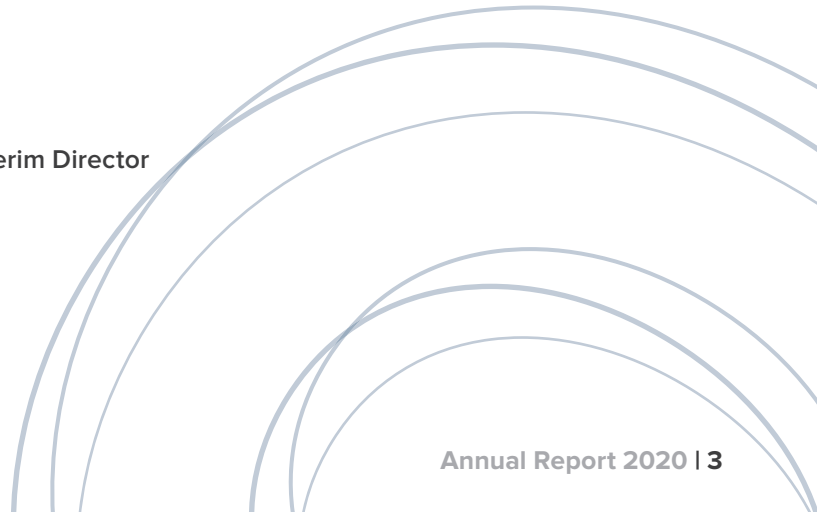
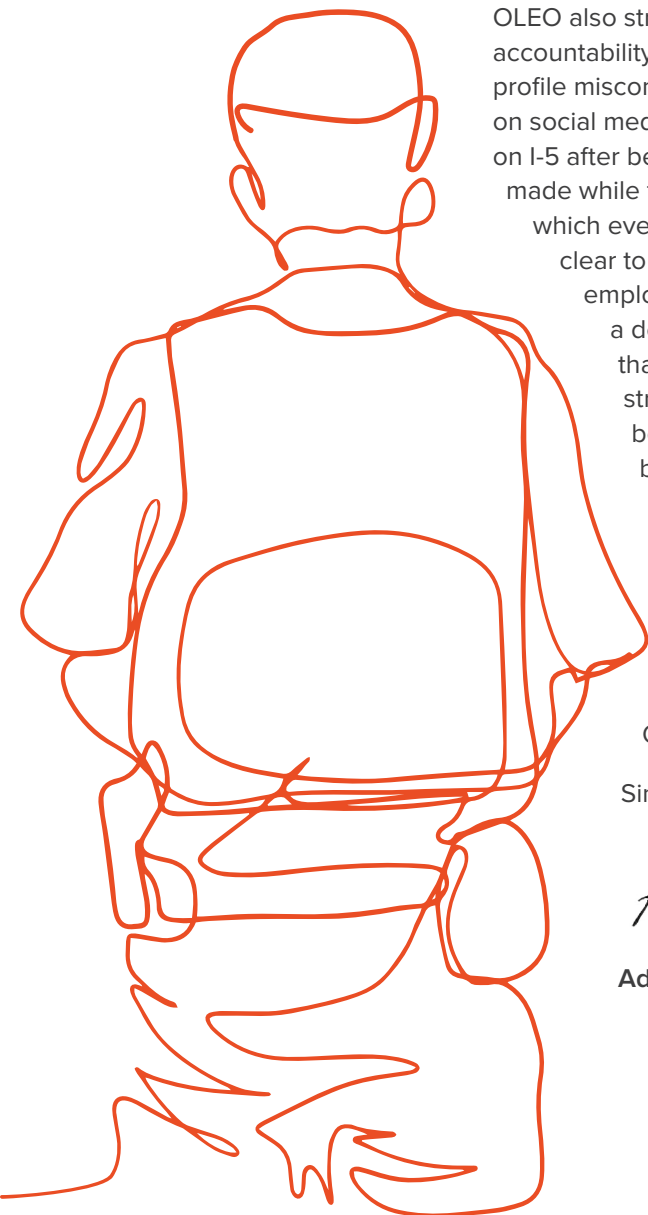
OLEO also strengthened its oversight approach by utilizing its various mechanisms for accountability at the individual officer level and at the department level. For example, a high-profile misconduct investigation occurred after a now former Sheriff's Office employee made, on social media, discriminatory comments and mocked the death of a protester who was killed on I-5 after being hit by a vehicle that intentionally drove through a crowd. The comments were made while the employee was off-duty. OLEO closely monitored the misconduct investigation, which eventually resulted in employment termination. But during the investigation, it became clear to OLEO that the Sheriff's Office's policies were not strong enough to hold its employees accountable for off-duty discriminatory statements and call into question a deputy's ability to carry out their official duties in an impartial and lawful manner that serves all people equally. As a result, OLEO provided recommendations to strengthen the Sheriff's Office's discrimination and bias-based policing policies to better align Sheriff's Office policies and practices with public expectations while balancing First Amendment rights.

This pandemic has exacerbated existing racial disparities and compounded physical and mental health issues among families and community members. OLEO remains focused on law enforcement response to people in behavioral health crisis and de-escalation skills to prevent and reduce the need for force or arrest. OLEO is grateful to be able to serve the King County community and help further everyone's goal of ensuring fair and just policing by the Sheriff's Office, and to that end, criminal justice system reform.

Sincerely,



Adrienne Wat, OLEO Interim Director



YEAR IN REVIEW

2020 By the Numbers



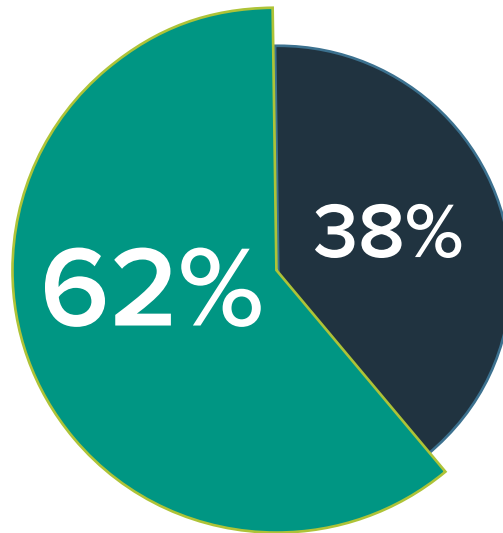
OLEO certified **103 misconduct investigation cases**



12 cases were not certified by OLEO



62% of complaints received by the Internal Investigations Unit were from the community



38% of complaints received by the Internal Investigations Unit were from internal employees



The Internal Investigations Unit received **413 complaints** from community and internal employees



OLEO provided **recommendations** on **10** Sheriff's Office policies



MY SKIN IS NOT A CRIME

BLM
ENOUGH IS ENOUGH

THIS THE AMERICAN DREAM?

JUSTICE FOR GEORGE FLOYD

MY SON'S LIFE MATTERS!

ABOUT OLEO AND OVERSIGHT

Establishing OLEO and the Communities We Serve

A 2006 community-focused process led the Council to establish OLEO. Independent oversight is a growing and evolving tool for law enforcement accountability that exists outside of the law enforcement agencies' own internal mechanisms for agency and individual personnel-related accountability. The Council defines OLEO's authority, which is subject to the collective bargaining process. Labor negotiations with the Guild that determines OLEO's duties and authority occurred in 2009, and OLEO began providing independent civilian-led oversight of the Sheriff's Office since 2011¹. OLEO's enacted authority, responsibilities, and activities remain subject to Council action and collective bargaining today, however recent policy analysis at the state level is studying whether oversight of law enforcement should be exempt from bargaining.

The King County Communities We Serve

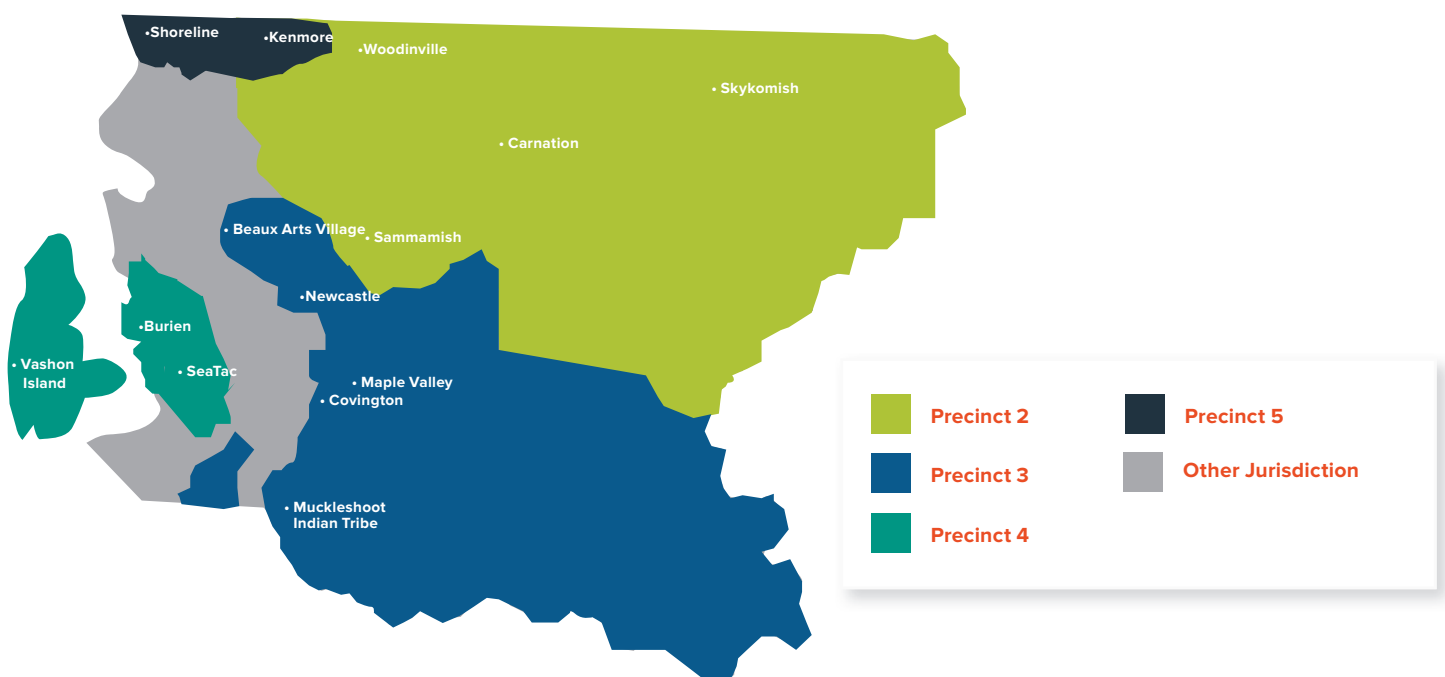
King County's residents are a diverse and global community, with 20% of the population foreign-born, 29% people of color, and 25% persons who speak a language other than English at home. Collectively, King County residents speak an impressive 170+ languages.

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

OLEO serves everyone who is served by the Sheriff's Office.

- Community members are either directly or indirectly served by the Sheriff's Office and OLEO.
- The Sheriff's Office directly serves as the lead and primary law enforcement agency for over 500,000 people in King County's urban, suburban, and rural patrol areas. Service areas include, but are not limited to, unincorporated King County, King County Airport, Metro, Sound Transit, and 13 partner jurisdictions that contract with the Sheriff's Office to receive policing services.
- The Sheriff's Office and OLEO also indirectly serve King County's 2.1 million diverse residents because everyone in the county is impacted by the way public resources are used and how services are provided and experienced.

Sheriff's Office Service Area Precincts and Contract Service Jurisdictions



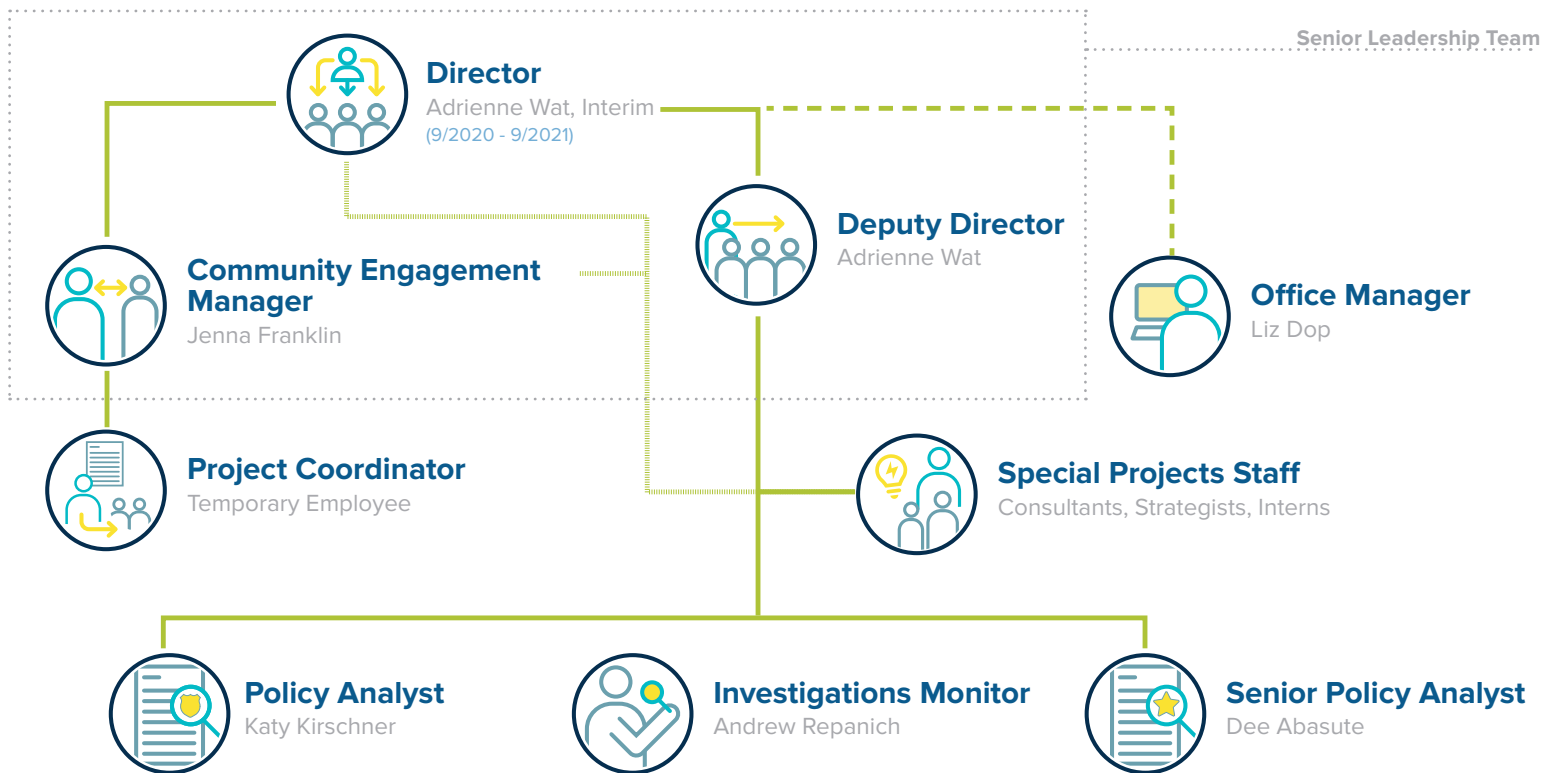
¹ Learn more about OLEO's history: <https://kingcounty.gov/independent/law-enforcement-oversight/about/History.aspx>

ABOUT OLEO AND OVERSIGHT

OLEO's Purpose and Personnel

Today, OLEO's overall purpose and mission remains much the same. OLEO's authority centers on identifying ways that the Sheriff's Office can instill greater confidence and trust in the integrity in its operations and in the effectiveness and professionalism of its employees.

OLEO Personnel²



² Former OLEO Director Deborah Jacobs departed from OLEO in September 2020, and the Council then appointed Adrienne Wat as Interim Director.

ABOUT OLEO AND OVERSIGHT

OLEO's Oversight Activities Today

OLEO's programmatic activities today focus on systemic reviews (similar to an audit), policy work, and administrative investigations, and promote increased transparency and accountability. Across all program areas, OLEO's work helps the Sheriff's Office align with equity and social justice principles that better serves diverse community interests.

Here are a few highlights of OLEO's activities today.

Monitoring and Reviewing Use of Force and Death While in Law Enforcement Custody Incidents

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

Monitoring, Reviewing, and Weighing In on Completed Complaint Investigations

- OLEO monitors and reviews how the Sheriff's Office handles complaints of misconduct.
- OLEO attends Sheriff's Office interviews with complainants and involved personnel and asks questions as needed.
- OLEO issues certification letters as to whether or not Sheriff's Office investigations meet its standards for thorough, objective, and timely investigations.
- OLEO reviews investigation findings, such as whether an allegation is sustained or not, and can propose recommended findings.

Incorporating Community Input into Sheriff Office Policies and Practices

- OLEO consults with the community to identify and explore concerns with Sheriff's Office practices and recommend improvements.
- OLEO provides the Sheriff's Office with recommendations on policies through systemic reviews that examine particular practices, as well as through review of Sheriff's Office policies under revision (which the Sheriff is required to give OLEO an opportunity to review before adopting).
- OLEO advocates for and provides feedback on Sheriff's Office trainings with an emphasis on de-escalation and tactics that reduce the need to use for force.

Conducting Independent Investigations Under Qualifying Circumstances

- In 2015, King County voters gave OLEO the authority to conduct investigations of police uses of force and misconduct complaints.
- In 2020, the labor contract narrowed this authority, and today OLEO has the authority to administratively investigate serious officer-involved incident, including force, if the Sheriff's Office did not conduct an investigation or if the involved employee was not represented by a union.
- Though OLEO did not conduct independent investigations in 2020, we look forward to utilizing this new authority in the future.





Creating Inclusive Community Participation Opportunities that Empower People to Shape OLEO's Work and King County Decisions

- OLEO helps expand awareness, education, and connections between the community and service providers or public agencies that builds interest and capacity for participation in oversight work.
- OLEO engages and listens to the community to ensure public perspectives inform OLEO's work priorities and address the diverse needs of the public we serve.
- OLEO invites and works in partnership with communities throughout the Sheriff's Office service areas to examine concerns and community conditions in order to create more informed recommendations.
- Members of OLEO's Community Advisory Committee for Law Enforcement Oversight serve as liaisons, partners, and advisors to OLEO, members of the public, the Council, and the Sheriff.

Arranging Restorative Resolution of Disagreements Between Law Enforcement and the Public

- OLEO collaborates with the Sheriff's Office to refer disagreements to the Alternative Dispute Resolution program where a neutral third party facilitates voluntary discussion between members of the public and Sheriff's Office employees to address complaints and enhance understanding.



ABOUT OLEO AND OVERSIGHT

Common Goals and Key Components of Oversight

Oversight offices that are recommendation-based entities like OLEO cannot mandate adoption of recommendations. In addition, many must navigate labor bargaining and other social or political realities prior to law enforcement implementing any recommendations. Therefore, it is essential that oversight offices maintain collaborative relationships with both the community and the law enforcement agencies they oversee. Oversight offices rely on input from the public to inform work and priorities, as well as on public support for the adoption and implementation of recommendations they make to law enforcement.

Most Commonly Shared Goals of Civilian Oversight Agencies and Models

- 
- 1 Improving Public Trust
 - 2 Ensuring Accessible Complaint Processes
 - 3 Promoting Thorough and Fair Investigations
 - 4 Increasing Transparency
 - 5 Deterring Law Enforcement Misconduct

The following are essential components to successful oversight:

1. **Independence** from law enforcement, political actors, and special interests to enable the office to fulfill its authorities without undue interference.
2. **Independent legal and labor counsel** to advise, guide, negotiate on behalf of, and, if needed, defend oversight recommendations and efforts. Oversight agencies' authority and actions are often determined through collective bargaining with police unions, and skilled counsel helps ensure the interests of oversight are heard and represented.
3. **Adequate authority** to accomplish agency and community goals; provide oversight of internal and community complaints, officer-involved shootings, in-custody deaths, and serious uses of force; and recommend discipline and findings on investigations.
4. **Unfettered access** to relevant records, information, department trainings, and law enforcement databases for use in conducting systemic reviews and other authorities.
5. **Access to people** including law enforcement leaders, command staff, internal investigations personnel, impacted community members, and elected leaders, which is essential in establishing oversight priorities, making recommendations, and resolving concerns.
6. **Full and timely cooperation** of the law enforcement agency in providing access to information and considering oversight recommendations.
7. **Support of empowered stakeholders and political decision-makers**, particularly in the face of opposition from police unions or law enforcement executives.
8. **Adequate budget and staffing** to conduct the breadth and depth of oversight duties essential to meeting current and evolving needs, based on credible budget and staffing analyses.
9. **Authority to issue public reports and recommendations** in order to advance important issues and serve as a demonstration of a transparent and accountable civic process.
10. **Authority to conduct research and quantitative analysis** to report systemic issues in relation to community-raised issues, misconduct complaints, critical incidents and uses of force, in-custody deaths, and other law enforcement policies and practices.
11. **An engaged community**, that includes historically underserved people who may fear or distrust government or members of law enforcement, to identify key accountability concerns and provide input on law enforcement policies and practices.
12. **A commitment to ethical and professional practices and confidentiality** in order to increase oversight agencies' effectiveness and build trust between oversight professionals, members of law enforcement, the public, and political leaders.



MONITORING THE SHERIFF'S OFFICE INVESTIGATIONS OF COMPLAINTS

How to File a Complaint and Understanding the Process

Anyone can file a complaint against a member of the Sheriff's Office, through OLEO or through the Sheriff's Office. Both OLEO and the Sheriff's Office accept complaints by mail, email, phone, and in person³. OLEO personnel work with the public to answer questions about the complaint process and what information to include when filing a complaint.

Who Can File a Complaint?

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

What Can Someone File a Complaint About?

Examples include, but are not limited to, complaints of:

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

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

Understanding the Complaint Process



When a complaint has been determined appropriate for a formal review, the Internal Investigations Unit (IIU) will conduct the investigation. Once the investigation is complete, by King County Code, the Sheriff's Office gives OLEO the opportunity to review the investigation for thoroughness, objectivity, and timeliness. The investigation is then referred to a command staff member for findings where they determine whether the actions personnel took, as determined in the investigation, violate policy. If so, then the matter is referred to the Undersheriff to determine what, if any, discipline might be applied. Based on the agreement between King County and the Guild, when a complaint is investigated, the Sheriff's Office has 180 days to complete that investigation in order to enter findings or impose discipline.

Following the employee receiving the Undersheriff's decision and notice of intent to discipline, an employee has three options: (1) accept the decision, (2) request a hearing with the Sheriff within 14 days of receiving the Undersheriff's decision, and/or (3) file a grievance. If the employee remains dissatisfied with the disciplinary decision, the employee can request an arbitrator hear the case to make a final decision.

³ OLEO has since added an additional method for filing a complaint. Anyone can now also submit a form directly online: www.kingcounty.gov/policecomplaints

MONITORING THE SHERIFF'S OFFICE INVESTIGATIONS OF COMPLAINTS

Complaint Intake Classifications

When the Sheriff's Office receives a complaint, one of its early steps is to classify the complaint, which determines whether, and to what extent, the Sheriff's Office will take action on an allegation of misconduct.

IIU currently classifies complaints into one of three categories:

- **Inquiries:** Allegations considered serious and therefore require a full investigation. Examples include complaints about excessive or unnecessary use of force against a person or conduct that is criminal in nature.
- **Non-Investigative Matter (NIM):** Allegations that, even if true, would not violate Sheriff's Office policy. The Sheriff's Office takes no action on these complaints. For example, a community member objects to having been stopped for a traffic violation, but the deputy had authority to conduct the stop, and there is no claim of misconduct.
- **Supervisor Action Log (SAL):** Allegations considered minor and referred to the employee's supervisor for handling. Examples include tardiness, uniform and equipment violations, and personal appearance infractions.

In 2020, there were 413 complaints received by either OLEO or the Sheriff's Office, and IIU classified more than half of the complaints as Inquiries⁴. Sixty-nine percent of those complaints came from community members (community complaints), and 31% of the complaints came from Sheriff's Office employees (internal complaints). See Table 1.

Table 1: Breakdown of Complaint Classifications, 2020

Classification	Community Complaints	Internal Complaints	Complaints by Classification
Inquiry	161 (69%)	74 (31%)	235 (57%)
Non-Investigative Matter (NIM)	56 (90%)	6 (10%)	62 (15%)
Supervisor Action Log (SAL)	39 (34%)	76 (66%)	115 (28%)
Preliminary	1 (100%)	0 (0%)	1 (0%)
Total Complaints by Source	257	156	413

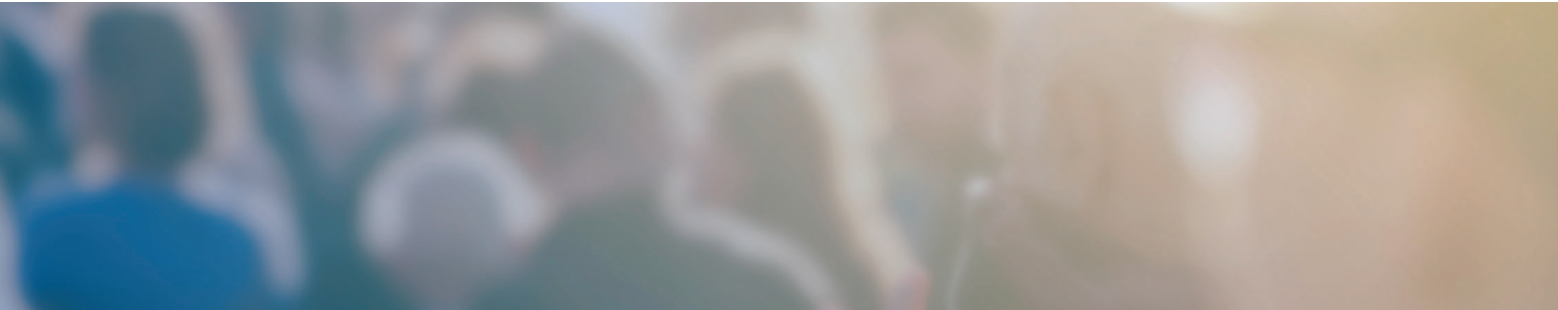
The 2020 OLEO Annual Report is required by King County Code 2.75.040.(H). OLEO's report includes qualitative and quantitative information demonstrating how the office fulfills its purpose, duties, and responsibilities. Data for this report include complaints that were reported by community members and Sheriff's Office employees and closed by IIU between January 1, 2020, and December 31, 2020. Data are gathered from the Sheriff's Office's internal investigations database, IAPro. It is reflective of accurate and complete data at the time of publication, September 1, 2021.

⁴We analyzed data for complaints reported in 2020 and closed through December 31, 2020. As of December 31, 2020, IIU had noted three complaints as "Preliminary." It is unclear from the file whether IIU acted on these complaints. Those complaints will be excluded from further analysis outside of Tables 1 and 2. Any cases not covered in this report will be captured in a subsequent report, and moving forward, OLEO will be reporting on complaints that were closed in the calendar year even if it was opened the prior year.



MONITORING THE SHERIFF'S OFFICE INVESTIGATIONS OF COMPLAINTS

Types of Allegations



A complaint can include more than one allegation; therefore, the number of allegations will usually exceed the number of complaints. The 413 complaints filed against Sheriff's Office employees, both sworn and civilian, included 712 allegations of misconduct. Community complaints included 494 allegations of misconduct, and internal complaints included 218 allegations of misconduct.

IIU investigated 235 complaints classified as Inquiries, which involved 508 allegations of misconduct. From the complaints classified as Inquiries, 380 allegations originated from the community, and 128 originated internally. Allegations made by community members (i.e., external allegations), typically concerned treatment of the public by officers, with 21% of the external allegations being deputies acting in violation of Sheriff's Office directives, rules, policies, or procedures. A summary of the 10 most common external allegations is highlighted in Table 2, **and the subsequent analyses will focus only on external allegations and complaints classified as Inquiries**⁵.

Table 2: 10 Most Common External Allegations, 2020

Nature of Allegations	Number and Percentage of Allegations	
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	80	21%
Lack of courtesy	65	17%
Excessive or unnecessary use of force against a person	56	15%
Inappropriate use of authority	48	13%
Performs at a level significantly below the standard achieved by others in the work unit	26	7%
Biased based policing	22	6%
Conduct unbecoming	21	6%
Harassment based on race, ethnicity, gender, religion disability, or sexual orientation	15	4%
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so	10	3%
Obedience to laws and orders	9	2%
Total Number of 10 Most Common External Allegations	352	93%
Total Number of External Allegations	380	

⁵ OLEO's current authority to review complaints is limited to complaints classified by IIU as Inquiries.

MONITORING THE SHERIFF'S OFFICE INVESTIGATIONS OF COMPLAINTS

Patterns in Complaints Against Sworn Employees

Tables 3 and 4 show patterns of complaints classified as Inquires for individual Sheriff's Office sworn deputies (i.e., commissioned personnel). Table 3 shows the number of complaints reported against Sheriff's Office sworn deputies, and Table 4 shows the number of complaints of excessive use of force.

In 2020, 76% of Sheriff's Office sworn deputies received no complaints and 24% received one or more complaints. See Table 4.

Table 3: Complaints Reported by Community Members Against Individual Deputies, 2020

Number of Complaints	Number and Percentage of Sworn Employees	
0	608	76%
1	149	19%
2	34	4%
3	4	<1%
4 or more	4	<1%
Total Deputies Receiving Complaints	191	24%
Total Sworn Employees	799	

Note: The table includes only complaints classified as Inquiries. We excluded cases in which IIU either could not identify the subject deputy or the subject deputy was unknown. King County Department of Human Resources provided counts of the Sheriff's Office sworn deputies.

Deputies interact with community members to varying degrees depending on their role and unit. Deputies assigned to the Patrol Operations, Metro, and Sound Transit Units have the most regular contact with community members by responding to calls and conducting traffic enforcement, but deputies in other units such as those that serve legal documents, conduct evictions, and enforce court orders also interact with the public. Within those units, 92% of sworn employees were not the subject of a complaint alleging excessive or unnecessary use of force, and 8% were the subject of a complaint with a use of force allegation. See Table 4.

Table 4: Excessive Use of Force Complaints per Deputy in the Patrol Operations Unit Allegations, 2020

Number of Allegations	Number and Percentage of Sworn Employees	
0	535	92%
1	44	8%
2	4	1%
3 or more	1	<1%
Total Sworn Employees Receiving Allegations of Excessive Use of Force Complaints	49	8%
Total Sworn Employees	584	

Note: Percentages may not add up to 100 due to rounding. We excluded cases in which IIU either could not identify the subject deputy or the subject deputy was unknown. King County Department of Human Resources provided counts of the Sheriff's Office sworn deputies. a Count includes deputies that work in units other than Patrol Operations, Metro, and Sound Transit Units.

Certification Review of Investigations

OLEO monitors and reviews Sheriff’s Office complaint handling to promote thorough, objective, and timely investigations. OLEO maintains guidelines that set forth minimum steps for an investigation to be deemed thorough. Criteria include whether all material witnesses are identified and thoroughly interviewed, whether all evidence is obtained in a timely manner, and whether both the complainant and subject employee are treated fairly. In considering whether an investigation is objective, OLEO considers factors such as whether there is a conflict of interest in fact or appearance between any of the persons involved in the incident and the investigator, and whether the investigator reported the facts in a neutral, unbiased manner. In considering whether an investigation is timely, OLEO considers if any evidence was potentially lost because of a delay in assigning the investigation and/or whether the investigation was completed within 180 days. After OLEO reviews the investigation, it transmits a letter with its certification decision to the Sheriff’s Office.

During the certification review process, OLEO often identifies opportunities for the Sheriff’s Office to provide training or clarify and improve its policies and practices. In 2020, OLEO made substantive recommendations to the Sheriff’s Office for improving use of force investigations and focused on discussing case strategy with IIU investigators to ensure better investigations. OLEO also provided recommendations for improving IIU Standard Operating Procedures and post-investigation review procedures to increase the consistency and quality of investigations prior to review and certification assessment by OLEO.

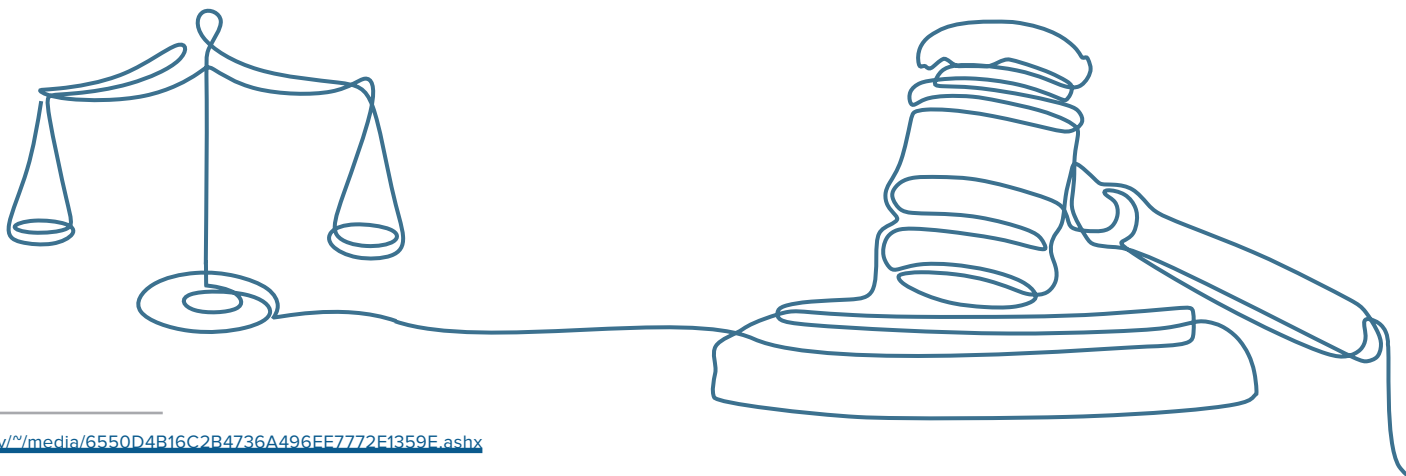
OLEO Follow-Up on Investigations

Also during the certification review process, OLEO communicates with IIU to seek clarification or provide feedback on complaint investigations. If needed, OLEO requests that investigators conduct additional investigatory steps. In 2020, there were 31 complaint investigations in which OLEO sought clarification or requested additional investigation.

If IIU does not complete the additional investigation that OLEO deems essential to a thorough investigation or is unable to obtain evidence because it did not process OLEO’s request in a timely manner, OLEO does not certify the investigation as thorough, objective, and timely.

Certified Versus Not Certified Complaint Investigations

Of the 2020 complaint investigations formally reviewed, OLEO certified 104 complaint investigations and declined to certify 12⁶. Reasons for declining to certify an investigation included lack of objectivity demonstrated by the investigator and investigators not completing a thorough investigation. The number of Inquiries that OLEO declines to certify each year provides the Sheriff’s Office leadership, Council, and the public with important information about the quality of the investigations.



⁶ <https://kingcounty.gov/~media/6550D4B16C2B4736A496FE7772F1359E.ashx>



COMPLAINT INVESTIGATION DISPOSITIONS

Analysis of Investigation Findings

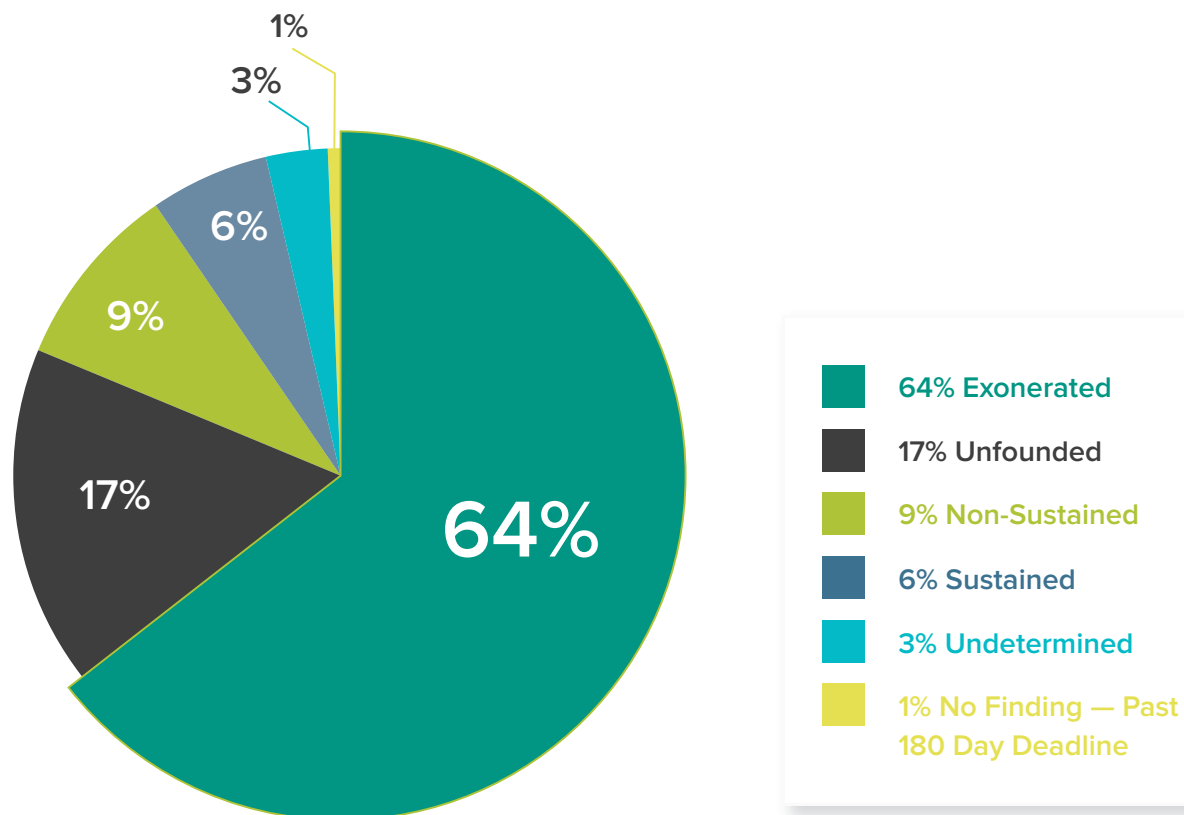
Following the investigation process, the Sheriff's Office issues a finding for allegations of misconduct⁷. According to Sheriff's Office policies, the standard of proof to sustain an allegation generally requires a "preponderance of evidence" (i.e., "more likely than not") that the policy violation occurred based on the facts. However, if criminal or serious misconduct is alleged, and there is a likelihood of suspension, demotion, or termination, the standard of proof is "clear and convincing evidence."

The Sheriff's Office determines whether allegations are classified as the following disposition categories:

- **Sustained:** the allegation is supported by sufficient factual evidence and was a violation of policy.
- **Non-Sustained:** there is insufficient factual evidence either to prove or disprove the allegation.
- **Unfounded:** the allegation is not factual, and/or the incident did not occur as described.
- **Exonerated:** the alleged incident occurred but was lawful and proper.
- **Undetermined:** the completed investigation does not meet the criteria of the above classifications.

Figure 1 shows dispositions for allegations of misconduct reported by community members⁸. The Sheriff's Office exonerated 64% of external allegations and sustained 6% of external allegations. Excessive or unnecessary use of force accounted for 15% percent of external allegations, and IIU did not sustain any of those allegations.

Figure 1: Complaint Investigation Dispositions for Allegations Against Sheriff's Office Employees, Both Sworn and Civilian, 2020



⁷ At the time of this analysis, OLEO did not recommend findings to the Sheriff's Office and was prohibited from any involvement in discipline. The new Collective Bargaining Agreement signed in 2021 has since authorized OLEO the duty to recommend findings.

⁸ This figure also shows a disposition of "No Finding - 180 Days," which occurs when IIU does not close an investigation within 180 days and is no longer allowed to enter a finding or impose discipline.

COMPLAINT INVESTIGATION DISPOSITIONS

Analysis of Investigative Findings Continued

Table 5 provides a summary of the sustain rate for the 10 most common external allegations. The Sheriff's Office issues corrective actions following a sustained finding, including discipline in the form of oral, verbal, or written reprimand; suspension; demotion; termination; or corrective counseling. IIU sustained 6% of the top 10 allegations of misconduct. The most common form of discipline was written reprimand followed by corrective counseling. See Table 6 for the discipline imposed by the Sheriff's Office for sustained external allegations of misconduct.

Table 5: Sustain Rate of the 10 Most Common External Allegations, 2020

Nature of Allegations	Total Allegations	Sustained Allegations	Rate
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	80	10	13%
Lack of courtesy	65	2	3%
Excessive or unnecessary use of force against a person	56	0	0%
Inappropriate use of authority	48	0	0%
Performs at a level significantly below the standard achieved by others in the work unit	26	4	15%
Bias based policing	22	0	0%
Conduct unbecoming	21	4	19%
Harassment based on race, ethnicity, gender, religion disability, or sexual orientation	15	0	0%
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so	10	0	0%
Obedience to laws and orders	9	1	11%
Total	352	21	6%

Table 6: Discipline for Sustained External Allegations of Misconduct, 2020

Nature of Allegations	Corrective Counseling	No Discipline	Oral/Verbal Reprimand	Suspension	Termination	Written Reprimand	Total
Abide by Federal and State Laws and applicable local ordinances, whether on or off-duty	-	-	-	-	-	1	1
Acts in violation of Sheriff's Office directives, rules, policies, or procedures as set out in the manual, the training bulletins, or elsewhere	2	1	1	1	1	4	10
Conduct unbecoming	-	-	-	2	1	1	4
Lack of courtesy	1	-	-	-	-	1	2
Obedience to laws and orders	-	-	-	-	-	1	1
Performs at a level significantly below the standard achieved by others in the work unit	4	-	-	-	-	-	4
Total	7	1	1	3	2	8	22

COMPLAINT INVESTIGATION DISPOSITIONS

Investigation Abstracts: Examples of Dispositions

The following complaint investigation abstracts are taken from closed IIU cases in 2020 and illustrates examples of what the different Sheriff's Office's dispositions mean in practice for allegations of misconduct⁹.



Sustained, Partially

Allegations: *Inappropriate use of authority; lack of courtesy; performance standards; and discrimination, incivility, and bigotry*

This complaint involved allegations that pertain to how deputies assisted someone with executing a civil stand-by order signed by a judge where the interaction resulted in the four allegations above. When there is a no contact order, a civil stand-by order allows the restrained party to be escorted by law enforcement to retrieve belongings from the place they are otherwise prohibited from being. On the date of the complaint, deputies accompanied the ex-boyfriend of the complainant to the apartment where she lived but she was not present at the time the order was executed.

The deputies did not utilize any other sources to verify that the ex-boyfriend lived at the address. Because the ex-boyfriend did not have a key, the deputies obtained access to the apartment from the landlord. Later, the complainant called the police to report a burglary. One of the deputies present at the time the civil stand-by order was executed went to the apartment to explain what took place and that she was not victim of burglary. Because of how the order was executed and the deputies' conduct, she filed a complaint.

The deputies stated in their interviews that they did not notify the complainant that they were assisting with executing the order, explained why they did not draft an incident report, denied they treated her differently because of race or gender, and that they remained courteous during the interaction. The Sheriff's Office Civil Unit provided subject matter expertise in the complaint investigation, stating that the occupant of the home should be present and notified when deputies assist with the execution of a civil stand-by order.

Reason for disposition: After all the evidence was reviewed, IIU sustained one allegation against the deputies for violating performance standards because it found more likely than not that the deputies did not follow procedures while executing a civil stand-by order. Discipline was imposed through a written reprimand, which provided the deputies with an outline of how they violated policy, and the deputies were educated on the proper process for the future.

Non-Sustained, Partially

Allegations: *Inappropriate use of authority; lack of courtesy; performance standards; and discrimination, incivility, and bigotry*

Another allegation made by the complainant in the case above was that the deputies abused their authority by entering her apartment without her permission. The deputies denied abusing their authority and ordering the landlord to give them access. The landlord's interview statement confirmed the deputies' account.

Reason for disposition: After all the evidence was reviewed, IIU concluded there was insufficient factual information to determine whether the deputies abused their authority when entering the apartment with a court order and ordering the landlord to grant them access, and the allegation was non-sustained.

⁹ See General Orders Manual for policies on Sheriff's Office conduct: <https://kingcounty.gov/depts/sheriff/about-us/manual.aspx>.

COMPLAINT INVESTIGATION DISPOSITIONS

Complaint Investigation Abstracts: Example Dispositions Continued

A complaint with multiple allegations can have a mix of outcomes based on the evidence for each allegation. OLEO also looks at the underlying policy questions or systemic concerns regardless of the disposition on individual complaints.

Complaint Classifications

- **Inquiries:** Allegations considered serious and therefore require a full investigation. Examples include complaints about excessive or unnecessary use of force against a person or conduct that is criminal in nature.
- **Non-Investigative Matter (NIM):** Allegations that, even if true, would not violate Sheriff's Office policy. The Sheriff's Office takes no action on these complaints. For example, a community member objects to having been stopped for a traffic violation, but the deputy had authority to conduct the stop, and there is no claim of misconduct.
- **Supervisor Action Log (SAL):** Allegations considered minor and referred to the employee's supervisor for handling. Examples include tardiness, uniform and equipment violations, and personal appearance infractions.

Allegation Dispositions

- **Sustained:** the allegation is supported by sufficient factual evidence and was a violation of policy.
- **Non-Sustained:** there is insufficient factual evidence either to prove or disprove the allegation.
- **Unfounded:** the allegation is not factual, and/or the incident did not occur as described.
- **Exonerated:** the alleged incident occurred but was lawful and proper.
- **Undetermined:** the completed investigation does not meet the criteria of the above classifications.

Unfounded

Allegations: *Excessive use of force and bias based policing*

This complaint involved allegations that the deputies used excessive force and were biased when they responded to a home alarm that was triggered multiple times. The complainant, who was the homeowner, stated the deputies approached his home, opened his car door, demanded his identification, and once he exited his vehicle, they threw him to the ground and handcuffed him for no reason. The complainant believed that the deputies treated him this way because they did not believe a black man could be a homeowner. A sergeant was called to the scene to document the forced used. The complainant provided a statement and was evaluated by medics before he was transported to jail. The deputies stated in their interviews that the complainant was aggressive and intoxicated, and that after he exited his vehicle, he tried to assault a deputy a few times. One of the deputies stated that once he understood the complainant was the homeowner, he attempted to leave the property, but the complainant charged at him. The same deputy stated he backed away from the complainant and attempted to deploy a Taser, but it was unsuccessful. The other deputies arrived and one of them assisted with placing the complainant into handcuffs. The deputies also stated that none of them knew the identity of the homeowner when they arrived on scene. When they arrived, they found the complainant sitting in his truck outside of the home in question. All deputies denied the allegations.

Reason for disposition: After all the evidence was reviewed, IIU concluded that the incident did not occur as described by the complainant and that the deputies acted appropriately while interacting with the complainant, including using force. As a result, the bias-based policing allegations against all the deputies were unfounded and the excessive force allegation against one of the deputies was unfounded¹⁰.

¹⁰ The other excessive force allegation was exonerated.

COMPLAINT INVESTIGATION DISPOSITIONS

Complaint Investigation Abstracts: Example Dispositions Continued

Exonerated

Allegation: *Discrimination*

This complaint involved an allegation that the detective discriminated against the complainant based on her mental health and, as a result, did not take a report from her. The complainant was in contact with the detective to report a child abduction and abuse involving her children. When the complainant explained the criminal allegations, the detective determined that her court-ordered parenting plan was the issue. The detective advised the complainant that she would need to seek changes to the parenting plan through court. In response to the complaint, the detective denied the allegation that he discriminated against the complainant. Although the complainant alleged that the detective refused to go to court for her regarding the changing the parenting plan, the detective stated in the investigation that he did not have authority to do so. He also explained he did not take a criminal report because the father of the children was allowed to have the children according to the parenting plan. Court documents confirmed the parenting plan, and as a result, there was lawful reason for the detective not taking a criminal report or going to court on behalf of the complainant.

Reason for disposition: After all the evidence was reviewed, IIU concluded that although the incident did occur as described, the detective acted lawfully based on the existence of the parenting plan and did not discriminate against the complainant because of her mental health issues. The allegation was exonerated.

Undetermined

Allegation: *Excessive use of force*

This complaint involved allegations that a deputy assaulted him by using excessive force on the complainant while on a Metro bus. In the initial written complaint, the complainant included that the deputy worked for the Sheriff's Office, and he provided a date and approximate time for the incident. No name or physical description of the deputy was provided. The complainant did not leave any viable contact information for the investigator to obtain more information. Although the investigator was able to obtain the computer aided dispatch, which the deputies use when reporting any police activity in the field, he was unable to locate any information concerning a Metro bus with associated deputies patrolling that area with the date and time provided in the written complaint. The investigator also obtained the video footage from the Metro bus identified in the complaint. Although the video showed the complainant sleeping on and then exiting the bus, it did not show any deputy or interaction with a deputy.

Reason for disposition: After all the evidence was reviewed, IIU concluded that, based on the lack of investigatory leads and the inability to get additional information from the complainant, there was insufficient information to identify that the deputy allegedly used excessive force and an undetermined finding was entered.





POLICY REVIEWS

Sheriff's Office Policy and Practices

OLEO provides feedback and recommendations on specific policies in the Sheriff's Office General Orders Manual (GOM) and on various Standard Operating Procedures. OLEO initiates some of the recommendations after observing a need and makes other recommendations in response to the Sheriff's Office's notification of proposed revisions to specific policies. These recommendations serve as an avenue for OLEO to address systemic issues of policing and to provide the public's perspective to the Sheriff's Office. OLEO recommended the following in 2020, and corresponding memos can be found on OLEO's website¹¹.

Body-Worn Camera (Not Formally Adopted in GOM)

The Sheriff's Office proposed a policy on body-worn camera and in-car video in preparation for potential future use. Among OLEO's recommendations were lifting the prohibition on random review of recordings and removing the provisions allowing for discretionary recording and expedited deletion of accidental recordings.

Administrative Review of Critical Incidents (GOM 6.02.000)

Revisions were made to the Sheriff's Office policy on administrative review of critical incidents, in part, in response to recommendations made by OLEO in its systemic review of an officer-involved shooting. Among OLEO's recommendations were to conduct formal administrative interviews for all involved personnel, make the union representative and department legal advisor non-voting members in Critical Incident Review Board, and to implement a list of questions for the board to answer.

Uniforms and Identification (GOM 4.00.000)

The Sheriff's Office revised the uniform and identification policy to implement recommendations from its Administrative Review Team and OLEO's systemic review of an officer-involved shooting. OLEO's recommendations included requiring sworn deputies to carry an authorized badge and identification card, clarifying planned and/or foreseen events, and requiring arrest teams to be clearly and immediately identifiable.

Appearance, Duty Belt, and Uniforms (GOM 7.00.000)

The Sheriff's Office revised the appearance, duty belt, and uniform policy to implement recommendations from its Administrative Review Team and OLEO's systemic review of an officer-involved shooting. OLEO recommended that, among other things, the policy should explicitly state permitted exemptions that may likely occur within historically marginalized groups and that gendered appearance requirements be removed from the policy to ensure inclusion of transgender and non-binary officers.

Mediation Program (GOM 3.03.300)

The Sheriff's Office proposed revisions to encourage mediation for employee-to-employee complaints. Among OLEO's recommendations were that mediation shall not be used when an employee makes a complaint involving bias by a supervisor or when a complaint involves dishonesty.

¹¹ <https://kingcounty.gov/independent/law-enforcement-oversight/policy-recommendations.aspx>

Discrimination (GOM 3.00.015(1)(g))

As mentioned in the Letter from the Director, OLEO initiated this policy recommendation in response to a Sheriff's Office employee using discriminatory statements while off-duty, which the current policy did not prohibit. After considering free speech rights, OLEO recommended that the Sheriff's Office's policy on discrimination should include off-duty incidents.

Bias Based Policing (GOM 3.00.015(1))

OLEO initiated this policy recommendation along with the above recommendation on discrimination. OLEO's proposed policy language clarifies the actions that are covered under bias-based policing, including that bias-based policing shall not be motivated even in part by any protected class, such as race, color, age, religion, sexual orientation, or gender expression.

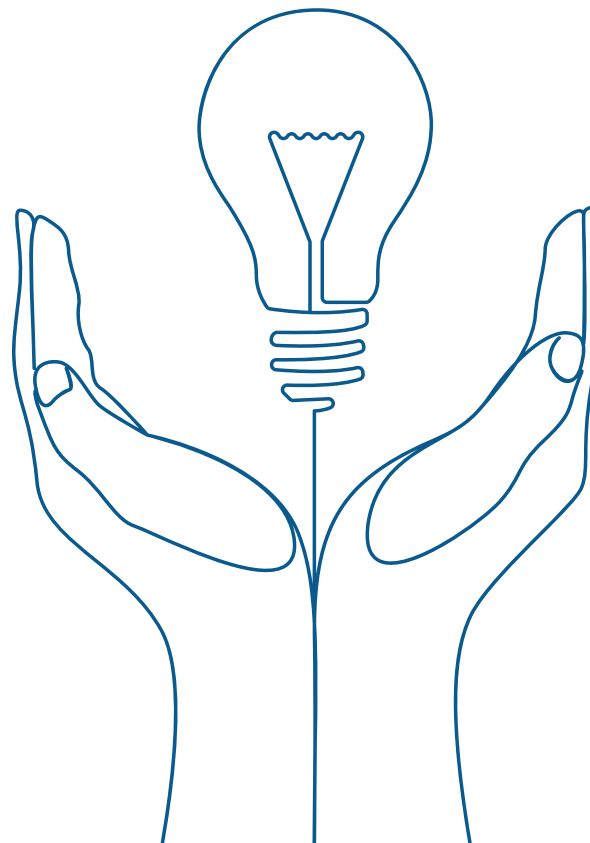
Pursuit of Motor Vehicles (GOM 9.01.000)

The Sheriff's Office sent OLEO revisions to this policy to which OLEO recommended that the Sheriff's Office revise the risk hazard analysis (which weighs the need to apprehend a suspect against safety to the public); clarify uniform requirements; state that a Precision Immobilization Technique maneuver executed over 35 miles per hour may be considered deadly force; and change "immediate" to "imminent" throughout the policy.

OLEO met with the Sheriff's Office during the revision process to understand Sheriff's Office's intention behind changes as well as to communicate concerns with specific language.

Using the Taser (GOM 6.03.030)

OLEO initiated this policy recommendation in response to its review of an internal misconduct investigation, learning that the policy may not be clear on the expectations around using the Taser on persons who are fleeing. OLEO recommended that deputies shall not use a Taser on persons that are fleeing unless reasonable suspicion or probable cause exists.



POLICY REVIEWS

Policy in Action

OLEO's commitment to de-escalation training extends to seeing how tactics work in the field. Part of de-escalation is for responding deputies to know when to call their Crisis Negotiation Team (CNT) to assist with de-escalating situations that involve people in behavioral crisis. The following are two highlights of Sheriff's Office personnel and the CNT successfully de-escalating those situations.

May 2020 Burien Incident

Patrol deputies assisted two Designated Crisis Responders (DCRs) and a case manager to detain a person who was court-ordered to receive mental health treatment. The person had documented mental health diagnoses, had previously been involuntarily hospitalized for harming himself or others, and could be assaultive and extremely argumentative. Although there were no reports of the person having weapons, the person had fallen at some point and hit his head, resulting in some bleeding. The extent of his injuries was not known because he had locked himself in his room and refused to come out. A patrol sergeant requested that someone from the CNT assist.

A CNT deputy arrived and had the DCRs and patrol deputies in a position so that when the room door was open, the person would see the DCRs first rather than uniformed deputies. The CNT deputy opened the door, which caused the person to start yelling that he wanted them out of his room. The CNT deputy placed a drawer on the floor so that the person could not close the door. The CNT deputy began explaining to the person that the DCRs were there to take him to the hospital. The person stated several times that he was not going to the hospital and that he did not want the deputy to come into the room. Using that as a bargaining chip, the CNT deputy stated that he would respect his privacy and not come into the room unless given permission. This seemed to have put the person at ease and they began talking. The person asked where the ambulance was and the CNT deputy directed the person to look out his window where the ambulance was waiting. Once the person saw the ambulance, he began walking out of his room. As patrol was detaining him and moving him onto the stretcher, he got agitated again. The person's cap moved down over his face and the CNT deputy adjusted it for him and continued to talk with him. He was detained and taken to the hospital. The negotiation lasted about 45 minutes.

June 2020 Burien Incident

CNT was dispatched to a scene where a person was hanging over the side of a bridge saying he would jump off. Initially, a Washington State Patrol trooper was talking with the person, but a CNT deputy took over after his arrival on scene. During that conversation, the person provided information about where he was from. CNT's intelligence deputies and a mental health provider was able to get in touch with the person's family who lived out of state. The person's family provided information about some things that would positively interest the person. The CNT deputies negotiated with the person for about five hours before the person came back over the ledge. He was evaluated by the mental health provider and medics before being taken to the hospital for mental health treatment.





SYSTEMIC REVIEWS AND REPORTS

2020 Systemic Reviews and Recommendations



OLEO released two systemic review reports in 2020 that evaluated the Sheriff's Office policies, practices, and review mechanisms for the officer-involved shootings of Mi'Chance Dunlap-Gittens and Tommy Le. Both incidents took place in 2017. OLEO engaged the OIR Group to conduct systemic reviews, which included extensive evaluation and assessment of the investigative file and Sheriff's Office internal review documents for each incident. The goal of each report was to identify any opportunities for improvement, particularly in regard to the objectivity and thoroughness of fact collection and the rigor of the subsequent internal review of the Sheriff's Office's actions.

The reports identified issues that occurred during the incidents and with the Sheriff's Office's investigations and internal administrative reviews of the incidents and resulted in numerous recommendations for improvement to policies and practices. The following are highlights from each report:

Evaluation of the King County Sheriff's Office: Policy, Practice, and Review Mechanisms for Officer-Involved Shootings, Systemic Review of January 27, 2017, Officer-Involved Shooting of Mi'Chance Dunlap-Gittens

Mi'Chance Dunlap-Gittens, who was 17-years old at the time, was shot and killed during a Sheriff's Office undercover operation. The undercover operation was related to an investigation of a hit-and-run homicide where an officer's son (that officer did not work for the Sheriff's Office) was killed two days prior. The goal of the operation was to arrest a "person of interest" in the homicide, which was not Dunlap-Gittens.

As part of the operation, detectives set up an alcohol purchase where the person of interest agreed to sell bottles of liquor to a minor, who was an undercover officer. During the incident, the person of interest was accompanied by Dunlap-Gittens, whose presence was unanticipated. As part of the operation, instead of having a separate arrest unit in full uniform and in clearly marked patrol vehicles, the three officers tasked with arresting the person of interest were hidden in the back of the van in which the undercover officers were driving. The three officers were not in full uniform, were in plainclothes (i.e. civilian clothes), and had varying degrees of police markings. When the person of interest and Dunlap-Gittens approached the van, the arrest team suddenly opened the door to arrest them. One of the officers discharged their firearm and the person of interest and Dunlap-Gittens began to flee. The officers stated that when Dunlap-Gittens was fleeing, he had a gun in his hand and looked back at them. They shot and killed him. The person of interest was subsequently arrested, and the Sheriff's Office learned he was not involved in the hit-and-run homicide. A civil lawsuit filed by Dunlap-Gittens's family was settled in 2020 for \$2.25 million.

The Sheriff's Office conducted the criminal and administrative investigations into the officer-involved shooting.

Some recommendations included in the OIR Group's report are that the Sheriff's Office should:

- Revise protocols to require written operation plans and risk assessments for all undercover operations and assign the arrest function to uniformed personnel.
- Require that any undercover operation participant receive formal undercover training.
- Advise its members that speculative, generalized concerns about a subject escaping and harming innocent third parties is an insufficient basis for the application of deadly force.
- Revise protocols so that a videotaped interview of involved officers is conducted before the end of shift.

Evaluation of the King County Sheriff's Office: Policy, Practice, and Review Mechanisms for Officer-Involved Shootings, Systemic Review of June 14, 2017, Officer-Involved Shooting of Tommy Le

Tommy Le, who was 20-years old at the time, was shot and killed when the Sheriff's Office responded to 911 calls regarding a disturbance in a residential neighborhood. Callers reported that the individual had run after them with a knife in his hands and was yelling he was the "creator." Le appeared to have been in behavioral crisis. Deputies responded. They gave verbal commands to Le to drop the object in his hand, but he did not. He moved toward the deputies and bystanders. Deputies deployed Tasers, to no avail. Deputies drew their firearms and one of them shot Le. After Le was shot and on the ground, deputies discovered that the item in his hand was a pen. A civil lawsuit filed by Le's family was settled in 2021 for \$5 million.

The Sheriff's Office conducted the criminal and administrative investigations into the officer-involved shooting. The criminal investigation focused heavily on whether Le had a knife in his hand and swapped it for a pen at some point, rather than focusing on the officer's actions leading up to the uses of force. Additionally, the Sheriff's Office reported that Le had a knife despite having information that he was found with a pen and failed to issue a public correction.

Some recommendations included in the OIR Group's report are that the Sheriff's Office should:

- When releasing information to the public, emphasize accuracy and an objective framing of facts considering their relevance.
- Always consider whether, in cases involving multiple deputies on scene, deputies articulated any plan prior to engagement and consider that fact in its "totality of the circumstances" deadly force analysis.
- Articulate any disparity in size and stature between its members and the subject of force and consider that factor in its "totality of the circumstances" evaluation.
- Not use concerns about pending litigation to avoid cooperating in any review mechanism designed to improve agency performance during and after critical incidents.
- Revise protocols so that a videotaped interview of involved officers is conducted before the end of shift.
- Modify its policy so that participating by the Guild representative and legal advisors in the Critical Incident Review Board is limited to a non-voting role.

Recommendations Update

To track the implementation of recommendations OLEO makes to the Sheriff's Office through systemic reviews, OLEO launched a recommendations tracker in 2020 that highlights the implementation status of each recommendation. From the five reports released between 2018 and 2020, OLEO made a total of 137 of recommendations on matters ranging officer involved shooting use of force critical incidents, transparency and media relations, classification review of misconduct complaints, and the processing of use of force complaints. OLEO is in the process of determining what recommendations the Sheriff's Office has implemented and to what extent. Visit OLEO's website¹² to view the full reports and recommendations.



Between 2018 and the close of 2020, OLEO provided the Sheriff's Office with **137 systemic recommendations in 5 separate reports.**



¹²<https://kingcounty.gov/independent/law-enforcement-oversight/report-recommendations.aspx>

CRITICAL USE OF FORCE INCIDENTS

Summary of Critical Use of Force Incidents

Deputies who use force on an individual that meets the Sheriff's Office's criteria for reporting¹³ are required to call a sergeant in most instances. For lower-level uses of force, a sergeant responds to the scene and begins an administrative force investigation, and the report eventually works its way up the chain of command for review. With the Washington State law requiring independent criminal investigations for law enforcement use of deadly force, investigators from other agencies, such as the Seattle Police Department's Force Investigation Team and the multi-agency Valley Independent Investigation Team, conducted the criminal investigations of some of the Sheriff's Office's critical incidents. The Sheriff's Office's Administrative Review Team (i.e., the team that conducts the administrative investigation for critical incidents) and Major Crimes Unit also respond to the scene to observe and, where needed, act as liaisons to the independent investigators or conduct investigation for administrative aspects, such as policy, training, and equipment.

In 2020, there were 197¹⁴ reported uses of force by Sheriff's Office deputies. Of those force incidents, eight were considered "critical incidents," some of which qualified for independent investigations. Critical incidents could be force incidents that either resulted in death or serious injury, deaths that occurred while in Sheriff's Office custody, or use of deadly force, regardless of whether any contact or injury occurred.

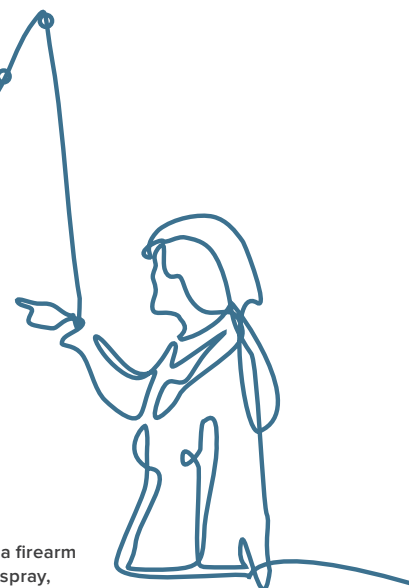
OLEO's role in reviewing critical incidents includes attending and observing the processing of scenes of officer-involved shootings and serious uses of force. OLEO has authority to monitor the administrative investigation and attend force reviews for critical incidents.

In addition to independent criminal investigations and King County inquests, the Sheriff's Office has several administrative processes to review critical incidents:

- Administrative Review Team (ART): a team of investigators and commanders that review the incident and conduct an administrative investigation intended to look at issues such as policy, training, equipment, tactics, and communications.
- Critical Incident Review Board (CIRB): a board, which includes members such as the Undersheriff, chiefs, Advance Training Unit sergeant, legal advisor, Guild representative, and OLEO (non-voting member), that convenes to determine whether deputy actions violated Sheriff's Office policy.
- Internal Investigations Unit: investigators conduct complaint investigations when a complaint alleges that misconduct occurred during the critical incident.

¹³ The Sheriff's Office has three categories for reportable force. Level I, for example, includes control holds and "show of force" by displaying a firearm but does not require a supervisor to respond to the scene unless a complaint is made. Level II, for example, includes using a Taser or pepper spray, K-9 bites, aiming a firearm at a person, hitting or striking someone with hands, feet, or an object, and any other force that result in injury or complaint of injury. Except for aiming a firearm, a supervisor is required to respond to the scene. Level III, for example, includes discharge of a firearm toward a person, a strike to the head, neck or throat with a hard object, or any other actions or means reasonably likely to cause death or serious physical injury. A supervisor is required to respond to the scene and the Commander must also be notified. GOM 6.01.015.

¹⁴ This number includes use of force and critical incident cases, excluding 2019 cases, and any overlap.





CRITICAL USE OF FORCE INCIDENTS

2020 Critical Incidents

Shooting During Operation in Seattle

The Sheriff's Office participated in an operation in Seattle. During that operation, officers ended up firing their weapons. The suspect sustained a non-life threatening injury. The Valley Independent Investigation Team conducted the criminal investigation. OLEO attended the scene. The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.

Taser Deployment During Welfare Check

The Sheriff's Office conducted a welfare check at a home. During the incident, a Taser was deployed and the person was seriously injured. Although this incident did not require an independent investigation, the Sheriff's Office had the Valley Independent Investigation Team conduct the criminal investigation for transparency. The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.

Lateral Vascular Neck Restraint During Arrest

The Sheriff's Office used a Lateral Vascular Neck Restraint during an arrest of a resisting suspect. No injuries were sustained during the arrest, but since the Sheriff's Office policy using a Lateral Vascular Neck Restraint states that it may be considered deadly force, the incident was not initially reviewed as critical. The CIRB reviewed the case and OLEO recommended, among other things, that the policy be revised to state that any physical application or maneuver to the neck region that restricts blood or air flow shall be considered deadly force. The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.

Pursuit and Precision Immobilization Technique Resulting in a Vehicle Roll-Over

During a pursuit, a deputy performed a Precision Immobilization Technique to stop the suspect vehicle. It resulted in the suspect vehicle rolling over. The suspect sustained serious injuries. ART conducted the investigation, the CIRB reviewed the case, and the Sheriff's memo is still pending at the time of this publication.

Shooting Death of Stabbing Suspect

The Sheriff's Office responded to two 911 calls where each person reported being stabbed by a stranger in Shoreline. After locating the suspect and giving commands, which the suspect did not follow, deputies shot the suspect. He died. The Seattle Police Department conducted the criminal investigation. OLEO attended the scene. The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.



Taser Deployment and Self-Inflicted Injury

The Sheriff's Office responded to a 911 call regarding a theft from a store. A deputy attempted to take the person into custody and tasered him. During that interaction, the person cut himself. ART conducted the administrative investigation. OLEO attended the scene. The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.

Pursuit Resulting in Multiple Vehicle Collision

The Sheriff's Office pursued a vehicle being driven by a person suspected of a felony. It resulted in two separate collisions, including a deputy hitting uninvolved vehicles and the suspect vehicle hitting another vehicle. ART conducted the administrative investigation along with the Major Crimes Unit. OLEO attended the scene. The Sheriff's Office's Driving Review Board reviewed the case and determined the pursuit was not within policy. The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.

Shooting Death in Auburn

A Sheriff's Office deputy responded to a disturbance in the neighborhood. During the incident, the person causing the disturbance was shot and killed. The Valley Independent Investigation Team conducted the criminal investigation. OLEO attended the scene but was not given access to the scene by Valley. The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.

Shooting Death in Woodinville

The Sheriff's Office responded to a 911 call regarding a suspect prowling vehicles. During the incident, two deputies sustained gunshot wounds and the suspect was killed. Seattle Police Department conducted the criminal investigation. OLEO attended the scene. Review by the CIRB is still pending at the time of this publication.



CRITICAL USE OF FORCE INCIDENTS

Updates on 2019 Critical Incidents

Tasing and Shooting in White Center, Suspect Not Injured (February 2019)

- The Seattle Police Department conducted the independent criminal investigation for the incident and the Sheriff's Office conducted the ART investigation.
- An ART "lessons learned" meeting was held, but there is no record that a CIRB was held.
- During the ART review, it was discovered that an involved employee had not been current on his Taser certification despite deploying it. A misconduct investigation was opened, the allegation sustained, and the employee was provided correct counseling.

Vehicle Pursuit and Precision Immobilization Technique, Suspect Injured (August 2019)

- The Sheriff's Office conducted an ART investigation for the incident.
- OLEO attended the Sheriff's Office's department-level Driving Review Board, an internal administrative review board that determines, among other issues, whether a pursuit, including the sergeant's supervision of it, and the Pursuit Immobilization Technique was within policy.
- The Driving Review Board found the pursuit and the Precision Immobilization Technique within policy.

In-Custody Death by Suicide (September 2019)

- The Sheriff's Office conducted an ART investigation for the incident.
- OLEO attended the ART "lessons learned" meeting. Below are some of the recommendations and status of implementation:
 - » Install better quality video cameras and multiple monitors in Precinct 3 & 4. Completed at Precinct 4; pending at Precinct 3.
 - » Improve video camera coverage so that the entire holding cell is in view. In-progress and work order pending with King County Facilities Management Division; OLEO has not independently verified.
 - » Add to the holding cell log sheet a question asking someone in custody whether they are having suicidal thoughts or intend of harming themselves. Completed.
 - » Install Automated External Defibrillators in both Precinct 3 & 4 in-custody holding areas. Completed.

Officer-Involved Shooting During Arrest Operation of Homicide Suspect, Suspect Not Injured (October 2019)

- The Sheriff's Office conducted the ART investigation for the incident.
- OLEO attended the CIRB and the Sheriff's memo is still pending at the time of this publication.

Officer-Involved Shooting of Stolen Vehicle Suspect, Suspect Died (November 2019)

- The Sheriff's Office conducted two administrative investigations of this incident, one of which was a misconduct complaint against involved detectives for using excessive or unnecessary force, performing below standards of the work unit based on the tactics they used, and performing below the standard of the work unit by not wearing ballistic vests.
- One detective was terminated as a result of the misconduct investigation.
- The CIRB reviewed the case and the Sheriff's memo is still pending at the time of this publication.



EMPOWERING PERSONNEL, PEOPLE, AND COMMUNITIES

The Value of Training and Active Learning

OLEO maintains a strong commitment to advocating for Sheriff's Office personnel to receive regular in-person training and professional development. Robust, innovative, and responsive professional development is truly important in today's ever-changing public safety environment, and the value of training should not be underestimated. While time, funding, and other resources prove necessary for training, its worth is evident in that it benefits not only officers answering calls for service, but also the agency and the community members served. During 2020, OLEO continued to advocate for annual training opportunities that help ensure Sheriff's Office personnel receive ongoing skills, management, and leadership trainings.

A law enforcement agency that fosters a culture of knowledge-sharing and active learning is better positioned to safely meet the challenges of its profession and better address complex public safety needs in evolving social and community conditions.

Law enforcement training also holds an important value for oversight agencies by:

- Strengthening understanding and improving knowledge, skills, and experience through first-hand exposure.
- Enabling oversight to make more nuanced recommendations.
- Allowing oversight to monitor whether training is consistent with policy.
- Providing an avenue for information sharing between the Sheriff's Office and OLEO employees.
- Serving as an opportunity to provide a civilian perspective and have conversations directly with deputies.

Overview of Training for Sheriff's Office Sworn Employees

Basic Law Enforcement Academy (BLEA)

720-hour training designed to provide new recruits with the basic knowledge and skills necessary for safe, proper, and effective law enforcement service. BLEA instructional blocks include criminal law and procedures; traffic enforcement; cultural awareness; communication skills; emergency vehicle operations course; firearms; crisis intervention; patrol procedures; criminal investigation; and defensive tactics. After hire, the Sheriff's Office continues training.

Post-BLEA

4-week training and development focused on policies and practices specific to the Sheriff's Office. The program covers patrol procedures; care under fire; report writing; taser training; defensive tactics; emergency vehicle operations; pursuit policy; and legal intervention.

Police Officer Training

15-weeks of post-academy training that utilizes a problem-based learning approach to provide new deputies with applied training under constant, direct supervision.

Professional Development

Ongoing professional development courses include in-service continuing education, and other skill specific trainings in areas such as de-escalation, implicit bias, and crisis intervention.



Currently, the Sheriff's Office's professional training and development priorities include:

- Filling vacant full-time positions in the Training Unit and adding additional staffing capacity.
- Acquiring a facility to meet the training needs of the agency.
- Bringing in more curriculum focused on developing emotional intelligence.
- Providing more reality-based training to enhance threat assessment and decision-making.
- Integration of control/defensive tactics into a quarterly required training.

EMPOWERING PERSONNEL, PEOPLE, AND COMMUNITIES

Spotlight on Trauma-Informed Interviewing

“We both thought the training was very beneficial because it clearly showed officers that family members, regardless of the reasoning for the officer-involved shooting, will be suffering from trauma after an incident like this and should be approached as if they were victims. Because they have suffered the loss of a loved one.”

*— Annalesa and Fred Thomas, Next Steps Washington
Parents of Leonard Thomas (deceased 2013, Lakewood, WA)*



Innovation in Action: Project Engage

Project Engage is an 8-hour training on procedural justice and trauma-informed interviewing that was developed by the Sheriff’s Office in collaboration with the King County Prosecuting Attorney’s Office Domestic Violence Unit, local crime victim advocacy organizations, and survivors of trauma. The goal of the training is to teach investigators best practices to help them increase the accuracy and reliability of information obtained from survivors of trauma by giving the survivor a voice and addressing the survivor’s need to feel safe and respected during the investigative process. The training includes a powerful story told by a trauma-survivor to help investigators understand the impacts of trauma and develop empathy.

The students participate in role-play exercises and complete a self-reflective journal to help them personalize the investigative process for the specific context of their work. This training has been presented throughout the region focusing on the needs of survivors of domestic violence. An action research study on the training conducted in 2020 showed a significant increase in knowledge for students who participated in the instructional intervention as a result of the use of adult learning methods.

OLEO was invited to participate in a pilot session of Project Engage that focused on interviews of people witnessing or involved in significant police uses of force. The parents of a man who was killed by law enforcement told students a compelling story and shared details of their experience during the incident and subsequent investigation. The students, who work in areas that involve investigations of law enforcement use of force and misconduct, were able to interact with the survivors to better understand their perspective. The insights gained from the discussion were used by students to develop an individualized interview process that followed the principles of procedural justice and trauma-informed practices. The students tested the interview model they developed during role-play exercises, and received feedback so they could adjust the model to meet the objectives of the training. This training shows promise for future training programs on related topics.

The training was well-received and analysis of the pilot session may be used to inform future trainings on the topic. One of the community members who told their story of survival during the training said, “The officers saw us as humans and walked in our shoes—and we saw them as humans and walked in theirs. We met in the middle, and it was great!”

— Contributed by Andrew McCurdy, Chief of Covington Police, King County Sheriff’s Office

EMPOWERING PERSONNEL, PEOPLE, AND COMMUNITIES

Community Engagement and Participation

Working Together to Improve Public Services

In 2020, the community spoke emphatically about the need for change in law enforcement systems. It called on public leaders to critically assess the leadership, policies, practices, and behaviors of law enforcement.

OLEO heard from the community in record numbers about law enforcement throughout the region. Some central themes included:

- The need to broadly improve law enforcement policies and practices, and leadership, including transparency.
- The role of law enforcement oversight in driving public safety change.
- Law enforcement actions during community protests or on social media.
- Law enforcement de-escalation tactics being inadequate leading to excessive force.
- Support for implementing and mandating use of body-worn and vehicle dashboard cameras.
- Reducing law enforcement funding in favor of incorporating more community-based alternatives.

Engagement and Participation in Oversight

OLEO seeks to engage and empower the diverse community members and partners served by the Sheriff's Office to participate in King County's oversight work. Communities play an important role in informing law enforcement and oversight priorities. By forging trusting relationships and serving as a community resource, OLEO works to enable people, communities, and organizations to express their views and build capacity to engage in opportunities to shape decisions that impact them.

OLEO's approach to engaging and collaborating with the public seeks to build on and advance the *King County Strategic Plan – Working Together for One King County*¹⁵, the *National Association for Civilian Oversight of Law Enforcement Code of Ethics*¹⁶, as well as the *King County Equity and Social Justice Ordinance and Strategic Plan*¹⁷. By bringing community voice to the civilian oversight process, OLEO promotes greater equity and transparency in how the Sheriff's Office provides services.

OLEO's engagement efforts have helped:

- Center the value of all human experiences in King County's work to create more equitable public service systems.
- Educate, involve, and empower people to engage in civic process and law enforcement accountability work.
- Inform the community about Sheriff's Office policies, practices, systemic issues, and accountability requirements.
- Create a robust and inclusive public dialogue that leads to innovative ideas that influence in decisions.
- Address the root causes of issues and inequities so all people have the opportunity to thrive.
- Co-create a more safe, accessible, and just public safety system.
- Ensure community priorities are shared with the Sheriff's Office personnel and the Council.
- Shaped OLEO's work priorities, policy recommendations, and systemic issues for evaluation and review .



¹⁵ King County Strategic Plan: <https://kingcounty.gov/depts/executive/performance-strategy-budget/performance-strategy/Strategic-Planning.aspx>

¹⁶ National Association for Civilian Oversight of Law Enforcement Code of Ethics: https://www.nacole.org/nacole_code_of_ethics#:~:text=Treat%20all%20individuals%20with%20dignity,nationality%2C%20religion%2C%20sexual%20orientation%2C

¹⁷ King County Equity and Social Justice Strategic Plan: <https://kingcounty.gov/elected/executive/equity-social-justice/strategic-plan.aspx>

EMPOWERING PERSONNEL, PEOPLE, AND COMMUNITIES

Community Advisory Committee on Law Enforcement Oversight

The Community Advisory Committee for Law Enforcement Oversight (CACLEO) is an 11-member appointed body that advises and works collaboratively with OLEO. Two new members joined CACLEO in 2020, and four positions remain open with recruitment underway.

Appointees must reflect the diversity of the Sheriff's Office service areas, including partner cities, or are appointed as at-large members based on demonstrated commitment to advancing the interests of community. Information about how to apply for consideration to become a member of CACLEO is available on OLEO's website¹⁸.

CACLEO:

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

2020 CACLEO Members

Abiel Woldu, Chair	Sili Savusa	Vicente Omar Barraza
Mayor Kimberly Lisk	Pastor Anja Helmon	Melodie Reece Garcia
Steve Miller	Nick Allen, Esq.	Unincorporated Area 1 Vacant and Recruiting
Unincorporated Area 2 Vacant and Recruiting	Unincorporated Area 3 Vacant and Recruiting	Unincorporated Area 4 Vacant and Recruiting

Major achievements in 2020 include:

- Engaging with the media and community members regarding law enforcement accountability and allegations of misconduct during social unrest and protest.
- Advising the Council on critical skills and competencies for the next OLEO Director. Member advocacy led to CACLEO inclusion in the Council-led search, recruitment, and hiring process to ensure the interests of the community are equitably heard and considered.
- Undertaking an in-depth study and evaluation of body-worn and vehicle dash cameras as tools for law enforcement transparency, accountability, and systemic improvement.
 - » CACLEO engaged in exploratory dialogue with community activists, OLEO, and the Sheriff's Office regarding pilot evaluation of body and dash cameras, and desired outcomes if implemented.
 - » CACLEO submitted an advisory memo to the Sheriff's Office¹⁹, OLEO, and the Council on how the county should proceed with study, evaluation, and community engagement related to potential police camera utilization.
 - » CACLEO provided direct review and input to OLEO and the Sheriff's Office on the draft camera policy.
- Creating a Spanish language community engagement campaign to raise awareness about OLEO's work, how to address law enforcement misconduct, or advocate change and improvement.
- Adopting new bylaws that increase member accountability and make the opportunity to serve more accessible.

¹⁸ <https://kingcounty.gov/independent/law-enforcement-oversight/citizens-advisory-committee/members.aspx>

¹⁹ <https://kingcounty.gov/~media/independent/law-enforcement-oversight/Documents/2020/CACLEO-Police-Camera-Advisory-Memo.ashx?la=en>

APPENDIX

Complaint Investigations Reported by Sheriff's Office Employees

There were 157 complaints of misconduct that were reported by Sheriff's Office employees (internal) which included 220 allegations. Of those 157 complaints, IIU classified 75 complaints as Inquiries. The most common internal allegation involved a subject employee violating Sheriff's Office directives, rules, policies, or procedures, followed by absence from duty without leave. IIU sustained 62 allegations of misconduct and 57 of the 10 most common internal allegations. See Table 7.

Table 7. 10 Most Common Internal Allegations, 2020

Nature of Allegations	Number of Allegations	Number of Sustained Allegations
Acts in violation of Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere	37	26
Absence from duty without leave	14	11
Conduct unbecoming	12	6
Lack of courtesy	8	3
Discrimination, incivility, and bigotry	8	0
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so	8	1
Willful violation of either Sheriff's Office Civil Career Service Rules, or King County Code of Ethics, as well as King County Sheriff's Office rules, policies and procedures	7	1
Insubordination or failure to follow orders	6	4
Performs at a level significantly below the standard achieved by others in the work unit	6	2
Lack of Punctuality	3	3
Total	109	57
Total Number of Internal Allegations	128	



APPENDIX CONTINUED

Update on 2019 Complaint Investigations

In 2019, the Sheriff's Office had not closed one complaint investigation by June 30, 2020. The allegation was not listed in the file, but the case was related to the lapse in the collection and/or reconciliation of department-level quarterly ammunition inventory records in 2016. The complaint did not include subject employees. The investigation was closed as "No Finding - 180 Days," which occurs when IIU is does not close an investigation within 180 days and is no longer allowed to enter a finding or impose discipline.





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To request a print copy, call or email OLEO, or to view the online version of this report, visit: www.kingcounty.gov/independent/law-enforcement-oversight/reports.aspx.