



KING COUNTY SHERIFF'S OFFICE
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Seattle, WA 98104

Mitzi G. Johanknecht
Sheriff

June 3, 2019

The Honorable Rod Dembowski
Chair, King County Council
Room 1200
King County Courthouse

Re: Ordinance 18835, Section 21, Proviso 3

Dear Councilmember Dembowski:

The following In Service Training Plan is submitted in accordance with 2019-2020 Biennial Budget Section 21, Proviso 3, and Ordinance No. 18835. In cooperation with the Office of Law Enforcement Oversight (OLEO) the Sheriff's Office has developed training in the area of procedural justice, Listen and Explain with Equity and Dignity (LEED) communication, violence de-escalation, and anti-bias training for all employees managed by the King County Sheriff.

This report will respond to and address the direction from King County Council as adopted by ordinance:

Of this appropriation, \$1,100,000 shall not be expended or encumbered until the sheriff's office, in cooperation with the office of law enforcement oversight, transmits a detailed in-service training plan and a motion that should acknowledge receipt of the plan and reference the subject matter, the proviso's ordinance, ordinance section and proviso number in both the title and body of the motion and a motion acknowledging receipt of the plan is passed by the council.

The proviso requested we respond to specific areas of concern which will be addressed in the body of this document.

- A. Descriptions of the specific in-service training curriculum modules, which shall include the areas of procedural justice, LEED, violence de-escalation, anti-bias and crisis intervention training;
- B. Description of the method of delivering such trainings to both deputies and other employees managed by the Sheriff;

- C. The timeline for implementation of in-service trainings in the area of procedural justice, LEED, violence de-escalation, and anti-bias requirements;
- D. An analysis describing how the in-service training curriculum in the areas of procedural justice, LEED, violence de-escalation, and anti-bias will meet the anticipated state mandated law enforcement training requirements; and
- E. An assessment of the efficacy of the planned in-service training curriculum modules in the areas of procedural justice, LEED, violence de-escalation, and anti-bias training methods of delivery and implementation timeline by the office of Law Enforcement Oversight.

The Sheriff's Office In-Service Training Plan is a continuation and update of the in-service training provided to commissioned staff in 2017-2018. As part of our update, we had OLEO staff attend training sessions and have incorporated their feedback into our training. We believe this training will help reduce the likelihood of and improve the outcomes in potential use of force situations, as well as improve understanding and trust within the communities we serve. It is also important to note that while we expect this training will meet the requirements of I-940/SB-HB1064, there may still be further mandates from the state that would require additional time and cost to conduct.

Concept definitions

- Procedural Justice – how law enforcement utilizes its decision making power over another, and the perception of how we exercise our authority to gain voluntary compliance.
- LEED – listening is a fundamental aspect of communication. Did law enforcement consider the expressed thoughts of the parties involved?
- Explain how we (law enforcement) arrive at a decision, why and what will happen next. What does the process look like moving forward for those concerned?
- Equity – Outcomes should be perceived as fair. Was the person treated like anyone else would be in a similar circumstance? Was law enforcement focused on the behavior versus the personality?
- Dignity – Law enforcement should leave the person feeling like a respected human being, with their dignity intact.
- De-escalation encompasses all of the tools, tactics and techniques used to generate voluntary compliance. It is a critical component when law enforcement has to use force.

2019-2020 In Service legal mandates

In order to cycle all Sheriff's employees through our In-Service training, we have developed a training schedule consisting of three training sessions (Bias Awareness, De-escalation, and Defensive Tactics) over 1 ½ years for all department personnel. Our training curriculum is supported by the following state and federal legal mandates and Sheriff's Office policy:

- WAC 139-05-300 – Requirement for In Service Training.

- WAC 296-800-15005 – Make sure that first aid trained personnel are available to provide quick and effective first aid. You must comply with the first aid training requirements of 29 C.F.R 1910.151(b).
- OSHA 1919.151(b) – In the absence of a medical facility in near proximity to the workplace a person or persons shall be adequately trained to render first aid.
- GOM 3.00.030 – Bias awareness training.
- GOM6.00.020 – Firearms, and training for use of force documentation and less lethal/de-escalation.
- GOM 6.01.000 – Reporting and documenting use of force.
- RCW 36.28A – Washington Association of Sheriffs and Police Chiefs.
- RCW 9A.16.040 – Use of force by a public officer, peace officer, person aiding (good faith standard) as amended by I-940.
- RCW 43.101.452 – Mental health training as amended by I-940. All law enforcement officers in Washington State must receive mental health training.
- I-940/SB-HB1064 – Law enforcement training, criminal liability standard for use of deadly force, independent investigations of deadly force incidents and rendering first aid.
- U.S. Court of Appeals, 9th Circuit, Thompson v Rahr – Use of force continuum begins with pointing/aiming a firearm.

Bias Awareness (2019 – 2020)

We are fortunate to have Dr. Bryant Marks, Ph.D. conduct all 24 sessions of our bias awareness training. Dr. Marks was first introduced to our agency in 2018 by the Director of the Office of Law Enforcement Oversight. According to his biography, Dr. Marks is a minister, researcher, trainer and award winning educator. Dr. Marks has provided diversity, equity, and inclusion training for 18 years. His personal and professional mission is to develop the knowledge, wisdom, and skills of others that will allow them to reach their full potential and live their lives with purpose and passion. Dr. Marks is the Founding Director of the National Training Institute on Race and Equity and is a professor in the Department of Psychology at Morehouse College. He served on President Obama's Board of Advisors with the White House Initiative on Educational Excellence for African Americans and as senior advisor with the White House Initiative on Historically Black Colleges and Universities. Dr. Marks was a contributor/trainer with the Obama Administration's My Brother's Keeper and 21st Century policing programs. Dr. Marks has provided implicit bias training to over 2,000 police chiefs and executives via a series of briefings at the White House in 2016, and several thousand patrol officers in local police departments including the entire Los Angeles Police Department. He has also provided training related to diversity and implicit bias to individuals in education (k-12 and higher education), philanthropy, non-profits, local and federal governments, and several other sectors. He serves on several national boards and is a highly sought after speaker and trainer.

Dr. Marks holds a B.A. in psychology with a minor in economics from Morehouse College, and an M.A. and Ph.D. in social psychology from the University of Michigan. Dr. Marks conducts research and professional development in the areas of diversity and implicit bias, black male psychology and development, the academic achievement of minority college students, innovations in STEM education, and personal passion and productivity.

Course Objective

This training will conduct an overview of the 21st Century Policing Task Force and report, to include recommendations and action items likely to reduce biased policing. Additional analysis will be given to implicit bias research and key findings, national data related to community policing, and implicit biases toward police among males of color. The Bias Awareness presentation will pose many questions, including the following:

- What is implicit bias?
- What causes implicit bias?
- How is it measured?
- How does implicit bias affect the person who holds the bias?
- How does implicit bias affect the attitudes and behaviors of the target group?
- What does implicit bias look like in the real world?
- How does implicit bias affect community – police interactions and trust?
- How can the potential impact of implicit bias on policing be reduced?

The students participating in the Bias Awareness training will find the presenter to be innovative and engaging with a motivating delivery of the content. This is not a traditional instructional classroom, but rather a highly interactive, introspective experience where small groups engage sensitive topics related to community policing which is stimulated by compelling videos and intriguing images as the students participate in anonymous, but real time public polling. The presenter displays the anonymous results of the student polls as a basis to discuss sensitive topics and allow participants to see how their attitudes or experiences compare to others. This segment of the training meets the standards and expectations of the Sheriff's Office General Orders Manual, Washington Administrative Code, I-940/SB-HB 1064 and WASPC Accreditation.

Lecture Setting

This specific training session will be held in the auditorium of the Criminal Justice Training Commission (CJTC) Academy and will be mandatory to all Sheriff's employees, including non-commissioned and commissioned staff. We have also offered this training to numerous partners including the Criminal Justice Training Commission, King County Prosecutors Office, KCSO contract city partners, and King County employees.

Online Training for Use of Force (2019)

Course Objectives

Following the course students will have an understanding of the KCSO Use of Force Policy and proper documentation. Students will also have an understanding of department de-escalation policy and procedures and be able to demonstrate de-escalation techniques. The training meets the standards and expectations of the Sheriff's Office specified in the new Use of Force Policy, and court cases including *Graham v Connor*, *Tennessee v Garner*, *Lowery v. San Diego*, and *Thompson v Rahr*.

KCSO will offer online training so that officers will better understand the concepts of De-escalation, LEED, and Procedural Justice. This training will review topics covered in previous In-Service training. It will also address any changes or updates from the most recent (2017/2018) curriculum with a focus on any changes of de-escalation definitions in the new use of force policy. The training can be split into smaller ½ hour online segments. This training is recommended as pre-course work, but is not required.

Commissioned In Service Training

After Bias Awareness training, we will hold two separate days of in service training for all commissioned staff. The first day will include de-escalation and use of force, and the second day will cover defensive /control tactics and police tactics. We partnered with OLEO and incorporated best practices from leading police training programs to improve this training. We will coordinate with the various worksite schedules to maximize on-duty training and limit overtime, but for continuity of operations, the majority of training time will still require employee or backfill overtime.

The class schedule will include 30 minutes for administrative tasks such as safety checks and introductions. The instructor will also explain why the course is being taught and clearly state the training objectives. The training includes additional time to review the new Use of Force Policy with an emphasis on changes, relevant court cases, and the force option transition (or the use of force continuum). The de-escalation and use of force training day will focus on the use of de-escalation, LEED, and Procedural Justice and how it applies to use of force encounters. The class will review and integrate these concepts through facilitated discussion to assess comprehension of the policy and concepts. We will discuss de-escalation concepts and their relationship to crisis and non-crisis contacts and use of force documentation. The class will also review the new Use of Force Policy and the applicable case laws

In service training will also include drills such as working with persons in crisis, threat Identification and Shoot/Don't Shoot, and simulator drills to cover tactics and transitions. These drills will offer an opportunity to discuss de-escalation and communication methods. Finally, the training will close with instruction on use of force documentation and mock scenes.

The Defensive Tactics / Control Tactics and Police Tactics training will focus on police safety and safety of the public where use of force is a possibility. The Defensive Tactics / Control Tactics training will include hands on encounters, officer safety, and force options outside the duty weapons (firearms, Taser, etc.). The Patrol Tactics will cover new concepts in high risk traffic stops. These concepts include waiting for back up, clear communication, depth and distance as it applies to cover and other de-escalation techniques. We will also cover safe building searches and team movement.

Following the two-days of In-Service training, there will be detailed training for supervisors to provide at roll call to their work groups. This training will follow a plan to ensure consistency throughout the department.

De-escalation and Bias Awareness (2019 – 2020) Professional Staff

There are several objectives for the De-escalation and Bias Awareness training. Students will learn what de-escalation is; understand how it impacts their role with KCSO; understand LEED. This training meets the standards for the Sheriff's Office General Orders Manual and WASPC accreditation.

The training content includes the KCSO professional staff de-escalation presentation, LEED model and communication, civilian response course, safety considerations for the real world, and providing a basic understanding of personal safety and awareness. Strategies include environmental awareness, pre-attack indicator identification, stress management during a dynamic encounter, and physical skill sets that will enable employees to maximize personal safety and minimize personal injury. This course will not include defensive tactics skills.

Future Training Considerations

As of the date of this report, the State has not promulgated the final training mandates for all police agencies. In revising our in-service training plan, our training unit has worked closely with the State Criminal Justice Training Center staff who are finalizing the state mandates and we believe our current plan is likely to meet the anticipated requirements.

The Sheriff's Office Advanced Training Unit is grateful to the Metropolitan King County Council for your interest and support of our training program. We are proud of the training described above and trust that we have addressed each point of interest for Council and the OLEO.

If you have any questions, I can be reached at (206) 263-2555.

Sincerely,



Mitzi G. Johanknecht
SHERIFF

Enclosures

cc: King County Councilmembers
ATTN: Carolyn Busch, Chief of Staff
Melani Pedroza, Clerk of the Council
Clifton Curry, Senior Legislative Aide
Nick Bowman, Senior Legislative Analyst