

## **CITY COUNCIL AGENDA ITEM**

### **CITY OF SHORELINE, WASHINGTON**

<b>AGENDA TITLE:</b>	Discussion of the Structure of Law Enforcement in Shoreline and King County, Including Current Policy Changes Under Consideration		
<b>DEPARTMENT:</b>	City Manager's Office		
<b>PRESENTED BY:</b>	Jim Hammond, Intergovernmental Relations Program Manager		
<b>ACTION:</b>	<input type="checkbox"/> Ordinance	<input type="checkbox"/> Resolution	<input type="checkbox"/> Motion
	<input checked="" type="checkbox"/> Discussion	<input type="checkbox"/> Public Hearing	

#### **PROBLEM/ISSUE STATEMENT:**

Recent events, both locally and nationally, have prompted a significant degree of interest in policy issues, as well as proposals for change, related to law enforcement. The City contracts with the King County Sheriff's Office (KCSO) for law enforcement services. A network of King County Departments and Elected Officials have differing types of influence and oversight over the provision of these services, including the separately elected King County Sheriff, the King County Executive, King County Council, and the Office of Law Enforcement Oversight (OLEO). Many aspects of the provision of law enforcement services are governed by state labor law and are mandatory subjects of bargaining through a labor negotiation process with the various labor groups for sworn officers within the KCSO.

The purpose of tonight's presentation is to provide an overall picture of the law enforcement framework within which the Shoreline Police Department operates to support ongoing Council deliberations and community conversations related to law enforcement practices and policies in Shoreline. This staff report provides an outline of how law enforcement is provided to the City through King County and the current oversight, budgetary, and accountability responsibilities that exist through the City's contract for police services and within the King County structure. An overview of recent King County Council and Executive proposals to make changes to the existing structure and/or policies is also included. Next steps may include facilitating community listening sessions to hear directly from residents about their experiences, expectations, and desired outcomes regarding local policing; establishing benchmarks to measure progress towards achieving those expectations and outcomes; and identifying desired changes in policies and/or practices and implementing processes to effect those changes.

**RESOURCE/FINANCIAL IMPACT:**

Tonight's discussion has no direct financial impact. Some policy and/or practice changes, such as police-worn body cameras, may create additional financial costs for the City in the future.

**RECOMMENDATION**

No action is required by the City Council. Staff recommends that the City Council discuss issues related to the provision of law enforcement services and provide direction for further action.

Approved By:        City Manager **DT**    City Attorney **MK**

## **INTRODUCTION**

On May 25, 2020, the world saw the horrific killing of George Floyd, a Black man, at the hands of a white police officer. Although much focus was put on the George Floyd killing, it is only one example of multiple recent occurrences throughout the United States of the death of a Black individual as a result of the actions of a police officer. The killing of George Floyd has sparked local, regional, and national discussions about how law enforcement systems disproportionately impact people of color as a result of systemic racist policies and practices that have existed not only in law enforcement, but in the broader criminal justice system (courts, jails, legal systems) and other areas where social and racial injustice needs to be addressed, such as housing, health, education, and financial systems and policies. These recent events have prompted a significant degree of interest in policy issues, as well as proposals for change, related to law enforcement.

The Shoreline community has raised their concerns to City Council regarding law enforcement practices in the wake of Mr. Floyd's death. Additionally, Black Lives Matter Shoreline sponsored the "Peaceful Protest for Black Lives Lost" on Saturday, June 6, 2020. It is estimated that between 3,000 and 5,000 participants marched from Cromwell Park to City Hall in support of Black lives, policing reforms, and the elimination of racist behaviors, policies, and practices that are part of many of our social systems, including law enforcement.

The City of Shoreline contracts with the King County Sheriff's Office (KCSO) for its policing services. Tonight's presentation will provide an overall picture of the law enforcement framework within which the Shoreline Police Department operates in order to support ongoing Council deliberations related to law enforcement practices and policies in Shoreline.

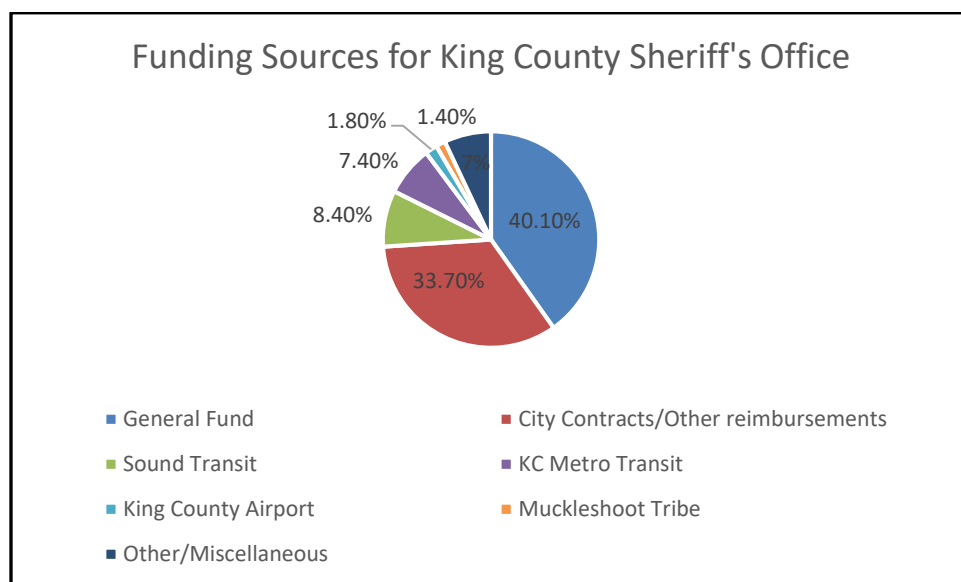
## **BACKGROUND**

The City has contracted with KCSO for law enforcement services since the City's incorporation. In August 2000, the City executed an Interlocal Agreement (ILA) for services with KCSO that has since been amended five times. The ILA addresses models for service, costs for service, decision and policy making authority, provisions for direct and shared services, the use of sworn and non-sworn personnel, organizational responsibilities, and indemnification. The ILA may be terminated by the City or King County with written notice of intent not less than 45 days prior to issuing an 18-month written notice. The 2000 Interlocal Agreement can be found here: <https://cityofshoreline.sharepoint.com/Departments/clerks/Interlocal%20Agreements/1269.pdf>.

The ILA provides for the creation of an Oversight Committee consisting of the chief executive officers, or their designees, of the cities that contract with the County for law enforcement services; the King County Sheriff; one person designated by the County Executive; and one person designated by the chair of the King County Council's Law,

Justice and Human Services Committee. The Oversight Committee currently meets quarterly and is a means to ensure that the parties comply with the provisions of the ILA and a means to address management and delivery of police services under the agreement.

Currently, the KCSO contracts with twelve (12) cities, along with King County METRO and Sound Transit, for law enforcement services. Overall nearly 60% of the KCSO budget is supported by contract services. The twelve contract cities are Beaux Arts, Burien, Carnation, Covington, Kenmore, Maple Valley, Newcastle, Sammamish, SeaTac, Shoreline, Skykomish, and Woodinville.



Source: King County Sheriff's Office

KCSO and the City negotiate an annual staffing and police services addendum to the ILA, which is captured in a document known as “Exhibit B.” Exhibit B calculates the annual cost to the City for police services and delineates the staffing level and staffing type for the Shoreline precinct. The 2020 City of Shoreline’s Exhibit B (Attachment A) confirms that the City contracts with KCSO for 54 full-time equivalent positions, 51 of those being sworn personnel, along with related equipment, vehicles, KCSO support services (i.e., major crimes investigation, communication/dispatch, hostage negotiation, SWAT team, and fire investigation services), and County overhead for a total cost of \$13,238,007. In addition to these services, KCSO issues concealed weapons permits, completes sex offender registration, and serves court orders related to civil court filings.

## **DISCUSSION**

The KCSO law enforcement services received by the City are overseen by a network of County Departments and Elected Officials that have differing types of influence and oversight over the provision of those services. KCSO is led by the King County Sheriff, a separately elected public official. The King County Executive and King County Council each have roles relating to funding and operations of KCSO. The Office of Law

Enforcement Oversight (OLEO), an independent agency within the King County legislative branch, provides a means of accountability and review of police policies, operations, and internal investigations. Many aspects of the provision of law enforcement services are governed by state labor law and are mandatory subjects of bargaining through a labor negotiation process with the various sworn officer labor groups within the KCSO. The following provides an outline of the key King County Departments and Elected Officials in the law enforcement system as it pertains to the City, as well as an overview of recent proposals to make changes to the existing structure.

### **King County Elected Officials and Law Enforcement Departments**

King County Sheriff's Office. The sheriff's specific lawful duties are guided by RCW 36.28 (<https://apps.leg.wa.gov/rcw/default.aspx?cite=36.28>). RCW 36.28.10 enumerates the general duties of the office:

*The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of his or her office, he or she and his or her deputies:*

- (1) Shall arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses;*
- (2) Shall defend the county against those who, by riot or otherwise, endanger the public peace or safety;*
- (3) Shall execute the process and orders of the courts of justice or judicial officers, when delivered for that purpose, according to law;*
- (4) Shall execute all warrants delivered for that purpose by other public officers, according to the provisions of particular statutes;*
- (5) Shall attend the sessions of the courts of record held within the county, and obey their lawful orders or directions;*
- (6) Shall keep and preserve the peace in their respective counties, and quiet and suppress all affrays, riots, unlawful assemblies and insurrections, for which purpose, and for the service of process in civil or criminal cases, and in apprehending or securing any person for felony or breach of the peace, they may call to their aid such persons, or power of their county as they may deem necessary.*

State authority granted to the Sheriff is also known as "general law". In practice, KCSO articulates and communicates this authority through its General Orders Manual (GOM). The GOM is updated regularly by the Sheriff's Office. The GOM provides guidelines and instructions concerning employee conduct and responsibility for all Sheriff's Office members in all of their activities, whether official or personal. How to conduct all police activities, such as when and what types of use of force are available as tactics, to how to address public complaints, are covered in the GOM. KCSO staff have the responsibility to know and abide by these policies and procedures. The KCSO GOM

can be found at the following link: <https://www.kingcounty.gov/depts/sheriff/about-us/manual.aspx>.

The Sheriff is also responsible for labor negotiations, primarily relating to working conditions, with represented KCSO staff. However, negotiations for wages and civilian oversight are the responsibility of the King County Executive's Office with approval authority by the King County Council. There are several labor units within the KCSO for the differing levels of sworn officers (i.e., deputies, sergeants, captains, etc.).

The Sheriff's Office also has responsibility for the investigation of civilian complaints, violations of policy (GOM), and use of force, as well as for any resulting decisions to impose discipline or other corrective actions. Citizen complaints or incidents involving use of force are reviewed by the KCSO Internal Investigations Unit (IIU), and an initial determination is made as to whether a given complaint or event warrants further action. Minor allegations are handled by supervisors; complaints or events of greater significance are more fully investigated by the IIU. The IIU investigation and findings are shared with OLEO for certification review (see below). Findings are also shared with an IIU Advisory Committee which includes representation from the Prosecuting Attorney's Office and Labor Relations. This committee provides feedback and guidance on issues relating to the investigation. KCSO command staff make final determinations on the findings of the investigation. For complaints that are sustained, KCSO command staff will also determine discipline or other corrective actions, such as training or counseling.

KCSO employees who are subject to disciplinary action are able to pursue a grievance hearing, also known as a Loudermill hearing. Employees have a subsequent right to contest the outcome through binding arbitration.

*Police Training Requirements.* Since 2012, KCSO staff have received training in Justice Based Policing. In 2017, training began that focused on de-escalation and defensive/control tactics that seek to minimize the level of force used in any given encounter. This training was refreshed in 2019, and additional training focused on emotional intelligence, threat assessment, and scenario evaluation were also added, per the requirements of I-940 (see below). In 2019-2020, all KCSO staff received eight (8) hours of Implicit Bias training. The Shoreline command staff will continue to ensure Shoreline officers maintain this level of training.

*State Labor Law.* Under state labor law, most working conditions are mandatory subjects of bargaining for represented employees. As a result, aspects of law enforcement services that fall within the category of working conditions must be bargained with represented KCSO staff. "Working conditions" have been held to include civilian oversight, use of force (such as the use of tear gas or certain restraint holds), training, overtime allowance, and discipline.

Also under state labor law for law enforcement services, bargainable working conditions are subject to "interest arbitration". When the parties cannot reach agreement on an issue (which is a process that can extend 12 months or more), they would submit their competing proposals and justifications to an independent third-party arbitrator, which is

overseen by the state's Public Employment Relations Commission, or PERC. The arbitrator will make decisions if the parties cannot, which both adds time and creates uncertainty for any specific proposal to change working conditions.

Disciplinary cases are also subject to interest arbitration, which adds time and uncertainty to efforts to impose corrective measures relating to the actions of specific individuals. Reinstating previously fired employees and awarding back pay are two such examples.

*King County Executive.* The King County Executive is responsible for labor negotiations for represented KCSO staff as it pertains to wages and civilian oversight.

*King County Council.* The King County Council has authority over budget appropriations and the creation of legislation and King County Charter amendments that can provide policy directives impacting KCSO operations and the provision of law enforcement services. However, to the degree that policy impacts working conditions or other mandatory subjects of bargaining, such changes must be negotiated with represented KCSO staff. The Council may not adopt legislation or charter amendments that are in conflict with state law.

*Office of Law Enforcement Oversight (OLEO).* OLEO was created by King County ordinance in 2006 as an independent office within the King County legislative branch. However, the King County Police Officers Guild (KCPOG) filed an unfair labor practice charge against the County, which delayed OLEO's implementation. Ultimately, it was agreed that OLEO would be treated as a labor policy and that this policy would need to be bargained in good faith. In 2009, the County established a system of civilian oversight in accordance with the existing labor agreement.

In November 2015, the voters of King County approved an amendment to the King County Charter that established OLEO as a charter-mandated county office within the legislative branch. This amendment, now Section 265 of the King County Charter, increased oversight responsibilities for OLEO and required that those responsibilities be established by ordinance. This occurred in April 2017 when the King County Council adopted Ordinance 18500 expanding OLEO's authority to include:

- Investigatory authority with subpoena powers for the office;
- Complaint and concern intake responsibilities;
- Authority to review KCSO complaint intake classifications;
- Authorization to review "findings" (the determination of whether, based on a factual investigation, the personnel violated policy);
- Authorization to review policies, procedures, training, operations, et al and make recommendations prior to adoption;
- Access to relevant information and crime scene authorities;
- Notification requirements regarding the KCSO complaint handling process; and
- Review inquest findings.

Since then, OLEO has been working to fully realize the range of authorities established by ordinance, which has required bargaining elements with represented personnel, establishing the institutional capacity, funding the needed budget, hiring and training personnel, building working relationships, and articulating roles and responsibilities with other parties within the system.

The work of OLEO falls into five main categories:

1. *Quality assurance review of KCSO internal investigations.* OLEO reviews 25% of investigations each year to evaluate both thoroughness, objectivity, and timeliness. Reviews typically result in suggestions for additional follow-up in specific investigations or overall system improvements in about 40% of investigations reviewed by OLEO. Those that do not meet OLEO's standards are not certified as "thorough and objective" by OLEO.
2. *Systemic reviews within KCSO operations.* These reviews can cover any specific topic, such as training, diversity, and decision-making. This would also cover "sentinel event" reviews, an in-depth review of major events, such as an officer-involved shooting.
3. *Feedback on KCSO policy.* OLEO assesses specific operational policies, such as those relating to use of force, and provide suggestions for improvement.
4. *Administrative investigations.* This category is still under development and must be bargained, but per the King County Charter, OLEO is authorized to conduct its own investigations. A range of operational questions are currently being considered, such as how to conduct the investigations and whether they duplicate or substitute for KCSO investigations.
5. *Community Engagement.* OLEO's community engagement efforts are growing and focus on obtaining community feedback to inform OLEO's work and priorities. OLEO also staffs the Community Advisory Committee for Law Enforcement Oversight, which provides input and guidance to OLEO, KCSO, and the King County Council on policies, procedures and practices relating to policing in King County. Committee members also act as liaisons between OLEO and King County's diverse communities. The committee is composed of up to eleven members of the public who represent the geographic and demographic (i.e., racial, ethnic, language, gender, and economic) diversity of the Sheriff's service area. They are appointed by the King County Executive and confirmed by the King County Council for three-year terms, with a limit of two consecutive terms.

Attachment B to this staff report provides the Office of Law Enforcement Oversight overview. This document provides additional information about the responsibilities and relationship between OLEO and the IIU Division of the Sheriff's Office, along with a flow chart of what happens when an individual submits a complaint, including an explanation of the findings that result from an investigation by IIU.

OLEO also produces an annual report each September. Prior to the issuance of the annual report, OLEO provides a summary of the police misconduct complaints by King County Council District. OLEO staff was able to provide a subset of the Shoreline misconduct complaints for 2019, which is attached to this staff report as Attachment C.



Shoreline Police Filed Complaints. The [2019 Police Services Report](#), which was recently presented to the City Council, stated that, in 2019, Shoreline Police responded to 15,657 dispatched calls for service and initiated 9,953 contacts for a total of 25,610 police contacts. During this same time period, 38 complaints were filed with IIU regarding Shoreline police activity.

Eight (8) of the complaints were determined as non-investigative matters (allegations that, even if true, would not violate a policy) and an additional eight (8) were classified as “Supervisor Action Log” (SAL) complaints. SALs are complaints considered as minor allegations and handled by a front-line supervisor. Minor allegations are considered a minor policy violation that the supervisor immediately addresses with the employee. Examples include if a deputy gets into a pursuit and did not turn on their siren in time, or if a deputy failed to submit a report by the end of their shift without supervisor approval. The sergeant would cover the manual section with deputy, document what was done to follow up with the deputy, and considered the complaint completed.

The remaining 22 complaints were classified as “Inquiries”. Inquiries are investigations into allegations of serious misconduct such as excessive use of force against a person or criminal conduct. The 22 complaints included a total of 49 allegations. The most prevalent allegation was excessive or unnecessary use of force against a person. This accounted for 15 (31%) of the 49 allegations. The second most frequent allegation was violation of appropriate use of authority and this accounted for 11 (22%) of the 49 allegations.

IIU found that 12 of the excessive or unnecessary use of force allegations were “exonerated” (occurred, but lawful and in compliance with policy) and three were “unfounded” (not factual or didn’t occur as stated). OLEO “certified” (meaning that the investigation was thorough, objective, and timely) IIU’s determination on ten (10) of the allegations, declined to certify (could not concur) with one (1) of IIU’s determinations, and did not review four (4) of the allegations. The four that were not reviewed was a result of late information from an individual involved that seemed to be of lower concern. Staff has asked OLEO for additional information regarding the one case in which OLEO declined to certify IIU’s determination and has not received this information as of this report.

### **Recent and Proposed Legislation**

#### *Initiative 940 (I-940) or the Law Enforcement Safety and Community Training Act.*

Washington voters approved I-940 in November 2018. By consensus, the measure was modified in the 2019 legislative session. The new law has several key elements, which all parties are working to make fully operational:

- Mandatory violence de-escalation training and mental health training through the Criminal Justice Training Commission.
- For instances of deadly use of force, law enforcement officers receive protection against criminal liability only when the use of deadly force is authorized under the

circumstances prescribed in statute and the officer meets a good faith standard. An independent investigation is required.<sup>1</sup>

- Creation of a duty for law enforcement to render first aid, with associated standards and training requirements.
- Providing compensation for the cost of defense to a law enforcement officer, if they are found not guilty or charges are dropped.

Potential changes currently under discussion. A number of distinct but sometimes interrelated proposals have been acted upon, proposed and/or debated in recent weeks. These include:

- **8 Can't Wait.** An initiative developed by Campaign Zero, a nationwide police reform campaign to reduce police use of force and brutality. The eight measures are:
  1. Ban Chokeholds and Strangleholds
  2. Require De-escalation
  3. Require Exhausting all Reasonable Means (before resorting to deadly force)
  4. Ban Shooting at Moving Vehicles
  5. Require Use of Force Continuum
  6. Require Comprehensive Reporting (of force)
  7. Duty to Intervene
  8. Require Verbal Warnings Before Shooting

Campaign Zero determined that KCSO already complied with the first six goals. Recently, KCSO announced that, while already in compliance in principle with goals seven and eight, it had reached agreement with KCPOG to revise policy to make compliance explicit.

- **Amendments to the King County Charter.** Several proposed changes to the King County Charter are currently under consideration. The County Council will vote to send proposals, if any, to the ballot by its July 21<sup>st</sup> meeting. An update on County Council actions will be provided during the staff presentation to Council.
  - **King County Charter Amendment—Subpoena Power for OLEO.** The current ordinance authorizing OLEO grants subpoena power to the agency, but that authority is a mandatory subject of bargaining and has yet to be implemented. Advocates for this amendment seek to have that authority stem from the more foundational Charter. Currently, OLEO can request documentation and information from KCSO, but KCSO is not obligated to

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<sup>1</sup> The requirement of an independent investigation has been a source of significant uncertainty during implementation efforts. Each department needs to have a plan in place for immediate investigation by an independent agency in the wake of any use of deadly force. A myriad of detailed questions and a lack of clear rules has led Governor Inslee to convene a citizen task force to examine questions such as whether a state-level investigative office is needed and where prosecutorial authority would lie if and when needed. This task force recently convened and is expected to conclude its work by the end of the year.

provide this. OLEO believes that subpoena power would give them the ability to access information in order to render an independent finding. The KCSO believes that OLEO already has full access as OLEO has the authority to monitor IIU investigations, may review or identify evidence, attend interviews, and provide the Sheriff's Office with input related to the quality of the investigations. While a Charter amendment adds subpoena powers as a tool of OLEO, as long as civilian oversight remains a subject of bargaining, subpoena powers would need to be agreed to by the Police Guild.

- **King County Charter Amendment—Making King County Sheriff an Appointed Position.** The proposed Charter amendment would reestablish the County Sheriff as an appointed position. Under the amendment, if approved by the voters, the County Sheriff would be appointed by the Executive and confirmed by the County Council. The amendment would also designate the Executive as the bargaining agent for the County related to any collective bargaining negotiations with represented employees of the Department of Public Safety, also known as the King County Sheriff's Office.
- **King County Charter Amendment—Modifications to Inquests.** An inquest is an administrative, fact-finding inquiry into and review of the manner, facts and circumstances of the death of an individual. In King County, by Charter and Executive Order, inquests are held when a death involves a member of any law enforcement agency within King County while in the performance of an officer's duties. An inquest is not a trial in the sense that no judgment on liability or fault is produced. The scope of the inquest is limited to the cause and circumstances of the death including whether the law enforcement member acted pursuant to policy and training.

The proposed Charter amendment would make some technical clarifications to the inquest process. However, more importantly, the amendment would also require the County to assign an attorney to represent the family of the decedent in the inquest proceeding.

- **Other Potential Amendments.** Additionally, the County Council is considering the addition of two other changes to the Charter:
  1. The Sheriff's duties would be prescribed by ordinance rather than "general law" and would remove the language prohibiting KCSO from being abolished or combined with another executive department and from having the department's duties decreased by the County Council; and
  2. Would require the Executive and the County Council to consider stakeholder input before appointing and confirming a Sheriff and that the stakeholder process shall be prescribed by ordinance.

- **Use of Body and Dash Cameras to Increase Transparency and Accountability.** In a recent legal settlement, KCSO promised to pursue the use of body cameras, and it is possible that the upcoming budget could provide funding for a pilot program. However, body/dash cameras would be subject to bargaining, and they were not a discussion topic in the most recent round of negotiations between the County and KCPOG. Accordingly, it may not be a topic of labor negotiations until after the current contract expires at the end of 2021.

It is important to note that body/dash cameras and the equipment to store and recall footage would come with significant costs. It is anticipated that law enforcement agencies and/or courts would receive numerous public disclosure act requests as residents seek to take advantage of the new tool for transparency. This program would represent a significant increase in funding for law enforcement at a time when some are suggesting the opposite.

The Community Advisory Committee for Law Enforcement Oversight (CACLEO) researched body/dash cameras and prepared a comprehensive advisory memo, which they recently transmitted to the King County Council. CACLEO's report recognized the complex challenges surrounding the issue, the need to balance both potential benefits and concerns (such as increased transparency vs. privacy issues), and the importance of community engagement throughout the deliberation and decision-making process. The report recommended that the use of police cameras be subject to further study, with extensive transparency and community engagement, that considers the full range of issues and challenged identified in their report. CACLEO's report can be found at the following link: <https://www.kingcounty.gov/independent/law-enforcement-oversight/citizens-advisory-committee/Issues.aspx>.

- **Other Measures Being Discussed.** With much less specificity, both elected and community leaders who speak to this issue raise other options for action that would bear upon questions of changing approached to law enforcement. Two notable conversations are:
  - *"Shifting dollars upstream"*. Members of the King County Council have expressed an openness to considering the reallocation of public safety funding into prevention-oriented programs.
  - *Making changes to state labor law*. Because many proposed changes to current law enforcement practices are considered mandatory subjects of bargaining under state labor law, there have been public conversations about making changes to state law to enhance the ability to develop and implement certain changes. The Legislature has several options. They could:
    - Pass a series of state level police reforms and include language that these reforms are not subject to bargaining or interest arbitration;
    - Amend the existing statutes that allow interest arbitration to either repeal or amend the definition of "working conditions";

- Choose to “study” interest arbitration via a work group; or
- Pass reforms without the language about not subject to collective bargaining or interest arbitration and let the local jurisdictions that employ law enforcement negotiate these changes—making them subject to agreement by the unions.

### **Response Awareness De-escalation and Referral (RADAR) Update**

While current events highlight the pressing need for alternative approaches to policing, the City of Shoreline and Shoreline Police Department have already taken steps in that direction with the creation of the Response Awareness De-escalation and Referral (RADAR) program. North Sound RADAR has become a valuable resource for Shoreline Patrol, as they work closely with Mental Health Professionals (MHPs), also called Navigators, to connect those most in need to available services. Some of the RADAR goals are to reduce use of force incidents and to reduce repeat calls for service.

The program provides officers with a structured and consistent way to address mental health and substance abuse problems in the community. The Bothell, Kirkland, Lake Forest Park and Kenmore Police Departments are seeing similar success with North Sound RADAR. The five cities share a Program Manager and Navigators that are funded by King County MIDD funding and a WASPC grant.

George Mason University studied the RADAR program and completed their published evaluation in December 2019. They conducted an anonymous survey of Shoreline officers at the start (2016) and at the end (2019) of the Department of Justice grant for RADAR. The following data is from the Shoreline officer survey:

- 77% agreed or strongly agreed that RADAR has helped them be more effective.
- 65% said that RADAR helps them make a positive difference in people’s lives.
- 92% agreed or strongly agreed RADAR helps them proactively assist people with Behavioral Health Issues (BHI).
- 61% made a referral to the Mental Health Professional (Navigator).
- Officers encounter someone with BHI each day – survey #1 (53%) and survey #2 (69%).
- 70% said RADAR has made them more satisfied with their job.
- 73% said RADAR has helped with the ‘revolving door’, include emergency room visits, and repeat calls for service.
- Officer has been involved in a recent use of force – survey #1 (89%) and survey #2 (42%).

### **Summary and Next Steps**

Staff has provided this foundational information to City Council to facilitate Council and community consideration of next steps. This may include further exploration of changes in law enforcement approaches, review of policing policies and practices, and establishment of certain community benchmarks for policing and the broader criminal justice system.

Next steps may include facilitating community listening sessions to hear directly from residents about their experiences, expectations, and desired outcomes, in regard to local policing; establishing benchmarks to measure progress in achieving those expectations and outcomes; and identifying desired changes in policies and/or practices and implementing processes to effect those changes. Other future steps could include broader efforts to understand and address systemic bias and social injustice.

### **RESOURCE/FINANCIAL IMPACT**

Tonight's discussion has no direct financial impact. Some policy and/or practice changes, such as police worn body cameras, may create additional financial costs for the City in the future.

### **RECOMMENDATION**

No action is required by the City Council. Staff recommends that the City Council discuss issues related to the provision of law enforcement services and provide direction for further action.

### **ATTACHMENTS**

- Attachment A – City of Shoreline Police Contract – 2020 Exhibit B
- Attachment B – King County Office of Law Enforcement Oversight (OLEO) Overview Document
- Attachment C – Summary of 2019 Shoreline Police Complaints by Community Members and Sheriff's Office Employees Provided by OLEO

# Shoreline

## Attachment A

Cost Book: Adopted  
Draft or Final: FINAL  
Date: 19-May-20

### Exhibit B

#### FINAL 2020 Adopted Cost Book

Step 6						
Dedicated Police Services	Units	Salary	Benefits	Adjustmt	Total Cost	FTEs
Police Chief	1.0	\$182,942	\$41,251		\$224,193	1.00
Captains	2.0	\$162,742	\$39,851		\$405,187	2.00
Patrol or Admin Sergeants (6 Patrol)	6.0	\$130,715	\$38,225		\$1,013,639	6.00
Detective Sergeants	1.0	\$136,666	\$39,006		\$175,672	1.00
Street Crimes Sergeant	1.0	\$136,666	\$39,006		\$175,672	1.00
outreach) (Added 1 K-9 officer 1/2018 & 1 deputy 1/2020)	31.0	\$107,523	\$35,180	\$2,797	\$4,510,492	31.00
School Resource Officers	1.0	\$106,258	\$35,014	\$2,797	\$144,069	1.00
Detectives	4.0	\$112,082	\$35,778	\$2,797	\$602,631	4.00
Street Crimes Detectives	4.0	\$112,082	\$35,778	\$2,797	\$602,631	4.00
Community Service Officer	1.0	\$72,078	\$34,933		\$107,011	1.00
Clerical Staff , AS II	2.0	\$55,638	\$31,537		\$174,349	2.00
Overtime Adjustment (optional)					0	--
Overtime					\$442,982	--
Cost of Dedicated Personnel, Subject to Reconciliation					\$8,578,526	54.00
Uniform, Equipment, and Supplies					\$86,799	--
K9 supplies/services/dog amortization (new)					\$6,596	--
ACCURINT Licenses	3			\$861	\$2,583	--
Vehicles (Includes 2/3 cost of jail van)					\$686,974	--
Cell Phones	51			\$998	\$50,898	--
800MHz					\$119,478	--
Subtotal, Dedicated Police Services					\$9,531,854	54.00
Additional Police Services	Units	Salary	Benefits	Other Costs	City Cost	FTEs
Communications/Dispatch	13.62%	\$6,199,784	\$2,858,782	-\$158,898	\$1,211,994	10.82
Hostage Negotiation Team	6.35%	\$22,834	\$7,345	\$16,519	\$2,965	0.01
Major Crimes Investigation	10.51%	\$3,136,190	\$1,028,509	\$1,039,182	\$546,704	2.99
SWAT (TAC-30) Team	5.00%	\$429,374	\$131,683	\$337,659	\$44,936	0.18
Fire Investigation Unit					\$29,965	0.14
Credit for Police Support Services provided to Kenmore					-\$157,389	-0.83
Subtotal, Additional Police Services					\$1,679,175	13.31
Central County Overhead				2.7%	\$362,574	
Sheriffs Office Overhead				6.9%	\$907,154	
Direct Support Services Overhead				5.7%	\$757,250	
(Note: Overhead includes credit of \$19,803 from Kenmore)						
Subtotal, Overhead				15.3%	\$2,026,978	7.31
TOTAL CONTRACT COST					\$13,238,007	74.62
Amount 2020 cost INCREASED due to workload =				\$103,462		
Total Wireless Cards:	0	Less: 2019 Adopted Exhibit		-\$12,429,346		
		Increase/(Decrease) Over Prior Year		\$808,661 6.5%		
		Less: Increase in workload		-\$103,462		
		Less: K9 services & supplies		-\$6,596		
		Less: Change in vehicle cost (mix)		-\$30,362		
		Excluding: Officer add on 1/1/2020		-\$197,133		
		Increase Over Prior Year (Excluding workload & Adds)		\$471,108 3.8%		

Per the city's request, the above includes an additional Deputy effective 1/1/2020.

**Note:** Items highlighted in purple, represent transfers to Shoreline (from Kenmore) totalling \$177,192 per the Kenmore/Shoreline agreement.

\* Beginning in 2014, Kenmore SET Detective work will be performed by Shoreline, and Shoreline will bill Kenmore directly, via SDR's (service delivery reports) on a "pay-as-you" basis (instead of the Exhibit).

The vehicle line includes O&M annual cost for the newly added jail transport van. The cities agreed to split the annual cost of the jail van 2/3 Shoreline and 1/3 Kenmore.

## Overhead Paid by Each Contract City - (2020 Adopted Exhibits)

Central County Overhead	No Charge	Charge		Shoreline
Building Occupancy – Downtown Seattle Complex		Y		\$ 20,182
Building Occupancy – Com Center		Y	8,101	
Building Occupancy – PMU		Y	14,465	
Building Occupancy – Range		Y	14,756	
Building Occupancy – Pacific Raceways		Y	4,018	
Building Occupancy – Photo Lab		Y	1,024	
Subtotal, Building Occupancy – Other		Y		42,365
General Government (County Executive, Deputy Executive, Council, etc.)	N			-
Bus Pass Subsidy Program	N			-
Budget Services and Office of Performance, Strategy & Budget	N			-
Personnel Services (Labor relations, recruitment, education, training, civil rights compliance, etc.)		Y		52,766
Financial Management (Central payroll, accounting systems, data processing, etc.)		Y		40,655
Fixed Assets/Real Property Management (Central maintenance of fixed asset inventory & leases)		Y		2,773
Ombudsman & State Auditor	N			-
Central County Records Management (Not KCSO Police records)	N			-
Business Relations Economic Development	N			-
Office of Emergency Management	N			-
Officer Insurance		Y		203,834
<b>Subtotal</b>				<b>\$ 362,574</b>
<b>% of Total Exhibit</b>				<b>2.7%</b>
Sheriff's Office Overhead	No Charge	Charge		Shoreline
Sheriff Administration	N			-
Inspectional Services Unit	N			-
Budget & Accounting		Y		131,727
Contract Services		Y		19,843
Internal Investigations		Y		84,315
Information Services Section		Y		182,127
Legal Unit		Y		35,889
Personnel Section		Y		134,941
Public Disclosure Unit		Y		88,992
Research, Planning & Informational Services		Y		67,263
Precinct Facility Charges		Y		-
Precinct Facility Credits		Y		(12,615)
Patrol Ops Unit		Y		106,411
System Service Messaging		Y		62,979
Major Accident Response & Reconstruction (Officer-involved accidents)		Y		8,441
Misc. Revenue - From HUD, SRO & False Alarm Civil Penalty		Y		(3,157)
<b>Subtotal</b>				<b>\$ 907,154</b>
<b>% of Total Exhibit</b>				<b>6.9%</b>
Direct Support Services Overhead	No Charge	Charge		Shoreline
Photo Lab		Y		16,374
Polygraph Unit		Y		12,505
Property Management Unit & Evidence Storage		Y		112,553
Records (e.g. police reports & criminal history)		Y		99,360
Data Unit (e.g. warrants, orders, DVIU reports and MARK43 RMS system)		Y		86,167
Ravensdale Firing Range		Y		56,673
Training Unit		Y		373,618
<b>Subtotal</b>				<b>\$ 757,250</b>
<b>% of Total Exhibit</b>				<b>5.7%</b>
<b>TOTAL Overhead</b>				<b>\$ 2,026,978</b>
<b>% of Total Exhibit</b>				<b>15.3%</b>
<b>Total 2020 Adopted Exhibit</b>				<b>\$ 13,238,007</b>



# King County Office of Law Enforcement Oversight

What to expect when filing a complaint against the King County Sheriff's Office

Attachment B



King County

**The King County Office of Law Enforcement Oversight (OLEO)** represents the interests of the public in its efforts to improve the services of the King County Sheriff's Office (Sheriff's Office) by advancing equitable law enforcement practices centered on the value of all human experiences. OLEO uses professional standards and community perspectives to review and make recommendations to improve Sheriff's Office training, policies, and practices.

## Complaint Overview



**Do you think a Sheriff's Office employee behaved inappropriately and want to complain?**

OLEO receives complaints concerning allegations of misconduct by Sheriff's Office employees. OLEO staff are available to answer questions about the complaint process or what to include in a complaint. The Sheriff's Office investigates complaints, and OLEO monitors and reviews those investigations to promote a fair process that seeks the truth. The Sheriff's Office prohibits retaliation against anyone who complains about misconduct.

**OLEO serves** all people who live, work, or use public transportation in areas served by the Sheriff's Office — learn more on the last page of this guide.

## Who can file a complaint?

- Any member of the public or Sheriff's Office employee may file regardless of age, background, or immigration status.
- People may file complaints anonymously, and do not have to be involved in an incident to complain.
- Complaints may be submitted in any language, and free translation or interpretation services are available.

## What can you complain about?

OLEO only handles complaints related to the Sheriff's Office. Complaint topics might include, but are not limited to:

- 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

## How to file a complaint?

- Contact OLEO with questions or to file a complaint.
- Translation services are available.
- Complaint forms are available on the OLEO and Sheriff's Office websites, and at OLEO's office and at Sheriff's Office precincts.
- OLEO will send complaint forms via mail upon request.
- When filing a complaint with your local Sheriff's Office precinct, be sure to ask for a precinct supervisor. Find your precinct:
  - <http://www.kingcounty.gov/sheriff>
  - (206) 296-4155 – non-emergency
  - [sheriff@kingcounty.gov](mailto:sheriff@kingcounty.gov)
- If you live in a Sheriff's Office contract city, you may also contact a city police chief, police supervisor, or city official to file your complaint.

**When ready, you can submit your complaint to OLEO or the Sheriff's Office.**



**By email**



**In-person**



**By mail**



**By phone**

OLEO does not have the authority to review Sheriff's Office criminal investigations or Equal Employment Opportunity matters like workplace discrimination, unless related to a complaint of a policy or procedure violation.

## Contact OLEO for assistance



(206) 263-8870



[kingcounty.gov/OLEO](http://kingcounty.gov/OLEO)



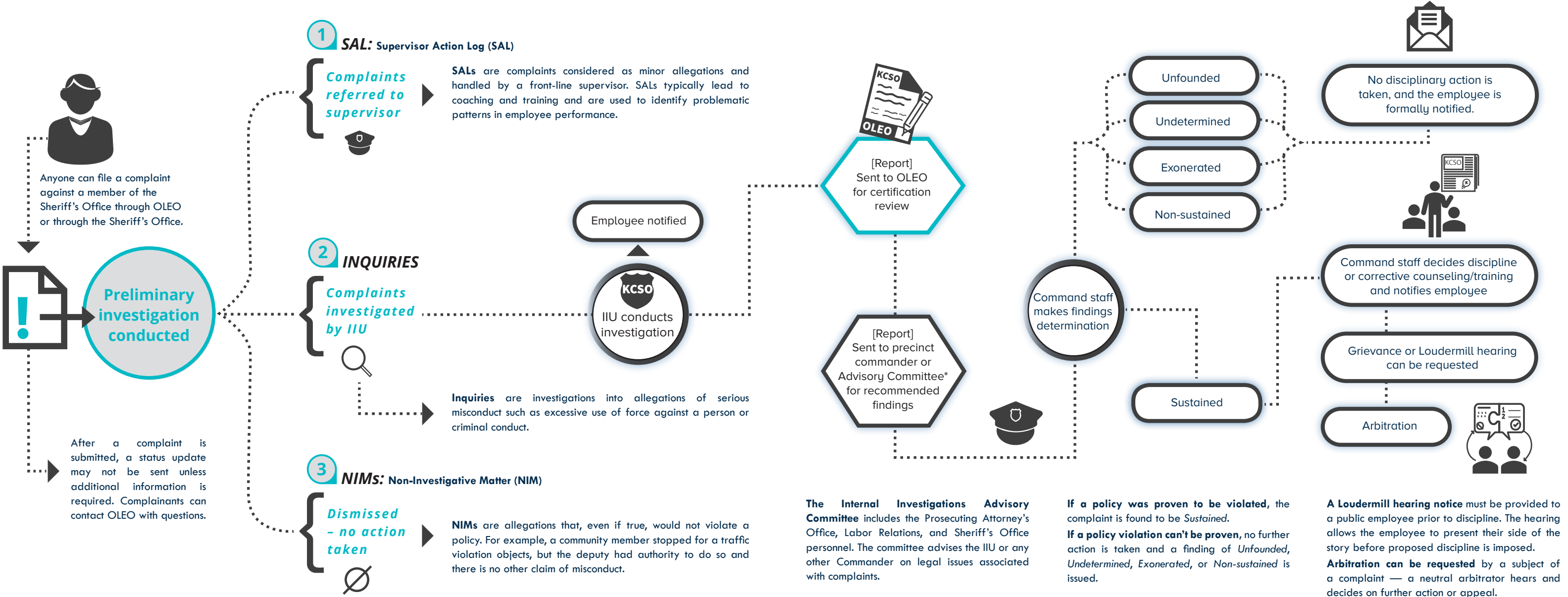
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[OLEO@kingcounty.gov](mailto:OLEO@kingcounty.gov)



King County OLEO  
810 Third Ave, Suite 705  
Seattle, WA 98104


# What Happens When You Submit a Complaint



**The Internal Investigations Advisory Committee** includes the Prosecuting Attorney's Office, Labor Relations, and Sheriff's Office personnel. The committee advises the IIU or any other Commander on legal issues associated with complaints.

**If a policy was proven to be violated**, the complaint is found to be *Sustained*.  
**If a policy violation can't be proven**, no further action is taken and a finding of *Unfounded*, *Undetermined*, *Exonerated*, or *Non-sustained* is issued.

**A Loudermill hearing notice** must be provided to a public employee prior to discipline. The hearing allows the employee to present their side of the story before proposed discipline is imposed.  
**Arbitration can be requested** by a subject of a complaint — a neutral arbitrator hears and decides on further action or appeal.


**Not sure what to include in a complaint?**

**OLEO can answer questions about what to include in your complaint.**

- Sheriff's Office employees must follow the policies and procedures in the General Orders Manual (GOM), which is available online. [www.kingcounty.gov/depts/sheriff/about-us/manual.aspx](http://www.kingcounty.gov/depts/sheriff/about-us/manual.aspx)

A complaint can include multiple allegations of misconduct and should include any information you have regarding:

- The date, location, and Sheriff's Office employee(s) involved.
- Specific details of what happened in relation to each of the allegation(s) of misconduct.
- Potential witnesses or evidence related to the complaint.

**OLEO's role in monitoring and reviewing inquiry investigations.**

OLEO monitors IIU investigations and may review or identify evidence, attend interviews, and provide the Sheriff's Office with input related to the quality of the investigations.

- Once IIU publishes findings, the investigation is closed and OLEO can discuss findings with complainants, including what to do if new evidence is identified.
- At the close of an inquiry investigation, OLEO independently reviews the completed internal investigation and certifies whether it was thorough, objective, and timely.



OLEO conducts a variety of independent review activities to assess issues of public trust related to Sheriff's Office operations and the professionalism of its employees. OLEO engages people served by the Sheriff's Office to provide education, build awareness, and to learn about community concerns and priorities.

OLEO's jurisdiction is composed of all the places served by the Sheriff's Office, including services in unincorporated areas of King County, King County airport, King County Metro Transit, Sound Transit, and thirteen contract jurisdictions:

Beaux Arts | Burien | Carnation | Covington | Kenmore | Maple Valley | Skykomish  
Muckleshoot Indian Tribe | Newcastle | Sammamish | SeaTac | Shoreline | Woodinville

## More about OLEO'S work



### Reviewing Police Use of Force

- OLEO observes the processing of incident scenes after police use of force results in serious injury or death.
- OLEO reviews critical incident investigations and attends Sheriff's Office Use of Force Review Board meetings to monitor the process, ask questions, and add perspective.
- OLEO recommends policies and practices to support quality incident investigations and use of force reviews.



### Ensuring Greater Confidence in Misconduct Investigations

- OLEO monitors and reviews how the Sheriff's Office handles complaints and encourages thorough and objective investigations.
- OLEO attends Sheriff's Office interviews with complainants and involved personnel and asks questions as needed.
- Each year, OLEO reports on how many Sheriff's Office investigations fail to meet its standards for thorough and objective investigations.



### Incorporating Community Input into Sheriff's Office Policies

- OLEO consults 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).



### Cultivating Public Input and Engagement

- OLEO engages community in an attempt learn from public perspectives in a way that can inform OLEO's work and priorities.
- The members of OLEO's Community Advisory Committee for Law Enforcement Oversight serve as liaisons with community to explore how Sheriff's Office services are experienced and impact the public.
- OLEO shares updates and information about our work through our website, community briefings, and e-newsletter – **OLEO Insider**.



### Brokering Restorative Resolution of Disagreements

- OLEO collaborates with the Sheriff's Office to offer an Alternative Dispute Resolution (ADR) program in which a neutral third party facilitates a voluntary discussion between community members and Sheriff's Office employees about complaints to enhance understanding between the parties.

## Contact OLEO for assistance



(206) 263-8870



[kingcounty.gov/OLEO](http://kingcounty.gov/OLEO)



9a-19

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



King County OLEO  
810 Third Ave, Suite 705  
Seattle, WA 98104

## Summary of Complaints Reported by Community Members and Sheriff's Office Employees for the City of Shoreline in 2019

### City Manager: Debbie Tarry

Bottom line: There were 38 complaints reported in 2019 in the City of Shoreline, and Internal Investigations Unit (IIU) classified 22 of those complaints as Inquiries, or serious complaints. Those 22 complaints included 49 allegations of misconduct, with the top allegation being excessive or unnecessary use of force. IIU did not sustain any of the completed investigations for the 24 allegations of excessive or unnecessary use of force, and IIU has not completed its investigation for two of those complaints.

Table 1. Breakdown of Complaint Classification, 2019

Complaint Classifications	Complaints	Allegations
Inquiries (investigated by IIU)	22	49
SALs (referred to Supervisor)	8	8
NIMs (no action taken)	8	14
<b>Total</b>	<b>38</b>	<b>71</b>

Table 2. Breakdown of Complaints Classified as Inquires, 2019

Types of complaints	Count
Complaints reported by community members	33
Complaints reported by Sheriff's Office employees	5
<b>Total</b>	<b>38</b>

Table 3. Allegations of Misconduct for Complaints Classified as Inquiries, 2019 (includes community member and Sheriff's Office employee complaints)

Type of Allegation	Count
Excessive or unnecessary use of force against a person	15
Appropriate use of authority	11
Courtesy	6
Conduct unbecoming	3
Performs at a level significantly below the standard achieved by others in the work unit	3
Conduct that is criminal in nature	2
Insubordination or failure to follow orders	2
Abide by Federal and State Laws and applicable local ordinances, whether on or off-duty	1
Acts in violation of Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere	1
Biased based policing	1
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so	1
Obedience to laws and orders	1
Ridicule	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	1
<b>Grand Total</b>	<b>49</b>

Table 4. Summary of Top Allegations in the City of Shoreline, 2019

Case #	Allegation (#)	Notes on allegation	Disposition	OLEO Review
<b>IIU2019-033</b>	Excessive or unnecessary use of force (4)	Deputies responded to a domestic violence incident where they were advised one party was armed and possibly suicidal; In an email thanking the responding deputies for their professionalism, the community member mentioned that they pointed rifles at him.	Exonerated	No review
<b>IIU2019-117</b>	Excessive or unnecessary use of force (5)	During arrest, community member displayed physical resistance and alleged he was injured during handcuffing.	Exonerated	Certified
<b>IIU2019-261</b>	Excessive or unnecessary use of force (1)	Community member alleged deputies pushed him while he was in a holding cell.	Unfounded	Certified
<b>IIU2019-315</b>	Excessive or unnecessary use of force (1)	Community member alleged that the deputies who arrested him did so because of his race and used excessive force during the arrest.	Exonerated	Declined to certify
<b>IIU2019-403</b>	Excessive or unnecessary use of force (2)	During a response to a domestic violence call, community member did not cooperate or open the door at first, and when the door finally opened citizen was detained	Unfounded	Certified
<b>IIU2019-442</b>	Excessive or unnecessary use of force (1)	During a response to a domestic violence call, community member alleged deputies entered their home without permission. Deputies arrested one of the parties involved and they alleged their wrists were injured during arrest.	Exonerated	Certified with comment
<b>IIU2019-492</b>	Excessive or unnecessary use of force (1)	Community member alleges excessive use of force and assault occurred while they were detained.	Exonerated	Certified with comment