



# King County

## Office of Law Enforcement Oversight

206-263-8870 | Fax: 206-296-1675

[oleo@kingcounty.gov](mailto:oleo@kingcounty.gov) | [www.kingcountv.gov/oleo](http://www.kingcountv.gov/oleo)

**Date:** February 28, 2018  
**To:** Inquest Working Group Members  
**From:** Deborah Jacobs, Director, Office of Law Enforcement Oversight  
**Re:** Inquest Recommendations

---

My name is Deborah Jacobs. I am the Director of the King County Office of Law Enforcement Oversight. OLEO, as we call the office, represents the public's interests in accountability of the King County Sheriff's Office. OLEO has two specific duties that relate to the inquest process:

- To review and report on individual inquests and/or conduct systemic reviews related to the findings of inquests.
- To conduct independent investigations of incidents involving the King County Sheriff's Office. However, this authority is currently in the collective bargaining process and has not yet been realized.

What I think works with the current inquest process is that, unlike many jurisdictions, *we have one*. The existence and use of inquests demonstrates a desire to meet the public's interest in robust review of incidents in which members of the public are killed by police use of force. It also allows for cross-examination, which can uncover additional facts or perspectives that would not normally be included in administrative reviews.

With respect to areas for improvement of the process, I will share a couple very specific examples of things that could be improved, and then suggest reasons to look at the bigger picture.

For example, in the inquest for the KCSO shooting of Renee Davis, a 23-year old mother who police called upon for a wellness check after she threatened suicide, the topic of training was not permitted in the inquest. However, a key concern in the case was whether deputies did enough to de-escalate before confronting Davis in her bedroom. It would have been relevant to community concerns if the inquest included whether the officers in that incident

had had the benefit of the 40-hour Crisis Intervention Training or considered other alternatives and if not, why not.

Another example, in the inquest for the KCSO shooting of Mi'Chance Dunlap-Gittens, the topic of pre-force tactics was excluded from the inquest proceeding. In this matter, a key concern was whether KCSO used appropriate tactics in the lead-up to the shooting. It's something on which KCSO's own reviews disagreed. The inclusion of pre-force tactics would have been relevant to consideration of this shooting.

These issues both reflect limitations on the scope of inquests.

However, in thinking about shortcomings of the inquest process, it's important to look beyond the courts to the constellation of accountability in police-involved deaths, and what the public most needs to have further confidence in law enforcement officers. To my mind, the public most wants: **information, open dialogue and outcomes**. Inquests will never satisfy the public unless either it, or it combined with other accountability measures, meets these needs.

With respect to the need for **information**, having independent investigations – as OLEO is in fact charged to do – is critical to transparency. Often, the public has little faith in police internal reviews and investigations. Having external, professional investigations of shooting deaths can bridge a critical trust gap.

In addition, police departments across King County should have shared minimum standards for how use of force incidents are internally reviewed. For me, this isn't as much about whether an officer is accused of misconduct or found guilty on such charges – though that is also a critical piece of accountability. Rather, the concern is that review of uses of force be robust, consistent, credible and transparent. This speaks to the public's need for more **open dialogue**. The public yearns to see depth of contemplation of these incidents, how they happened, and how they can be prevented for the future. In the Sheriff's Office, use of force reviews are currently directly tied to the fate of the officers, which results in a context of defense rather than a context of lessons learned and prevention. My office would gladly work with the county to identify model review procedures for all King County police departments to consider adopting.

With respect to **outcomes**, there are many places to look for improvements. One big missing piece is an established reconciliation process for those who seek understanding and healing. Our office spearheaded a successful alternative dispute resolution session between members of the Sheriff's Office and members of the Vietnamese American community in response to the KCSO shooting of Tommy Le last summer. Incorporating expectations for alternative dispute resolution into the constellation of use of force review brings the "reconciliation" piece of "truth and reconciliation." It also does a lot to bridge understanding between public and police.

I won't repeat some of the excellent suggestions made by others throughout this process, but a couple other issues we think are important to improve inquest process are:

- An upfront needs assessment for the family of the deceased with respect to representation, translation services, physical accessibility, as well as the family's basic comprehension of the inquest process and their rights within it.
- The assignment of an attorney immediately after the incident - even if it later turns out the family does not qualify for public defense - to represent them until they can hire a private attorney. This is critical for making sure they can timely conduct their own investigation of the incident if needed.
- Another question is whether King County itself really needs to be "represented" during an inquest. It seems this involvement relates to preserving any interest for a civil suit. If that is the purpose, then King County's participation affects the balance of represented interests. For families, it can feel like a three against one dynamic, with the Police Guild, King County, and the Prosecutor being on the other side of their interests. It can also convey to the public that King County itself is not about transparency or accountability because the attorney orientation largely appears to side with the officer's actions.

Thank you for including me in this important process and considering these recommendations. Two of OLEO's key duties relate closely to the inquest process, and we appreciate your interest in our perspective.