



King County

Memorandum
Metropolitan King County Council

August 17, 2017

TO: Joe McDermott, Chair, Employment and Administration Committee
Reagan Duin, Vice Chair, Employment and Administration Committee
Claudia Balducci, Member, Employment and Administration Committee
Dave Upthegrove, Member, Employment and Administration Committee

From: Carolyn Busch, Chief of Staff

RE: Investigation of a complaint relating to Deborah Jacobs, Director, Office of Law Enforcement Oversight

ISSUE:

On June 16, 2017 King County Sheriff Deputy Jesse Herrera submitted a statement within the Sheriff's Office outlining an incident on June 14, 2017 involving Deborah Jacobs, Director of the Office of the Law Enforcement Oversight (OLEO). Deputy Herrera's statement was forwarded to Council. I spoke with Deputy Herrera. Deputy Herrera found the June 14th interchange with Ms. Jacobs problematic. To follow up, I talked to Deborah Jacobs about the incident and she provided a written statement. Both of these written accounts are attached. These conversations and written accounts are the basis for this investigation.

Deputy Herrera noted that an Officer Involved Shooting investigation was underway at the King County Medical Examiner's office to view the suspect autopsy. There were other deceased individuals in the room. After the examination, Deborah Jacobs and Deputy Herrera were talking. Deborah was surprised because one of the deceased males (unrelated to the investigation) had significantly enlarged genitalia. She asked Deputy Herrera about the cause and he explained that it was probably due to the man sitting during and after death.

This conversation troubled Deputy Herrera; he found it unprofessional. In addition, he thought this incident should be fully investigated. He had no interest in meeting with Deborah Jacobs to discuss his concerns and give her the opportunity to understand and respond to his concerns directly.

FINDINGS:

The King County Council has anti-harassment policies and procedures in both its organizational motion and policies (OR 3-110 and Attachment A to Motion 13408, respectively). In this case, primarily due to Deputy Herrera's insistence, the Chief of Staff determined an investigation was warranted. The Chief of Staff was then required to:

- Develop a response plan.

The Chief of Staff's response plan included initially speaking with Deputy Herrera to clarify his concerns and determine whether he would be willing to meet with Deborah Jacobs. Ms. Jacobs was willing to meet with Deputy Herrera to understand his concerns and respond to them directly. Deputy Herrera was unwilling to meet with Ms. Jacobs. Council policy notes that the offended parties should first attempt to discuss their concerns directly with the person(s) offending.

Given Deputy Herrera's unwillingness to meet with Ms. Jacobs, the Chief of Staff then reviewed Council policies and met with Ms. Jacobs to more specifically discuss the problematic interchange. Ms. Jacobs also provided a written statement (attached).

- Advise the EAC Chair of the complaint and recommended response plan. (Discussed July 6, 13, 20, and 27)
- Conduct an investigation. (Findings below)

As noted in the response plan above, an investigation was conducted. There are five areas where the Council's unlawful harassment may be violated (written in whole or part below):

1. Discrimination prohibits any act or failure to act based on race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin, or the presence of any disability unless based on a bona fide occupational qualification.
2. Harassment can take the form of slurs, comments, jokes, innuendoes, unwelcome compliments, cartoons, pranks, and/or other verbal or physical conduct on the bases of race, color, age, sex, marital status, sexual orientation, religion, ancestry, national origin or the presence of any disability.
3. Sexual harassment is a type of harassment and includes unwelcome sexual advances, requests for sexual favors, displays of sexually orientated materials, and other verbal or physical conduct of a sexual nature.
4. Inappropriate conduct is conduct that is not unlawful but has a sexual or racial component and may lower morale and/or productivity.
5. Retaliation is an adverse employment action against an individual due to a discrimination, harassment or inappropriate conduct complaint.

Deputy Herrera did not believe Ms. Jacobs' comment was discriminatory or sexual in nature but he did find it to be "unprofessional". Inappropriate conduct would be the most likely injury experienced.

While Ms. Jacobs' comment lacked thought, she attempted to make the situation right with Officer Herrera by speaking with him. Deputy Herrera refused her offer.

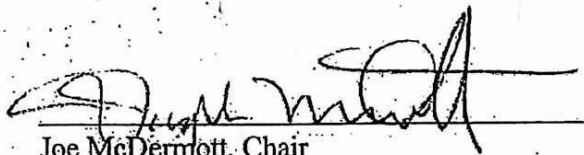
Deborah Jacobs has committed to the Chief of Staff to be more thoughtful and intentional in her comments with all officers in the future. She recognizes that being involved in law enforcement oversight may inspire unintentional tension and her curious and friendly demeanor can be misunderstood.

The Chief of Staff finds Ms. Jacobs' contrition appropriate and sufficient with no other disciplinary action necessary.

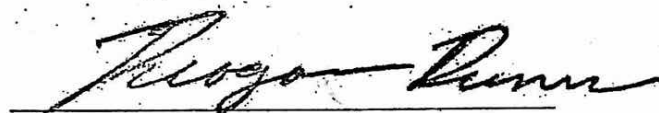
- Brief the EAC.
- Implement the recommendations of the EAC.

EAC RECOMMENDATION:

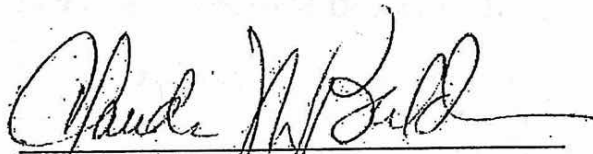
Accept the Chief of Staff Investigation finding presented to the Employment and Administration Committee Meeting on Monday, August 14, 2017.



Joe McDermott, Chair
Employment and Administration Committee



Reagan Dunn, Vice Chair
Employment and Administration Committee



Claudia Balducci, Member
Employment and Administration Committee



Dave Upthegrove, Member
Employment and Administration Committee



KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
Seattle, WA 98104

John Urquhart
Sheriff

June 23, 2017

CONFIDENTIAL

✓ Councilmember Joe McDermott, Chair
Councilmember Reagan Dunn, Vice Chair
King County Council
Room 1200
COURTHOUSE

RE: OLEO Director Comments

Dear Councilmembers McDermott and Dunn,

The OLEO director, Ms. Jacobs, made some comments to one of the Sheriff's Office deputies that we thought we should bring to your attention. There does not seem to be a regular forum to address something like this and we are referring it you because she reports to the council.

The deputy felt very uncomfortable with the conversation and reported it. His description of the conversation is attached.

We defer to your judgment about how you would like to handle it.

Sincerely,

JOHN URQUHART, SHERIFF

A handwritten signature in black ink that reads "Patty Shelledy". The signature is written in a cursive, flowing style.

Patty Shelledy,
Legal Advisor

Enclosure

- Continuation
- Statement
- Officer's Witness Statement
- Officer's Report



King County Sheriff
Continuation/Statement/O.R.

Case #: _____
Date: 06/16/17 Time: _____

| | | | |
|--|------|----------------|-------------------------|
| Name (Last, First, Middle) Herrera, Jesse F | | Phone: Cell | Phone Number |
| Residence Address | City | State ZIP | Occupation Race Sex DOB |

On June 14, 2017 during the course of an Officer Involved Shooting investigation I responded to the King County, Medical Examiners office to view the suspect autopsy for evidence for the investigation. I arrived at 0830 along with Det. Chris Johnson, Sgt. Jason Escobar and Deborah Jacobs (Director of OLEO). We were led into the waiting room of the M.E. room. This room has windows of the room where the autopsy's are performed. I noticed several naked deceased bodies on the floor as we were waiting for the body of the suspect to arrive. I did not pay much attention to any of the deceased bodies in the room as the deceased body of the suspect was not there yet. At around 0900hrs the suspect body was brought in and we all went out to the floor to view the body as the M.E. began their examination. Sometime after that Deborah brought up less lethal weapons and stated that TASER's kill people. We had a brief conversation related to her comment and I advised her that with any use of force option used on someone that ends up in a death to include TASER's there are always contributing factors. As I had this conversation with Deborah Sgt. Escobar and Det. Johnson walked away. The conversation ended shortly after the two walked away. Deborah then looked at me and said "Did you see the guy with the big penis?" I told her no as I looked over at the rest of the deceased bodies. She then said "that one, what causes that?" I saw the deceased body she was talking about and told her it was probably a result of all the blood rushing to the lower part of the body. This made me uncomfortable and I walked away from her and joined up with Det. Johnson and Sgt. Escobar as the suspect body was being cleaned.

The following statement is true and correct to the best of my knowledge under penalty of perjury under the laws of the State of Washington.

| | | | |
|---------------------|-----------------|---|--|
| Serial No. 70076 | Unit No. 383 | Officer's Reporting Signature (Digitally signing will lock all fields on or above this line) Jesse F. Herrera | <small>Digitally signed by Jesse F. Herrera DN: cn=Jesse F. Herrera, o, ou, email=jesse.herrera@kingcounty.gov, c=US Date: 2017.06.16 16:35:49 -0700</small> |
| Date | Copies To | Supervisor Reviewing (Digitally signing will lock all fields on this line) | |

July 19, 2017

To: File/Carolyn Busch

Fr: Deborah Jacobs, Director, OLEO

Re: Complaint concerning comment made at autopsy

On Friday, June 23, Sheriff Urquhart informed me that Deputy Jesse Herrera was filing a complaint with the County Council alleging that I made an offensive comment about a penis at the autopsy of Tommy Le on July 14. When hearing this from the Sheriff, I did not substantively respond because I was shocked and couldn't remember the kind of verbal exchange the Sheriff suggested. I have not seen the complaint to date.

Later that day, I remembered that while waiting on the autopsy there was casual conversation, including one of the law enforcement professionals present mentioning that the bodies undergoing autopsy looked like movie props. Later I asked about the condition of one of the bodies, the bottom half of which was abnormally engorged. Deputy Herrera answered that the likelihood is that the person died while sitting up and remained in that position for some time.

I don't remembering using the word "penis" but it's possible I did, considering it's an anatomical description.

I am confident that my tone or language was in no way disrespectful toward the deceased person.

Although I don't think I did or said anything wrong in this case, I regret making the comment because it apparently offended Deputy Herrera, to whom I'd be more than happy to apologize.



King County

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1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Meeting Agenda

Employment and Administration Committee

Councilmembers: Joe McDermott, Chair; Reagan Dunn, Vice Chair; Claudia Balducci, Dave Upthegrove
Staff: Melani Pedroza (477-1025) Committee Clerk

10:00 AM

Monday, August 14, 2017

SW Conference Room

Pursuant to K.C.C. 1.24.035 A. and F, this meeting is also noticed as a meeting of the Metropolitan King County Council, whose agenda is limited to the committee business. In this meeting only the rules and procedures applicable to committees apply and not those applicable to full council meetings.

1. Call to Order
2. Roll Call
3. Approval of Minutes of July 24, 2017 pgs 3-4

To show a PDF of the written materials for an agenda item, click on the agenda item below.

Discussion and Possible Action

4. Capital Projects Oversight interview and possible action recommending hiring pgs 5-42
Ben Thompson, Deputy Auditor

Discussion

5. County Auditor performance review for possible reappointment pgs 43-52
Carolyn Busch, Chief of Staff
6. Hearing Examiner performance review for possible reappointment pgs 53-92
Carolyn Busch, Chief of Staff
7. Personnel investigation pgs 93-94
Carolyn Busch, Chief of Staff

bring forward w/ chair sponsor

OLEO

Expand w/ EAC for round table



Sign language and communication material in alternate formats can be arranged given sufficient notice (296-1000)
TDD Number 296-1024

ASSISTIVE LISTENING DEVICES AVAILABLE IN THE COUNCIL CHAMBERS.



Briefing

8. Chief Policy Officer update

John Resha, Chief Policy Officer

9. Chief of Staff update

Carolyn Busch, Chief of Staff

John Resha
Carolyn Busch
→ [unclear]

Other Business

Adjournment



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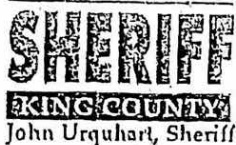
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- What if roles were split? → deceased loved one consequences would be different
- Feel it was totally unprofessional
- Wants it to be all professional
- Feels warrants full investigation because she is OLEO director

Serial No. 70076 Unit No. 383 Officer's Reporting Signature (Digitally signing will lock all fields on or above this line)
Jesse F. Herrera
Digitally signed by Jesse F. Herrera
 DN: cn=Jesse F. Herrera, o, ou, email=jesse.herrera@kingcounty.gov, c=US
 Date: 2017.06.16 18:36:49 -0700

Date _____ Copies To _____ Supervisor Reviewing (Digitally signing will lock all fields on this line)



King County

Memorandum
Metropolitan King County Council

*Doesn't agree
thinks double
standard*

August 17, 2017

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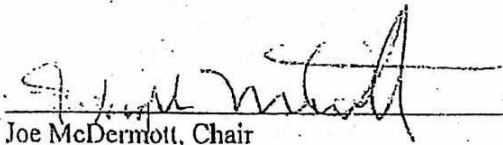
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