

SHERIFF'S BLUE RIBBON PANEL

Agenda: Meeting #3

Wednesday, April 12, 2006, 6:00 – 9:00 pm

Seattle City Hall, Bertha K. Landes Room
600 Fourth Avenue, First Floor, Seattle, WA

Topic	Lead Presenter	<i>Estimated Time</i>
• Introductions and agenda overview	Randy Revelle	6:00-6:05 pm
• Preliminary responses to prior panel questions; overview of materials	Morgan Shook	6:05-6:15 pm
• Discussion and approval of major factors that influence the misconduct and discipline process	Randy Revelle	6:15-6:45 pm
• Presentation: Role of King County Office of Citizen Complaints - Ombudsman in investigations	Amy Calderwood, Director	6:45-7:15 pm
• Presentations: Washington labor environment and union representation; other agency roles related to misconduct and discipline systems	Susie Slonecker, King County Prosecutor's Office Nancy Buonanno-Grennan, King County Office of Human Resources Management Virginia Kirk, King County Sheriff's Office	7:15-8:25 pm
• Update and work plan for comparable agencies research	Marty Wine, Morgan Shook,	8:25-8:45 pm
• Public comment (<i>as time permits</i>)	Randy Revelle	8:45-8:55 pm
• Summary and next meeting topics	Marty Wine	8:55-9:00 pm

Panel Members

- Randy Revelle, chair
- Faith Ireland, vice chair
- Tony Anderson
- Dave Boerner
- Michael O'Mahony
- Wilson Edward Reed
- Jennifer Shaw
- Richard K. Smith
- Pat Stell
- D. Gene Wilson

Panel Staff

- Berk & Associates (Marty Wine and Morgan Shook)
- Virginia Kirk, King County Sheriff's Office

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KING COUNTY SHERIFF'S BLUE RIBBON PANEL
Panel Meeting Summary: March 22, 2006, 6-9 PM
Seattle City Council Chambers
600 Fourth Avenue, Second Floor, Seattle, WA

Panel Members Present: Randy Revelle (chair), Faith Ireland (vice-chair), Dave Boerner, Michael O'Mahony, Wilson Edward Reed, Jennifer Shaw, Richard Smith, Pat Stell, and D. Gene Wilson

Panel Members Absent: Tony Anderson

Proceedings:

Meeting convened at 6:00 PM by Randy Revelle, chair.

Panel Introductions and Agenda Overview

- Panel Members introduced themselves. Panel chair presented an overview of the meeting agenda.

Preliminary Responses to March 8 Panel Questions

- Morgan Shook (Berk & Associates) provided a brief description of the meeting materials, including responses to questions asked in the March 8 meeting.

Overview of Current Procedures and Sample Investigations

- Captain Cameron Webster (Internal Investigations Unit, King County Sheriff's Office) presented an overview of the Internal Investigations Unit, their investigative processes, and a review of their formal complaint investigations.

Overview of King County Ombudsman's Office Role in Investigations

- Marty Wine (Berk & Associates) presented a brief overview of the King County's Ombudsman Office.
- The Panel agreed that they would like to extend an invitation to Amy Calderwood, Director of the Ombudsman's Office to participate in a future panel meeting.

Presentation and Discussion of Major Factors Influencing the Discipline Process

- The Panel chair led a brainstorming discussion of major factors influencing misconduct and discipline processes.

Identification of Comparable Agencies for Research

- Morgan Shook (Berk & Associates) presented a preliminary research approach for identifying comparable police agencies for a proposed best practice research on misconduct and discipline processes. The Panel discussed the approach and made further suggestions.

Public Comment

- Two members of the public provided comments to the Panel.

Meeting adjourned at 9:00 PM by Randy Revelle, chair

Summary: Berk & Associates

King County Sheriff's Blue Ribbon Panel
Panel Meeting: Wednesday March 22, 2006, 6-9 pm
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Panel Questions

King County Sheriff's Office: Internal Investigations Unit

Follow-up Questions for Captain Cameron Webster. Capt. Webster responded to specific questions raised by the panel. Virginia Kirk (KCSO) has made some minor edits.

1. What are the circumstances in which the Sheriff's Office would conduct both an investigation of alleged criminal activity and GO Manual violation?

This is a management decision made outside of IIU. While the Sheriff's Office would have the jurisdiction to investigate any criminal matter in King County, the decision whether or not to investigate both the criminal case and the internal (administrative) is made on a case by case basis. If both investigations were to be conducted by the Sheriff's Office, they would not be conducted by the same person, nor by the same unit.

2. Related: Why does KCSO not investigate/or, how does KCSO investigate allegations of criminal activity? Please clarify or explain current practice. My recollection is that 1) IIU waits until a criminal investigation is complete to take up violations that are in IIU's purview; and 2) KCSO investigates its own criminal cases in-house through its own investigators in CID.

KCSO does investigate criminal allegations. However, this is not done by IIU. IIU does wait until the criminal investigation is completed before starting the internal. Assuming we do a criminal investigation in-house, a non-IIU detective would do it. Once the criminal investigation is completed, an IIU sergeant (or Captain) does the internal.

3. A subsequent press article referenced "informal" investigations of use of force. Please clarify the types of use of force complaints and how they are investigated and where IIU comes in to that process.

By the time a use of force investigation gets to IIU there been a "formal" Use of Force investigation completed by a field supervisor. If a complaint comes in about that use of force, the field supervisor's investigation is reviewed. If it appears that force was properly used, was within policy and was necessary, no separate Use of Force investigation is done by IIU. There is a difference between complaints of Use of Force and complaints of Excessive Use of Force. They are not the same, but the process for investigating them is. What the ICI reflects is those cases where we have received a complaint, reviewed the use of force and determined that no further investigation is necessary.

4. *Qualifications to work in IIU. You referenced reaching the rank of Sergeant and having criminal investigation experience. Could you give a more comprehensive description of qualifications?*

The sergeants in IIU are selected from sergeants who apply for the position. Criminal investigation experience is required. Work experience and disciplinary history are considered in the selection. Once selected, they are sent to internal investigation schools as often as they come up. The two sergeants currently in the unit both have major crimes experience and excellent reputations.

5. *In what circumstances would a person get no discipline for a sustained complaint?*

Example - A Corrective Counseling Memo is not considered discipline. Example - Although we have since changed our practice to indicate "resigned after recommendation for termination," in the past someone that resigned or retired prior to their Loudermill hearing (discipline hearing), they may have been counted as "none" also. Example - Voluntary transfer or extra training would also not be considered discipline.

6. *What is the "Other" category in statistics?*

Same as above. I attribute it to past inconsistency in categorizing. A complaint classified as "other" could be any of the above examples.

7. *Can you clarify the most common types of allegations that IIU deals with?*

Top Five "Allegations" in order:

Conduct Unbecoming

Courtesy

Performance Standards

Excessive or Unnecessary Use of Force

Use of Authority

8. *Why do investigators make a recommendation about whether a complaint should be sustained? (You'd mentioned the Long Beach model. What is it and what does it mean for IIU involvement?)*

The first part of that is a matter of policy and practice. The investigator knows the case better than anyone else. Who better to make a recommendation for the finding? A reviewing commander is free to change the finding. The investigator makes no recommendation as to the discipline.

According to our General Orders Manual historian, our IIU model is based on Long Beach California's model. Large Southern California police agencies are often the model for department policies and procedures. For all their issues lately, places like LAPD and San Diego P.D. have been at the forefront of professional policing for many decades. We use a Field Training Program modeled after San Diego's.

9. *Has IIU addressed the issues raised in a 1995 report by Judge Terry Carroll which made specific recommendations to reduce the discretion of first-line supervisors and make available more public information about the process? (Recommendations from the 1995 report are listed below, A-H)*

- A. IIU alone should decide which complaints are investigated and whether the precinct should conduct the investigation.*
- B. Every complaint should be logged regardless of whether an investigation is conducted.*
- C. A person or group, outside of the county government, should regularly review the policies and practices of the KCDPS discipline system and report to the public. Also, the brochure provided the public should be updated.*
- D. Highly trained legal counsel for the Director must be maintained when a grievance is filed.*
- E. IIU should supervise the investigation of all allegations against officers, including EEOC matters.*
- F. The Director should have appropriate discretion to transfer officers within the KCPDS.*
- G. Adequate training and resources need to be devoted to the investigative process. Computerization of record keeping is critical.*
- H. IIU only should investigate all excessive force complaints.*

Recommendations start on page eight of the 1995 letter from Judge Carroll. .

Recommendations:

- A. Done. That is IIU's call (in consultation with the Sheriff)
- B. Done. Since 2004 complaints are logged in the ICI database.
- C. First Part - Sheriff is considering working this into our process. Second part - our brochure has been updated.
- D. The department has various legal resources available, both inside and outside the County.
- E. IIU supervises these investigation.
- F. Sheriff has authority to do so, but not without contractual limitations.
- G. The IIU investigators are adequately trained and have sufficient resources. Records are kept by computer.
- H. IIU investigates all excessive force complaints.

King County Sheriff's Blue Ribbon Panel
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Panel Questions

Relating to Employment Policy, Labor Policy and Practice, and the Misconduct Investigation/Discipline Process. These are responses to questions taken from Meetings 1 and 2.

How does Washington's labor environment influence how police agencies function?

- All wages, hours and working conditions must be bargained with the employee's representative.
- For fully commissioned personnel, if the parties are unable to reach agreement, an impartial third party will impose an agreement in interest arbitration.
- For interest arbitration eligible employees, when a police agency wants to make a change to a mandatory subject of bargaining, the agency must plan for the time it takes to complete negotiations and analyze the likely outcome of interest arbitration.

What is binding interest arbitration and how does it work?

- Interest Arbitration is a process for resolving mandatory subjects of bargaining where the parties cannot reach agreement.
- In the King County Sheriff's Office (KCSO), interest arbitration is available to the King County Police Officers Guild, the Captains, and employees in the Communications Center.
- When the parties reach impasse on an issue, they request a mediator from the Public Employment Relations Commission (PERC).
- When the mediator believes the parties have reached impasse, the mediator refers the matter to the Executive Director of PERC to certify the issue for arbitration.
- The parties attempt to agree to an arbitrator.
- If the parties fail to agree, they can obtain a list of arbitrators and alternately strike names from the list until there is only one arbitrator left.
- The arbitrator holds a hearing on the issue and makes a decision based on a comparison of "employers of similar size on the west coast of the United States."
- The arbitrator's decision is binding on both parties.

What is the involvement of the Guild and 519 on the misconduct and discipline process?

- The union has a duty to fairly represent its members. The Union's primary involvement is at three points:

- Investigation. The employee has a right to have a union representative where the employee reasonably believes that the questioning could result in discipline. The union may not be a disruptive presence in the questioning; however, they may ask clarifying questions.
- Loudermill Hearing. The employee has a right to respond prior to the final decision on whether or how much to discipline. At King County, the Sheriff will conduct the hearing and make the ultimate decision on the discipline. The union will attend this final hearing with the employee. At the time of the hearing, the union will have reviewed the proposed discipline and case file. The union will raise any concerns as to whether the proposed discipline meets a “just cause” standard.
- Grievance Procedure. After the discipline is issued, the union will make an internal determination as to whether it intends to challenge the discipline under the contract. If so, it will file a grievance. The union will represent the employee through the grievance process. The grievance process usually involves further discussion between the union and the County as to whether the contract has been violated. The last step of the grievance process is a hearing, either in front of an arbitrator, the King County Personnel Board or the King County Civil Service Commission.
- The Sheriff also has a duty to bargain changes in work rules and disciplinary processes with the Guild and unions.

What is the best way for the Panel to hear from the unions that represent KCSO staff?

The best way for the Committee to hear from the unions is to invite them to testify. The Committee might also take that opportunity to ask the unions how the Committee might best hear from rank-and-file members.

There are four unions representing six bargaining units in the King County Sheriff's Office:

KCSO Unions and their primary contacts are:

- King County Police Officers Guild

Steve Eggert, President: (206) 957-0934

- SEIU, Public Safety Employees, Local 519 represents three bargaining units
 - Local 519, Non Commissioned
 - Communications Specialists
 - Captains

Dustin Frederick, Business Manager: (206) 448-1050

- King County Court Protection Guild

Charles Fehring, President: (425) 557-9430

- Joint Crafts Council

- Teamsters Local 117 - represents one (1) Aircraft and Fire Fighting Sergeant at the Airport

Greg Slaughter, Co-Chair: (206) 441-4860

When and why did regular performance evaluations stop being done? Does it need to be bargained?

- Performance evaluations were suspended approximately five years ago because the process and guidelines for doing them were thought to be cumbersome and did not yield much helpful information. Three years ago a committee was formed to work to create a new performance evaluation form. A sample evaluation form was developed but there was disagreement on how it should be used. The issues were not resolved and the evaluation form was not used. Recently, the Sheriff has re-activated the process to develop a new simplified evaluation form.
- The use of performance evaluations does not have to be bargained. However, the effects of the decision to use performance evaluations must be bargained. Instances of effects are whether the evaluations will be used for discipline, whether they will be used for pay increases, whether they will be used for promotions, whether the employee has a right to appeal, and what does that right of appeal look like.

What is the Sheriff's review process to determine discipline, and how does she determine what level of discipline to give?

- Discipline – when a misconduct complaint is sustained, the employee's command staff makes a discipline recommendation. If the recommended discipline could cause financial loss to the employee, the employee may ask for a meeting with the Sheriff or a Loudermill Hearing. There the Sheriff can impose the recommended discipline or other discipline. The Sheriff bases her decision on many factors including:
 - Input from command staff.
 - Input from legal advisors and labor relations personnel.
 - Input from Guild or Union representative.
 - Input from employee.
 - Employees' work and misconduct record.
 - Past department discipline for similar misconduct.

When is an employee notified of a misconduct investigation? Must the subject of a complaint be notified in a criminal investigation?

- To protect the integrity of the investigation, accused employees are notified in writing very early on in the investigative process. Because IIU does not conduct criminal investigations, no notification is made by IIU of pending criminal cases.
- The collective bargaining agreement states only that "in criminal matters, an employee shall be afforded those constitutional rights available to any citizen."

Labor and Agreements

Is Chapter 3 of the General Orders Manual a part of the labor agreement?

- Chapter 3 is not part of the collective bargaining agreement. However, if there were provisions that the department wanted to change in the chapter that would change hours, wages or working conditions, it would need to be bargained.

Where is the Guild represented in the misconduct and discipline process? What are their roles and activities?

- The Guild and Union are kept up to date with the progress and steps of the investigation. They are present during employee interviews. The Guild and Union help facilitate communication between the department, the Internal Investigations Unit (IIU), and the accused employee. The Guild's primary interaction with the process comes at three points:
 - Representing the employee during an investigatory interview;
 - Representing the employee in a Loudermill hearing; and
 - Representing the employee through the grievance process and in arbitration, or a hearing before the King County Personnel Board or the King County Civil Service Commission.

How is the Guild involved in officer-to-officer complaints?

- The Guild has a duty to fairly represent all its members. Depending on the circumstances, where the interests of two members could conflict, the Guild may have each employee represented by either two different shop stewards or possibly by two different attorneys. In some cases a union might even hire outside counsel to assist in representing one of the members.

Does the Collective Bargaining Agreement (CBA) specify the notification period to the accused for complaints once the complaint is logged?

- Timelines for investigations, decision-making and notifications are specified in the General Orders Manual and are the result of negotiations and agreements with the Guild.

How is the labor environment different in Washington compared to other states?

- States and political subdivisions are not covered by the National Labor Relations Act.
- State, County, and City employee collective bargaining rights are on a state-by-state basis.
- Generally there are three different models for public sector collective bargaining.
 - No Bargaining Required. Some states do not require or even allow public sector collective bargaining. These tend to be Southern and Southwestern states.
 - Meet and Confer. Some state allow the right to organize, but do not have any impasse resolution rules. The employer is only obligated to inform the union of

- proposed actions and meet to discuss them. If impasse is reached, the employer may impose its proposal.
- Some Meet and Confer states use non-binding fact-finding. The legislature has the right to ignore the findings.
 - Binding Interest Arbitration.
 - If parties cannot agree on mandatory subjects of bargaining, they submit their dispute to binding arbitration.
 - Binding Arbitration is found in large Northeast states and the Pacific Northwest.
 - Generally, Washington State has granted interest arbitration to uniformed public safety employees and to transit employees.
 - In the KCSO, the Deputies, Sergeants and Captains are eligible for interest arbitration under the state law. Certain employees in the Communication Center are eligible for interest arbitration by virtue of King County Code.
 - In California, statewide interest arbitration is unconstitutional. However, local jurisdictions can adopt impasse resolution rules.
 - In Washington State, supervisors may form a union. This is not true in the private sector.
 - It is common for civil servants to have job tenure.
 - Represented employees in the KCSO may only be disciplined for “just cause” under their collective bargaining agreements.
 - Additionally, most employees of the KCSO, including non-represented employees, are protected by a “good faith with cause” standard under state law and a “just cause” standard under the King County Charter.

Will our recommendations need to be bargained?

- Recommendations that change wages, hours or working conditions may have to be bargained. Of course, it depends on the ultimate recommendations as to whether they will need to be bargained.
- Any recommendation will need to be carefully reviewed to see if it is either a mandatory subject or impacts a mandatory subject of bargaining.
- Generally, employer proposals relating to discipline and disciplinary procedures need to be bargained.
- Even where the decision to make a change relating to discipline or disciplinary procedures does not need to be bargained, the impact of such a decision may need to be bargained.
- In determining whether a proposal needs to be bargained, PERC will conduct a balancing test between the inherent interest of management in running its business and the impact on the employees.
- PERC is very liberal in interpreting the collective bargaining statute in finding subjects to be bargainable.
- PERC has found that implementation and changes to law enforcement review boards are mandatory subjects.
- PERC has found that increased public disclosure of unsustained complaint information is a mandatory subject of bargaining.
- PERC has found that the addition of a non-voting citizen to a shooting review board was not a mandatory subject. However, PERC did find that the addition of the citizen observer

raised impacts that did need to be bargained. Among these impacts was a concern regarding confidentiality. PERC ordered suspension of the citizen participation until the effects could be bargained.

Is the vehicle per officer policy based on crime deterrent or other public safety reasons? Is the use of the car a working condition that falls under the CBA?

- The car per car officer program authorized a police officer to increase the efficiency of commissioned personnel assigned to field positions during daily commute trips. Because patrol officers and detectives could immediately respond to calls for services during their daily trips, rather than waiting until the beginning of a regular work shift, patrol officers and detectives were expected to respond to more calls for service. The presence of marked police cars parked at officers' and detectives' residences was also expected to reduce crimes in King County neighborhoods and increase police visibility in general.
- The vehicle program is not part of the CBA; however, take home vehicle policies are a mandatory subject of bargaining. Changes to the program would require bargaining.

How are arbitrators selected? Does the CBA specify? Do the parties have to agree?

- The CBA details how arbitrators are selected. The parties may agree to an arbitrator. In the event that the parties are unable to agree upon an arbitrator, then the arbitrator shall be selected from a panel of nine arbitrators furnished by the American Arbitration Association or other agreed upon service. The arbitrator will be selected from the list by both the County representative and Guild, each alternately striking a name from the list until one name remains. The arbitrator, who shall conduct the arbitration in accordance with the Voluntary Rules for Labor Arbitration, shall be asked to render a decision in accordance with those rules and the decision of the arbitrator shall be final and binding on both parties.

What are the situations when an arbitrator's ruling can be overturned?

- There is limited judicial review and it is rare to have an arbitration ruling overturned. The standard used to be arbitrary and capricious, but that was changed in 2003. The current standard to review an arbitration decision under a constitutional writ of certiorari is limited to whether the arbitrator acted illegally by exceeding his or her authority under the parties' contract.

Has there been an analysis of the KCSO CBAs with other departments (particularly Northwest departments) comparing management rights and misconduct processes?

- Generally the management rights and misconduct processes at King County are similar to other departments in the Northwest

Overview of County and King County Sheriff's Office Employment Policies Generally

- We are in the process of preparing an overview on this matter to share with the Commission.

Who has access to the complaint investigation? What is the mechanism for an organization separate from the KCSO to see complaint records (Public, Guild, Ombudsman, and Prosecutor's Office)?

- We are in the process of preparing an overview of this matter to share with the Commission.

State and County Labor Law Overview

Washington Labor Law Overview

Introduction

RCW chapter 41.56 governs Washington public employers and employees collective bargaining rights and obligations. RCW 41.56.010 states the legislature's purpose in enacting the chapter:

The intent and purpose of this chapter is to promote the continued improvement of the relationship between public employers and their employees by providing a uniform basis for implementing the right of public employees to join labor organizations of their own choosing and to be represented by such organizations in matters concerning their employment relations with public employers.

The statute applies to all counties, municipal corporations and political subdivisions of the State, including district and municipal courts. RCW 41.56.020.

The term "public employee" includes "any employee of a public employer", except the following:

(a) elected officials, or (b) appointed to office pursuant to statute, ordinance or resolution for a specified term as a member of a board, commission or committee, (c) confidential employees, (d) court commissioners, or (e) personal assistant to a district court judge or commissioner.

RCW 41.56.030(2).

Public employees have the right to organize and designate representatives without interference from their employer. RCW 41.56.040.¹ Employees may join together to decide to join a union or a union may contact a group of employees and ask them if they would like to organize. Bargaining units are formed by a group of employees who share a "community of interest" on employment related matters. A community of interest could include all employees of an employer (wall to wall unit) or a group of employees who share similar job responsibilities (i.e. clerical employees; engineers).

¹ RCW 41.56.040 reads as follows:

No public employer, or other person, shall directly or indirectly, interfere with, restrain, coerce, or discriminate against any public employee or group of public employees in the free exercise of their right to organize and designate representatives of their own choosing, or in the free exercise of any other right under this chapter.

The Collective Bargaining Process and Subjects of Bargaining

Once the County has recognized a union², both the County and the union have statutory obligations in the collective bargaining process. Collective bargaining is defined as:

the performance of the mutual obligations of the public employer and the exclusive bargaining representative to meet at reasonable times, to confer and negotiate in good faith, and to execute a written agreement with respect to grievance and personnel matters, including wages, hours and working conditions, which may be particular to an appropriate bargaining unit of such public employer, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession unless otherwise provided in this chapter.

RCW 41.56.030(4).

There are both mandatory and permissive subjects of bargaining. Mandatory subjects include wages, hours and working conditions. Attached is a chart prepared by the Summit Law Group that lists how the Washington Public Employees Relations Commission (PERC) has ruled on whether a specific issue is a mandatory subject of bargaining. Permissive subjects include any subject that is not mandatory and is also not illegal.

The Bargaining Process Both the County and the union come to the bargaining table prepared with a list of topics to be bargained. The parties typically agree on a meeting schedule and may agree on certain rules to govern the bargaining process. The parties may either exchange more formal proposals during the process or engage in collaborative bargaining process. Once a tentative agreement on a certain issue is reached, that issue is taken off the table (although it is possible to revisit it until a final agreement is signed).

If the parties agree to an agreement, the agreement is forwarded to Council for approval or rejection. King County Charter section 895.

Failure to Reach Agreement If the parties cannot agree, the parties notify PERC that they have reached impasse and PERC will assign a mediator. See RCW 41.56.100 (upon failure of the public employer and the exclusive bargaining representative to conclude a

² This overview does not address the process for organizing a union, recognizing a union or challenging the formation of a bargaining unit once it is certified. If the committee would like more information on that procedure, we can provide it at a later date.

collective bargaining agreement, any matter in dispute may be submitted by either party to the commission). The mediator cannot force either side to reach a settlement.

If mediation is not successful, there are different next steps depending on whether the bargaining unit is interest arbitration eligible.

Non-Interest Arbitration Eligible Groups If a bargaining unit is not eligible for interest arbitration, if impasse is reached and mediation is not successful, the County can either maintain the status quo or unilaterally implement its last, best and final offer to the union if at least one year has passed from the termination of the last collective bargaining agreement. RCW 41.56.123(1).

Interest Arbitration Eligible Groups Uniformed personnel and transit personnel have statutory authority to engage in interest arbitration. RCW 41.56.430; 41.56.492. If the County and an interest arbitration eligible group cannot reach agreement, either party may submit the dispute to PERC. RCW 41.56.440. PERC will appoint a mediator. The mediator will certify the issues to be determined and the union and the County will select an arbitrator. The parties will set a date for hearing and present evidence on the issues to be resolved. The arbitrator may take into consideration a number of issues, "including a comparison of wages, hours, and conditions of employment of personnel involved in the proceedings with the wages, hours, and conditions of employment of like personnel of like employers of similar size on the west coast of the United States" (for uniformed employees). RCW 41.56.465(c)(i). The arbitrator's decision is final and binding on both parties, subject to review by the superior court solely upon the question of whether the arbitrator's decision was arbitrary and capricious. RCW 41.56.450.

King County Labor Law Provision

King County Charter §890 reads as follows:

The county council may enact an ordinance providing for collective bargaining by the county with county employees covered by the personnel system. If an ordinance providing for collective bargaining is enacted, it shall not be subject to the veto power of the county executive; and it shall designate the county executive as the bargaining agent of the county. Any agreement reached as a result of negotiations by the county bargaining agent with county employees shall not have the force of law unless enacted by ordinance.

The County has established an ordinance for collective bargaining and designated the Executive as the County's bargaining agent. KCC 3.16.010. KCC 3.16.020 defines the bargaining agent's role:

The bargaining agent is authorized on behalf of King County to meet, confer and negotiate with bargaining representatives of the public employees of King County for the purpose of collective bargaining as contemplated by RCW 41.56, and the King County Charter, section 890, and to timely recommend to the King County council proposed wages, hours and employee benefits and other conditions of county employment for the purposes of county budgets and such collective bargaining agreement or agreements as may be required and authorized by ordinance. The bargaining agent shall not negotiate new collective bargaining agreements prior to preparing for bargaining and conferring with the committee as required in KCC 3.16.012, 3.16.025 and 3.16.050.

See also KCC 3.16.025(B) (the bargaining agent shall be the sole negotiator for King County government and shall bargain in good faith as provided by law. The bargaining agent shall commence and complete collective bargaining negotiations in a timely manner and in accordance with the overall principles and intent of KCC ch. 3.16). KCC 3.16.012 provides the Council's mission with respect to labor relations policy and other policies affecting county employees in accordance with the guidelines found in council Motion 9182. The mission includes (A) providing a positive climate in King County where employees feel their contributions are valued; (B) helping county employees view King County as a desirable place to work and where public business is conducted in a cost-effective manner; (C) allowing the council an adequate and meaningful opportunity to provide policy direction to the bargaining agent before the collective bargaining process begins; (D) causing management to plan, prepare and be accountable for obtaining agreements that best serve the public interest and improve working conditions; (E) creating and maintaining a collective bargaining and employee relations climate in the County that encourages cooperative efforts and joint problem solving among bargaining representatives, the bargain agent, employees and management to better serve the public, increase productivity, reduce waste, improve safety, improve morale, and recruit and retain quality employees; and (F) acknowledging, encouraging and continuing efforts of bargaining units and management to engage in collaborative or interest-based bargaining.

KCC 3.16.025 explains how the bargaining agent prepares for bargaining, including:

- (1) by June 30th of each year (or at least 90 days prior to the commencement of negotiations for agreements that expire on a date other than December 31) reporting to LOT the agreements that expire that year and generally explaining existing policies which, if changed, would further the principles and intent of KCC ch. 3.16;

- (2) recommending to LOT overall changes in adopted policies that would be required to implement KCC 3.16.025 and an estimate of the monetary value of those changes (including costs and benefits);
- (3) meeting with LOT to present recommended strategies for implementing adopted policies;
- (4) continuing to use collaborative or interest based bargaining;
- (5) developing and maintaining a data base with information on wages, hours employees benefits, vacation and other leave, job classifications and substantial and factual information to provide knowledge of working conditions necessary to conduct effective negotiations;
- (6) reporting to the committed by June 30 of each year (in conjunction with the PAO) a list of all pending unfair labor practice charges and all pending litigation and arbitration involving represented employees);
- (7) conferring with the bargaining agent to develop guidelines to implement KCC ch. 3.16 and motion 9182.

KCC 3.16.040 provides that collective bargaining agreements shall be transmitted to Council no later than 45 days after tentative agreement has been reached. Unless both parties have agreed in writing to extend the 45 days, failure to meet the 45 day deadline results in payment of interest on any salary increase. KCC 3.16.040(2).

KCC 3.16.050 defines labor committee functions.

Collective Bargaining, Management Rights and Union Waivers

WAGES

ISSUE	MANDATORY	CASE CITATION
Pay Schedule	Yes	<i>City of Auburn</i> , Dec. 455 (1979)
	Yes	<i>City of Anacortes</i> , Dec. 1493 (1982)
	Yes	<i>Lewis County</i> , Dec. 2957 (1988)
Unanticipated Funds Allocation (1977)	No	<i>Federal Way School District</i> , Dec. 323-A
	No	<i>Anacortes School District</i> , Dec. 2544 (1986)
Budget Rejection of authorized salary increases	No	<i>Washington Federation of State Employees v. The Office of Financial Management</i> , 121 Wn.2d 152 (1993) (OFM acted with its statutory authority in rejecting a "catch-up" salary increase that had been approved by the State Personnel Board)
Wages of Supervisor Reverts to Bargaining Unit (19-35)	Yes	<i>City of Dayton</i> , Dec 2111 (1985) & 2111 -A
Overtime Pay	Yes	<i>City of Clarkson</i> , Dec. 3286 (1989)
Wages	Yes	<i>City of Centralia</i> , Dec. 5282-A (PECB, 1996)
	Yes	<i>City of Centralia</i> , Dec. 3232 (1989)
579-B (1984)	Yes	<i>Shelton School District</i> , Dec. 579 (1984) &
(1977)	Yes	<i>Ridgefield School District</i> , Dec. 102-A
	Yes	<i>Franklin County</i> , Dec. 1890 (1934)
Wage Reopener for Changes in Staffing Levels	Yes	<i>Federal Way School District</i> , Dec. 232-A
Reclassification Affecting Wage Schedule	Yes	<i>City of Richland</i> , Dec. 1997 (1984)
	Yes	<i>Seattle School District</i> , Dec. 2079-B (1986)
	Yes	<i>Lake Washington Technical College</i> , Dec. 4721 (1994) (Replacing Head Custodian III and II positions with Head Custodian I, without changing work, is mandatory subject of bargaining since if effectively reduced wages)
Distribution of Overtime Supplemental Pay	Yes	<i>City of Dayton</i> , Dec. 2111(PECB, 1985)
	Yes	<i>City of Clarkston</i> , Dec. 3286 (1989)
Computation of Overtime Pay	Yes	<i>Clover Park School Dist.</i> , Dec. 6072-A (PECB,1985)
	Yes	<i>City of Clarkston</i> , Dec. 3289 (1989)
Overtime Rate	Yes	<i>City of Seattle</i> , Dec. 787 (1979)

Collective Bargaining, Management Rights and Union Waivers

Shift Bidding	Yes	City of Bremerton, Dec. 2733 (1987) & Dec. 2733-A (1987)
Rest Periods	Yes	City of Clarkston, Dec. 3286 (1989)
Job Share Assignment	Yes	City of Marysville, Dec. 5306 (PECB, 1995)

LEAVE

ISSUE	MANDATORY	CASE CITATION
Scheduling Leave Time	Yes	City of Yakima, Dec. 3564 (1990) & 3564-A (1991)
Use of Sick Leave During Vacation	Yes	City of Yakima, Dec. 3564-A (1991)
Sick Leave Accrual Caps	Yes	Sunnyside Valley Irrigation District, Dec. 314 (1977)

UNIFORM AND EQUIPMENT

ISSUE	MANDATORY	CASE CITATION
Union Insignia on Uniform	Yes	City of Clarkston, Dec. 3286 (1989)
Wearing Employer's Insignia on off-duty time	Yes	King County fire District 11, Dec. 4538-A (1994) (Employer committed ULP by unilaterally implementing new policy provisions concerning the wearing of the employer's insignia on off-duty time)

JOB SECURITY

ISSUE	MANDATORY	CASE CITATION
Transfer of Work to Non-Bargaining Unit Members Subcontracting	Yes	City of Tacoma, Dec. 5634 (PECB, 1996)
	Yes	City of Kennewick, Dec. 482-B (1978)
	Yes	City of Vancouver, Dec. 808 (1980)
	Yes	Port of Edmonds, Dec. 844 (1980)
	Yes	Newport School District, Dec. 2153 (1985)
	Yes	Clover Park School District, Dec. 3069 (1988)
	Yes	North Franklin School District, Dec. 3980 (1992) & 3980-A (1993)
Subcontracting Required by Law	Yes	City of Seattle, Decs. 4163 & 4164 (1992)
	No	Hoquiam School District, Dec. 2489 (1986)

Collective Bargaining, Management Rights and Union Waivers

DISCIPLINE AND DISCIPLINE PROCEDURES

ISSUE	MANDATORY	CASE CITATION
Rules of Conduct	Yes Yes	<i>City of Olympia</i> , Dec. 3194 (1989) <i>King County Fire District 11</i> , Dec. 4538-A (1994) (Er committed ULP by unilaterally implicated a new policy manual which included new disciplinary standards for horse play)
Polygraph Tests	Yes	<i>City of Olympia</i> , Dec. 3194 (1989)
Arbitration of Discipline	Yes	<i>City of Pasco</i> , 119 Wn.2d 504 (1992)
Representational Rights	Yes	<i>City of Pasco</i> , Dec. 3368 (1989) & 3368-A (1990)
Citation for Violation of State Law	No	<i>City of Tukwila</i> , Dec. 4084 (1992)
Drug Testing	Yes	<i>City of Tacoma</i> , Dec.4539-A (1994) (Because drug testing involved discipline and discharge of employees it is a mandatory subject of bargaining) Board of Review established to review auto accidents, property damage, and point system for discipline
Agreement between the Employer and an employee on discipline	Yes	<i>City of Pasco</i> , Dec. 4197-A and 4198-A (1994) (Board of review procedures were mandatory subject of bargaining since discipline can effect tenure of employment, a working condition)
	Yes	<i>Washington State Patrol</i> , Dec. 4757-A (1995) (Patrol could not deal directly with a trooper regarding a settlement agreement that included a waiver of provisions of the CBA)

WORKPLACE PROCEDURES AND STANDARDS

ISSUE	MANDATORY	CASE CITATION
Participation in Advisory Committees Assignment of Duties	No Possibly	<i>Kent School District</i> , Dec. 595-A (1979) <i>City of Clarkston</i> , Dec. 3286 (1989)
Revocation of Commission Powers of Park Managers Introduction of Computers	No No	<i>King County</i> , Dec. 1957 (1984) <i>Spokane Fire District No. 9</i> , Dec. 3021-A (1990)

Collective Bargaining, Management Rights and Union Waivers

Layoffs	Yes Yes	<i>Stevens County, Dec. 2602 (1987)</i> <i>City of Kelso, Dec. 2633 (1988) & 2633-A (1988)</i>
Annexation	No	<i>City of Kelso, Dec. 2633 (1988) & 2633-A (1988)</i>
Effect of Annexation	Yes	<i>City of Kelso, Dec. 2633 (1988) & 2633-A (1988)</i>
Seniority Protection	Yes Yes	<i>City of Pasco, Dec. 3368 (1989) & 3368-A 1990</i> <i>City of Walls Walla, Dec. 1999 (1984)</i>
Successorship Clause Elimination of Positions	Yes Yes	<i>City of Richland, Dec. 2486 (1986)</i> <i>Seattle School District, Dec. 2079 (1984)</i>
Hiring of temporary Employee	No	<i>Kennewick School District, Dec. 3942 (1992)</i> (District hired a temp from its list of substitutes, which did not give rise to a duty to bargain)
Use of Volunteers for Standby	Yes	<i>Spokane County Fire Protection District No. 9,</i> <i>Dec. 3021-A (1990)</i>
Implementation of Computer Technology Causing Loss of Positions	No	<i>Seattle School District, Dec. 2079-B (1986)</i>
Use of Volunteers for Work Not Normally Performed	No	<i>City of Seattle, Dec. 2435 (1988)</i>
Work Performed by Confidential Employee Previously Within Bargaining Unit 4093-A (1993)	No	<i>Wishkaw Valley School/ District, Decs. 4093 &</i> (granting a confidential exclusion does not automatically preclude that employee from continuing to perform non-confidential assignments)
Employer removes Confidential Employee from Bargaining Unit	No	<i>Pasco-School District, Decision 4708 (1994)</i> (Bargaining unit work not skimmed when Er removes a confidential employee from the bargaining unit and that person continued to perform non labor-related duties previously performed)

Collective Bargaining, Management Rights and Union Waivers

Use of Employee Lockers	Yes	<i>King County fire District 1 1, Dec.4538-A (1994) (Er committed ULP by unilaterally implementing a new policy manual.</i>
Time Allocation Standard	Yes	<i>Seattle School District, Dec. 2079 (1984)</i>
Training Standards	No	<i>King County Fire District No.16, Dec. 3714 (1991)</i>

CONDITIONS OF EMPLOYMENT

ISSUE	MANDATORY	CASE CITATION
ID Badge Policy	Yes	<i>King County, Dec. 5810-A (PECB, 1997)</i>
Off-Duty Employment Policy	Yes	<i>City of Bellevue, Dec. 893 (1980)</i>
Physical Fitness Standards	Yes	<i>City of Olympia, Dec. 3194 (1989)</i>
Employment Qualification Standards	No	<i>King County Fire Protection District No. 39, Dec. 2160-A (1985)</i>
Residency Requirements	Yes	<i>Kitsap County Fire District, Dec.2872 (1988) & 2872-A (1988)</i>
	Yes	<i>Pierce County Fire District, Dec. 4146 (1992)</i>
Substance Abuse Testing Pre-hire Conditions	Yes	<i>City of Olympia, Dec. 3194 (1989)</i>
	No	<i>Kitsap County Fire District, Dec. 2872 (1988) & 2872-A (1988)</i>
Application of Pre-hire Conditions after Hiring	Yes	<i>Kitsap County Fire District, Dec. 2872 (1988) & 2872-A (1988)</i>
Adoption and Implementation of Personnel Policies for Evaluation of Employees	No	<i>Pierce County Fire District, Dec. 4146 (1992) (Er has an inherent right to evaluate its operations and the performance of employees, so there is no duty to bargain when it adopts and implements policies to do so)</i>
Training Reimbursement Contract	Yes	<i>City of Pasco, Decs. 4197-A and 4198-A (1994) (Such a contract affects wages and working conditions of employee)</i>

MISCELLANEOUS CONTRACT CLAUSE

Collective Bargaining, Management Rights and Union Waivers

Change in Job Description -	Depends	City of Richland, Dec. 1957 (1984) Port of Bellingham, Dec. 6017 (PECB, 1996) (No, absent actual change in wages, hours or working conditions)
Employee Evaluations	No No	Pierce County Fire District, Dec. 4146 (1992) Spokane County, Dec. 6073-A (PECB, 1998)
Effect of Employee Evaluations	Yes	Pierce County Fire District, Dec. 4146 (1992)
Implementation of New Technology	No	King County Fire District No. 16, Dec. 3714 (1991)
Effects of Implementation of New Technology	Yes	King County Fire District No. 16, Dec. 3714 (1991)
Performance Standards	No	Spokane Fire Protection District No.9, Dec. 3661 (1990) & 3661 -A (1991)
Effects of Performance Standards	Yes	Spokane Fire Protection District No.9, Dec. 3661(1990)& 3661 -A (1991)
Reorganization which Increases Number of Positions	No	City of Bellevue, Dec. 3343-A (1990)
Safety Rules	Yes	City of Olympia, Dec. 3194 (1989)
Services Offered by Employer	No	Federal Way School District, Dec. 232-A (1977)
Smoking Restrictions (1989)	Yes Yes Yes Yes	Mason County, Dec. 3108 (1989) & 3108-A Clover Park School District, Dec. 3266 (1989) Kitsap County Fire District No. 7, Dec. 2872 City of Seattle, Dec. 3051 - 3054 (1988) & 3051 (1988) & 2872-A (1988) A - 3054-A (1988)
Staffing Levels	No No Depends Depends Depends	City of Yakima, Dec. 1130 (1981) Pierce County, Dec. 1710 (1983) City of Wenatchee, Dec. 780 (1980) City of Richland, 113 Wn.2d 197 (1989) City of Spokane, Dec. 4746 (1994)
Standby Requirements	Yes	Pierce County Fire District, Dec. 4146 (1992)
Employee Suggestion System	No	Spokane School District, Dec. 310 (1977)
Procedures for Dealing with Substance Abuse	No	King County fire District 11, Dec. 4538-A (1994) (A new policy enacted by the Er regarding Ee substance abuse had minimal impact on Ee working conditions and disciplinary standards and was needed by the Er to maintain a safe working environment)

Collective Bargaining, Management Rights and Union Waivers

ISSUE	MANDATORY	CASE CITATION
Grievance Procedures	Yes	<i>Clark County</i> , Dec. 3451 (1990)
Successorship Clause	Yes	<i>City of Richland</i> , Dec. 2486 (1986)
Restricting Union Access to Grievance Procedure	No	<i>City of Bellevue</i> , Dec. 3129 91989)
Interest Arbitration	No	<i>San Juan County</i> , 107 Wn.2d 338 (1986)
Contractual Waivers	No	<i>Seattle School District</i> , Dec. 2079 (1984)
	No	<i>City of Yakima</i> , Dec. 3564-A (1991)
	Yes	<i>Pasco Police Officers Ass.</i> , Dec. 4694-A & 4695-A (1994) (An employer may advance to interest arbitration on a management rights clause, which includes waivers of union rights, in negotiations for a new CBA)
Legal Liability for Contractual Breaches	No	<i>Port of Ilwaco</i> , Dec. 970 (1980)

PROMOTIONS

ISSUE	MANDATORY	CASE CITATION
Promotion procedures	Yes	<i>City of Wenatchee</i> , Dec. 2216 (1985)
	Yes	<i>Spokane County Fire Protection District No. 9</i> , Dec. 2860 (1988)
Promotions Outside Bargaining Unit	No	<i>City of Yakima</i> , Dec. 2387 (1987) & 2387-B (1986)
Rule of Three	Yes	<i>Spokane County Fire Protection District No. 9</i> , Dec. 2860 (1988)
Acting Assignments Outside Unit	Yes	<i>City of Yakima</i> , Dec. 3564 (1990) & 3564-A (1991)
Promotion Qualifications	Yes	<i>City of Yakima</i> , Dec. 3053-A & 3054-A (1990)
	Yes	<i>City of Anacortes</i> , Dec. 5668 (PECB, 1996) (physical agility test)

Sheriff's Blue Ribbon Panel

Discussion: Identification of Comparable Agencies for Research

March 23, 2006

Purpose

- To provide a framework for identifying comparable agencies for research of their misconduct, discipline, and oversight systems; and
- To discuss content for future research (for findings to be delivered at April 12 meeting).

A Framework for Identification of Comparable Agencies for Research

1. Washington State police and sheriff agencies

- Rationale: have an internal investigations unit; serve a large population; provide a similar complement of police services; and are operating in Washington's labor environment.
 - Potential Agencies:
 - City of Seattle
 - Washington State Patrol
 - Pierce County Sheriff
 - Snohomish County Sheriff
 - Spokane County Sheriff
 - City of Vancouver
 - City of Everett

2. Peer departments identified in the KCSO Operational Master Plan (OMP)

- Rationale: These agencies were identified as peers of the Sheriff's Office in partnership with Management Partners, Inc. because they serve a mix of urban and rural areas; contract with other agencies; and staff at a level that is within a standard plus/minus range of the King County Sheriff's Office. (See Appendix C of the OMP).
 - Potential Agencies:
 - Pierce County, WA
 - St. Louis County, MO
 - Ventura County, CA
 - Oakland County, MI
 - Santa Clara County, CA

- Alameda County, CA
- Pinellas County, FL
- Sacramento County, CA
- San Bernardino County, CA
- Orange County, CA
- Broward County, FL

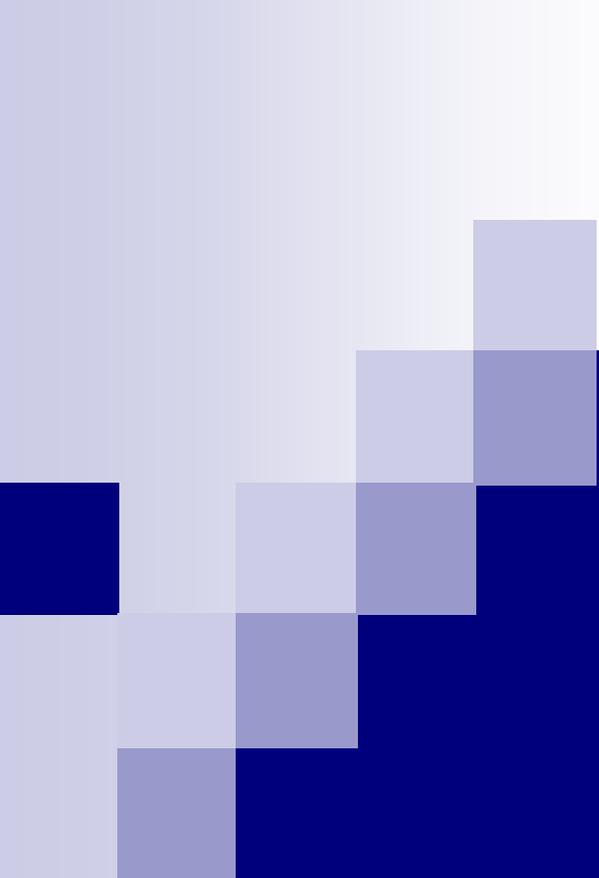
3. Other sources for “best practices” as identified by relevant organizations and individuals

- Rationale: Ask people or organizations (organizations that represent police professional associations and citizen advocacy groups) knowledgeable about police misconduct, discipline, and oversight systems, to suggest other agencies that incorporate elements of best practice in their processes or systems.
 - Police agencies with recent police accountability experience/reform
 - Portland, OR
 - San Jose, CA
 - Eugene, OR
 - Los Angeles County, CA
 - Philadelphia, PA
 - Individuals
 - Seattle Police Chief Gil Kerlikowski
 - Samuel Walker, University of Nebraska
<http://www.policeaccountability.org/>
 - Former Washington Supreme Court Justice Charles Z. Smith
 - Professional Organizations or Research Resources
 - Police Executive Research Forum (PERF)
 - National Sheriffs’ Association (NSA)
 - International Association of Chiefs of Police (IACP)
 - US Department of Justice (DOJ)
 - State Justice Institute (SJI)
 - National Center for State Courts (NCSC)
 - Washington Association of Sheriffs and Police Chiefs (WASPC)
 - City of Boise Police Department
 - Spokane County Sheriff

- City of Spokane Police Department
- Washington State Patrol
- Seattle Police Department
- Police accountability, oversight, and advocate organizations
 - National Association for the Advancement of Colored People (NAACP)
 - American Civil Liberties Union (ACLU)
 - Mexican American Legal Defense and Education Fund (MALDEF)
 - National Council of La Raza (NCLR)
 - Japanese American Citizens League (JACL)
 - Minority Officer Guilds
 - National Latino Peace Officers Association (NLPOA)
 - Human Rights Campaign (HRC)
 - Human Rights Watch (HRW)
 - National Association for Citizen Oversight of Law Enforcement (NACOLE)
 - National Coalition on Police Accountability (N-COPA)
 - Police Assessment Resource Center (PARC)

Panel Discussion & Questions

- Other ideas from the Panel about criteria to choose agencies to research?
- We will use factors discussed earlier as dimensions for comparison across agencies.
- Building on the discussion of major factors influencing the discipline process, are there additional factors and characteristics that should be added for comparison?
 - Organizational structure (both within the department and government)
 - Investigation and discipline processes
 - Internal and external oversight processes and organizations
 - Labor environment
 - Agency demographics
 - Service characteristics
- Suggestions for additional avenues for research? How many agencies?



Office of Citizen Complaints – Ombudsman

Investigations of the
King County Sheriff's Office



Presentation Overview

- Ombudsman Authority
- Intake/Investigation Process
- Statistics
- Staffing
- Outreach



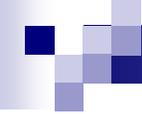
Office of Citizen Complaints – Ombudsman

- Established by County Charter
 - Investigate complaints concerning operation of county government;
 - Power to quickly investigate complaints;
 - Make and publicize recommendations regarding findings;
 - Subpoena witnesses.



Ombudsman Authority

- Citizen Complaints KCC 2.52 (1970)
- Employee Code of Ethics KCC 3.04 (1993)
- Whistleblower Protection Code KCC 3.42 (1995)



Matters Appropriate for Investigation – KCC 2.52.100

- Contrary to law or regulation;
- Unreasonable, unfair, and oppressive;
- Arbitrary;
- Improper;
- Unclear or inadequately explained;
- Inefficient.



Action on Complaints – KCC 2.52.110

- Director shall investigate complaint, unless:
 - Other remedy available;
 - Complaint outside power of office;
 - Complainant's interest insufficient;
 - Complaint is trivial, frivolous, vexatious, or not made in good faith;
 - Complaint too long delayed to justify investigation.

Ombudsman Inquiry Classification

- Information: Request for information or advice which may result in referral to another agency.
- Assistance: Complaint resolved through staff-level inquiry and facilitation.
- Investigation: Complaint is not resolvable through assistance, or is potentially systemic. Following preliminary review, complaint is summarized and transmitted to department director for response.

Investigations seek to determine if complaint was supported or unsupported, and resolve the problem. Investigations may result in recommendations to departments for improved practices or policy changes. Investigations are closed with finding of resolved, supported, unsupported, or discontinued.



Complaint Intake/Assessment Process

- Calls assessed for level of response.
- Some calls may result in referral.
- Citizens asked to contact Ombudsman if dissatisfied with IIU response and/or investigation.
- Where hesitation or reluctance to contact IIU, Ombudsman staff will contact IIU on citizen's behalf or initiate investigation.
- Ombudsman investigation initiated in cases of serious allegations.

Ombudsman Investigation Process

- Investigation includes collection of evidence including, but not limited to:
 - witness testimony;
 - interviews with Sheriff staff including deputies, IIU staff, supervising officers, etc.;
 - review of complete and unredacted IIU files;
 - medical records from Jail Health Services, Harborview, and/or private health care providers;
 - Sheriff policy and procedure manuals, relevant state and local codes, case law, etc.;
 - consultation with outside experts.



Ombudsman Investigation Process

- Consult with PAO assigned counsel when necessary.
- Upon completion of investigation, complaints are assigned finding of resolved, supported, unsupported. Some complaints are discontinued.
- Findings based on preponderance of the evidence standard.
- Results of investigations reduced to letter or report of findings.
- Findings provided to complainant and Sheriff, and other parties of record.
- Recommendations made where necessary.

Investigative Finding Definitions

- Resolved: Complaint was reconciled.
- Supported: Complaint was corroborated by evidence discovered during investigation.
- Unsupported: Complaint not corroborated by evidence.
- Discontinued: Complaint withdrawn by complainant, or discontinued due to pending claim for damages or legal action.
- Decline: Insufficient basis for ethics complaint, or allegation, even if true, would not be a violation of ethics code.

Sheriff Complaint Subject Categories

- Unnecessary Force: Allegation of excessive, unnecessary force, including use of restraints, pepper spray, etc.
- Unprofessional Conduct: Allegation of abuse of authority; and harassment not based on protected class status, such as race, ethnic origin, gender, etc.
- Policy/ Procedure: Allegation of violation of rule, law, policy, and/or procedure including, but not limited to allegations of false arrest, unlawful search and seizure, mishandling of property or evidence, failure to take action on citizen report of crime, and/or inadequate internal investigation of citizen complaint.
- Disparate treatment: Allegation of unfair treatment/harassment based on protected class status.

Sheriff Complaint Subject Categories

- Rudeness: Allegation of discourtesy.
- Ethics: Allegation of violation of ethics code. KCC 3.04.
- Civil process/
Permits: Allegation related to Sheriff's Office Technical Services Division processing of concealed weapons permits, and eviction process service.
- Employment/
Personnel: Allegation made by employee of Sheriff's Office related to working conditions, payroll, benefits, and/or retirement.
- Request for
Information: Request for basic information, e.g. request for contact information for Sheriff, how to file a complaint, records request, etc.
- Other

Table A
Sheriff Inquiries by Case Type
2001– 2005

Case Type	2001	2002	2003	2004	2005	Total
Information	26	40	35	66	57	224
Assistance	13	27	17	23	24	104
Investigation	1	3	7	15	10	36
Total	40	70	59	104	91	364

Chart A
Inquiries by Case Type
2001 – 2005
Total=364

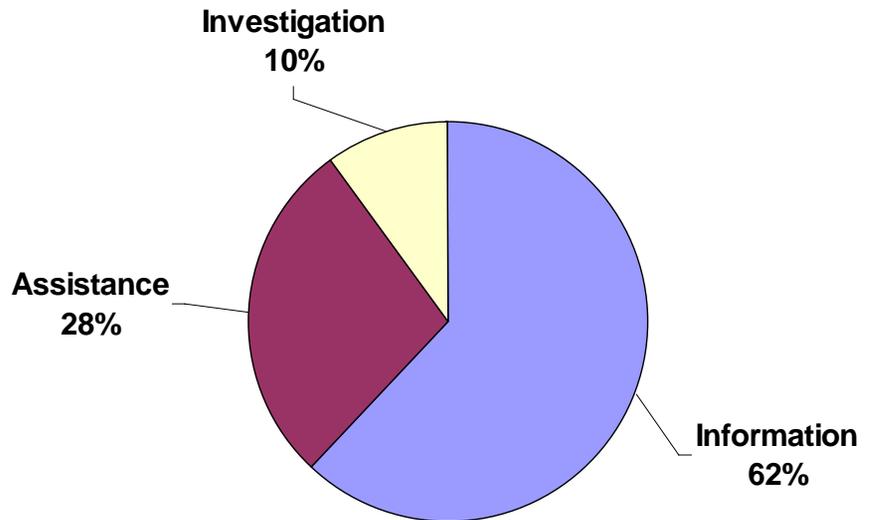


Table B
Information and Assistance Inquiries by Subject Category
2001 – 2005

Category	2001	2002	2003	2004	2005	Total
Unnecessary Force	2	2	4	7	6	21
Unprofessional Conduct	9	15	7	9	14	54
Policy and Procedure	21	32	23	37	36	149
Disparate Treatment	0	0	0	0	0	0
Rudeness	1	1	1	4	1	8
Civil Process	1	0	1	0	0	2
Employment/ Personnel	2	0	0	0	0	2
Ethics	0	0	1	1	0	2
Request for Information	4	14	12	30	23	83
Other	0	1	3	1	2	7
Total	40	65	52	89	82	328

Chart B

Sheriff Inquiries by Subject Category, 2001 – 2005

Total=328

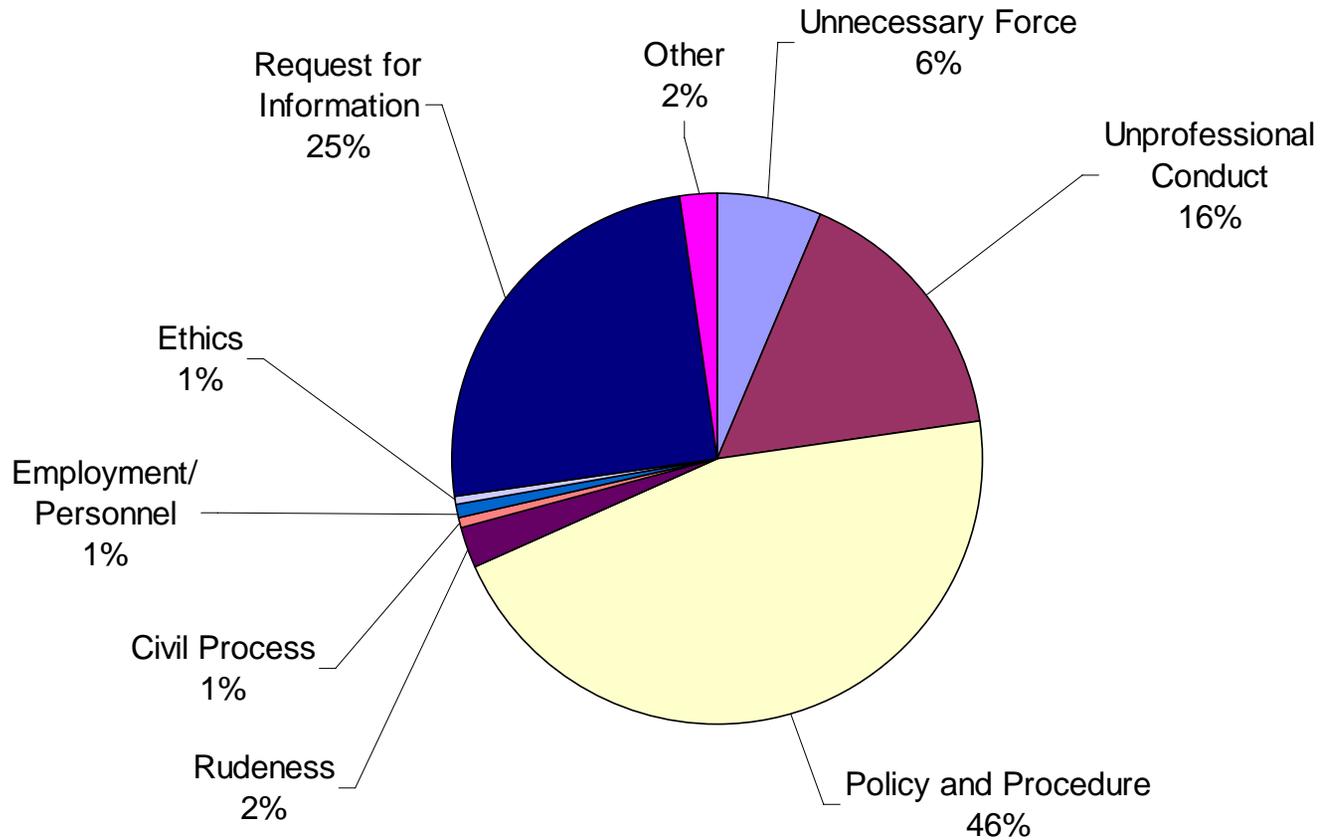


Table C
Sheriff Investigations by Subject Category
2001 – 2005

Category	2001	2002	2003	2004	2005	Total
Unnecessary Force	1	3	1	4	2	11
Unprofessional Conduct	0	0	0	1	5	6
Policy and Procedure	0	0	4	6	3	13
Disparate Treatment	0	0	0	1	0	1
Rudeness	0	0	0	1	0	1
Civil Process	0	0	1	0	0	1
Employment/ Personnel	0	0	0	0	0	0
Ethics	0	0	1	2	0	3
Total	1	3	7	15	10	36

Chart C

Sheriff Investigations by Subject Category, 2001 – 2005

Total=36

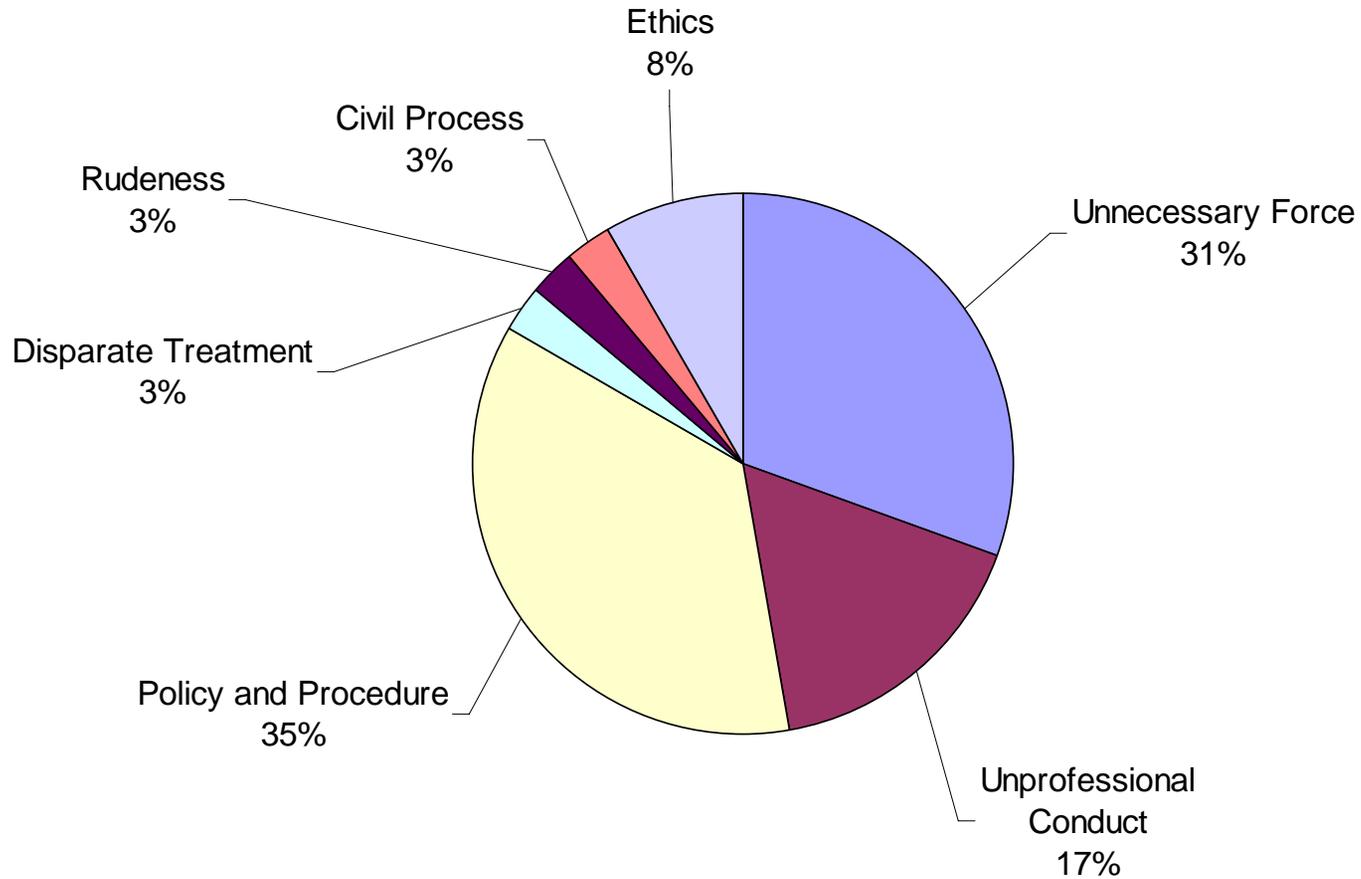


Table D
Investigative Findings in Complaints Against Sheriff's Office
2001– 2005

Finding	2001	2002	2003	2004	2005	Total
Unsupported	1	3	7	13	6	30
Supported	0	0	0	1	0	1
Resolved	0	0	0	0	0	0
Discontinued/ Declined	0	0	0	1	1	2
Open	0	0	0	0	3	3
Total	1	3	7	15	10	36

Chart D
Investigative Findings
2001– 2005
Total=36

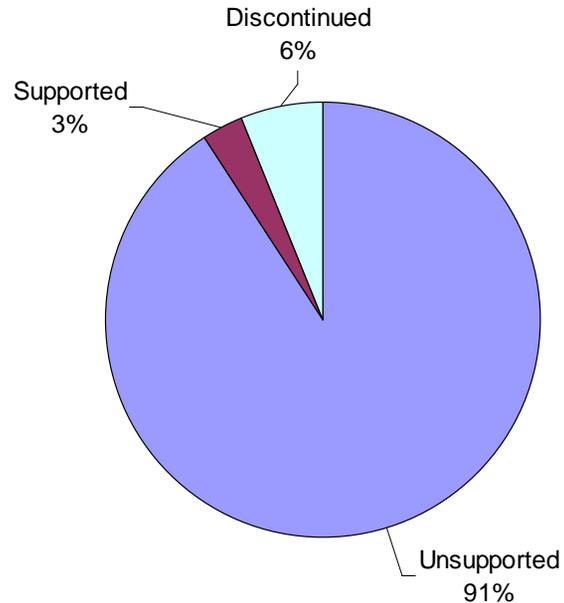


Table E
Sheriff's Office Investigations as
Percentage of Total Ombudsman Investigations
2001 – 2005

	2001	2002	2003	2004	2005	Total
Sheriff Investigations	1	3	7	15	10	36
All Other Investigations	18	40	66	96	80	300
Total	19	43	73	111	90	336
Percentage of Total	5.00%	7.00%	9.60%	13.50%	11.00%	10.70%

Ombudsman Staffing

- Ombudsman Office currently staffed by eight FTEs:
 - Ombudsman-Director
 - Three Senior Deputy Ombudsmen
 - Office Manager
 - Legislative Secretary
 - Two vacant positions (Senior Deputy Ombudsman for Rural Affairs and Deputy Ombudsman)
- Extensive training and experience in the following areas:
 - Human Resources
 - Law Enforcement
 - Mediation



Ombudsman Outreach

- Ombudsman web site
- Brochures available at libraries, community service centers, police precincts, etc.
- Referral by KCSO staff
- Ombudsman web site link on KSCO site