

SHERIFF'S BLUE RIBBON PANEL

Agenda: Meeting #5

Wednesday, May 17, 2006, 6:00 – 9:00 pm

Seattle City Council Chambers

600 Fourth Avenue, Second Floor, Seattle

Topic	Lead Presenter	<i>Estimated Time</i>
• Introductions and agenda overview	Faith Ireland	6:00-6:05 pm
• Follow-up responses to prior panel questions; overview of materials	Morgan Shook	6:05-6:10 pm
• Presentation: Unions and guilds representing King County Sheriff's Office employees	Steve Eggert, President, King County Police Officers Guild Dustin Frederick, Business Manager, SEIU, Public Safety Employees, Local 519	6:10-7:30 pm
• Findings and Discussion: model practices and programs research	Marty Wine, Morgan Shook, Erica Natali	7:30-8:20 pm
• Discussion: preliminary identification of Panel member concerns	Faith Ireland	8:20-8:50 pm
• Update: public hearings planning	Marty Wine	8:50-8:55 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: April 26, 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), Tony Anderson, Dave Boerner, Wilson Edward Reed, Jennifer Shaw, Richard Smith, Pat Stell and D. Gene Wilson

Panel Member Absent: Michael O'Mahony

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.

Overview of Agenda Materials

- Morgan Shook (Berk & Associates) provided a brief description of the meeting materials.

Presentation: King County Sheriff's 100-Day Plan

- Sheriff Sue Rahr described her recent accomplishments as Sheriff and presented her 100-Day Plan to the panel. The 100-Day Plan has three focus areas: neighborhood safety, accountability, and professionalism.

Presentation: Training and Hiring

- Virginia Kirk (King County Sheriff's Office) presented an overview of the current hiring practices and training programs of the King County Sheriff's Office.

Preliminary Findings: Comparable Agencies

- Marty Wine, Morgan Shook, and Erica Natali (Berk & Associates) presented findings to date on the comparable agencies research. The agencies profiled are the Seattle Police Department, Washington State Patrol, Portland Police Bureau, Boise Police Department, San Jose Police Department, and the Los Angeles County Sheriff's Department. Preliminary findings are that each agency has specific structures and processes to address transparency (public trust), independence, and authority for oversight functions.

Discussion: Preliminary Identification of Concerns

- The panel chair led a brainstorming discussion where the panel began to identify preliminary areas of concern that relate to the misconduct and discipline processes of the King County Sheriff's Office (see the attached Summary of Concerns).

Work Program

- The panel approved an updated work program.

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

Summary: Berk & Associates

Blue Ribbon Panel's Preliminary Concerns

Discussed at April 26, 2006 Blue Ribbon Panel Meeting

Panel Question: Given what you have learned and know today, what are your concerns, reactions, and suggestions about the misconduct, discipline, and management systems in the King County Sheriff's Office? What are your preliminary ideas to address those concerns? (Panel members may have only voiced a concern, without noting ideas to address it.)

- **Concern:** lack of follow-up on discipline with line officers by line supervisors: it is not clear how it is done and tracked, if at all.
- **Concern:** complaint tracking is done for only the most serious complaints that are investigated by the Internal Investigations unit; no tracking is done at the line level; responses to citizen complaints are inconsistent; and no record is kept of patterns of problems.
- **Concern:** complaint intake process does not address responsibility or consistency of persons who take complaints (whether at Internal Investigations Unit or precinct); attention is not given to how that influences the image of the agency. **To address it:** more outreach so people know how and where to make complaints, and more training for complaint takers.
- **Concern:** Recruiting. A high dropout rate after academy graduation and during the field training program.
- **Concern:** Attitude of management: labor-management philosophy of not losing, versus winning. Perception of being hamstrung by contract. The structure for effective approaches to labor-management issues, especially misconduct and discipline, may be there, but it is insufficient. **To address it:** a proactive attitude to do the right thing in spite of the risks of losing. Encouragement to understand employee rights and see the bargaining process as a discussion process.
- **Concern:** lack of performance standards. **To address it:** set ethical and disciplinary performance standards, and if past precedent is binding, set clear expectations in writing to signify a change.
- **Concern:** low level of support by the community. **To address it:** better communication practices to allow the public to see into the discipline process. Report to the citizens about how issues reported in the paper are being handled. Have meetings to instill public confidence. Implement an early intervention system to ensure that patterns of problems are identified.
- **Concern:** little or no citizen oversight of police actions. **To address it:** more public participation in the discipline process; develop an effective form of citizen

oversight; communicate to the public, and build public confidence in the department.

- **Concern:** hard to see into police culture and what it really is at the Sheriff's Office. Cannot identify whether a code of silence or covering up issues exists. **To address it:** a cultural audit to gain an understanding of attitudes and beliefs that influence behavior.
- **Concern:** supervisors are asking for help to be good managers; some investigations and due process steps have gone awry in the past; supervisors need to learn to avoid these problems. **To address it:** how can supervisors be encouraged and empowered to take the right corrective actions and be supported to do so.
- **Concern:** delegation of supervision and discipline to line supervisors is not being carried out effectively. **To address it:** identify the risks that exist or barriers that prevent first-line supervisors from being able to fully take on their management role. Identify supports needed to identify and address conduct issues early.
- **Concern:** it is not clear if there is a pattern underlying discipline trends that led to misconduct problems now being reported. **To address it:** Panel needs to dig into these cases to understand what went wrong, and whether the contributors were burnout, supervision, investigation, length of time to resolve, or something else.
- **Concern:** who watches the watchers? **To address it:** the Panel must make a clear statement of the need for better conduct, performance, and oversight. Our recommendations need to focus on the influential factors 5-8: complaint process, internal oversight, external oversight.
- **Concern:** content and administration of the collective bargaining agreement over time. It is very unusual to have no change in the agreement over a decade, when changes in agreement happen because of changes in law, society, budget, and leadership. **To address it:** more attention to the labor agreement.
- **Concern:** the influence of the Field Training Officer program on the conduct of officers.
- **Concern:** Difficulty hiring and retaining people who possess the right characteristics to serve the public. **To address it:** Focus on resolving problems early in their experience with the department, including conflicts with the FTO, or other issues that can be resolved, without having good employees leave the Sheriff's Office.
- **Concern:** Testing for characteristics and values such as integrity and ethical behavior. **To address it:** encouragement for regional officer testing, oral board

testing that emphasizes desired characteristics. This is difficult but should be encouraged.

Comments from Sheriff Rahr, April 26 Blue Ribbon Panel meeting.

Thank you again for your time and expertise in helping me to make improvements in the Sheriff's Office. I appreciate the deliberative and comprehensive approach you are using and I look forward to hearing your feedback during this process, as well as your recommendations this summer. The discussions that have been initiated as a result of your work to date have already been very helpful and productive. Most importantly, your work helps build public trust in for the Sheriff Office.

At the beginning of my term, I rolled out my "First Hundred Days Plan." The purpose of this plan was to jump start important changes in the organization, and send a clear signal to both our employees and the community that there is a "new Sheriff in town" and we are entering a new era of greater professionalism and accountability. However before we started on the First Hundred Days Plan, I had already initiated several important changes in the organization in the year I was the acting Sheriff. These changes included:

Within the first month of accepting the responsibility to lead this organization I began making changes to the management infrastructure. I hired a new Chief Financial Officer and implemented **changes in the way we managed our budget** and brought greater transparency to our work with both the Executive's budget office and Council Budget staff. These changes have enabled me to more closely track and control how we spend tax dollars

I initiated the development of an **Operational Master Plan**, which will be complete by the end of this year. This process will complete a long-range vision and road map for the Sheriff's Office over the next 10 years. All of our employees participated in looking at our past, present and our future vision to provide input. Also adding input were citizens, contract cities, Unincorporated Area Councils, County Auditor, and County Budget Office.

I hired our first-ever **Personnel Manager** to revamp how we manage recruiting, screening, and hiring of new employees and oversee our management of disciplinary issues. Our goal is to avoid missteps and mistakes in the disciplinary process that in the past had limited options for dealing with misconduct. This will allow us to more effectively hold employees accountable.

We are in the process of rolling out our **T-5 Training Program**. This is computer based training on various subjects that will be provided for approximately five minutes every single workday to nearly every employee. This program is possible using our laptop computers with wireless technology. We can download this training to nearly everyone without the need for the employee to return to a worksite from the field. We are the only police agency in the Northwest to be using technology for daily training in this way.

At the beginning of my term I set forth the **First Hundred Days Plan**. There are three main pillars in the plan: Neighborhood Safety, Accountability, and Professionalism.

- **Neighborhood Safety** improves our focus on crime reduction. My purpose for listing this initiative first is to make a clear statement that our number one priority is keeping the public safe. It's too easy to get distracted on administrative and management issues and lose sight of our primary mission. I want to bring together the entire organization in taking action to reduce crime, modeled on what has been done by the New York City Police Department with spectacular and well-publicized results. I directed that we would begin having organization-wide crime trends meetings each month. The goal of the meetings is to increase communications between geographically widely separated units within the Sheriff's

Office. The group will analyze what is going on in each precinct area, to include auto thefts, major crimes, burglaries, drug crimes and larcenies. We will make decisions about resource priorities and strategies based on the crime and crime data that is shared and updated each month. My precinct commanders will be held responsible for utilizing the information and solutions discussed, and re-focusing their efforts where needed. Their success as a commander and leader will be at least partially dependent on the results.

We have already started these meetings, called Crime Stats. We will do this each and every month and use the data to continuously adjust our strategies to fight crime.

- **Improved accountability.**

We have developed a new performance assessment system, which includes evaluations and performance standards, which are actually separate initiatives.

The first program will focus on measuring the job our employees are doing around our core values of Leadership, Integrity, Service, and Teamwork. These are the performance evaluations. We are currently testing an evaluation form and training supervisors in its use.

Secondly, we are developing performance standards for our employees. Work groups are establishing specific standards for the various jobs, such as patrol deputy, detective, dispatcher, etc. The assessment tool will not be a one size fits all for every function. Performance Standards and Evaluations will be linked and greatly improve our ability set clear expectations for employees and better assess whether they are performing well and if intervention is warranted. Furthermore, we are now researching early intervention systems that will support this initiative. Performance standards have never been employed by the Sheriff's Office before.

The creation of an Inspectional Services Unit (ISU). This unit will consist of a Manager, hired from outside of KCSO, who has experience as a police administrator and who has been involved with taking a large police organization through the accreditation process. This manager will lead a unit that will include our manual revision deputy, a trainer and a clerical support staff member. The budget proposal for this unit has been submitted to the Executive's Budget Office. We are now waiting for it to be sent to the Council for approval. Once approved, we can get the unit started.

The Inspectional Services manager will work with both internal and external resources to conduct audits of every functional unit in KCSO. The audits will focus on the policies and procedures currently in place in each unit, determine if those are in keeping with industry best practices, and determine if members of the unit are following them. There will also be recommendations for improvements, and proposed training programs to implement those recommendations.

The Sheriff's Office will be subscribing to a risk management program called Lexipol. It is a state-of-the-art program that provides policies based on current legislation, court rulings, and best practices.

Decentralizing budget and cost management. The purpose is to place the responsibility for managing certain costs at the level of section commanders. Instead of having four Division Chiefs responsible for this oversight, we will have 20 sections commanders each responsible for their section -more eyes, more scrutiny. I expect the increased accountability will also be a strong motivation for the section commanders to take a harder

look at how funds are being spent in their sections and find more effective and creative ways to manage and reduce costs.

As a beginning we established budgets associated with overtime, training, and cell phone use. By this summer, precinct commanders will be required to report the status of their budgets on a bi-monthly basis. These three areas account for nearly one third of our discretionary budget, approximately 5 million dollars. I expect we will identify ways to more efficiently manage that money.

- **Professionalism:** The third pillar of the Hundred Days plan focuses on improving professionalism.

The first phase initiative involves career development. My goal here is to ensure that all commissioned personnel have a broad range of capabilities, and as an organization, we have large bodies of expertise in each specialized area. We have taken the first step toward this goal by establishing limits on the length of time an individual can stay in specific assignment before allowing another member to move into the assignment and gain expertise. Considerations include the cost and time investment for the training necessary to perform the job skill and how long it takes to recoup that investment, and the optimum length of time a person should spend performing a specific job. The implementation of these so-called “term limits” will give the Sheriff’s Office a better-trained workforce and keeps individuals from spending too long a specific assignment and losing their perspective. This also provides the Sheriff’s Office a competitive advantage for recruiting the best and the brightest by offering opportunities for change and advancement that otherwise might not be available.

Another initiative I’d like to tell you about focuses on improving communication. This will be a long term, multi-phase project. We’ve implemented the first phase, which involves sharing information about the excellent work of our employees. Last week we launched a website to post commendations and “thank you” messages that we receive from the community and other criminal justice agencies. I felt it was important to remind both our own members as well as the community that we do excellent work everyday. The finest actions of individual members will stand as the examples for others. I want deputies to read about performances that exemplify our CORE Values and recognize that this is what we all strive for.

The next phase of our communications initiative will focus on utilizing technology to communicate more effectively with all of our employees. We have met with the person who has designed a revolutionary system and we are currently evaluating how we can implement the concept in the Sheriff’s Office. This will take a number of months, and perhaps the better part of a year to implement. But it is important in improving our communication across 2000 square miles and 25 different work sites.

We have taken dramatic steps to improve our recruiting, screening, and hiring processes. A great deal of work was done by national experts for the Sheriff’s Office under a \$250,000 community policing grant titled, “Hiring in the Spirit of Service.”

The goal of all the initiatives related to professionalism is to position the Sheriff's Office to successfully complete the accreditation process. I expect to have the Inspectional Services Unit in place by this fall and audits beginning before the end of the year. The accreditation process will take at least a year, perhaps longer.

I want to reemphasize that these steps I've shared with you are just the beginning of the improvements that I will be implementing in KCSO over the next couple of years. These initiatives focus on our internal processes with the goal of changing the culture of an organization that has been in existence for 150 years.

The environment in which we serve has changed dramatically since I started 27 years ago. My first day on the job I was thrilled to have my own locker room, even though it was actually a storage room in the back of the men's locker room, which I could only get to by walking through the men's locker room. All analytical data was maintained on 3x5 cards and we thought we were lucky if we got one of the limited number of radios available to street deputies. It's a different world today.

Our changing societal values and advances in technology provide enormous opportunities and challenges for leadership. It is my responsibility to lead the Sheriff's Office into the next era where cultural values inside our agency mirror the values of the community we serve; where we fully utilize technology not just in crime fighting but also in managing our workforce to ensure accountability and effectiveness; and where law enforcement operates in partnership across all criminal justice and social service disciplines to more effectively reduce crime and improve community safety. We've made great strides in the last decade and we are going to make even greater improvements in the years ahead.

King County Sheriff's Blue Ribbon Panel
Panel Meeting: Wednesday April 26, 2006, 6-9 pm
Seattle City Council Chambers
600 Fourth Avenue, Second Floor, Seattle, WA

Panel Questions

King County Sheriff's Office: Sheriff Rahr's 100-Day Plan

The following presents questions asked by panel members to Sheriff Sue Rahr after her presentation to the panel on April 26, 2006. Sheriff Rahr's responses are briefly summarized.

Question: *What is accreditation? What are the benefits of accreditation?*

Answer: Accreditation is offered through two organizations. It is offered through a national organization (Commission on Accreditation for Law Enforcement Agencies) and through a state organization (Washington Association of Sheriff and Police Chiefs). The accreditation process allows a complete audit of the office, ensuring that policies and practices are in alignment with national best practices in law enforcement. Accreditation will be led by the manager of the Inspectional Services Unit. Accreditation is a committed and lengthy process. Accreditation provides a stamp of credibility and ensures that the office is operating in a professional manner.

Question: *Do you plan to address the complaint intake process?*

Answer: If there are good ideas that present themselves during the course of the Blue Ribbon process that the Sheriff's Office can implement right away then those things will be implemented. The Sheriff does not want to preempt the work of the panel and looks forward to the Panel's recommendations for improvements. The Sheriff's Office could do a better job of tracking complaints.

Question: *Will you consider posting the current policy manual to the internet to be made available to the public?*

Answer: The Sheriff's Office is happy to share that information with the public. Currently, there appears to be a technological hurdle to posting the manual on website and she will have to check to see what the issue is.

Question: *What type of research have you done on Early Intervention Systems?*

Answer: The Sheriff has recently sent her Legal Advisor and IIU Commander to a conference on Early Interventions Systems to research different models and programs, as well as to investigate how much they will cost. She is seeking a system that looks at individual employees for such things like use of force and car chases. She sees the system as a back-up measure that supports the observations of supervisors to spot problems with officers. The focus of the system would be to intervene early and proscribe preventative and corrective actions for officers.

Question: *Why is the Sheriff's Office not accredited already?*

Answer: For the Sheriff, accreditation is a priority of hers and she could not comment on the decisions of past Sheriffs not to seek it. Accreditation is time-consuming and

expensive undertaking; however, doing it will assist the department in its basic mission by ensuring that the appropriate systems are in place.

Question: *When will the performance evaluation form be implemented? Does it have to be bargained? Can the panel receive a copy of it*

Answer: The office is starting with the basic core evaluations and then will build in the specific performance standards for each specific job category. The performance evaluation tool is currently being tested. The Office will start doing the evaluations and give employees feedback; however, the effects of the evaluations will need to be bargained with the Guild. A copy of the performance evaluation tool will be made available to the panel.

Question: *How can the Panel gain an appreciation for the cultural values of the Sheriff's Office?*

Answer: A challenge for the Office is to become more transparent so that people can have a better view of what is happening inside the organization and show the public what are the values of the department. The Sheriff believes that the culture of the organization is very positive and that the majority of employees are dedicated to serving the public. Like most organizations, the Sheriff thinks that there are some "bad apples" but that does not represent the broad majority of the employees within the Sheriff's Office. The Sheriff has made it clear she will not tolerate actions that undermine public trust. Over her time at the Sheriff's Office, the culture and behavior have only improved.

Question: *What opportunities did you have to observe the type of misconduct issues detailed in the media and what did you do to correct it as a supervisor?*

Answer: Over her career, the Sheriff has advocated for better training of supervisors and managers to ensure that the people working for them are following the rules. As Patrol Operations Chief, she created a program to train supervisors on proper disciplinary techniques.

Question: *What are your thoughts on mandatory rotations in high-risk specialty groups?*

Answer: The Sheriff believes that there is not a one-size-fits-all time frame for rotations and thinks about the issue in terms of "term limits" that considers how long it takes to train an employee to be effective for a specific job and the capacity to offer the assignment to other officers. Under-cover assignments should not be over 5-years in length so that officers do not lose their perspective. Some jobs may not have term-limits like helicopter pilot.

Question: *How would the mechanics of the performance evaluations work?*

Answer: The Sheriff is currently working on the mechanics of implementing the evaluations. It would entail formal review of every officer at least once a year. However, special consideration must be paid to the supervisory time involved since the Sheriff's Office has a very large span of control which creates some problems. Some supervisors oversee 12-15 deputies which makes it difficult to observe problem behavior. Ideally, evaluations would be done every six months – as a practical constraint, that might not be feasible.

Question: *Could you elaborate more about the Inspectional Services Unit (ISU)?*

Answer: The manager of the ISU will be hired from outside the organization but will be an employee of the Sheriff's Office and report directly to the Sheriff. The Sheriff sees the manager as someone who orchestrates bringing in outside experts to audit the Office – audit recommendations would be made to the ISU manager.

Question: *How will ISU audit information be communicated to the public?*

Answer: There is no plan in place but the Sheriff believes that reports will be a necessary output of these audits that will be available to the public.

Question: *In your career as supervisor, did you have an opportunity to provide early intervention on those you supervised?*

Answer: There was no early intervention system in place when she was a supervisor and it fell on the shoulders of individual supervisors to recognize the warning signs and take the appropriate corrective action. For example, when she was Chief of Police in Shoreline, she had a young deputy that received a lot of minor courtesy complaints from suspects that he interacted with so she paired him with a senior deputy with excellent personal skills and asked him to mentor the younger deputy. It was effective corrective solution and the deputy improved.

Question: *Do you have to bargain corrective actions?*

Answer: Up to the point of imposing discipline, managers have a great deal of leeway to take action to correct problem behavior. Those options include trainings and informal discussions that do not have to be bargained but can be documented. These documented instances actually provide a stronger disciplinary case if the problem continues.

Question: *Have management rights been eroded over time through the collective bargaining process?*

Answer: The Sheriff does not believe that those rights have been eroded and that it is important to respect employee rights. The collective bargaining agreement does not prohibit the Sheriff from effectively managing the workforce.

Question: *Are there any other important issues that you think the Panel should consider that were not named in the Panel's Major Influential Factors?*

Answer: The Sheriff would ask that the Panel consider the context and environment the Sheriff's Office practices in.

Question: *Are there any police departments that the Panel should consider in its research?*

Answer: The Sheriff has learned a lot about the LA County Sheriff's model and is impressed with many of their policies and procedures. Additionally, it is important that the Sheriff's Office be compared to a department with contract cities and with other agencies within the state that practice in the same labor environment.

Question: *What is the T-5 training program?*

Answer: When officers log-on to the department computer system, they will be directed to do a five-minute training before they can go further into the system. The program also documents that an officer has done the training with a test at the end. It allows the flexibility to design trainings for areas where the Sheriff's Office sees need for more training.

Question: *What are the barriers to disciplining bad cops?*

Answer: The Sheriff must respect their employment rights of the employees. It is important that management prove a misconduct case – however, it can be challenging to meet the clear and convincing standard for cases that involve termination. Also, the discipline meted out must fall within past practices and must be timely.

Question: *In addition to performance evaluations, what other things will the Sheriff's Office need to have in place in order to be accredited?*

Answer: At this time, the Sheriff does is not aware of all the specifics needed for accreditation.

Question: *What management issues arise from having the County Executive as the bargaining agent?*

Answer: The Sheriff does not see the arrangement as a barrier to effectively managing the Sheriff's Office.

Question: *What are your future plans?*

Answer: The Sheriff responded that she wants to be the Sheriff and is intent on reaching her goals.

Questions submitted by Blue Ribbon Panel members related to union representation of King County Sheriff's Office employees

DRAFT: May 8, 2006

1. What is the union's role – what does it actually do to represent employees in the areas of:
 - a. Investigations of allegations of misconduct
 - b. Discipline
 - c. Overtime administration
 - d. Off-duty assignments
 - e. Rotation of assignments
2. Please give a sense of the kinds of situations for which the Union files grievances or litigates the contract most often.
3. Generally, how does the Union view its role in promoting/advocating police professionalism and integrity within King County Sheriff's Office?
 - a. Are there specific initiatives or policies that are advocated during bargaining?
4. How would the Union characterize the current King County Sheriff's Office misconduct and discipline system?
 - a. What are its strengths and weaknesses?
5. Generally, what is the Union's perspective on police accountability measures?
 - a. Are there favored approaches or models?
 - b. What are the greatest issues for officers?
 - c. What are the rights of officers that need to be protected?
6. How would the Union view external oversight of the King County Sheriff's Office?
 - a. How could it benefit employees?
 - b. What would be the drawbacks?
7. What are the preferred ways for the public to know and understand more about the Department and the way it works, in the spirit of building trust?
8. It has been suggested to Panel members that over the last 15-20 years, the unions have stripped away significant management rights from the Executive and Sheriff. Please comment.

9. What are due process mistakes in the investigations and discipline process that have been made over time?
10. Where the “effects” of a management decision must be bargained, how can management act decisively?
11. What is the best way to hear directly from line staff at the KCSO about how allegations of misconduct are investigated, how discipline is administered, and the culture in the Sheriff’s Office? Please offer specific approaches for the Panel to learn more about the way the Department works, knowing that some may wish to have their conversations kept confidential.
12. Why were performance evaluations eliminated, and what approaches are needed to effectively implement them again in the Sheriff’s Office?
13. As a Panel, we have operated under the assumption that the P-I articles are accurate. Please comment on this assumption.

Sheriff's Blue Ribbon Panel: Police Accountability Profiles

Berk & Associates
May 17, 2006

Purpose

- Identify agencies to research investigation, discipline and management systems
- Provide examples of improvements to accountability models
- Focus on influential factors identified by Panel
- Criteria:
 - Washington State Police and Sheriff Agencies
 - Departments identified in the KCSO Operational Master Plan (OMP)
 - Relevant organizations and individuals

Initial Findings

- Myriad of individual *best practices*; few *model programs*
- Select number of experts on police misconduct, discipline, and oversight:
 - NACOLE
 - PARC
 - IACP
 - Dr. Samuel Walker

Frameworks/Models

- PARC's *Review of National Police Oversight Models*
 1. Review and appellate
 2. Investigative and quality assurance
 3. Evaluative and performance-based
- Which model works best?
 - Appropriateness
 - community trust
 - need for profound cultural and systemic change
 - Most areas select a hybrid approach

Frameworks/Models

- **NACOLE's** review on external oversight models and structures.
- Basic models/structures:
 1. An individual (Auditor, Monitor, Inspector General; Ombudsman)
 2. A group (Board or Commission)
 3. Either model can be internal or external to the police agency.
- What works?
 - Must consider the specific issues in context.
 - Citizen oversight has value by:
 1. Holding officers accountable;
 2. Recognizing complaints as information;
 3. Identifying patterns and problems related to policies or supervision; and
 4. Building public trust and community cohesion.

Frameworks/Models

- **Samuel Walker's** *The New World of Police Accountability*, 2005
 - Role of citizen oversight as a contributor to police accountability
 - Principles for early intervention systems
 - Mediating citizen complaints
 - Review of police auditor models
- **IACP:** Publishes model policy papers through the National Law Enforcement Policy Center
 - Corruption Prevention (1996)
 - Investigation of Employee Misconduct (2001)
 - Investigation of Officer Involved Shootings (1999)
 - Standards of Conduct (1997)

Agencies & Questions

Who we interviewed:

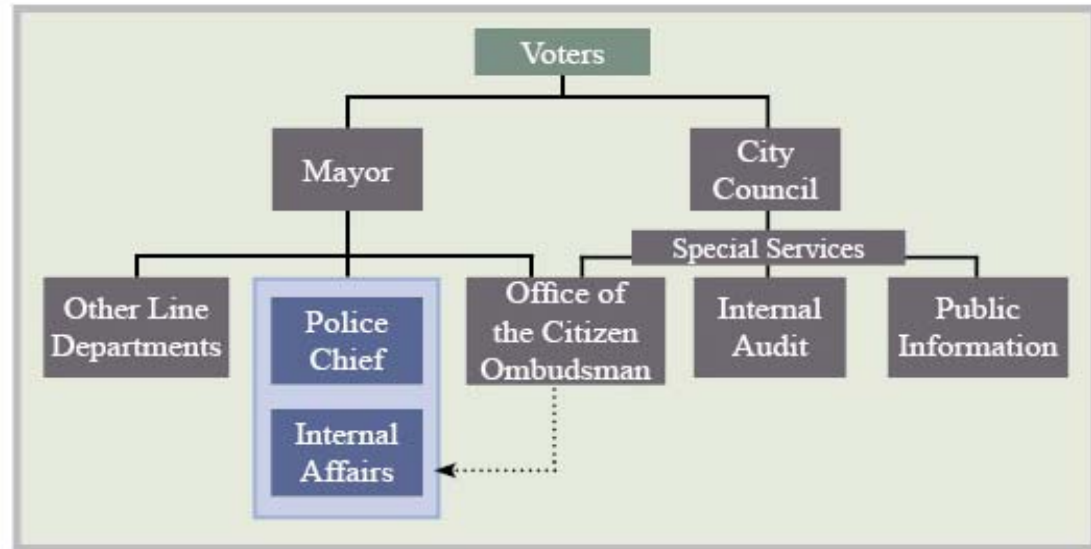
- City of Seattle, WA
- Washington State Patrol
- City of Boise, ID
- City of Portland, OR
- Los Angeles County, CA
- City of San Jose, CA
- City and County of Denver, CO

Focus of review: influential factors

- Department leadership and culture
- Management and supervision
- Human resource systems
- Labor environment
- Complaint process
- Internal oversight
- External oversight
- Transparency
- External forces

Boise, ID

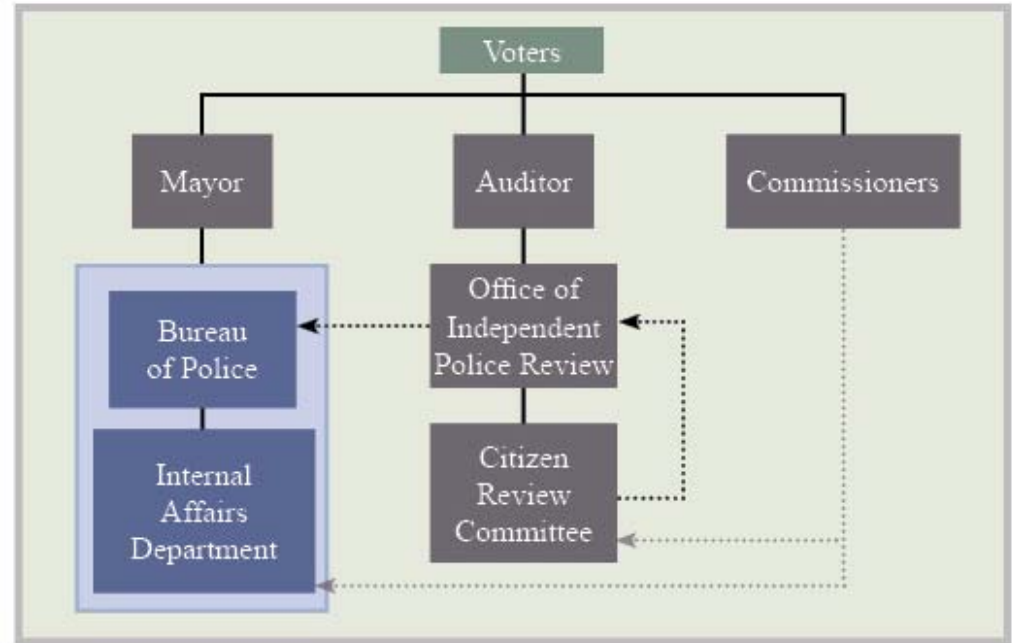
- Office of Citizen Ombudsman external to Department and independent of all City departments
 - Monitors IAU investigations
 - Conducts own investigations
- Five functions: complaint, audit, policy review, outreach, transparency



- Detailed reports designed to explain controversial police cases
- Demeanor complaints called “service quality inquiries” and tracked at line level
- “Wisest dollar spent” is on effective recruitment

Portland, OR

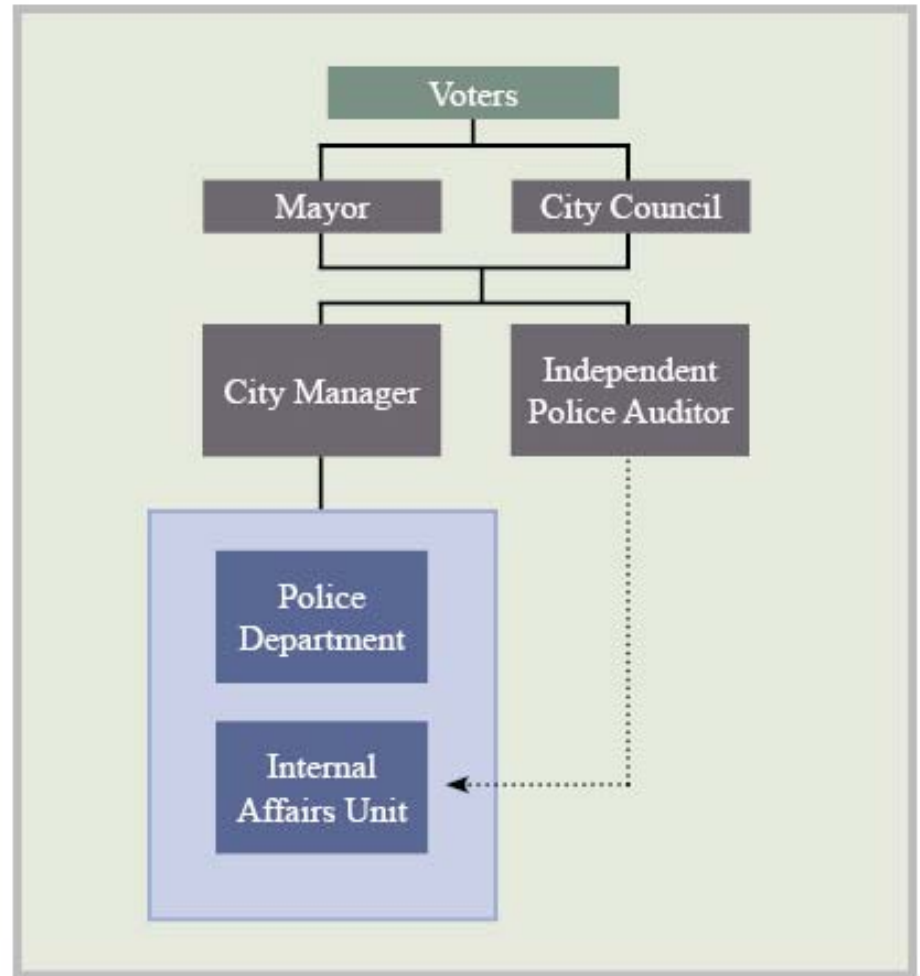
- IPR handles complaint intake and assignment
- Service complaints are tracked – IPR must consent to final disposition
- IPR advises on department initiated complains
- CRC serves appellate function
- IPR has active mediation program



- IPR publishes reports and does complainant satisfaction surveys

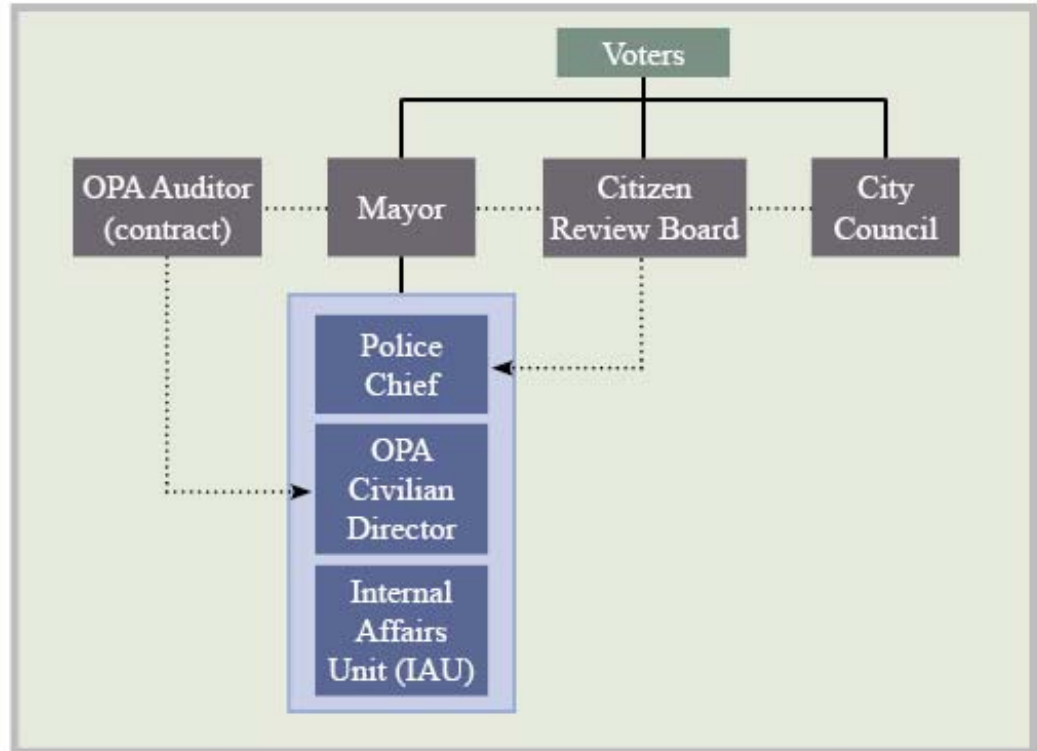
San Jose, CA

- Accountability and professionalism is stressed at hiring, training, supervision, and promotion
- IPA reviews all stages of investigations
- IPA oversees all officer investigation interviews
- Department initiated complaints are not audited by IPA
- IPA publishes reports and does complainant satisfaction surveys



Seattle, WA

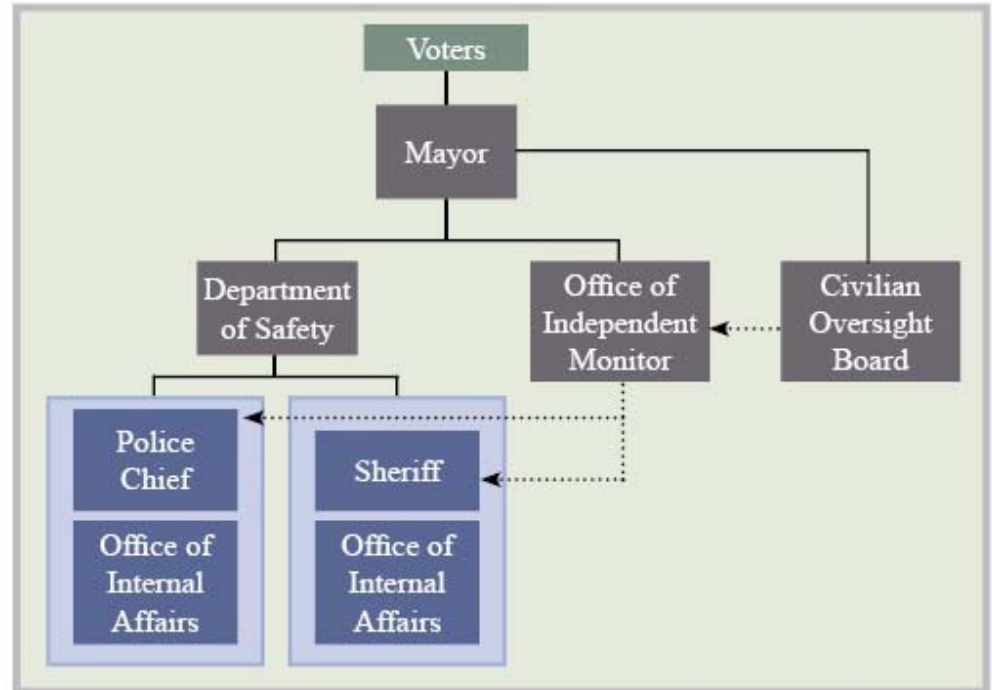
- Office of Professional Accountability (OPA)
- All inquiries and complaints tracked
- Three oversight entities: internal OPA director, external contract auditor, and citizen review board
- Includes risk management and policy development roles



- Transparency features: manual on-line; multiple reports; external community outreach; mediation program

City/County: Denver, CO

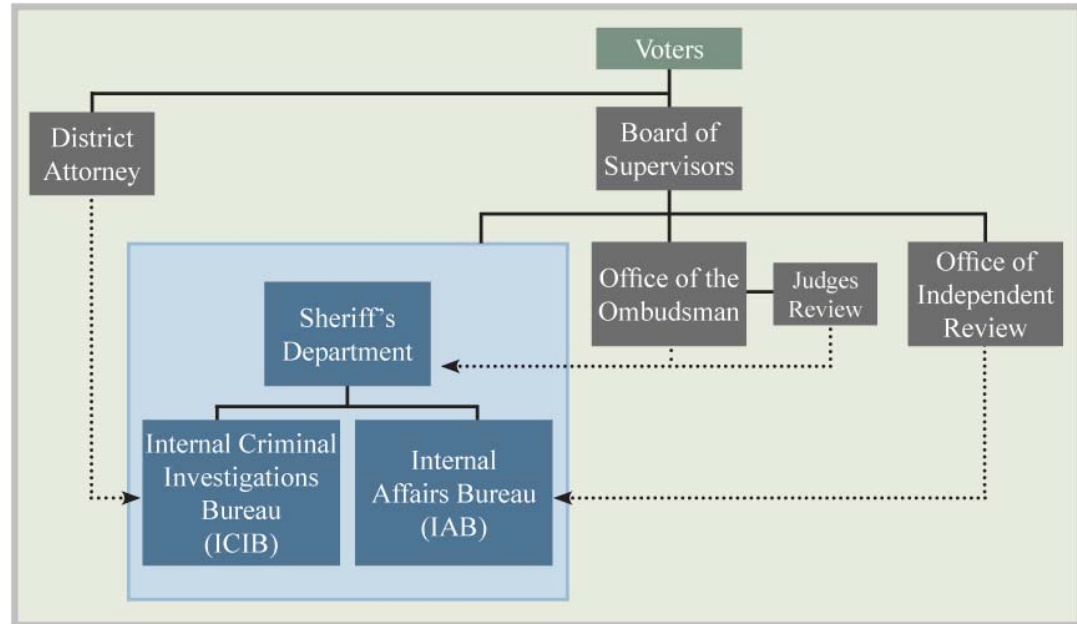
- Office of Independent Monitor (OIM) and Citizen Oversight Board (COB) works with both City and County police departments
- Investigations not complete until internal investigators and OIM agree; OIM may review closed cases



- COB assesses effectiveness of OIM; makes policy recommendations
- Disciplinary Review Board includes citizens

Los Angeles County, CA

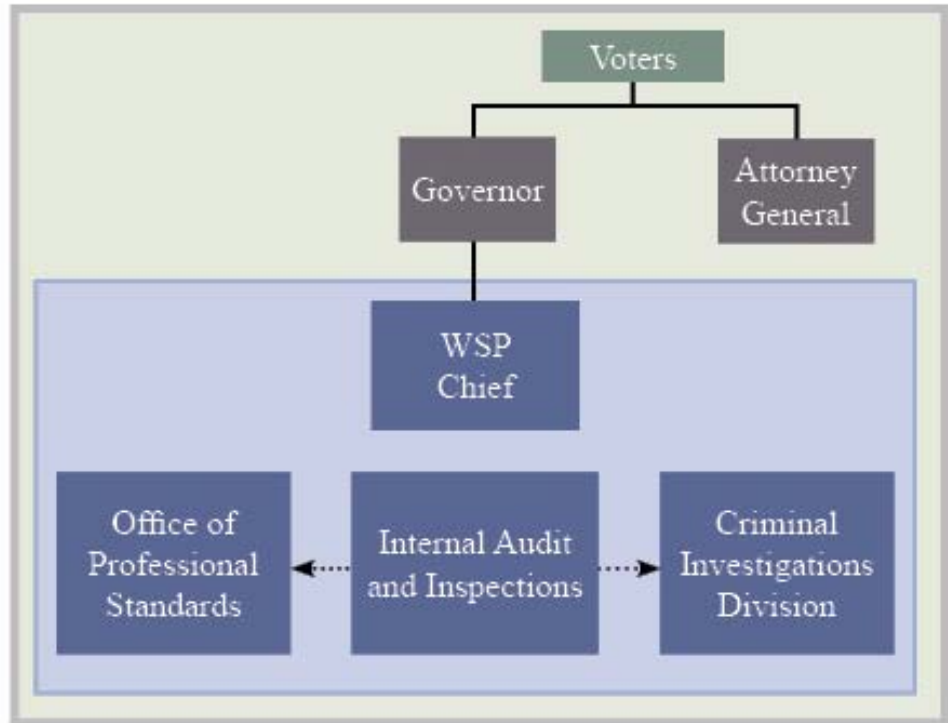
- Complaints may be received anywhere in the organization, by any employee
- Two internal investigations bureaus: Internal Criminal Investigations Bureau (ICIB), and Internal Affairs Bureau (IAB)
- Two external oversight offices: Office of Independent Review (OIR), and Office of the Ombudsman



- Have multiple opportunities for further education: Deputy Sheriff Leadership Institute (DLI), and LASD University System

Washington State Patrol

- A complaint may be filed with any member of the department
- Two internal investigations departments: Office of Professional Standards (OPS), and Criminal Investigations Division
- Overseen by Internal Audit and Inspections
- Accredited through the WA Association of Sheriffs and Police Chiefs and the Commission on Accreditation for Law Enforcement



- Strong public outreach activities including forums, editorial boards and service clubs

Summary Themes

- Cultural change happens at the line level
- Early warning/tracking problem signals serve to address minor issues before they become major
- Transparency and “daylighting” police operations make a difference
- Internal and external oversight efforts must balance:
 - Independence
 - Authority
 - Transparency

Summary Themes

- Independence (checks and balances)
 - At least IIU; some with external investigations
 - Leadership = effective oversight
- Authority (control, access and ability to make change)
 - What should level of monitoring, recommendations, investigative powers be?
- Transparency (visibility of process and input by the public)
 - To whom, how and where should complaints be made?
 - What level of outreach and policy development will be done?
 - What level of reports will instill public confidence?

Panel Discussion

- Department-specific questions?
- Based on what you have learned, what are the most important qualities of an accountability system indicated for King County?

KING COUNTY SHERIFF’S BLUE RIBBON PANEL

POLICE ACCOUNTABILITY PROFILES

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OVERVIEW: CHARACTERISTICS OF POLICE ACCOUNTABILITY SYSTEMS

AGENCIES INTERVIEWED

- City of Boise
- City of Portland
- City of San Jose
- City of Seattle
- City and County of Denver
- Los Angeles County
- Washington State Patrol

Berk & Associates interviewed of these agencies using detailed questions based on the “influential factors” outline generated by the Blue Ribbon Panel members in April, 2006.

In addition to the information gathered regarding oversight structures (discussed below), emphasis was placed on factors such as the management and supervision structure, the culture within the agencies, and transparency to the public, based on the belief that all of these factors combine to make for an effective oversight system.

Several non-oversight-related themes emerged from this research:

- **Most changes in the culture of a department happen at the line level.** Ongoing corrective feedback from sergeants to officers is the most consistent way to ensure that values of integrity in a department are upheld. Presence of mid-level support for sergeants (such as lieutenant or watch commander) and having a span of control that supports active supervision also reinforces change at the line level.
- **Relatedly, early intervention systems, even informal ones, serve to address minor issues before they become major.** These programs are often triggered by a tracking system, even a simple one, that can show when an employee has more minor complaints than the department deems acceptable. When this happens, a supervisor is able to step in and direct the employee to targeted additional training or correct the situation. Mentoring programs exist in these departments to help correct problems. Several agencies have mentoring programs that span on-the-job training to offering coaching and counseling.
- **How transparent an agency is to the community it works in makes a difference.** This transparency takes two forms. The first is how much information people are able to access about the agency’s policies and procedures. Some agencies have put their manuals online for easy public access, as well as handing out pamphlets to the public about what to expect when pulled over by a police officer or deputy. The second is how much interaction the members of the department have with the community in a non-confrontational environment. Some examples of outreach activities are community forums and public speaking events.

Regarding the structure of internal and external oversight in other jurisdictions, each agency has three general considerations that must be balanced and are addressed differently in each jurisdiction.

- **Independence:** How separate is the oversight agency from the department it is monitoring? Who does the oversight or accountability system report to, what is their sphere of influence, what kinds of checks and balances are in place?
- **Authority:** What is the oversight entity's charge and what does it have control over? What tools does it have to make change? What aspects of the agency does it have access to? Does it have the ability to oversee, make decisions, implement, or act?
- **Transparency/Public Trust:** how much do people know at each point in the accountability process?

The Panel has not said that it is specifically looking at oversight of any kind for the Sheriff's Office, but some of the organizations we are talking to have recently made changes in their processes and systems in ways that have increased oversight of police operations, investigations and discipline process.

Panel members may look at this from the standpoint of: if you could build an accountability system from the ground up, what are the most important qualities of that system?

In making recommendations, it will be important to consider what is indicated for King County. A profile of King County is included as a point of reference.

FINDINGS

Independence

- All police agencies profiled have at least an internal investigations unit responsible for complaint investigations.
- Complaint investigations are conducted internally, externally, and/or both.
- External oversight agencies must balance the need to partner with the internal investigation unit yet maintain the needed distance for independence.
- Leadership of the external oversight agency is a key component of the effectiveness of the oversight.

Authority

- External agencies vary in their oversight charge. Some are codified in statute, some by contract.
- Agencies may have a similar charge for oversight but vary in the type and degree of "tools" to make change.
 - Varying levels of monitoring of investigations, some may only review an investigation after it is complete, some may be a part of the process and make recommendations throughout.
 - Varying levels of access to investigation records.
 - Varying levels of investigative powers.
 - Some agencies can only issue reports.
 - Some agencies make findings and discipline recommendations.
 - Some agencies can make police policy recommendations, however, none have the power to implement change.
 - The police agency (Department/Chief) is the only entity to implement discipline.

- Agencies differ in how employee-to-employee complaints and investigations are overseen. Some external oversight agencies do not have jurisdiction over these types of complaints.

Transparency/Public Trust

- Complaint intake is an extremely important accountability feature. There are differences in to whom, how, and where a complaint can be made.
- Systems (usually information technology) for logging, tracking, and information management are important tools for evaluation and reporting.
- The perception of independence of the oversight agency is important.
- When there is an external agency, it is most commonly created in response to external events.
- Public outreach is often an overlooked police accountability activity.
- Frequent public reporting is a common feature of external oversight agencies.

BOISE POLICE DEPARTMENT

Population served: 181,000 Total employees: 361 Total sworn staff: 286

Number of contracts: 1 (Boise State University)

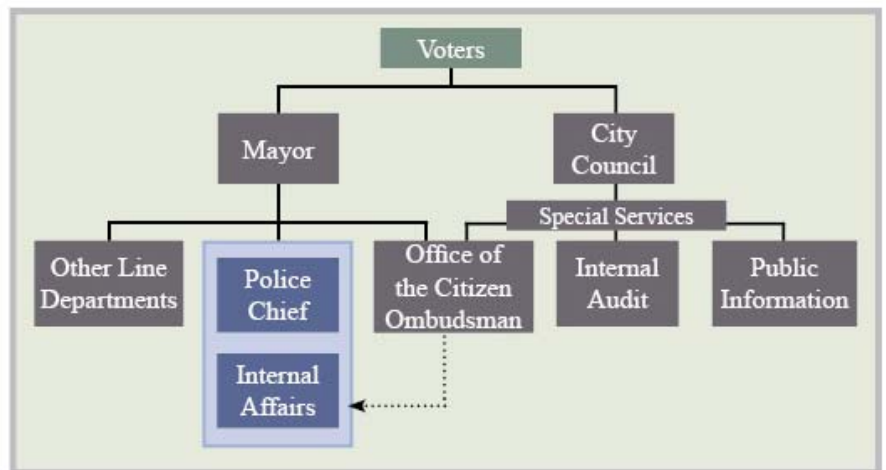
EXTERNAL FORCES

- In the mid-1990's, a series of fatal shootings occurred in Boise, prompting a call for greater police oversight. These events were coupled with the rapid growth of the city and hiring of officers with a difference in philosophy and style of policing than Boise had been accustomed to previously.

COMPLAINT & DISCIPLINARY PROCESSES

- Complaints can be filed by mail, phone, fax, in person, or on-line with the Office of the Citizen Ombudsman or the Police Department's Office of Internal Affairs (OIA), and must be filed within 90 days of the incident.
- The Police Department has a robust model for reporting any complaint: every employee has an affirmative duty to receive and document any complaint, from inside the Department, or the public. Even if it is handled informally on-scene, it must be reported and tracked by division.

Boise Police Department Investigations Oversight Structure



- There are two categories of complaints according to seriousness:
 1. Class I complaints are those which, if sustained, constitute a serious violation that could result in criminal charges or serious discipline. These are investigated by the Ombudsman.
 2. Class II complaints include lesser offenses and can be investigated by the Ombudsman or the immediate supervisor.
- Investigations are conducted by the entity receiving the complaint, meaning the Police Department's Internal Affairs Unit may conduct the investigation and it is monitored by the Ombudsman. The Ombudsman may issue findings based on the report for the officer's supervisor, or conduct further investigation and then issue findings.
- If a complaint does not rise to the Class II level, the line supervisor can resolve it, but it still needs to be reported and tracked. The report becomes part of the "personnel performance chart" (a method of performance management and early intervention), but it gets no notice by Internal Affairs.
- Case duration is generally 30-60 days. The Ombudsman reviews all Class I investigations and at least half of the Class II investigations conducted by the police, and may review any ongoing or completed investigation. Prior to last month, demeanor complaints (professionalism, rudeness, service quality, about the actions of an officer) took as long as nine months to resolve, but are now being handled by chain of command, and called "service quality inquiries" rather than "complaints" which has been a

positive improvement. To help line supervisors actively follow up on service inquiries, they are not treated as complaints. The process was flowcharted – captains receive the inquiry, sergeants contact the officer and the aggrieved party, then the issues is resolved with the person, tracked and sent to the Ombudsman. A complaint is only defined as a violation of policy.

- Categories of findings include exonerated, no finding, not sustained, sustained, and unfounded.
- The Ombudsman can reopen and further investigate any complaint filed with its office or the Police Department.
- Findings are made to the Police Chief who gives the final disposition of discipline.
- Administration of discipline is handled by the Department. For sustained policy violations, chain of command receives the investigation, employee discipline history, plus listing of other violations of the policy that have been committed by others in the past. Then each member of the chain of command reviews and recommends discipline. If violation involves employee suspension, the employee can address an internal discipline board. The chain of command recommends discipline to the chief. If the discipline is contested, the police union can file a grievance on behalf of employees.

INTERNAL OVERSIGHT

- The Office of Internal Affairs is established within the Professional Development and Standards Division of the Boise Police Department, and is led by a Captain, who reports directly to the Chief of Police. OIA is staffed by two investigators and one law enforcement technician. The investigators are responsible for conducting most internal investigations and the law enforcement technician is responsible for primary complaint intake, office coordination, case tracking, and maintenance of the OIA database.
- The primary function of OIA is the receipt and assignment of complaints received from citizens or initiated by department supervisors regarding the actions of Boise Police employees. Complaints are investigated internally by the two OIA investigators, and some are investigated by other division supervisors. OIA monitors these investigations for timely completion and report of findings back to the complaining citizen and accused employee(s).
- Other functions of OIA include the receipt and assignment of Administrative and Citizen Inquiries, investigation of Critical Incidents, and Ombudsman Referral cases, as well as the receipt, tracking and assignment for follow-up when required of Employee Vehicular Accidents, Failed Court Appearances, Pursuits, Lawsuits, Tort Claims, Use of Force Reports, and Unusual Occurrence Reports.

EXTERNAL OVERSIGHT

- In 1999, the Boise City Council established the Office of the Community Ombudsman to investigate complaints of misconduct against Boise City police and law enforcement officers. The Community Ombudsman's Office is independent from all other City departments and reports directly to the Mayor and City Council. In addition to investigating misconduct, the Community Ombudsman's Office seeks to ensure that police policies and practices reflect the needs of the community.
- The office has five functions: audit the complaint process; audit police operations; policy review; community outreach; and creating transparency

- The Office of the Community Ombudsman plays two roles. First is a classic ombudsman role to facilitate inquiries and resolve issues. The second is to respond and investigate complaints by taking jurisdiction over the complaint, doing an independent investigation, and sharing recommendations. Attached to the investigative role is as an auditor of the investigations process to ensure that investigations are complete and proper. Also attached to that role is a monitor role, when the Ombudsman is asked by the public or a department to mediate or resolve disputes.
- The Ombudsman is established by ordinance but is not grounded in the City charter and therefore doesn't enjoy the same level of independence.
- By the Ombudsman's report, the strength of the model is the independence of the office. Because the office exists separate from the Police Department and reports directly to the Mayor and Council, it has in the past been viewed as having neither a constituency to answer to nor to advocate for it, and must work with incoming administrations to illustrate its value. Today, the Ombudsman, Mayor and Council meet monthly.
- The Department and the union opposed the creation of the office. The Police Department has done internal surveys about the perception of the value of the Ombudsman to the line staff, and most believe that the Ombudsman's office has not been an improvement and would probably prefer it didn't exist because it questions officers' integrity.
- The historical perspective between the two offices is that there is always a tension created between civilian oversight and acceptance issues with general membership of the police force. The creation of the office initially met with resistance, which was made greater when the Ombudsman investigated a prior Police Chief. There has also been (but is now resolved) concern over how much access the public had to the Office's investigations and filings, with lawsuits filed by local media to get access to investigations. The only thing now available to the public is a summary of investigations created by the ombudsman. The majority of complaints are still investigated by OIA. In the past, timeliness of investigations have also been a concern, and both offices have worked to reduce the time to resolution. The Chief's approach is "constructive engagement" with the Office of the Community Ombudsman, focused on what they are both charged to do.
- In its policy review role, the Ombudsman is working to strengthen recommendations for policy change by providing supporting research into what other agencies do to support recommendations so that the office remains relevant and listened to by the City Administration and Police Department. Policy recommendations are made and forwarded to the department, which is given the opportunity to understand them and issue their own written report, and from there, both reports are forwarded to the City Council.

DEPARTMENT LEADERSHIP AND CULTURE

- The Boise Police Department's mission is "to enhance public safety through proactive problem solving and increased community partnerships."
- The Department is headed by a Chief, appointed by the Mayor, and two Deputy Chiefs who lead Operations and Operations Support Divisions. The legal advisor and community relations staff report directly to the Chief.
- The Department has several specialty units which include: abandoned vehicles, bomb squad, bike patrol, crime scene investigators, criminal intelligence, crisis negotiations team, drug recognition experts, gang unit, K-9 unit, motor unit, special operations unit, DUI patrol and resource, and commercial vehicle enforcement.

- The Police Department's Strategic Plan emphasizes an objective to "provide more opportunities for the citizens of Boise to be educated about police operations and participate in non-law enforcement activities."
- Department leadership has emphasized integrity and honesty as core values of policing and this includes reinforcement of honesty in the complaint investigations process. Last year, several employees were terminated for lying, and told that if they had told the truth and faced disciplinary consequences, it would have allowed them to retain employment.
- BPD's hiring and background investigation process is intensive and focuses on the honesty and veracity of employees. Command staff's observation is that as long as an agency can pay attention to the little things, such as minor inquiries that get sent over to sergeant to be handled, it forestalls "big" issues arising.
- The Department put together a formal ethics training several years ago, with several officers as ethics instructors. Because the City of Boise had issues with ethics of leadership of top officials, the City's human resources department recently developed leadership for training on ethics, and used the Police Department's model, with only a 10-minute introduction to the operations of the ethics commission.

MANAGEMENT & SUPERVISION

- In Boise, there are seven to nine patrol officers per sergeant. Every shift includes a field commander/sergeant, and a watch commander who is a lieutenant or sergeant.
- In 2003, the Police Department implemented an Early Warning System (maintained by the OIA) to provide assistance to officers who experience performance difficulties. It is not punitive, but is designed provide resources to ensure appropriate job knowledge, reduce job stress, and assist with successful policing.
- The Office of Internal Affairs uses a Microsoft Access database that tracks three things: complaints against an employee, any use of force complaint even if not sustained, notice of tort claims or lawsuits against the employee. This is not a formal early intervention system, but the findings from this database are provided to the division to initiate a discussion with the employee. An observation about such systems is that they are not the panacea that people thought they would be. It is possible for them to become very complex, very quickly, and adds time and a major investment of funds. In other organizations, it is a subject of bargaining because it is viewed as a form or vehicle for discipline, and therefore is a deterrent to implementation.
- Re-assignment to other assignments can be frequent. Patrol officers may re-bid for shift assignment each month. The first-line supervisor develops an appraisal form which is reviewed by the division head, and then filed in the "personnel performance chart."

HUMAN RESOURCE SYSTEMS

- Minimum police officer hiring requirements include U.S. citizenship; reached age 21 years old by hire date; obtained 64 semester credit hours of college study or equivalent certification; be of high moral character and free of recent major or habitual violations of the law, including drug usage or other activities or associations that would affect credibility as a police officer. Applicants cannot have been convicted of a felony and must have a valid Idaho driver's license. The Department has requirements for vision, physical fitness and medical examination.

- Application process includes a cognitive and non-cognitive testing process, application review, including criminal and driving records, oral interview including an assessment of integrity; commitment to serving people equally and fairly; interpersonal skills; philosophy of policing; judgment, decision-making, and problem solving; communication skills; preparation and work experience. Applications also include a Personal History Statement including personal information and references; education; residence information; prior employment; financial information; legal and driving history which leads to a background investigation. Applicants must successfully complete a physical fitness test; polygraph examination; background investigation; psychological evaluation; medical examination; drug screen and final review.
- Per the Community Ombudsman, regarding training, generally, there is not a wiser dollar spent than on effective recruitment. During the probationary period, if a department doesn't get rid of any employee showing a problem, it's a waste of time given the tenure for a police officer. Most of the high-profile failures can be tracked back to specific problems that arose during probation and field training. The two most influential positions in an officer's approach to policing are the front-line supervisor and field training officer.
- Understanding field training is an indirect lever to understand accountability in the department: what is the process for recruiting people who are willing to or encourage reporting misconduct internally, and consider whether field training officers promote a culture that stresses integrity. The next question related to that is whether there are supportive internal structures and decisionmaking in the department that enable field training officers to pass that culture on.
- Promotions: Boise uses an assessment center model for sergeant and lieutenant, with the Chief selecting from the top three candidates. The civil service system is reportedly under review and woefully out of date, but is functional for promotions and hiring.
- The Department has a Mentoring Program for new employees which pairs every new employee with one of 25 sworn officers and 10 civilian staff who serve as mentors.
- Field officer training: During their probationary year, officers must successfully complete the Idaho Peace Officers Standards and Training (P.O.S.T.) Academy if not already certified, plus a 10-week Advanced Academy and a 14-week Field Training Program.
- Promotions: BPD uses an assessment center model for sergeant and lieutenant positions, with the Chief selecting from the top three candidates. The civil service system is reportedly under review and woefully out of date, but is functional for promotions and hiring.
- As noted above, a "personnel performance chart" is used in Boise to track complaints about an employee and distributed to the division to initiate a discussion and corrective action.

LABOR ENVIRONMENT

- The labor environment in Idaho is shaped by labor law and case law. Idaho is a right-to-work state, meaning that public employees have no right to organize. The City has exactly two unions (police and fire); in contradiction to the right-to-work status, the Mayor and Council in Boise recognized a bargaining unit representing officers and sergeants.
- The City's position is that the method by which employees are evaluated on their performance is a management right, and the union has not disputed or grieved that position. The contract does not address the manner in which information can be gathered about an employee, and does not have specific memoranda of understanding that focus on disciplinary practices.

- The employee has a right to representation during an investigative interview and during the grievance process.

TRANSPARENCY

- The Office of the Citizen Ombudsman has issued a series of periodic, mid-year, and annual detailed reports on controversial incidents that separate fact from rumor and misunderstanding, and include recommendations for changes in police operations where appropriate. The report serves to clear the air by providing an independent public examination of controversial police cases.
- The Ombudsman also conducts immediate “roll outs” to shootings and other critical incidents. The presence of an independent investigator on the scene of an incident is designed to preserve all relevant evidence and prevent blatant cover-ups of officer misconduct.
- The Police Department and Ombudsman have created a brochure titled “What to Expect: Understanding the Law and Police Procedure.”
- The Office of Internal Affairs issues annual reports of complaint statistics.
- Public outreach: The Department uses its Community-Oriented Policing program as a philosophy and organizational strategy to allow police and community residents to work closely together to problem-solve. The Team consists of Neighborhood Contact Officer to work with neighborhood groups, sub-station operation locations with volunteer staff, Community Service Officers to support Neighborhood Contact Officers.
- The mission of the Boise Police Public Information unit is “to actively educate citizens on the mission, methods and accomplishments of the Boise Police Department, to build support and confidence in Boise Police services, to improve outreach and communication between the department, citizens and the media with the goal of improving public safety and service.” Its purpose is to enhance the partnerships between citizens and officers.

DENVER POLICE and SHERIFF'S DEPARTMENTS

Population Served: 554,636 Total number of employees: 849 (Sheriff)

Total number of sworn staff: 663(Sheriff) Number of contract cities:

EXTERNAL FORCES

- The Office of the Independent Monitor (OIM) and the Citizen Oversight Board (COB) was created in 2005 in response to a series of high profile and controversial shootings in minority communities. The OIM replaces an older system of external oversight that was deemed to be ineffective.

COMPLAINT & DISCIPLINARY PROCESSES

- Complaints can be filed with the Denver Police Department, Denver Sheriff's Department, the OIM, or the COB. Complaint forms are available at most government offices and over the Internet. Complaints are routed to OIM where they are documented. There are no restrictions on who can make a complaint, or when a complaint may be made.
- OIM refers all complaints to the respective Internal Affairs Bureau (IAB) of either the Police or the Sheriff's Office, where a preliminary intake review investigation is done. The reviewed complaint is then assigned to: 1) the officer's supervisor for debrief (the complaint is tracked for the purposes of managing employee conduct through an early intervention system); or 2) the OIM's citizen mediation program; or 3) any department supervisor if it relates to a service level complaint, and the supervisor will consider changes to policy; or 4) formal IAB investigation. On very limited grounds, the IAB may dismiss the complaint. The OIM reviews all complaint assignment decisions and must approve all dismissed complaints.
- For formal complaints, IAB investigators interview and collect information for the investigations. The OIM has the authority to participate in all interviews of witnesses. The OIM monitors all aspects of ongoing investigations and resulting reports. An investigation is not complete until the OIM agrees with the IAB. IAB are fact finders only, and the completed investigation is forwarded to the involved officer's Commander who reviews the investigation and makes a finding.
- Sustained findings are forwarded up the chain of command to a Disciplinary Review Board consisting of police officers and citizens. The Board hears from the involved officer and IAB, and makes a recommendation for discipline. While the Monitor is not formally a part of the Board, he often reviews hearing discussions and consults with the Board. The case is then reviewed by the Chief or Police or Sheriff (depending on jurisdiction of the involved officer) and a recommendation of findings and discipline is made to the Manager of Safety (the Manager of Safety directs the Department of Safety which includes both the Police and Sheriff's Departments). The Chief has the discretion to convene a "pre-disciplinary" meeting where the involved officer can present his or her side of the story to the Chief/Sheriff.
- As the consolidated government's civilian authority over the Police, Fire and Sheriff Departments, the Manager of Safety is considered the "Sheriff," and hires, fires, disciplines and promotes police officers, firefighters and civilian personnel. The Manager of Safety has final discretion on the investigation findings and discipline and issues a Departmental Order of Discipline.
- If the officer disagrees with the Manager's decision, the officer can appeal the matter to the Civil Service Commission and ultimately to the courts.

- Complainants are notified of the finding of the complaint but not the discipline imposed for sustained complaints. Discipline is only reported publicly, in summary, in the OIM's annual report.
- OIM and IAB use a custom-built database for all complaints and investigation information. For IAB investigations, the OIM has read-only privileges.
- The OIM has the same oversight jurisdiction for internally-initiated complaints and complaints that involve criminal allegations. The District Attorney has the primary responsibility for investigating potential criminal actions of uniformed personnel.

INTERNAL OVERSIGHT

EXTERNAL OVERSIGHT

- The consolidated City and County of Denver has two “arms” of external oversight: the Office of the Independent Monitor and the Citizen Oversight Board.
- The Office of the Independent Monitor (OIM) oversees the City of Denver Police Department and the County of Denver Sheriff's Department. The OIM is staffed by six full-time employees including three attorneys: the Monitor, the Senior Deputy Monitor and the Deputy Monitor. The OIM has an annual budget of \$400,000. In order to perform our outreach and research functions, the OIM is also staffed by a Community Outreach Ombudsman and a statistician. The Monitor is appointed by the Mayor and confirmed by the City Council after an extensive hiring and screening process. The Monitor reports directly to the Mayor.
- The OIM is responsible for: 1) actively monitoring and participating in investigations of uniformed personnel in the City and County of Denver's Police, Sheriff and Fire Departments; 2) making recommendations to the Manager of Safety regarding administrative action; and (3) making recommendations regarding broader policy.
- The Monitor is a part of a critical incident “roll-out” team that responds to officer involved shootings.
- The Citizen Oversight Board (COB) consists of seven citizens appointed by the Mayor and confirmed by City Council to: assess the effectiveness of the Monitor's Office; make policy-level recommendations regarding discipline, use of force and other policies, rules, hiring, training, community relations and the complaint process; address any other issues of concern to the community, the COB, the Monitor, the Manager of Safety, the Chief of Police, the Undersheriff or the Fire Chief; and review and recommend action regarding closed Internal Affairs cases where the findings were not sustained, as appropriate.
- Upon a request by the Citizen Oversight Board or Manager of Safety, the OIM shall review closed IAB cases in which the IAB investigation has already been completed and the Monitor's Office did not monitor the investigation.

DEPARTMENT LEADERSHIP AND CULTURE

MANAGEMENT & SUPERVISION

HUMAN RESOURCE SYSTEMS

LABOR ENVIRONMENT

TRANSPARENCY

- The Monitor stresses the importance of explicitly codifying the roles, authority, and processes of external oversight agency by ordinance. This helps legitimate the office within the overall governmental structure as well as specifying the nature or the relationships of the OIM to other departments.
- The OIM produces a quarterly report on complaints and discipline and an annual report. The COB issues an annual report.
- The OIM engages in public outreach and education to the citizens of Denver and police officers.
- In 2006, the OIM produced a report on complainant and officer satisfaction with various elements of the complaint intake, misconduct investigation, and disciplinary processes.

LOS ANGELES COUNTY SHERIFF'S DEPARTMENT

Population served: 10,223,055

Total employees: 14,000

Total sworn staff: 8,200

Number of contract cities: 40 cities 4 other jurisdictions (largest contract law enforcement services in the world)

EXTERNAL FORCES

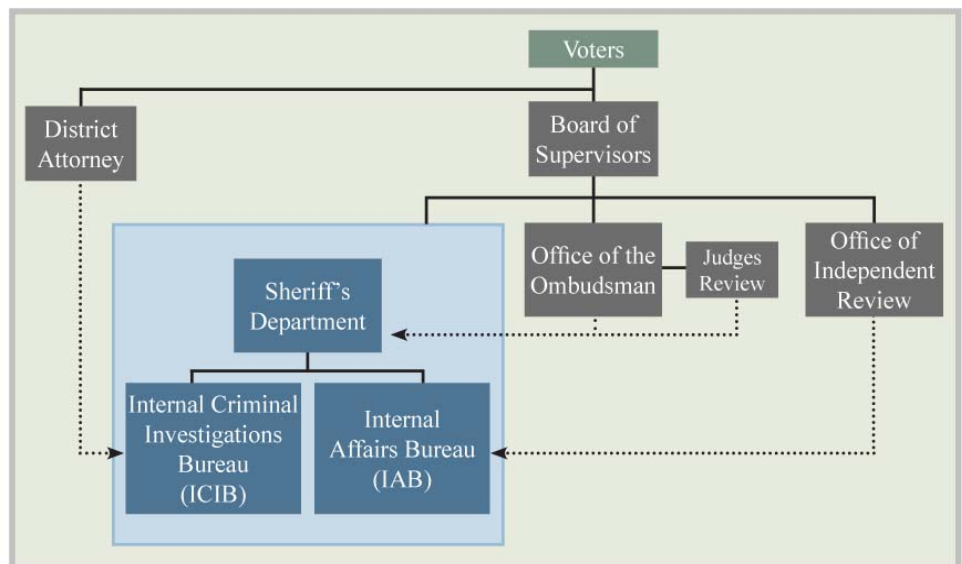
- In 1991, the Board of Supervisors of LA County appointed a Special Counsel to review the policies, practices and procedures of the Sheriff's Department, in response to an increase in the number of officer-involved shootings, and an increase in claims paid by the County arising from the actions of the LASD.
- The report, created by Special Counsel James G. Kolts and staff, determined that the Department had not done enough to adequately discipline officers found to have engaged in misconduct. It also found that the Department had not dealt adequately with the supervisors of those officers, and had not listened well to what affected communities wanted from their police services.
- The report recommended substantial reform in the citizen complaint process, as well as external review of citizen complaints that were previously determined by the LASD to be unfounded. There were also suggestions for internal reform that would place accountability on all individuals in the Department for reducing excessive force and listening to the community. There was also a recommendation to create an ombudsman function within the County, triggering the establishment of today's Office of the Ombudsman.

COMPLAINT & DISCIPLINARY PROCESSES

- A complaint can be received anywhere in the organization and any individual deputy or employee can receive a complaint. A complaint may also be phoned in 24 hours a day.

- Depending on the type of complaint there are three possible locations where it may be routed. Minor complaints are handled at the unit where the employee works, or about the level of police service, is handled where that service level is provided. More serious administrative complaints are routed to the Internal Affairs Bureau (IAB). Complaints that involve criminal actions go to the Internal Criminal Investigations Bureau (ICIB).

LA County Sheriff's Department Investigations Oversight Structure



- Minor complaints handled within the unit are managed by the unit Captain or Director. The Captain has some discretion to issue discipline, but if it includes suspension of time or demotion it must be processed through the IAB.
- More serious administrative complaints are sent to the IAB, which has investigative authority. The IAB is independently monitored by the external Office of Independent Review (OIR). The IAB, OIR, and the Captain in charge of the unit consider the possible discipline that can be implemented based on the

“discipline schedule,” which is a matrix of allowable discipline based on the type of complaint and the deputy’s history.

- Criminal complaints are investigated by the ICIB. All criminal complaints are sent to the District Attorney’s (DA’s) office for review, even if there has been no basis found for the complaint. The DA may then reject the complaint based on legal issues, rather than the Sheriff’s office holding back selective claims based on a belief that they are unfounded.
- Employee-to-employee complaints are handled according to the nature of the complaint. Most often these complaints will be addressed in the unit’s chain of command – a deputy may report a claim to a supervisor in the station and the supervisor will route it to the appropriate department. There is also a large infrastructure dedicated to the “policy of equality,” for issues such as gender or racial harassment. There is a team of investigators in the IAB to address those types of complaints.
- At the beginning of an investigation, the complainant receives a letter with a copy of the initial complaint and the case number. They may call at any time and get updates on the status of their complaint.
- When an investigation is complete, another letter is sent to the complainant stating the outcome of the investigation and referring them to the Office of the Ombudsman if they are dissatisfied with the outcome. After the investigations process, if complainants wish, they may go to the Ombudsman and appeal findings. The Office of the Ombudsman will review the complaint investigation process.
- If the Office of the Ombudsman is not satisfied with the quality of the investigation done by the Sheriff’s Department after twice returning it to the Sheriff’s Office, the information is given to a panel of retired judges. The judges volunteer to be placed on the review list, and are then appointed by the Ombudsman, and he or she will request that the judges review the investigation. However, generally after two attempts by the Sheriff’s Department there is an agreement that the investigation has been done correctly. It is estimated that less than 1% of all complaints are reviewed by the panel, and no cases have been reviewed by the judges while Mr. Baca has been Sheriff (the last 7 years).
- The Department has a legal advisory office that is a subdivision of the County Council lawyers and are dedicated to the Sheriff’s Department. There is no dedicated legal advisor for complainants.

INTERNAL OVERSIGHT

- The LASD has two internal bureaus to investigate claims against officers. The Internal Criminal Investigations Bureau (ICIB) is charged with investigating allegations of criminal misconduct committed by LASD sworn and civilian employees. The Internal Affairs Bureau (IAB) conducts administrative investigations.
- Although both the ICIB and the IAB are internal to the Department, they function separately. The ICIB’s role is to determine whether there is probable cause to believe the employee committed a crime and to present evidence of the crime to the District Attorney for prosecution. The IAB investigates allegations of misconduct to determine whether personnel should be disciplined administratively.

EXTERNAL OVERSIGHT

- The Los Angeles County Sheriff’s Department has two external oversight offices, the Office of the Ombudsman and the Office of Independent Review, which are both independent of the LASD.
- The Office of the Ombudsman reviews complaints and investigations completed by the internal investigation departments in the Sheriff’s office for thoroughness, at the request of the complainant.

When a complainant is dissatisfied with a finding or believes the investigation was not done thoroughly, the complainant may contact the Ombudsman and request that they review the process of investigation.

- The Ombudsman does not have investigative authority and may not initiate or conduct investigations. The Office reviews the investigation completed by the LASD and either finds it to be thorough and sufficient, or refers the complaint back to the Sheriff's Office for further review.
- The Office of Independent Review monitors the investigations conducted by the LASD and makes recommendations on how those investigations should proceed. They have full access to files, interviews, and all stages of the investigation process and, when founded, may recommend the level of discipline to be imposed. The key to their success (as stated by OIR), is full access to all relevant files, meetings, records, and other relevant materials. They conduct "real time" oversight and are notified as soon as an investigation begins.
- The OIR has no authority over the LASD. They have a chance to meet with the Department to present their recommendations, but are independent of the Department and cannot compel change; they are there to help the Sheriff make the review process as effective as possible.
- The Ombudsman's office has 8 full-time staff and 1 part-time employee. There are 5 full-time employees to review citizen complaints. They have an annual budget of approximately \$800,000.
- OIR has a staff of 6 full-time attorneys and a budget of approximately \$1.1 million per year.
- OIR is not required to do any reporting, but they choose to produce a quarterly and annual report that presents updates on all pending internal investigations. They also release occasional public reports about specific incidents that have drawn public attention. These reports present how the investigations unfolded, and policies that were changed as a result.

DEPARTMENT LEADERSHIP AND CULTURE

- The Los Angeles County Sheriff is an elected position.
- The LASD mission statement is to: "Lead the fight to prevent crime and injustice. Enforce the law fairly and defend the rights of all. Partner with the people we serve to secure and promote safety in our communities."
- The OIR conducts ongoing reviews and makes ongoing recommendations for improvements in LASD policies, practices, and procedures.
- There is a leadership culture throughout the organization that is continually being promoted. There is a Deputy Sheriff Leadership Institute (DLI), which used to be voluntary, but has recently been made mandatory by the Sheriff. It is a 24-hour program (3 days) and offers motivation for career advancement.
- In addition to the DLI, there is a unique program called the LASD University System. It is conducted in partnership with 12 universities and uses the LASD buildings for classrooms. Five hundred employees have graduated from this program with bachelor and masters degrees. Currently there are over 1,000 employees enrolled in one of the 12 universities. It is the first program of its kind.

MANAGEMENT & SUPERVISION

- The LASD has a sophisticated computer system called the Personnel Performance Index (PPI), which tracks all complaints, uses of force, lawsuits, shootings, claims (before there is a lawsuit), and pursuits. The division Chiefs and their staff do ongoing reviews and analytical assessments of the data.

Information is tabulated by individual (an employee will be listed if they've ever had an incident). The data are not accessible by unauthorized personnel, but Department management and the OIR have access to it.

- Every complaint requires documentation on a complaint form, which is entered into the PPI. Every complaint is documented, even if the citizen withdraws it.
- The LASD may use the PPI to monitor performance issues for employees who have an unusually high number of investigations. If appropriate, those individuals may be assisted with non-disciplinary career assistance, such as additional training. A profile is completed on the Deputy and training is tailored for his or her individual needs.
- The Department has an Employee Support Services Bureau, which consists of approximately 10 psychologists. They are available to assist all employees with various levels of crisis on a voluntary basis. Deputies are required to speak to a psychologist within a 5-day period after a shooting. The Employee Support Services Bureau also offers proactive support for health issues, such as blood pressure screenings or alcohol abuse and provides counseling sessions for individual deputies.
- The levels of command in the LASD are as follows: Deputy, Bonus Deputy (or Senior Deputy), Sergeant, Lieutenant, Captain, Commander, Chief, Assistant Sheriff, Under Sheriff, Sheriff. Each unit command goes up to the Captain level.

HUMAN RESOURCE SYSTEMS

- Training for a Deputy begins with at least 13 weeks at the Academy followed often by a few weeks working in Custody (the jail and court system). That is followed by a few weeks of Patrol School after which they are assigned to a training officer. They spend 3-6 months working with a training officer before officially completing training.
- Promotions to Sergeant and Lieutenant are made through civil service testing, including a written examination, an oral interview, and an appraisal of promotability by management. The results of the scores are compiled and averaged and placed in five promotional, ranked "bands." Captains or Directors confer to make promotional recommendations to the Chief level, and a Commander's personnel panel will convene for a recommendation, which, once approved, goes to the Sheriff for approval.
- For the rank of Captain and above, positions are appointive, through an appraisal process focused on required duties. Chiefs and Commanders assist the Sheriff and Assistant Sheriffs with the appointment and promotional decision. Under current leadership, all of these appointments have been from within the department.
- Performance evaluations are conducted yearly. A supervisor fills out a form for each employee evaluating them in many categories and assigns an overall rating (ranging from Outstanding to Improvement Needed). The employee then meets with the supervisor to talk about their review and rating.
- A new program has been introduced recently which allows employees who are charged with serious offenses to be assigned a mentor (a manager, usually a Lieutenant or higher). The mentor program is voluntary, and it is reportedly working well. Employees report that they are glad to have someone who is impartial will listen to the difficulties that they are experiencing and what they are going through.

LABOR ENVIRONMENT

- The union is not involved in the discipline process, but they can appeal after it has been determined. The Sheriff does not recommend that there be a role for the union in the disciplinary process, with the concern that it would become more of an obstruction of the investigation.

TRANSPARENCY

- The Complainant, LASD management and the OIR have access to the investigation tracking information, with command structure having the most access to information. The public can get general information on closed investigations, but are not allowed to know officer names, any specific identifying details, or discipline outcomes.
- The LASD has a strong public relations staff and the Sheriff has a media advisor. There are also staff available to respond to inquiries for information.
- The system is set up to make it as easy as possible for people to locate information about how to make a complaint. The LASD website contains information, and complaints can be taken at any LASD location. People may also call the Sheriff's main telephone line to be connected to the correct complaint line.

PORTLAND BUREAU OF POLICE

Population within service area: ~ 524,924 (2004) Total number of employees: 1,248 (2004)

Total number of sworn staff: 995 (2004) Number of contract cities: None

EXTERNAL FORCES

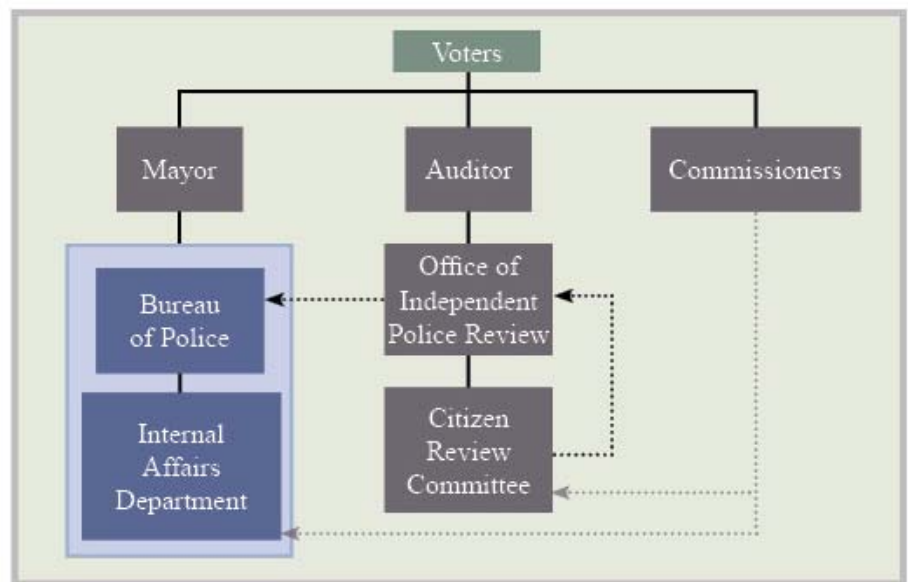
- The Office of Independent Police Review (IPR) was formed in 2001 in response to a series of incidents of officer-involved shootings and deaths in police custody. IPR replaced an existing form of citizen oversight (the Police Internal Investigations Auditing Committee) that pre-dated the IPR by 20 years.

COMPLAINT & DISCIPLINARY PROCESSES

- Complaints can be made directly to IPR, or submitted at police precincts and City neighborhood centers. Complaints are taken in-person, via phone, mailed letters, e-mail.

- Complaints are assigned to an IPR intake investigator, who conducts a preliminary investigation. The preliminary investigation involves reviewing documents, interviewing complainants, and classifying the complaint. The case is then forwarded to the IPR Director. The Director can decline the complaint (for complaints that are false, without merit, or the complainant is pursuing another remedy); refer to the Internal Affairs Division (IAD); offer mediation; refer to a different agency or jurisdiction; or refer to PPB Command Staff. This is an important facet of the system that removes the IAD from making the initial complaint classification.

Portland Bureau of Police Investigations Oversight Structure



- IPR has an active mediation program. It is a voluntary program that requires consent of the complainant and officer. Mediation is offered in less serious cases such as disparate treatment, or rudeness, and is not an option for serious infractions. Mediation is offered to eligible complainants before an investigation is started and is also offered in lieu of an appeal of a closed case to the Citizen Review Committee (CRC). Complainants who participate in mediation cite a higher level of satisfaction than non-mediated complaints.
- Once a complaint is received from IPR with an assigned case number, the Internal Affairs Division (IAD) Commander determines how a complaint will be handled according to five categories:
 1. Assigned to an IAD investigator for investigation;
 2. Assigned for criminal investigation to be given to one of the Police Bureau criminal investigation units;

3. Declined, if the complaint is determined to be untimely, false or without merit, or does not articulate actions that would constitute officer misconduct, or involves an agency other than the Portland Police Bureau;
 4. Assigned to a division as a Service Complaint that does not warrant a full investigation and will be forwarded to the officer's commanding officer so that a critique or debriefing of the incident between the officer and a supervisor may be conducted; and,
 5. Assigned for mediation if both the officer and complainant agree that the case will be handled through the Independent Police Review Division by a trained mediator. In all cases, the final disposition of the complaint is tracked by IAD and IPR.
- For Service complaints, IPR must consent to the final disposition of the complaint resolution. Service complaints are treated as personnel management tools, not discipline, and are not recorded in an officer's file.
 - The results of the IAD investigation are forwarded to the officer's commanding officer who makes a finding and discipline recommendation. If either the IAD or IPR disagree with the finding, they can appeal it to a Performance Review Board (consisting of command staff, citizens, and peer officers) who can order additional investigation, or can render their own finding and discipline recommendation to the Chief of Police, who has final authority on findings and discipline. Some discipline actions, such as termination or suspension, are reviewed by the Mayor. The entire complaint file is then returned to the IAD.
 - A letter of explanation will be forwarded to the complainant from Internal Affairs through the Independent Police Review Division. The complainant will also receive a notification on their rights to appeal the decision to the Independent Police Review Division and Citizen Review Committee (CRC).
 - Employee-initiated complaints are investigated by IAD. The IPR has no formal authority to monitor or audit these cases but they often participate and oversee them at the discretion of the Chief of Police.
 - The alleged employee has the right to appeal the finding through one of three processes: 1) through the CRC; 2) through the City's civil service process; and 3) through a formal grievance and binding arbitration.

INTERNAL OVERSIGHT

- IAD is led by a Captain who commands a Lieutenant, six or seven investigative Sergeants, and one or two administrative staffers. Investigative officers handle, on average, between five and ten cases at any given time. Staffing levels are reportedly sufficient for case loads.
- IAD uses proprietary software, called AIM, for data tracking of all investigations.
- The IAD commander meets weekly with all investigators to discuss ongoing cases. All cases are reviewed by the IAD commander before transmittal to the commanding officer of the employee charged with misconduct.

EXTERNAL OVERSIGHT

- The Portland Police Department is overseen by the IPR and CRC under the direction of the City Auditor's Office, who is elected (the Bureau of Police reports to the Mayor). The Auditor selects the IPR Director on a competitive basis with a focus on a legal/criminal justice background. IPR has a staff of 8.5 and a budget of \$850,000. Currently, the IPR Director feels that the department is a little under-staffed

and could use more assistance for intake/preliminary investigation and police policy analysis. Most intake officers are ex-police.

- The CRC is part of the Independent Police Review Division. Committee members are appointed by the City Council after a nomination process that involves the IPR Director and a selection committee. The CRC reports to the City Commissioners regarding appeals of complaints and reports to the IPR Director regarding police policies and procedures.
- IPR receives and screens citizen complaints, refers complaints to Internal Affairs for investigation, monitors and reviews the IAD investigations, conducts its own investigations, and facilitates appeals by dissatisfied parties. IPR is annually charged with hiring an expert to review closed cases of officer-involved shootings and in-custody deaths.
- IPR director directly oversee all IAD investigation and has the authority to initiate its own investigations of any complaint case. The IPR director and the IAD commander meet weekly to review cases.
- The CRC does not process civilian complaints, but rather hears appeals by either the complainant or alleged police officer and reviews police policies and procedures and makes policy recommendations to the police and IPR.
- If a complainant or officer is dissatisfied by the resolution of a complaint, either can file a request within 30 days for review by IPR and the Citizen Review Committee. IPR will review the appeal and IAD investigation and can order further investigation. If no further investigation is needed, the case proceeds to a public CRC pre-hearing. The CRC can deny the appeal or vote to hold a full hearing. The CRC can close a case by agreeing with the Police Bureau findings or by recommending changed findings to the Police Bureau. If the Police Bureau does not accept the recommendations, a complaint can be resolved through a conference between the CRC and Police Bureau or a hearing before the City Council.
- The CRC holds public appeal hearings. The CRC reviews the case and holds a public meeting where all involved parties will be heard. The CRC determines whether the IAD's finding is supported by the evidence. If the CRC agrees with IAD, the case is closed. If the CRC determines that the IAD finding is not supported by the evidence, and the Police Bureau does not accept that recommendation, a hearing will be set before the City Council. The City Council will then make the final decision as to whether or not the allegations against the officer(s) should be sustained. The City Council has authority over final findings and discipline in the case. If the City Council does not sustain the allegations, then the case will be closed.

DEPARTMENT LEADERSHIP AND CULTURE

- Professionalism has been a key message of the Department leadership and it has been identified as one of their core values.
- There is some indication that officers and line staff have an uneven assessment of the misconduct and discipline system. There is a perception that the integrity of the process may be “politicized” for certain high profile cases.

MANAGEMENT & SUPERVISION

- Service complaints are treated as personnel management tools, not discipline, and are not recorded in an officer's file.

HUMAN RESOURCE SYSTEMS

- All staff is required to complete 40 hours of in-service training per year. There are aspects of the training that focus on police ethics.
- Performance evaluations are used in a limited fashion to provide feedback to employees. They are used for new recruits during their first, year-long probationary period. They are also used for all newly promoted employees for the year after their promotion.
- The Department is in the process of establishing an early intervention system. A feature of that system will be information collected from IPR and IAD as part of the misconduct and discipline process.

LABOR ENVIRONMENT

- The Oregon labor environment is similar to Washington's. Any changes to working conditions, hours and wages need to be bargained.
- The Portland Police Union was involved and consulted during the formation of the IPR and its oversight role.
- The Police Union serves as the officer's legal representation during the misconduct and discipline process. They are present during investigation interviews and at all points during the grievance process.

TRANSPARENCY

- The IPR produces a six-month report used for internal purposes, and annual reports to the public that present statistical analyses of complaints and their resolutions. The report also recommends improvements and changes to police policies and procedures. IPR also publishes a quarterly newsletter.
- IPR does quarterly satisfaction surveys of a sample of all complainants. All complainants that proceed through the mediation process complete a satisfaction survey.
- The CRC holds and participates in public meetings to ensure that community concerns with police services are publicly heard and addressed. The CRC may make recommendations on changes to police policies and procedures to the IPR director.

SAN JOSE POLICE DEPARTMENT

Population within service area: ~ 873,882 (2004) Total number of employees: 1,789 (2006)

Total number of sworn staff: ~1,350 (2006) Number of contract cities: None

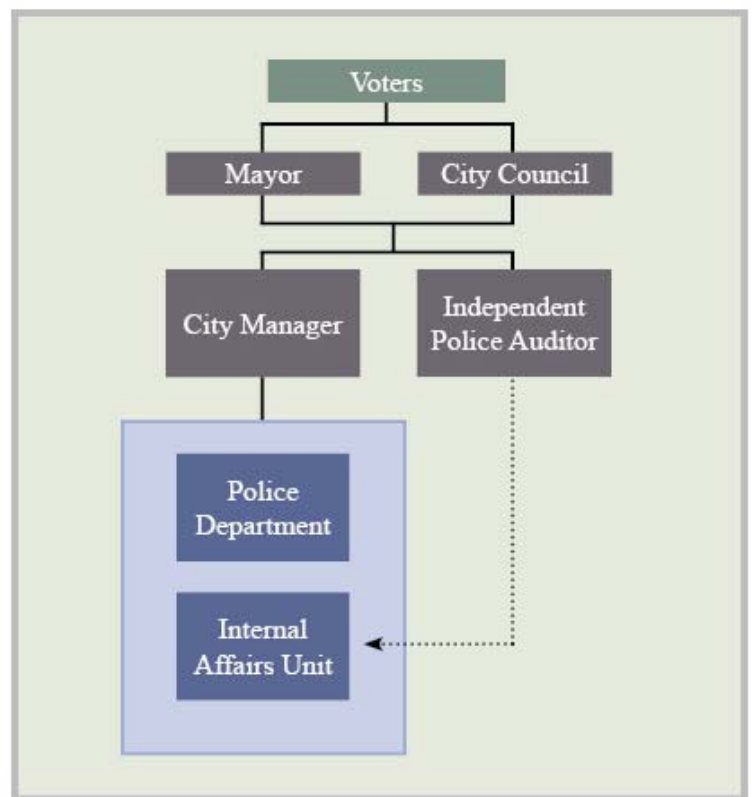
EXTERNAL FORCES

- The formation of the Independent Police Auditor was a grassroots movement building on momentum from the Latino and Asian communities and within the context of the Rodney King events during the early 1990s. The City Council and Mayor led a collaborative effort to create external oversight of the police. The auditor model was implemented over an investigative model that the police department objected to.

COMPLAINT & DISCIPLINARY PROCESSES

- Complaints can be filed in person, on the telephone, or in writing via regular mail or email. Complaints may be filed anonymously. The Independent Police Auditor (IPA) and Internal Affairs (IA) are separate offices; however, case information is entered in a shared database that ensures coordination between the two offices and accurate case documentation. All contacts from the public are documented as cases. IA does the preliminary investigation of the complaint.
- After a case is received, Internal Affairs determines whether or not an investigation is necessary. IA will classify the case as a Formal, Command Review, Policy, or Procedural complaint. The IPA reviews the classification to ensure the complaint receives the appropriate level of review. All complaints are tracked using proprietary software, IA PRO.

SJ Police Department Investigations Oversight Structure



- IA investigators are fact finders only, and do not make findings of investigations, nor do they recommend discipline. Complaints that may involve criminal elements could be conducted by the SJPd prior to or at the same time as the IA investigation. Generally, IA investigates most allegations involving officer misconduct while criminal investigations are handled by the criminal division.
- The IPA is notified of only the alleged officer's interview and will sit in on the interview. The IPA does not ask questions during the interview but will make suggestions to the IA for further follow-up questioning and investigation.
- IA investigators are fact finders only – completed investigations are forwarded to subject officer's chain of command (usually a Lieutenant) for findings and discipline recommendations. The commanding officer reviews the investigation completed by the IA investigator and may conduct further investigation

to determine if the complaint should be sustained or not. The finding and discipline recommendations is forwarded and reviewed through the chain of command until it reaches the Chief of Police who has final authority on findings and recommendations.

- Once a case has been completed by the Police Department, it is audited by the IPA. IPA has two weeks to review the investigation and to determine whether it agrees or disagrees with the findings. If the IPA disagrees, a memo is issued to the IA commander who must respond to the issues raised by the IPA. Many disagreements are often worked out informally at this point. If the IPA and IA are unable to resolve their differences, the IPA presents the issue to the Chief of Police in a formal memorandum. If the IPA is still unable to resolve its disagreement with the Chief, the matter is submitted to the City Manager for final resolution.
- The alleged employee has the right to appeal the finding through one of two processes: 1) the City's civil service process; or 2) a formal grievance and binding arbitration.
- Employee-initiated complaints are handled directly by IA. The IPA is not involved in these investigations.

INTERNAL OVERSIGHT

- IA is commanded by a Lieutenant who reports directly to the Chief of Police. Under his command are four to six Sergeants serving as investigators and four intake officers (sworn staff). Due to recent budget cuts, IIU eliminated an analyst position. The IA Lieutenant reports that current staffing allowed his office to function at satisfactory level but the addition of 3-4 more staff members for intake and analysis would be optimal.
- At any given time, an IA investigator can be assigned 6-10 cases. The intake officers usually handle 30-40 cases at any given time.
- There are many levels of internal oversight of investigations. The IA commander reviews all investigations. Additionally, the Assistant Chief of Police reviews all investigations involving use of force complaints.

EXTERNAL OVERSIGHT

- The Independent Police Auditor reports directly to the Mayor and City Council. The Council may remove the Auditor upon a resolution of ten of its 11 members. The IPA monitors IA's investigations of complaints, both throughout the process and upon their completion. The IPA makes policy recommendations and conducts community outreach. Including the IPA Auditor, the office is staffed by six deputy auditors and is not perceived by the Auditor to be understaffed. The office has an annual budget of \$685,000.
- The IPA uses the Independent Police Auditor Advisory Committee (IPAAC), composed of citizens that represent various community organizations and neighborhoods, to publicly advocate on its behalf and to address the needs and problems of the various communities in San Jose. The group meets periodically to discuss the police department, its policies, and its oversight.
- To ensure that investigations of misconduct complaints against San Jose police officers are done thoroughly, objectively and fairly, the IPA monitors and reviews all stages of the complaint process from intake through final disposition of the complaint. If the Auditor does not agree with the Police Department's findings and cannot reach a resolution with the Department, the Auditor can have the case referred to the City Manager.

- IPA developed and employs a checklist for the collection of data and a process for evaluating the quality of the investigations to ensure that the data was captured consistently.

DEPARTMENT LEADERSHIP AND CULTURE

- Police professionalism and integrity are stressed at all levels of the police force. The Chief of Police stresses professionalism in communications to employees and officers. The Chief teaches the first module in the Police Academy which is on police ethics. Police Department management strives to make police ethics and professionalism an organization standard by integrating accountability measures at all levels of leadership.
- Department leadership strives to make the misconduct and discipline system as consistent and predictable as possible and that this lends itself to the perception of employees that the process is fair and reliable.
- The relationship with the IPA is viewed as a collaborate effort to better improve the quality of policing delivered to the community.
- Department leadership views line officers and Sergeants as the “heart” of the Department’s culture. The installation of new management policies must have significant buy-in from Sergeants for them to be successful. Sergeants are a part of the process during the formation of management policies and initiatives.
- The rank levels include: Chief, Asst Chief, Deputy Chief, Captain, Lieutenant, Sergeant, and Officer.

MANAGEMENT & SUPERVISION

- The first promotion to Sergeant is requires a great deal of personal investment and study time to pass the testing and interview phases. Potential Sergeants are tested for their ability to be effective supervisors. During the testing and training phases, Sergeants are expected to become experts in police ethics and dealing with misconduct and discipline issues.
- Supervisors receive periodic training that focuses on effective management of those under their command that includes appropriate and meaningful discipline techniques.
- The Department has an Early Intervention System for supervisors. If a supervisor has three or more complaints of officers under his command during a six month period, the supervisor will receive a reprimand and receive additional training. The measure is used to hold supervisors accountable for those they supervise.
- With the exception of the Chief, all officers are required to do a mandatory 3 years patrol rotation. The rationale of the rotation is to build morale and to prevent officers from getting lackadaisical in their management positions.

HUMAN RESOURCE SYSTEMS

- The hiring process forms the foundation of the Department’s professionalism and accountability efforts. During the screening process, potential recruits are screened and tested for high ethical character and accountability.
- Police ethics and integrity training is integrated at all levels of Police Academy training. Every training module has an ethical element incorporated into it. All recruits are repeatedly tested for accountability to the Department’s policies and procedures.

- Field Officer Training Program has a devoted block of training for ethics and professionalism.
- Annual performance reviews stress accountability and adherence to ethical behavior. The reviews have specific areas where employees are evaluated on their ethics and integrity as police officers.
- The Department has an Early Intervention System (EIS) for all officers. Some limited information from IA and IPA is used in this system. The EIS is used by the Crisis Management Team which is led by an officer with a Ph.D. in Psychology. Together with an aggressive chaplaincy program and unlimited counseling offered through the union, officers have a wealth of resources available to them.

LABOR ENVIRONMENT

- The Police Union serves as the officer's legal representation during the misconduct and discipline process. They are present during investigation interviews and at all points during the grievance process.

TRANSPARENCY

- The Police Auditor is a high-profile position within the San Jose government, and there is a high degree of public awareness of the office.
- The IPA is required to file semi-annual public reports that include a statistical analysis of citizen complaints, and analysis of complaint trends and patterns, and recommendations for changes in policies and procedures.
- The IPA uses the Independent Police Auditor Advisory Committee (IPAAC) to publicly advocate on its behalf and to address the needs and problems of the various communities in San Jose.
- IA participates in limited public outreach in the form of educating communities and groups of the IA process of misconduct investigations.
- The IPA conducts a complainant satisfaction survey is done when an investigation is closed.

SEATTLE POLICE DEPARTMENT

Population served: 563,374 Total employees: 1,840 Total sworn staff: 1,200 Number of contract cities: 0

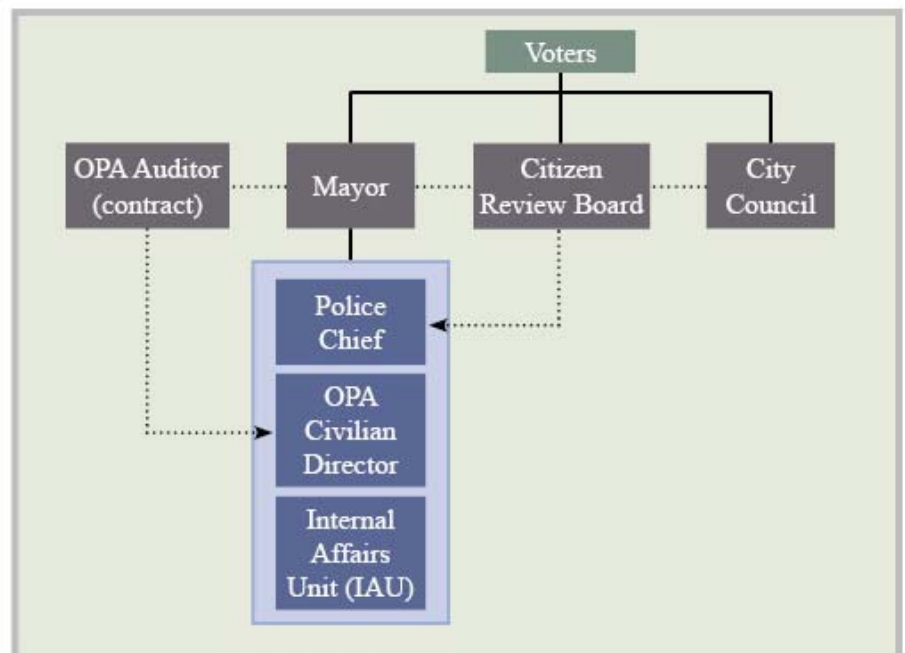
EXTERNAL FORCES

- The Office of Professional Accountability (OPA) was established by City ordinance in 1999 in response to recommendations by a citizen review panel. The panel was formed by Mayor Paul Schell after a veteran homicide detective was implicated in the theft of \$10,000 from a crime scene in 1996. While the incident was common knowledge among several detectives - including an IIS sergeant - it never resulted in discipline within the department. WTO riots and the police response fueled the call for changes to the internal investigations process.

COMPLAINT & DISCIPLINARY PROCESSES

- Citizens who believe that a Department employee has engaged in misconduct can file a complaint in person, by telephone, by mail, by e-mail, or via an on-line form. IPA does accept anonymous complaints. Citizens are given a full explanation of the process and interviewed within 10 days, and are given status reports and closing letters with full explanations.
- OPA considers whether the alleged conduct could violate policy, procedure or law. Complaints that don't rise to the level of investigation are documented and shared with the appropriate unit.

Seattle Police Department Investigations Oversight Structure



- Classification of complaints include the following categories:
 1. Contact logs (inquiries about policies, referrals, or requests for information);
 2. Supervisory referral (complaints that indicate a training failure);
 3. Line investigations (minor misconduct complaints assigned to officer's chain of command); and
 4. OPA-Investigation Section cases (more serious complaints including all use-of-force complaints that are investigated by OPA Investigation Section).
- OPA-IS investigations are investigated by Sergeants in the unit. Cases can be resolved by an investigator or supervisor within 60 days. The enabling legislation of the Office requires completion of the investigation within 180 days, and status reports are provided to the complainant every 30 days.

- By ordinance, the OPA provides analysis to the Chief regarding disciplinary action to promote consistency of discipline, and works with the Human Resources Department to do so. Broadly, OPA focuses on treating serious violations as such and remedial action is taken for minor cases.
- Completed investigations are forwarded to the Director who may agree, order further investigation, or recommend different findings. Except in the case of sustained complaints, the OPA Director's decision is final.
- The OPA Director and Police Chief have differed on final disciplinary recommendations, and the Chief's action prevails in that case. The roles are very different; the OPA Director does not meet with employees, while the Chief does.
- In January 2006, Chief Kerlikowske issued a public and internal letter outlining the actions taken during investigations and discipline, including: 1) complaints are subject to review and input by members of the Internal Investigations Section and the Director of the OPA and Independent Auditor. Employees are provided notice of allegations against them and offered representation throughout the process. 2) If the facts in the investigation show a violation of policy, the file is forwarded for review, where the captain, bureau chief, OPA Captain and Director discuss the complaint and evidence. 3) The Chief reaches a tentative conclusion about the status of the complaint. 4) If the finding is to sustain the complaint, then corrective action is discussed. Past precedent, past discipline, and employee performance are taken into account. 5) The Chief reaches a tentative decision about discipline. 6) The Chief meets with the employee and his or her representative to discuss the incident. 7) The Chief reaches a final decision on the case.

INTERNAL OVERSIGHT

- In 1999, the Seattle City Council established the Office of Professional Accountability (OPA) within the Seattle Police Department. The Director is a civilian appointed by the Mayor who was confirmed by the City Council in January 2001.
- In addition to the Director, the Office operates with six sergeants, one lieutenant, one Captain, and two administrative staff. This is a ratio of one investigator per 200 sworn staff; by the Director's report, most departments work with a ratio of 1 to 150.
- Seattle has a multi-tier system, so it is difficult to classify the system as internal or external. The Department has an Investigative Section of the OPA. Three tiers of oversight exist with some portion internal to the department: The OPA Director (a civilian who reports to the Chief of Police); the Auditor (an independent contractor, appointed by the Mayor, who audits all complaints); and the OPA Review Board.
- A key feature of the system is preservation of independence and authority (not all internal, external, board or auditor, but a system of checks and balances).
- Complaints of police conduct are investigated by the Investigation Section of the OPA. The Director oversees the intake, classification, and investigation of complaints, certifies investigative findings, and makes recommendations on disposition and discipline to the Chief of Police.
- The OPA Director also reports to the Mayor and the City Council on OPA activity, issues concerning the professional standards of the Department, and recommendations on strategies and policies to improve complaint gathering and investigative procedures.
- The OPA's policy review function includes development of professional standards, policies and procedures, and training and supervision. Policy review is conducted through individual complaints and

complaint trends and statistics; participation in command staff development and review of policy; participation on the Department's Risk Management Advisory Team; and interaction with the Training Section.

- In its policy review role, OPA has made recommendations about training for use of force, citations based on attitude and demeanor, detention of witnesses during investigation, the conduct of the citizen ride-along program that resulted in an audit, confrontations between police and citizen onlookers, and SPD officers serving on joint task forces.
- In its risk management role, OPA developed a role of reviewing and investigating tort and civil rights claims for disciplinary action. A policy was adopted in 2002 that the OPA Director is notified of all claims involving allegations of misconduct, and reviews them for forwarding to the OPA Investigation Section for screening, classification and investigation.

EXTERNAL OVERSIGHT

- A key concept about external oversight is that it provides a mechanism for input by entities who are not sworn police officers. The two other components of Seattle's oversight structure are the OPA Auditor and the OPA Review Board. The Office of Professional Accountability (OPARB) was also created in 1999.
- The OPA Auditor is an independent contractor appointed by the Mayor who reviews open internal investigation files, advises about classification and investigation, but not about findings, and reports semiannually to the public.
- The OPA Board is made up of three volunteer citizen members appointed by City Council. Its primary task is to oversee the way the OPA handles citizen complaints against Seattle police officers, and to review redacted, closed OPA investigations as well as OPA Auditor reports. The Board resolves disputes between the OPA Director and OPA auditor about the scope of investigations, reporting on the effectiveness of the OPA complaint process.
- By City ordinance, the Board is to report semiannually to the public and quarterly to the City Council and officials on policies and procedures to strengthen the police accountability system.
- OPARB reports a strained working relationship with the City of Seattle. Since its creation, the City has refused to protect the Board members from personal civil liability rising from its reports, and as a result, no reports have been issued for several years. In an April, 2006 Seattle City Council hearing, OPARB members recommended direct legislative action to extend civil liability protection to Board members and allowing Board members access to redacted case files to understand how many officers have similar kinds of complaints. An ordinance changing the civil liability protection situation has been introduced.

DEPARTMENT LEADERSHIP AND CULTURE

- The SPD's mission is to "prevent crime, enforce the law and support quality public safety by delivering respectful, professional, and dependable police services."
- The Chief of Police is appointed by the Mayor and approved by the City Council. Department sections include Bike Patrol, Canine Unit, 9-1-1 Center (Communications), Criminal Investigations, Emergency Management, Harbor Patrol, Information Technology, Motorcycle Unit, Mounted Patrol, Office of Professional Accountability, Parking Enforcement, Records, Evidence & Identification, Research & Grants, SWAT, Traffic, and Training.

- In November 2003, the Seattle Police Department received national accreditation from the Commission on Accreditation for Law Enforcement Agencies (CALEA). Of the 25 largest cities in the nation, Seattle is one of only four agencies to have been accredited.
- The Department is organized into two major divisions, Operations and Administration. Operations includes two Patrol Operations Bureaus, each with several police precincts. Operations also includes the Emergency Preparedness Bureau and Criminal Investigations Bureau.
- The OPA Director is a direct report to the Police Chief, and also has direct Mayor-Council reporting, which gives the person authority to influence the review process and report outside the Department.
- The OPA Director is also part of the command staff of the Police Department, and as such has the opportunity to advise the chief on a broad range of issues, debate and discuss the policies and procedures of the Department.
- *Command structure and span of control*
- *How integrity is prioritized in corporate values*

MANAGEMENT & SUPERVISION

- Early intervention system: Seattle had a form of early warning system called “Administrative Review Process” which was triggered by the number of complaints against an employee concentrated in a time period. In 2005, the Department implemented a progressive, systematic method and technology tracking system to identify potential problems. The system combines case management with early intervention, and tracks complaints against employees, use of force, use of sick leave, accidents, and supervisory referral which trigger a formal supervisory review. OPA reports that this system is very helpful for employees to take corrective action.
- *Field Training Officer program*
- *Frequency of assignment change*

HUMAN RESOURCE SYSTEMS

- Minimum requirements for sworn positions include U.S. Citizenship; 20.5 years of age at the time of hire; Possess a High School diploma or General Education Degree (GED); possess a Washington Drivers' license at the time of hire; Be discharged under honorable circumstances (Fair Employee Laws apply). Disqualifying activities include recent drug use, driving infractions, criminal activity, and certain employment and financial considerations. The Department uses on-line applications.
- *Time to recruit and train an employee*
- *Promotional policies*
- *Explain training programs, from hiring to promotion to corrective behavior*
- *Performance evaluations (which did need to be bargained with Union)*
- *Retention statistics, civil service system*

LABOR ENVIRONMENT

- In 2000, the City Council approved a three-year police contract, allowing negotiations to begin between the city and police union on how the new citizen's review board. The contract formalized the OPA Director position and called for the continuation of a part-time auditor to help oversee the OPA's work.
- The union's role in the investigation and disciplinary process is to represent the employee.

TRANSPARENCY

- The entire Seattle Police Department Policies and Procedures manual is available to the public on the City's website.
- OPA monthly and semiannual reports include information about commendations and citizen complaints received during the year. Allegations are sorted by category of complaint, by geography, by disposition, officers with multiple complaints, disciplinary action by type of complaint.
- OPA has a comprehensive, systematic external function to conduct community outreach to communities of color and communities with limited-English proficiency, and makes presentations to civic and neighborhood groups.
- OPA distributes brochures extensively in multiple languages.
- OPA's public reports about disciplinary recommendations include identification of differences of opinion between the Director and Chief, and the status of implementation of recommendations.
- A recent development is the creation of the Citizen-Police Mediation Program in which OPA identifies cases that might benefit from face-to-face discussion of their different perspectives of the event that led to a complaint. The process encourages greater understanding and having each party hear the other side's perspectives; allow parties to speak directly; improve police-citizen relations; and resolve the complaint outside the disciplinary process.
- In 2003, OPA launched an aggressive campaign to improve internal communications with members of the Seattle Police Department, which included visits to roll-calls at every precinct and watch in the City. The purpose was to communicate statistics, complaint trends, training needs and department-wide policy issues to the department's command staff, and to communicate directly with the police officers about the OPA function, the investigation and discipline process, and the types and outcomes of complaints received.

WASHINGTON STATE PATROL

Population served: ~6,257,000 Total employees: 2300 Total sworn staff: 1150 Number of contract cities: 0

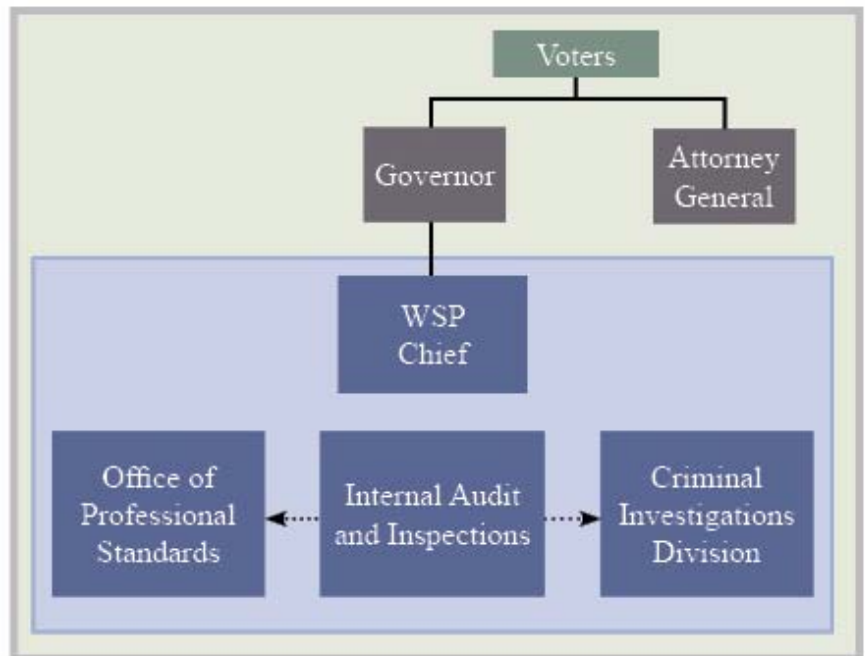
EXTERNAL FORCES

- The Washington State Patrol (WSP) has not gone through any major change in recent history. However, the policies of the WSP are continually being refined, and the WSP is always looking for ways to improve upon its current policies.

COMPLAINT & DISCIPLINARY PROCESSES

- A citizen may file a complaint with any member of the department. They may also call 911 or call a particular supervisor. An employee may take the complaint, or their supervisor may take it.
- The complaint is then routed to the Division or District Commander of the employee or area of complaint. The commanding officer and the Captain discuss the complaint, and it is forwarded on to the Office of Professional Standards (OPS, the equivalent of Internal Affairs) by fax. The complaints are categorized as level 1, 2, or 3, based on levels of severity (1 is the most serious).

Washington State Patrol Investigations Oversight Structure



- The District Commander has the authority to decide whether or not they will “accept” the complaint. They may perform a preliminary investigation and if they are able to view video from in-car cameras, or some other clear evidence that the incident did not occur the way the complainant described, and it is clear that no misconduct occurred, the complaint may be rejected. A case log is still formed, and all pertinent information is written down. The complainants are notified of the outcome, and invited to view the video if there is one.
- If a citizen calls and is unhappy with the way he or she was treated by a sworn employee, but does not want to file a formal complaint, the District Commander may consider it a Non-Investigative Matter (NIM). This is only for issues of minor misconduct by sworn employees. The information is recorded and sent to OPS where it is filed alphabetically separate from the main database. There is no discipline involved, but there may be counseling offered. An employee may only have three NIMs within a twelve month period; complaints exceeding three *must* be treated as formal complaints. The OPS Commander views NIMs monthly for the prior twelve months. If an employee has three it is brought to the attention of their supervisor.
- If the complaint is categorized as level 3 (such as a courtesy complaint), the Office of Professional Standards (OPS) assigns investigative authority to the District or Division Commander of the employee. The Commander will assign responsibility to the first line supervisor. A tracking number is assigned by OPS, and results are submitted to the OPS Commander to review the investigation for completeness and

accuracy. A finding of either founded or unfounded is determined by the District or Division Commander, with input from the direct supervisor and in consultation with the OPS Commander.

- If the complaint is determined to be unfounded, a letter will be generated to the complainant and the employee informing them of the outcome. If it is determined to be founded, discipline will involve either counseling or written documentation depending on the employee's complaint history.
- If the complaint is more serious (such as insubordination, failure to conform to laws, harassment or discrimination), the complaint is routed to OPS and the OPS Commander assigns the investigation to OPS unit personnel. The Commander of the affected employee is notified and a letter is sent to the complainant saying the matter is being investigated.
- The investigator interviews the complainant and any other witnesses. If the complaint is determined to be founded, then discipline is imposed. Training opportunities are considered, as well as policy correction. Sometimes the officer may be acting within policy, but the manner in which they were doing so was the problem, providing an opportunity to improve on their training.
- If the complaint is founded and very egregious, such as a crime against a person or a criminal allegation, it is vetted to see if it is appropriate to have another jurisdiction investigate. If such an agency refuses, it is assigned to the Criminal Investigation Division of the State Patrol (CID), which handles criminal matters only. Once the CID completes the investigation, OPS will conduct a separate investigation to determine discipline. Usually these investigations run consecutively. However, if the CID investigation will take a long time, the WSP Chief may request of the prosecutor that the investigations run concurrently.
- Once the criminal investigation has taken place, WSP consults with the prosecutor in anticipation that the case will be turned over to his or her office. The internal discipline is then determined by the division District Commander in consultation with the OPS Commander and the Attorney General's Office.
- If the complainant is not happy with the outcome, they may discuss it with the Commander, and the Commander may explain the investigation process. The letter they receive also explains this process, but they are welcome to have further conversations by phone or in person with the decision makers.
- The investigation process is driven by a timeline that has been agreed to by the bargaining unit and the Agency.
- The Internal Affairs process is guided by an Assistant Attorney General who gives ongoing guidance and discusses ongoing investigations. There are scheduled weekly meetings with the Assistant Attorney General, and he or she is available on an as-needed basis as well.
- Employee to employee complaints are handled in the same manner as citizen complaints.
- Investigations are entered in a computer system that tracks cases from beginning to end. Everything that is investigated gets a tracking number, such as fleet collisions, property damage, citizen complaints, use of force, internal complaints, and pursuits.
- The WSP is in the process of switching over to a new database called CITE, which is currently used by the CID. It will allow easier accessibility and processing of complaints, as well as more detailed searches of the records. District Commanders will fill out forms in this program which will be automatically sent electronically to OPS, with all of the information stored in the database.
- Annual reports are created by the OPS Commander at the end of the year. These reports are sent to the Chief who sends them on to the Legislature. Every other week the OPS Commander presents a report to the Executive Staff with the current cases in categories 1 and 2. On a monthly basis these cases are

compared year to date, current month to same month last year, and past twelve months with previous twelve months.

- At the conclusion of an investigation the complainant is sent a letter that explains that the employee's conduct was inappropriate and explains what policy violations were investigated and what the outcome was. They are told that the behavior is not acceptable to the agency and discipline will be at the appropriate level, but the specific discipline is not disclosed. If the complaint is not accepted, or is ruled "undetermined" the letter will say that it was investigated, and that there were no witnesses or no way to substantiate the claim. If a complaint is not accepted, then the complainant will often be called by the District Commander to explain the circumstances.
- If a complainant is not satisfied with the outcome they are given contact information for the District Commander, or the Captain of OPS, to discuss the finding.
- Discipline is determined based on the discipline given historically and on the egregiousness of the act. There is a matrix of discipline agreed upon by the Agency and the bargaining unit, which lays out possible discipline according to the employee history and the complaint. Discipline for civil service employees is not held to the matrix, but it is usually very similar.
- It is the responsibility of the employee supervisors to be cognizant of employee conduct, and to train the employees to perform their duties and prepare them for promotional possibilities.
- Job performance appraisals are done semi-annually and the employees are evaluated on how they comply with rules and regulations. If an employee is on probation they have an appraisal every three months, which may happen more often based on identified need.

INTERNAL OVERSIGHT

- The Office of Professional Standards (OPS) provides oversight responsibility for the Agency's complaint and disciplinary procedures. The OPS is tasked with ensuring the disciplinary process is conducted fairly, that all administrative investigations are complete, impartial, objective, and consistent, and that standardized discipline is imposed. In accordance with Executive Order 96-01, the OPS also conducts major administrative investigations involving employees of the Department of Social and Health Services.
- A Professional Standards Manual gives guidance to the OPS and the Agency on how to process and conduct internal affairs and investigations.
- The OPS Commander meets approximately every six months with other regional Internal Affairs managers to have a working lunch to talk about issues, concerns, and recent trends. OPS also occasionally cross-trains with other jurisdictions, such as a recent trip to Sacramento to work with the California Highway Patrol Internal Affairs office.
- There is also an internal audit program run by the Internal Audit and Inspections Commander. The audit process looks for compliance with accreditation standards for an internal review and ensures that internal policies and controls are being adhered to. It assesses the Agency's operations, such as how it is meeting its goals and objectives and utilizing internal controls. The auditor assists the Agency to ensure that it is in compliance with all policies, and that there is uniformity with everything that is carried out within a bureau or district.
- The WSP is accredited through the Washington Association of Sheriffs and Police Chiefs and the Commission on Accreditation for Law Enforcement.

EXTERNAL OVERSIGHT

- The Washington State Patrol has no external oversight.

DEPARTMENT LEADERSHIP AND CULTURE

- The Agency's mission statement: "The Washington State Patrol makes a difference every day by providing public safety services to everyone where they live, work, travel, and play."
- The Chief is appointed by the Governor.
- The OPS Commander and Division Commander, or anyone else in the chain of command may make recommendations for changes in policy. These recommendations travel up the chain of command and go through Research and Planning, which is the office responsible for the regulations manuals. It is also vetted through a concurrent process that involves the bargaining unit and ultimately goes through the Chief's office for the final decision.

MANAGEMENT & SUPERVISION

- The OPS handbook gives guidance on how investigations are conducted, and union members are all trained on how that process works.
- Any time there is an updated made to the Policies and Procedures Manual, employees are responsible for reviewing the changes and signing that they are in receipt of the changes and have reviewed them.
- There is a required 2 ½ day in-service annual training program provided for employees, and employees are kept current on all matters of law enforcement. The Chief or Assistant Chiefs visit with them personally on an annual basis in order to convey that rules and regulations are strictly enforced within the Agency.
- The Chief personally speaks to all groups of new employees, and with each Academy class in order to stress the importance of following the rules and regulations of the Agency.
- There is an Employee Assistance Program available for all employees throughout the State. The Human Resources Division can refer employees to the State program. There is assistance offered for many different types of problems employees may be facing, from drinking issues to professional assistance.
- The Peer Support Program is an internal program that was put together many years ago in response to employee needs, particularly in response to problems. It is made up of employees of all types within the Agency who volunteer for the program and go through training. If the support staff is unable to assist with the problems brought to them, they will make an appropriate referral for the employee.
- There is a Department Psychologist on staff to help with short-term matters. If long-term assistance is needed, the psychologist makes a referral to an outside professional.
- The command structure of the Department is as follows: Trooper, Sergeant (1st Line Supervisor), Lieutenant, Captain (division or district), Commander, Assistant Chief (Bureau Chief – there are 6 Bureaus), Department Chief (second in command), and Chief.

HUMAN RESOURCE SYSTEMS

- The Human Resources Department is responsible for the hiring of employees, or assisting Division Commanders in hiring.
- There is a New Employee Orientation Program, which is mandatory for new hires and all new employees are assigned to an immediate supervisor and paired with a training officer. There is rigorous evaluation for each new employee for their first year on the job.
- Troupers are hired as Cadets and go through an on-the-job training program. They are assigned to smaller duties at first, such as assistant patrol to be on the street helping disabled motorists or in the crime lab. They provide assistance to Labor and Industries providing security. There are usually about 45 Cadets at any time in the Department, but the Chief is working to increase that to about 60 so that they have a larger pool of people to draw from when competing against other agencies for officers.
- Promotions to Sergeant and Lieutenant are done with a written exam and an evaluation. If the candidate is successful on the written exam, they go on to participate in an assessment center. Based on the combination of the written exam, evaluation, and assessment, if they score well enough they move on to a promotional eligibility test. Captains and above are appointed by the Chief.

LABOR ENVIRONMENT

- The bargaining unit is involved in the establishment of the disciplinary standards, i.e. the matrix of discipline options for each type of complaint based on the employee's history.
- The bargaining unit also becomes involved if an employee who is the subject of a complaint wishes to make a settlement agreement. This occurs when an employee agrees that they behaved inappropriately and, rather than going through a formal investigation, takes full responsibility for their behavior and wishes to go to the bargaining unit for a settlement agreement. Discipline is determined based on the matrix of discipline options and the employee is required to write an apology letter to their Commander taking responsibility for their actions and stating that it will not happen again. In this case, the discipline may be partially enforced, such as 8 days of a 15-day suspension, with the other 7 days held in abeyance for a set amount of years. If any other complaint is received against that employee in those years, the remaining 7 days of suspension are enforced, in addition to the full discipline for the new complaint.

TRANSPARENCY

- For open investigation, information is available only to the people in the chain of command, beginning with the employee's immediate supervisor, if the supervisor is doing the investigation. If OPS is doing the investigation the access would begin at the level of the employee's district commander.
- For completed investigations with an unfounded determination, the file is closed and no one has access to it outside of the investigators.
- For completed investigations that are determined to be founded, all of the information becomes public, unless there is direction from the District Attorney's office to remove it. The only redacting that occurs is for witnesses who state that they do not want to be known by the employee or others. Even then, the Agency cannot guarantee them that the information will never be divulged, but they do attempt to keep it private, and the witness is made aware of this.
- There is a Division Commander who is in charge of government and media relations to deal with the media and the legislature. This position reports directly to the Chief.

- There are Public Information Officers strategically placed throughout the Agency to be most effective. For the 39 counties there are eight districts and each district has a Public Information Officer. WSP is noted as being considered to be extremely responsive when it comes to public information. They attempt to be extremely transparent in all of their operations.
- There are considerable public outreach activities, such as community forums on a variety of issues with question and answer periods at the end. These may include, identity theft, what is happening on highways, and to gain feedback on how communities view the WSP priorities. The Chief is active in appearing before editorial boards, public forums, and service clubs.
- Washington State University conducted a study on racial profiling and analyzed WSP stop data. The data was from the WSP, but the analysis was done completely independently. The analysts from WSU conduct public forums with the WSP so that it is clear that the outcome of the analysis is determined independently. This has helped to establish great trustworthiness for the WSP.

DRAFT

KING COUNTY SHERIFF'S OFFICE

Total number of employees: 1,052 (2006) Total number of sworn staff: 732 (2006)

Number of contract cities: 12

Population within service area: ~ 575,160 in unincorporated areas and contract cities (2004)

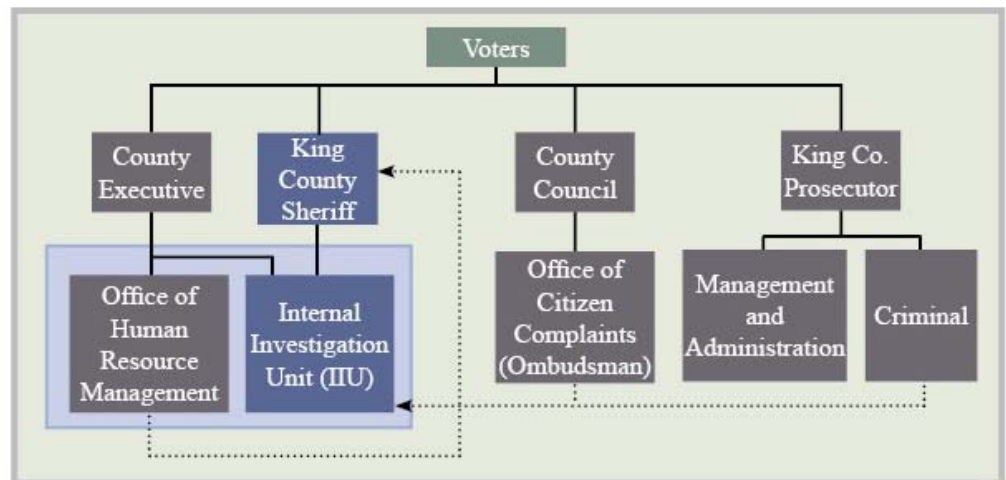
EXTERNAL FORCES

- Sheriff seeks the advice of an expert panel to research internal management systems, suggest well-functioning internal review processes, and identify and recommend areas of needed improvements. The creation of the Blue Ribbon Panel was, in part, due to a series of Seattle PI articles investigating misconduct and discipline problems within the Sheriff's Office over the last two decades.

COMPLAINT & DISCIPLINARY PROCESSES

- Complaints can be made to the Internal Investigations Unit, any KCSO Precinct, or the the King County Ombudsman's Office. Eventually, they are routed to the Internal Investigations Unit (IIU). Complaints must be made by the offended party within a specified time frame; however, there are allowances for some third party complaints. At this point in the process, some complaints are treated as informational inquiries and not complaints.

King County Sheriff's Office Investigations Oversight Structure



- IIU segregates complaints into Informal and Formal. Informal can include those complaints that are handled at the supervisory level by the deputy's supervisor. IIU does not track the disposition of these complaints. Supervisory review of complaints include less serious infractions of policy such as rudeness or uniform violations that can result in discipline by oral reprimand, written reprimand, or corrective counseling.
- Formal complaints that involve criminal allegations are handled through a normal criminal investigation process before IIU conducts any independent investigation. IIU investigations typically wait until a criminal investigation is completed.
- Formal complaints are investigated by IIU. After reviewing the complaint a list of alleged rule violations is generated and the accused employee is informed of the investigation. Once an investigation is complete, the IIU investigator makes a preliminary factual finding on the case, which is subsequently reviewed by the IIU Commander. The findings are forwarded to the Precinct or Section Commander of the accused employee who reviews the investigation and findings. The Commander can make his own recommendation of findings or ask IIU for additional investigation. If the finding is sustained, the Commander makes a recommendation for discipline. Eventually the case is forwarded to the Sheriff who makes a preliminary finding and proposed discipline.

- The employee is notified of the investigation findings and proposed discipline and may request a Loudermill Hearing where the employee can explain their side of events and can be heard directly by the Sheriff. After the Loudermill Hearing, the Sheriff makes her final determination on findings and discipline.
- The Sheriff bases her decision on many factors including: input from command staff, input from legal advisor and labor attorney, input from Guild or Union representative, input from employee, the employee's work and misconduct record, and past department discipline for similar misconduct.
- If the employee is not satisfied with the outcome, they may grieve the determination through the process specified in their Collective Bargaining Agreement (CBA). The CBA allows for a grievance procedure that can lead to binding arbitration of disciplinary actions. The arbitrator's ruling is final.

INTERNAL OVERSIGHT

- IIU is staffed by a Captain and two detective sergeant investigators. Investigators meet weekly to review cases. All investigations are reviewed by the IIU Commander before a finding is issued.
- Completed investigations, findings, and discipline recommendations are reviewed at various levels of the chain-of-command.

EXTERNAL OVERSIGHT

- The Sheriff's Office has no solely dedicated external oversight; however, the King County Office of Civilian Complaints-Ombudsman (OCC) has jurisdiction to investigate complaints concerning the operation of county government, including the Sheriff's Office. The Ombudsman reports to the County Council. The Director is appointed by a majority of King County Council members, and staffed by six employees.
- The OCC is an oversight option of last resort. OCC often investigates a complaint against the KCSO after an IIU investigation is complete, if the person is dissatisfied with the findings of an IIU response or investigation. OCC logs all inquiries and screens them for jurisdiction. The Office typically will refer a person with an inquiry about the Sheriff's Office to IIU first, or the Office may receive the complaint if the person is uncomfortable going to IIU. The Office works with IIU as the first avenue to handle complaints against KCSO staff. However, the Office may also conduct investigations concurrent with and independent of IIU, except for taking testimony from KCSO deputies named in the complaint. After IIU has completed its investigation, OCC may review the complete and unredacted IIU file.
- The OCC investigation findings are provided to the complainant and Sheriff. Recommendations are made where necessary.

DEPARTMENT LEADERSHIP AND CULTURE

- The King County Sheriff is elected. At the beginning of her elected term, the Sheriff released her 100-Day Plan where two of the focus areas are accountability and professionalism. Under this proposal, evaluations and performance standards will be created and used. An Inspectional Services Unit will audit all units within the department and guide the department through accreditation. Use of a new standardized policy manual program will improve risk management within the department by providing policies based on current legislation, court rulings, and best practices. She proposed "term limits" for how long an employee can stay at a specific assignment. Finally, she hopes to improve communication within the Sheriff's Office with its employees and the communities it serves.

MANAGEMENT & SUPERVISION

- A newly created training course for supervisors regarding how to appropriately discipline employees has been well attended.
- The 720 hour Basic Academy curriculum is designed to provide recruit officers with the basic knowledge and skills necessary for safe, proper, and effective law enforcement service.
- Currently, there are no performance evaluations. 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.
- At various locations and times of the day, there is a large span of control for first line supervisors. This large span of control can make it difficult to closely monitor deputies' performance.

HUMAN RESOURCE SYSTEMS

- Improvements to the recruiting, screening, and hiring processes are being implemented based on recommendations from a community policing grant, "Hiring in the Spirit of Service."
- King County Human Resources (HRD) supports the Sheriff's Office Personnel Unit by providing civil service oversight and testing.

LABOR ENVIRONMENT

- All wages, hours and working conditions must be bargained with the employee's representative. For fully commissioned personnel and communications center employees, if the parties are unable to reach agreement, an impartial third party will impose an agreement in interest arbitration. For interest arbitration eligible employees, the agency must plan for the time it takes to complete negotiations and analyze the likely outcome of interest arbitration before making a change to a mandatory subject of bargaining.
- There are three labor organizations within the King County Sheriff's Office that serve as bargaining units for the Sheriff employees: (King County Police Officers Guild (deputies and sergeants); SEIU Local 519 (separate contracts for captains, communication specialists, and other professional staff); and, King County Court Protection Guild (security assistants).
- The union has a duty to fairly represent its members. The Union's primary involvement is at three points during the misconduct and discipline process: 1) union representation during complaint investigation; 2) union representation during the Loudermill Hearing; and 3) union representation during the grievance procedure.
- The King County Office of Human Resource Management (OHRM) Labor Section negotiates labor matters on behalf of the Sheriff's Office. OHRM is managed by the King County Executive.

TRANSPARENCY

- The Sheriff's and OCC's websites have information detailing how to file a complaint or commendation for the Sheriff employees.
- The OCC is required to publish tri-annual reports of its investigations.