

KING COUNTY SHERIFF'S BLUE RIBBON PANEL

Agenda: Panel Meeting 1

Thursday, November 1st, 2007, 6:00 – 9:00 pm

Seattle City Council Chambers

600 Fourth Avenue, Second Floor, Seattle

Topic	Lead Presenter	<i>Estimated Time</i>
<ul style="list-style-type: none">• Introductions and agenda overview• Adoption of panel work program	Randy Revelle	6:00-6:15 pm
<ul style="list-style-type: none">• Overview of materials	Morgan Shook	6:15-6:20 pm
<ul style="list-style-type: none">• <i>Presentation:</i> King County Sheriff's progress report• <i>Discussion</i>	Sheriff Sue Rahr Virginia Kirk	6:20-7:30 pm
<ul style="list-style-type: none">• <i>Break</i>		7:30-7:45 pm
<ul style="list-style-type: none">• <i>Presentation:</i> King County Council staff report• <i>Discussion</i>	Cliff Curry	7:45-8:45 pm
<ul style="list-style-type: none">• Summary and next meeting topics	Morgan Shook Randy Revelle	8:45-9:00 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

- Morgan Shook, Berk & Associates
- Virginia Kirk, King County Sheriff's Office



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Susan L. Rahr
Sheriff

September 1, 2007

Mr. Larry Gossett, Chair
King County Council
516 Third Ave.
Seattle, WA 98104

Dear Chairman Gossett:

Enclosed please find the Sheriff's update report on implementing the Blue Ribbon Panel recommendations as per the request of panel Co-Chair Randy Revelle in his letter dated July 12, 2007.

We have updated the April 1, 2007 report that was submitted to the Council, itemizing each major recommendation, status, corresponding action steps and any budgetary considerations. You will note that current updates are featured in blue on the report.

The enclosed report covers the highlights of the progress we have made to date in many key areas. We will look forward to reporting in more detail and depth when the Blue Ribbon Panel reconvenes in the coming months.

Our sincere thanks again to the Executive and Council members, who have shown support for this process and the progress we have made with implementing the Panel's recommendations. I am extremely pleased with the progress we have made in those areas where we have direct control and I am very optimistic about the future of the King County Sheriff's Office.

I am looking forward to the Blue Ribbon Panel and Auditor's reviews of our efforts and the opportunity to discuss our activities with the Council. Please feel free to contact me if you have any questions about this report.

Sincerely,

A handwritten signature in black ink, appearing to be "S L Rahr", written over a horizontal line.

Susan L. Rahr
King County Sheriff

cc: King County Councilmembers
Ron Sims, King County Executive
Bob Cowan, Office of Management & Budget
King County Prosecutor Dan Satterberg
Blue Ribbon Panel members
Cheryl Broom, King County Auditor
Morgan Shook, Berk & Associates



SHERIFF'S BLUE RIBBON PANEL
IMPLEMENTATION

1-Sep-07

REPORT TO THE
KING COUNTY
COUNCIL

Recommendations & Action	Status	Next Steps	Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
RECOMMENDATION #1: Executive Leadership of the Sheriff's Office should take primary responsibility for creating, implementing, modeling and sustaining reforms that improve accountability.	The Sheriff has developed a proposal to create the Professional Standards Division in the KCSO to consolidate employee career services into a single entity. New division will include recruiting, employee training, Inspectional Services, Internal Investigations, training and all HR functions. The proposal will be introduced to the KCC in September of 2007.	Enabling legislation to create the division and exempt positions required.		No 2007 budget impact. Anticipate January 2008 start date.		
Articulate clear expectations that all employees are to be held accountable for job performance and conduct, and how that will occur.	Sheriff Rahr has visited every work site and addressed the KCSO staff regarding the findings of the panel, our steps to implement specific recommendations, and her expectations regarding employee conduct.	Performance standards and evaluations have been developed. Cannot be implemented until labor agreement is changed.	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
State clearly that poor performance and behavior will no longer be tolerated.	A Sheriff's memo of expectations was distributed. The document was also posted to all KCSO employees in March to the employee web and Sheriff's web site.		No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
Create and prominently post a code of values, ethics, and conduct that all employees are expected to follow.	Posters of the KCSO's Vision, Mission and Core Values have been produced and are displayed in all work site lobby areas, employee work areas and in precinct Major and Division Chief's offices. Letter size versions are placed in every new employee orientation packet. Information has been posted to the web.	Revision is in progress to include code of ethics in the manual. Manual has been uploaded to the KCSO web site and is available to employees and the public online.	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
Establish a professional and collaborative relationship with the labor organizations that represent the Sheriff's Office employees	The Sheriff has retained additional outside expert counsel to assist in labor relations. Additional labor relations support is being provided by the King County Prosecutor. Overall structural, process and systems tracking improvements have been implemented in all of the KCSO labor relations activity. The Sheriff is meeting with the Guild monthly.	The Guild contract is currently in negotiations for resolution in FY 07. The Executive's HR department and labor attorneys are responsible for bargaining the KCSO Guild contract.	No costs to date	\$ 50,000	\$ -	\$ (50,000)
Retain qualified professionals to perform an institutional audit of the office's culture and its influence on employee behavior.	Consultant companies for this project have been identified. This project is being developed by the Inspectional Services Unit Manager and the KCSO HR Manager.	Projected start date: Fall 2007	No costs to date	\$ 50,000	\$ 50,000	\$ -

Recommendations & Action	Status	Next Steps	Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
RECOMMENDATION #2: The Sheriff's Office should examine and implement methods for increasing the level of public trust and transparency of the office.						
Create a robust culture of valuing citizen complaints, including a mandate that all employees be trained to take, file, and courteously process all complaints.	Citizen complaint process has been posted to the KCSO web site. Forms are also available at all work sites and in public lobby areas.	Complaint intake process and training for all KCSO employees to be implemented during Q4-2007.	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
Make the Sheriff's Office Policy and Procedures Manual available on its website and in other public spaces such as libraries, county offices, and police precincts.	A searchable, electronic version of the manual has been posted to the Sheriff's web site. Physical copies are available at all work sites.	Copies still to be distributed to libraries. The KCSO is in the process of converting to 100% electronic version for all employees.	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
Create precinct-level citizen advisory committees that would meet regularly to discuss current community problems and issues relating to policing and public safety.	KCSO Operational Master Plan is in final draft stages and is expected to be delivered to council late Q4 -2007. Sheriff has also developed a reorganization plan that will include the creation of the commissioned position of Communications Director, responsible for creating the channel for both internal and external communications and outreach.	KCSO Precinct Commanders have organized their advisory committees through their Unincorporated Area Councils primarily. First advisory committee meetings to take place beginning September, 2007. A county-wide chaplaincy outreach program is currently underway, with two key summits planned for October 07 and Q1 2008.	No 2007 budget impact	2007 portion of Chaplaincy project is federally grant backed.	TBD	TBD
With the help of the citizen advisory committees, hold regular public meetings throughout the county to provide information and receive advice about policies, procedures, and citizens' rights with respect to the Sheriff's Office.	Quarterly Sheriff's community meeting will be conducted at each precinct beginning September, 2007.	Fall meeting planning in progress.	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact

Recommendations & Action	Status	Next Steps		Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
RECOMMENDATION #3: The Sheriff's Office management and supervision systems should be improved to support supervisors in making the office more accountable.	Sheriff's memo of expectations has been distributed to all KCSO employees. The Sheriff formed an IIU Board consisting of the prosecutor, KC labor relations, KCSO human resources and the IIU Captain and investigators. The group meets bi-monthly.						
Provide meaningful performance evaluations for all employees once adequate span of control ratios and supervisory training are in place.	Performance standards and performance evaluations have been developed. Pilot evaluation program was rolled out in 2006. Implementation/education training has been developed.	Cannot be implemented until labor agreement is changed.					
Create a clear and consistent approach to the discipline of misconduct and other performance issues.	Sheriff's memo of expectations has been distributed to all KCSO employees. The Sheriff formed an IIU Board consisting of the prosecutor, KC labor relations, KCSO human resources and the IIU Captain and investigators. The group meets bi-monthly to address individual cases/outcomes and well as internal case management, including review of discipline.	The KCSO is looking at models for employee discipline standards. Some aspects of a higher level of discipline may be subject to labor agreement bargaining.					
Improve the variety, amount, consistency, and quality of training available for all employees, including recruits, sworn personnel, civilian personnel, and executive leadership.	The Sheriff has created an internal Training Advisory Board. The Board has developed a 5-year plan for in-service training. All employee training records being managed and centralized on a new data system.	2-Captains Supervisory Training Academies will be conducted in Sept and Oct 2007. KCSO command staff has gone through the training. A Sergeants Training Academy will be launched in 2008.			A training budget of \$132,000 is required for overtime.	\$15,000	(\$117,000)
Create an Early Intervention System. The system should aid the Sheriff's Office in collecting and analyzing data on employee performance and identifying interventions as appropriate.	The Inspectional Services Unit Manager has identified several products choices for the EIS. He has also organized an internal working committee that is meeting to develop training and implementation strategy.	Cannot be fully implemented until labor agreement is changed.					
				\$595	\$ 211,197	\$ 254,680	\$ 43,483
Evaluate the Car Per Officer program for its impact on overall department performance and public safety.	Subject to cultural audit.	Per the BRP discussion of this topic related to increased supervision, the KCSO plans to include CPO as an assessment item in the cultural audit.		No 2007 budget impact	Future 2007 impact unknown - subject to labor bargaining	Future 2007 impact unknown - subject to labor bargaining	Future 2007 impact unknown - subject to labor bargaining

Recommendations & Action	Status	Next Steps		Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
Create a program to assist employees in their professional development and attainment of career goals.	Captains Supervisory Training will be implemented in Sept/October 2007. Sgt's program to begin in 2008. Executive training for all non-commissioned managers and supervisors will be added in 2008.	Career-path matrix currently in development. HR establishing minimum, objective requirements for KCSO career positions.		No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
Assess the demographic distribution of officers relative to the communities they serve. The Sheriff's Office should continue and strengthen its efforts to recruit, hire, train, and promote qualified employees that reflect the ethnic, racial, and gender diversity of its service area.	KCSO is assessing organization and community demographics. Programs such as Police Activities League (PAL) are designed to provide more sustainable presence, exposure and reach into diverse communities.	A KCSO "rebranding" project is being undertaken for future positioning and recruitment purposes. A consultant has been awarded a contract for phase 1 program development.			\$25,000		(25,000)
Examine the Field Training Officer program to identify any systemic problems that contribute to the low retention rate of academy recruits.	A new FTO program model has been chosen. Implementation of the new model is currently underway.	NOTE: Any FTO program change implementation will require 12 months to evaluate the impacts of FTO changes on a new class of recruits.		No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact

Recommendations & Action	Status	Next Steps	Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
RECOMMENDATION #4: The Sheriff's Office should improve the processes and guidelines for taking, classifying, investigating and responding to all citizen and employee complaints.						
Develop a tracking system for all levels of the complaint process.	IIU has developed and implemented a basic tracking and reporting system.	Inspectional Services Unit has completed a full IIU audit and presented over 40 recommendations for improvement to the Sheriff that are being implemented.		\$8,000- \$25,000		(25,000)
Increase public accessibility to and understanding of the complaint process.	A Citizens' Investigations & Discipline Guidebook on Employee Conduct is in final editing stages. Will print hard copies and deploy to public areas and post the guidebook to the KCSO web pages during Q4 of 2007.	Final edit and publishing. Update review may be required in 2008 as ISU and Early Intervention Systems come on line. Guild labor agreements may also impact certain policies and procedures.		TBD	TBD	TBD
Develop policies that allow for receiving and processing all complaints.	The Inspectional Services Unit has reviewed SOP's and best practices of comparable Sheriff's Offices and police departments. Manual intake system is being implemented until appropriate tracking and complaint management system software can be added.	Final development subject to ISU Manager's implementation of Early Intervention System. Guild labor agreements may also impact certain policies and procedures.		\$8,000- \$25,000		(25,000)
Develop clear and publicly accessible guidelines for complaint screening and classification.	Basic complaint process information and direction is posted to the KCSO web site and is available in writing at all work sites.	Complaint screening and classification guidelines addressed in IIU process audit. Subject to implementation.	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact

Recommendations & Action	Status	Next Steps		Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
RECOMMENDATION #5: The Sheriff's Office should create and strengthen organizational structures that support leadership, management, supervision and accountability.							
Create an Inspectional Services Unit to evaluate and oversee policies, procedures, practices, and performance.	The Inspectional Services Unit Manager has been hired and has already completed audits for IIU and the Chiefs. Policy and training issues have also been addressed.	Policy deputy has been moved to unit. ASII hired for staff support.		\$ 75,892	\$ 308,237	\$ 393,342	\$ 85,105
Pursue the Sheriff's Office's goal of accreditation at a future time when it has successfully implemented the major recommendations of this report.	Internal audit of policies and procedures has begun to prepare for accreditation.	* Apply for CALEA accreditation (12/07). * Conduct self assessment (2008). * CALEA compliance review (2008). * Accreditation Certification (2009).			\$23,000		(23,000)
Attain an acceptable ratio of field supervisors (sergeants) to employees (deputies) to achieve effective supervision.	Sergeant minimum staffing currently operational on overtime budgeting, ensuring a span of control that is less than or equal to 10:1. Hiring has been completed for new sergeants positions.	New sergeants will be promoted and deployed subject to re-testing and promotions processes.		\$ 163,824	\$ 1,327,483	\$ 320,027	NOTE: NO FUNDING HAS BEEN PROVIDED FROM 2007 BRP BUDGET RESERVE. (\$1,007,456)
Provide commanders on duty at all the precincts at least 18-hours-a-day, 7-days-a-week.	Captains hours have been staggered into the 2nd shift to ensure command coverage from 6am - 10pm during the week. In some cases, coverage may go until 12 midnight, depending on the shift structure and any situational factors for the precinct.	Expand Captains coverage to include weekends. FY 2008 implementation. After new sergeants have been in place, evaluate and assess overall command coverage needs.		No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
Increase the number of staff in the Internal Investigations Unit to levels that ensure the thorough and timely completion of investigations and the timely publishing of relevant internal management and public reports.	An ongoing review of staffing is being conducted as a function of evaluation of the complaint process.	Evaluations of complaints and data collection in progress. Critical step in the accreditation process.		No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact
Move the Internal Investigations Unit to another facility or area in the King County Courthouse that does not have other Sheriff's Office functions.	Guild office has been relocated away from IIU to the other side of the KC Courthouse. IIU physical location to be evaluated with overall KCSO facilities master planning.			No 2007 budget impact	No 2007 budget impact	No 2007 budget impact	No 2007 budget impact

Recommendations & Action	Status	Next Steps	Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
RECOMMENDATION #6: The King County Executive and the King County Council should create and fund an Office of Independent Oversight.	The Sheriff fully supports the recommendations and actions that follow. The action steps of recommendation #6 are in the direct control of the Executive and King County Council.		Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
Create an Office of Independent Oversight with four full-time staff: a director, an investigator, and two support staff.	The remainder of the action items are subject to the resolution of a Unfair Labor Practice (ULP) that has been filed and/or labor agreement bargaining.		Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
Give the director of the Office of Independent Oversight authority and independence through nomination by the King County Executive and confirmation by the King County Council.			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The King County Executive should conduct a professional search for the director.			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The Office of Independent Oversight should have:			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The authority and responsibility to monitor, check for completeness, and require additional investigation as necessary of all formal Internal Investigations Unit activities;			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The discretionary authority to monitor, check for completeness, and require additional investigation as necessary of all other complaints assigned to supervisors; and			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The discretionary authority to review and make recommendations to the Internal Investigations Unit about the screening and classification of complaints, as well as to make recommendations to the Sheriff about screening/classification policies and procedures.			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
In addition, the Office of Independent Oversight should have the following authorities and responsibilities:			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· Unimpeded and real-time access to unredacted case information and all information related to ongoing investigation files, treating all documents and information regarding specific investigations or officers as confidential;			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· The ability to respond to the scene of certain critical incidents;			Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget

Recommendations & Action	Status		Next Steps		Jan 1, - March 15, 2007 Budget Impact to date	2007 Total Budget Impact Estimate	KCSO Approved Budget	Difference = 2007 Proviso Amt Requested
· Approve formal complaint investigations for completeness before a finding can be issued;					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· The option to consult with command staff as to their own review and recommendations regarding a particular investigation;					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· The option to submit recommendations regarding findings and discipline directly to the Sheriff prior to a final decision on misconduct cases;					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· Monitor the investigation and resolution of all complaints to ensure they are handled in a timely fashion and complainants are notified of the final disposition of their complaint.					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· Coordinate with the Sheriff's Office to select an appropriate technology application for tracking and information sharing.					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· Publish annual reports available to the public that provide a statistical analysis of complaints, investigative findings, and final discipline for sustained complaints.					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
· Make recommendations for action by the Sheriff on needed improvements in policies, procedures, and practices					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The OIO, in collaboration with the Sheriff's Office, should explore the establishment and administration of a voluntary officer-citizen mediation program.					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The King County Executive should appoint, subject to King County Council confirmation, a citizens' committee to advise the director of the Office of Independent Oversight on policies, procedures, and practices relating to officer misconduct, discipline, and other responsibilities of the director.					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
The King County Office of Citizen Complaints-Ombudsman should no longer have oversight responsibilities for the King County Sheriff's Office.					Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget	Not Applicable to KCSO budget
					\$ 240,311	\$ 2,176,917	\$ 1,033,049	\$ (1,093,868)



King County

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October 29, 2007

Randy Revelle

Chair, Sheriff's Blue Ribbon Panel
Washington State Hospital Association
300 - Elliott Avenue West, Suite 300
Seattle, WA 98119-4118

Dear Mr. Revelle:

You have asked for an update on the progress of King County's implementation of the Blue Ribbon Panel's recommendations to improve "misconduct/discipline policies, procedures, and practices of the King County Sheriff's Office." Based on our review, the sheriff's office has made significant progress in implementing the panel's recommendation. Additionally, the Metropolitan King County Council has also acted upon legislation (re-organizing the sheriff's office and creating a new Professional Standards Division, changing labor policies, and approving Supplemental Budget requests) to ensure the timely implementation of panel recommendations. Nevertheless, due to collective bargaining issues and the allocation of county resources, action on several of the panel's recommendations have had little or no progress. It appears that those actions that the sheriff's office could take on its own accord have been implemented or are in the process of being implemented. However, a significant number of actions cannot begin until the Executive completes negotiations with labor unions. There are also significant issues related to the lack of sufficient resources for implementing panel recommended improvements for the sheriff's portion of the Executive's 2008 Budget.

Your report, dated September 11, 2006, presented 43 findings, six major recommendations, and 36 implementing actions that address accountability in the sheriff's office. These recommendations specified improvements needed in the sheriff's office, and within other county agencies, to improve the internal management and organizational systems for addressing sheriff employee misconduct and discipline. Your panel also rightly noted that the implementation of the panel's recommendations will take considerable cooperation and resources from the sheriff's office and King County government.

The King County Metropolitan Council's Law, Justice, and Human Services Committee has conducted several briefings the status of work on panel recommendations. In addition, the sheriff's office has prepared a comprehensive spreadsheet documenting the status of its implementation of panel "implementing actions" (Attached) for the work it has completed. Additionally, the King County Auditor's Office has updated its 2006 management review (Attached) of the sheriff's office that analyzed its misconduct complaint rates, reviewed use of force management practices, and compared the KCSO to other states. Finally, we have reviewed allocation of resources for the implementation of panel recommendations as part of the Executive's Proposed 2008 Budget.

The following is a summary of our review of the status of county actions to implement the Blue Ribbon Panel's six recommendations and 36 implementing actions documented in the panel's September 11th report.

Recommendation 1: *Executive leadership of the Sheriff's Office should take primary responsibility for creating, implementing, modeling, and sustaining reforms that improve accountability.*

Implementing Actions:

1. Articulate clear expectations that all employees are to be held accountable for job performance and conduct, and how that will occur.
 - PENDING—Subject to labor negotiation. The sheriff's office has developed performance standards and evaluations.
2. State clearly that poor performance and behavior will no longer be tolerated.
 - COMPLETED
3. Create and prominently post a code of values, ethics, and conduct that all employees are expected to follow.
 - COMPLETED
4. Establish a professional and collaborative relationship with the labor organizations that represent Sheriff's Office employees.
 - PENDING—Subject to labor negotiation. The sheriff's office reports, however, that it has retained additional outside expert counsel to assist in labor relations. Additional labor relations support is also being provided by the King County Prosecutor's Office. Overall structural, process and systems tracking improvements have been implemented in all of the KCSO labor relations activity. The Sheriff is meeting with the Guild monthly.
5. Retain qualified professionals to perform an institutional audit of the office's culture and its influence on employee behavior.
 - IN PROGRESS-- Consultant companies for this project have been identified. This project is being developed by the Inspectional Services Unit Manager and the KCSO HR Manager. Projected start date is in Fall 2007.

Recommendation 2: *The Sheriff's Office should examine and implement methods for increasing the level of public trust and transparency of the office.*

Implementing Actions:

1. Create a robust culture of valuing citizen complaints, including a mandate that all employees be trained to take, file, and courteously process all complaints.
 - COMPLETED-- Citizen complaint process has been posted to the sheriff's office web site. Forms are also available at all work sites and in public lobby areas. Complaint intake process and training for all sheriff employees has been started.
2. Make the Sheriff's Office Policy and Procedures Manual available on its website and in other public spaces such as libraries, county offices, and police precincts.
 - COMPLETED-- A searchable, electronic version of the manual has been posted to the Sheriff's web site. Physical copies are available at all work sites. Copies still need to be distributed to libraries.
3. Create precinct-level citizen advisory committees that would meet regularly to discuss current community problems and issues related to policing and public safety.
 - COMPLETED--Precinct Commanders have organized their advisory committees through the Unincorporated Area Councils. First advisory committee meetings took place beginning September 2007. A county-wide chaplaincy outreach program is currently underway, with two key summits planned for October 2007 and early 2008. The Council recently enacted ORDINANCE 15939 adopting the sheriff's reorganization plan that will include the creation of the commissioned position of Communications Director, responsible for creating the channel for both internal and external communications and outreach.
4. Hold regular public meetings throughout the county to provide information about policies, procedures, and citizens' rights with respect to the Sheriff's Office with the help of the citizen advisory committees.
 - COMPLETED—Initiated Fall 2007.

Recommendation 3: *The Sheriff's Office management and supervision systems must be improved to effectively support supervisors in making the Sheriff's Office more accountable.*

Implementing Actions:

1. Provide meaningful performance evaluations for all employees once adequate span of control ratios and supervisory training are in place.
 - PENDING—Subject to labor negotiation. The sheriff's office has developed performance standards and evaluations.

2. Create a clear and consistent approach to the discipline of misconduct and other performance issues.
 - PENDING—Subject to labor negotiation. Sheriff's memo of expectations has been distributed to all KCSO employees. The Sheriff formed an IIU Board consisting of the prosecutor, labor relations, human resources and the IIU Captain and investigators. The group meets bi-monthly to address individual cases/outcomes and well as internal case management, including review of discipline.
3. Improve the variety, amount, consistency, and quality of training available for all employees, including recruits, sworn personnel, civilian personnel, and executive leadership.
 - IN PROGRESS-- The sheriff has created an internal Training Advisory Board. The Board has developed a 5-year plan for in-service training. All employee training records being managed and centralized on a new data system.
4. Create an Early Intervention System. The system should aid the Sheriff's Office in collecting and analyzing data on employee performance and identifying interventions as appropriate.
 - PENDING—Subject to labor negotiation. The Inspectional Services Unit Manager has identified several products choices for the EIS. He has also organized an internal working committee that is meeting to develop training and implementation strategy.
5. Evaluate the Car Per Officer Program for its impact on overall department performance and public safety.
 - PENDING—Subject to labor negotiation. The sheriff will review this policy during its cultural audit.
6. Create a program to assist employees in their professional development and attainment of career goals.
 - IN PROGRESS--Career-path matrix is currently in development. The sheriff's human resources section will be establishing minimum, objective requirements for KCSO career positions.
7. Assess the demographic distribution of officers relative to the communities they serve. The Sheriff's Office should continue and strengthen its efforts to recruit, hire, train, and promote qualified employees that reflect the ethnic, racial, and gender diversity of its service area.
 - IN PROGRESS—The sheriff's office is assessing organization and community demographics. Programs such as Police Activities League (PAL) are designed to provide more sustainable presence, exposure and reach into diverse communities. A "rebranding" project is being undertaken for future positioning and recruitment purposes. A consultant has been awarded a contract for Phase 1 program development.
8. Examine the Field Training Officer Program to identify any systemic problems that contribute to the low retention rate of academy recruits.
 - IN PROGRESS— A new Field Training Officer program model has been chosen. Implementation of the new model is currently underway.

Recommendation 4: *The Sheriff's Office should improve the processes and guidelines for taking, classifying, investigating, and responding to all citizen and employee complaints.*

Implementing Actions:

1. Develop a tracking system for all levels of the complaint process.
 - IN PROGRESS— IIU has developed and implemented a basic tracking and reporting system. The unit is further reviewing a more comprehensive tracking system. As noted below, the auditor's review shows that the sheriff's office has not yet updated its complaint tracking system to address the shortcomings identified in its internal audit or our review. Pending labor negotiations, it is planning to implement an Early Intervention System that would address these issues. However, the KCSO currently has the ability to monitor agency wide complaints and is not prevented from performing analysis on complaint trends, patterns, outcomes, etc
2. Increase public accessibility to and understanding of the complaint process.
 - IN PROGRESS— A Citizens' Investigations & Discipline Guidebook on Employee Conduct is in final editing stages. The sheriff's office will print hard copies and make them available to public areas, along with posting the guidebook to the sheriff's website.
3. Develop policies that allow for receiving and processing all complaints.
 - IN PROGRESS— The Inspectional Services Unit has reviewed Standard Operating Procedures and best practices of comparable Sheriff's Offices and police departments. Manual intake system is being implemented until appropriate tracking and complaint management system software can be added.
4. Develop clear and publicly accessible guidelines for complaint screening and classification.
 - COMPLETE--Basic complaint process information and direction is posted to the KCSO web site and is available in writing at all work sites.

Recommendation 5: *The Sheriff's Office should create and strengthen organizational structures that support leadership, management, supervision, and accountability.*

Implementing Actions:

1. Create an Inspectional Services Unit to evaluate and oversee policies, procedures, practices, and performance.
 - COMPLETE--The Inspectional Services Unit Manager has been hired and has already completed audits for IIU and other division chiefs. Policy and training issues have also been addressed.
2. Pursue the Sheriff's Office's goal of accreditation at a future time when it has successfully implemented the major recommendations of this report.
 - IN PROGRESS--Internal audit of policies and procedures has begun to prepare for accreditation.

3. Attain an acceptable ratio of field supervisors (sergeants) to employees (deputies) to achieve effective supervision.
 - IN PROGRESS-- Sergeant minimum staffing is currently done through overtime budgeting (use of the 2007 Blue Ribbon Panel Recommendations Reserve was approved by the council on October 22nd), ensuring a span of control that is less than or equal to 10:1. Hiring has been completed for new sergeants positions. New sergeants will be promoted and deployed subject to re-testing and promotions processes.
4. Provide commanders on duty at all the precincts at least 18-hours-a-day, 7-days-a-week.
 - IN PROGRESS-- Captains hours have been staggered into the 2nd shift to ensure command coverage from 6am - 10pm during the week. In some cases, coverage may go until 12 midnight, depending on the shift structure and any situational factors for the precinct. The sheriff plans to expand Captains coverage to include weekends in 2008.
5. Increase the number of staff in the Internal Investigations Unit to levels that ensure the thorough and timely completion of investigations and the timely publishing of relevant internal management and public reports.
 - IN PROGRESS-- An ongoing review of staffing is being conducted as a function of evaluation of the complaint process.
6. Move the Internal Investigations Unit to another facility or area in the King County Courthouse that does not have other Sheriff's Office functions.
 - COMPLETE-- Guild office has been relocated away from IIU to the other side of the KC Courthouse. IIU physical location to be evaluated with overall KCSO facilities master planning.

Recommendation 6: *The King County Executive and the King County Council should create and fund an Office of Independent Oversight.*

Implementing Actions:

1. Create the Office of Independent Oversight with four full-time staff: director, investigator, and two support staff.
 - PENDING—Subject to labor negotiation. The Council adopted ORDINANCE 15611 (Attached) which created the Office of Law Enforcement Oversight as new legislative branch agency. The proposed 2008 budget contains \$424,860 in funding and 4.0 FTEs as part of the council's budget (shown in the General Government program area) to create the office. While the legislation passed in 2006 and resources for the new office were part of the Adopted 2007 Budget, the office has not been created pending the resolution of a Unfair Labor Practice complaint and the executive's completion of the Police Officers Guild contract collective bargaining negotiations (ongoing). The Executive has informed the council that it will not take *any* action to implement any of the provisions of ORDINANCE 15611 until the guild contract negotiations have been completed. The Executive has noted that negotiations with the guild might result in certain oversight provisions not being implemented.

2. Give the director of the Office of Independent Oversight authority and independence through nomination by the King County Executive and confirmation by the King County Council.
 - PENDING—Subject to labor negotiation. See above
3. The King County Executive should conduct a professional search for the director.
 - PENDING—Subject to labor negotiation. See above
4. The King County Executive should appoint, subject to King County Council confirmation, a citizens' committee to advise the director of the Office of Independent Oversight on policies, procedures, and practices relating to officer misconduct, discipline, and other responsibilities of the director.
 - PENDING—Subject to labor negotiation. See above.
5. The King County Office of Citizen Complaints-Ombudsman should no longer have oversight responsibilities of the King County Sheriff's Office.
 - PENDING—This recommendation can only be done with a change to the County Charter.

Auditor's Review.

The Auditor's office completed a management review in 2006 of the King County Sheriff's Office that analyzed its misconduct complaint rates, reviewed use of force management practices, and compared the sheriff's office to other states. This review determined that overall complaint rates were declining and were comparable to other states. However, limitations in the complaint tracking process and system prevented us from obtaining comprehensive information on all complaints received by the sheriff's office and from drawing conclusions regarding the reasons why rates appeared to be declining. These concerns are similar to those raised by the Blue Ribbon Panel. Additionally, the review identified several areas where the sheriff's office's use of force management and training practices were not consistent with law enforcement standards and best practices. While the sheriff's office has basic requirements in place, its guidelines for appropriate use of force were general in nature and insufficiently detailed, and use of force training was limited and not provided frequently enough. The sheriff's office had also not analyzed its use of force incidents and trends as is recommended by best practices.

Complaint tracking process, system, and analysis. In June 2007, the sheriff's office completed an internal audit of its misconduct complaint process and tracking system. The audit identified several of the same issues raised in our 2006 review:

- Information on complaints is not complete or easily accessible. Complaints that are handled by field sergeants and captains are not tracked. Also, less serious "quality of service reviews" performed by the IIU are tracked separately from more serious complaints. This prevents the sheriff's office from developing a comprehensive picture of complaints across the agency, precincts, and individuals.
- Criteria is unclear for determining which cases field supervisors should handle and which should be referred to the IIU.
- Tracking system for complaints investigated by the IIU is difficult to use for analysis.
- Formal, regular analysis of complaints and overall trends is not performed

The sheriff's office has not yet updated its complaint tracking system to address the shortcomings identified in its internal audit or our review. Pending labor negotiations, it is planning to implement an Early Intervention System that would address these issues. However, the sheriff's office currently has the ability to monitor agency wide complaints and is not prevented from performing analysis on complaint trends, patterns, outcomes, etc.

Use of Force management and training. The sheriff's office is developing plans to strengthen the use of force training provided during its post academy new hire training and the Field Training Officer programs. The sheriff's office has also indicated that use of force will be a key element of the planned Early Intervention System and that use of force training will be required of deputies on an ongoing basis. Both of these efforts are consistent with the best practices we identified in our management review. However, the sheriff's office has not continued to monitor overall use of force incidents and complaints, or updated the department wide use of force analysis completed for our management review last fall. Additionally, the sheriff's office has not modified its use of force policies and procedures to increase their specificity and does not plan to make any changes to them at this time. The professional accreditation review the Sheriff plans to complete in 2008 should provide additional evaluative information on the adequacy of the sheriff's office use of force management practices.

Budget and Resource Issues

For the 2007 Budget, the county council added resources to support the implementation of panel recommendations. The following table shows all the resources appropriated for 2007:

Adopted 2007 Budget		
Blue Ribbon Panel Recommendations		
Council-General Government	Budget	FTEs
Office of Law Enforcement Oversight	\$ 404,977	4.0
Subtotal	\$ 404,977	4.0
Sheriff		
Supervision Span of Control-Sergeants	\$ 320,027	7.0
Inspectional Services Unit	393,342	3.0
Employee Early Intervention	254,680	1.0
Paralegal	67,912	1.0
Background Check Detective	109,421	1.0
	50,000	0.0
Subtotal	\$ 968,049	13.0
Total	\$ 1,373,026	17.0
Blue Ribbon Impl Reserve	\$ 1,500,000	

The Executive's 2008 Budget contains annualized funding for sergeant positions added to improve supervision and reduce span of control in 2007. However, the sheriff requested funding for other programs associated with implementing panel recommendations. The programs include funding for the establishment of the new Professional Standards Division (approved in ORDINANCE 15939), In-Service Training overtime, background/recruiter staff, Post Academy Instructor, and Training Unit Support—requests totaling \$1 million and 7.0 FTEs. These requests were not included in the executive's budget. The following shows the sheriff's requests for 2008 to implement Blue Ribbon Panel Recommendations that were not included in the Executive's Budget request:

Professional Standards Division-	\$493,826 & 3.0 FTEs
Staffing Analyst-	\$89,641 & 1.0 FTE
In-Service Training overtime-	\$261,030 & 0.0 FTEs
Background/Recruiter	\$61,665 & 1.0 FTE
Post Academy Instructor-	\$112,117 & 1.0 FTE
Training Unit Support-	\$61,665 & 1.0 FTE

The council, as part of its budget deliberations, is considering whether these requests can be funded for 2008. This would require augmentation of the sheriff's budget by \$1,079,944 million and 7.0 FTEs or the identification of corresponding cuts to other sheriff's programs. The sheriff projects that these costs could be defrayed by approximately \$176,879 in revenues.

I appreciate the opportunity to convey our review of sheriff's progress and look forward to meeting with panel members at your November 1st meeting. If you have any questions, please call me at (206) 296-0358.

Sincerely,



Clifton Curry
Senior Principal Legislative Analyst
Law, Justice, and Human Services Committee
Metropolitan King County Council

CC:cjc

Metropolitan King County Council

Bob Ferguson, *District 1*
Larry Gossett, *District 2*
Kathy Lambert, *District 3*
Larry Phillips, *District 4*
Julia Patterson, *District 5*
Jane Hague, *District 6*
Pete von Reichbauer, *District 7*
Dow Constantine, *District 8*
Reagan Dunn, *District 9*



Cheryle A. Broom
King County Auditor

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MANAGEMENT LETTER

DATE: October 30, 2006

TO: Metropolitan King County Councilmembers

FROM: Cheryle A. Broom, County Auditor

SUBJECT: King County Sheriff's Office Complaint Analysis

Introduction

This management letter provides information on the nature and extent of complaints and employee misconduct in the King County Sheriff's Office. This review was intended to provide previously unavailable information about how prevalent complaints are across the agency and among employees, the seriousness and outcome of the complaints, and their source. We also gathered information to gauge how Sheriff's Office complaints and *use of force* policies compare to other law enforcement agencies and national best practices.

From this information our summary findings are:

- The number of complaints investigated by the Sheriff's Office has declined sharply in recent years; however, the number of complaints referred to supervisors for review has steadily increased. Investigations of more serious allegations have declined slightly.
- Most complaints are generated by a relatively small percentage of officers, the majority of who work in Field Operations.
- Sheriff's Office overall complaint rates are generally lower than those of other law enforcement agencies and national averages; however, *use of force* complaints occur at a similar rate.
- The Sheriff's Office policies and procedures for managing *use of force* are in compliance with state law; however, they do not consistently meet national standards and best practices. Management practices could be improved by strengthening policies, ensuring consistency by providing ongoing *use of force* training to staff, and implementing an early intervention system that includes *use of force* as a key component.

The complaint and *use of force* information we analyzed was selected because it represents some of the basic information found in early intervention systems. Early intervention systems are designed to help law enforcement agencies monitor employee performance trends and patterns across their organizations, and to address potential conduct problems proactively before they become critical.

The following sections, organized by question, describe in more detail the results of our analysis.

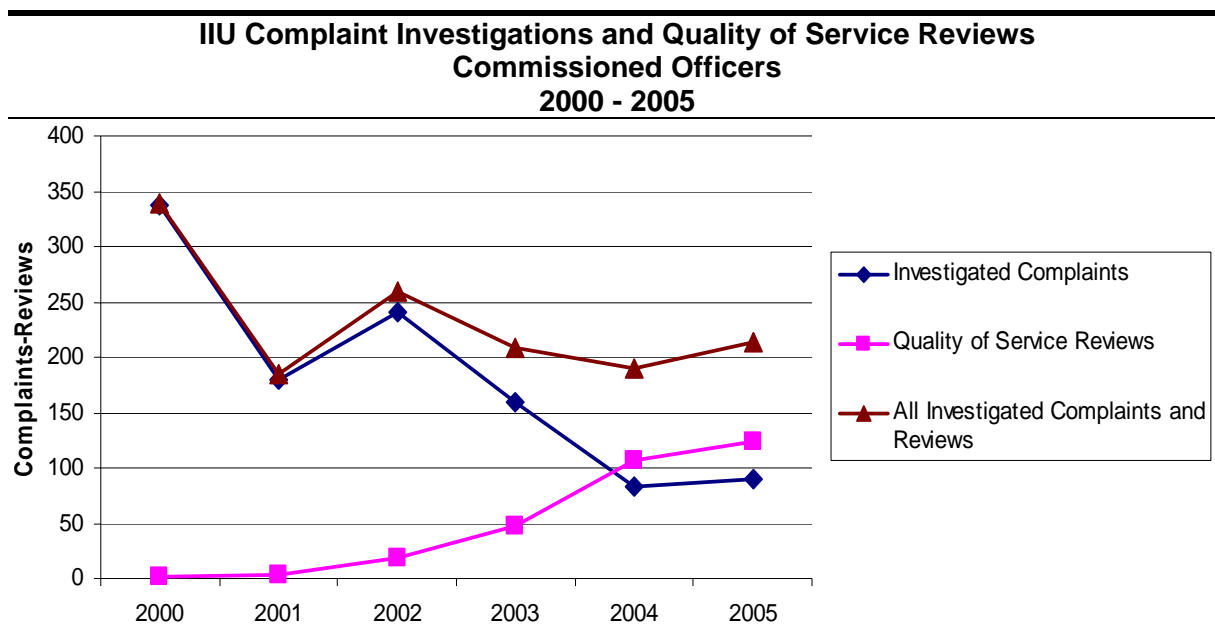
How many complaints are typically received?

In 2005, the Sheriff's Office Internal Investigations Unit (IIU) conducted full investigations of 132 formal complaint allegations. The majority (68 percent) were filed against commissioned officers, and the remainder (32 percent) against non-commissioned staff.

In 2005, the IIU also received 124 complaints and contacts from citizens that were reviewed rather than investigated. These are called *quality of service* reviews, and they include instances where the IIU has determined that no clear violation of policy or misconduct has occurred, or that the case does not warrant a full IIU investigation based on the information provided. These reviews are frequently performed in response to citizen dissatisfaction with the manner in which an incident was handled, and can also include complaints or inquiries in which citizens or other parties contact the IIU but then choose not to file a formal complaint. After completing its review, the IIU refers these cases to employees' supervisors for further attention.

Any complaints made directly to employees' supervisors are not centrally tracked by the Sheriff's Office unless they are subsequently referred to the IIU. The Sheriff's Office therefore does not collect information on them.

As the chart below demonstrates, the total number of IIU complaints and *quality of service* reviews received by commissioned officers declined from 339 to 214 between 2000 and 2005, despite an increase in 2001.



SOURCE: Auditor's analysis of King County Sheriff's Office data.

The sharpest declines in IIU investigated complaints occurred in administrative or managerial complaint categories, such as *obedience to orders* and *violation of policy*. However, some declines also occurred in categories considered to be more serious, such as *use of force*, *conduct unbecoming*, and *harassment/discrimination*.

Although the number of investigated complaints declined fairly substantially during this period, the number of *quality of service* reviews steadily increased and now exceeds the number of IIU investigations. The Sheriff's Office does not classify its *quality of service* reviews by type, or

distinguish between those that were complaints versus inquiries, and therefore could not provide information on which types of cases increased or decreased during this period of time.

Also, because this audit did not evaluate the IIU's criteria for determining which cases are investigated or referred to employees' supervisors, we cannot comment on why the number of complaint investigations declined so sharply. Further analysis would be required to determine the reason.

How prevalent are complaints across employees?

A relatively small percentage of employees generate complaints within the Sheriff's Office. In 2005, the Internal Investigations Unit (IIU) investigated 90 complaint allegations involving 55 officers, or approximately eight percent of the Sheriff's Office commissioned officers.

As the following table shows, the number of complaints received by individual officers ranged from none to seven, with the majority receiving zero or one complaint. This distribution of complaints across officers was similar in both 2003 and 2004.

2005 Investigated Complaints by Number of Officers			
	Number of Officers	Number of Complaints Received	Percent of All Commissioned Officers
Officers With Complaints	55	90	8%
	37	1	5%
	8	2	1%
	8	3	1%
	0	4	0%
	0	5	0%
	1	6	0%
	1	7	0%
Officers With No Complaints	648	0	92%
Total	703	90	100%

SOURCE: Auditor's analysis of Sheriff's Office data.

An additional 82 officers received complaints or inquiries that generated *quality of service* reviews, but did not receive any complaints that were investigated. When combined, 19 percent of all officers received *either* a formal IIU complaint or a *quality of service* review in 2005.¹

What characteristics describe employees who received investigated complaints?

Years of experience?

Between 2000 and 2004, most officers receiving complaints had between 9 and 13 years of service with the Sheriff's Office. This figure was somewhat higher – 16 years – in 2005. These officers were therefore not new to the job, nor were they the most experienced. This finding was similar for most complaint categories with the exception of *use of force* complaints, which were filed on officers with somewhat fewer years of experience (6-10 years).

¹ Out of 703 commissioned officers in 2005, 55 were the subject of IIU investigations and 82 others received *quality of service* reviews but had no investigated complaints.

On-duty or off-duty?

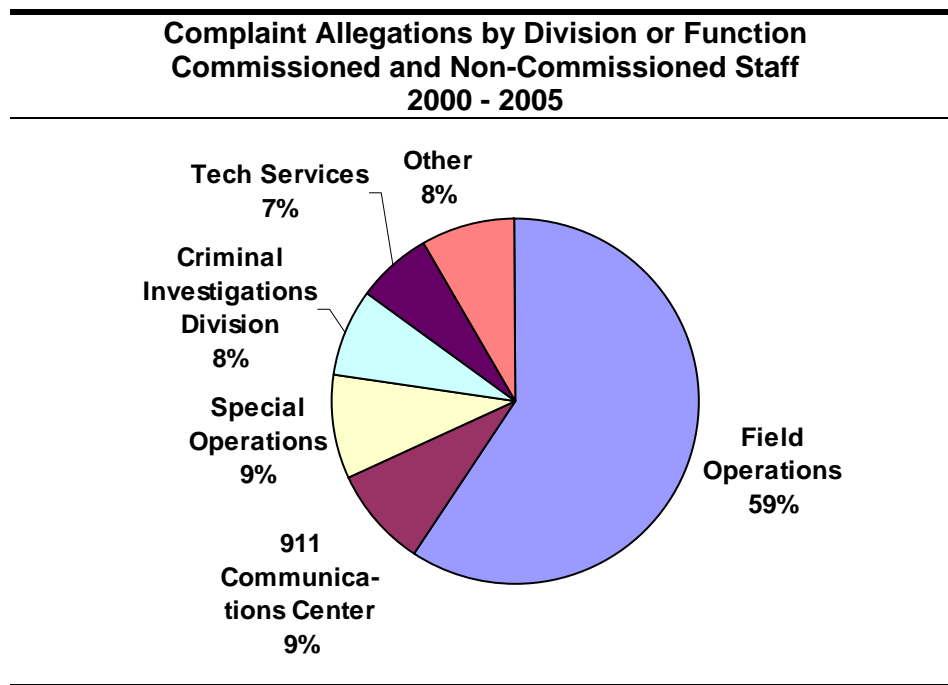
Complaints occurring while officers are off-duty can make up a fairly large percentage of total complaints. In 2004 and 2005, off-duty complaints represented 27 and 35 percent of all complaints, respectively. While many of these complaints related to violations of off-duty employment policies, they also included allegations of *conduct unbecoming*, *obedience to laws and orders*, and *criminal conduct*.

Citizen-initiated or internally generated?

The majority of complaints investigated by the IIU are generated by citizens. Over the six-year period from 2000 through 2005, about 56 percent of complaints were filed by citizens, compared with 40 percent from within the Sheriff's Office and four percent from other sources. Internally generated complaints are those filed by supervisors or peers.

How widespread are complaints across the agency?

The chart below shows the percentage of investigated complaints within Sheriff's Office divisions and functions, between 2000 and 2005. These figures include both commissioned officers and non-commissioned employees. Field Operations personnel, which includes patrol operations, typically received the most complaints. The high percentage of complaints for Field Operations, 59 percent, could be attributed to its being the largest division within the Sheriff's Office with the most direct public contact.

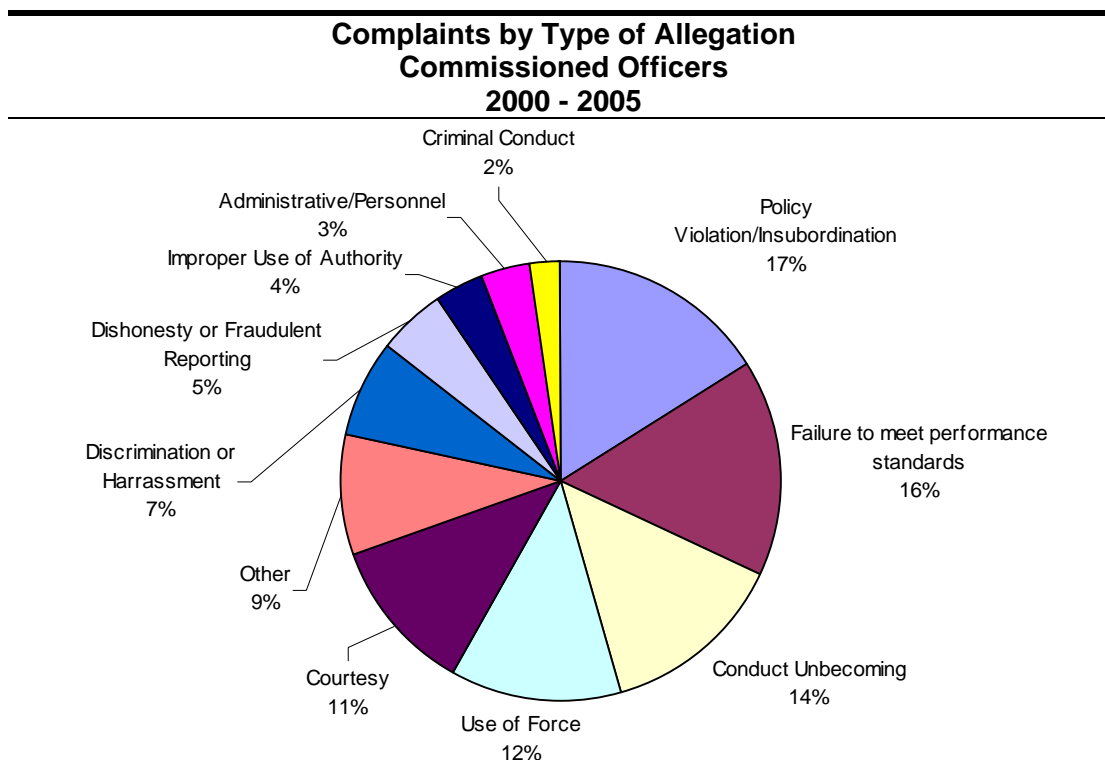


SOURCE: Auditor's analysis of Sheriff's Office data.

However, as the chart also demonstrates, a large proportion of complaints (over 30 percent) are directed towards officers within the Criminal Investigations Division (CID) and Special Operations, as well as non-commissioned employees in the Communications Center (911 emergency call center) and Technical Services Division.

What is the nature of the complaints?

From 2000 through 2005, the most common complaint allegations for commissioned officers were *policy violation/insubordination*, *failure to meet performance standards*, *conduct unbecoming*, *use of force*, and *courtesy*. Approximately 70 percent of investigated complaints fell within these five categories. The remaining categories each make up less than 10 percent of all complaints. The chart below shows the individual percentages by type of complaint.



SOURCE: Auditor's analysis of Sheriff's Office data.

Over this same time period, the most common complaints received for non-commissioned staff were *conduct unbecoming* (18 percent), *administrative/personnel* (14 percent), and *courtesy* (13 percent).

What is the outcome of the complaints?

Between 2000 and 2005, 21 percent of all complaint allegations were sustained. As shown in the table below, this sustained rate varied from five percent to 63 percent, depending on the type of allegation.

Percentage of Complaint Allegations Sustained Commissioned Officers 2000 - 2005			
Complaint Category	Number Investigated	Number Sustained	Percent Sustained
Failure to Meet Performance Standards	173	44	25%
Policy Violation/Insubordination	176	37	21%
Conduct Unbecoming	149	34	23%
Use of Force	135	9	7%
Courtesy	125	13	10%
Other	96	34	35%
Discrimination/Harassment	78	4	5%
Dishonesty or Fraudulent Reporting	55	15	27%
Improper Use of Authority	40	11	28%
Administrative/Personnel	38	24	63%
Criminal Conduct	25	8	32%
Total Sustained Complaint Allegations	1090	233	21%
Citizen-initiated	611	51	8%
Internal KCSO	434	163	38%
Other	45	19	42%

SOURCE: Auditor's analysis of Sheriff's Office data.

Another pattern observed was that internal complaints originating from within the Sheriff's Office were more likely to be sustained than citizen complaints. Over the six-year period from 2000 through 2005, 38 percent of internal complaints were sustained compared to 8 percent of citizen-initiated complaints.

How do Sheriff's Office complaints compare to those of other law enforcement agencies?

To evaluate how the Sheriff's Office complaint rates compare to those of other law enforcement agencies, we surveyed seven other jurisdictions considered to be leaders in the field of police accountability and somewhat comparable in size.² We also reviewed national research on police *use of force*, as published by the Department of Justice's Bureau of Justice Statistics.

Our analysis shows that the Sheriff's Office overall and *use of force* complaint rates are similar or less than those of the surveyed agencies. As the table below shows, in 2005 the Sheriff's Office received approximately 12.8 complaints per 100 sworn officers, as compared to the survey average of 33.4.

² Surveyed agencies included the City of Boise Police Department, City-County of Denver Police Department, City of San Jose Police Department, Los Angeles County Sheriff's Department, Miami-Dade Police Department, Portland Police Bureau, and the Seattle Police Department. All have independent civilian oversight entities and nationally recognized police accountability systems, and are professionally accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA) or other local organizations.

**Complaint and Use of Force Comparison
Commissioned Officers
2005**

Complaint and Use of Force Comparison Performance Measures	King County Sheriff's Office	Average from Survey	Bureau of Justice Statistics
Number of sworn officers	703	1291	n/a
Complaints per 100 sworn officers	12.8	33.4	n/a
Use of Force Complaints per 100 arrests	0.2	0.2	n/a
Use of Force Complaints per 100 patrol officers	2.0	n/a	11.8
Use of Force Complaints per 100 sworn officers	1.8	5.2	6.9

SOURCE: King County Sheriff's Office; Auditor's Office *Use of Force Performance and Best Practices Survey*, September 2006; Department of Justice, Bureau of Justice Statistics (2002 data).

When *use of force* complaint rates are compared, the Sheriff's Office received approximately 0.2 complaints for every 100 arrests, which was the same as the average among the surveyed agencies. The *use of force* complaint rate of 1.8 per 100 sworn officers was substantially below both the survey average (5.2) and the national average of 6.9 complaints for agencies of comparable size.³

This comparative data includes only those *use of force* incidents that generated investigated complaints, not those that resulted in *quality of service* reviews by supervisors.⁴ When combined, the total number of *use of force* complaints that were either investigated or reviewed by the Sheriff's Office is slightly higher than shown in the table above but still similar to the surveyed agencies.

How do the Sheriff's Office conduct and *use of force* policies compare to nationally recognized standards and best practices?

In addition to comparing the Sheriff's Office complaint rates to other law enforcement jurisdictions, we also evaluated how its *use of force* policies and procedures compared to national standards, best practices, and the policies and procedures of our surveyed agencies. We found that the Sheriff's Office was in compliance with state law; however, its policies are not consistent with national standards and best practices for *use of force*.

National Standards and Best Practices

The survey questions focused on the key elements and generally accepted standards for implementing an effective *use of force* model as described in Dr. Samuel Walker's *The New World of Police Accountability* and other national studies.⁵

Standards regarding the *use of force* have also been established by national law enforcement associations. The International Association of Chiefs of Police (IACP) recommends that officers be provided with a clear and concise departmental policy that establishes guidelines and limitations on the *use of force*. In addition, consolidating deadly force and nondeadly force policies reinforces the concept of the *use of force* as a continuum for officers, and the necessity of using a level of force that is appropriate to the incident at-hand.

³ The Bureau of Justice Statistics (BJS) data represents agencies with 500 to 999 commissioned officers. Also, the BJS statistics include only citizen complaints, and exclude internal agency-initiated complaints.

⁴ This is consistent with the manner the survey agencies reported their 2005 statistics.

⁵ Dr. Samuel Walker is a nationally recognized expert in the field of police accountability.

The Commission on Accreditation for Law Enforcement Agencies (CALEA)⁶ requires accredited police agencies to develop written directives limiting officers to use only the force necessary to accomplish lawful objectives: deadly force must be used only in defense of human life or to prevent serious physical injury. Accredited police agencies must also have a written directive that governs the use of less than lethal weapons.

National standards and the agencies within our survey have policies and procedures that not only contain extensive *use of force* provisions, but also detailed guidelines on when to apply lethal and non-lethal levels of force. The guidelines reinforce opportunities to minimize the use of excessive or deadly force.

How does the Sheriff's Office compare?

The following table summarizes the Sheriff's Office *use of force* policies and practices compared to key *use of force* management standards and practices.

Comparison of Sheriff's Office Policies and Practices and Key Elements for Effective Use of Force Model			
Key Elements	Complete	Implementation Planned or In Progress	Opportunity to Expand Practices to Be Consistent with Standards
Use of Force Policies Developed	✓		
Levels of Force/Responses Included in Consolidated Use of Force Policies			✓
<i>Use of Force</i> Incident Reports Completed	✓		
Written Reports Reviewed by Supervisor/Commander	✓		
Early Intervention System Implemented or Use of Force Analysis Performed			✓
Police Auditor, Ombudsman, or Citizen Oversight Function Implemented		✓	
Broad Use of Force Investigation Framework Established*			✓
Performance Measures Developed for Accountability Improvements		✓	

SOURCE: King County Auditor's Office, *Use of Force Performance and Best Practices Survey, September 2006*.

*Note: Broad *use of force* investigation framework includes examining police tactics and precipitating events; informing existing policies, practices, training and management; and enforcing standards through consistent discipline.

As the table shows, the Sheriff's Office either does not have, or is in the process of implementing, a number of these key elements. Based on this research, we determined that opportunities exist to expand the Sheriff's Office *use of force* policies and practices. The following is a discussion of those opportunities based on nationally recognized law enforcement standards and select best practices in other agencies.

⁶ CALEA has established professional management standards for policing, and provides an accreditation program that provides law enforcement agencies with a means of ensuring and demonstrating that they meet national standards and best practices.

Use of Force Policies and Guidance

How does the Sheriff's Office compare?

The Sheriff's Office has developed *use of force* policies that are clear and consistent with state law. However, its policies are relatively general when compared to model policies, best practices, and national standards. Rather than providing guidance to supervisors and officers on when and how to use various types and levels of force when responding to incidents, the policies tend to emphasize legal definitions and the process for conducting *use of force* investigations after incidents occur. In addition, officers do not routinely receive *use of force* instruction to reinforce the policies except during their initial academy training and Field Training Officer program.

The survey of the seven "model" law enforcement agencies found that each agency had developed a *use of force* policy that included less than lethal force provisions in their *use of force* policies. While the agencies had differing approaches to providing specific directives regarding when and how to apply different forms of force, including use of weapons, all seven agencies reported offering *use of force* training as well as documented expectations for appropriate level-of-force responses. Two agencies posted their *use of force* policies on the internet, which is considered a best practice to promote transparency and accountability in law enforcement.

Again, while the Sheriff's Office does have *use of force* policies and procedures in place, the policies do not provide the level of guidance and specificity on *use of force* needed to meet national standards and practices, and are not routinely reinforced through training.

Standards and Policies for Reporting and Reviewing Use of Force/Critical Incidents

National Standards and Best Practices

The IACP and CALEA have adopted standards for *use of force*/critical incident reporting by officers as well as procedures for effective reviews by supervisors and command personnel. IACP's standards emphasize the importance of formal procedures for reviewing and reporting *use of force* incidents, because *use of force* policies and procedures are of little value without the oversight of line supervisors and command personnel to ensure officer compliance.

The benefits of formal *use of force* reporting and effective *use of force*/critical incident reports are:

- Identifying *use of force* issues and trends;
- Improving training and employee safety;
- Providing timely information to the public;
- Protecting officers and the community as necessary; and
- Ensuring agency credibility, individual officer accountability, and community trust in the system.

In *The New World of Police Accountability*, Dr. Walker notes that less than lethal force is far more common and more difficult to control than deadly force, and that law enforcement agencies do not have a consensus of opinion on reporting, reviewing/investigating, or controlling such incidents.

How does the Sheriff's Office compare?

Consistent with national standards, the Sheriff's Office and all seven surveyed agencies have adopted policies requiring formal *use of force* reports and reviews. Sheriff's Office policies identify the purpose of *use of force* reviews, when the reviews are required, and who is responsible for conducting the reviews. The Sheriff's Office has also developed specific forms and procedures, for *use of force* reporting, conducting supervisory reviews of incident reports, and identifying appropriate steps to correct officer or organizational performance.

The Sheriff's Office and one surveyed agency identified two exceptions in implementing nationally recognized standards for *use of force* incident reports and reviews: One surveyed agency did not require written *use of force* reports for all *use of force* incidents, and the Sheriff's Office did not require reviews for all *use of force* incidents.

Early Intervention System

National Standards and Best Practices

Law enforcement associations and agencies commonly recognize that a significant proportion of citizen complaints, including excessive force complaints, are generated by a small minority of police officers. An electronic (as opposed to manual) data-based early warning system is widely considered to be an effective management tool to provide for the early identification of problem officers or trends, intervention through training or counseling, and post-intervention monitoring to ensure that problem behavior is corrected.

The criteria for identifying officers as candidates for early intervention varied, but typically included officers that exceeded established thresholds (e.g., three or more incidents) of citizen complaints, civil litigation, *use of force* and firearm incidents, and high-speed pursuits.⁷

Six of the seven agencies surveyed had implemented early intervention systems. The majority of the surveyed agencies had electronic systems to identify individual officer or organizational patterns and trends that required correction. In addition, most of the jurisdictions had established internal or external oversight offices that provided input to the law enforcement agencies on emerging patterns or trends that required corrective action. In several instances, the oversight offices also made recommendations on corrective action to ensure consistent discipline and/or adherence to law enforcement policies and practices.

One unique best practice cited by a surveyed agency as being highly effective was the practice of holding supervisors accountable for team performance when a single or multiple officers within a unit committed "offenses" that exceeded established thresholds. For example, if one or more officers with an excessive number of vehicle pursuits were required to attend defensive driving classes, the responsible sergeant was also required to attend defensive driving classes. The agency's intent was to ensure that the supervisors also received training to reinforce acceptable team performance in the future and to avoid "freeway supervision"—rotating officers with performance issues to other units.

How does the Sheriff's Office compare?

The Sheriff's Office has not implemented a comprehensive early intervention system. Employee complaint information has primarily been used for tracking IIU investigations, and not

⁷ A National Institute of Justice sponsored study found that early warning systems can reduce citizen complaints and problematic police behavior, but the effectiveness of early warning systems ultimately depends upon related policies and procedures (including training) that enforce standards of discipline, are consistently applied, and create a climate of accountability.

for systematic review of trends or patterns of employee behavior. As noted earlier, many complaints and inquiries are not investigated by the IIU. Some are instead classified as *quality of service* reviews and subsequently referred to supervisors, while others are received directly by supervisors and never seen by the IIU or upper management. The Sheriff's Office does not monitor the outcome of these complaints and inquiries, so information on their resolution was not available. Also, prior to this analysis, management did not have a consolidated record of IIU complaints and *quality of service* reviews for each employee.

The complaint analysis conducted within this management review demonstrates that the Sheriff's Office has the basic information needed for an early intervention system and that it could be collected and analyzed on an ongoing basis. Most of the information we used is located in the existing IIU complaint and *quality of service* tracking databases. Other information proved relatively easy for the Sheriff's Office to obtain, including the *use of force* incident data and arrest information researched for this report. The Sheriff's Office has the information needed to immediately begin monitoring a limited number of officer performance and conduct indicators.

Establishment of a Broad Use of Force Investigation Framework

National Standards and Best Practices

As defined by Dr. Walker, the broad *use of force* investigation framework includes:

- Examining police tactics and precipitating events;
- Informing existing policies, practices, training and management; and
- Enforcing standards through consistent discipline.⁸

Both the IACP and CALEA have developed standards and related issue papers on the merits of thorough reviews and investigations of *use of force*/critical incidents, using the results of critical incident reviews and investigations to inform policies, practices and training; and enforcing standards through discipline. As stated earlier, CALEA recommends that law enforcement agencies conduct a documented annual analysis of *use of force* reports, because the annual reviews may reveal patterns or trends that could indicate the need for training, equipment upgrades, and/or policy modifications.

The IACP recognizes that considerable guidance and direction on *use of force* is provided to officers during training by translating policy and operational procedures into practice. The association strongly recommends that law enforcement agencies provide routine instruction and periodic testing on the agency *use of force* policy as well as instruction that covers a broad range of force techniques and practical exercises in making decisions regarding use of deadly force. CALEA also requires annual *use of force* training for officers that carry lethal and less than lethal weapons. Training is not only instrumental in efforts to control and manage *use of force*, but can also impact efforts to justify actions involving the *use of force* in court.

All the surveyed agencies reported adhering to the three-pronged *use of force* framework through internal operations as well as in their external oversight functions. They had established policies and procedures for reviews/investigations of critical incidents, as well as:

- Received input from internal and external oversight offices to improve policies,
- Created discipline boards or discipline coordinators to ensure the appropriateness and consistency of discipline, and

⁸ *The New World of Police Accountability*, pp. 66-68.

- Refined existing or developed specialized training programs to address individual or organizational performance issues.

How does the Sheriff's Office compare?

The Sheriff's Office adheres to some elements of this three-pronged investigation framework. One exception is that it does not offer routine training of officers beyond new field officer training and annual tactical/weapons training.⁹ The lack of periodic training for all officers in *use of force* policies and tactics is inconsistent with nationally recognized *use of force* standards and best practices.

Another exception is that the Sheriff's Office had not, until our review, collected department wide information on historical *use of force* incidents. This information was collected upon our request, which was used for the complaint and *use of force* analysis discussed in the first part of this report. We did not evaluate Sheriff's Office's application of discipline, and, therefore cannot comment on its adequacy or consistency.

Police Accountability Measures

The benefits of performance measures for police accountability, including employee performance evaluations, are discussed at length in *The New World of Police Accountability* and in various *use of force* studies conducted or funded by the National Institute of Justice. Examples of such measures include reducing the number of *use of force* incidents, or reducing the percentage of incidents in which *lethal force* is applied. The benefits include improved quality of police services, reduced risks, enhanced supervision and safety, and the ability to track agency performance and respond proactively to organizational and environmental changes.

How does the Sheriff's Office compare?

The Sheriff's Office and the seven surveyed agencies do not have police accountability performance measures. However, six of the seven surveyed agencies do use annual officer performance evaluations as accountability tools; one surveyed agency suspended its performance evaluation process to streamline its lengthy performance evaluation form. The Sheriff's Office also suspended annual performance evaluations several years ago, but expects them to be reinstituted in 2007.

Conclusions

In conclusion, the nature and prevalence of officer misconduct and *use of force* within the Sheriff's Office appears generally consistent with that of the surveyed agencies and with national statistics. We found that complaints within the Sheriff's Office are generated by a relatively small number of officers, and that the prevalence of complaints is less than or the same as that experienced by other law enforcement agencies. The number of investigated complaints has also substantially declined over the last few years.

In contrast to formal complaints, the number of *quality of service* complaints and inquiries referred to supervisors has steadily increased and has surpassed the number of investigated complaints. Because detailed information was not available on these reviews, and because we did not evaluate how complaints are screened, we cannot comment on whether overall complaint trends are moving in a positive direction.

⁹ The Sheriff's Office does provide ongoing training for those officers who are assigned tasers.

Additionally, a best practice performance accountability system has not yet been implemented within the Sheriff's Office and its policies for managing *use of force* do not consistently meet national standards and best practices. Our review identified four best practices that could enhance the Sheriff's Office management of *use of force*:

- Implement an early intervention system that includes *use of force* as a key component
- Strengthen *use of force* policies and provide ongoing training to supervisors and officers
- Perform regular agency-wide *use of force* reviews
- Use results of *use of force* investigations to modify policies and training programs

Strengthening *use of force* policies, procedures and training to align with best practices and CALEA accreditation requirements could improve the Sheriff's Office management of misconduct and *use of force* incidents. Detailed policies and guidelines, integrated with ongoing training of supervisors and officers, can help ensure that management's expectations with regard to conduct and *use of force* are clear and consistent.

The Sheriff's Office has basic elements in place for monitoring employee conduct and managing *use of force*. However, a considerable effort will be required to develop a comprehensive employee performance and conduct management system, and to bring its practices up to national standards.

We would like to acknowledge and appreciate the cooperation received from the management and staff of the Sheriff's Office.

Liz DuBois and Susan Baugh conducted this management review. Please contact Liz at 296-0377 or me at 296-1655 if you have any questions about the issues discussed in this letter.

Attachment: King County Sheriff's Response

cc: Susan Rahr, King County Sheriff
Ron Sims, King County Executive
Jon Scholes, Legislative Aide, King County Council
George Allen, Legislative Aide, King County Council
Clifton Curry, Senior Legislative Analyst, King County Council

ATTACHMENT



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Susan L. Rahr
Sheriff

RECEIVED

OCT 20 2006

KING COUNTY AUDITOR

October 20, 2006

TO: Ms. Cheryle Broom, King County Auditor

FR:  Sue Rahr, Sheriff

RE: KING COUNTY SHERIFF'S OFFICE COMPLAINT ANALYSIS

The Sheriff's Office has had the opportunity to review your Management Letter dated October 5, 2006, regarding "King County Sheriff's Office Complaint Analysis." In general we concur with your findings and would like to take this opportunity to respond.

I want to first recognize and thank you and your staff for the professional manner in which this examination was conducted. It was an invaluable experience that can only help us in our efforts to address necessary reforms within the King County Sheriff's Office. I especially want to recognize Liz DuBois. My staff had only the highest praise for her courtesy and professionalism.

As you may be aware, the Sheriff's Office asked the Executive, Council and Prosecutor to form a Blue Ribbon Panel to review management systems and issues related to employee discipline. The panel met for over 6 months and delivered its final report to the King County Council on September 11, 2006. In addition to a series of findings, the panel also made specific recommendations, including strategies to improve the employee discipline process and the management of complaints. The Blue Ribbon Panel covered many of the areas you have addressed. We will be presenting our response to that report to the County Council before the end of October.

In January of 2006, I made a request for funding to establish an Inspectional Services Unit. The purpose of this unit within the KCSO would be to review policies, procedures and SOP's for every unit within the Sheriff's Office. This is an important first step in getting the organization aligned with the CALEA standards you mentioned in the report. Additionally, the 2007 KCSO budget includes requests for an early intervention system, as you have also suggested. We will also be seeking more sergeants to reduce our span of control in the field, a critical and widely recognized issue for the effective management and supervision of deputies.

In addition to a new HR manager/employment attorney now on my staff, we have recently hired a new training systems manager. Under his direction, we have already

ATTACHMENT (Continued)

developed over 180 individual training modules that deputies are required to review and respond to before they can log onto their computers. Topics include everything from pursuit scenarios to changing state laws and use of force issues. Deputies can access this training from their patrol cars via wireless capability. We have named this innovative program "Take 5." This is being developed in addition to regular roll call trainings and any state or federally required training that our deputies receive annually (note that state law now requires a minimum of 24 hours of training for all commissioned officers annually). We work closely with Risk Management to ensure that we are current first and foremost with all mandated training. "T5" is designed to reinforce critical learning, policy and procedures. Flexible and portable, we are able to develop these training modules quickly and can adapt them to address any emergent topic. While we will continue to strive to achieve the levels of improvement you discuss, we have made progress in the area of pursuits and taser use, for example, as use of force issues.

We also appreciate your input regarding use of force policies and procedures. We consider ongoing review and refinement essential. I have forwarded your comments to the King County Prosecutor's office. We have worked with King County prosecutors in the past regarding various policies involving use of force and applications of less lethal weapons. We will continue to consult with the Prosecutor's office on use of force policies and as the Inspectional Services Unit reviews existing policies and we move toward alignment with CALEA standards.

In FFY 2006, we successfully obtained a federal earmark to design and implement professional/career development, management and leadership training specifically for our Captains. It is my hope that we will be able to secure a continuation of that funding source in FFY 2007 to also create sergeants-level training and professional development as well.

As required by King County, the KCSO has also been working for over 18 months with a nationally recognized consultant firm to develop a comprehensive system of performance standards and measures. To complete that process, we have designed employee evaluations and are now getting them implemented at the precinct level. A performance management system will contribute significantly to our overall employee management processes.

The issue of funding the required improvements is now before the County Executive and King County Council. I currently do not have all of the resources needed to address several recommendations expressed in your report, such as an early warning system. Independent oversight is also something that must be developed outside of my office and is currently being considered by the Council. All of the major systems improvements mentioned here are being addressed in the current 2007 County budget deliberations.

Please let me know if there is any additional information that my office can provide, or if you require any further response.