

DATE: August 26, 2011
TO: Sheriff Sue Rahr
FROM: Captain Scott D. Strathy
RE: 2010 Annual Complaint Report and Analysis

VIA: Chain



Introduction

This report presents the King County Sheriff's Office (KCSO) Complaint Report and Analysis for 2010. This is the first time that KCSO has used a single, integrated data collection system to provide statistics for an entire calendar year. This new data collection system has enabled the department to collect complaint report information in a uniform fashion and allows for a wider range of data analysis.

The King County Sheriff's Office Complaint Policy - Purpose

The King County Sheriff's Office recognizes the following general purposes and benefits of utilizing a well defined complaint reporting and follow-up policy:

- Ensures accountability to the communities we serve
- Promotes transparency when addressing complaints
- Identifies trends
- Ensures that all relevant information is captured due to required data fields
- Improves our ability to target areas where training may be needed
- Provides timely complaint information

The KCSO complaint reporting policy is detailed in the General Orders Manual (Appendix A and B). As an accredited CALEA (Commission on Accreditation for Law Enforcement Agencies) member, the King County Sheriff's Office complaint reporting policy adheres to CALEA standards. CALEA standards require that the Sheriff's Office investigate all complaints, maintain a record of the complaints, compile an annual complaint and analysis report, and make available to the public information about procedures used to register complaints against the Sheriff's Office and its employees.

Staffing

The Internal Investigations Unit (IIU) is ultimately responsible to ensure that all reports of misconduct involving King County Sheriff's Office employees are properly investigated. IIU is staffed by a Captain, three Detective Sergeants and one Administrative Assistant. The IIU Captain reports directly to the Professional Standards Division Manager and has direct access to the Sheriff, Chief Deputy, Legal Advisor and other Command Staff members whenever necessary.

Informal complaints

The King County Sheriff's Office addresses every complaint, regardless of the nature or severity of the complaint. With reference to informal or "minor" complaints, the KCSO policy directs all department members to be consistent with our mission, vision, goals and core values and to respond to all complaints promptly and courteously. If unable to respond to a particular complaint, members are to refer the complaining party to the appropriate person or unit within the KCSO.

Informal complaints can normally be addressed by a phone call or email and do not require a formal *misconduct* investigation. These may be cases where an individual has a concern about a Sheriff's Office policy, procedure or an operational process. Due to the fact that there is often no report associated with these informal complaints and that they are quickly resolved at the field level to the satisfaction of the complainant, there is no formal capturing of informal complaint statistics.

Informal complaints may include:

- Disagreements about the outcome of an investigation
- Disagreements about the issuing of a traffic infraction
- Complaints of helicopter noise

Please refer to **Appendix A (GOM 1.00.045)** for policy on informal complaints

Complaints of misconduct – The process

The King County Sheriff's Office accepts all complaints and concerns about employee conduct or department policy. If the communication alleges any misconduct, it is initiated as an "Inquiry," and a preliminary investigation is conducted by a line-level supervisor. The completed preliminary investigation is then reviewed up the chain of command. Upon reaching the Internal Investigations Commander, the case is either assigned for investigation at the Precinct/Section

level, is retained by the Internal Investigations Unit (IIU) for investigation, or if no further follow up is warranted, the case is closed at the preliminary level as an "information only" case.

If a case is assigned to IIU for an investigation, the "Inquiry" title is changed to either "Citizen Complaint" (complaints filed by citizens) or "Departmental Investigation" (complaints filed by other members of the Sheriff's Office).

When an investigation is completed, it is reviewed by the IIU Advisory Group. This group consists of the IIU Commander, the case investigator, the KCSO Professional Standards Unit Manager, an Executive Office Labor Relations representative, a prosecutor representing the employment section of the King County Prosecuting Attorney's Office, and others as needed. The Advisory Group provides guidance to the case investigator regarding the completeness of the investigation and may suggest additional avenues of investigation or review. Once the case is determined to be complete, it is sent to the accused employee's commanding officer or supervisor for review. The commanding officer or supervisor will make a finding and if sustained, a discipline recommendation. The commanding officer or supervisor will then present his or her findings and recommendations at a second meeting of the IIU Advisory Group. After consideration of the Advisory Group's comments, the findings and recommendations are sent to the Sheriff and/or Chief Deputy who will make the final decision on the case disposition and any discipline. Please refer to Appendix B (GOM 3.03.010 through GOM 3.03.050) for policy directives regarding the processing of misconduct complaints.

Misconduct Complaints recorded by the King County Sheriff's Office in 2010

In 2010 there were a total of 191 complaints of member misconduct. That is an increase from 2009 when there were 110 complaints. A significant reason for the increase in documented cases is the implementation of our new reporting system. The year 2010 is the first full year that a wider range of misconduct complaints have been captured in one reporting system. Prior to the implementation of this new system, many low level complaints of misconduct were handled outside the formal reporting system, resulting in fewer documented complaints. The total number of complaints for 2010 is well within industry standards for an agency of 1100 employees.

External source		Internal Source	
Citizen complaints	126	Directed Complaints	61
Sustained	14	Sustained	31
Non-sustained	17	Non-Sustained	7
Exonerated	8	Exonerated	0
Unfounded	24	Unfounded	1
Undetermined	4	Undetermined	1
Info Only	59	Info Only	21

*4 cases pending as of 05/11/2011

Five Largest Categories of Complaints in 2010

In 2010 the five largest categories of complaints were Courtesy (33), Unsatisfactory Performance (25), Arrest/Search/Seizure (19), Conduct Unbecoming (19), and Neglect of Duty (12). This type of complaints being amongst the five largest categories reported is consistent with what we have seen in previous years.

Overview of all Complaint Categories for 2010

Category	Inquiry	Citizen	Dept	Total	Sustained
Absence from Duty	3	-	4	7	4
Arrest, Search, and Seizure	13	4	2	19	-
Compliance with Directives	4	-	-	4	-
Conduct Unbecoming	6	9	4	19	3
Conformance to Laws	-	3	7	10	5
Courtesy	25	5	3	33	3
Discrimination and/or Harassment	2	1	1	4	1
Improper Remarks	7	2	1	10	2
Insubordination	2	-	3	5	3
Knowledge of Laws and Regulations	-	-	1	1	1
Neglect of Duty	7	2	3	12	3
Operating Vehicles	5		1	6	1
Property and Evidence	1	1	-	2	1
Reports	2	-	-	2	-
Response to Calls	6	-	-	6	-
Treatment of Persons in Custody	1	1	-	2	-
Truthfulness	2	1	1	4	-
Unsatisfactory Performance	12	1	12	25	9
Use of Alcohol	-	-	1	1	-
Use of Force	2	4	3	9	-
Unassigned	7	1	2	10	-

Of the 191 total misconduct complaints for 2010, 36 (19%) had a sustained finding.

Range of Discipline in cases with sustained findings

Type of Discipline	# of Cases
Written Reprimand	19
Suspension	15
Termination	3

Appendix A

1.00.045

PUBLIC INQUIRIES, COMPLAINTS AND REQUESTS: 04/02

Department members, being consistent with the department's mission, vision, goals and core values, shall respond to public inquiries, complaints and requests promptly and courteously.

1. When receiving public inquiries, complaints and requests, department members shall:
Answer or address all inquiries, complaints and requests: or if unable to answer, refer the citizen to the appropriate person or unit (i.e., Crime Prevention, IIU, Media Relations Officer etc.)
2. When receiving informal citizen complaints or concerns via email, department members should contact the citizen by telephone to answer the complaint or concern.
A response may be made by email if the citizen requests an email response or the citizen cannot be contacted by telephone.

Appendix B

3.03.010

DEFINITIONS: 12/10

For the purpose of this policy:

“Inquiry” means any communication directed to a member of the department which alleges misconduct by any member of the Sheriff’s Office.

3.03.025

INQUIRIES: 12/10

1. Inquires will be handled at the supervisory level whenever possible.
2. Members who receive an inquiry regarding their own performance, from a person who reasonably has a right to know, are responsible for responding to the inquiry.
 - a. If the inquirer is satisfied with the response and explanation, no further action is required.
 - b. When inquires are not satisfied, they shall be referred to the member’s supervisor.
3. Any non-supervisory member who receives an inquiry regarding another member of the Sheriff’s Office will refer the inquiry to an on-duty supervisor at the time of the inquiry.
4. A supervisor who receives an inquiry will attempt to resolve the issue at the time, or if a call back is necessary, resolve the issue at the earliest practical time. If the supervisor is able to resolve the issue, the supervisor will then document the inquiry in the Supervisor Action Log.
5. If the supervisor completes a preliminary investigation and determines that there is possible misconduct involved or further follow up is needed, the supervisor will then document the issue as an Inquiry and send it up the chain of command for review.

3.03.035

PROCEDURES FOR ACCEPTING MISCONDUCT COMPLAINTS (NON CRIMINAL):

10/09

1. Members of the Sheriff's Office will accept all complaints of misconduct.
2. All members receiving complaint information shall maintain the confidential nature of such information.
3. Members receiving allegations shall refer all complaints to the member's supervisor or an on-duty supervisor at the member's work location.

3.03.040

COMPLAINT PROCEDURES WHEN RECEIVED BY A SUPERVISOR: 12/10

1. When a supervisor receives a misconduct complaint, the supervisor shall:
 - a. Take action to prevent aggravation of the incident.
 - b. Conduct a preliminary investigation.
 - c. Determine whether the allegation amounts to misconduct. If it does not amount to misconduct, the supervisor will then document the issue as a Supervisor Action Log.
 - d. If a complaint is serious and requires emergency relief from duty, CDO and the Precinct/Section Commander shall be notified.
 - e. Enter the details of the complaint and steps taken as an inquiry.
 - f. Obtain a statement from complainant, if practical.
 - An in person recorded interview is recommended.
 - g. Identify witnesses.
 - h. Forward the inquiry to the Precinct/Section Commander.
2. The Precinct/Section Commander shall:
 - a. Review personnel complaint forms and other reports pertaining to the preliminary investigation to ensure the reports are complete.
 - b. Ensure the proper steps were taken in the preliminary investigation.
 - c. Forward the original complaint and associated paperwork to IIU via the chain of command.

3.03.045

COMPLAINT PROCEDURE WHEN RECEIVED IN IIU: 10/09

Whenever IIU receives a complaint of misconduct, either directly or through the chain of command, the IIU Commander shall determine if the complaint will be investigated in IIU or to be investigated at the Precinct/Section level.

- If the complaint is to be investigated at the Precinct/Section level, the Complaint Report with associated statements and paperwork shall be forwarded to the Precinct/Section Commander.

3.03.050

CRIMINAL CONDUCT COMPLAINTS: 10/09

1. It shall be the responsibility of **all** members to **immediately** notify an on-duty supervisor when, by observation or receipt of information, there is cause to suspect a member, whether on or off-duty, has committed a crime.

- Normal criminal investigation procedures shall be followed during the investigation of all alleged criminal violations.

2. When an on-duty supervisor receives notification or information that a member has been arrested, charged, or is accused of committing a crime, the on-duty supervisor shall:

- a. Immediately notify the CDO and the accused member's Precinct/Section Commander.
- b. Ensure that appropriate law enforcement action has been initiated in a manner consistent with the appropriate guidelines in 3.04.220 or 3.04.225.

3. Any alleged violations of laws or ordinances shall be investigated by the appropriate police agency or assigned to the appropriate investigative unit.