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King County

Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight

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July 24, 2012
Report No. 2012-01

Executive Summary

Significant issues with King County Sheriff's Office's (KCSO) policies and procedures for documenting and investigating complaints, and inconsistent adherence to those policies among KCSO units undermine organizational and individual accountability. KCSO's inability to enforce the procedures for complaints and policy violations was also inconsistent with Commission on Accreditation of Law Enforcement Agencies standards or best practices. In addition, efforts to implement civilian oversight in King County have been hampered by labor and legal issues—from the policy development phase to the collaborative efforts of the new Office of Law Enforcement Oversight Director and the Sheriff to launch an effective oversight function.

Sixteen recommendations are offered in the report to improve KCSO complaint policies, processes, and investigations, as well as to provide effective law enforcement oversight as envisioned by the King County Council and by the former KCSO Blue Ribbon Panel.

King County

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MEMORANDUM

DATE: July 24, 2012

TO: Metropolitan King County Councilmembers

FROM: Cheryle A. Broom, County Auditor

SUBJECT: Performance Audit of the King County Sheriff's Office (KCSO) Complaint Investigations and Office of Law Enforcement Oversight (OLEO)

Ordinance 16511, adopted by the County Council in May 2009, directed the Auditor's Office to establish a permanent, ongoing law enforcement audit process, focusing on Sheriff's Office Internal Investigation Unit's (IIU) operations, and the effectiveness of OLEO in providing oversight of KCSO. Conducted in conjunction with a national law enforcement consulting firm, Hillard Heintze LLC, the primary purposes of this audit were to evaluate the Sheriff's Office internal investigation operations, and to assess the effectiveness of the new OLEO in providing oversight of the IIU. This audit also included a review of best practices for managing citizen-initiated and internally-generated police misconduct and use of force complaints.

Based on the results of the audit, we concluded that significant issues with KCSO's complaint policies and procedures for investigating complaints, and inconsistent adherence to those policies among KCSO units undermine organizational and individual accountability. KCSO's inability to enforce its procedures for complaints and policy violations was also inconsistent with the Commission on Accreditation of Law Enforcement Agencies (CALEA) standards or best practices. The result is that the County may be exposed to greater risks from claims (e.g., excessive use of force, vehicle accidents, etc.), and may be unable to maintain its CALEA accreditation. We recommend that KCSO develop more detailed policies that outline the exact investigation and reporting processes for all complaints. These processes should become the standard that are categorically adhered to by officers and supervisors.

We also identified significant challenges in implementing OLEO as an effective civilian oversight function under the current organizational and legal framework, and noted KCSO had worked proactively with the County Council and council staff to develop new collective bargaining strategies to restore OLEO's authorities to provide effective civilian oversight in King County. We also recommended that OLEO, in collaboration with KCSO, continue planning and developing working guidelines and measurable objectives to assure that the positive effects and benefits of civilian law enforcement oversight are maximized in King County. KCSO concurred with all 16 audit recommendations and has already begun implementing them. OLEO also concurred with the recommendations, but implementation is contingent upon labor negotiations.

CB:RP:SB:JA:jl

King County Auditor's Office
Cheryle A. Broom, King County Auditor
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Performance Audit of King County Sheriff's Office and Law Enforcement Oversight

Report Highlights

July 24, 2012
Report No. 2012-01

Purpose

This audit of the Sheriff's Office Internal Investigations and Office of Law Enforcement Oversight (OLEO) functions is the first in a series of annual audit reports mandated by the County Council in Ordinance 16511. Conducted in conjunction with a national law enforcement consulting firm, Hillard Heintze LLC, the purpose of this audit was to evaluate the current state of the Sheriff's Office internal investigation operations and practices, and assess the effectiveness of OLEO in providing council-directed oversight of the IIU. The audit also included a review of national best practices for managing citizen-initiated and internally-generated police misconduct and use of force complaints.

Key Audit Findings

Significant issues with KCSO's policies for investigating and documenting complaints, and inconsistent adherence to those policies among KCSO units undermine organizational and individual accountability. KCSO's inability to enforce its procedures for complaints and policy violations was also inconsistent with the Commission on Accreditation of Law Enforcement Agencies (CALEA) standards or best practices.

Significant challenges were also identified in implementing OLEO as an effective civilian oversight function under the current organizational and legal framework. For example, a Memorandum of Agreement (MOA) interpreting the King County and Police Guild collective bargaining agreement (CBA) contains a provision that allows for the termination of the OLEO Director as a possible remedy if the arbitrator rules that the director has violated any part of *Article 22--Civilian Oversight* provisions of the CBA.

What We Recommend

We recommend that KCSO develop more detailed policies that outline the exact investigation and reporting processes for all complaints. These processes should become the standard that are categorically adhered to by officers and supervisors.

We also recommend that OLEO, in collaboration with KCSO, continue planning and developing working guidelines and measurable objectives to assure that the effectiveness and benefits of law enforcement oversight are maximized in King County.

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Introduction

Council Established OLEO Function in King County

In January 2006, the Metropolitan King County Council introduced legislation establishing a new Office of Law Enforcement Oversight (OLEO). Following a series of labor issues, the County Council adopted Ordinance 16511 modifying the authority of the Office of Law Enforcement Oversight and directing the King County Auditor's Office to establish a permanent, ongoing law enforcement audit process. Due to a delay in hiring the new OLEO Director until September 2011, the County Auditor, with the County Council's concurrence, waited to initiate the formal law enforcement audit process until 2012. Annual reviews and updates of Sheriff's Office misconduct and use of force complaints were prepared by the Auditor's Office and presented to the Council during the interim period.

Ordinance 16511 contains two mandates for the County Auditor: 1) Acquire an outside law enforcement expert to conduct the initial audit of the Sheriff's Office internal investigations function, and 2) provide for a periodic review of the Sheriff's Office Internal Investigation Unit (IIU), including an annual written report to the County Council. In addition to the annual audit of the Sheriff's Office internal investigations function, the County Auditor is also responsible for assessing the effectiveness of OLEO and reviewing the annual reports developed and transmitted to the Council by the OLEO Director.

Hillard Heintze Retained to Conduct First Review of OLEO and KCSO Complaint Investigations

In November 2011, the King County Auditor's Office (KCAO) engaged Hillard Heintze, LLC to conduct the first review of both the King County Sheriff's Office (KCSO) IIU and OLEO. Hillard Heintze analyzed current Sheriff's Office complaint and internal investigations operations and practices. The firm also analyzed the proposed oversight framework developed by the new OLEO Director based on best law enforcement practices. The executive summary of the Hillard Heintze report is contained in Appendix 1; the entire report, including appendices, is available online at the King County Auditor's Office website: http://www.kingcounty.gov/operations/auditor.aspx.

Audit Purpose, Scope and Methodology

This audit of the Sheriff's Office Internal Investigations and Office of Law Enforcement Oversight functions is the first in a series of annual audit reports mandated by the County Council in Ordinance 16511. The primary audit purposes were to evaluate the current state of Sheriff's Office internal investigation operations and practices, and to assess the effectiveness of OLEO in providing council-directed oversight of the IIU. Conducted in conjunction with a national law enforcement consulting firm, Hillard Heintze, this audit included a review of national best practices for managing citizen-initiated and internally-generated police misconduct and use of force complaints.

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The Hillard Heintze and County Auditor's Office scopes and methodologies are consolidated and presented in Appendix 2.

Audit Conclusions

KCSO Policy Issues and Inconsistent Enforcement Undermine Police Accountability

Significant issues within KCSO's policies and procedures for documenting and investigating complaints, and inconsistent adherence to those policies and procedures among KCSO units undermine organizational and individual accountability. For example, KCSO supervisors and the chain of command have not consistently enforced the policies and procedures to ensure officer accountability throughout the department, particularly those assigned to remote field offices. In addition, the IIU may not be adequately staffed to fulfill its internal oversight and investigative responsibilities, along with those of the KCSO supervisors and chain of command assigned to review complaints, to ensure that all complaints are appropriately investigated and documented according to the established policies and procedures.

KCSO's enforcement of procedures for complaints and policy violations was also inconsistent with Commission on Accreditation of Law Enforcement Agencies (CALEA) standards or best practices, which require uniform implementation of and adherence to policies by all KCSO officers, supervisors, and the chain of command. Tools available to assist in documenting and tracking complaints and correcting problematic officer conduct, such as the IAPro database, training, and the annual performance review process, were underutilized by KCSO management in assessing and addressing officer performance and accountability issues. The result is that the County may be exposed to greater risks from claims (e.g., excessive use of force, vehicle accidents, etc.), and may be unable to maintain its CALEA accreditation.

Current Legal Framework Challenges OLEO's Effectiveness

We identified significant challenges in implementing OLEO as an effective civilian oversight function under the current organizational and legal framework. Roles, responsibilities, and legal authorities between KCSO, OLEO, and other County departments require greater clarity in some cases and major revisions in other cases. For example, the complaint roles of the Ombudsman's Office and OLEO as well as the roles of Auditor's Office and OLEO in conducting KCSO audits and evaluations have been clarified to avoid duplication of effort. Working guidelines are also needed to ensure that OLEO can perform its oversight role without interfering with KCSO's police business or its own internal investigation practices. Although these issues are typical in the introduction of civilian oversight of law enforcement across the nation, challenges from the Police Guild have seriously inhibited implementation of effective civilian oversight in King County. For example, the Police Guild has already filed three grievances against the OLEO Director for attending the IIU Advisory Group and briefings on officer-involved shootings—which the Sheriff invited him to attend. In addition, a

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Memorandum of Agreement (MOA) interpreting the King County and Police Guild collective bargaining agreement (CBA) contains a provision that allows for the termination of the OLEO Director as a possible remedy if an arbitrator rules that the Director has violated any part of the *Article 22—Civilian Oversight* provisions of the CBA.

Significant Audit Findings and Recommendations

Effective Management and Supervision Lynchpin of Police Accountability

- The lynchpin of police accountability is effective management and supervision. KCSO supervisors, chain of command, and the IIU have not been able to demonstrate consistent leadership in adhering to established policies and procedures for all complaints, allegations, and potential policy violations. One contributing factor is that the IIU is not now recognized and promoted as the core internal affairs function in the department's commitment to achieve professional excellence in policing practices through the consistent enforcement of policies and other actions to deter violations. Other factors include the absence of a department-initiated complaint provision and a failure to supervise provision in the KCSO General Orders Manual (GOM) on personnel misconduct.

  We recommend that the King County Sheriff and IIU be given the authority to file, without restriction from the rank and file, a department-initiated complaint when supervisors and commanders refuse to do so in the event of egregious acts of misconduct and policy violations. The Sheriff should also empower and staff the IIU to handle such complaints with the full cooperation of direct supervisors and commanders.

- KCSO's GOM and the IIU's Standard Operating Procedures (SOP) were insufficient in providing direction to commissioned personnel or in achieving organizational and operational goals relating to complaint processes and resolution. KCSO management's inability or reluctance to enforce and gain broad compliance from officers, supervisors, and the chain of command with the policies and procedures were inconsistent with law enforcement best practices. In addition, KCSO's misconduct and complaints policies and practices did not conform to the CALEA standards for accredited law enforcement agencies. Improved KCSO policies, procedures, and mandatory compliance are necessary to avoid loss of CALEA accreditation.

  We recommend that KCSO develop a more detailed GOM and IIU SOPs that outline the exact reporting and investigation processes for all complaints, including both misconduct and policy violations, and these detailed polices should become a standard that must be categorically adhered to by officers and supervisors throughout the department. In addition, **we recommend** that KCSO expand the GOM to include a *Department-Initiated Complaint* provision and *Failure to Supervise* provision, along with the specific consequences of failing to report a

complaint through the chain of command to encourage consistent management and reporting of all complaints. **We also recommend** that KCSO review the current CALEA standards, identify any gaps in its GOM and SOPs, and address them prior to the scheduled CALEA reaccreditation process in 2013.

KCSO Accountability System Underutilized

- KCSO implemented an accountability system to help manage and analyze citizen complaints, administrative investigations, and other incidents. However, underutilization and inconsistent use of these system tools impacted their effectiveness in improving accountability department-wide. Enhancing the system with additional entries on misconduct and policy violation incidents would allow KCSO to manage the Early Intervention System (EIS) counseling protocol more effectively, and help KCSO prioritize training to address behaviors that generate complaints. These accountability system improvements are also necessary to respond appropriately to KCSO's ongoing audit and annual reporting requirements. In addition, the EIS only utilizes the IAPro complaint and incident data within a rolling 90-day period. A 90-day rolling period for retention of complaint and incident data is not consistent with best law enforcement practices, as it is too short a period to identify employees who have performance issues.

  We recommend that KCSO outline policies and procedures for supervisory reporting and increase its entry of incident data into Blue Team data system, thereby enhancing the effectiveness of the Blue Team application and the EIS. **We also recommend** that KCSO explore opportunities to extend the EIS period for utilizing incident data from 90 days (as negotiated by the Police Guild) to one year (as consistent with best practices), in order to improve the effectiveness of proactive officer instruction, the completeness of trend analysis, and the thoroughness of reports to KCSO top management, County officials, and the public. In addition, **we also recommend** that KCSO annually prepare detailed progress reports and statistical data to facilitate KCAO's ongoing periodic audits and annual reports.

Council-Adopted Labor Policy Addressed Some Barriers to Effective Oversight

- Organizational, legal, and labor barriers must be addressed to ensure that effective oversight is implemented to promote greater professionalism and public trust in King County law enforcement. The potential threat of termination of the OLEO Director is an example of a primary deterrent to effective oversight that requires immediate attention. We note that on June 18, 2012, the King County Council adopted a labor policy to support civilian oversight of the Sheriff's Office (LP2012-033). Working guidelines are also needed to outline exactly what the OLEO can and cannot do to promote a successful working relationship between KCSO and OLEO.

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We recommend OLEO, in collaboration with KCSO, continue planning and developing working guidelines and measurable objectives to assure that the effectiveness and benefits of law enforcement oversight are maximized in King County. **We also recommend** that the King County Council consider, pending the outcome of labor negotiations, embodying the language of its newly adopted labor policy regarding civilian oversight of the Sheriff's Office into Chapter 2.75 of the King County Code.

Audit Report Structure

This performance audit of the King County Sheriff's Office complaint investigation function and the Office of Law Enforcement Oversight is organized into four sections and findings:

- Effective Management and Supervision
- KCSO Complaint Policies and Procedures
- KCSO Accountability Tools
- Implementing Law Enforcement Oversight

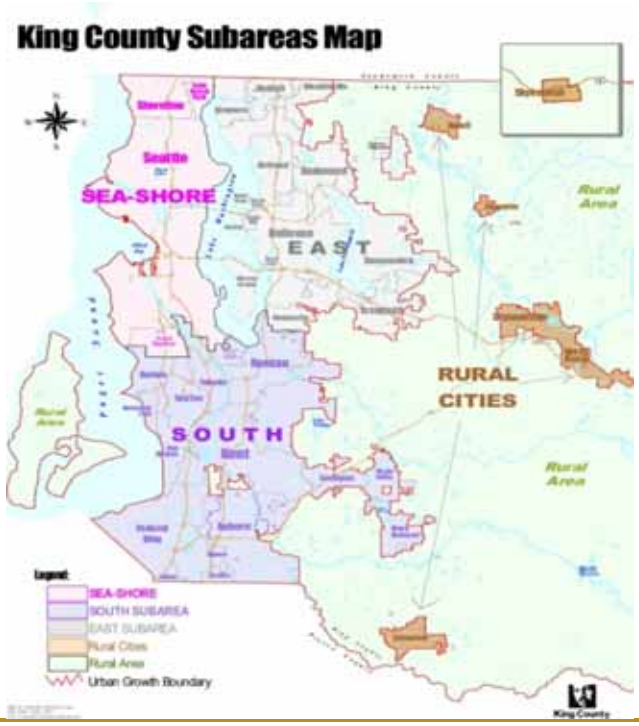
Effective Management and Supervision

Section Summary

Effective management and supervision is the lynchpin of KCSO accountability. This section reviews KCSO management and staffing issues that have impacted KCSO's complaint function, management of sworn personnel, and organizational accountability. Well-trained supervisors are crucial in law enforcement, especially given the high-risk, high-profile work in which deputies are engaged. Although quality managers can shore up weaknesses in policies and procedures, exceptional policies cannot make up for leaders who are not present or willing to require their subordinates—or themselves—to follow them. Supervisors' ability to lead, control, and direct the work of subordinates, along with the Sheriff's authority to ensure that the organization is well-managed and accountable, is the primary determinant of officer accountability and performance.

Leadership Needed to Promote More Rigorous Compliance with KCSO Accountability System and Complaint Processes

Unfortunately, KCSO leadership has not promoted officer and management accountability through the expectation of rigorous compliance with the department's accountability system and support of the internal investigations function. Revisions to the KCSO accountability process introduced in 2011 inherently rely upon front-line field supervisors to properly initiate, investigate, and document complaints and incidents of misconduct and policy violations by subordinate officers. However, the KCSO chain of command does not properly require them to do so, nor support them when they do. Senior KCSO leadership openly downplays the importance of the discipline process, low-level complaint and incident reporting, and follow-through. Performance incidents that are reported and documented are unaddressed or ignored at the command level. As observed by Hillard Heintze, the result is a departmental culture that downplays the importance of officer accountability and complaint response.



In addition, the inability of the Sheriff, KCSO top management, and the IIU to file department-initiated complaints for egregious misconduct and policy violations; turnover and reduced staffing in the IIU; the organizational alignment of the IIU and indirect reporting relationship of the IIU Commander to the Sheriff; and the Field Operations Division span of control are also deterrents to accountability.

Effective Management and Supervision

Inconsistent leadership was also observed by Hillard Heintze during its review of KCSO misconduct complaint investigation files and their disposition.

Background on the King County Sheriff's Office

King County is the most populous county in Washington State, covering a geographical area of more than 2,100 square miles and 12 contract cities. KCSO provides professional law enforcement services to over 1.8 million residents. KCSO is staffed by approximately 1,000 employees, including 652 deputies and 340 non-sworn personnel. Appendix 3 contains the most recent KCSO organization chart.

The IIU is staffed by four sworn employees (one captain and three detective sergeants) and one non-sworn administrative staff. The IIU is responsible for receiving and investigating all citizen complaints, and reviewing complaints initiated through the KCSO chain of command against commissioned personnel accused of misconduct, including excessive use of force.

As shown in the KCSO organization chart, the IIU is organized under the Professional Standards Division and does not have a direct reporting relationship to the King County Sheriff.

Finding 1: KCSO Supervisors, Chain of Command, and the IIU Have Not Consistently Demonstrated Leadership in Sustaining Accountability Practices.

Early Blue Ribbon Panel Recommendations Were Not Sustained

KCSO made progress in implementing a number of significant recommendations from the 2006 King County Sheriff's Blue Ribbon Panel. Examples included the development of new, expanded policies and procedures; a successful effort to become accredited by CALEA; and the implementation of IAPro complaint and incident management software—including an Early Intervention System to identify performance issues and training requirements. However, some of the early implementation efforts were not fully executed or sustained over time. As a result, KCSO is not complying with three of the six Blue Ribbon Panel findings and recommendations that directly tie officer conduct to their supervisors' responsibility to create and sustain a culture of accountability:

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

- *Recommendation 3: The Sheriff's Office management and supervision system should be improved to support supervisors in making the office more accountable.*

Effective Management and Supervision

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

Based on Hillard Heintze's findings, KCSO leadership has not adequately promoted officer and management accountability through the expectation of rigorous compliance with the department's accountability system and support of the internal investigations function. In addition to the investigation of officer misconduct, current law enforcement best practices augment quality assurance through practical analysis of individual and departmental performance data.[1] Effective accountability structures provide the platform to take in, measure, and manage officer performance information, intelligently guiding departmental policies, officer training goals, and performance reviews. Instead of merely reacting to officer misconduct through detailed investigations and discipline, such structures allow departments to proactively identify and address performance trends and issues before they develop into significant misconduct and discipline problems.

An essential best practice in managing effective accountability structures is in the diligent collection and reporting of event information. By fully documenting important officer incidents and interactions with the community, and fully investigating all complaints, misconduct, and policy violations, the department has a complete range of performance data and the ability to respond to it. Hillard Heintze's analysis suggests that KCSO does not require reporting of all incident information and investigation of all officer acts outside departmental policy.

Consistent Action by Front-Line Supervisors Needed to Address and Document Misconduct

Another essential best law enforcement practice is management's response in taking appropriate action to address all acts outside policy, no matter how seemingly minor or inconsequential, and documenting the steps taken. This component relies on the ability and willingness of the supervisors along the chain of command to hold their subordinates accountable. Front-line supervisors are responsible for identifying, investigating, correcting, and fully documenting all officer acts outside of policy. Similarly, section managers and executive leaders—up to and including the Sheriff—must require and support supervisors in doing so. These best practices are the heart of the officer accountability system. Based on Hillard Heintze's interviews and analysis, KCSO leadership may not be reporting or responding appropriately to known incidents of policy violations or misconduct.

Fundamentally, institutionalizing and sustaining officer accountability requires leadership. However, Hilliard Heintze's observations indicate that some KCSO field supervisors and commanders do not provide this

[1] See, e.g., "Building Trust Between Police And The Citizens They Serve," National Institute of Justice Community Oriented Policing Services (COPS) Report, pg. 32.

leadership. Based on Hillard Heintze's interviews and reviews of incident data, supervisors are not consistently identifying and reporting complaints or incidents of misconduct and policy violations. In its interviews of KCSO management and officers, Hillard Heintze discovered multiple instances where supervisors and commanders did not know about, review, or refer issues to the IIU for review and action.

In addition, Hilliard Heintze randomly selected and reviewed 14 of the 73[2] investigative cases handled or coordinated by the IIU during 2011, and also reviewed the investigative files for the two use of force investigations conducted that year. The review evaluated whether these cases were handled according to KCSO's GOM and the IIU's written policies and procedures. The case review also allowed Hillard Heintze an opportunity to assess the quality of investigations and make recommendations for improvements to the KCSO complaint handling process. (Hillard Heintze's methodology for the case review is presented in Appendix 2 of this report and in Chapter III of the Hillard Heintze report, available at http://www.kingcounty.gov/operations/auditor.)

Briefly, the Hillard Heintze's review of the case investigation files documented final dispositions of "unfounded" and "not sustained" even in instances in which the officer not only had a history of inappropriate behavior but also admitted to offensive actions to the case investigator. Problematically, when these inconsistencies were identified, Hillard Heintze could not find documentation of any executive leadership requiring corrective or additional action to eliminate the inconsistencies. Hillard Heintze also noted that only non-sworn KCSO personnel received "sustained" dispositions.

IIU Must Have Authority to Initiate and Investigate Conduct and Policy Violations

In many best practice police agencies, the internal affairs function serves as a check on supervisory reticence or reluctance to lead. Within KCSO, however, IIU's role has been restricted to the extent that it is not able to perform quality assurance reviews of leadership practices and responses in other units. For example, the IIU cannot initiate investigations into misconduct or violations of policy without a citizen, supervisor, or the chain of command filing a complaint. As such, IIU's effectiveness depends on the willingness of the chain of command to provide leadership in reporting and addressing officer accountability.

The inability of the IIU to file a complaint on its own accord, or to investigate without a complaint being filed, also eliminates an important organizational safeguard in the event that supervisors and commanders are unable and/or unwilling to fulfill their roles in addressing misconduct and policy violations. KCSO's limitations on IIU's investigatory authority essentially transfer portions of its quality assurance responsibilities from the

[2] Fourteen cases were determined to meet statistical significance threshold (roughly 20 percent of 73 total) per Hillard Heintze's statistical expert.

IIU to the first-line supervisors and chain of command. IIU cannot appropriately make up for breakdowns in poor subordinate observation and corrective management along the chain of command.

The fact that KCSO does not have a "Failure to Supervise" provision in its GOM exacerbates these concerns, as discussed in KCSO Accountability Tools section in this report. When the IIU and the Professional Standards Division Manager (to whom the IIU Commander reports) attempt to "do the right thing" to address potential misconduct and policy violations, they do so under the threat of violating their own policy and the Police Guild filing a formal grievance.

Early 2011, changes to the accountability system made the entry and categorization of complaints received in the field the responsibility of field supervisors. Supervisors can effectively minimize incidents and corrective actions relative to their subordinate officers, because there is no GOM provision subjecting a supervisor to corrective action when he/she does not supervise or report officer misconduct. And because IIU is not positioned to ensure all incidents are thoroughly documented, reported, and resolved, the performance issues leading to these incidents are unlikely to be addressed. This is a serious weakness that the former Sheriff and Blue Ribbon Panel attempted to address in 2006.

IIU Not Currently Seen or Respected as Core of KCSO Professionalism

Based on comments made during Hillard Heintze's interviews with KCSO, their professional judgment is that the IIU is not seen or respected as the core of KCSO professionalism by KCSO management and line staff, hampering its stature and threatening its importance in carrying out its mission. A contributing factor may be that the IIU has had five commanders in the past three years, and vacant positions are not immediately filled or backfilled. For example, at one point in 2011 only two of the four IIU investigator positions were filled; currently, only two investigators and the IIU Commander are assigned to the unit. Also, although the IIU Commander prepares case report briefings for the Sheriff on a regular basis, the Sheriff does not regularly meet with the Professional Standards Manager or IIU Commander (e.g., daily or weekly), contrary to best practice and CALEA requirements.

The KCSO Operational Structure Exacerbates Supervision Challenges

The geographic dispersion of patrol teams throughout King County, combined with the lack of supervisors and commanders on swing, graveyard, and weekend shifts presents an additional challenge for KCSO. Some patrol deputies in the outlying areas check into work remotely from their patrol cars rather than report to a work site and do not see their supervisors for a full week. In addition, the absence of a daily briefing (i.e., a "roll call") effectively eliminates daily interactions between KCSO supervisors and their subordinates. This lack of supervisor-to-officer contact raises concerns as to

whether and to what degree it negatively impacts KCSO's ability to effectively manage officer conduct, including misconduct reporting and investigation. Given the lack of contact, the need for all supervisors to rigorously comply with KCSO policies and procedures is even greater, since the opportunities to recognize and intervene in problematic officer behavior are fewer.

Another related factor is KCSO's span of control. The supervisory span of control currently varies depending upon supervisors' assigned roles, locations, and shifts. During its January 2012 interviews, the typical span of control ratio of sergeants to deputies in the incorporated parts of the county was reported to Hillard Heintze as approximately 1:7, with a ratio as high as roughly 1:25 in some rural, unincorporated areas of the county. Hillard Heintze's report notes that, compared to other law enforcement agencies of similar size and structure, periods with a ratio as high as 1:25 might further limit opportunities for supervisors to interact with and observe their subordinates. Additional analysis by KCSO estimated the current span of control ranges between 1:5 and 1:12, with an average ratio of 1:8.

Complaint Investigation May Be Compromised by Supervision Challenges

Consistent with many large police agencies, KCSO sergeants (other than those assigned to IIU) are generally responsible for the investigation and documentation of "lower level" complaints and policy violations. As span of control ratios increase, the advantages of this approach decrease. That is, supervisors who have a greater number of subordinates requiring active supervision, correspondingly have less time for complaint-related duties. High supervisory ratios raise questions as to whether these supervisory functions can actually be performed by sergeants at all.

Paradoxically, the lack of consistent supervision of deputies might result in a comparatively low number of complaints reported and investigated. Complaints may simply "fall through the cracks"—perhaps addressed at the immediate location, but rarely entered into Blue Team or followed up and closed with more than a cursory investigation.

Some KCSO Commanders Did Not Actively Promote Accountability

KCSO's practices also raise a central concern as to the overall involvement of KCSO's commanders and supervisors in promoting accountability throughout the department. As noted above, multiple sources identified actions by officers and supervisors that did not comply with established KCSO policies and observed incidents that were unreported and/or later ignored. Similarly, we learned that many fundamental parts of the system are not well known or understood by senior KCSO commanders. For example, some command officers reported that they had never seen an Early Intervention System report or did not know the specific requirements for

misconduct complaint follow-up. These responses highlight the challenge in raising the profile of and compliance with KCSO's accountability systems.

A Stronger Performance Appraisal System, If Implemented, Could Benefit KCSO Deputies

Given the low supervisory ratios and geographic spread of KCSO assignments noted above, Hillard Heintze was surprised to learn that KCSO had not completed annual employee appraisals for all employees.[3] An effective performance appraisal process is valuable for any law enforcement agency whose goal is to have supervisors ensure the quality of their subordinates' work to avoid potential complaints. However, supervisors who are not fully aware of their subordinates' work—including work that may generate complaints—cannot directly address problems during annual performance evaluations. This results in a missed opportunity to address performance issues before they evolve into greater risks. Interviewees also advised Hillard Heintze that those appraisals that are completed do not appear to address potential complaint-generating work habits or traits. Improved utilization of the performance appraisal process would increase its value as a quality assurance tool for KCSO sergeants, commanders, and individual officers.

Finding 2: Egregious Misconduct or Policy Violations Require Immediate Response from Sheriff and Top Management.

In Finding 1 above, we discussed the concern that KCSO does not have a "Failure to Supervise" provision in its GOM or IIU SOPs for supervisors in responding to more routine misconduct and policy violations. We also addressed the issues related to the absence of a provision allowing the IIU to initiate a complaint or complaint investigation unless a direct supervisor or commander files a complaint against an officer for misconduct or a policy violation. Given the Sheriff's responsibility for maintaining the department's integrity, however, an even more challenging dilemma is the absence of the Sheriff's authority to commence a department-initiated investigation for egregious misconduct and policy violations.

Sheriff Is Not Empowered to Initiate Complaints or IIU Investigations Without a Complaint

Presently, the Sheriff and the IIU cannot self-initiate a complaint when direct supervisors and commanders refuse to do so in the event of egregious acts of misconduct or policy violations. They are also not empowered to initiate an investigation without a formal complaint that is filed by a citizen or direct supervisors and commanders. Allowing the KCSO Sheriff or IIU to initiate complaints and investigations at any departmental level—including the Sheriff—is a best practice nationally, because officers will truly be "above the law" without such authority. Given KCSO's history of serving its citizens, a Sheriff and IIU that has anything less than full authority to enforce the law and departmental standards is unacceptable.

[3] As of the end of 2011, 116 evaluations of sworn officers had not been completed.

Effective Management and Supervision

As Hillard Heintze observed, the absence of these provisions is even more of concern given KCSO's departmental culture with respect to officer accountability. Placing the responsibility for managing low-level complaints and policy violations on front-line supervisors, but then not requiring them to do so, is counterproductive to promoting departmental accountability. It is more likely to result in a continued culture of downplaying the seriousness of complaints and complaint investigations; underutilizing accountability systems and tools; and resisting management's earnest attempts to intervene and "do the right thing" to address officer misconduct. These limitations to the Sheriff and IIU's authority prevent them from acting as the safety net to catch unaddressed and/or unreported misconduct.

Recommendation 1

KCSO should develop leadership expectations that all complaints, misconduct, and policy violations will be categorically captured and reported into Blue Team. KCSO should also expand the GOM by adding a *Failure to Supervise* section and outlining disciplinary actions for supervisors who fail to document all incidents of misconduct and violations of policy, as required by the GOM.

Recommendation 2

KCSO executive leadership should formally and informally remind officers and supervisors that compliance with personnel conduct and reporting requirements is mandatory, and must be the standard by which professionalism is demonstrated throughout the department.

Recommendation 3

The GOM should be changed, allowing the Sheriff and/or IIU to file, without restriction from the rank and file, a department-initiated complaint when direct supervisors and commanders refuse to do so in the event of egregious acts of misconduct and policy violations. The GOM should also compel direct supervisors and commanders to fully cooperate with the IIU in handling department-initiated complaints.

KCSO Complaint Policies and Procedures

Section Summary

KCSO needs to expand and enforce its conduct and complaint policies and procedures to promote accountability. KCSO's current professional conduct and complaint policies and procedures need to be expanded to include important accountability provisions. This section presents Hillard Heintze's analyses regarding the adequacy of KCSO's conduct and complaint policies and procedures, based on best law enforcement practices, and KCSO's compliance with its own policies, procedures, and the national Commission on Accreditation for Law Enforcement Agencies' standards as an accredited CALEA agency.

Development of comprehensive, well thought-out, and uniform written directives is one of the most successful methods for achieving the administrative and operational goals of law enforcement agencies, particularly accountability, by providing consistent, documented direction to all personnel. KCSO's IIU has a straightforward complaint intake, investigation, review, and close out process detailed in its SOPs (Appendix 4 contains a flowchart and general overview of the IIU complaint process).

Finding 3: KCSO's GOM and the IIU's SOPs Were Not Effective in Providing Direction to Commissioned Personnel, or in Compelling KCSO Management to Consistently Enforce the Complaint Policies Necessary to Achieve Organizational and Officer Accountability.

Some Complaints Did Not Come to Attention of IIU Field Command Staff or Sheriff

Although KCSO developed and regularly updated its GOM and SOPs, these directives were not sufficiently comprehensive across all organizational units, nor were the directives consistently adhered to by officers and supervisors on a department-wide basis. The result is that some complaints did not come to the attention of IIU, command staff, or the Sheriff to ensure that remedial action was taken to prevent future complaints and that organizational improvements were made to strengthen KCSO policies and practices.

Examples of GOM issues identified include the absence of language specifying the responsibilities and actions required by supervisors and the chain of command in various phases of complaint processing, as well as the absence of any provisions for failure to supervise or comply with the GOM. GOM Section 3.03.015, *Procedures for Accepting Misconduct Complaints*, does not address the specific actions a supervisor or officer *must* take when misconduct is observed or a complaint is brought forward within an operations unit. Nor does the GOM address the consequences of failing to report a complaint through the chain of command to ensure consistent reporting of all complaints and encourage better complaint management. According to Hillard Heintze, best practices in law enforcement generally specify the types of inaction that indicate a supervisor's failure to take action

and the types of formal discipline that could result if complaints are not reported and departmental policies and procedures are not enforced.

Specific Policies and Best Practices Were Not Established to Promote KCSO Accountability

In addition, neither the GOM nor SOPs contain specific policies that are consistent with national standards and best practices by leading law enforcement agencies for officer-involved shootings. For example, KCSO has not yet established a protocol to notify the IIU Commander immediately in the event of an officer-involved shooting (OIS), nor is the IIU Commander required to respond to the scene of the shooting to monitor events on behalf of the Sheriff.

Examples of the procedural issues identified include varying practices for reporting and investigating complaints depending upon the organizational location of the misconduct incident. Because the IIU SOPs are generally for the internal use of IIU, investigation practices at individual worksites depend on supervisor adherence to complaint investigation training. For example, supervisors in some organizational units did not consistently report misconduct cases through the chain of command to the IIU, including misconduct cases that were handled by supervisors in some field units and supervisors under contract to suburban cities that have developed unique agency misconduct policies and procedures.

According to the IIU Commander, the IIU was not perceived and used by many supervisors as the central agent and depository of misconduct complaints as required by the GOM and SOPs. Approximately 100 “lower level” complaints that the IIU referred back to field unit supervisors for investigation were determined to be “missing” (i.e., entered into the system but not actively followed up on in the field). Although many of these incidents are reportedly minor and technical (e.g., work tardiness), the volume of missing complaints suggests that neither field supervisors nor the chain of command are complying with KCSO policies designed to promote accountability. Clearer guidelines, specifying how the IIU and other organizational units will track, approve, and document complaint investigations when complaints are assigned to the field supervisors for investigation or review, are needed. Until such guidelines are available and enforced, IIU will be unable to review the adequacy of supervisory complaint investigations to determine whether the complaint process was complete or require further investigation.

Based on the review of a sample of complaint investigations, Hillard Heintze also found that the IIU and assigned field investigators did not consistently comply with GOM Section 3.03.175. That section outlines an investigative report format for misconduct cases requiring the following information and format:

- Accused Member Allegations
- Evidence
- Persons Interviewed

KCSO Complaint Policies and Procedures

- Investigative Steps
- Summary

Of the 14 random cases reviewed by Hillard Heintze, few contained sufficient documentation to comply with the GOM format. Many case files did not contain significant documentation of any kind. The majority of the cases also lacked sufficient documentation of the rationale underlying the final case dispositions or resolution prior to closure. Conflicting or confusing entries were also noted in the IAPro database, which detracted from the logical progression of what actually occurred as the case was investigated and closed. In several cases, the entries in the IAPro database were also incomplete. For one complaint, no entries were made in IAPro other than the assigned complaint number. Detailed requirements about what to include in the investigative report should be codified in this GOM section, with clear requirements for who is responsible for completing, forwarding, and reviewing such reports through the chain of command to the IIU.

Absence of Department-Wide Policy to Ensure Adequate Reporting Precludes Proactive Policing

The absence of a department-wide policy ensuring that all complaint data is consistently reported, tracked, and forwarded to IIU—including minor matters handled by field supervisors—eliminates management's ability to utilize this data in developing training and procedures for improved performance. KCSO management is aware of the importance of consistent complaint practices and recently revised the GOM to now require the IIU to initially review all complaints, inquiries, non-investigative matters relating to citizen concerns, and supervisor action logs relating to alleged or observed minor policy infractions. The policy change is intended to avoid the possibility that an important complaint or concern was not adequately addressed due to misclassification or incomplete information about an incident in the field.

Finding 4: Several of KCSO's Policies and Practices Were Not Consistent with the Commission on Accreditation for Law Enforcement Agencies' (CALEA) Standards for Accredited Law Enforcement Agencies.

The accreditation standards of the CALEA require departments to develop comprehensive, well thought-out, and uniform written directives, and to operationally adhere to these directives. CALEA was established in 1979 for the purpose of strengthening the accountability of public safety agencies, both within the agency and the community, through a continuum of standards that clearly define performance authorities and responsibilities. As a CALEA-accredited department, KCSO is responsible for consistently conforming to CALEA standards.

KCSO Complaint Policies and Procedures

Noteworthy mandatory CALEA standards related to complaints and the authority of the IIU Commander include:

- All complaints against the agency or its employees be investigated, including anonymous complaints;
- Agencies maintain a record of all complaints against it and its employees and protect the confidentiality of these records; and
- The IIU Commander has authority to report directly to the agency's chief.

An important question arises regarding the application and relevance of the standards. Why is it important for law enforcement agencies to ensure that their internal affairs units embrace best practices?

- First, because the ethics and integrity of a law enforcement agency reside in its internal investigations unit.
- Second, when the ethical center of the agency is strong and purposeful in carrying out its responsibilities, the balance of its impact on the culture of the organization can expand beyond mere complaint investigation to deterrence of performance issues and, by extension, prevention of complaints.
- And third, when the internal investigations function is strong, community trust in the law enforcement agency grows. Community trust is critical to agency effectiveness in preventing and solving crimes.

KCSO May No Longer Be in Compliance with Some CALEA Standards

The issues in the complaint policies and procedures identified in Finding 3 suggest that KCSO is no longer in compliance with mandatory CALEA standards for processing and investigating complaints. Nor is KCSO in compliance with the CALEA standard for the reporting relationship between the IIU Commander and the Sheriff.

The overwhelming majority of law enforcement agencies across the country eliminate any "middle-man" in the communication chain between internal affairs and the Sheriff, both to elevate the reputation and importance of the function and to ensure that the Sheriff is as informed as possible concerning the critical issues associated with misconduct complaints and investigations.

Currently, the KCSO IIU Commander answers directly to a non-sworn county employee—the Professional Standards Manager (PSM). The PSM plays a critical role as the manager responsible for overseeing the interrelated components of the accountability system. The 2012 Professional Standards Division organization chart shows a dotted line between the IIU Commander and the Sheriff, able to meet on an as-needed basis. However, neither the PSM nor the IIU Commander was reported to consistently meet with the Sheriff on a daily or weekly basis. Although the PSM is a highly competent, well-respected KCSO manager, the fact that the IIU Commander—as a sworn officer—does not report directly to the Sheriff calls into question the importance of IIU in the eyes of the organization (see Appendix 3 for the most recent KCSO Professional Standards Division organization chart).

KCSO Complaint Policies and Procedures

Based on the stakeholder interviews with KCSO staff, King County strives to provide professional law enforcement and oversight services to the county's residents. KCSO's efforts to become CALEA-accredited in 2011 confirm a commitment to implementing effective policies and best practices. Hillard Heintze noted that the newly appointed Sheriff quickly initiated an effort to provide commanders around-the-clock responsibility and control for geographic sectors of the county, opining that the effort is likely to result in a more proactive approach to identify, report, and handle complaints. As explained by Hillard Heintze, when commanders have authority over what happens in a geographical area at all times, the sense of ownership by them and their staff generally increases the overall level of accountability. KCSO must consistently adhere to its GOM and SOPs on a department-wide basis to ensure that CALEA accreditation is maintained and accountability is assured both within the agency and to the community.

Recommendation 4

KCSO should develop more detailed GOM and SOPs that outline the exact reporting and investigation processes for complaints; these detailed polices should become the standard that is adhered to by officers and supervisors throughout the department.

Recommendation 5

KCSO should review the current CALEA standards, identify any gaps in its GOM and SOPs, and commit to addressing them prior to the scheduled 2013 CALEA reaccreditation process to ensure full CALEA compliance and ongoing accreditation, including:

a) Standards for complaint processing and investigation for all complaints, including anonymous complaints; and,
b) Realigning the KCSO command structure to have the IIU Commander report directly to the Sheriff (see Recommendation 7, below).

Recommendation 6

KCSO should require all complaints to be documented in exactly the same manner, including the following:

a) A defined template for what elements need to be included in the written documentation;
b) A clear process identifying who is responsible for completing the documentation;
c) An established understanding of who is responsible for reviewing the written documentation and forwarding it up the chain of command to IIU; and
d) A clear determination that all such documents should be centrally stored in one common location: the IIU.

Recommendation 7

KCSO should modify the position of the IIU Commander in the organization such that s/he reports directly to the Sheriff and the PSM to avoid losing the benefits of working with the PSM.

KCSO Accountability Tools

Section Summary

KCSO does not use accountability tools effectively. Assuming a more proactive role in holding law enforcement organizations and individual officers accountable is also important for maintaining public trust. This section reviews the effectiveness of KCSO's accountability system in providing the necessary information and analysis to make informed, fact-based management decisions to help achieve organizational objectives and maintain the public trust. Key accountability tools used by KCSO to promote accountability include IAPro, Blue Team, and the Early Intervention System (EIS).

Although KCSO strives to respond well to complaints and promote accountability, shifting its focus to more proactive steps that everyone, particularly supervisors, can take to prevent complaints would be beneficial. KCSO has invested in accountability tools that help in managing valuable information, which can support KCSO in readily identifying the main causes of performance issues, updating training priorities to help reduce complaints, and determining areas where supervisors could take a more proactive role in mentoring and counseling officers to help ensure a consistent level of quality service from all sworn personnel.

Background on KCSO Accountability System Tools

Blue Team Software Allows for Streamlined Complaint Intake and Tracking

IAPro performance tracking software promotes professionalism in law enforcement agencies by providing a central employee performance database. It tracks complaints and commendations, investigations and dispositions, and significant incidents such as uses of force and vehicle pursuits. Blue Team is an IAPro Web portal supporting patrol supervisors and field commanders for streamlined intake and follow-up of incidents (e.g., complaints, uses of force, vehicle accidents, etc.) in the field. Blue Team also allows for recording policy violations and/or commendations received from citizens or the chain of command, and entering supervisory notes concerning employee performance to aid in conducting formal employee performance evaluations.

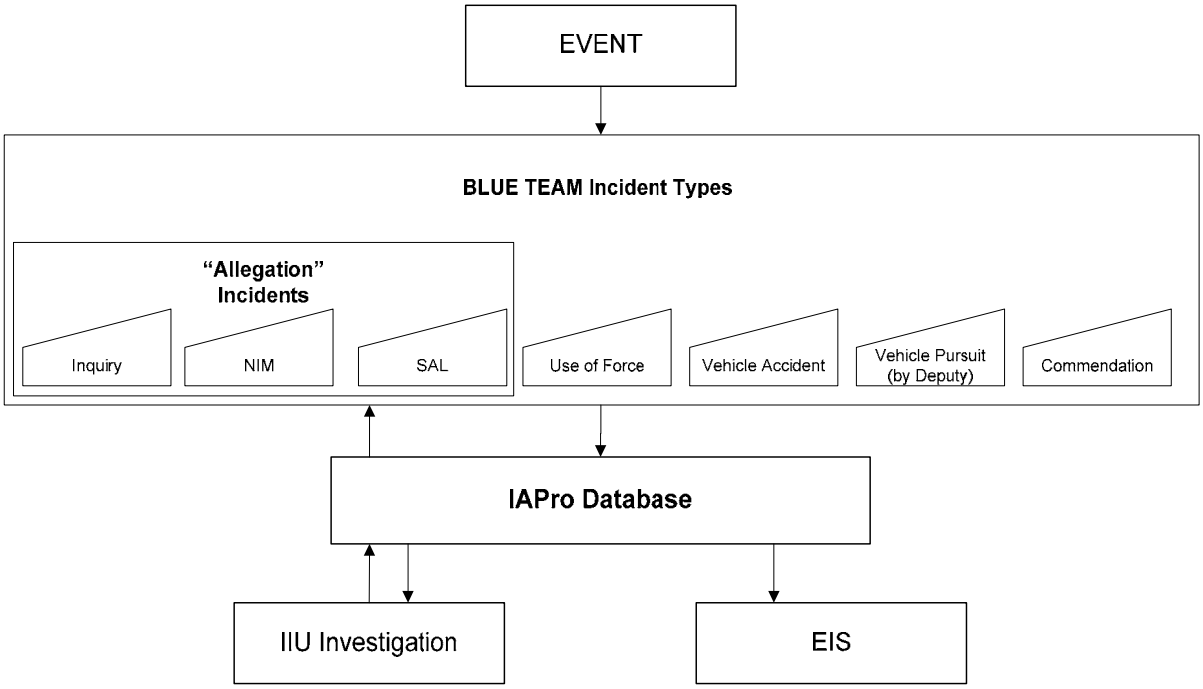
The EIS is an IAPro tool that alerts supervisors of potentially problematic work performance, facilitating officer intervention with counseling or training before the performance manifests in disciplinary issues. Like most law enforcement agencies, KCSO uses a combination of incidents as EIS alert triggers: complaints, uses of force, vehicle accidents, and vehicle pursuits. The system automatically issues alerts for officers with five or more complaints or incidents (or three of any one incident type) within a rolling 90-day period.[4]

[4] Early intervention systems may also alert departments to broader policy or performance issues that need to be addressed through revised policies and/or procedures or department-wide training to ensure a common understanding of expected performance. The systems may also encourage supervisory behavior changes.

KCSO Accountability Tools

Blue Team has seven different incident types: Inquiries, Non-Investigative Matters (NIMs), Supervisory Action Logs (SALs), Uses of Force, Vehicle Accidents, Vehicle Pursuits, and Commendations. All incidents are entered into Blue Team by a supervisor, except pursuits, which are entered by the primary officer. A single event or series can result in multiple incidents. For example, a vehicle pursuit ending in an accident in which an officer "tazered" a combative suspect would require three Blue Team entries for the pursuit, accident, and use of force incidents.

Three types of incidents address allegations (i.e., assertions of officer misconduct or policy violations). A complaint alleging officer misconduct is an inquiry; a complaint that does not allege misconduct is a NIM. SALs document actions taken by supervisors for minor policy infractions by officers.



Well-Maintained Blue Team Database Is Useful for Compiling and Managing Complaints

The data from each incident entered in Blue Team is maintained within the IAPro database, and can be used to compile informational statistics for KCSO management. Similarly, an EIS alert is triggered by incidents entered into the IAPro database; however, IIU does not know which officers have received an EIS alert or for what incidents. The Human Resource Analyst routes EIS alerts to the appropriate operational supervisor, but not to IIU.

Although the IIU "manages" the IAPro database information, it is important to distinguish between incidents and complaints or allegations. ***Incidents*** are the officer actions that must be documented in Blue Team; ***complaints*** or ***allegations*** are assertions of officer actions outside those permitted by law or policy. Per KCSO GOM 6.01.040, *IIU's Responsibilities*, the IIU can only "investigate use of force incidents if a policy violation is alleged." IIU cannot

allege the policy violation themselves. Thus, a "Use of Force" incident may document a use of force that occurred, but IIU review and investigation of a policy violation in that use of force incident requires a parallel complaint or allegation (i.e., an allegation incident entered in Blue Team) or a direct citizen complaint.

Finding 5: KCSO Implemented An Accountability System, but Underutilization of System Tools Impacts Their Effectiveness in Improving Accountability Department-Wide.

Optimum Use of IAPro Could Help KCSO Achieve Greater Accountability

KCSO implemented the IAPro accountability system in 2009. Although KCSO fully implemented the EIS by the end of 2009, it is still in the process of institutionalizing the use of Blue Team. KCSO could optimize the use of the IAPro system to achieve greater efficiency and improve accountability throughout KCSO, and particularly for field operations.

Three factors currently limit the effectiveness of KCSO's utilization of IAPro, including Blue Team and the EIS. First, as discussed in Finding 1, inconsistent and incomplete complaint documentation is entered into the IAPro database that supports the EIS. In some cases, no information was entered into the system for complaints generated and investigated by field supervisors. In other cases, complaints were correctly entered into the system, but critical information about the results of complaint investigations and final dispositions were not. Factors contributing to the database's lack of complete data are that some field supervisory and command personnel have not been trained to use the IAPro/Blue Team system, and frequently do not return field complaint documents to the IIU along with the necessary investigative and case closure information.

EIS INTERVENTIONS	
Verbal Counseling	29
Performance Improvement Plan	15
Written Reprimand	1
Corrective Counseling Memo	6
Punctuality Memo Given	1
Termination	1
Total Number of Formal Interventions	53

July 1, 2009 through December 31, 2011.[5]

Again, the failure to document these incidents and forward the necessary information to IIU to review before it is entered into IAPro diminishes KCSO's ability to manage, track, and report on complaint issues effectively.

Second, the EIS only utilizes the complaint and incident data within IAPro for a rolling 90-day period. As discussed earlier, this rolling 90-day period was established to gain rank-and-file support for implementing the Early Intervention System and is a specific provision in the collective bargaining

[5] From King County Sheriff's Office IAPro database, 2011.

agreement with the King County Police Officers Guild. However, a 90-day rolling period for retention of complaint and incident data is not consistent with best law enforcement practices because it is too short a duration for the system to provide the necessary trend analysis to help identify employees who have potential performance issues. According to a Department of Justice survey on early intervention systems, 76 percent of the surveyed agencies established a one-year complaint and incident data period for intervention.

Training Opportunities Need to Be Expanded to Support Officers and Comply with State and County Policies

Third, the effectiveness of the EIS is limited because such systems operate on the assumption that training, as part of the basic intervention strategy, will help officers improve their performance. The primary goal of early intervention systems is to change the behavior of individual officers—yet KCSO does not offer "customized" training to address specific officer behaviors. Interviewees reported that KCSO has not had sufficient training funds to support customized training for individual officers. The state of Washington mandates that all commissioned officers receive 24 hours of training annually; to meet this requirement KCSO largely depends on free law enforcement training programs offered by the state and other local governments, as well as on a series of prepackaged electronic training modules that officers access from their workstations and mobile computers. The electronic training, however, does not meet the minimum standards for tactical weapons training required by the state. It is our understanding that the KCSO Sheriff recently secured additional funds for tactical training, but opportunities for customized training needs are still limited.

KCSO's Blue Team application was only recently put into place and is not yet fully implemented. KCSO supervisors use Blue Team to forward good and bad information about employees through the chain of command. While the process to input information into the system appears to be simple and effective, some KCSO supervisors, particularly first-line supervisors, have not taken advantage of the system's capabilities. In fact, Hillard Heintze questioned whether supervisors fully recognize their role in reporting and documenting work-related issues and making decisions about discipline rather than passing the hard decisions on to the captains to avoid conflicts with subordinates.

All KCSO supervisors and command personnel must use the Blue Team system to generate real-time data that would facilitate early intervention counseling with department members who are receiving unusual numbers of complaints. A strong effort to ensure all supervisors are trained and routinely use the Blue Team system by documenting both good and bad behavior, and by ensuring that such information is routed automatically to both an employee's chain of command as well as to IIU, would be a positive step.

Finally, KCSO could be utilizing the Blue Team application more effectively by entering performance and incident information into a streamlined

template to facilitate processing of lower-level citizen or internal complaints that may be handled efficiently and quickly at the first-line supervisor level. The advantage of other KCSO sergeants outside of the IIU entering complaints into Blue Team is that it reduces the workload on IIU investigators, particularly for lower-level misconduct violations. It also increases the supervisors' awareness of individuals and work-related activities that are generating complaints, thereby allowing them to address the problems.

The complaint information entered into the Blue Team system would still be accessible in the IAPro system for early intervention purposes. In fact, broader utilization of the Blue Team application, along with an increased focus on system training for sergeants and other supervisors, would ultimately improve the overall effectiveness of the KCSO early intervention system. Enhancements to the system would allow KCSO to manage the Early Intervention counseling protocol more effectively, as well as provide data that can help to prioritize training to address behaviors that generate complaints.

Training Is a Key Tool in Proactively Managing Behaviors that Can Lead to Complaints

One new and promising development is that KCSO, in conjunction with the Seattle Police Department and Washington State Basic Law Enforcement Academy, received a U.S. Department of Justice grant to provide procedural justice training for the King County's commissioned personnel. The grant will provide officer training on assessing the risks involved in a particular incident and using alternative, less aggressive responses, if appropriate given the circumstances. Ongoing professional training both for new officers, as well as for supervisors and commanders, is a key tool for proactively managing work behaviors that can lead to complaints.

Recommendation 8

KCSO should explore opportunities to extend the 90-day rolling period for maintaining complaint and incident data to a one-year period to improve the completeness and effectiveness of its trend analysis and reports disseminated to officials and the public.

Recommendation 9

KCSO should outline policies and procedures for supervisors that will increase the variety of data that must be entered into the Blue Team system and forwarded to IIU, thereby enhancing the effectiveness of the KCSO Early Intervention System and Blue Team application.

Recommendation 10

KCSO should consider using a template that facilitates Blue Team entry, review, and approval of selected lower-level citizen complaints, which can be handled efficiently and quickly at the first-line supervisor level, and forwarded for entry into the IAPro system for tracking and early intervention purposes.

KCSO Accountability Tools

Recommendation 11	KCSO should provide ongoing training to all supervisors on the effective use of the Blue Team system, as well as ongoing training on how to investigate and document misconduct complaints and inquiries using the Investigative Report Format outlined in GOM Section 3.03.175 and the Blue Team template.
Recommendation 12	KCSO should also explore opportunities to expand its own training resources, or identify training programs in other jurisdictions, to address the main cause of "recurring" performance issues within the department.

Implementing Law Enforcement Oversight

Section Summary

Implementation of law enforcement oversight hampered by labor issues. Efforts to implement civilian oversight in King County have been hampered by labor and legal issues—from the policy development phase to the collaborative efforts of the new OLEO Director and the Sheriff to launch an effective oversight function. However, current law enforcement research and best practices overwhelmingly consider citizen oversight to have greater legitimacy than internal police agency systems alone in promoting public trust in the communities they serve. The National Institute of Justice (NIJ) provides a framework that could be useful in addressing some issues experienced by King County, which were common to those of nine other jurisdictions that previously established civilian oversight functions.[6] The NIJ study also found that the talent, fairness, dedication, and flexibility of the key participants were ultimately more important to the success of police oversight than the structure of the oversight system.

Background on Establishment of the King County Office of Law Enforcement Oversight

In January 2006, King County Council introduced Ordinance 15611 to establish the Office of Law Enforcement Oversight (OLEO) to provide input to KCSO on whether its practices for handling misconduct complaints were thorough, fair, objective, and consistent with department policies and procedures. The ordinance, adopted in October 2006, also established additional functions relating to civilian oversight of the KCSO.

In March 2006, KCSO Sheriff Susan Rahr initiated a separate, but parallel, review of the KCSO's professional policing practices and complaint processes. Sheriff Rahr established a Blue Ribbon Panel, comprised of other county officials and prominent community stakeholders, to conduct research into other law enforcement agencies' operations and internal investigations methods. Members of the King County Council and the Blue Ribbon Panel also toured and researched efforts in other cities to establish civilian oversight of law enforcement agencies.

OLEO Established to Promote Public Trust in Law Enforcement

Most of Ordinance 15611 was repealed by the King County Council as a condition of the 2008 to 2013 collective bargaining agreement between King County and the Police Guild. On May 11, 2009, the County Council passed Ordinance 16511 modifying the oversight authority of OLEO within the King County Legislative Branch. OLEO's primary functions are to: (1) serve as an alternative forum where a citizen complaint may be filed; (2) review the investigation of misconduct, use of force, and other KCSO personnel complaints; and (3) promote transparency and accountable policing in the Sheriff's Office. The OLEO Director's direct reporting relationship to the King County Council—and enhanced level of civilian oversight—was

[6]Finn, Peter, Citizen Review of Police: Approaches and Implementation, Washington, DC: National Institute of Justice, 2001.

expected to improve the community's trust in the KCSO's management of citizen-initiated and internally-generated complaint cases.

On September 19, 2011, the King County Council confirmed Charles Gaither as the first OLEO Director. He previously oversaw detectives and police performance auditors assigned to the Los Angeles Police Department's (LAPD) Force Investigation Division and Internal Audits and Inspections Division; as a postal inspector with the United States Postal Inspection Service; and as a police officer with LAPD. He also has a law degree from the Seattle University School of Law, and a master's degree in public policy and administration and bachelor's degree in criminal justice from California State University, Long Beach.

Benefits Achieved Through Effective Law Enforcement Oversight

Oversight Benefits Organization, Officers, and Community

Since the 1990s, a growing number of communities have established civilian oversight like the OLEO in King County's legislative branch as an independent role to help maintain the community's trust in its law enforcement agency's internal affairs processes.[7] By the mid-2000s, three-fourths of the police agencies in a National Institute of Justice (NIJ) review had already implemented civilian oversight of law enforcement conduct among a variety of models. Both police agencies and communities generally agree that the primary benefit of effective civilian oversight of law enforcement agencies is maintaining community trust in their operations. Some additional benefits identified by nine jurisdictions with civilian law enforcement oversight functions in a 2001 NIJ report include:

<u>Police and Sheriff's department administrators have reported that citizen oversight:</u>

- Improved their relationship and image with the community.
- Strengthened the quality of the department's internal investigations of alleged officer misconduct and reassured the public that the process is thorough and fair.
- Made valuable policy and procedure recommendations.

<u>Local elected and appointed officials reported that an oversight procedure:</u>

- Enabled them to demonstrate their concern to eliminate police misconduct.
- Reduced in some cases the number of civil lawsuits (or successful suits) against their jurisdictions.

[7]Kenney, Dennis Jay and Robert P. McNamara. *Police and Policing: Contemporary Issues*. Westport, Connecticut: Praeger, 1999; see also *Building Public Confidence Through Civilian Oversight*, Vera Institute of Justice, September 2002 and *Civilian Oversight of Policing: Lessons From the Literature*, Vera Institute of Justice, May 2002.

Complainants reported that they:

- Felt "validated" when the oversight body agrees with their allegations or when they have an opportunity to be heard by an independent overseer regardless of the outcome.
- Were satisfied at being able to express their concerns in person to the officer.
- Felt they are contributing to holding the department accountable for officers' behavior.

The law enforcement oversight model adopted for King County is consistent with one of four common models established by the jurisdictions surveyed by the NIJ. Essentially, the OLEO Director and his staff are responsible for reviewing the Sheriff's Office processes for managing and investigating complaints, and reporting on the thoroughness and fairness of the process to the Sheriff's Office and the public. This model is cost effective and can directly benefit police officers by: 1) increasing the public's understanding of police work, including the use of force, 2) helping the subject officers feel vindicated, and 3) helping to discourage misconduct complaints.

Finding 6: Organizational, Legal, and Labor Issues Have Hampered Effective Oversight in King County.

Perceived Independence of Oversight Function Is a Critical Factor

Different models feature different organizational placement for the civilian oversight function. As discussed in the NIJ report, the perceived independence of the civilian oversight function is the critical factor to complainants.[8] Expected improvements in community trust of KCSO from civilian oversight may not result if the OLEO is not seen as autonomous. Unique to King County, however, are collective bargaining agreement provisions conditioning the employment of the OLEO Director and their staff on the CBA with the overseen officers. The apparent contractual authority of an arbitrator (who might find that the director has violated the civilian oversight provisions of the CBA) to order the termination of the OLEO Director as a possible remedy may present a serious threat to its potential success.

As shown in the Chronology of Events leading to the establishment of law enforcement oversight in King County, the efforts of the King County Council, former and current Sheriff, and the OLEO Director to establish and implement effective civilian oversight for the Sheriff's Office have been met with strong resistance and grievances by the Police Guild.

[8] Finn, Peter, Citizen Review of Police: Approaches and Implementation, Washington, DC: National Institute of Justice, 2001; pg. 129.

Implementing Law Enforcement Oversight

EXHIBIT A: Office of Law Enforcement Oversight Chronology of Major Events

Date	Action Taken
January 2006	Metropolitan King County Council introduces Ordinance 15611 relating to civilian oversight of the King County Sheriff's Office.
September 2006	Sheriff publishes *Report of the King County Sheriff's Blue Ribbon Panel* recommending the King County Executive and County Council create and fund an Office of Independent Oversight.
September 2006	County Council adopts Motion 12337 adopting the Blue Ribbon Panel recommendations including the recommendation to establish civilian oversight.
October 2006	County Council adopts Ordinance 15611 establishing an Office of Law Enforcement Oversight and other oversight functions.
October 2006	King County Police Officer's Guild filed a Public Employment Relations Commission Unfair Labor Practice (PERC ULP) 20691-U-06-5273 against King County by passing civilian review legislation without fulfilling its obligation to bargain mandatory subjects with the Guild.
November 2007	King County and Police Guild finalizes agreement that Ordinance 15611 would be treated as labor policy and would be bargained in good faith. The Police Guild dismissed its unfair labor practice charge against the County.
December 2008	County Council adopts Ordinance 16327 approving a new five-year collective bargaining agreement between the County and Police Officer's Guild. The collective bargaining agreement required the County to repeal most of Ordinance 15611.
December 2008	County Council adopts Motion 12892 establishing labor policy in relation to civilian oversight of King County law enforcement and reaffirming its commitment to establish a system of oversight as outlined in Ordinance 15611.
May 2009	County Council adopts Ordinance 16511 establishing an Office of Law Enforcement Oversight (OLEO) conforming to the collective bargaining agreement (CBA) negotiated by the County and the Police Guild.
May 2009	The Police Guild files a grievance under Article 12 of the CBA alleging that the County violated provisions of Article 22 by passing Ordinance 16511 that conflicts with specific language in Article 22.
January 2010	King County and the Police Guild approve Settlement Agreement that requires OLEO employees to comply with Article 22 of the CBA as a condition of employment and that an arbitrator could order the removal of OLEO employees as a possible remedy including the OLEO Director for not complying with the terms of the CBA.
January 2010	King County and the Police Guild also consent in the same Settlement Agreement that, in the event of an actual conflict, between Ordinance 16511 and CBA Article 22 provisions cited in the Settlement Agreement that the CBA Article 22 language will prevail as a matter of law under RCW 41.56.095.
September 2011	The King County Council confirms its first OLEO Director, who previously served as a special investigator and police auditor in the Los Angeles Police Department. The OLEO Director was initially screened and recommended to the Council by selection committee that included Police Guild representation.
May 2012	Despite invitations from the Sheriff to OLEO to participate as an observer in internal KCSO review meetings, the Police Guild files multiple grievances against the new OLEO Director. These grievances are still pending review as of June 2012.
June 2012	The King County Council adopts a new labor policy, LP2012-033, relating to civilian oversight of the Sheriff's Office.

Implementing Law Enforcement Oversight

Significant Labor Union Resistance to Oversight

Soon after the adoption of the second ordinance establishing civilian oversight, Ordinance 16511, the Police Guild filed a grievance under Article 12 of the 2008 collective bargaining agreement alleging that the ordinance conflicted with specific language in CBA Article 22. (See Appendix 5 for a more complete comparison of the oversight responsibilities authorized in Ordinance 15611, which was rescinded, and the oversight responsibilities authorized in Ordinance 16511 that is now in effect.) In January 2010 the parties negotiated a settlement to the Guild's grievance that included:

1. The ability of an arbitrator to order the removal of the OLEO Director or OLEO staff as a possible remedy for violating the terms of Article 22 of the collective bargaining agreement.
2. The Council's intent to avoid conflict between Ordinance 16511 and the collective bargaining agreement, and a concurrence of both parties that the terms of the collective bargaining agreement would prevail in the event of an unintentional conflict.
3. The settlement MOA became effective upon the signature of the Guild and HR representatives and would remain effective until January 2012.

As also noted in Exhibit A above, the Police Guild has filed three grievances against the OLEO Director this year for attending the IIU Advisory Group and administrative briefings regarding officer-involved shootings. The OLEO Director attended the shooting briefings at the request of the Sheriff; the Police Guild grieved the OLEO Director's attendance at a briefing after the KCSO legal advisor clarified with the president of the Police Guild that his attendance was acceptable.

Council Adopts New Labor Policy to Support OLEO's Effectiveness

On June 18, 2012, the King County Council adopted a new labor policy, LP2012-033, regarding civilian oversight of the Sheriff's Office. The policy supports OLEO's authority to:

1. Identify systemic problems and opportunities for improvement, and offer recommendations to address those problems and make improvements;
2. Review and assess internal investigations of complaints, misconduct, uses of force, and critical incidents and other matters as more fully described in the OLEO operational plan . . .to ensure the thoroughness, objectivity, and adequacy of those investigations and any resultant discipline;
3. Audit internal investigation operations and any other operations, policies, and practices of the King County Sheriff's Office necessary to carry out the goals and purposes of OLEO set forth herein or in the OLEO operational plan . . . ;
4. Have unimpeded and timely access to case information, investigations, scenes of critical incidents, and other meetings and operations as necessary to carry out the OLEO operational plan . . . ; and

5. Conduct community outreach related to complaint and investigations processes and public perceptions of KCSO to increase understanding, confidence, and trust between KCSO and the public.

Pending the outcome of labor negotiations between the King County and the Police Guild, the County Council may wish to consider embodying the language of the labor policy in Chapter 2.75 of the King County Code.

Defining the Role and Authority of OLEO and Building Effective Working Relationships

Establishing trust between the civilian oversight agency and the KCSO is fundamental to its success. Implementation of civilian oversight functions in other jurisdictions have typically created challenges as the law enforcement agency—both among management and front-line officers—and the civilian oversight official resolve questions regarding roles and responsibilities. The additional independent oversight initially generates some resistance from the overseen agency, but typically progresses into collaboration as its positive benefits accrue to the overseen agency and the community.

One of the greatest challenges in successfully setting up the new Office of Law Enforcement Oversight is the uncertainty as to the power and authority of the new OLEO Director. Involving representatives of all concerned parties in the planning of the new oversight procedures is one of the most productive steps that can be taken to significantly reduce conflict. Clarifying and accepting that the mission of oversight is to provide for citizen—not professional—review is another important step, as well as establishing clear, measurable objectives for the oversight function.

KCSO and OLEO Collaborating on Development of Working Guidelines

Without working guidelines specifying what OLEO can and cannot do, the OLEO Director's position will continue to be at risk. Beginning with the King County Code, the legal authority for developing these guidelines needs to be clarified and enhanced. Such guidelines will not only provide clear lines of authority for the OLEO Director, but will also serve as best practices for many years of collaborative give-and-take between OLEO and KCSO. The Portland Police Auditor and Tucson Independent Police Auditor are two agencies that have implemented oversight models similar to King County and could potentially offer resources that could be beneficial in developing working oversight guidelines.

Why Progressive Law Enforcement Agencies Are Embracing the Formal Mediation Process

Another major opportunity for the OLEO Director to build effective working relationships and trust with the Sheriff's Office and Police Guild would be to shift the immediate focus of oversight to launching the voluntary officer-citizen mediation program. The mediation program provides an alternative

method for resolving select citizen complaints by allowing willing citizens and officers to meet under the guidance of a professional mediator to discuss and resolve their differences.[9]

Formal Mediation Is an Efficient Alternative for Handling Lower Level Complaints

Formal mediation is an oversight function authorized in both Ordinance 16511 and CBA Article 22, with potential benefits for complainants, deputies, and KCSO. The OLEO Director is responsible for administering the mediation program in King County, and, in conjunction with the Sheriff's Office, has already begun drafting standards and guidelines for determining when a particular complaint may be referred to mediation. Numerous law enforcement agencies in the nation are embracing the concept of a formal mediation process, including the cities of Portland and Tucson that have similar oversight models. In most agencies, it is typical that the complainant and deputy, with the department's approval, must agree to engage in the mediation before it proceeds. If an agreement is not reached, then a regular IIU investigation is initiated and completed, which could expose a deputy to formal discipline.

The advantage of formal mediation to a deputy is that the process allows a complaint to proceed without subjecting the deputy to potential formal discipline. The deputy also has the opportunity to learn just what it was he or she may have done to cause the complaint; hence, learning how to avoid such results in the future. The advantage to a complainant is that the case can potentially be resolved more quickly, and the complainant has the opportunity to explain to the deputy why s/he took issue with the deputy's actions. The advantage to the department is that complainant can usually get satisfaction and possibly closure more quickly for a given complaint, which contributes to positive community relations between the department and the community. The department is also able to reduce the amount of time spent conducting full-length IIU investigations for lower-level complaints that can be resolved more quickly. The formal mediation process still affords the department the ability to track complaints against individual deputies through the early intervention system.

Additional Opportunities and Benefits to Strengthen OLEO's and KCSO's Working Relationship

As OLEO and KCSO gain more experience working together to improve police accountability and public trust, additional opportunities are likely to surface to strengthen interagency cooperation and trust. These include:

- Highlighting that that OLEO agrees with KCSO's findings in the vast majority of complaint cases (if appropriate).
- Reassuring skeptical citizens that KCSO is managing citizen complaints responsibly—in general or in relation to specific cases.

[9] Serious complaints are excluded from the use of mediation to resolve allegations.

- Publicizing high-profile cases in which OLEO has sided with the subject officer.
- Sitting down and resolving any misconceptions and conflicts immediately and face-to-face.

Finally, it should be noted that even though a citizen oversight system may not deter law enforcement misconduct more than internal agency review, citizen oversight systems are almost universally considered to have greater legitimacy in the communities they serve.[10]

Differentiating OLEO's Mission from Those of Other County Agencies

With the establishment of OLEO, King County's legislative branch now houses three independent oversight agencies: OLEO, the Ombudsman's Office, and the King County Auditor's Office. Both OLEO and the Ombudsman's Office are currently authorized to receive and respond to citizen complaints, and both OLEO and the Auditor's Office are authorized to conduct performance audits and evaluations of KCSO operations. All three agencies have met to discuss and clarify their individual missions, while recognizing OLEO's role as the lead agency responsible for complaints against the Sheriff's Office and/or its employees. The three agencies identified methods to avoid duplication of effort.

King County Auditor's Office Ongoing Review Responsibilities

Section 2.20.037 of the King County Code (KCC) and Ordinance 16511 pertaining to Law Enforcement Audits requires KCAO to conduct periodic audits of the IIU and OLEO, including an annual written report to the County Council. KCC 2.20.037 (D) further obligates KCSO to "*. . . send any audits and reports produced under the sheriff's authority on investigation and complaint operations and performance to the auditor's office. The reports shall be transmitted in a timely manner.*"

KCAO Clarifies Information Requirements to Meet Ongoing KCSO and OLEO Reporting Requirements

Annual implementation progress reports by both KCSO and OLEO would provide critical information for KCAO's annual performance audit requirements. Specifically, we would expect both agencies to provide the KCAO with detailed reports on when and how they have successfully implemented the recommendations contained in this and future audits and annual reports, as well as the impact of those recommendations in improving the police accountability and best practices as OLEO becomes fully implemented.

Since the enactment of Ordinance 16511 in 2009, the KCSO has shared its annual statistical reports with KCAO detailing misconduct and use of force

[10]Farrow, Joe, and Pham, Trac. "Citizen Oversight of Law Enforcement: Challenge and Opportunity." *Police Chief Magazine* (Alexandria, VA: April 2012).

statistics as they became available.[11] Based on the recommendations within this report, we would also ask KCSO to provide annual statistical reports that specifically identify:

- Allegations, broken down by incident classification (i.e., inquiry, NIM, SAL), source, and unit;
- Misconduct complaints, broken down by incident classification, source, and unit;
- Results of misconduct investigations (e.g., sustained, unfounded, etc.); and
- All revisions to the KCSO GOM and/or SOPs.

Identifying the source of allegations and complaints entering the accountability system will allow KCSO, OLEO, and the KCAO to observe the reporting trends among field units and IIU over time, and will be useful in establishing a baseline for ensuring compliance with complaint reporting requirements and OLEO outreach efforts.

Hillard Heintze Senior Leadership Team Addresses the Importance of Civilian Oversight

Hillard Heintze Team Addresses Practical Benefits of OLEO

Given that the Hillard Heintze Senior Leadership Team is comprised of former top officials from law enforcement agencies at the federal, state and local levels of government, we choose to end this report with their statement of the practical benefits of oversight to the agencies they previously managed:

"Many of us are members of departments that went through what we could term 'growing pains' when our agencies were first confronted with the equivalent of an OLEO. Over time, most of our rank-and-file members eventually embraced units like OLEO, recognizing that the collaborative efforts of an OLEO and a law enforcement agency go a long way to reassure the public of the fine service provided by the overwhelming majority of a law enforcement agency's members.

"Indeed, there have been many occasions when a law enforcement agency has come under fire for a high-profile incident and OLEO members, who are seen as neutral by the public, have been able to defend the department successfully, because they have been allowed to act as a neutral third-party in monitoring the department's response to the incident.[12] We encourage the KCSO's rank-and-file members and the Police Guild to make every effort to establish a positive and collaborative working relationship with the new OLEO Director in the shortest timeframe possible to reap the positive

[11] See, e.g., "Follow-Up of 2006 King County Sheriff's Officer Misconduct and Use of Force Complaints" Management Letter, KCAO June 21, 2011.
[12] Finn, Peter. "Getting Along With Civilian Oversight." *FBI Law Enforcement Bulletin*. August 2000: 22. Print.

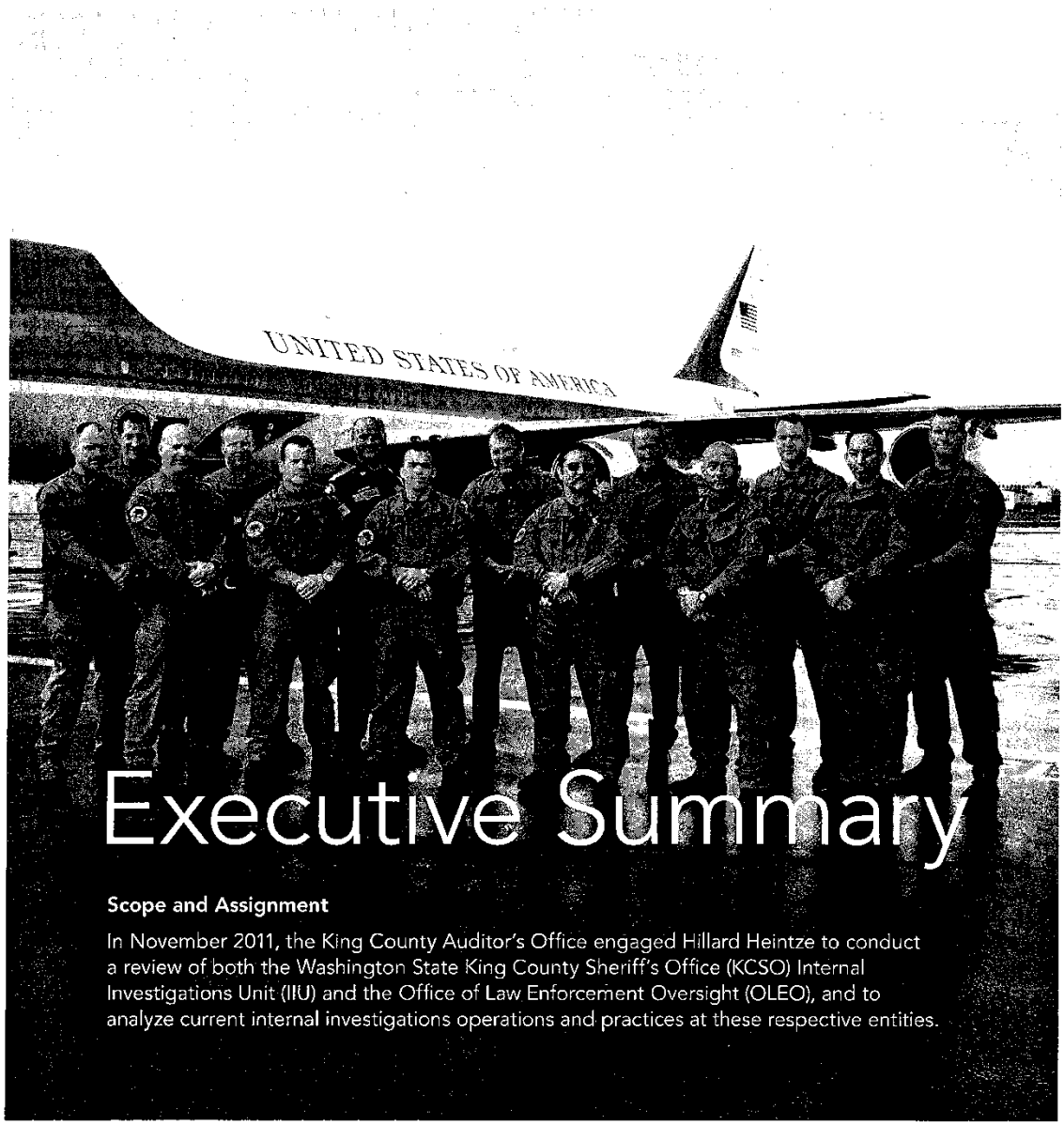
department and community benefits that typically materialize from such efforts."

Recommendation 13	OLEO, in collaboration with KCSO, should continue planning and developing working guidelines and measurable objectives to assure that the effectiveness and benefits of law enforcement oversight are maximized.
Recommendation 14	OLEO, in conjunction with KCSO, should take proactive steps to educate both the public and the rank-and-file members about the formal mediation program as soon as the program is in place. Both IIU staff and OLEO staff should offer and explain the program to complainants when they initially consider filing what could be considered a lower-level complaint.
Recommendation 15	KCSO and OLEO should each submit an annual report detailing progress in successfully implementing the recommendations in this report and in future subsequent reports. KCSO should also provide detailed annual statistics reports on the number, type, and unit location of allegations and complaints received to allow for greater tracking and analysis of supervisor compliance with reporting requirements and community outreach efforts.
Recommendation 16	The King County Council may want to consider, pending the outcome of labor negotiations, embodying features of its newly adopted labor policy regarding civilian oversight of the Sheriff's Office in Chapter 2.75 of the King County Code.

Appendix 1

Executive Summary, Hillard Heintze Performance Audit King County Sheriff's Office and Office of Law Enforcement Oversight

The complete Hillard Heintze Performance Audit Report, including appendices, is available at the King County Auditor's Office website: http://www.kingcounty.gov/operations/auditor/Reports/Year/2012.aspx.



Executive Summary

Scope and Assignment

In November 2011, the King County Auditor's Office engaged Hillard Heintze to conduct a review of both the Washington State King County Sheriff's Office (KCSO) Internal Investigations Unit (IIU) and the Office of Law Enforcement Oversight (OLEO), and to analyze current internal investigations operations and practices at these respective entities.

Appendix 1 (Continued)

About Hillard Heintze

To protect what matters most, the Hillard Heintze team believes that immediate access to trusted counsel, critical insights, and the full scope of information vital to strategic decision making is absolutely essential. In line with this conviction, the firm develops best-in-class security strategies and investigations to protect and preserve the safety of our clients' people, property, performance and reputation in the U.S. and worldwide. "We view our role as a trusted advisor as a noble and honorable pursuit," says Arnette Heintze, the firm's Chief Executive Officer. "This is our purpose. It's who we are. It's why our clients trust us."

For the last three years, Hillard Heintze has been recognized by Inc. Magazine as one of America's fastest-growing private companies – and ranked on the annual Inc. 500/5000 list. The company has also been acknowledged by the Initiative for a Competitive Inner City (ICIC) as one of the 100 fastest-growing inner city firms in the United States, ranking #6 in the nation in 2011 and #11 in 2012. Headquartered in Chicago, Hillard Heintze also has operations in seven major U.S. metropolitan centers as well as operating capabilities across North and South America, Europe, the Middle East, Africa, Russia and Asia.

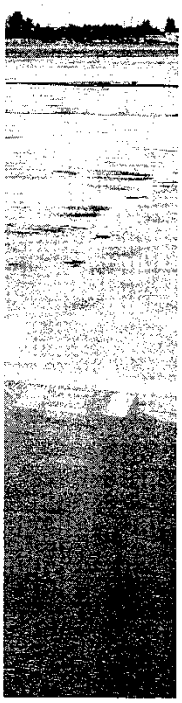
The Hillard Heintze Senior Leadership Council

This assessment and report were supported by the Hillard Heintze Senior Leadership Council. The SLC is an independent council of retired major city police chiefs and other law enforcement experts dedicated exclusively to advancing excellence in policing and public safety. Individually, its members have been personally responsible for leading the significant transformation of major city police departments and law enforcement agencies for many of the largest municipalities across this nation – including Chicago, Boston, Cincinnati, Miami-Dade, San Jose and Virginia Beach, among others.

Actions Taken

We examined the current environment with a focus on comparing and contrasting KCSO's practices with standards, techniques and methodologies in use by similar law enforcement agencies to ensure that best practices are being implemented and followed. We did this by reviewing documents, undertaking research and conducting stakeholder interviews with individuals both within and outside the KCSO.

Critical Issues: This assessment uncovered a number of critical issues relating to the following three strategic areas: (1) organizational issues; (2) policy and procedural issues; and (3) investigative issues. These three categories form the structural core of our report – from our Key Findings to Recommendations.



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Appendix 1 (Continued)

Overview of Key Findings

As discussed in greater detail in the report, Hillard Heintze's key findings include the following:

1. KCSO's Overall Command Culture and Approach

We find that – in spite of some recent efforts – the single greatest deficit currently faced by the King County Sheriff's Office is that, over time, it has developed a passive and reactive approach to the way it receives, manages and investigates internal affairs complaints. This state of affairs, due in great measure to a general lack of department-wide recognition of the important role played by IIU, represents the KCSO's greatest obstacle to gaining and retaining the trust of the King County community in its law enforcement agency today, and if left unaddressed, for decades to come. The internal affairs unit is one of the most important platforms for sustaining ethics and integrity across the KCSO's operations. Transforming it into a proactive, best-practice pursuing unit will require a number of specific, highly actionable commitments in the months and years ahead, as specified in this report.

2. OLEO Authority and Mission

While significant effort has been invested in creating the King County OLEO, the recently appointed Director does not have a clearly defined role, responsibilities and authorities – drawbacks which severely hamper his ability to begin doing the work he was hired to do.

3. Internal Investigations Unit

The KCSO's Internal Investigations Unit is not positioned or empowered to fulfill the role it should play as the central receiver and coordinator of all department internal affairs complaints.

4. General Orders Manual

Although KCSO's General Orders Manual contains many policies and procedures designed to ensure internal affairs complaints are received and thorough, fair, and objective investigations are completed, we find significant inconsistencies in the way these policies and procedures are implemented.

Appendix 1 (Continued)

5. Supervision

Field supervisors in many patrol areas are unable to monitor the day-to-day work product and behaviors of their subordinates, due to a high supervisor-to-deputy ratio and the fact that some supervisors can go for a week at a time without seeing their subordinates. This span of control issue negatively affects a supervisor's ability to 1) ensure policies and procedures are followed; 2) complete accurate employee appraisals; 3) identify problem employees; and 4) communicate and work with superior officers to address any issues of concern.

6. CALEA Accreditation

We learned that KCSO was recently certified as a department meeting the requirements to be accredited by the Commission on Accreditation for Law Enforcement Agencies (CALEA), and we applaud such efforts. We also discovered, however, that some KCSO policies and procedures required by CALEA with a direct impact on reducing citizen complaints are not always followed – which, in some cases, may well put KCSO's CALEA certification at risk.

7. The IA Pro's Blue Team Analysis

As a critical system used to track and manage the complaint process, IA Pro and its Blue Team component are not being used to their full capability. This represents a missed opportunity for KCSO management to use readily available tools to help it become more proactive in its management of complaints.

8. Assessment of IIU Cases

During our assessment of approximately 20% of the cases IIU investigated in 2011, (14 randomly selected misconduct cases drawn from the 73 handled or coordinated by the IIU during the year), we found that the overwhelming majority of the cases lacked any significant or substantial documentation that explained the rationale underlying the case resolution and closure. This includes a complete lack of documentation for one case.

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Appendix 1 (Continued)

Examples of Comparable Internal Affairs Agencies

We have summarized key data points, metrics and benchmarks from other internal affairs agencies across the country, with some level of comparability. These include Albuquerque, New Mexico; Chicago, Illinois; Cincinnati, Ohio; Denver, Colorado; Eugene, Oregon; New York City, New York; Portland, Oregon; San Diego, California; San Jose, California; San Francisco, California; Seattle, Washington; and Washington D.C.

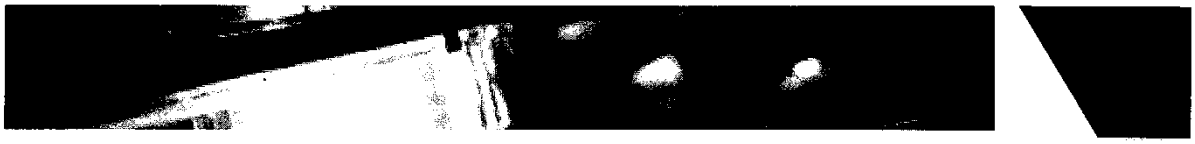
Internal Affairs

Based on our findings, we have identified the following 18 recommendations designed to bring KCSO more in line with what we believe are contemporary best practices in law enforcement across the nation.

18

RECOMMENDATIONS

Appendix 1 (Continued)



On Organizational Issues

1. Review the policies and procedures outlined in the General Orders Manual (GOM) and rewrite or create new sections, as indicated later in this report.
2. Enact a series of administrative, policy and procedural changes for the KCSO Internal Investigations Unit, as indicated later in this report.
3. Conduct a detailed review and assessment of staffing levels in IIU to determine whether the IIU is presently understaffed for the work it is doing and should be doing for a department the size of KCSO and for a jurisdiction the size of King County.
4. Undertake a detailed review of the process KCSO uses to complete annual performance appraisals for each department member.
5. Although KCSO and the new OLEO Director are working toward creating and instituting a new Formal Mediation Process that could help address lower-level citizen complaints while reducing IIU case workload, put a plan in place to conduct an assessment of the new program one year after implementation.
6. Place a high priority on reviewing the training procedures provided by the Training Unit on an annual basis to ensure that mandated training is occurring that meets both KCSO's GOM requirements as well as those of the State of Washington and CALEA.
7. Consider the benefits of acquiring Shoot-Don't-Shoot and Driver Simulator training equipment to provide training that can reduce injury, civil liability and unnecessary use of force cases. If funding is problematic, consider acquiring such equipment jointly with a nearby law enforcement agency.

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Appendix 1 (Continued)

On Policy and Procedural Issues

8. Work with the COPS Office in Washington D.C. to continue learning about efforts to address the emerging topic of procedural justice in law enforcement.

9. Provide ongoing training to all supervisors on the effective use of the Blue Team system, as well as ongoing training on how to investigate and document misconduct complaints and inquiries using the Investigative Report Format outlined in GOM Section 3.03.175.

10. Evaluate the process by which use of force is reviewed and documented by supervisors, ensuring that consistent adherence to GOM policies and procedures in this area are followed by all department members, including those in contract cities.

11. Create a policy that states that any use of pepper spray on a subject is a use of force, requiring a review by a supervisor and documentation on the department's use of force form.

12. Conduct a review and qualitative assessment to determine whether IIU is taking full advantage of the capabilities of its IA Pro database program, particularly to determine if the program can help KCSO support an early warning system for potential misconduct.

13. Explore the use of a discipline matrix when determining the varying degrees of discipline that should be levied for misconduct based upon factors that take into account the concept of progressive discipline.

Appendix 1 (Continued)

On Investigative Issues

14. Undertake a collaborative effort promptly to create a clear and concise policy outlining the specific roles and authorities for the new OLEO.

15. Allow the OLEO Director or his designee to attend the formal Shooting Review Board, once it has been established that no criminal charges will be filed against a department member involved in any deputy-involved shooting under review.

16. Ensure the OLEO has the authority, structure and support to fulfill its mission.

17. Establish clear distinctions in writing between the roles and authorities of the OLEO and the King County Ombudsman's Office (KCOO) to ensure that OLEO has the primary role of monitoring misconduct complaints involving the KCSO as well as to ensure the OLEO does not become involved in areas of KCOO's responsibilities.

18. Consider sending a small contingent of KCSO stakeholders and Police Guild representatives to meet with their counterparts in other major law enforcement agencies that have already been through the experience of establishing a working relationship with a new OLEO.

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Appendix 2

Hillard Heintze and King County Auditor's Office Scope and Methodologies

Audit Scope

The primary audit purposes were to evaluate the current state of Sheriff's Office internal investigation operations and practices, and to assess the effectiveness of OLEO in providing Council-directed oversight of the IIU. Conducted in conjunction with a national law enforcement consulting firm, Hillard Heintze LLC, this audit included review of national best practices for managing citizen-initiated and internally-generated police misconduct and use of force complaints, along with best practices in the integration of civilian oversight into police functions.

The scope of the audit was limited to the evaluation of the Sheriff's Office internal investigations and Office of Law Enforcement Oversight functions. The evaluation included the review of current policies and procedures for handling complaints and misconduct investigations within the KCSO. We did so by reviewing the following, among other materials:

- KCSO's General Orders Manual (GOM), particularly Section 2.17.005—Mandatory Training (see Hillard Heintze's Performance Audit Report, available at http://www.kingcounty.gov/operations/auditor/Reports/Year/2012.aspx, at Appendix A); and Section 3.00.000—Personnel Conduct, particularly Section 3.03.175 (*Id*., at Appendix B)
- IIU's Standard Operating Procedures manual (revised 1/12/2012—see Hillard Heintze's Performance Audit Report, Appendix C)
- Documents describing the creation of OLEO and its role and authorities. This included a memorandum from newly-appointed OLEO Director Charles Gaither to then-Sheriff Susan Rahr, dated December 13, 2011, titled "OLEO and the powers granted under Ordinance 16511" (*Id*., Appendix D)
- Document titled "Office of Law Enforcement Oversight (OLEO)—Proposed Mission and Enhancements to OLEO's Authority," which was provided to us by OLEO Director Gaither on January 24, 2012 (*Id*., Appendix E)
- Document titled "King County Signature Report, dated May 12, 2009, Ordinance 16511," which revised OLEO's role and authority (*Id*., Appendix F)

We also performed a comparative review of the CALEA Standards for Law Enforcement Agencies, dated November 2010, in relation to KCSO's General Orders Manual (GOM) 3.00.000—Personnel Conduct and GOM 6.00.000—Use of Force, to determine KCSO's current compliance with the relevant CALEA standards and enforcement of the standards.

In addition, we conducted an in-depth, hands-on audit of a random selection of 20 percent of the 73 IIU investigative cases handled or coordinated by IIU during 2011. We reviewed the investigative files for the two Use of Force cases handled by IIU during 2011. This comparison afforded us the opportunity to evaluate whether these cases were handled according to IIU's written policies and procedures and to the GOM. It also allowed us the opportunity to make recommendations for improvements to the KCSO process for handling complaints.

Appendix 2 (Continued)

Benchmarking Against Appropriate Best Practices

Our review of KCSO's written policies and procedures for handling misconduct complaints, as well as our hands-on audit of IIU investigative cases, allowed us to compare and contrast how KCSO is currently investigating misconduct complaints with our own experiences, as well as to compare what KCSO should be doing to conform to best practices for handling misconduct complaints. Our review of the primary and secondary data we collected also provided an opportunity to analyze what steps KCSO, OLEO, and the Police Guild may take to enhance their ability to establish a positive working relationship, based upon the experience working with entities similar to King County's OLEO and organized labor groups.

Diligence in Capturing the Insights of Hillard Heintze Senior Leadership Team

Hillard Heintze deemed it imperative that all members of the Hillard Heintze Senior Leadership Council (SLC) have an opportunity to review and analyze the data collected by SLC members Rob Davis and Tom Streicher. This provided a detailed review by a number of nationally recognized law enforcement operations experts with many years of practical law enforcement experience, including field patrol, investigative, and executive management experience, as well as expertise in conducting scientific research in the law enforcement field. Hillard Heintze's recommendations made throughout their report are based upon the thorough review by the entire SLC team.

Methodology for Random Selection and Review of Internal Investigations Unit Cases

To facilitate a detailed review and assessment of the effectiveness of the King County Sheriff's Office's Internal Investigations Unit, SLC member Rob Davis, accompanied at varying times by members of the King County Auditor's Office, conducted a random audit of approximately 20 percent of the 73 formal misconduct investigations IIU handled or coordinated for 2011.

On the day of our review, we used a random number generator to select 14 of the 73 misconduct investigations cases for review. This resulted in an unbiased, representative sample. Some of the cases generated were hard copy documents contained in a confidential file in the IIU, and provided for our hands-on review in the IIU facility. Other cases consisted of digital reports and digital audio files contained within the automated IAPro software program, which we were able to access via a computer located within the private IIU office.

We made use of a written template created by the SLC to assist in our review of each case—to ensure we were looking at the same data points for each of the reviewed cases. Below is a list of data points we tracked on our template, based upon policies and procedures as outlined in IIU's Standard Operating Procedures manual (*Id.*, at Appendix C):

<u>General Questions</u>

- Was the initial complaint taken in person, by telephone, or by e-mail?
- Was the case completed within 180 days of reception by a Command Officer (including disciplinary disposition)?
- Did the IIU Commander review the case and note recommendations?

- Did the IIU Commander update IAPro with recommendations from the Chain of Command?
- Did the IIU Commander write a Memo to the Subject Officer notifying him/her of the findings and recommendations in the case?
- Was a Loudermill Hearing needed, and was one held?
- Did the IIU HR Analyst send a closing letter to the complainant?
- Was the case formally closed in IIU's IAPro database?

Complainant and Witness Interviews

- Was the interview conducted in person or on the telephone?
- Was the interview recorded?
- Was the complainant cooperative?
- Was the complainant allowed to make statements in his/her own words?
- Did the IIU Investigator use any leading questions?
- Did the interview appear to be thorough, objective, and fair?
- If the allegations were of a sensitive nature, was the IIU Investigator sensitive to this during the interview?
- Was the IIU Investigator of the same gender as the complainant if the complaint was of a sensitive, sexual nature?
- Did the IIU Investigator ask the complainant if he or she had any questions, or if there was anything he or she would like to add?

Subject Officer Interview

- Was the interview recorded?
- Did the IIU Investigator advise the subject officer of the need to cooperate, with discipline possible for any refusal?
- Did the IIU Investigator allow the subject officer to read a copy of the Peace Officer Bill of Rights/Garrity Rights if requested?
- Did the IIU Investigator use a list of prepared, written questions during the interview, and was a copy on file in the IIU file?
- Did the IIU Investigator advise the subject officer not to discuss the case after the interview, with discipline possible if this occurred?
- Did the interview appear to be thorough, fair, and objective?
- Did the IIU Investigator use leading questions?
- Did the IIU Investigator ask the subject officer if he or she had any questions, or if there was anything he or she would like to add?
- Did the subject officer's representative seem cooperative and effective during the interview?

Other Issues

- Did any written allegations exist that drew conclusions?
- If necessary, were medical records and photos included in the case file?
- Was any exculpatory evidence investigated?
- Did the final case Write-Up Memo contain all of the components of the Investigative Report Format as outlined in GOM Section 3.03.175?
- Did the investigator's Write-Up Memo appear to be thorough, fair, and objective?

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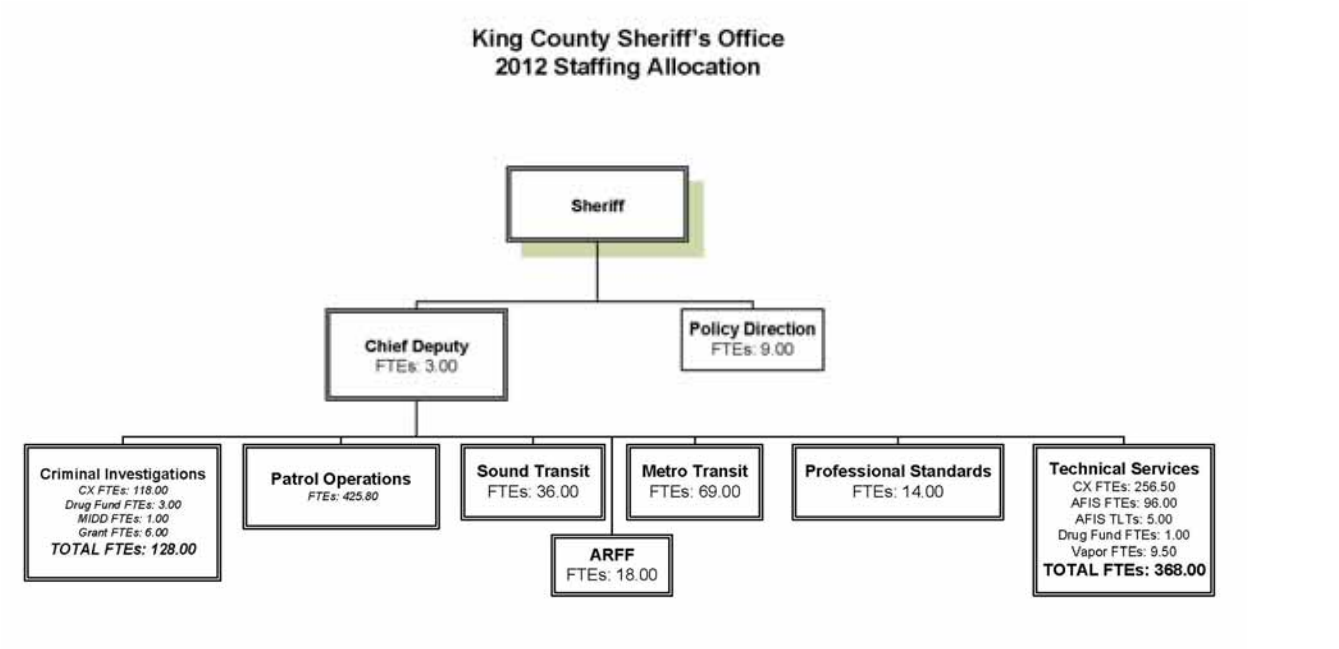
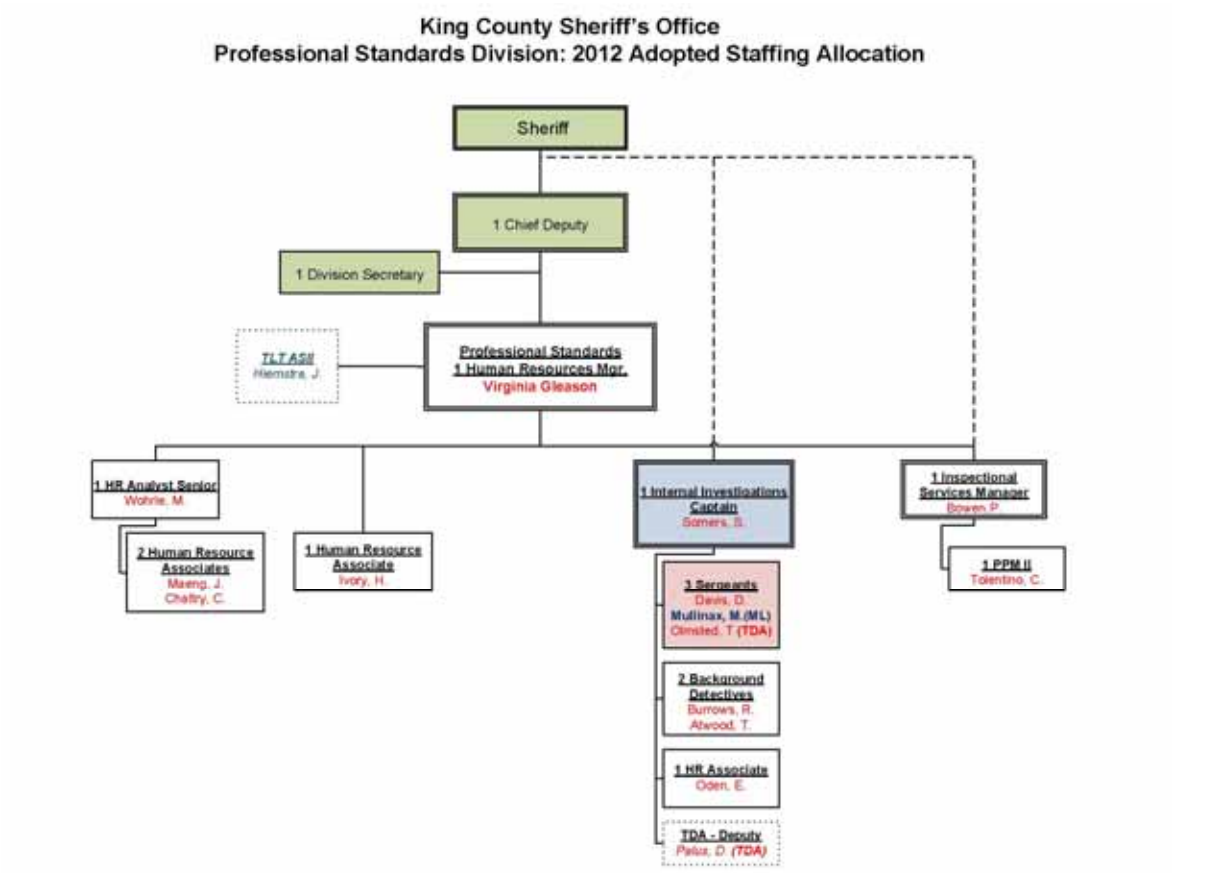
Appendix 3

King County Sheriff's Office, Organizational Chart 2012

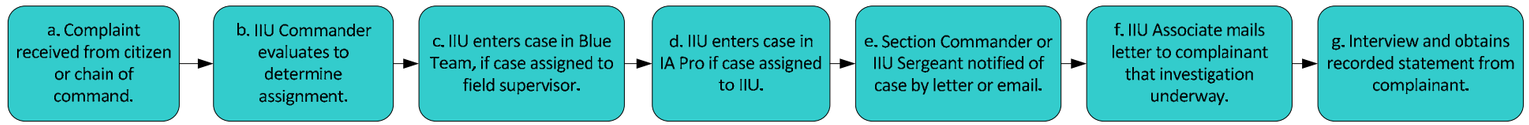




Appendix 4

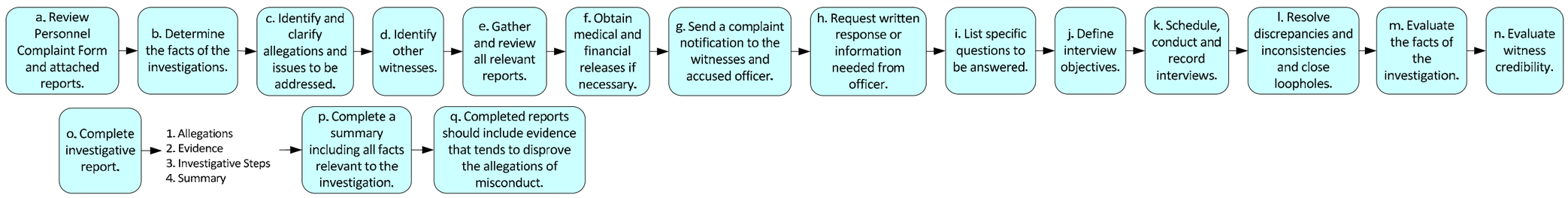
General Overview of the KCSO IIU Complaint Process

A. Complaint Intake

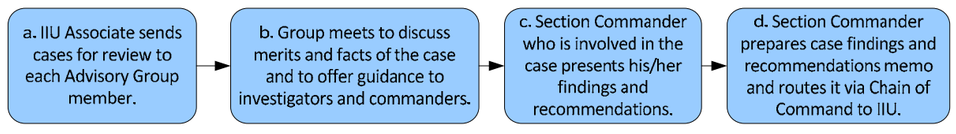


B. IIU Complaint Monitoring and Oversight

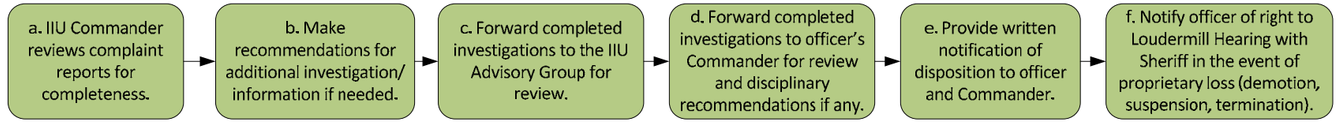
C. Conducting Investigations



D. IIU Advisory Group Review



E. Closing Out Investigations



Appendix 5

Comparison of Ordinance 15611 and Ordinance 16511 Revisions Pertaining to Office of Law Enforcement Oversight

Ordinance 15611	Ordinance 16511
Duties and Responsibilities	
Section 5A: Receive complaints from any source, track complaints received and transmit complaints to the Sheriff's Office IIU.	Included in Section 4A: The office shall receive complaints from any complaining party concerning the Sheriff's Office; track complaints received and transmit the complaints to the IIU.
Section 5B: Monitor, check for completeness and require additional investigations as necessary of all internal investigations unit activities, including administrative and employee-initiated complaints and allegations investigations.	Repealed by Ordinance 16511.
Section 5C: May monitor, check for completeness, evaluate the resolution of and require additional investigation as necessary of all other complaints and allegations including those assigned by the IIU to supervisors for investigation and resolution; and	Repealed by Ordinance 16511.
Section 5D: May review and make recommendations to the IIU about the screening and classification of complaints, as well as make recommendation to the Sheriff about screening and classification policies and procedures. In addition, may monitor the complaint intake processes and evaluate decisions whether a complaint requires initiation of a formal internal investigation or assignment to supervisors for investigation or resolution.	Repealed by Ordinance 16511.
	New Section 4A: The office shall receive complaints from any complaining party concerning the Sheriff's Office; track complaints received and transmit the complaints to the IIU.
	New Section 4B: In addition to complaints received by the office, the IIU shall provide copies of all other complaints to the office within three business days.
	New Section 4C: The office shall not conduct independent disciplinary investigations, but may participate in interviews as provided in KCC 2.75.060.
	New Section 4D: The office shall be provided a copy of any letter or other notification to an officer informing them of actual discipline imposed as a result of an internal affairs investigation or the notice of finding if the complaint is not sustained.

Appendix 5 (Continued)

Ordinance 15611	Ordinance 16511
	New Section 4E: The office shall be notified by the IIU within five business days of the completion of an internal investigation. The office, in addition to the Sheriff's Office written notice of finding letter to the complainant, may send a closing letter to the complainant.
Section 6A: 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 complaints.	Included as Section 5A in Ordinance 16511.
Section 6B: Coordinate with the Sheriff's Office in the development of all technology applications for tracking and information sharing.	Included as Section 5B in Ordinance 16511.
Section 6C: Issue annual reports as of March 2008. Twelve (12) copies of each report shall be filed with the Clerk of the Council for distribution to all Councilmembers. The office shall also retain paper copies and post the reports on the Internet.	Included as Section 5C in Ordinance 16511.
Section 6C(1): The annual reports shall include a statistical analysis of complaints, investigative findings, and final discipline for sustained complaints. The reports should include information about the number and type of misconduct case where the director disagreed with the Sheriff on either findings or discipline decisions.	Included as Section 5C(1) in Ordinance 16511. The second sentence was revised to state: "The reports should include information about the number and type of misconduct cases in which the director did not *certify that the investigation was thorough and objective*."
Section 6C(2): Make recommendations of action by the Sheriff on needed improvements in policies, procedures and practices stemming from analyses that look beyond the individual cases of misconduct to identify system problems within the Sheriff's Office. In addition to investigation materials available to the office, the director shall make use of all other available materials, including internal and external audits and reviews of the Sheriff's Office and critical incident reviews, in developing and making recommendations for improvement.	Included as Section 5C(2) in Ordinance 16511.
Access, Options, and Collaborations	
Section 7A: Unimpeded and real-time access to un-redacted case information, and all information related to ongoing investigations files. ~~treating all documents and information regarding specific investigations or officer as required by law~~. The only exception to this subsection is files related to ongoing investigations of deputies or other Sheriff's staff who are under criminal investigation. ~~Upon completion of the criminal investigation and resolution of any criminal matter, the office shall review the case files in order to determine whether a disciplinary investigation should be initiated.~~	Section 6A: Unimpeded and real-time access to un-redacted case information and all information related to ongoing investigations files. The only exception to this subsection is files related to ongoing investigations of deputies or other Sheriff's staff who are under criminal investigation. The office shall protect all documents and information regarding specific investigations or officer as required by law.

Appendix 5 (Continued)

Ordinance 15611	Ordinance 16511
Section 7B: The ability to respond to the scene of critical incidents. At a critical incident scene, the investigator shall only be an observer. They shall not conduct or interfere with any investigation and shall coordinate their presence and activities with the on-scene commander from the Sheriff's Office. The investigator's duties to monitor, check for completeness and require additional investigation as necessary apply only if a formal complaint investigation is conducted by the IIU.	Repealed by Ordinance 16511.
Section 7C: Approval for completeness of complaints investigations before a finding can be issued. The internal investigations unit must submit all completed misconduct investigation to OLEO, with an amount of time specified for the approval or direction for further investigation. If the unit disagrees with the Office, the Sheriff shall act as arbiter and make the final decision(s).	Repealed by Ordinance 16511.
Section 7D: The option to consult with command staff or the appropriate supervisor as to the command staff's or supervisor's own review and recommendations regarding a particular investigation, including proposed discipline; and	Repealed by Ordinance 16511.
Section 7E: The option to submit recommendations regarding findings and discipline directly to the sheriff before a final decision on misconduct cases.	Repealed by Ordinance 16511.
Section 8: OLEO, in collaboration with the Sheriff's Office, shall establish and administer a voluntary officer-citizen mediation program. The program shall provide an alternative method to resolve citizen complaints by allowing willing citizens and officers to meet under the guidance of a professional mediator to discuss and resolve their differences. OLEO and the Sheriff's Office shall establish standards and guidelines to determine when a particular complaint may be referred to mediation. Serious complaints are excluded from the use of mediation to resolve allegations.	Included as Section 7 In Ordinance 16511 along with an additional last sentence: Prior to the complainant agreeing to utilize the mediation process to resolve the complaint, the office shall explain the mediation process to the complainant, including that if the officer participates in good faith, the officer will be not subject to discipline and the complaint will be administratively dismissed.
	New Section 6B: The IIU shall notify the office of all administrative interviews on all complaints of a serious matter, which are complaints that could lead to suspension, demotion or discharge, and all complaints originating from the office. A single office representative may attend and observe interviews and shall be given the opportunity to ask questions that are within the scope of permissible investigative questioning after the completion of questioning by the Sheriff's Office.

Appendix 5 (Continued)

Ordinance 15611	Ordinance 16511
	New Section 6C: The office shall not participate in criminal investigations of Sheriff's Office employees in any way and shall not be notified of any part of the criminal investigation until the criminal investigation is concluded. At that point, the file shall be provided to the office.
	New Section 6D: Upon completion of internal investigations, the unit shall forward a complete copy of the case file to the office for review. The director shall determine, in writing, whether the investigation was thorough and objective.
	New Section 6E: As part of the review process, if the director believes that additional investigation is needed on issues material to the outcome, the director shall request that further investigative work be completed. If there is any dispute between the assigned investigator or investigators and the office regarding the necessity, practicality or materiality of the requested additional investigation, the unit commander shall determine whether additional investigation will be undertaken. If the director is not satisfied with the determination of the unit commander, the matter shall be submitted to the Sheriff for review. If the director is not satisfied with the determination of the sheriff, the matter shall be resolved by the executive, whose decision shall be final. Once the matter has been referred to and resolved by the executive, the investigation shall be completed consistent with the determination by the executive.
	New Section 6F: After completion of the additional investigation, or the conclusion that no further investigation will be undertaken, the office shall certify where or not, in the opinion of the director, the internal investigation was thorough and objective. The determination shall be made within five business days.
	New Section 6G: The office shall be provided a copy of any letter or other notification to an officer informing them of actual discipline imposed as a result of an internal affairs investigation or the notice of finding if the complaint is not sustained.
Section 8: The office, in collaboration with the Sheriff's Office shall establish and administer a voluntary officer-citizen medication program. The program shall provide an alternative method to resolve citizen complaints by allowing willing citizens and officers to meet under the guidance of a professional mediator to discuss and resolve their	Section 7: Included In Ordinance 16511 along with an additional last sentence: Prior to the complainant agreeing to utilize the mediation process to resolve the complaint, the office shall explain the mediation process to the complainant, including that if the officer participates in good faith, the officer will not be subject to discipline

Appendix 5 (Continued)

Ordinance 15611	Ordinance 16511
differences. The office and the Sheriff's Office shall establish standards and guidelines for determining when a particular complaint may be referred for mediation. Serious complaints are excluded from the use of mediation to resolve allegations.	and the complaint will be administratively dismissed.
Conflict of Interest Provision	
	New Section 11: This ordinance is not intended to conflict with any applicable King County collective bargaining agreement approved by the council. In the event of any conflict between the ordinance and a collective bargaining agreement, the provision of the agreement shall prevail.

Appendix 6

Oversight Provisions in Police Guild 2008-2012 Collective Bargaining Agreement

Article 22: Civilian Review

The King County Office of Law Enforcement Oversight (KCOLEO) will provide a professional presence to help ensure a quality investigation in real time, and visible, independent oversight to reassure the public.

Section 1. The KCOLEO will actively monitor all Sheriff's Office internal investigations.

Section 2. The KCOLEO may receive complaints from any complaining party, including, without limitation, citizens or employees of the Sheriff's Office. The KCOLEO will forward all complaints to the Internal Investigations Unit (IIU) within three business days for processing and, when appropriate, investigation. The KCOLEO will not conduct independent disciplinary investigations, but may participate in interviews as provided herein.

Section 3. In addition to complaints received by the KCOLEO, IIU will provide copies of all other complaints to the KCOLEO within three business days. Once the case is closed, the KCOLEO will return all case file materials and any other records to IIU for retention, including copies. The KCOLEO will have subsequent access to closed cases for up to two years solely for reporting purpose, unless there is a legitimate business necessity to review older files.

Section 4. The KCOLEO will have the opportunity to make a recommendation for mediation to the Sheriff, prior to investigation. In the event the Sheriff s Office, the complainant and the officer all agree to mediation, that process will be utilized rather than sending the matter on for investigation. Assuming the officer participates in good faith during the mediation process, the officer will not be subject to discipline and the complaint will be administratively dismissed. Good faith means that the officer listens and considers the issues raised by the complainant, and acts and responds appropriately. Agreement with either the complainant or the mediator is not a requirement of good faith. In the event an agreement to mediate is reached and the complainant thereafter refuses to participate, the officer will be considered to have participated in good faith. Moreover, any records related to mediation (other than a mediation settlement agreement) shall not be admissible in any proceeding except to enforce this section.

Section 5. Once any complaint is received by the IIU, it shall be submitted to the chain of command for review pursuant to the King County General Orders Manual Policy. When either the Sheriff or her/his designee determines that the allegations warrant investigation, such investigation shall be approved, and IIU will initiate the investigative process.

Section 6. IIU will notify the KCOLEO of all administrative interviews on all complaints of a serious matter (complaints that could lead to suspension, demotion or discharge) and all complaints originating at the KCOLEO. A single KCOLEO representative from the KCOLEO may attend and observe interviews, and will be given the opportunity to ask questions that are within the scope of permissible investigative questioning after the completion of questioning by the Sheriff's Office. The KCOLEO will not participate in criminal investigations of Sheriff's

Office employees in any way, and will not be notified of any part of the criminal investigation until the criminal investigation is concluded. At that point, the file shall be provided to the KCOLEO.

Section 7. Upon completion of internal investigations, IIU will forward a complete copy of the case file to the KCOLEO for review. The KCOLEO will determine, in writing, whether the investigation was thorough and objective in the opinion of the Director of the KCOLEO.

Section 8. As a part of the review process, the Director of the KCOLEO may believe that additional investigation is needed on issues he/she deems material to the outcome. If there is any dispute between the assigned investigator(s) and the KCOLEO regarding the necessity, practicality or materiality of the requested additional investigation, the IIU Commander will determine whether additional investigation will be undertaken. If the KCOLEO is not satisfied with the determination of the IIU Commander, the matter will be submitted to the King County Sheriff, for review. If the Director of the KCOLEO is not satisfied with the determination of the Sheriff, the matter will be resolved by the King County Executive, whose decision will be final. Once the matter has been referred to and resolved by the Executive, the investigation will be completed consistent with the determination by the Executive. After completion of the additional investigation, or the conclusion that no further investigation will be undertaken, the KCOLEO will then certify whether or not, in the opinion of the Director of the KCOLEO, the internal investigation was thorough and objective. This determination will be made within five (5) business days. Once the above finding is entered in the investigation, the KCOLEO will not be involved further in the processing of that case except as provided herein.

Section 9. All final disciplinary decisions will be made by the Sheriff.

Section 10. The KCOLEO will be provided a copy of any letter or other notification to an officer informing them of actual discipline imposed as a result of an internal affairs investigation or the Notice of Finding in the event that the complaint is not sustained.

Section 11. The KCOLEO will be notified by IIU within five (5) business days of case closure of all complaints of a Serious Matter and all complaints originally filed with the KCOLEO. The KCOLEO, in addition to the Sheriff's Office's written Notice of Finding letter to the complainant, may send a closing letter to the complainant. The letter may summarize the case findings within the context of this Article.

Section 12. Any complaining party who is not satisfied with the findings of the Sheriff's Office concerning their complaint may contact the KCOLEO to discuss the matter further. However, unless persuasive and probative new information is provided, the investigation will remain closed. In accordance with established arbitral case law, employees may not be subject to discipline twice for the same incident. In the event the investigation is re-opened and discipline imposed, the appropriate burden of establishing compliance with this section rests with the County in any subsequent challenge to the discipline. Moreover, this section is subject to the 180 day limitation contained in Article 19.9 of this Agreement.

Section 13. In addition to the investigative process, the KCOLEO will have unimpeded access to all complaint and investigative files for auditing and reporting purposes. The KCOLEO shall not retain investigative files beyond one year and will return the same to IIU for safekeeping. At all

times and including, without limitation, issuing written reports, no employee of the KCOLEO will release the name(s) of employees or other individuals involved in incidents or investigations nor any other personally identifying information. The KCOLEO may make statistical observations regarding the disciplinary results of sustained internal investigations, but shall not take issue with discipline imposed by the Sheriff in specific cases.

Section 14. The KCOLEO may recommend policies and procedures for the review and/or audit of the complaint resolution process, and review and recommend changes in Sheriff's Office policies to improve the quality of police investigations and practices. Nothing herein shall be construed as a waiver of the Guild's right to require the County to engage in collective bargaining as authorized by law.

Section 15. A committee of five (5) members (Committee) will be formed that will recommend three (3) candidates for the KCOLEO position to the Executive (one of which must be selected). The Committee shall be composed of one member appointed by the King County Police Officers' Guild; one member appointed by the Puget Sound Police Manager's Association (Captains bargaining unit); one member appointed by the Chair of the County Council; and one member appointed by the County Executive. The fifth member shall be appointed by the other four (4) members.

Section 16. In addition to whatever job requirements may be established by the County, one of the minimum job requirements for the KCOLEO will be to have a history that includes the establishment of a reputation for even-handedness and fairness in dealing with both complainants and regulated parties. The Committee will be responsible for ensuring that the three candidates forwarded to the Executive possess the required minimum job requirements. The County agrees that compliance with the provisions of this agreement will be a condition of employment for all employees of the KCOLEO.

Section 17. In the event the Guild believes a candidate recommended by the Committee for Director of the KCOLEO does not meet the minimum job requirement established in Section 16 above, the Guild must within seven (7) business days of the recommendation present information to the County Executive about their concern. If that person is ultimately selected by the County Executive, the Guild may file a grievance within five (5) days of the appointment and an expedited arbitration process will be utilized to resolve the matter. The Arbitrator will conduct an arbitration within twenty one (21) days, and issue a bench decision either confirming or rejecting the Executive's appointment. The decision will be final and binding upon the parties. Upon the filing of a grievance, any appointment shall be held in abeyance pending completion of the arbitration.

Section 18. Upon implementation of the procedure outlined herein, the County agrees to repeal the existing Oversight ordinance within 60 days. The sections of the existing Ordinance that do not involve a mandatory subject of bargaining or otherwise conflict with this Agreement, and thus may be included in the new Ordinance, are the Sections 1, 2 (except delete 2b), 4 (and adding the criteria agreed to herein) 10 and 11. The determination as to the size of the KCOLEO will be made by the County.

King County Sheriff's Office Response

SHERIFF
KING COUNTY
KING COUNTY SHERIFF'S OFFICE
516 Third Avenue, W-116
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Tel: 206-296-4155 • Fax: 206-296-0168
Steven D. Strachan
Sheriff

July 19, 2012

Cheryle A. Broom, County Auditor
Metropolitan King County Council
King County Courthouse
516 Third Avenue, Room 1033
Seattle, WA 98104-3272

RE: Response to Performance Audit of the King County Sheriff's Office (KCSO) Complaint Investigations and Office of Law Enforcement Oversight (OLEO)

Dear Ms. Broom:

Thank you for the opportunity to respond to this audit. In short, I concur with each of the audit's recommendations. KCSO worked closely and collaboratively with the audit team, affording them unfettered access to any individual or requested document. While the audit team was here we became aware of several of their concerns and immediately work to address them. I welcome and value their insights and I am committed to moving forward with meaningful and sustainable improvement of our complaint process.

This memo and the accompanying response table sets forth progress to date on each of the 16 recommendations. For many months the KCSO has had several initiatives and programs underway that cross over with, and complement, many of the recommendations and comments in the audit. In 2012 KCSO adopted its Strategic Business Plan.[1] The audit recommendations fit squarely within the goals, strategies and values set forth in the plan. The goals are all aimed at reinforcing a department culture that is respectful, effective and accountable. In the plan we outline detailed strategies that address many of the audit recommendations. Using the framework of the audit's four sections, this additional information is provided in response to the audit findings, recommendations and comments.

[1] A copy of the Strategic Business Plan accompanies this memo.

evaluations. As of the date of the audit only a small number of evaluations were not completed (6% for 2011).

Complaint management at the worksites: In 2011 there was a shift of philosophy and a corresponding policy change related to complaint classification and investigation. The goal was to more fully involve the supervisors in the handling and resolution of lower level complaints, and to quickly focus on meaningful training and coaching to correct behavior problems in lieu of reprimands and days off. In hindsight, this policy change and shift of responsibility for handling complaints was premature. There were not adequate resources, training or clear understanding of the supervisor role in this process. Consequently, there was a wide variation in how the complaints were being classified and handled, and tracking the progress of each complaint was difficult for the commanders because of limitations of our computerized complaint management system. As noted in the audit, there was no institutional system to monitor the quality, completeness or timing of the complaints and supervisors who did not properly monitor or complete these complaints were not held accountable for their failure to do so. The overall classification and initial investigation of complaints has been returned to IIU to ensure consistency and ability to track the status of each complaint.

Increased command availability. The allocation and location of patrol commanders is being re-evaluated. As noted in the audit and by the Blue Ribbon panel, many nights and weekends the highest ranking supervisor is a sergeant. There is a need for a command presence every day of the week and for most hours of the day. In an effort to more efficiently staff the patrol districts, in 2012 the districts were reconfigured and patrol shifts were adjusted. KCSO changed from a rigid precinct structure to a flexible zone structure that allows for greater efficiencies and flexibility in assigning personnel to coincide with workload and to move deputies quickly to cover any absences or special needs that occur during a shift. Additional captains are needed to fully implement this command oversight and KCSO is looking for savings from other staffing efficiencies to fund the additional positions. If implemented, the watch commander system would provide a substantial increase in commander presence in the patrol division and will provide much needed oversight and support to the patrol sergeants.

Increasing the staffing and stature of IIU. The role and function of IIU is changing and growing. The change in reporting relationship recommended in the audit has been made, the Sheriff meets weekly with the IIU commander, the commander position may be upgraded from a captain to a major, the vacant sergeant position is being filled and IIU will continue to backfill the position left empty from a long-term military deployment. In anticipation of a larger role for IIU in the oversight of uses of force, an additional sergeant is being requested for the unit bringing the total number of investigators to four.

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The findings and recommendations in the "Effective Management and Supervision" section of the audit report will be the most challenging to accomplish and yet these are the changes that will yield the highest return. The new policies we adopt to enhance supervisory responsibility will only be as good as our sincere efforts to enforce them. It will require a change in culture that will take time to root and become a part of the department ethos and character. KCSO is committed to move forward with, and implement the changes outlined above.

" KCSO Complaint Policies and Procedures"

Complaint Processes: I agree that the instructions and documents related to the complaint process need to be improved. Plainly, it is necessary to have more detailed explanation and documentation of the IIU processes and the recommendations in this section set forth helpful guidance to achieve more consistent and thorough investigations. The IIU commander is currently working on easy to use templates, and detailed training materials for the intake, classification and investigation of complaints. This information will be delivered at several upcoming training sessions: In the July 2012 monthly commander's training, the supervisor in-service training beginning September 2012, and in all of the training programs for the newly promoted supervisors. The materials will also be available and updated on the department intranet.

Officer Involved Shootings: The audit points out that KCSO is not currently using best practices to respond to and investigate officer involved shootings. At the end of June, 2012, KCSO sent a group to LAPD to learn about their review and investigation of serious use of force incidents. The group consisted of the IIU Commander, the Criminal Investigations Division (CID) Major, a patrol sergeant with extensive officer involved shooting investigation experience, a current CID Major Crimes sergeant who investigates officer involved shootings, two KCPOG Guild Board members, and the OLEO director. The purpose of the trip was to learn about the use of force review process that has been successful at LAPD. This process provides for a simultaneous review of both the administrative and the criminal aspects of the event. KCSO hopes to implement many of the processes observed at LAPD including the comprehensive use of force review board that requires substantial command involvement in evaluating and making decisions about uses of force. Some elements of these new processes may be implemented soon; others may require negotiation or discussion with the various labor unions affected by the changes.

CALEA: As referenced above, the reporting relationship between the IIU Commander and the Sheriff has been realigned to comply with best practices and CALEA. The Inspectional Service Unit manager will be looking for any other policy gaps and will work closely with CALEA and our regional accreditation partners to ensure that our policies and practices meet the necessary standards to achieve reaccreditation.

4

"KCSO Accountability Tools"
The audit identifies three issues with KCSO's use of the IAPro tracking program that generates alerts to supervisors as part of the Early Intervention System (EIS).

Entries into IA Pro: The first issue is that often the data entered into the system via Blue Team is incorrect or incomplete. Unfortunately, the system cannot be customized to force the person entering the data to complete all of the important fields before being allowed to submit the document. When the information being entered into the system is incorrect or incomplete, the data that comes from the system is tainted and not helpful to the supervisors in being alerted to, correcting or rewarding behavior. Additional training sessions are coming for supervisors (beginning in September 2012) on entering data into the system and additional guidance documents will be available on the department intranet.

The EIS tracking period: The second issue is the extremely short rolling 90-day window of time that can be considered for the EIS. This window was bargained into labor agreements and cannot be changed without negotiation. This recommendation has been forwarded to and discussed with the labor negotiators.

Training and other resources to respond to EIS alerts: The third issue is the lack of readily available training to refer to when a supervisor receives an alert on an employee. The Advanced Training Unit continues to build capacity, both in person and online to provide resources to address the alerts. As part of the 2013 budget, the Training Unit will be requesting an additional deputy to supplement its ability to provide training.

"Implementing Law Enforcement Oversight"
KCSO is committed to meaningful oversight of the department complaint process by OLEO. It was not until after the director was hired and KCSO started to work with OLEO, that the layers of restrictions on the office became apparent. Unintentionally, KCSO created issues for OLEO by inviting the director in good faith to meetings that later were interpreted to be outside the scope of his authority.

Until there are agreements changing the role and authority of OLEO, KCSO is focusing on those items currently within the authority of the office and maximizing those roles. These include development and support of the mediation program, receiving confirmation from OLEO about the completeness of investigations, issuance of annual reports, ensuring that statistical data coming from the complaint system is correct and usable.

I thank you and your staff again for the work you have done on this audit. I also want to acknowledge the outstanding, insightful, and thorough work of the Hillard Heintze consulting firm. Their knowledge and understanding of our profession, the many challenges, and the

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opportunities to move policing forward in the 21st century provide an invaluable contribution to our planning and efforts to change and improve the KCSO.

In addition to the men and women who keep us safe everyday by simply doing their job with respect, honor, and dignity, I must also acknowledge and thank my internal team of commanders and leaders who have provided guidance and consultation in developing the plans that will address the recommendations in this audit:

- Dave Jutilla, Chief Deputy
- Virginia Gleason, Professional Standards Unit Director
- Thomas Orr, Labor Relations Legal Advisor
- Patty Shelledy, Sheriff's Legal Counsel
- Captain Scott Somers, IIU Commander

We look forward to further discussion of the issues and thank you for your work. Please call Chief Deputy Dave Jutilla if you have any questions about our response.

Sincerely,

Steven D. Strachan

Attachments: KCSO Strategic Business Plan 2012 – 2016
Recommendation Response Table

6

King County Sheriff's Office
Response to Performance Audit of KCSO Investigations of Complaints

Recommendation	Agency Position	Schedule for Implementation	Comments
Effective Management and Supervision			
1a. KCSO should develop leadership expectations that all complaints, misconduct, and policy violations will be categorically captured and reported into Blue Team.	Concur	KCSO leadership will repeatedly reiterate expectations to department members to comply with General Orders Manual (GOM) 3.03.015, .020 and .025; the sections that require accepting all complaints and forwarding the information to IIU. The July 26, 2012 Commander's training will cover this subject as well as complaint intake and processing.	
1b. KCSO should also expand the GOM by adding a *Failure to Supervise* section and outlining disciplinary actions for supervisors who fail to document all incidents of misconduct and violations of policy, as required by the GOM.	Concur	A "Failure to Supervise" GOM section has been drafted and submitted through the policy approval process.[1] September 2012 - Estimated date for inclusion in the General Orders Manual (GOM) and department-wide notice of the policy change.	
2. KCSO executive leadership should formally and informally remind officers and supervisors that compliance with personnel conduct and reporting requirements is mandatory, and must be the standard by which professionalism is demonstrated throughout the department.	Concur	In 2012 Sheriff Strachan attended 50 in-service training sessions where he personally presented his expectations of employee behavior. On July 5, 2012 Sheriff Strachan memorialized this in a memo restating these expectations. (Attachment B). A link to this memo will be placed on the KCSO intranet page and the information is contained in the preamble to the GOM. The November and December 2011 Supervisor In- service training included a course titled "Managing Employee Performance." The course included lecture and scenario based group exercises dealing with accepting and documenting all complaints.	

[1] All of the policies referenced in this chart are set forth in Attachment A.

1

King County Sheriff's Office
Response to Performance Audit of KCSO Investigations of Complaints

Recommendation	Agency Position	Schedule for Implementation	Comments
		On August 8, 2012, all KCSO commanders will participate in the 8-hour course "Procedural Justice for Law Enforcement Agencies." The course is aimed at helping KCSO incorporate the principles of fairness, objectivity, justice, and consistency of rule application into agency culture and policy. The next supervisor in-service training program that begins September 2012 will include information about supervisor obligations related to the complaint process and processing use of force. All supervisors will be required to attend. New supervisor training will include information on taking and managing complaints and uses of force.	
3a. The GOM should be changed, allowing the Sheriff and/or IIU to file, without restriction from the rank and file, a department-initiated complaint when direct supervisors and commanders refuse to do so in the event of egregious acts of misconduct and policy violations.	**Concur**	A GOM section that clarifies that IIU and the Sheriff may file a department initiated complaint has been drafted and submitted into the policy review and approval process. September 2012 - Estimated date for inclusion in the General Orders Manual (GOM) and department-wide notice of the policy change.	
3b. The GOM should also compel direct supervisors and commanders to fully cooperate with the IIU in handling department-initiated complaints.	**Concur**	A GOM section that has been drafted and submitted into the policy review and approval process that states that supervisors and commanders who are assigned to review complaints shall ensure that all complaints are appropriately investigated and documented. September 2012 - Estimated date for inclusion in the General Orders Manual (GOM) and department-wide notice of the policy change.	
KCSO Complaint Policies and Procedures			
4. KCSO should develop more detailed GOM and SOPs that outline the exact reporting and	**Concur**	The IIU commander will develop and provide training on a detailed SOP that will apply to every supervisor handling a	.

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King County Sheriff's Office
Response to Performance Audit of KCSO Investigations of Complaints

Recommendation	Agency Position	Schedule for Implementation	Comments
investigation processes for complaints; these detailed polices should become the standard that is adhered to by officers and supervisors throughout the department.		complaint. These SOPS will be drafted and disseminated in September 2012. In September 2012, a portion of the supervisor in-service training will address the process for investigating and documenting use of force incidents and complaints.	
5. KCSO should review the current CALEA standards, identify any gaps in its GOM and SOPs, and commit to addressing them prior to the scheduled 2013 CALEA reaccreditation process to ensure full CALEA compliance and ongoing accreditation, including: a) Standards for complaint processing and investigation for all complaints, including anonymous complaints; and, b) Realigning the KCSO command structure to have the IIU Commander report directly to the Sheriff (see Recommendation 7, below).	**Concur**	Policies have been drafted to address the policy gaps outlined in this audit and are estimated to be included in the GOM by September 2012. The Inspectional Services Unit manager will be discussing any other policy gaps discovered and discussing remedial measures with the KCSO liaison at CALEA as well as soliciting input from other local law enforcement agencies that participate in the Northwest Police Accreditation Coalition. (nwpac.org) The IIU Commander has been realigned to report to the Sheriff.	
6. KCSO should require all complaints to be documented in exactly the same manner, including the following: a) A defined template for what elements need to be included in the written documentation; b) A clear process identifying who is responsible for completing the documentation; c) An established understanding of who is responsible for reviewing the written documentation and forwarding it up the chain of command to IIU; and, d) A clear determination that all such	**Concur**	IIU is creating a template and checklist for complaint intake, and more detailed instructions regarding the documentation required for complaints and the review responsibilities as it is sent up the chain. This information will be included in the fall supervisor training All complaint documentation is currently housed in IIU. The detailed SOPS with this information will be completed in September 2012 and the information will be delivered at the supervisor in-service sessions that begin in September 2012.	

King County Sheriff's Office
Response to Performance Audit of KCSO Investigations of Complaints

Recommendation	Agency Position	Schedule for Implementation	Comments
documents should be centrally stored in one common location: the IIU.			
7. KCSO should modify the position of the IIU Commander in the organization such that she/he reports directly to the Sheriff and the PSM Manager to avoid losing the benefits of working with the Professional Standards Manager. This will help reinforce the importance of the IIU's work in the perception of the department's rank-and-file. It will also ensure that the Sheriff is as informed as possible concerning the critical issues associated with misconduct complaints and that critical issues are addressed through effective policies and procedures.	**Concur**	The IIU Commander has been realigned to report to the Sheriff. Beginning July, 2012 the Sheriff instituted weekly meetings with the IIU commander on critical issues related to IIU.	
KCSO Use of Accountability Tools			
8. KCSO should explore opportunities to extend the 90-day rolling period for maintaining complaint and incident data to a one-year period to improve the completeness and effectiveness of its trend analysis and reports disseminated to officials and the public.	**Concur**	The current 90-day window for capturing early intervention data is set by the collective bargaining agreement. Any changes to it will be subject to bargaining. The audit recommendation on this issue has been forwarded to and discussed with the KCSO bargaining team. Contract discussions with the Police Officer's Guild are just beginning. The current contract expires December 31, 2012.	
9. KCSO should outline policies and procedures for supervisors that will increase the variety of data that must be entered into the Blue Team system and forwarded to IIU, thereby enhancing the effectiveness of the KCSO Early Intervention System and Blue Team application.	**Concur**	IIU is creating more detailed instructions regarding the documentation required for complaints and the review responsibilities as it is sent up the chain. Some of this information will be discussed at the commander's training will take place July 26, 2012. The detailed SOPs will be ready in September, 2012.	

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King County Sheriff's Office
Response to Performance Audit of KCSO Investigations of Complaints

Recommendation	Agency Position	Schedule for Implementation	Comments
10. KCSO should consider using a template that facilitates entry, review, and approval of selected lower-level citizen complaints, which can be handled efficiently and quickly at the first-line supervisor level, to be entered into the Blue Team system, reviewed and approved by a supervisor, and forwarded for entry into the IAPro system for tracking and early intervention purposes.	**Concur**	IIU is creating a template and a checklist for complaint intake for use by complaints handled at worksites. This information will be included in the new IIU SOPs which will be ready in September 2012.	
11. KCSO should provide ongoing training to all supervisors on the effective use of the Blue Team system, as well as ongoing training on how to investigate and document misconduct complaints and inquiries using the Investigative Report Format outlined in GOM Section 3.03.175 and the Blue Team template.	**Concur**	IIU is creating more detailed instructions regarding the documentation required for complaints and the review responsibilities as it is sent up the chain. This information will be available by September 2012. This information will be included in the upcoming commander training on July 26, 2012; supervisor in-service training beginning September 2012, and all new supervisor training. The information from these training sessions will be available on the department intranet.	
12. KCSO should also explore opportunities to expand its own training resources, or identify training programs in other jurisdictions, to address the main cause of "recurring" performance issues within the department.	**Concur**	KCSO will be requesting an additional deputy and IT resources for its training unit. The new position will be focused on developing training on use of force option. KCSO will request these additional resources in fall 2012 for the 2013 budget.	
Implementation of Law Enforcement Oversight			
13. OLEO, in collaboration with KCSO, should continue planning and developing working guidelines and measurable objectives to assure that the effectiveness and benefits of law	**Concur**	The IIU Commander and the Sheriff meet regularly with the OLEO director to plan and develop guidelines that will allow maximum function of the office within the constraints set forth in the county ordinance and labor agreements.	

King County Sheriff's Office
Response to Performance Audit of KCSO Investigations of Complaints

Recommendation	Agency Position	Schedule for Implementation	Comments
enforcement oversight are maximized.			
14. OLEO, in conjunction with KCSO, should take proactive steps to educate both the public and the rank-and-file members about the formal mediation program as soon as the program is in place. Both IIU staff and OLEO staff should offer and explain the program to complainants when they initially consider filing what could be considered a lower-level complaint.	**Concur**	KCSO, OLEO and the King County Alternative Dispute Resolution Department have met to discuss implementing the mediation program. KCSO anticipates having a fully developed mediation program available by January 2013.	
15. KCSO and OLEO should each submit an annual report detailing progress in successfully implementing the recommendations in this report and in future subsequent reports. KCSO should also provide detailed annual statistics reports on the number, type, and unit location of allegations and complaints received to allow for greater tracking and analysis of supervisor compliance with reporting requirements and community outreach efforts.	**Concur**	KCSO plans to submit an annual report on the anniversary of this audit to set for the status of the implementation activities.	
16. The King County Council may want to consider, pending the outcome of labor negotiations, embodying features of its newly adopted labor policy regarding civilian oversight of the Sheriff's Office in Chapter 2.75 of the King County Code.	**N/A**		

6

ATTACHMENT A

3.00.000 PERSONNEL CONDUCT

3.00.020
PERFORMANCE STANDARDS: ~~04/01~~ 07/12

1. All members must perform their assigned duties in a satisfactory and efficient manner. Unsatisfactory performance of duty shall be grounds for non-disciplinary action or disciplinary action up to and including discharge. "Unsatisfactory Performance" may be established when a member:

   a. Receives unsatisfactory work performance evaluations.
   b. Fails to achieve a passing score in any required training or qualification session.
   c. Performs at a level significantly below the standard achieved by others in the work unit.
   d. Acts in violation of Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere.
   e. Fails to submit reports, citations, or other appropriate paperwork in a timely manner; or
   f. Otherwise fails to meet Sheriff's Office standards.

2. **OBEDIENCE TO LAWS AND ORDERS:** In the performance of their duties, members shall:

   a. Abide by Federal and State Laws and applicable local ordinances, whether on or off-duty.
   b. Promptly obey any lawful and reasonable order from any supervisor.
   c. Refrain from public criticism of the orders or instructions they have received.

3. **APPROPRIATE USE OF AUTHORITY:**

   a. Deputies shall be aware of the extent and limitation of their authority in the enforcement of the law.
   b. Deputies shall not misuse the authority of their sworn position in any way or at any time.
   c. It shall be considered a misuse of authority for a member to use his or her authority for any purpose not directly associated with the performance of official duties.

4. **SUPERVISION:**

   a. Within every rank level of the KCSO, supervisory members, both commissioned and professional, have the authority necessary to carry out their duties and responsibilities and are accountable for the use of such authority.
   b. Supervisors, both commissioned and professional, shall take corrective action when the witness or become aware of member misconduct.
   c. Failure to initiate disciplinary or corrective action when warranted will be considered misconduct.

3.03.000 INVESTIGATION OF PERSONNEL MISCONDUCT

3.03.005
POLICY STATEMENT: ~~10/09~~ 07/12

A law enforcement agency must maintain a high level of personal and official conduct if it is to command and deserve the respect and confidence of the public it serves. Rules and regulations governing the conduct of members of the Sheriff's Office ensure the high standards of the law enforcement profession are maintained. The purpose of this section is to provide guidelines concerning the investigations of member alleged misconduct. It is the Sheriff's Office policy to promptly, thoroughly and fairly, investigate alleged misconduct involving its members. Supervisors and Commanders who are assigned to review complaints shall ensure that all complaints are appropriately investigated and documented according to

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the procedures established in this policy. Nothing in this policy prohibits a supervisor or command staff from taking corrective action if they observe a circumstance that requires immediate attention.

. . .

3.03.015
PROCEDURES FOR ACCEPTING MISCONDUCT COMPLAINTS (NON CRIMINAL): ~~10/09~~ 07/12

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 his/her supervisor or an on-duty supervisor at the accused member's work location.
4. Failure to notify a supervisor of a complaint may result in discipline.

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3.03.025
COMPLAINT PROCEDURES WHEN RECEIVED BY A SUPERVISOR: ~~04/12~~ 07/12

When a supervisor receives a misconduct complaint, or observes a possible violation of policy, the supervisor shall:

1. Take action to prevent aggravation of the incident.
2. Take basic information and contact information from the complainant, preserve evidence and immediately forward the complaint to IIU via the chain of command.
3. Enter the information in Blue Team.

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3.03.030
COMPLAINT PROCEDURE WHEN RECEIVED IN IIU: ~~04/12~~ 07/12

Whenever IIU receives a complaint of misconduct or becomes aware of misconduct, either directly, or through the chain of command, the IIU investigators shall take an initial statement from the complainant and conduct a preliminary investigation to determine if the complaint will be investigated in IIU or to be investigated at the Precinct/Section level.

1. If the complaint is not an allegation of misconduct, the incident shall be entered on Blue Team as a Non-Investigative Matter (NIM) and forwarded to the worksite supervisor for informational purposes.
2. If the alleged or observed policy infraction is minor, the incident shall be classified in Blue Team as a Supervisor Action Log (SAL) and routed to the supervisor and HR. A supervisor may resolve these incidents and immediately take necessary action, but shall document the incident and actions taken. Minor infractions may include:

   - Tardiness.
   - Uniform and equipment violations.
   - Personal appearance infractions.
   - Minor omissions in assigned duties.
   - Minor regulations concerned with efficiency or safety.

3. If the complaint is an allegation of misconduct, the details of the incident will entered in Blue Team as an inquiry and investigated by IIU. The initial complaint and classification will be forwarded to the supervisor for information and routed up the chain of command.

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3.03.175
INVESTIGATIVE REPORT FORMAT: ~~10/09~~ 07/12

The investigative report will be submitted in a Follow-up Report format and ~~should~~ shall contain:

1. ACCUSED MEMBER ALLEGATIONS
   Allegations should be specific and listed in chronological order.
2. EVIDENCE
   a. Evidence is any statement, document, or item that will have a bearing on the investigation.
   b. All evidence obtained during the investigation should be listed in the report.
3. PERSONS INTERVIEWED
   List names, addresses and phone numbers.
4. INVESTIGATIVE STEPS
   All entries should be prefaced by the date and time of the investigative step.
5. SUMMARY
   The investigator will present the results of the investigation in a clear, logical sequence.

6.01.000 FORCE, REPORTING USE OF

6.01.005
POLICY STATEMENT: ~~11/04~~ 07/12

It is the policy of the Sheriff's Office to promptly report and to thoroughly investigate any use of force incident. Whenever a deputy uses ~~either~~ deadly force, ~~or~~ physical force, Taser, chemical agent or Pepper Spray, **REPORTING IS MANDATORY**.

. . .

6.01.015
REPORT REQUIRED: ~~07/05~~ 07/12

1. A use of force report is required when a deputy/detective:
   a. Uses or attempts to use deadly force.
   b. Hits with open or closed hands.
   c. Hits with an object such as a baton or flashlight.
   d. Kicks a subject.
   e. Uses any chemical agent (i.e., mace, tear gas).
   f. Uses Pepper Spray.
   g. Uses a Taser or any less lethal weapon, or
   h. Uses any other use of force that results in injury or complaint of injury.
2. This does not include routine handcuffing and control holds not amounting to the conditions above.
3. ~~This does not include the use of pepper spray in which there are no additional injuries or unusual occurrences~~.
3. This does not include when the Taser is only displayed.

6.01.025
SUPERVISOR'S RESPONSIBILITIES: 11/04

The on duty Supervisor shall:

1. Immediately respond to the scene to investigate and review the incident.
2. Identify and interview:
   a. The person(s) involved.
   b. Available witnesses.
3. Review the deputy/detective's statement, if available.

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4. Obtain written statements unless Major Crime's detectives take charge of the scene.
5. Ensure that the person(s) involved is not released from custody or booked into the King County Jail without in person approval.

   - Exceptions may be made by a Zone/Section Commander, Command Duty Officer, or higher authority with such exceptions documented.

6. Prepare a Supervisor's Use of Force Review.
7. Forward the **original** incident report and associated documents to the appropriate detective unit if necessary.

   - **Do not include the Supervisor's Use of Force Review with the original incident report.**

8. Forward the Supervisor's Review with copies of the **entire** case packet to the Zone/Section Commander via the chain of command.
9. Refer any policy violations to IIU.

6.01.030
ZONE/SECTION COMMANDER'S RESPONSIBILITIES: ~~11/04~~ 07/12

The Zone/Section Commander shall:

1. Review the case packet for ~~completeness~~ to ensure a complete investigation has been conducted and allegations, if any, have been identified.
2. Make any necessary comments and or recommendations.
3. Forward the case packet to the Division Commander without delay.

6.01.035
DIVISION COMMANDER'S RESPONSIBILITIES: ~~03/04~~ 07/12

The Division Commander shall:

1. Review the case packet for ~~completeness~~ thoroughness.
2. Make any necessary comments and or recommendations.
3. Forward the case packet to the Internal Investigations Unit without delay.

6.01.040
IIU'S RESPONSIBILITIES: ~~03/09~~ 07/12
IIU shall:

1. Review the case packet for completeness.
2. Investigate the use of force incident if a policy violation is ~~alleged~~ discovered.
3. Retain the **entire** case packet in compliance with the Record Retention Schedule.
4. Create an annual analysis of Use of Force Reports.

   - This analysis may reveal patterns or trends that could indicate training needs and/or policy modifications.

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King County Sheriff's Office
Response to Performance Audit of KCSO Investigations of Complaints

Attachment B

ATTACHMENT B

Sheriff's Employee Expectations
July 5, 2012

Thank you to those of you who joined me at in-service training session. We have now completed the almost 50 sessions for both commissioned and non-commissioned staff.

While speaking with and hearing from you at these in-service discussions, I heard clearly that you expect me to set a very clear path for the mission and direction of our department, to define each of our roles in fulfilling that mission, and to set clear employee expectations for the implementation of that work. I promised each of you that I would continually provide this direction, will continue to meet with members face to face, and that I will support you as we move forward together.

Probably the most important of the pledges I have made is to set clear employee expectations that we can each hold ourselves and others to. This allows us all to work from the same page, it fosters credibility in our work and our department, and it tells the public what they can expect from their Sheriff's Office. Setting clear employee expectations is a basic foundational element of any strong organization, and is also my responsibility to you as Sheriff. So, this is just a brief explanation of my expectations for each of us.

1. **Be honest.** Be honest in your case reports, in interviews, when testifying, during internal investigations, and when dealing with the public. Any deviation from full honesty is not acceptable.

2. **Be respectful.** During the in-service trainings we discussed how we should focus on doing what matters—that is keeping people safe and being effective in fighting crime. To be effective in our jobs, we absolutely have to be respectful in order to earn the public's trust. We cannot be effective, we cannot fight crime and do our jobs well, without public support. Be respectful in your service to the public, and also in service to your coworkers.

3. **Obey the law.** Before we are law enforcement officers, we are members of the public, and we are subject to the same laws we enforce. I understand we have to do things like drive at higher speed to certain calls, but be very aware that these circumstances need to be justified and consistent. As I have mentioned in our in-services, the perception of a double-standard and hypocrisy undermines respect for the rule of law and for our profession.

4. **Stay within the bounds of your authority.** Law enforcement personnel are granted extraordinary powers. We have the power to detain, search and confine people. We are authorized to use force. In exchange for this extraordinary grant of authority, the public expects us to use it wisely, and within the confines of the law. Abusing our authority, even in small ways, undermines public trust and confidence in our office and in the rule of law.

5. **Use force appropriately**. We ask you to go out there every day to use your discretion and make good decisions. As your Sheriff, I view my job as doing all I can to help you make those judgment calls with confidence and safety, so that you understand our expectations and feel supported. When you do need to use force, use it appropriately. Unnecessary and excessive use of force destroys public confidence and trust, particularly if it is perceived as punitive or coming from emotion or anger.

6. **Respect civil rights.** Respect civil rights always. Do not engage in illegal profiling, discrimination, or harassment.

7. **Earn your pay.** Be in your assigned area on time, and when you advise radio you are there, be there. If you are late or need to leave early, advise your supervisor and take appropriate leave. This is about public transparency and being there for your partners.

8. **Be accountable.** Be accountable to yourself, to those you work with, to those you lead, and to those we serve. It starts with recognizing those who do the job right and who excel. We should spend a significant amount of our time "catching" each other doing good work and reinforcing excellence. It also means that when we accept or tolerate inappropriate or unacceptable performance, we have just created a new, lower standard. Have the courage to address it through appropriate discipline and/or training in a fair and consistent manner—criminal acts, abuse of authority, and egregious and/or repeated violations of the GOM will result in serious discipline, including suspension or termination. When we ignore problems, it is disrespectful to the vast majority of our department members doing it the right way.

You will hear me say that there is no greater compliment I can give you than "You are a good partner." Being a good partner means we are all clear on what is expected, and we hold each other accountable to those expectations. Here is my commitment to you—accountability starts at the top, it includes command staff and our entire management team. Each of us is responsible for a respectful and accountable work environment.

Finally, know that as your Sheriff, I am proud to be a member of this department and of this profession. I will work to aggressively support the good work and the good people of KCSO. Thank you for all you do, and thank you all for being good partners.

Steve Strachan, Sheriff

Sheriff's Office Strategic Business Plan 2012-2016 is available at King County Sheriff's Office website (www.kingcounty.gov/safety/~/media/safety/sheriff/documents/b/120509_2386L_SheriffBizPlan.ashx).

Office of Law Enforcement Oversight Response

King County

Metropolitan King County Council
Office of Law Enforcement Oversight
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MEMORANDUM

DATE: July 17, 2012

TO: Cheryle A. Broom, County Auditor

FROM: Charles E. Gaither, Director, Office of Law Enforcement Oversight

SUBJECT: Response to the County Auditor's Proposed Final Report – Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight

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Pursuant to King County Ordinance 16511 (2009), the County Auditor evaluated the King County Sheriff's Office's (KCSO) internal investigation processes and assessed the effectiveness of the Office of Law Enforcement Oversight (OLEO) in providing oversight of KCSO's Internal Investigations Unit. The County Auditor also considered best practices for managing internal investigations and for assuring the adequacy of civilian oversight of law enforcement.

Following its review, the County Auditor identified significant issues with KCSO's policies and procedures for conducting internal investigations and for adhering to national standards underlying the receipt, documentation, and investigation of personnel complaints. The County Auditor also noted that labor and legal issues have hampered civilian oversight of KCSO and have obstructed efforts by the OLEO Director and the Sheriff to implement needed reforms.

To address these and other concerns, the County Auditor presented 16 recommendations for action by the OLEO Director and the Sheriff. Of these, only Recommendations 13 through 16 directly impact OLEO and its oversight function. As such, while OLEO concurs with <u>all</u> of the findings and recommendations provided in the audit report, it will respond only to those recommendations affecting the implementation of effective civilian oversight of KCSO. If you have any questions concerning our response to the audit report, please call me at 206-296-8870.

CG:AC
Attachment

Office of Law Enforcement Oversight Response (Continued)

Metropolitan King County
Office of Law Enforcement Oversight
Charles E. Gaither, Director

Response to the King County Auditor's Proposed Final Report

Recommendation	Agency Position	Schedule for Implementation	Comments
Recommendation 1:			
KCSO should develop leadership expectations that all complaints, misconduct, and policy violations will be categorically captured and reported into Blue Team. KCSO should also expand the GOM by adding a Failure to Supervise section and outlining disciplinary actions for supervisors who fail to document all incidents of misconduct and violations of policy, as required by the GOM.	Concur	N/A	N/A
Recommendation 2:			
KCSO executive leadership should formally and informally remind officers and supervisors that compliance with personnel conduct and reporting requirements is mandatory, and must be the standard by which professionalism is demonstrated throughout the department.	Concur	N/A	N/A
Recommendation 3:			
The GOM should be changed, allowing the Sheriff and/or IIU to file, without restriction from the rank and file, a department-initiated complaint when direct supervisors and commanders refuse to do so in the event of egregious acts of misconduct and policy violations. The GOM should also compel direct supervisors and commanders to fully cooperate with the IIU in handling department-initiated complaints.	Concur	N/A	N/A

Office of Law Enforcement Oversight Response (Continued)

Recommendation	Agency Position	Schedule for Implementation	Comments
Recommendation 4:			
KC SO should develop more detailed GOM and SOPs that outline the exact reporting and investigation processes for complaints; these detailed policies should become the standard that is adhered to by offices and supervisors throughout the department.	Concur	N/A	N/A
Recommendation 5:			
KCSO should review the current CALEA standards, identify any gaps in its GOM and SOPs, and commit to addressing them prior to the scheduled 2013 CALEA reaccreditation process to ensure full CALEA compliance and ongoing accreditation, including: a) Standards for compliant processing and investigation for all complaints, including anonymous complains; and b) Realign the KCSO command structure to have the IIU Commander report directly to the Sheriff. (See Recommendation 7.)	Concur	N/A	N/A
Recommendation 6:			
KCSO should require all the complaints to be documented in exactly the same manner, including the following: a) A defined template for what elements need to be included in the written documentation; b) A clear process identifying who is responsible for completing the documentation; c) An established understanding of who is responsible for reviewing the written documentation and forwarding it up the chain of command to IIU; and d) A clear determination that all such documents should be centrally stored in one common location: the IIU.	Concur	N/A	N/A

Office of Law Enforcement Oversight Response (Continued)

Recommendation	Agency Position	Schedule for Implementation	Comments
Recommendation 7:			
KCSO should modify the position of the IIU Commander in the organization such that s/he reports directly to the Sheriff and the PSM Manager to avoid losing the benefits of working with the Professional Standards Manager. This will help reinforce the importance of the IIU's work in the perception of the department's rank –and-file. It will also ensure that the Sheriff is as informed as possible concerning the critical issues associated with misconduct complaints and the critical issues are addressed through effective policies and procedures.	Concur	N/A	N/A
Recommendation 8:			
KCSO should explore opportunities to extend the 90-day rolling period for maintaining complaints and incident data to a one-year period to improve the completeness and effectiveness of its trend analysis and reports disseminated to officials and the public.	Concur, in part	Any modification to KCSO's Early Intervention Program ("EIP") is dependent on negotiations with the King County Police Officers Guild	KCSO's management improvidently agreed to a union proposal that early warning and tracking records be maintained for a rolling 90-day period. The 90-day rule should be withdrawn—it hamstrings any meaningful effort to manage the risk of police misconduct and identify problem or potentially problem officers. That current rolling 90-day review period is inadequate for risk management purposes, and we recommend that the data be retained for the entirety of the deputy's career in the Department plus a minimum of five years thereafter.
Recommendation 9:			
KCSO should outline policies and procedures for supervisors that will increase the variety of data that must be entered into the Blue Team system and forwarded to IIU, thereby enhancing the effectiveness of the KCSO Early Intervention System.	Concur	N/A	N/A

Office of Law Enforcement Oversight Response (Continued)

Recommendation	Agency Position	Schedule for Implementation	Comments
Recommendation 10:			
KCSO should consider using a template that facilitates entry, review, and approval of selected lower-level citizens complaint, which can be handled efficiently and quickly at the first-line supervisor level, to be entered into the Blue Team system, reviewed and approved by a supervisor, and forwarded for entry into the IAPro system for tracking and early intervention purposes.	Concur	N/A	N/A
Recommendation 11:			
KCSO should provide ongoing training to all supervisors on the effective use of Blue Team system, as well as ongoing training on how to investigate and document misconduct complaints and inquiries using the Investigative Report Format outlined in GOM Section 3.03.175 and the Blue Team template.	Concur	N/A	N/A
Recommendation 12:			
KCSO should also explore opportunities to expand its own training resources, or identify training programs in other jurisdictions, to address the main cause of "reoccurring" performance issues within the department.	Concur	N/A	N/A
Recommendation 13:			
OLEO, in collaboration with KCSO, should continue planning and developing workable guidelines and measurable objectives to assure that the effectiveness and benefits of law enforcement oversight are maximized.	Concur	Ongoing	At the onset, staff assigned to OLEO recognized the consequences of expressing opinions of the Sheriff's Office without first establishing a strong working relationship and acquainting themselves of the policies and procedures governing internal investigations. Accordingly, we spent many hours meeting with command staff, deputies, and employee organizations to ascertain their perception of current needs and to identify deficiencies underlying sheriff operations. This approach engenders candor and establishes credibility necessary for OLEO to perform its work and to identify risks that would otherwise escape review. OLEO will continue to work in collaboration with all stakeholders to assure transparency of police operations and to hold deputies accountable for their actions.

Office of Law Enforcement Oversight Response (Continued)

Recommendation	Agency Position	Schedule for Implementation	Comments
Recommendation 14:			
OLEO, in conjunction with KCSO, should take proactive steps to educate both the public and the rank-and-file members about the formal mediation program as soon as the program is in place. Both IIU staff and OLEO staff should offer and explain the program to complainants when they initially consider filing what could be considered a lower level complaint.	Concur	01-Jan-13	In February 2012, OLEO met with the Sheriff to discuss the creation and implementation of a volunteer mediation program. The mediation program will serve as an alternative method for resolving personnel complaints by allowing citizens and deputies to resolve their differences under the guidance of a professional mediator. It is anticipated that low level complaints such as rudeness would be addressed through mediation while serious complaints such as abuse of authority would be addressed by KCSO's internal investigation process. OLEO will continue to work collaboratively with the KCSO and other stakeholders to ensure that members of the public have an alternative means to resolve personnel complaints.
Recommendation 15:			
KCSO and OLEO should each submit an annual report detailing progress in successfully implementing the recommendations in this report and in future subsequent reports. KCSO should also provide detailed annual statistics reports on the number, type, and unit location of allegations and complaints received to allow for greater tracking and analysis of supervisors compliance with reporting requirements and community outreach efforts.	Concur	Ongoing	In April 2012, OLEO released its first annual report for 2011. The report detailed OLEO's progress in the implementation of civilian oversight of law enforcement, assessed the number and type of misconduct cases investigated by KCSO, and presented its future vision to assure effective oversight of KCSO. OLEO will continue to submit annual reports and will also provide KCSO with ongoing analysis of systemic issues that affect performance and inhibit accountability of its employees.
Recommendation 16:			
The King County Council may want to consider, pending the outcome of labor negotiations, embodying features of its newly adopted labor policy regarding civilian oversight of the Sheriff' s Office in Chapter 2.75 of the King County Code.	Concur	Ongoing	The Metropolitan King County Council approved labor policy that embodies OLEO's Operational Plan and restores OLEO review authority to that originally contemplated under King County Ordinance 15611 (2006). Should labor negotiations facilitate the provisions of labor policy, OLEO would welcome the inclusion of these provisions to Chapter 2.75 of the King County Code.

Statement of Compliance

Statement of Compliance with Government Auditing Standards
We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Scope of Work on Internal Controls
We assessed internal controls relevant to the audit objectives. These objectives were satisfied by assessing the current practices, testing for compliance with established policies and procedures. This report summarizes the issues identified and and the resulting recommendations based on these activities.

List of Recommendations & Implementation Schedule

Recommendation 1: KCSO should develop leadership expectations that all complaints, misconduct, and policy violations will be categorically captured and reported into Blue Team. KCSO should also expand the GOM by adding a *Failure to Supervise* section and outlining disciplinary actions for supervisors who fail to document all incidents of misconduct and violations of policy, as required by the GOM.

Implementation Date: September, 2012
Estimate of Impact: More effective leadership, management, and supervision

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Recommendation 2: KCSO executive leadership should formally and informally remind officers and supervisors that compliance with personnel conduct and reporting requirements is mandatory, and must be the standard by which professionalism is demonstrated throughout the department.

Implementation Date: December, 2012
Estimate of Impact: Improved understanding of expectations relating to complaints

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Recommendation 3: The GOM should be changed, allowing the Sheriff and/or IIU to file, without restriction from the rank and file, a department-initiated complaint when direct supervisors and commanders refuse to do so in the event of egregious acts of misconduct and policy violations. The GOM should also compel direct supervisors and commanders to fully cooperate with the IIU in handling department-initiated complaints.

Implementation Date: December, 2012
Estimate of Impact: Needed revisions to General Orders Manual

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Recommendation 4: KCSO should develop more detailed GOM and SOPs that outline the exact reporting and investigation processes for complaints; these detailed polices should become the standard that is adhered to by officers and supervisors throughout the department.

Implementation Date: December 2012
Estimate of Impact: Improved accountability through better reporting and investigation

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Recommendation 5: KCSO should review the current CALEA standards, identify any gaps in its GOM and SOPs, and commit to addressing them prior to the scheduled 2013 CALEA reaccreditation process to ensure full CALEA compliance and ongoing accreditation, including:

a) Standards for complaint processing and investigation for all complaints, including anonymous complaints; and,
b) Realigning the KCSO command structure to have the IIU Commander report directly to the Sheriff (see Recommendation 7, below).

Implementation Date: December 2012 and ongoing
Estimate of Impact: Positions KCSO to qualify for CALEA accreditation in 2013

List of Recommendations & Implementation Schedule (Continued)

Recommendation 6: KCSO should require all complaints to be documented in exactly the same manner, including the following:

a) A defined template for what elements need to be included in the written documentation;
b) A clear process identifying who is responsible for completing the documentation;
c) An established understanding of who is responsible for reviewing the written documentation and forwarding it up the chain of command to IIU; and,
d) A clear determination that all such documents should be centrally stored in one common location: the IIU.

Implementation Date: December 2012
Estimate of Impact: Uniformity and consistency in the processing and the documentation of complaints

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Recommendation 7: KCSO should modify the position of the IIU Commander in the organization such that s/he reports directly to the Sheriff and the PSM Manager to avoid losing the benefits of working with the Professional Standards Manager.

Implementation Date: September 2012
Estimate of Impact: Direct access and reporting by IIU Commander to the Sheriff

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Recommendation 8: KCSO should explore opportunities to extend the 90-day rolling period for maintaining complaint and incident data to a one-year period to improve the completeness and effectiveness of its trend analysis and reports disseminated to officials and the public.

Implementation Date: January 2013
Estimate of Impact: A change to the 90-day period will require contract discussions with the Police Officer's Guild.

Recommendation 9: KCSO should outline policies and procedures for supervisors that will increase the variety of data that must be entered into the Blue Team system and forwarded to IIU, thereby enhancing the effectiveness of the KCSO Early Intervention System and Blue Team application.

Implementation Date: December 2012
Estimate of Impact: More detailed instructions will be included in the SOPs.

Recommendation 10: KCSO should consider using a template that facilitates Blue Team entry, review, and approval of selected lower-level citizen complaints, which can be handled efficiently and quickly at the first-line supervisor level, and forwarded for entry into the IAPro system for tracking and early intervention purposes.

Implementation Date: December 2012
Estimate of Impact:A template and checklist will facilitate complaint intake and completeness.

List of Recommendations & Implementation Schedule (Continued)

Recommendation 11: KCSO should provide ongoing training to all supervisors on the effective use of the Blue Team system, as well as ongoing training on how to investigate and document misconduct complaints and inquiries using the Investigative Report Format outlined in GOM Section 3.03.175 and the Blue Team template.

> **Implementation Date:** December 2012 and ongoing
> **Estimate of Impact:**Will help to clarify expectations and responsibilities

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Recommendation 12: KCSO should also explore opportunities to expand its own training resources, or identify training programs in other jurisdictions, to address the main cause of "recurring" performance issues within the department.

> **Implementation Date:** December 2012
> **Estimate of Impact:** KCSO's response indicates its 2013 budget request will ask for more staffing and IT resources. We do not have details on where such resources would be applied.

Recommendation 13: OLEO, in collaboration with KCSO, should continue planning and developing working guidelines and measurable objectives to assure that the effectiveness and benefits of law enforcement oversight are maximized.

> **Implementation Date:** Ongoing
> **Estimate of Impact:** A collaborative working relationship between the two agencies

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Recommendation 14: OLEO, in conjunction with KCSO, should take proactive steps to educate both the public and the rank-and-file members about the formal mediation program as soon as the program is in place. Both IIU staff and OLEO staff should offer and explain the program to complainants when they initially consider filing what could be considered a lower-level complaint.

> **Implementation Date:** January 2013
> **Estimate of Impact:** Development of a mediation program is in progress.

Recommendation 15: KCSO and OLEO should each submit an annual report detailing progress in successfully implementing the recommendations in this report and in future subsequent reports. KCSO should also provide detailed annual statistics reports on the number, type, and unit location of allegations and complaints received to allow for greater tracking and analysis of supervisor compliance with reporting requirements and community outreach efforts.

> **Implementation Date:** Ongoing, with reports due each August, if not sooner
> **Estimate of Impact:** These reports will help to track the status of effective implementation of the audit recommendations.

List of Recommendations & Implementation Schedule (Continued)

Recommendation 16: The King County Council may want to consider, pending the outcome of labor negotiations, embodying features of its newly adopted labor policy regarding civilian oversight of the Sheriff's Office in Chapter 2.75 of the King County Code.

> **Implementation Date:** Ongoing
> **Estimate of Impact:** Possible enhancement of OLEO's authority to provide for more effective oversight.