



KING COUNTY AUDITOR'S OFFICE

AUGUST 3, 2020

Follow-Up on the 2012 and 2015 Performance Audits of the King County Sheriff's Office and the Office of Law Enforcement Oversight

The King County Sheriff's Office and the Office of Law Enforcement Oversight completed five recommendations that improve the effectiveness of law enforcement and civilian oversight, but missing guidance and contractual barriers prevented completion of seven more. These two audits—in 2012 and 2015—focused on the effectiveness of the Office of Law Enforcement Oversight (OLEO) and its working relationship with the King County Sheriff's Office (KCSO), primarily KCSO's Internal Investigations Unit (IIU). Completing these recommendations helps to ensure OLEO and IIU are capable of performing their basic roles in King County's policing accountability system.

Since the last audit follow up, in April 2019, the King County Sheriff's Office and the Office of Law Enforcement Oversight have had some notable successes: removing many barriers on OLEO's work from the contract with the King County Police Officers Guild (KCPOG), expanding KCSO training to include more in-person training on de-escalation and critical interventions, and establishing agreement on OLEO's review of IIU case classifications.

External barriers prevented completion of three recommendations and another four require King County Sheriff's Office training and documentation of accountability measures. The most significant barrier is contract bargaining. In April 2020, the King County Council approved the new collective bargaining agreement with KCPOG. Although the new language in the KCPOG contract significantly broadens OLEO's authority in comparison with the previous contract, limits on OLEO's independence remain. And while it has been eight years since the 2012 audit, KCSO and OLEO still lack comprehensive procedures for coordinating their work, which KCSO explained depends on bargaining. In addition, KCSO does not have unilateral authority to relocate IIU from the King County Courthouse on its own. For the final four recommendations, KCSO must finalize guidance about IIU investigations and staffing and acknowledge and train on the role of OLEO and the Office of the Ombuds in KCSO procedures as part of the accountability system.

Of the 12 remaining audit recommendations:

 <p>5 DONE</p>	 <p>6 PROGRESS</p>	 <p>1 OPEN</p>
<p>Fully implemented Auditor will no longer monitor.</p>	<p>Partially implemented Auditor will continue to monitor.</p>	<p>Remains unresolved Auditor will continue to monitor.</p>

Please see below for details on the implementation status of these recommendations.

Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight (2012)

Recommendation 1	On October 9, 2013	DONE	✓
Recommendation 2	On April 21, 2017	DONE	✓
Recommendation 3	On October 9, 2013	DONE	✓
Recommendation 4	On October 9, 2013	DONE	✓
Recommendation 5	On October 9, 2013	DONE	✓
Recommendation 6	On April 21, 2017	DONE	✓
Recommendation 7	On October 9, 2013	DONE	✓
Recommendation 8	On April 21, 2017	CLOSED	✗
Recommendation 9	On April 21, 2017	DONE	✓
Recommendation 10	On October 9, 2013	DONE	✓
Recommendation 11	On April 21, 2017	DONE	✓
Recommendation 12		DONE	✓

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.

STATUS UPDATE: In our April 2019 follow up, KCSO provided examples of new and expanded training opportunities, and noted that it would be revising its training program to provide more in-person training in conjunction with requirements from I-940 (later HB1064). Since then, KCSO continued implementation of de-escalation, expanded crisis intervention, and anti-bias training, among other topics. As of December 2019, all new officers must complete this training; officers also must complete 40 hours of ongoing training every three years. Although the COVID-19 pandemic impacted KCSO’s in-service training program, the program elements appear to address the I-940 requirements.

IMPACT: When our office made this recommendation in 2012, KCSO provided limited training to officers, with almost all trainings conducted online. By implementing expanded in-person training focused on crisis intervention and de-escalation, KCSO officers should have a broader range of options in response to high-tension situations—in turn potentially providing alternatives to uses of force.

Recommendation 13

PROGRESS



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.

STATUS UPDATE: OLEO provided KCSO its most recent proposed procedures during the County’s contract bargaining with KCPOG in September 2019. Some elements of the procedures were addressed in the new KCPOG contract approved by the County Council in April 2020. KCSO stated that other procedural elements were held over for future bargaining and that informal discussion resolves most process and substantive issues. OLEO has both internal guidelines and objectives as well as externally reported information.

WHAT REMAINS: When our office made this recommendation in 2012, the basic procedural steps for OLEO’s review of IIU investigations were not documented. Since then, changes in the county charter and in OLEO’s authorizing ordinance have expanded its responsibilities, yet OLEO and KCSO still lack substantive procedures for coordinating their work. Establishing agreed policies and procedures for OLEO’s review of the quality of IIU investigations, access to information, and participation in KCSO proceedings is a basic step. In order to fully implement this recommendation, KCSO should evaluate and respond to OLEO’s proposed procedures, identifying those acceptable as is and those requiring further discussion, and collaborate with OLEO in reaching agreement on them—including those that may be subject to collective bargaining before the next KCPOG contract.

Recommendation 14

On October 9, 2013

DONE



Recommendation 15

On April 21, 2017

DONE



Recommendation 16	On October 9, 2013	DONE	
Recommendation 17	On April 21, 2017	DONE	
Recommendation 18 a, b, c	On April 21, 2017	DONE	
Recommendation 18 d	On April 1, 2019	DONE	

Law Enforcement Oversight: Limited Independence, Authority, and Access to Information Impede Effectiveness (2015)

Recommendation 1	On April 21, 2017	CLOSED	
Recommendation 2		DONE	

The King County Executive Office of Labor Relations (OLR) should take the following steps to provide the Office of Law Enforcement Oversight (OLEO) adequate opportunity to express its views on matters relating to oversight that may be included in any collective bargaining agreement.

- a. Provide OLEO with the opportunity to act as a subject matter expert on matters pertaining to civilian oversight that may arise during contract negotiations**
- b. Inform OLEO in a timely manner of any proposed contract language related to OLEO and its oversight**
- c. Provide OLEO with the opportunity to comment as early in the process as feasible on any proposed language pertaining to OLEO’s oversight**

STATUS UPDATE: OLEO reported that, during the bargaining for the most recent KCPOG contract, the Office of Labor Relations (OLR) satisfied all three of the elements of this recommendation. OLEO noted that it was able to provide subject matter expertise on issues relevant to OLEO during the contract negotiations, and that it was both informed about and able to provide input on contract language as part of the process. OLEO noted it provided feedback to OLR during and after the process and is well positioned to participate collaboratively in future collective bargaining negotiations.

IMPACT: By being able to actively participate in the collective bargaining process around issues regarding OLEO and civilian oversight, OLEO is more able to seek changes in existing contract terms that present barriers to its effectiveness and independence. It also helps OLEO and the

County Executive ensure that contract negotiations do not result in new language that materially reduces or places new limits on OLEO's ability to perform its civilian oversight role.

Recommendation 3

PROGRESS



The King County Sheriff's Office should relocate the Internal Investigations Unit to another facility or to an area of the King County Courthouse that does not house other Sheriff's Office functions.

STATUS UPDATE: As of our April 2019 audit follow up, KCSO had proposed relocating the IIU from the King County Courthouse to the Black River Building in Renton. However, that proposal did not make the capital projects list in the King County 2019-2020 budget. As an alternative, KCSO relocated IIU to a different space on the first floor of the King County Courthouse. Although this move separated IIU from KCSO senior management, IIU remains in the immediate area across the hallway, sharing a lobby with other KCSO units. Housing the internal investigation function fully separate from other police functions is a best practice as it enhances witness confidentiality and IIU's appearance of impartiality. KCSO leadership reiterated its agreement and that it still supports the relocation of IIU to Renton.

WHAT REMAINS: Relocating IIU ultimately depends on the inclusion of the project in the larger county budget, relative to competing projects and priorities. Given that KCSO does not control the capital projects budget, as it pertains to county space, it cannot resolve this recommendation on its own. In order to fully implement this recommendation, KCSO should continue its engagement with the Facilities Management Division of the Department of Executive Services to advance a proposal; however, COVID-19-related budget challenges could affect IIU's potential relocation in the next budget cycle.

Recommendation 4

PROGRESS



The King County Sheriff's Office should remove limits to Office of Law Enforcement Oversight (OLEO) access to information from all collective bargaining agreements, including the King County Police Officers' Guild agreement. OLEO should have unrestricted access to information, including unrestricted access to files more than two years old and the ability to print and save documents to its own file systems. Provisions that allow the Sheriff's Office to cut off OLEO access to files are among those that impede access to information and should be removed.

STATUS UPDATE: The April 2020 KCPOG contract included extensive changes in the section regarding OLEO, including its access to information. Previous barriers to OLEO's access to many types of information were removed, and OLEO now has an affirmative right to access all IIU case investigation information. However, the contract still includes provisions that limit OLEO's authority in providing information to others, including expert review, and provides the Sheriff the right to deny OLEO employees access to records when the Sheriff unilaterally determines that they have "violated the terms of access." KCSO has previously limited OLEO's access to some

types of data. Thus, although many of the previous limits on OLEO’s informational access were removed, barriers remain.

WHAT REMAINS: The current KCPOG contract expires at the end of 2021. In order to fully implement this recommendation, as part of the contract negotiations process, the parties should identify the remaining barriers to OLEO’s independence and access to information in the contract and address them—ideally in conjunction with Recommendation 13 of the 2012 audit, which is included on in page three of this follow-up. To the extent that KCSO believes its authority on these issues is limited (whether under the county charter or by delegation from KCSO to the Executive), KCSO and OLEO should identify areas of disagreement and their relevance to negotiations; it remains unclear why, for example, KCSO management’s authority regarding OLEO’s access to information is included in a contract with employees who are not members of either group.

Recommendation 5 On April 1, 2019 CLOSED 

Recommendation 6 DONE 

The King County Sheriff’s Office Internal Investigations Unit (IIU) should work together with the Office of Law Enforcement Oversight (OLEO) to develop and document procedures for providing OLEO ease of visibility into the complaint classification process. For instance, the Sheriff’s Office could provide OLEO with a periodic report listing all complaints and how IIU classified them.

STATUS UPDATE: In our April 2019 follow up, both KCSO and OLEO reported plans to implement the recommendations from the Daigle Law Group’s 2018 consultant report. That report focused, among other things, on improvements to the complaint classification process—including OLEO’s review of classifications—and followed the changes to OLEO’s authorizing ordinance in 2017. OLEO and IIU now have a process for OLEO’s review of classifications, and the recent KCPOG contract also specifies that OLEO has authority to review incident classifications and provide input to IIU consistent with the process.

IMPACT: Providing OLEO review and input into complaint classifications helps ensure the reliability of classifications and greater visibility and transparency into the classifications process—ideally, in turn, increasing public trust in the integrity of the complaint process as a whole.

Recommendation 7 PROGRESS 

The King County Sheriff’s Office should conduct a staffing analysis of the Internal Investigations Unit (IIU). The analysis should include information on the

- a. total number of investigations**
- b. types of investigations**

- c. **number of investigations IIU handles that are equal employment opportunity or human resources investigations**
- d. **number of investigations being handled by each IIU investigator**
- e. **number of hours required to complete each investigation**
- f. **comparative information on workloads of internal investigations units from other jurisdictions.**

STATUS UPDATE: As of our April 2019 follow up, KCSO had taken a number of steps to address the elements of Recommendation 7, including hiring two additional investigators and procedures to address case management. Completion of the recommendation primarily depended on a pending staffing analysis. In 2019, KCSO changed its procedures for investigating cases, primarily by changing the balance of cases investigated by IIU versus lower-level cases investigated at the precinct level, with OLEO’s accord. However, the staffing analysis did not occur; as a result, although KCSO reports that concerns underlying the analysis—caseloads and time to completion of cases—have been addressed by the changes, the analysis did not occur.

WHAT REMAINS: In order to fully implement this recommendation, KCSO should complete the staffing analysis. The changes in procedures and descriptions of IIU management reflect that many of the elements of the recommendation have been considered in one form or another; bringing them together into the data points described in the recommendation would provide a benchmark for evaluating future procedural changes and staffing needs against—in turn ensuring that IIU’s workload is reasonable.

Recommendation 8	On April 1, 2019	DONE	
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Recommendation 9		DONE	
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The Office of Law Enforcement Oversight (OLEO), together with the Internal Investigations Unit of the King County Sheriff’s Office, should develop and document a proposal for how to triage OLEO oversight of investigations.

STATUS UPDATE: At the time of this recommendation (July 2015), OLEO’s authorizing ordinance did not distinguish among IIU investigations relative to OLEO’s review—effectively treating the most serious incidents the same as minor ones. Since that time, OLEO’s authorities, both in the county charter and in the county code, have changed, providing OLEO greater discretion in allocation of resources. As noted in Recommendation 13 of the 2012 audit, above, OLEO provided KCSO its most recent proposed procedures in September 2019. The procedures reflect OLEO’s internal processes in light of these changes.

IMPACT: By developing its proposed procedures and sharing them with KCSO, OLEO maximizes its staff resources to both help ensure the quality of IIU investigations and to maximize the positive community impact of its independent oversight role.

Recommendation 10

DONE



The Internal Investigations Unit of the King County Sheriff’s Office should develop and document policies detailing criteria for complaint classification and prioritization of investigations.

STATUS UPDATE: The changes in complaint classifications (Recommendation 6, above) and in IIU case management (Recommendation 7, above) address the elements of this recommendation. OLEO oversight of complaint classification and IIU’s updated procedures regarding distribution of complaint investigations should help ensure the consistent application of complaint investigation criteria. The new procedures include criteria that specifies consideration and management of investigations involving “CARE” violations: criminal conduct, abuse of authority, repeated violations, and egregious conduct.

IMPACT: By specifying the criteria for classifying complaints and the level of investigation in the organization, KCSO helps manage its internal investigations workload and provides standards for itself and OLEO to evaluate the quality of its work. Doing so helps ensure that the more critical the case or allegation, the greater the effort to ensure that the investigation is objectively complete and thorough.

Recommendation 11

PROGRESS



The King County Sheriff’s Office should develop and document interim timeframes to ensure the timely progression of complaint investigations conducted by the Internal Investigations Unit.

STATUS UPDATE: KCSO noted that IIU continues to use IAPro software to manage its case investigation information, and that IAPro includes a “tasks” functionality to designate assignments and timelines for each investigation. As such, both investigators and reviewing command staff are given deadlines for completing their work and keeping investigations on track. Staff with sufficient IAPro permissions can look at the system to determine where cases are in the process and ensure their timeliness.

WHAT REMAINS: When we made this recommendation in June 2015, a handful of cases exceeded the 180-day limit on internal investigations, and there was apparently no simple way to report on the status of investigations—raising concerns that there may not be sufficient time to provide feedback on investigations quality, whether internal or by OLEO. KCSO’s response during this follow up indicates that these concerns may have been addressed, but without specific timeframes, the emphasis on timeliness is anecdotal.

In order to fully implement this recommendation, KCSO should provide measurable expectations about the durations of and deadlines for investigation phases. For example, that command staff review investigations at least 14 days after forwarding—or whatever internal criteria is appropriate.

Recommendation 12

OPEN



The King County Sheriff’s Office should update its General Orders Manual to explain the role of other King County offices involved in the complaint investigation and oversight process, including the Office of Law Enforcement Oversight and the King County Ombudsman’s Office.

STATUS UPDATE: At the time of the audit and during our first audit follow up in April 2017, KCSO indicated it did not plan to implement this recommendation. However, during our April 2019 follow up, KCSO managers planned to revisit this recommendation in light of I-940 requirements and ongoing collective bargaining. During this follow up, KCSO explained that it is still determining how it would address guidance language on the other oversight functions, and whether it would be best included in standard operating procedures (SOPs) or in the general orders manual (GOM).

WHAT REMAINS: The purpose of this recommendation is to provide clarity for KCSO officers regarding the oversight functions in King County besides IIU. During the 2015 audit, we heard from officers who did not know about the roles of OLEO or the Office of the Ombuds, and how their work interrelated with IIU’s internal investigations. To complete this recommendation, KCSO should include information about the oversight roles of these agencies in the GOM or in appropriate SOPs, helping to inform and clarify these roles for KCSO officers.

Recommendation 13

PROGRESS



The King County Sheriff’s Office, together with the Office of Law Enforcement Oversight (OLEO) and the King County Ombudsman’s Office, should develop, document, and implement training to ensure that all employees of the Sheriff’s Office are fully aware of policies, rules, and procedures related to the complaint process. This training should include explanations of the key roles of Internal Investigations Unit, OLEO, and the Ombudsman’s Office.

STATUS UPDATE: Consistent with Recommendation 12, above, KCSO explained that it is still determining next steps regarding oversight function language in the GOM or other procedural guidance. Logically, training on the roles of the IIU, OLEO, and the Office of the Ombuds should reflect the language included in procedures or general orders, per Recommendation 12.

In our April 2019 follow up, we reported the status of this recommendation as “progress,” given the participation of the OLEO director at multiple precinct roll calls and KCSO’s reported plan to implement the recommendation in concert with I-940-related training. During this follow up, KCSO indicated it was unsure whether it would complete the recommendation at all, given its limited training resources, and suggested the recommendation may be “open.” It explained that training funding is an ongoing challenge, but that information about these roles could potentially be combined with other training, such as equal employment opportunity-related training. For its part, OLEO noted that it has twice participated in post-Basic Law Enforcement Academy (BLEA) training. If routinized (and including the Office of the Ombuds) post-BLEA training, equal employment opportunity-related training, or other training could address the recommendation.

WHAT REMAINS: In order to fully implement this recommendation, KCSO should include training on the roles of OLEO and the Office of the Ombuds and their relationship with KCSO. This training could be included with other training topics appropriate to the recommendation.

Justin Anderson conducted this review. If you have any questions or would like more information, please contact the King County Auditor's Office at KCAO@kingcounty.gov or 206-477-1033.