



King County
Office of Law Enforcement Oversight

October 29, 2018

TO: Sheriff Mitzi Johanknecht, King County Sheriff's Office (KCSO)

FR: Deborah Jacobs, Director, Office of Law Enforcement Oversight (OLEO)

RE: Off-duty work for Lateral and Phase 4 Deputies, General Orders Manual (GOM)
4.03.025

We appreciate the opportunity to review KCSO's proposed revisions to its overtime policy. Under current GOM 4.03.025, there is a blanket prohibition for department members who are on probation from working off-duty. KCSO's proposed edits (referenced on page 3 below) would allow lateral and Phase 4 deputies to work off-duty while on probation, provided precinct commander approval.

In considering this policy change, OLEO recommends that KCSO establish a cap on the number of hours Phase 4 and lateral deputies can work off-duty.

This recommendation seeks to strike a balance between KCSO's need for recruiting and hiring new deputies and the need to maximize the learning capacity and safety for new deputies still learning KCSO and policing in King County.

In June 2017, the King County Auditor released a [report](#) on KCSO's overtime practices and included a recommendation that KCSO place an overall cap on the amount of off-duty hours officers can work based on safety risks. The following excerpt from page 3 of the report provides some context:

For instance, if an officer works four additional hours of overtime in a week, the odds they will have a negative incident in the following week increase by 12 percent (negative incidents include accidents, uses of force, ethics violations, professionalism complaints, and other incidents tracked internally by KCSO). More specifically, the odds that they will file a workers' compensation claim in the following week increase by 8 percent, the odds that they will be involved in a work-related car accident increase by 13 percent, and the odds that they will be involved in a use of force incident increase by 11 percent. In addition, the odds they will commit an ethics violation increase by 13 percent and the odds they will receive a complaint increase by 10 percent. Finally, the odds they will discharge a firearm increase by 15.2 percent.

The chance of an event happening in a given week are still low - for example, the odds of having any negative incident recorded in a week are about 1.5 percent if the officer worked no overtime in the prior week, while the odds increase to 1.6 percent for an officer who worked four hours of overtime in the prior week. At a more extreme level, an officer who worked 40 hours of overtime in a week would have 4.4 percent odds of a negative incident. See Appendix 1 for full results of our analysis.

Page 8 of the Auditor's report discusses how other peer jurisdictions have approached limiting overall work hours. For example, Pima County limits work hours to 16 hours per day and 64 hours per week. Los Angeles County's policy addresses the cumulative effects of fatigue – officers cannot work more than 12 hours the day before or after a 16-hour day, and cannot work more than 12 consecutive days.

Based on the data and risks mentioned above, OLEO recommends KCSO include a specific cap on the number of off-duty hours laterals and Phase 4 deputies would be allowed to work when revising GOM 4.03.025. Ideally the capped hours would be something less than the numbers cited in the Auditor's report since these deputies are still learning and growing accustomed to KCSO policies and practices.

In addition to capping the number of off-duty hours, we recommend that precinct commanders who approve the off-duty work document the amount of hours approved, including the days/times the hours are worked. This critical piece of record-keeping can help better inform KCSO's decision-making on overtime policies and practices for the future, including tracking any impact off-duty hours may have on officer-safety and performance.

Finally, there are other important recommendations in the Auditor's report, including an overall cap for off-duty hours officers can work, that we hope to see implemented by KCSO.

OFF DUTY EMPLOYMENT, STIPULATIONS: 11/13

The following stipulations apply to off duty employment:

1. Department members directed to work overtime shall do so despite any off duty employment obligation.
2. Department members are prohibited from working off duty under the following conditions:
 - a. On probation.
 - Exceptions can be made for Phase 4 and lateral deputies if approved by their precinct commander.
 - This does not apply to promotions.
 - b. On light duty assignment.
 - c. On a leave of absence, paid or unpaid.
 - Unless approved by the Undersheriff or his/her designee.
 - d. On a day sick leave or disability leave is taken.
 - For the purposes of this section, an off duty job may not be worked during the "workday" as defined by current collective bargaining agreements if such leave is taken.
 - e. During normal working hours when family sick leave is taken.
 - f. Absence without Leave (AWOL).
 - g. On department suspension.
 - h. Received a performance review rating of improvement needed in any category.
 - i. The SEP has not been approved or has been revoked or canceled.