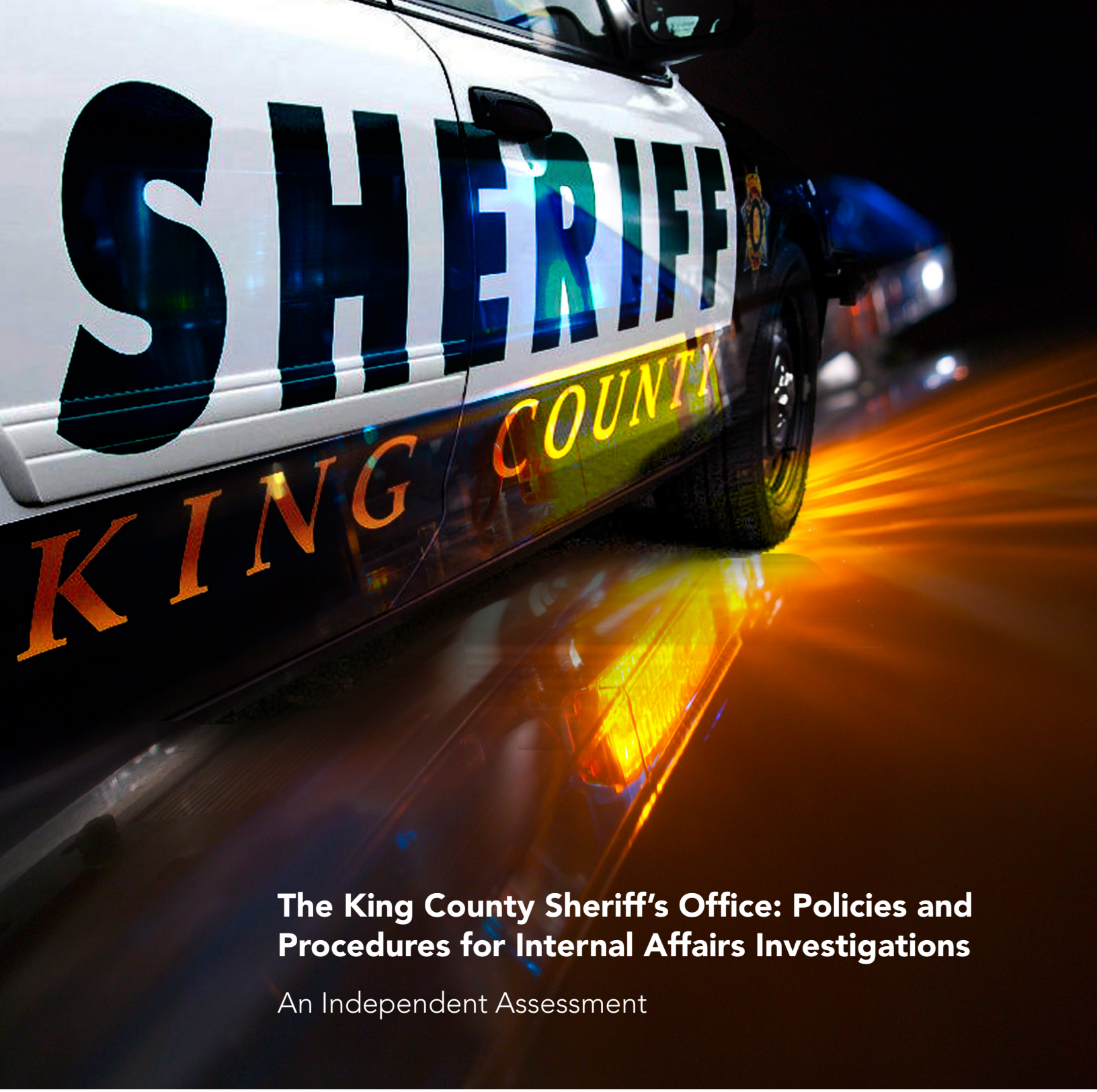

The King County Sheriff's Office: Policies and Procedures for Internal Affairs Investigations

An Independent Assessment

HILLARD HEINTZE℠

Protecting What Matters℠

ABOUT THIS REPORT

This comprehensive assessment report prepared for the King County Auditor's Office was authored by strategic security advisory firm, Hillard Heintze, with support from Hillard Heintze's Senior Leadership Council (SLC).

The Hillard Heintze Senior Leadership Council is an independent council of retired major city police chiefs 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. For more information, visit www.hillardheintze.com.

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Protecting What Matters

The King County Sheriff's Office: Policies and Procedures for Internal Affairs Investigations

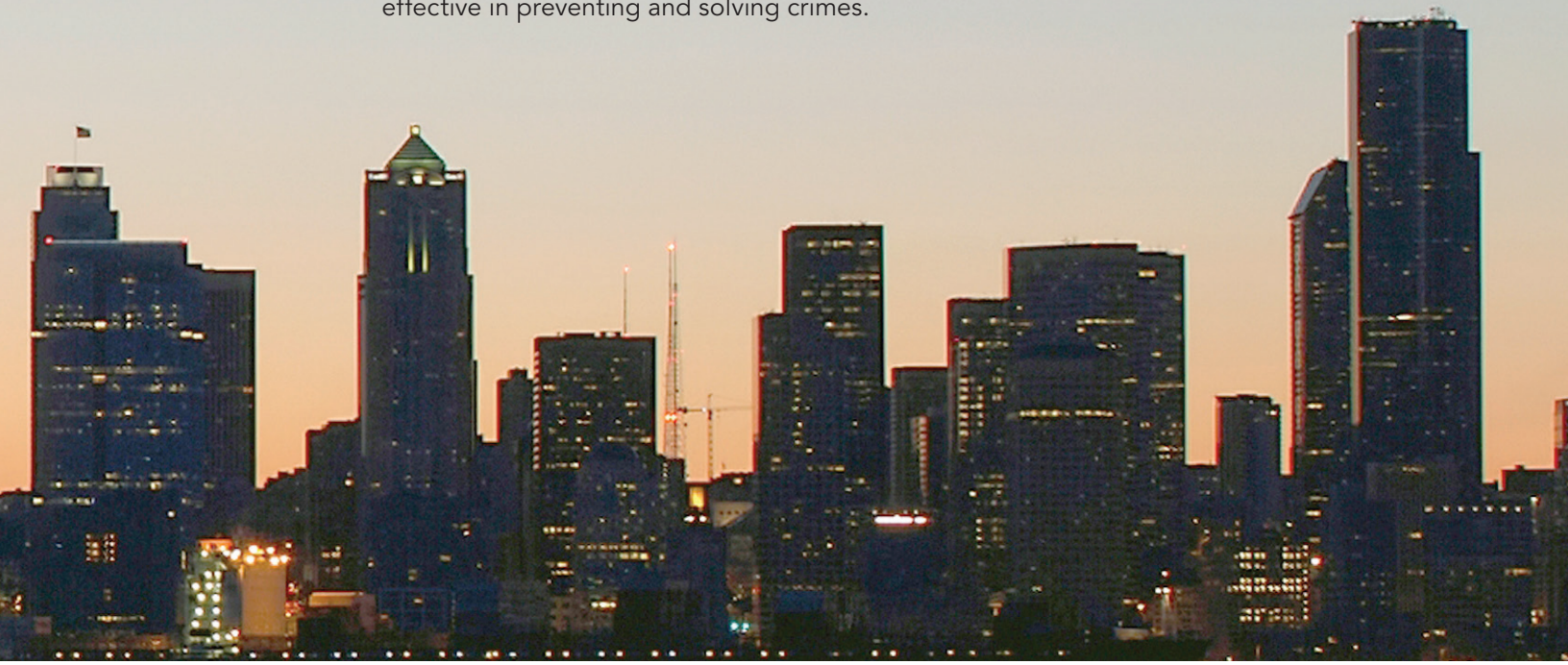
An Independent Assessment

Why is it so vital that law enforcement agencies ensure that their internal affairs units embrace best practices in their operations? Why is it so critical that these units demonstrate an unwavering commitment to ensuring that every single complaint they investigate is addressed in a thorough, fair, objective and timely manner?

First, because in so many ways – both transparent and invisible – the ethics and integrity of a law enforcement agency reside in its internal audit division.

Second, because when this ethical center of the agency is strong and purposeful in carrying out its responsibilities, the culture of the organization can begin to expand beyond mere complaint investigation to deterrence and prevention.

And third, when the internal affairs unit is strong, community trust in the law enforcement agency grows – and this trust, as so many leading, progressive policing and public safety agencies are learning across the country – is enormously important if the agency is to be effective in preventing and solving crimes.



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King County
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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.

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 (SLC). 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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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 the IIU, represents 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 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

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.

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 the 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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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.

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.

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RECOMMENDATIONS

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 to determine whether the IIU is presently understaffed 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 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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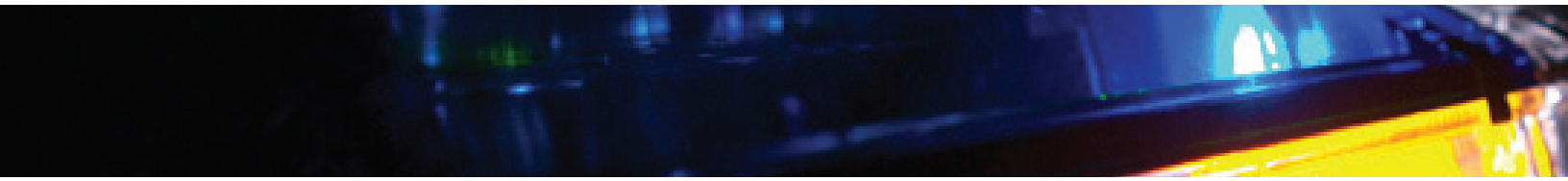


On Policy and Procedural Issues

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.

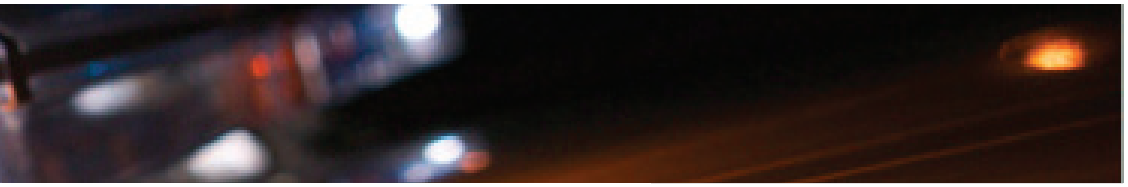
9. Provide ongoing training to all supervisors on the effective use of the Blue Team system, as well as ongoing training on how to investigate and document misconduct complaints and inquiries using the Investigative Report Format outlined in GOM Section 3.03.175.

10. Evaluate the process by which use of force is reviewed and documented by supervisors to ensure 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 stating 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 the 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.



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

17. Establish clear distinctions in writing between the roles and authorities of OLEO and the King County Ombudsman's Office (KCOO) to ensure that OLEO has the primary role of monitoring misconduct complaints involving KCSO as well as to ensure 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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Introduction

BACKGROUND: UNDERSTANDING THE BROADER CONTEXT

The Establishment of the King County Office of Law Enforcement Oversight

The King County Sheriff's Office, comprised of over 1,000 employees, serves over 1.8 million residents in the largest county in the State of Washington.

Deputies in the department are responsible for providing law enforcement services to a geographical area covering more than 2,100 square miles, including 12 contract cities.

The department has a proud tradition of striving to provide professional law enforcement services to its many residents.

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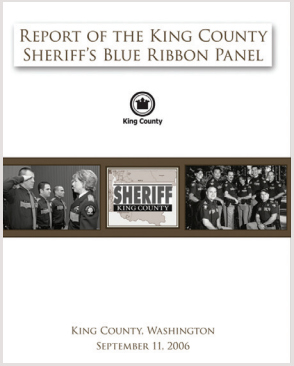
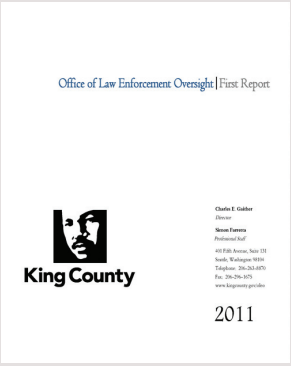
In January 2006, a review of how KCSO handled its internal misconduct cases was initiated. Then-Sheriff Susan Rahr established a blue ribbon panel, comprised of county officials and community stakeholders, that conducted research into other agencies' internal investigations methodologies and other cities' efforts to establish civilian oversight of law enforcement.

One of the outcomes of this work was the initiative to create an Office of Law Enforcement Oversight, to provide input to KCSO on whether its procedures for handling misconduct complaints are thorough, fair, objective and handled according to department policies. With the Director of OLEO answering directly to the King County Council, it was also hoped that this level of civilian oversight would help enhance the community's trust in the Sheriff Department's ability to handle its internal misconduct cases.

On May 11, 2009, the King County Council passed legislation creating OLEO, and on September 19, 2011, Charles Gaither was hired as the first OLEO Director.

OLEO
Office of Law Enforcement Oversight





Left: Report of the King County Sheriff's Blue Ribbon Panel. Center: OLEO Report 2011 Right: Charles Gaither, OLEO Director

Description of the KCSO Internal Investigations Unit (IIU)

The King County Sheriff's Office has approximately 650 deputies and hundreds of non-sworn personnel within its ranks. The internal affairs function of the department is handled by the Internal Investigations Unit which is responsible for the investigation of department members accused of misconduct.

- The IIU is managed by a captain who reports to the civilian manager of the KCSO Professional Standards Division, the manager of the Human Resources Section.
- This captain oversees a staff of three detective sergeants, whose responsibility is to receive and investigate misconduct complaints, as well as to coordinate the handling of IIU cases assigned to field commanders throughout the department's numerous divisions.
- The IIU is currently staffed with only two detective sergeants, as one is on extended military duty abroad. A non-sworn administrative assistant from the department's Human Resources Section is also assigned to the IIU on a full-time basis.

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PURPOSE: WHAT WE SET OUT TO ACHIEVE

With the creation of OLEO, the King County Council tasked the King County Auditor's Office, led by Cheryle A. Broom, with the responsibility of conducting an annual review of both the King County Sheriff Department's Internal Investigations Unit as well as the new OLEO.

Hillard Heintze was asked to focus its assessment on comparing the policies, procedures and case outcomes of the KCSO Internal Investigations Unit.

In November 2011, following the Auditor's Office's 2011 review of the 2006 Sheriff's Office Misconduct and Use of Force Complaints analysis, the Auditor's Office contracted with Hillard Heintze to assist with the inaugural review of both the KCSO IIU and OLEO since the appointment of the OLEO Director. Hillard Heintze was asked to focus its assessment on comparing the KCSO IIU's policies, procedures and case outcomes with those of other law enforcement agencies nationwide, with an emphasis on determining whether best practices were either in use or should be implemented.[1]

Hillard Heintze was also asked to review OLEO's initial efforts to provide civilian oversight, as well as make recommendations regarding what steps could be taken to assist OLEO in fulfilling its mission.

Based on our review and assessment of KCSO IIU policies and procedures, coupled with in-depth interviews of numerous King County stakeholders, the goal of this report is to:

- Highlight the positive factors we observed regarding KCSO, the IIU and OLEO during our assessment that should help ensure and advance operational effectiveness and efficiency.
- Recommend to the Sheriff of King County additional best practices that could be implemented within the department to help ensure the efficiency, effectiveness and credibility of the IIU's process immediately and in the months and years ahead.
- Recommend best practices that could help King County create its new OLEO, including changes to OLEO's work plan.
- Provide the King County Auditor's Office with recommendations that would serve to assist it in future audits regarding the effectiveness of OLEO and the IIU.

ASSESSORS: THE HILLARD HEINTZE SENIOR LEADERSHIP COUNCIL

This assessment and report was supported by the Hillard Heintze Senior Leadership Council (SLC).

The Hillard Heintze 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.

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Engagement Leadership: Arnette Heintze and Terry Hillard

Arnette Heintze and Terry Hillard, together and with other principal members of the Hillard Heintze team, have led the planning for some of the most critical public safety security and investigative challenges confronting the United States over the last three decades.

Arnette Heintze

As Hillard Heintze's co-founder and Chief Executive Officer, Arnette Heintze has transformed a small, high-performing cadre of senior experts into a globally recognized strategic security and investigations firm. Under his leadership, Hillard Heintze has emerged today as one of the fastest-growing private companies in the United States. For three years in a row, it has been ranked on the annual Inc. 500/5000 list. In 2010 and 2011, the Initiative for a Competitive Inner City extended the firm its annual award for the fastest-growing inner city firm in the U.S., ranking Hillard Heintze #6 in the nation in 2011 and #11 in 2012.

Under Heintze's direction, the expanding Hillard Heintze team is systematically setting new best practices in security and investigations across the board – a track record that has quickly and dramatically expanded the firm's client list to include a "Who's Who" of Fortune-ranked corporations with leading positions in their industries – across the country and, in many cases, worldwide.

As a senior executive in the U.S. Secret Service and the Special Agent in Charge in Chicago, Arnette Heintze planned, designed and implemented security strategies for U.S. presidents and world leaders as well as high-profile events of national significance and the integrity of America's financial infrastructure. As the U.S. Secret Service's chief spokesperson, he also led the crisis communications team during some of the nation's most trying times. After retiring from the U.S. Secret Service in 2003, Heintze served as Chief Security Officer for PepsiCo Beverages and Foods where he led the development of a comprehensive security strategy for a $30 billion division of the company.

Terry Hillard

Until 2003, as Chicago Police Superintendent, Terry Hillard led 13,500 officers in protecting one of the country's largest metropolitan centers. Hillard is nationally regarded for his results-driven leadership as well as his intensely personal commitment to individuals. At the helm of the Chicago Police Department, he created one of the most collaborative cultures in the history of law enforcement. During his tenure as the head of the nation's second largest police department, he initiated innovative, community-sponsored crime-prevention programs to protect and serve the citizens of Chicago – programs that today still help define national standards in community-based policing.

Hillard Heintze Co-founders Arnette Heintze (left) and Terry Hillard (right).

Project Director and Lead Subject-Matter Expert: Robert Davis

Robert Davis is a highly regarded and innovative national leader and expert in policing and public safety with a special emphasis on ethics and integrity programs. As Senior Vice President and Managing Director at Hillard Heintze, Davis is responsible for the firm's West Coast operations and leads the Hillard Heintze Senior Leadership Council.

Most recently, as a member of the Senior Leadership Council, he distinguished himself as a critical senior advisor on a high-level 2011 engagement that Hillard Heintze conducted in partnership with DHS's Homeland Security Studies and Analysis Institute to evaluate the existing integrity and counter-corruption programs within U.S. Customs and Border Protection.

Innovation has been the cornerstone of his career in policing and public safety. A 30-year veteran of the San Jose, California Police Department, Davis rose from patrol officer to Chief of Police of the 10th largest city in the nation (2004-2010). He gained recognition for his progressive use of technology, his sensitivity to the diversity of the citizens under his protection and his department's internationally lauded model of gang prevention, intervention and suppression.

Primary Supporting Subject-Matter Expert: Thomas Streicher

Davis was closely supported in this analysis by Thomas Streicher, a current SLC member and retired Chief of the Cincinnati Police Department. Streicher is a police executive recognized for adhering to Agreements with the U.S. Department of Justice and District Court while being awarded the ACLU Leadership Award, the International Association of Chiefs of Police (IACP) Weber Seavey Award and the IACP West Award for Investigative Excellence.

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Quality and Best Practices Review: The Broader SLC Team

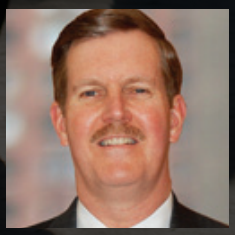
Davis and Streicher were supported by other members of the SLC team which, in addition to Terry Hillard and Arnette Heintze, includes:

- **Kenneth A. Bouche** – Hillard Heintze Chief Operating Officer; Retired Colonel, Illinois State Police. Bouche is an executive leader at the forefront of applying best practices in technology, information sharing and intelligence to the highly specialized needs of law enforcement, homeland security, justice, emergency preparedness and crisis response.
- **Scott Greenwood** – General Counsel to the national ACLU and ACLU of Ohio Board of Directors national board representative. Greenwood is a nationally known constitutional rights and civil liberties lawyer and police accountability expert.
- **A.M. "Jake" Jacocks, Jr.** – Retired Chief of Police, Virginia Beach; Retired Commander, Naval Reserve. Jacocks is a respected police executive active in the law enforcement community through the Major Cities Chiefs Association and the International Association of Chiefs of Police.
- **Thomas O'Reilly** – Director, Nationwide Suspicious Activity Reporting (SAR) Initiative of the U.S. Department of Justice and Administrator, New Jersey Department of Law and Public Safety, Office of the New Jersey Attorney General. O'Reilly is a national leader in Fusion Center development and intelligence-sharing initiatives.
- **Kathleen M. O'Toole** – Retired Commissioner, Boston Police Department; Chief Inspector of the Garda Síochána Inspectorate (Ireland); and, Massachusetts Secretary of Public Service. O'Toole is a police reform expert known for a cooperative style of leadership, a collaborative, consultative and grassroots-oriented approach that emphasizes partnership with community groups and city organizations to reduce crime and engage people directly in helping to make their neighborhoods safe.
- **Robert Parker** – Retired Director, Miami-Dade Police Department. Parker is an experienced police executive known nationally for promoting standardization in law enforcement and for proactively establishing Florida's first mortgage fraud task force, which became a national model.
- **Carl Peed** – Retired Director of the Office of Community Oriented Policing Services (COPS), U.S. Department of Justice; Sheriff, Fairfax County, Virginia, Sheriff's Office. Peed is a nationally recognized leader among federal, state, local and tribal law enforcements agencies known for advancing and expanding the concept of community policing.
- **Alexander Weiss** – Former Director of the Northwestern University Center for Public Safety and Professor of Management and Strategy at the J.L. Kellogg Graduate School of Management. Weiss is a nationally prominent expert and specialist in public safety, law enforcement and police department operational analysis who has served as both a law enforcement officer and consultant to numerous agencies as well as the National Institute of Justice.

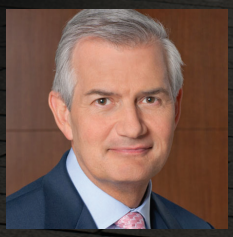
Kenneth A. Bouche
Retired Colonel and Chief Information Officer, Illinois State Police; COO, Hillard Heintze

Robert L. Davis
Retired Chief of Police, San Jose; SVP and Managing Director, Hillard Heintze

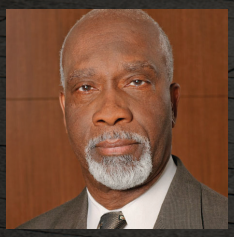
Scott Greenwood
General Counsel, American Civil Liberties Union (ACLU)



A.M. "Jake" Jacocks, Jr.
Retired Chief of Police, Virginia Beach



Arnette F. Heintze
Retired U.S. Secret Service Special Agent in Charge, Chicago, Co-Founder and CEO, Hillard Heintze



Terry G. Hillard
Retired Superintendent of Police, Chicago, Co-Founder, Hillard Heintze

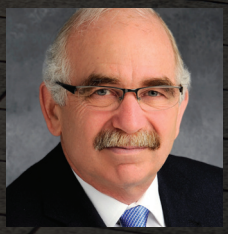
Thomas O'Reilly
Retired Director, USDOJ Nationwide Suspicious Activity Reporting (SAR) Initiative PMO

Kathleen M. O'Toole
Retired Boston Police Commissioner and Chief Inspector of the Garda Síochána, Inspectorate, Ireland

Robert Parker
Retired Director of the Miami-Dade Police Department

Carl R. Peed
Retired Director of USDOJ Office of Community Oriented Policing Services (COPS)

Thomas H. Streicher
Retired Chief of Police, Cincinnati



Dr. Alex Weiss
Former Director of the Northwestern University Center for Public Safety

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APPROACH: THE HILLARD HEINTZE ASSESSMENT METHODOLOGY

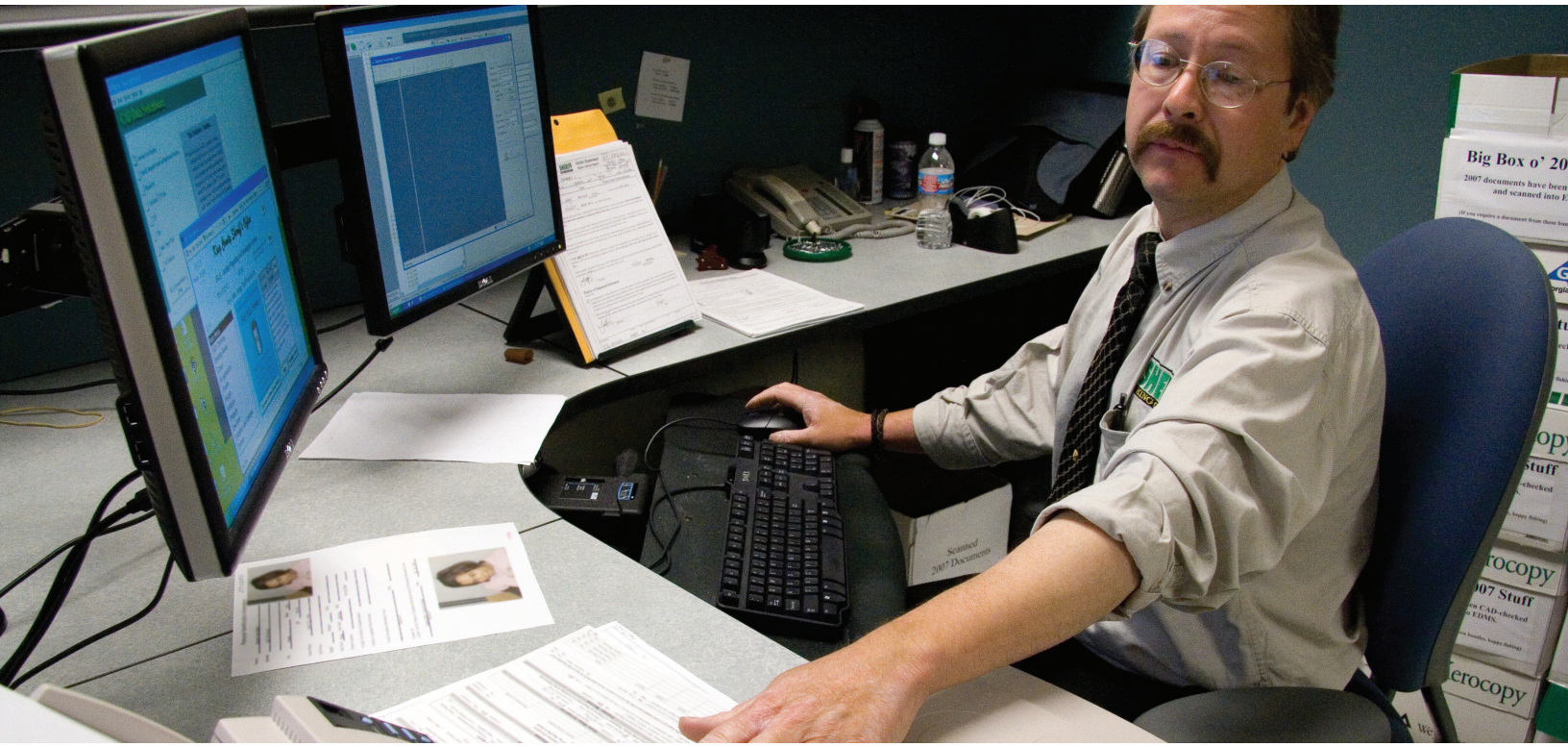
The Hillard Heintze methodology for this assessment was based on several key principles:

1. Rigor in Primary and Secondary Data Collection

It was important to our assessment that we review current policies and procedures for handling complaints and misconduct investigations within KCSO. We did so by reviewing the following, among other materials:

- KCSO's General Orders Manual, particularly Section 2.17.005 – Mandatory Training **(Appendix A)**[2]; and Section 3.00.000 – Personnel Conduct, especially Section 3.03.175 **(Appendix B).**
- IIU's Standard Operating Procedures manual, revised January 12, 2012 **(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, entitled "OLEO and the powers granted under Ordinance 16511" **(Appendix D)**.
- Document entitled "Office of Law Enforcement Oversight – Proposed Mission and Enhancements to OLEO's Authority," which was provided to us by OLEO Director Gaither on January 24, 2012 **(Appendix E)**.
- Document entitled "King County Signature Report, [Dated] May 12, 2009, Ordinance 16511," which established the county ordinance that clarified OLEO's role and authority **(Appendix F)**.

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



2. Benchmarking Against Appropriate Best Practices

Our review of KCSO's written policies and procedures for handling misconduct complaints and our hands-on assessment of IIU investigative cases allowed us to compare what KCSO is currently doing to investigate misconduct complaints with our own experiences as well as to contrast what KCSO is doing to what we and others have come to recognize as best practices for handling misconduct complaints within law enforcement agencies. 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 our own experiences working with entities similar to King County's OLEO and organized labor groups.

3. Diligence in Capturing the Insights of an Experienced Team

We deemed it imperative that various members of the SLC review and analyze the data collected by Davis and Streicher, thereby collecting insight from 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. Our specific recommendations made throughout this report are based upon this thorough review.

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PLAN: TWO KEY ASSESSMENT PHASES

The Hillard Heintze team undertook this assessment in the following phases:

Phase I: Internal Review and Analysis

- Reviewed current documents including manuals, written guidelines, policies and procedures memos for the KCSO's Internal Investigations Unit and KCSO General Orders Manual as they pertain to any and all components of the disciplinary process, including the current sections on what violations are subject to informal and/or formal discipline.
- Interviewed the King County Auditor, the King County Sheriff, the King County Ombudsman, the lead attorney/legal counsel for King County, the head of OLEO, the current Commanding Officer of the KCSO Internal Investigations Unit and the leader of the bargaining groups for KCSO employees.
- Conducted a review and analysis of the cases handled on a routine basis by those working in the KCSO Internal Investigations Unit, with a focus on the number of cases assigned to each investigator, the time it takes to complete a case from initial complaint to case closure, and the time it takes to complete all of the investigative and review steps in between.
- Reviewed the current software program used to track cases within the KCSO IIU to determine its effectiveness in ensuring timely investigations.
- Reviewed the current systems KCSO uses that establish an Early Warning System to identify employees who would require preventive intervention based upon key criteria within the agency such as the number of complaints, time between complaints, formal performance appraisal, traffic accidents and number of use of force cases.

Phase II: Summary Review and Analysis

With knowledge gained from Phase I, we then conducted a detailed analysis of the current effectiveness of the KCSO Internal Investigations Unit, including identifying and recommending additional best practices, policies and procedures implemented around the country by agencies that have sought to improve the effectiveness of their internal affairs processes as well as the level of confidence with which their communities view these key protocols.

INTERVIEWS: WHO WE TAPPED FOR INSIGHTS

From January 23 through January 27, 2012, Hillard Heintze's Davis and Streicher met with the following stakeholders:

King County Auditor's Office	Cheryle Broom	Auditor
	Ron Perry	Deputy County Auditor
	Susan Baugh	Senior Principal Management Auditor
	Justin Anderson	Senior Management Auditor
	Scott Kimerer	KCSO Major who serves as Chief of Police of the City of Burien, a contract city within King County (Chief Kimerer is a KCSO sworn deputy)
Office of Citizen Complaints/ Ombudsman's Office	Jonathon Stier	Senior Deputy Ombudsman
	Janna Lewis	Deputy Ombudsman
Office of Law Enforcement Oversight	Charles Gaither	Director
Office of Labor Relations	Lance King	Labor Negotiator
King County Prosecuting Attorney's Office	Kevin Wright	Chief Civil Deputy
King County Council Staff	Clif Curry	Senior Principal Legislative Analyst
	John Resha	Senior Legislative Analyst
Office of Risk Management	Jennifer Hills	Director
King County Prosecuting Attorney's Office	Lynne Kalina	Senior Deputy Prosecuting Attorney Civil Division, Employment Section
KCSO Internal Investigations Unit	Tony Burtt	Former Captain and IIU Commander
	Sgt. Mike Mullinax	Investigator
	Sgt. Don Davis	Investigator
	Cheryl Chaltry	Human Resource Associate
King County Sheriff's Office Police Officers' Guild	Steve Eggert	President
King County Sheriff's Office	Steven Strachan	Then-Chief Deputy, now Interim-Sheriff
	Virginia Gleason	Professional Standards Manager
	Patricia Shelledy	Legal Unit
	Sue Rahr	Former Sheriff

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Key Findings

Based upon our independent assessment of the policies, procedures and practices of the internal complaints investigation process of the King County Sheriff's Office and the initial work of the new Office of Law Enforcement Oversight, Hillard Heintze has identified eight key findings.

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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 the IIU, represents 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 KCSO's operations. Transforming it into a proactive, best-practice pursuing unit will require:

- A different departmental mindset that acknowledges and embraces the importance of the complaint management process to the work of the department and to the confidence of those it serves;
- Specific commitments both from the King County Sheriff – who has the necessary leadership skills to tackle this important task and needs to take the lead as a change agent – as well as from his commanders and supervisors, who must champion and support the Sheriff's efforts visibly, enthusiastically, and continuously;
- A new and abiding focus on department-wide changes to key policies and procedures, with an emphasis on consistently following many of the protocols that already exist;
- Care in ensuring that the IIU's staff works proactively with the Sheriff, command officers and supervisors to identify employees who receive a high number of complaints so that (a) intervention counseling can occur; (b) complaint trend analysis is conducted on an ongoing basis so training can be customized to address those behaviors driving complaints in the field; and (c) all misconduct complaints, even those low-level complaints handled in the field, are reported to and coordinated by the IIU; and,
- A sincere willingness on the part of the Police Guild to work collaboratively with both the Sheriff and the new OLEO Director in this effort.

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.

Of significant concern is the ongoing confusion and disagreement over exactly what the Director is expected and authorized to do when interacting with the IIU personnel and Police Guild representatives during complaint investigations. It is very important that the King County Council codify OLEO's roles and responsibilities so everyone knows what the OLEO Director can and should be doing. Our report lists a number of recommendations detailing what roles and authorities the OLEO Director should have to facilitate a successful collaboration among OLEO, KCSO and the Police Guild, with some of these recommendations based upon the personal experiences of Hillard Heintze members who have had direct experience in implementing an OLEO-type agency within their own jurisdictions.

3 Internal Investigations Unit

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

The IIU Commander of the unit can go for months without having any face-to-face interaction with the Sheriff or Assistant Sheriff. This is highly unusual for a law enforcement agency the size of KCSO. Indeed, the unit does not answer directly to the Sheriff's Office in the department's organizational chart, which again is highly unusual for a department of its size. This serves to diminish the importance of the IIU in the eyes of department personnel. It also diminishes the very important role an internal affairs unit should play in ensuring that problem employees are identified, that complaint trends are revealed, that training needs are assessed and that the department maintains greater community trust. The IIU also appears to be understaffed, as we discuss in greater detail later in this report.

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4 General Orders Manual

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

It is evident that not all complaints received throughout the department are forwarded to the IIU, either for investigation or trend analysis, and the department's report writing format designed for documenting such cases is not used consistently. There are also inconsistencies in the way complaints are handled in the numerous contract cities, and it is also clear that not all formal cases forwarded from the IIU to other supervisors for investigation and follow-up are adequately monitored for completion. In fact, many cases never make their way back to the IIU. This report outlines a number of policy and procedural recommendations that will help address these concerns.

We also found the KCSO's General Orders Manual overly lax with respect to the documentation required for the use of pepper spray. The Manual refers to a policy requiring written documentation for using different types of force, including "… any chemical agent (i.e., mace, tear gas)." However, the Manual states in the same section that a use of force report is not required when "using pepper spray [in circumstances] in which there are no additional injuries or unusual occurrences."[3]

It is a best practice to document as a use of force the use of pepper spray under any circumstances, due to the potential for misuse of such a tool as well as for the importance of the training value that comes from determining how pepper spray is used and whether or not it is effective. Since unnecessary use of force is one of the most common citizen complaints, our report discusses this issue in greater detail.

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.

The KCSO's General Orders Manual has many policies and procedures outlining steps that should be taken to address issues impacting the successful investigation and management of internal affairs complaints. One policy we did not find in KCSO's GOM addresses the important role supervisors play in KCSO's success. Many of the most progressive law enforcement agencies in the nation have sections that address a supervisor's failure to supervise subordinates and ensure they are adhering to written policies and procedures. Such policies also indicate that formal discipline can be taken against supervisors who fail to supervise **(Appendix G)**. We recommend the inclusion of such a policy in KCSO's GOM, and our report provides further reasons why. Our report also explores these issues in detail and offers recommendations on how to address them.

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.

For example, CALEA requires annual in-service training for all personnel authorized to carry weapons and electronic devices, and this training requires employees to demonstrate proficiency while being monitored by a certified weapons or tactics instructor. We learned that this use of force in-service training is not occurring annually, as required for continued CALEA certification.[4]

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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.

The Blue Team component allows supervisors to enter into a computer database a variety of work-related data that assist in the trend analysis necessary to recognize both good and poor behavioral trends that impact complaint statistics. An additional Early Intervention System (EIS) component of IA Pro then draws upon Blue Team data to generate reports that alert supervisors to potential problems whenever a given employee generates an inordinate number of Blue Team data entries, thereby facilitating an Early Warning System that leads to supervisory intervention with the employee. Our report provides further details as to how and why this system should be embraced across the department, with emphasis on a recommendation that the rolling time period for EIS to track Blue Team data entries be increased from its current 90-day period.

8 Assessment of IIU Cases

During our assessment of approximately 20% of the cases the IIU investigated in 2011, the overwhelming majority of the cases lacked any significant or substantial documentation that explained the rationale underlying the case resolution and closure.

Our on-site review of 14 randomly selected misconduct investigations drawn from the 73 cases handled or coordinated by the IIU in 2011 revealed numerous documentation issues, including a complete lack of documentation for one case. This vital matter needs to be addressed. We also learned that the department handled only two formal use of force complaints in 2011. This is an extremely low number of cases for an agency the size of KCSO and for a jurisdiction the size of King County.

A Clear and Compelling Opportunity

In sum, we recognize that the challenge of addressing the key findings in our report will not be easy, since leading significant change in any organization is a daunting task. In today's law enforcement environment, however, the department needs to recognize that it can lead this change itself or other community stakeholders will begin to demand that an outside entity be asked to step in and lead the way. We have specifically crafted the recommendations throughout our report to serve as a road map to help leaders and decision makers at KCSO, OLEO and the Police Guild succeed in taking this lead themselves.

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Detailed Results of Our Assessment

Earning the community's trust is the cornerstone of any law enforcement agency's efforts to leverage the benefits of community policing

Today, a growing number of communities have chosen to add some form of civilian oversight to help maintain the community's trust in its law enforcement agency's internal affairs process.[5]

Naturally, there are often initial conflicts between a law enforcement agency and any newly formed civilian oversight entity – due to a variety of issues that include settling concerns regarding employee rights, confidentiality issues and lines of authority. Within the Senior Leadership Council, however, we recognize, as do many of our colleagues throughout law enforcement, that there are a wealth of benefits in quickly establishing a positive working relationship between a civilian oversight entity and a police department.

Motivated, in part, by this conviction in the vital importance of law enforcement internal affairs operations, the Hillard Heintze assessment team's review of KCSO's process of handling misconduct investigations resulted in the identification of the following critical issues.

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ORGANIZATIONAL ISSUES

Through the interviews we conducted with various stakeholders, as well as a review of the KCSO General Orders Manual, the KCSO IIU Standard Operating Procedures manual and various documents outlining the role and responsibilities of the Office of Law Enforcement Oversight, we identified several issues relating to organizational operations dealing with the management of the complaint process. We believe these issues strongly merit discussion and an appropriate administrative response.

OLEO and the Ombudsman's Office: Differentiating Their Missions

Because King County has had an Ombudsman's Office that handles citizen complaints, there is confusion over what appear to be overlapping roles and responsibilities between the Ombudsman's Office and the Office of Law Enforcement Oversight. While our review did not reveal any "turf battles" as yet between these two entities, we suggest documenting precisely when and how the two offices should interact in the future, while also clarifying OLEO's role as the lead department when it comes to citizen complaints concerning the Sheriff's Office.

Identity: Better Defining the Role and Authority of OLEO

One of the greatest concerns in terms of successfully creating the new OLEO is the uncertainty about the powers and authorities of the new OLEO Director. Changes were made to OLEO because the Police Officers' Guild filed an Unfair Labor Practices grievance with the county over the language in the original county legislation that created it. One of the changes apparently is interpreted by some as stating that, if the OLEO Director violates any part of the Guild's collective bargaining agreement with the City, a grievance could be filed and an arbitrator could choose to dismiss the OLEO Director.

It is difficult to expect the new OLEO Director to work effectively if he and others are unclear about what, exactly, his roles, responsibilities and authorities will be within the oversight process. Some action on the part of the King County Council is necessary if the successful creation of an OLEO is to occur.

A written document outlining, in layman's terms, exactly what the OLEO Director and his staff do and do not have the ability to do needs to be created. Other agencies across the country have dealt with similar issues, and a review of working guidelines created by these agencies for their Offices of Civilian Oversight could prove helpful to King County. Such documents not only illustrate how to establish clear lines of authority for the OLEO Director, but also serve as best practices for an OLEO Director's efforts based upon many years of collaborative give-and-take between such OLEO entities and the law enforcement agencies with whom they work.

THE KING COUNTY OMBUDSMAN MISSION

"To promote public confidence in King County government by responding to citizen complaints in an impartial, efficient and timely manner, and to contribute to the improved operation of County government by making recommendations based upon the results of complaint investigations."

"The Office of Citizen Complaints — Ombudsman is authorized, by King County Code (KCC) 2.52, to investigate complaints regarding administrative conduct by King County agencies, and to publish recommendations for change based on the results of investigations. In addition, the Ombudsman's Office investigates possible violations of the King County Employee Code of Ethics (KCC 3.04), and reports of improper governmental action and retaliation under the Whistleblower Protection Code (KCC 3.42)."

Source: http://www.kingcounty.gov/operations/ Ombudsman.aspx, Retrieved April 26, 2012

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AREAS FOR FURTHER CONSIDERATION

We noted in the document entitled "Office of Law Enforcement Oversight – Proposed Mission and Enhancements to OLEO's Authority" (Appendix E) that OLEO Director Gaither offers proposals to create clear guidelines for his role and authorities as he endeavors to establish OLEO's place in the county's efforts to address misconduct issues within KCSO. While we concur with many of the proposals he offers, we note a few areas we believe need further thought and consideration prior to implementation.

Use of Force Incidents

One proposal in the use of force section of the document indicates OLEO should be "…immediately notified by the KCSO Command Post of a critical incident…" involving a major use of force. While we concur that OLEO should be notified in the event of an incident in which serious use of force was used, as defined within the document, it is difficult to expect a command officer at the scene who is overseeing the Department's overall response to the incident to add coordination with OLEO to the immediate list of operational concerns.

It would be more effective from an operational viewpoint to create policy that requires 9-1-1 personnel coordinating the requests from the Command Post, or the KCSO Command Post itself, to notify immediately the Commander of the KCSO IIU of the incident. Policy should then require that the IIU Commander or his designee immediately notify the OLEO Director of the incident, and that an invitation to meet the IIU Commander or designee at the scene should be offered to the OLEO Director or his designee. Such a process would allow OLEO to observe KCSO's response to an investigation of a major use of force incident in tandem with the Internal Investigations Commander, whose interests in how the incident investigation is handled are essentially the same as OLEO. The IIU Commander could then serve as the liaison between the department and OLEO should any questions arise concerning the immediate investigation. This relieves the busy KCSO Command Post Commander of the additional burden of coordinating the department's response with another entity.

Response and Review Authority

In the Operational Authority section of the document, the OLEO Director proposes that he be granted the authority "to respond to and review" a long list of various incidents. We concur for most of the incidents he has listed. We caution, however, that more thought and consideration be given to when OLEO would be granted authority to respond to "criminal investigations involving KCSO deputies" (Item H in the document's Operational Authority Section).

- Best practices for internal affairs investigations clearly indicate that a distinct line should be drawn between the roles and responsibilities of an investigator in criminal investigations and internal affairs investigations. For a variety of legal and administrative reasons, it is imperative that a criminal investigator focus on the criminal aspects of an investigation while an internal affairs investigator focus on the administrative concerns of the incident in question; the two priorities should not be mixed during the ongoing investigation.
- While it is certainly the role of an internal affairs investigator and an OLEO representative (if the criminal conduct in question is actually associated with a citizen's complaint) to monitor whether or not policies and procedures are being followed, having either of them directly involved in directing or controlling the aspects of a criminal investigation is not wise.
- As such, before any such protocol as currently described in the OLEO document goes forward, we recommend that the KCSO administration, the county's Prosecuting Attorney's Office, the county's legal team and the county's Human Resources team work with OLEO to establish clear language that ensures any OLEO activity in this regard would not interfere either with the potential criminal prosecution of a case or the department's ability to complete successfully any necessary administrative actions taken against any KCSO employee involved in such incidents.

Three Examples of Practices Worth Considering

The following are some of the leading practices that have been established for entities similar to King County's OLEO:

- Immediate notification of the OLEO Director by the IIU Commander of any in-progress Deputy-Involved-Shooting cases (or cases involving significant use of force with injuries) that just occurred. This should include an invitation to meet with the IIU Commander at the location of the incident to observe the investigative follow-up.
- Participation in a department's Shooting Review Board after a determination that no deputies would be facing criminal charges.
- Ability to audit or monitor any citizen's complaint investigation.

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Audit and Review Authority

In the document, the OLEO Director recommends being given authority to:

- Audit KCSO standards and procedures to identify risk, adequacy of policies, adequacy of internal training, and whether there are sufficient controls.
- Audit and review investigative reports to assure compliance with department policy and the rule of law.
- Audit and review allegations of racial profiling and other Constitutional violations such as those involving search and seizure, Miranda, and due process.

We find that these recommendations seek authority that goes beyond the scope of the role and function of an entity whose responsibility it is to monitor and audit a law enforcement agency's handling of employee misconduct issues. While there may very well be misconduct issues that raise concerns about any or all of the issues noted in these OLEO recommendations, such concerns should have some nexus to actual citizen complaint cases that OLEO is monitoring. Without such a nexus, OLEO could find itself taking on the lead role of KCSO's Inspectional Services Unit or the lead role of the County Auditor's Office.

Undoubtedly, if the citizen complaint cases OLEO is monitoring raises concerns about any KCSO policies or procedures, OLEO would raise such concerns; indeed, we believe that is part of OLEO's responsibility. Yet we recommend that rather than taking on any additional auditing role that goes beyond monitoring citizen complaint cases, OLEO should raise such concerns to the Sheriff directly and, if necessary, to the King County Council, either directly or through the quarterly or annual reports OLEO is required to file. These additional stakeholders could then determine whether the issues raised by OLEO could be handled directly by the Sheriff or should be referred to the County Auditor's Office or another entity for proper follow up.

Access to Records, Evidence and Employees

The OLEO proposals also state OLEO should have unfettered access to any and all records, evidence, and even employees of KCSO. While the document indicates that such access should be subject to limitations imposed by law or by any collective bargaining agreement, it is our opinion that any such authority needs to be determined through a collaborative process involving the Sheriff, the county's Prosecuting Attorney, the county's legal representatives, the county's Human Resources team and any other stakeholders as deemed necessary to ensure compliance with a variety of important legal requirements.

We would like to state our overall support for the establishment of the King County OLEO, noting that the experience of our SLC members in our various law enforcement agencies has led us to believe there is indeed great value derived from a concerted effort to forge a positive working relationship between a police agency and a government-appointed monitoring entity.

Many of us are members of departments that went through what we could term "growing pains" when our own agencies were first confronted with the equivalent of an OLEO. Over time, most of our rank-and-file members came to embrace 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.

There have been many times when a law enforcement agency has come under fire for a high-profile incident and members of an OLEO, who are seen as neutral by the public, have come to the defense of a department because they have been allowed to act as a neutral third-party who has been able to monitor the department's response to the incident.[6] 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.

The IIU Departmental Stance: Shifting from Reaction to Prevention

It is readily apparent that King County employees are striving to provide professional services to the county's residents. Also, efforts such as KCSO's undertaking to become CALEA-certified a short while ago indicates it is serious in its efforts to ensure it implements best practices whenever possible. Yet, in general, when it comes to addressing its misconduct issues on a department-wide level, KCSO appears to be more reactive to handling complaints than proactive.

For example, although there are GOM policies and procedures in Section 3.00.000 (Appendix B) that outline how to handle complaints, when speaking with a number of sworn employees working in a variety of different areas and units, including contract cities, it was apparent there is not one overriding set of policies and procedures to guide the way a misconduct complaint is brought forward to the IIU through the chain of command.

For example:

- If a citizen or employee complaint is brought forward to personnel in one contract city, are they responding to the complaint in the same way as personnel in another contract city?
- Are the supervisors documenting the complaint in a consistent manner?
- Are all complaints forwarded through the chain of command, reviewed by commanders and eventually passed on to the IIU for documentation or follow-up coordination?

These are questions for which we could get no clear answers, and our sense is that even if the complaints are being handled to the satisfaction of the complainants, not documenting these actions represents a missed opportunity for the department to take advantage of what can be gained by entering all relevant complaint data into an automated Early Warning System (KCSO's IA Pro software program and its Blue Team and EIS components). Doing so would permit ongoing trend analysis that helps identify employees receiving an inordinate number of complaints, as

well as provide an assessment of current training needs that can address the real-time behavioral trends that are leading to complaints. Another concern is that perhaps some of these unreported complaints are *not* being handled to the satisfaction of the complainants, and KCSO management is unaware of it. It is very difficult to manage what is not measured.

It also became clear that the Internal Investigations Unit was not seen by some as the central repository of misconduct complaints. This indicates to us that many of the complaints the department should be aware of are not coming to the attention of the IIU; hence, they are not coming to the attention of the Sheriff or his executive staff. Being proactive in tracking complaints within a law enforcement agency has become a best practice nationally for those agencies recognized as taking a leadership role in police management. King County has the capacity to do this and realize many organizational advantages from such an effort.

After reviewing GOM Section 3.03.015, which spells out Procedures for Accepting Misconduct Complaints (Non-Criminal), we believe these written policies and procedures could be enhanced to specify clearly what affirmative actions a department member must take when a misconduct complaint is brought forward or misconduct is observed. For example, we believe this GOM section should also specify that failure to report a complaint through the chain of command may result in formal discipline.

We also believe the GOM should clearly define what types of inaction would indicate that a supervisor failed to take action in accordance with a GOM policy or procedure, and that such failure to take action could result in formal discipline. While such clear statements in a GOM would require KCSO to create clear policies and procedures for the reporting of misconduct, it would help enable the department, through an automated Early Warning System, to track all cases of misconduct, and this can help it identify and focus on those issues that need to be addressed through training to reduce complaints and to increase positive behavior.

WHAT OTHER EXPERTS SAY ON THIS ISSUE

"Precursory signs, or instances of police deviance, may be agency-specific, or generic and found in law enforcement as a profession.

Unprofessional on- and off-duty misconduct, isolated instances of misuse of position, improper relationships with informants or criminals, sexual harassment, disparaging racial or sexual comments, embellished/falsified reporting, time and attendance abuse, insubordination, nepotism, cronyism, and noncriminal unauthorized disclosure of information all represent precursory signs of police deviance that inspection and internal affairs components must monitor.

When agencies determine a trend of increasing frequency and egregiousness of such deviance, they must take steps before classic quid pro quo corruption occurs. An organization with an increase in such deviance becomes a 'rotten barrel,' even without completely 'rotten apples'."

Source: Perry, Frank L. "Repairing Broken Windows: Preventing Corruption within Our Ranks." FBI Law Enforcement Bulletin. February 2001: Page 23.

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Effective use of an automated Early Warning System enables a department to track in real time the types of complaints it is receiving generally, as well as identify any employee that begins to generate an inordinate number of complaints.

Indeed, effective use of an automated Early Warning System enables a department to track in real time the types of complaints it is receiving generally, as well as identify any employee that begins to generate an inordinate amount of complaints. Data such as this allows a department to initiate preventive counseling sessions between supervisors and an employee with a high number of factors indicating potential misconduct issues, thereby allowing for individualized training and counseling *before* additional complaints are generated.[7] This data collection also enables a department to identify complaint trends so it can rely upon its Training Unit and employees' supervisors to address such issues in a timely manner, which in turn helps to prevent additional complaints.

This data may also indicate that a department needs to review its written policies and procedures, either to determine whether or not they need to be changed or whether department members are unclear about the standards. In short, the absence of a department-wide system for ensuring that all such complaint data is tracked and forwarded to the IIU – including those minor complaints handled by supervisors in the field without additional formal follow up – deprives the department of the ability to track the very data that would help it prevent future complaints, customize the training that may be needed, and focus on potential policy and procedural changes.

Having said this, we would like to point out that when we were conducting our assessment of the IIU misconduct cases, we saw some good examples of complaints forwarded through the chain of command through the Blue Team system, a software program that allows supervisors to forward through the chain of command information, both positive and negative, about employees that either initiates IIU follow up or initiates a commendation for an employee.

We believe a strong effort to ensure all supervisors are taking advantage of the Blue Team system of documenting both poor and good behavior would be a positive step, and complaint information sent to Blue Team should automatically be routed to both an employee's chain of command as well as to the IIU.

Best practices in handling misconduct complaints require a clear, universal understanding among all members of a law enforcement agency on exactly what steps they must take if a complaint is brought forward to them or if they observe misconduct themselves. Having such an understanding among employees not only goes a long way in ensuring that all misconduct issues are identified and addressed, it also helps ensure the employees themselves know exactly what is expected of them in adhering to the policies and procedures of the agency. This knowledge can help reduce misunderstandings that might lead to disciplinary action and, by extension, help strengthen the community's confidence that its law enforcement agency can be trusted to uphold its values and ethics.

THE BLUE TEAM EARLY WARNING SYSTEM

53 Total Formal Interventions

July 1, 2009 through December 31, 2011

Verbal Counseling
29

Termination
1

Performance Improvement Plan
15

Written Reprimand
1

Punctuality Memo
1

Corrective Counseling Memo
6

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Structural Matters: Chain of Command and Reporting Protocols

Interim-Sheriff Strachan has initiated a noteworthy and worthwhile effort to give geographic control over given sectors of the county to commanders who would have responsibility for the area on an ongoing, around-the-clock basis. We consider this a best practice that would lead to greater accountability for adherence to policies and procedures as well as to enhanced effectiveness of the police services delivered in the area. This is an effort that deserves ongoing analysis once the process is fully implemented, due to its potential to contribute to the measurable effectiveness of any community-oriented policing efforts in these areas. Such action *could* strengthen any efforts to ensure a proactive approach is taken to identify, report and handle any complaints that come forward, as we have already discussed in this report. Our own experiences have shown us that when commanders of a geographical sector have authority over what happens in a given area at all times, the sense of ownership by them and their staff increases the level of accountability one should expect to have of them for all activity in their sectors.

We highlight this chain of command issue and accountability concern because, as noted throughout this report, it is apparent that when it comes to handling misconduct cases in a routine, consistent manner, not everyone at KCSO appears to be working on the proverbial same page. Again, every department member needs to have a clearly defined set of policies and procedures that outlines specifically what constitutes a complaint that needs to be reported and how these complaints will be received and forwarded through the chain of command. There needs to be a clear understanding of how the IIU will coordinate the reception of the complaints and how it will determine what should be done with them, of how the KCSO administration will be made aware of ongoing trends with the complaints, and of how the department will coordinate follow-up action by the Training Unit and those responsible for reviewing and updating policies and procedures.

King County Sheriff Contract Communities and Chiefs

- Beaux Arts
- Burien
- Covington
- Kenmore
- Maple Valley
- Newcastle
- North Bend
- Sammamish
- SeaTac
- Shoreline
- Skykomish
- Woodinville

It was also of great interest to us to learn that the Commander of the IIU does not answer directly in the chain of command to the Sheriff and the Chief Deputy. The overwhelming majority of law enforcement agencies across the country eliminate any "middleman" in the communication chain of this important and critical unit within a law enforcement agency. Interestingly, we found in a 2004 version of the KCSO Organizational Chart that the Office of Professional Standards once was listed as having a direct reporting relationship to the Sheriff **(Appendix H)**. Yet, currently, the KCSO IIU Commander answers directly to a non-sworn county employee identified as the Professional Standards Manager (PSM), whom we found to be, along with the Legal Advisor to the Sheriff, competent, knowledgeable, capable, professional and well-respected individuals within KCSO who add great value to the Internal Investigations process.

As can be seen in the most recent Organizational Chart from 2009 **(Appendix I)**, the IIU does not report directly to the Sheriff. This clearly calls into question the importance of the IIU in the eyes of the organization.

We recommend that further consideration be given to restoring the IIU Commander to a position in the organization in which he answers directly to the Sheriff without losing the benefits of working in tandem with the PSM and the Legal Advisor. This will help cement the importance of the IIU's work in the eyes of the department's rank-and-file, as well as ensure that the Sheriff is as informed as possible concerning the critical issues associated with work-related misconduct complaints and concerns over policies and procedures.

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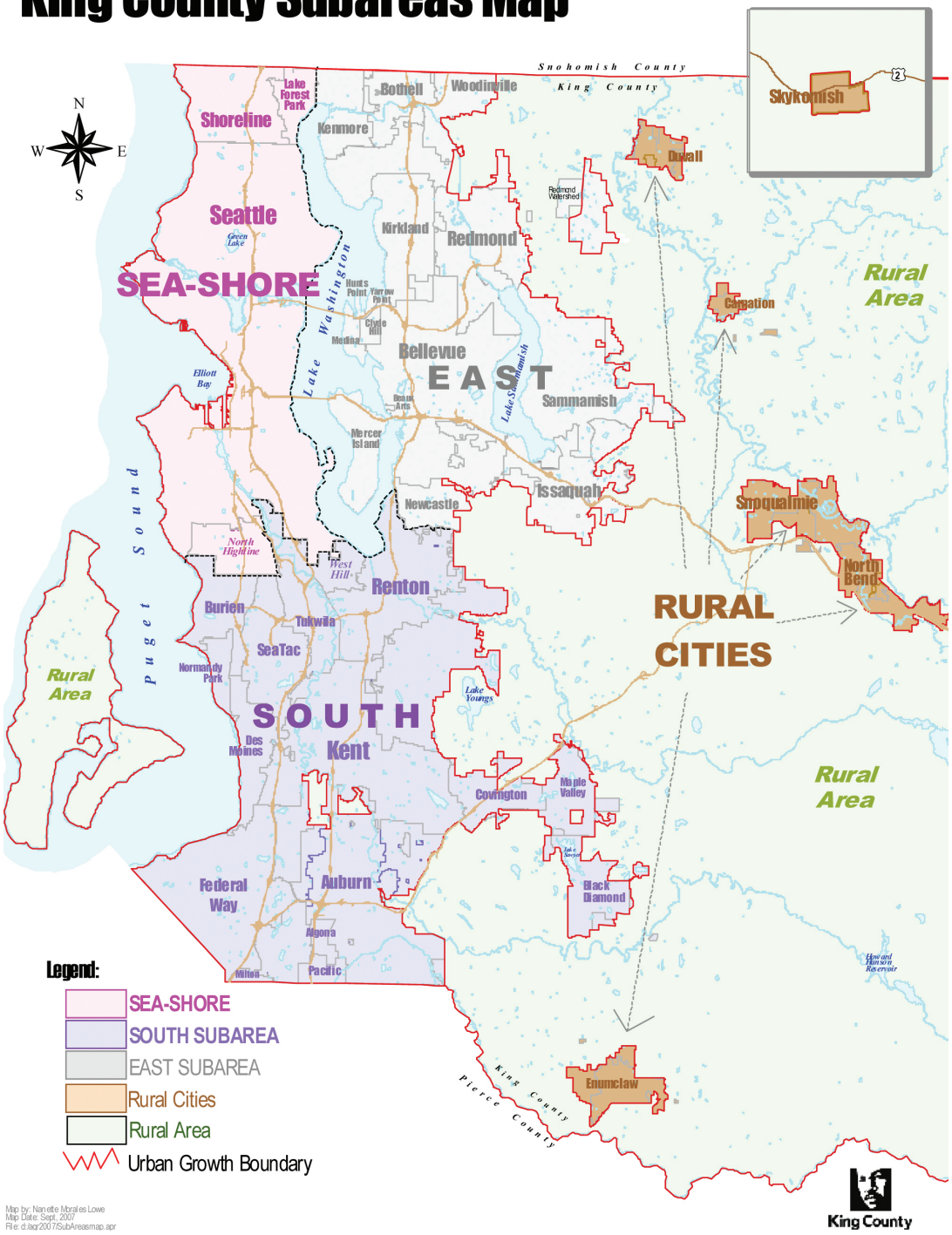
King County Subareas Map



Overall IIU Staffing Levels: Challenges in Meeting its Mission

While KCSO has over 650 deputies and its work is spread out over more than 2,100 square miles, there are only four sworn employees (one captain and three detective sergeants) and one non-sworn human resources employee assigned to the IIU **(Appendix J)**. The IIU may be significantly understaffed compared to other law enforcement jurisdictions of its size (a brief overview of staffing for selected internal affairs units for agencies across the nation is provided in Section IV of this report). The concern with the current level of IIU staffing is compounded given that one of the IIU's detective sergeants is currently on extended military leave abroad, leaving the unit with only two investigators. We also believe this to be an issue of concern. As we indicate later in this report where we provide details on our assessment of IIU misconduct investigations, the unit should be coordinating and handling more work than it does now.

We gave a great deal of consideration before making the statement that IIU staffing appears to be an issue of concern. This is because it could seem to some too easy to suggest that simply adding more staff could improve the IIU's ability to operate more effectively. Nearly all members of the SLC team reviewing the King County data have been responsible for implementing budget cuts as Chiefs in their own departments over the last several years, and we are sensitive to the importance of putting an agency's human resources in those areas that provide the most benefit to the department and community.

Yet we have also come to know the value and benefits that result from placing a high priority on an IIU and a department-wide effort to address misconduct issues. We strongly question if only three IIU investigators can meet the needs of KCSO and the greater King County community.

Indeed, King County is the 14th most populous county in the nation, covering a geographical area of more than 2,100 square miles with nearly 2 million residents. It is unclear how the IIU, with so few people covering a large department and large geographical area, can manage to provide the type of internal affairs services needed by King County from a single centralized location in the Sheriff's Office headquarters in downtown Seattle.

The sheer size of the county, as well as the number of contract cities located within it that receive specialized services, indicate that few people would make the trip to Seattle to register a complaint in person. As Sanja Kutnjak Ivkovic points out, "the issue of resources can also affect the work of internal affairs units through denial of resources and/or staff to the units assigned to internal control."[8]

We believe this is an area of concern that clearly needs further analysis and review.

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Span of Control: Supervisors Are Central to Preventing and Managing Complaints

Over the last several decades, many research reports have highlighted the high degree of importance a law enforcement agency should place on ensuring its personnel have an adequate level of supervision to oversee that the department's policies and procedures are followed. The importance of assigning enough well-trained supervisors who have the ability to lead, control and direct the work of their subordinates is crucial in law enforcement, especially given the high-risk, high-profile work in which deputies are engaged. This is also important from a civil liability viewpoint, given the negative economic impact to a community resulting from a lawsuit. It is also valuable from a public relations viewpoint, given that the community's perception of an agency's level of competency and professionalism is critical to the agency's ability to leverage community support for the department's crime prevention and community policing programs.

Based upon our interviews with King County stakeholders, as well as our assessment of the IIU's misconduct investigations, the issue of span of control appears to be a big challenge for KCSO, especially considering how spread out the patrol teams are throughout the organization and how rarely some patrol deputies in the outlying areas see their supervisor. The span of control issue is also compounded by the fact there are 12 individual cities in the county that have contracts with KCSO to provide law enforcement services, and each of these contract cities is led by a KCSO sworn employee who serves as the city's Chief of Police. While the scope and purpose of our current review and assessment of King County was not to study span of control issues within KCSO per se, there was great concern during our assessment as to whether or not the span of control issues we were seeing would have a negative impact on the ability of KCSO to manage effectively the reporting and investigation of misconduct issues. We believe, in fact, that it would.

These span of control issues include the following:

- Is there consistency in the size of the teams within the contract cities and the rest of the county that allows for an adequate level of supervision of deputies?
- Considering that it might be much easier to manage the police activities of deputies in a smaller contract city than those in a large outlying, unincorporated area of the county, are supervisors trained sufficiently to address the differences, and have such differences been identified and addressed through the supervisors' training?
- Does each contract city adhere to the department-wide policies and procedures for receiving, reporting, investigating and coordinating complaints generated within these separate jurisdictions, as outlined in GOM Chapter 3.00.000, or does it have separate policies and procedures that have become the norm within the municipality?
- Of greatest concern is that, as we have already noted, some deputies only see their supervisors once or twice a week, if at all, which begs the question as to whether or not there is any actual supervision of these subordinates on a day-to-day basis. Given these challenges, how would many KCSO supervisors have the ability to lead, control and direct the work of such subordinates, let alone be aware of how these subordinates conduct themselves with members of the public?

We acknowledge that an effort is underway to have KCSO sergeants other than those assigned to the IIU complete the investigations and documentation portions of the Internal Affairs process, which is a policy practiced by many large police agencies. The advantages to doing this are that it reduces some of the workload on the IIU investigators, particularly for lower-level misconduct violations, but also because it makes the supervisors of individuals generating complaints aware of those aspects of their subordinates' work-related activities that are generating complaints, thereby allowing them to address the problems. While this is a worthwhile effort we believe should be continued, a more intense focus and emphasis on ongoing training for the sergeants and other supervisors should be initiated to help them accomplish this task.

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There was an initial four-hour block of training for supervisors on how to conduct and document findings and recommendations for misconduct cases when this responsibility is passed along to them, but it does not appear to have had a lasting effect. Problems continue to surface in terms of supervisors not recognizing the role they play in reporting and documenting discipline (they may want to pass the hard decisions on to the captains to avoid conflicts with their subordinates). This training should stress the importance of the internal investigations process, as well as provide specific, hands-on training about how to conduct complete investigations and how to document the work appropriately according to GOM Section 3.03.175. Quality control issues, as well as consistency in investigations and discipline recommendations, should also be covered, not only for the sergeants but for the entire chain of command.

One troubling fact we learned during our review is that a large number of lower-level complaints (approximately 100 cases) that had been forwarded to supervisors in the field over the last few years for investigation and subsequent findings and recommendations documentation never made it back to the IIU, and there is no accounting for these items at this time. This indicates that there is indeed a tracking issue for IIU cases throughout the organization that needs to be resolved, and it tends to suggest that span of control issues might also have contributed to the loss of these cases.

Span of control issues also surfaced when we learned that each patrol deputy is assigned his or her own individual patrol car that they may take to and from work. While this may make economic sense for the department for some of the deputies serving in the outlying unincorporated areas of the county, this fact alone contributes to the elimination of a daily briefing with all officers who work the same shift. It also effectively eliminates the ability of many supervisors to have daily interactions with all their subordinates. Many of the deputies working patrol in the field may never really

see each other very much, and their sergeants do not have the ability to provide the level of first-line supervision that has become the standard in professional law enforcement agencies across the country. In such an environment, it seems challenging to ensure quality control for police activities that would help to prevent complaints, as well as to ensure that complaints that are brought forward are handled appropriately. The lack of routine daily interactions between supervisors and subordinates could also contribute to an erosion of esprit de corps and morale within a department, since many employees could feel disconnected to the larger organization.

Indeed, we were advised that the span of control ratio of sergeants to deputies in the incorporated parts of the county was approximately 1 to 7, but also that this ratio climbed to approximately 1 to 25 in the unincorporated areas, which is a large ratio when compared to other agencies of similar size and structure. A 2006 survey of 140 law enforcement agencies across the country found that the average span of control was 1 to 7, with the largest at 1 to 15.[9] Hence, while providing personally assigned vehicles to deputies in outlying areas of the county may continue to provide economic benefits to the county's budget by cutting down on transportation costs and by reducing lost patrol time due to commuting issues, we believe this is an area that needs further study to determine whether there are ways to keep deputies and their supervisors connected on a day-to-day basis while still allowing them to have personally assigned vehicles. Indeed, technology such as Skype videoconferencing and other social media venues might allow some sergeants to have virtual daily briefings with subordinates.

Technology such as Skype videoconferencing and other social media venues might allow some sergeants to have virtual daily briefings with subordinates.

Simply adding supervisors to address span of control issues and the other concerns we raise in this report will not, in and of itself, resolve these issues and concerns. Of greater importance is ensuring that all supervisors and command officers are following current policies and procedures for handling complaints, that appropriate new policies and procedures are created and implemented, and that the entire organization is shifting from a reactive to a proactive approach to its internal affairs efforts.

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Formal Mediation Process: Progressive Agencies Are Embracing This Tool

Many law enforcement agencies in the nation are embracing the concept of a Formal Mediation Process, which usually calls for a third-party, such as a retired volunteer judge, to act as a mediator or facilitator between a citizen who makes a complaint and the deputy involved. The complainant and the deputy meet face-to-face with the mediator so all may discuss the issues surrounding the complaint. In most agencies, it is typical that the complainant and the deputy, as well as the department, 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.

Obviously, the advantage to a deputy is that the mediation 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, it allows him or her the ability to learn how to avoid such results in the future. The advantage to a complainant is that the case potentially is resolved more quickly, and the complainant has the opportunity to explain to the deputy why the complainant took issue with the deputy's actions. The advantage to the department is that the complainant can usually get satisfaction and possibly closure more quickly for a given complaint, which contributes to positive 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 an Early Warning System.

We learned that Section 7 of Ordinance 16511 authorizes KCSO and OLEO to establish a voluntary citizen-officer mediation program as an alternative method to resolve citizen complaints. Our research and review, however, indicated that to date, no such formal mediations have occurred, due to the fact the OLEO Director and others are currently working to set up the program. This is a best practice that merits KCSO's and OLEO's efforts to establish it. We also recommend that proactive steps be taken as soon as the program is in place to educate both the public and the rank-and-file members about the program, with a special focus on having both IIU staff and OLEO staff explain and offer the program to people when they initially want to file what could be considered a lower-level complaint.

POLICY AND PROCEDURAL ISSUES

A General Orders Manual is, for all intents and purposes, the controlling document prescribing exactly what actions department members should or should not take when performing their duties, as well as outlining the operating philosophies of the department. Ensuring that proper policies and procedures are in place to facilitate effective reception, identification, reporting, investigation and management of misconduct complaints is critical if a department is to maintain its credibility with the public it serves. The following are some areas where we believe KCSO administrative attention is needed to ensure that best practices are established and followed when handling misconduct complaints.

Key Policies and Procedures: The Importance of Documentation

There is room for improvement when it comes to establishing and following specific policies and procedures for completing the written documentation that should occur during a number of steps in the complaint management process. For example, while KCSO personnel who provide law enforcement services to the County's contract cities handle internally some of the lower-level, day-to-day complaints that arise, they forward on to the KCSO IIU all major internal affairs investigations, including use of force complaints. Yet it does not appear there are specific written policies and procedures indicating when and how cases within the contract cities will be handled formally or coordinated with the KCSO IIU.

We recognize that one of the great values of having dedicated KCSO personnel assigned to the contract cities is that law enforcement priorities can be customized for each of those communities, thereby enhancing the ability of the department to incorporate community policing philosophies into its service deliveries in those cities.

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Yet a citizen complaint in one contract city should not be handled differently than one in another contract city, since this impedes the ability of the Sheriff to ensure his personnel are adhering to what should be the guiding policies and procedures for his entire department.

Any and all complaints, however small, whether they occur in a contract city or in another unincorporated area of the county, should be handled in exactly the same manner, with the following:

- A defined template including all elements required in the written documentation;
- A clear process identifying who is responsible for completing the documentation;
- An established understanding of who is responsible for reviewing the written documentation and forwarding it up the chain of command to the IIU; and,
- A clear determination that all such documents should be centrally stored in one common location – the IIU.

We are not suggesting that lengthy documents need to be completed for low-level complaints that have already been handled to the satisfaction of a complainant. Indeed, supervisors currently have an ability to create short reports documenting their actions through the use of the Blue Team program in IIU's IA Pro software program, and formal policies and procedures could be created that specify exactly how this documentation should be completed when handling complaints.

IMPORTANT QUESTIONS TO ANSWER

- Who determines what is considered a major incident in the contract cities?
- Do all of the contract cities follow the same guidelines?
- Who is tasked with completing written documentation for the complaint, and where is this document kept?
- Is there a consistent investigative and reporting format to the written documentation?

We did learn that Interim-Sheriff Strachan has taken steps to reassign lower-level complaints so they are handled outside of the formal disciplinary process using training and performance plans. Advantages can certainly be gained from having first-line supervisors handle low-level complaints, since it 1) cuts down on the work of the IIU so their efforts are focused on more serious complaints and, 2) supervisors can become more aware of the behavior of their subordinates. Yet it does not appear the Interim Sheriff's approach is successful since the IIU is not routinely made aware of them, nor does it routinely track them.

Also, this effort to handle any complaints outside of the IIU tracking process may actually be contributing to the sentiment that the IIU process is not important to the organization. Externalizing the task also removes the ability of the department to manage all of its complaints. It does not have visibility into how many cases exist, how they are being handled, or whether a low-level case should be treated at a higher priority level.

Instead, we suggest that forwarding any and all complaint information in written form to IIU so it can be entered into the IA Pro database and an automated Early Warning System allows the department to conduct trend analysis on the complaints it receives. These analyses can indicate to KCSO administration what training issues need to be addressed to reduce behaviors that drive complaints. Such data also allows for Early Intervention Counseling sessions to occur because the Early Warning System can indicate when an individual deputy has been identified as having an inordinate number of complaints reported.

We recommend creating more detailed and specific GOM policies and procedures that outline the exact reporting process for complaints, and standardizing these procedures throughout the department. This would include creating separate policies that indicate exactly what investigative steps will be taken and what written content will be included in standardized, uniform complaint reports used throughout the department for formal complaints and for those low-level complaints supervisors handle in the field, with the Blue Team system a readily-available option for reporting low-level complaints.

WHAT OTHER EXPERTS SAY ON THIS ISSUE

"Another important element in the policy and procedure [of investigating complaints] is ensuring that no matter where in the agency the complaint is received, there is a process to notify the IA [Internal Affairs] investigator. And, finally, processes for documenting, recording and controlling investigations, as well as maintaining confidentiality, should be addressed in the written policy.

Maintaining a comprehensive internal affairs policy will establish a uniform procedure that is adhered to for each case, with no single complaint getting less consideration than another."

Source: Marko, Jennifer. "IPTM's [Institute of Police Technology and Management] Internal Affairs Course." Law and Order. 52.6 (2004): 84: Print.

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The Blue Team Early Warning System: Ensuring its Application

KCSO's computerized Blue Team system has recently been put into place and our review of the process a supervisor would use to input information into the system appears to indicate it is simple and effective. Based upon our discussions with KCSO personnel at a variety of rank levels, however, it was unclear to us just how many supervisors on the department, particularly first-line supervisors, have taken advantage of this system's capabilities.

For example, while it was explained to us that early warning reports go directly to supervisors, one upper-level KCSO command officer said he had never seen any of the early warning reports.

It also is unclear just how much KCSO is actually using the Blue Team and EIS components of its IA Pro software program to generate real-time data that would facilitate Early Intervention Counseling with department members who are receiving unusual numbers of complaints. We observed the type of information entered into the Blue Team system, yet the EIS component only generates early intervention alerts for Blue Team data entries for an individual employee occurring within a rolling 90-day period. This is too short a period for the system to provide trend analysis that will help highlight potential employee problems that could be addressed before problems occur. While it appears that this short time period may have been established to gain rank-and-file support for implementing the system to begin with, consideration should be given to lengthening the rolling time period that data is kept in the system. It also appears that when the EIS system flags an employee for an inordinate number of complaints, the information is eventually forwarded to the supervisor for follow up but the details and results of what occurred does not flow back to IIU. It is critical that IIU serve as the central repository for all of this information so there is one place in the department that tracks all of this data for analysis and reporting purposes, as well as to coordinate Early Intervention Counseling for employees.

The department needs to focus on the proactive steps that everyone, particularly supervisors, can take to prevent complaints, and the Blue Team and EIS components' capacity to support an early warning system appears to be an underutilized tool that may help KCSO do this. The valuable information the Blue Team system generates also would allow KCSO to update training priorities to help reduce complaints, as it would identify the main causes for complaints as well as areas where supervisors could take a more proactive role to help ensure a quality level of service from their subordinates. We believe further review and study of how the Blue Team and EIS systems are actually being used would prove helpful to the department.

WHAT OTHER EXPERTS SAY ON THIS ISSUE

"One of the most difficult aspects of conducting evaluations for supervisors is verification of performance. Technically, the assessment of officer performance is dependent upon the ability of supervisors to observe what occurred. Unfortunately, the verification of performance does not always occur, for a number of legitimate reasons. For example, the span of control can make it very difficult for a supervisor to consistently view officer performance. Too many officers going in too many directions make it hard for a supervisor to observe performance."

Source: Kenney and McNamara, ibid, page 71.

Annual Appraisals and Evaluations: Key Tools That Help Minimize Complaints

There are written KCSO policies and procedures in place outlining how and when department members' performance appraisals need to be completed. At the same time, completing such performance appraisals were successfully bargained for in the 2008-to-2012 contract with the Police Guild. We were surprised to learn, however, that routine, annual employee appraisals or evaluations are rarely completed. Even the appraisals that are completed are not used to help identify potential complaint-generating work habits or traits that could help the department be proactive in outlining performance improvement goals to reduce or eliminate complaints for a given employee.

The purpose and scope of our review was not to focus on KCSO's performance appraisal process. However, upon hearing the comments about how the performance appraisal process functions within KCSO, we are compelled to point out that an effective performance appraisal process is a key tool for any law enforcement agency whose goal it is to have supervisors lead, control and direct the work product of department members to ensure the quality of their subordinates' work, which in turn helps to reduce complaints. We believe the need for effective performance appraisal processes is especially true for law enforcement agencies, given the high-risk and sensitive nature of the work deputies do in a community.

It should be noted, however, that one argument we heard against requiring some supervisors to complete performance appraisals is that some supervisors rarely see their subordinates, which calls into question their ability to complete accurate evaluations. It supports our concern regarding the span of control issues previously discussed in this report.

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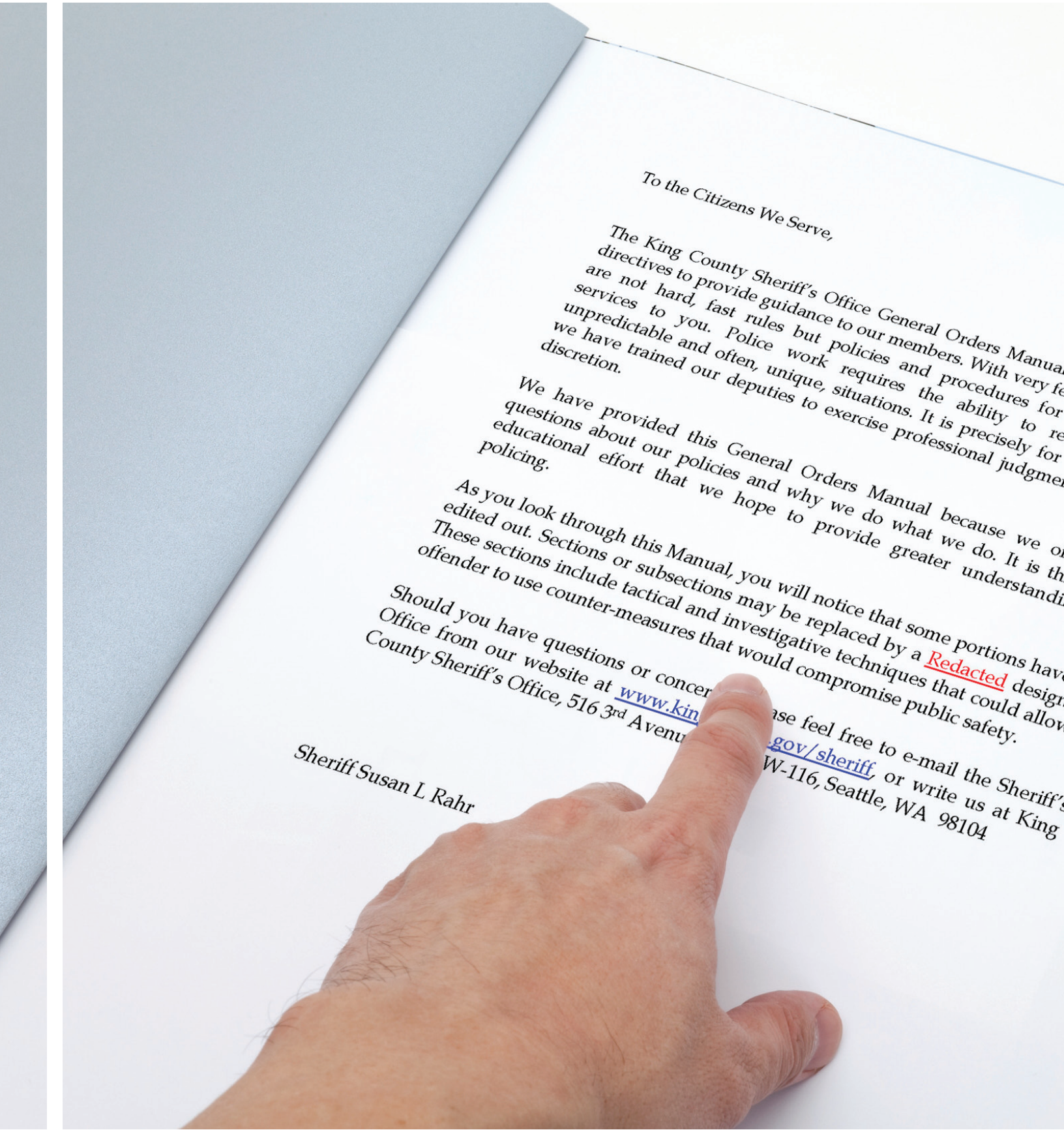
CALEA Policies: The Importance of Consistent Implementation

We compliment KCSO for its recent efforts to become certified with the Commission on Accreditation for Law Enforcement (CALEA). There is great value to any law enforcement agency that is compliant with the standards set for CALEA-accredited agencies. What we learned through our interviews with a number of stakeholders, however, raised some questions as to whether or not some of the CALEA-compliant policies and procedures KCSO has are actually being implemented. For example, we learned that it has been several years since the KCSO Training Unit has provided department-wide use of force training, which is considered a best practice not only by CALEA but by departments across the country. KCSO GOM Section 2.17.005, which lists training that is mandatory, states that less-lethal options/use of force training is mandatory every two years, and that use of force policy training is mandatory every year. That this training is reportedly not occurring is of concern when assessing how effective KCSO is in ensuring that department members' uses of force are compliant with departmental policies and procedures. Clearly, ongoing training for the topic of use of force could serve to reduce use of force complaints.

The concern we identified over the ongoing use of force training issue emerged again when we reviewed other policies and procedures. KCSO has written policies and procedures in place that address a number of IIU-related concerns, but it was not always evident that the policies and procedures are, in fact, being followed uniformly throughout the department. The issue of department member compliance with the GOM in its entirety goes well beyond the scope of our current assessment. Yet, to the extent that any policies or procedures are not being followed, it is clear to see how this could have a negative impact on the department's ability to take a proactive role in complaint prevention, as well as complaint management. We believe this needs further review and analysis.

There is great value to any law enforcement agency that is compliant with the standards set for CALEA-accredited agencies.



To the Citizens We Serve,

The King County Sheriff's Office General Orders Manua
directives to provide guidance to our members. With very fe
are not hard, fast rules but policies and procedures for
services to you. Police work requires the ability to re
unpredictable and often, unique, situations. It is precisely for
we have trained our deputies to exercise professional judgme
discretion.

We have provided this General Orders Manual because we o
questions about our policies and why we do what we do. It is th
educational effort that we hope to provide greater understandi
policing.

As you look through this Manual, you will notice that some portions have
edited out. Sections or subsections may be replaced by a Redacted design
These sections include tactical and investigative techniques that could allow
offender to use counter-measures that would compromise public safety.

Should you have questions or concer ase feel free to e-mail the Sheriff's
Office from our website at www.kin .gov/sheriff, or write us at King
County Sheriff's Office, 516 3rd Avenu W-116, Seattle, WA 98104

Sheriff Susan L Rahr

The General Orders Manual: The Need for a Few Key New Sections

KCSO General Orders Manual Section 3.03.000, entitled Investigation of Personnel Misconduct, contains numerous subsections addressing the policies and procedures pertaining to misconduct reporting and investigation. We recommend that some of the sections be strengthened to ensure the desired outcomes are actually produced, based upon our interviews of stakeholders and our review of IIU investigative files. We also recommend the creation of some new sections that clearly specify what is required of personnel responsible for investigating and documenting misconduct allegations.

GOM Section 3.03.015 states that KCSO members "…will accept all complaints of misconduct." This section also spells out that all KCSO members will refer all complaints received to a supervisor. While it is generally known that any failure to comply with any section of the GOM could subject a department member to discipline, due to the important nature of these particular sections in maintaining the confidence and trust of the community, we believe there is value in adding narrative to this specific section that spells out that failure to comply with this section could subject an employee to formal discipline. The GOM does provide such suggested language in Section 3.02.020 for the failure of a KCSO department member to report any domestic violence committed by a department member, stating, "failure to report [a member's commission of domestic violence] may result in disciplinary action." Similar language should be added to the GOM somewhere in Section 3.00.000 for failure to report misconduct.

GOM section 3.03.175 outlines an investigative report format for misconduct cases which states, "the investigative format report will be submitted in a Follow-Up Report format and *should* [italics added] contain:" a list of report headings that includes the following:

- Accused Member Allegations
- Evidence
- Persons Interviewed
- Investigative Steps
- Summary

Based upon our assessment of IIU misconduct investigations, we strongly recommend that the word "should" in section 3.03.175 be changed to "shall." Out of the 14 cases we reviewed, few of them had any documentation that followed the format in section 3.03.175, and many of them had no significant documentation of any kind. While our report will go into more detail later about what we learned in our assessment of IIU misconduct investigations, it became evident that more detailed requirements about what must be included in the standardized investigative report format should be codified in this GOM section, with clear requirements for who is responsible for completing and forwarding such reports through the chain of command.

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It would be helpful to provide written examples of what well-written misconduct investigations should look like so it is clear what qualities a final report should possess. It might also be helpful to create templates that would guide the written documentation for different kinds of complaints, to ensure that key issues such as use of force complaints are addressed.

As noted earlier, also missing from the General Orders Manual is a specific Failure to Supervise section that defines clearly what the expectations are for any department supervisors. The section should clearly state that formal discipline for a supervisor who fails to supervise adequately or appropriately is a possible outcome, especially given the key role an effective supervisor plays in preventing and addressing misconduct cases.

Workload and Case Closure Processes: Tightening Up Procedures

As alluded to in other sections of this report, there is a loose, almost informal manner in the way KCSO misconduct cases are reported, assigned and tracked throughout the department. This might help explain why there were more than 100 misconduct cases assigned to supervisors outside of IIU that cannot be accounted for. It was also difficult to determine whether or not the cases assigned outside of IIU were burdensome to those supervisors assigned to handle them, since we found so little written documentation when reviewing these. In other words, it is difficult to estimate how much time such cases took to complete because of a general lack of quality in the written documentation, if any such documentation even exists for some cases.

This is an area that needs greater administrative attention. A complete review and overhaul of the misconduct complaint workflow process may be needed to establish clear guidelines identifying who has responsibility to move complaint investigations forward at each stage of the process. The overhaul should also address how IIU will track the entire workflow process so misconduct cases can be completed within the 180-day time limit outlined in the GOM.

In terms of workload allocations for those working within IIU, as stated earlier, we believe that IIU may very well be understaffed for a department the size of KCSO and for a jurisdiction as large as King County. When looking at the number of actual misconduct cases assigned to each IIU investigator, the number – on its face – might seem manageable. We believe, however, that the number of complaints referred to IIU for investigation may well be fewer than the number of actual complaints that should be referred.

IIU STAFFING WORKLOAD CLOSURE			
KING COUNTY	Internal Investigators (Sergeants)	Number of Cases Per Investigator	Average Time to Complete Each Case
2011	3	23	140 days
2010	3	24	109 days
2009	2[a]	12[a]	121 days
2008	3	22[b]	Unknown
2007	3	25[b]	Unknown

a. Partial year of data. b. Estimated.

COMPLAINTS			
KING COUNTY	Complaints	Number of Cases Per Investigator	Average Time to Complete Each Case
2011	128	33	3
2010	190	44	0
2009	138[a]	48	0
2008	67	49	0
2007	77	43	0

a. Estimated number due to new system implemented mid-year.

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If all of the complaints actually made were being forwarded to the IIU, and clearer guidelines were put in place for how the IIU would track and manage the complaint investigations workload department-wide, the current staff could become overwhelmed. The types of work processes and IIU activities we are recommending, however, are the norm for most law enforcement agencies the size of King County – and additional IIU staffing may be needed to address this.

We would like to believe that complaints made but not forwarded to the IIU are perhaps handled to the satisfaction of complainants. The dilemma, however, is that neither we nor KCSO *can* make a qualitative judgment about this, since the failure to document these incidents and forward the information to the IIU deprives the department of its ability to enter such data into its IA Pro database so it can manage, track and report on complaint issues more effectively. It will take a major effort by the Sheriff to lead all of the rank and file in the department to change this status quo.

Of particular mention is the fact that for all of 2011, there were only two use of force complaint cases reviewed by the IIU. This is an extremely low number of use of force complaints processed by an internal affairs unit for an agency the size of King County, especially when compared to the 69 use of force incident reports generated by 47 sworn deputies that were reviewed by the KCSO Use of Force Review Committee.

Use of Force

JURISDICTION	Use of Force Issues	Type	Employees
King County	2	Complaint	1,021
Albuquerque	Unknown	Unknown	1,710
Chicago	1,754	Allegation	13,857
Cincinnati	64	Allegation	1,172
Denver	145	Allegation	1,415[a]
Eugene	14	Allegation	300
New York City	3,273	Allegation	34,500[a]
Portland	41	Allegation	1,244
San Diego	39	Allegation	2,413
San Francisco	234	Allegation	2,235
San Jose	72	Complaint	1,093
Seattle	159	Allegation	1,820
Washington, D.C.	280	Allegation	4,457

Allegations are typically higher than complaints as a single complaint may contain multiple allegations.
a. Sworn officers.

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INVESTIGATIVE ISSUES

The following are some areas where we believe KCSO investigative attention is needed to ensure that best practices are established and followed when handling misconduct complaints.

Use of Force Policies: Opportunities for Improvements

KCSO has a committee that conducts a quarterly review of use of force incidents, which includes a number of department managers as well as Training Unit personnel. KCSO staff advised that the Director of OLEO is also invited to the meetings.

As noted earlier, it is surprising that in 2011 we uncovered only two formal use of force complaint cases on file in the IIU. While further review is required, it appears that either (1) some complaints which should be formalized are not, or (2) that residents may not be coming forward to file complaints for a variety of reasons. This issue is of interest to us because we also learned that the Blue Ribbon Panel that recommended the creation of OLEO apparently noted some complaints were held back at the first-line supervisors' level in the precincts and never made their way up to the IIU.

It should also be noted that although a use of force incident requires a deputy to file a use of force incident report, and that this report must be signed by a supervisor, the use of pepper spray does not count as a use of force incident; hence, no report or supervisor's review is required for pepper spray incidents. We believe this policy also needs further review and that serious administrative consideration be given to recognizing the use of pepper spray as a use of force incident.

Deputy-Involved Shooting Procedures: Cooperation Within the Department

We learned that deputies involved in a shooting are not required to make a statement to department investigators until 72 hours have passed. This is apparently designed to ensure that deputies are not subjected to undue stress and to help them avoid making factual errors in statements while they are under duress. There are major law enforcement agencies across the country that have established protocol agreements between law enforcement labor groups and police administrators that facilitate acquiring voluntary and cooperative statements from law enforcement officers involved in shootings soon after the incident. These agreements have gone a long way toward enhancing a community's confidence in the way its law enforcement agency investigates shootings involving police officers. Consideration should be given to contacting those agencies that have such agreements to learn more about the benefits.

We also learned that when a deputy-involved shooting occurs, there is no protocol requiring the Internal Investigations Unit Commander to be notified, nor is there a requirement that he or she respond to the scene of the shooting to monitor what is occurring on behalf of the Sheriff. The OLEO Director also is not notified. As we mentioned earlier in this report, at a minimum the Internal Investigations Unit Commander or his designee should be notified immediately and should respond to the scene to ensure administrative integrity. Best practices also require that the IIU Commander notify OLEO and, should the OLEO Director choose to respond to the scene of a deputy-involved shooting, the IIU Commander should meet with him and provide a briefing on what is occurring and address any questions OLEO may have.

Discipline and Enforcement: The Value of a Formal Matrix

To help ensure consistency in applying discipline, the IIU Advisory Group meets every other week to discuss the outcomes of misconduct cases. These meetings typically are attended by the Commander of the IIU; Virginia Gleason, KCSO's Professional Standards Manager; Lynne Kalina, Senior Deputy Prosecuting Attorney Civil Division, Employment Section; Lance King, Labor Negotiator; and the IIU investigators. The chart below highlights the outcomes of the misconduct cases the IIU Advisory Group reviewed for the years noted.

However, KCSO does not have a formal written matrix to guide discipline procedures and outcomes. Such matrices clearly spell out in greater detail what types of discipline should be implemented for specific types of misconduct, taking into account factors such as a Subject Deputy's longevity with the department and his or her past performance appraisal ratings. While the value and effectiveness of having such a matrix has become a point of much discussion within law enforcement agencies nationwide, there are a number of agencies that have researched and created more effective and robust matrices over the past few years. It might well be worth the effort to explore the implementation of such a matrix within KCSO to ensure consistency within the discipline process.

Discipline in Sustained Cases

KING COUNTY	2011	2010	2009
Corrective Counseling	6	7	6
Oral Reprimand	1	3	1
Performance Improvement Plan	6	–	–
Resignation	–	1	1
Suspension	11	15	6
Termination	3	2	2
Training	8	–	–
Transfer	–	1	1
Written Reprimand	22	19	10

Training and Education: The Frontline of Program Excellence

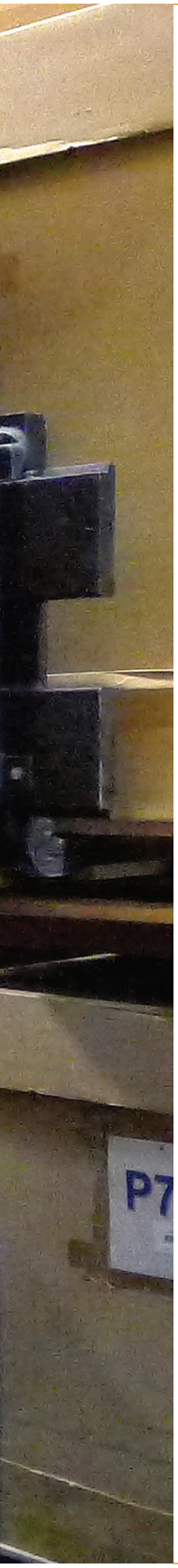
Ongoing professional training both for new deputies as well as supervisors and commanders is a key tool when it comes to managing work behaviors that can lead to complaints. As noted earlier in the report, a big concern for us is that KCSO has not provided official use of force training since 2001, eleven years ago. We also learned that there is not a formal Continuous Professional Training Program requiring deputies to attend training sessions either once a year or once every other year. This is unusual for an agency the size of KCSO, and seems to put KCSO out of compliance with the CALEA standards to which it has committed.

One issue a perceptive KCSO employee raised is that training needs to occur to help deputies, especially newer ones, gain a better perspective on what they perceive as fear. This was insightful, in that unwarranted fear could certainly lead to unnecessary force. This issue also relates in part to a larger national law enforcement effort that emphasizes that deputies should not only ask what they *can* do legally, but what they *should* do in given circumstances. This ongoing national discussion includes what is being referred to as "procedural justice." The COPS Office is currently leading an effort to address procedural justice issues within law enforcement, and we recommend KCSO continue any initial efforts in which it is engaged with the COPS Office in Washington, D.C. to explore this important area of training.

We also learned that KCSO does not have Shoot-Don't-Shoot firearms training equipment, or Driver Training Simulators, which is unusual for an agency such as KCSO. We recommend that KCSO consider the acquisition of such equipment to assist in its efforts to address use of force issues – and partnering with surrounding jurisdictions, if necessary, to gain access to this valuable equipment.

One issue a perceptive KCSO employee raised is that training needs to occur to help deputies, especially newer ones, gain a better perspective on what they perceive as fear.

Spotlight on Random Internal Investigations Unit Cases



As part of our detailed review and assessment of the effectiveness of the King County Sheriff's Department's Internal Investigations Unit, SLC member Rob Davis, accompanied at varying times by members of the King County Auditor's Office, conducted a random assessment of 14 cases – or approximately 20% – of the 73 formal misconduct investigations the IIU handled or coordinated for 2011.

On the day of our review, we used a random number generator Davis brought to the IIU to select 14 of the 73 misconduct investigations cases for review. This resulted in an unbiased sample, and a sample that was also quite representative. Some of the cases generated were hard copy documents, which IIU personnel provided for our hands-on review in a private office in the IIU facility. Other cases consisted of digital reports and digital audio files contained within the automated IA Pro software program, which we accessed via a personal computer located within the IIU office.

We used a customized template created by the Senior Leadership Council to ensure we looked at the same data points for all the cases. Below is a list of the data points that we tracked on our template, based upon policies and procedures as outlined in the IIU's Standard Operating Procedures manual **(Appendix C)**.

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General Questions

- Was the initial complaint taken in person, by telephone or by e-mail?
- Was the case completed within 180 days of receipt by a Command Officer (including disciplinary disposition)?
- Did the IIU Commander review the case and note recommendations?
- Did the IIU Commander update IA Pro with recommendations from the Chain of Command?
- Did the IIU Commander write a Memo to the Subject Deputy notifying him or 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 IA Pro database?

Complainant and Witness Interviews

- Was the interview conducted in person or on the telephone?
- Was the interview tape-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 Member Interview

- Was the interview tape-recorded?
- Did the IIU Investigator advise the Subject Deputy of the need to cooperate, with discipline possible for any refusal?
- Did the IIU Investigator allow the Subject Deputy 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 Deputy 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 Deputy if he or she had any questions, or if there was anything he or she would like to add?
- Did the Subject Deputy's Police Guild representative or attorney 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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Of the 14 cases randomly generated for review, the IIU was unable to locate any documentation of any kind, either in hard copy or in IA Pro, for one of the cases. There is no record whatsoever of the complaint or what was done with it. This left us with a total of 13 cases to review.

Of these remaining 13 cases, seven were identified as being Inquiries (lower-level issues brought forward and resolved relatively quickly). Three were defined as Citizen-Initiated complaints and three were defined as Department-Initiated complaints. Of the 13 cases, nine (69%) were completed within the 180-day deadline. The following is the breakdown for the outcomes of the 13 cases we reviewed. Percentages don't add up to 100% due to rounding.

- Sustained: 3 (23%)
- Not Sustained: 3 (23%)
- Exonerated: 2 (15%)
- Unfounded: 2 (15%)
- Undetermined: 1 (8%)
- Information Only: 2 (15%)
  (Note: KCSO IIU personnel advised that the Information Only category was eliminated as a Case Closure definition after our initial assessment of IIU cases.)

In general, we found that when the IIU investigators interviewed a complainant, witness or a subject, their interviewing methods comported with policies and procedures outlined by the GOM and the IIU Standard Operating Procedures manual. We found only one example of a question posed by an IIU investigator to a complainant that could be considered leading in nature. We also found that when an investigation was assigned to other supervisors in the field, the final memos documenting those supervisors' investigative follow up were mostly well written and sufficiently detailed. Indeed, it appeared that a number of these field supervisors had reached out at some point for advice from IIU investigators and received some worthwhile recommendations concerning how to complete and document their cases so that they met departmental standards. We also found that the IIU did a great job of ensuring that what someone said during a taped interview was accurately and scrupulously transcribed in their written IIU documents, which indicates integrity and professionalism on IIU's part.

However, the overwhelming majority of the cases we reviewed lacked any significant or substantial documentation that explained the rationale underlying the cases' resolution and closure. We also noted that there were several conflicting or confusing entries in the IA Pro database that detracted from the ability to determine what actually occurred as the case was investigated and closed.

Here are a few examples that highlight some of the issues we encountered during the assessment:

- One case involved some serious concerns that triggered a significant amount of time and attention. The case was eventually escalated to the IIU Advisory Group for determination. While the complainant was interviewed, the file was not clear on whether the Subject Deputy was ever interviewed. The first three sections of the Investigative Report Format in GOM Section 3.03.175 were completed, but there was no Summary section detailing the rationale for the outcome of the case. Based upon what we learned while reviewing the case, this case was a clear example of one that should have been documented using all of the Investigative Reporting Format sections specified for misconduct cases in GOM Section 3.03.175.
- An internal case involving issues between employees had investigative time invested, including written statements from a complainant and a witness. Yet, according to the files, no interview was ever conducted with the Subject Member. Indeed, the case was closed as "Undetermined" with no formal documentation included in the file. Hence, we do not know the specific logic or rationale for how or why the case was closed.
- One case had some written documentation describing the incident and follow up, but, again, there was no written documentation stating the rationale for the Not Sustained finding, other than an extremely brief comment written by the IIU Commander which indicated he was satisfied with what he had reviewed. We noted the case also had some factual errors in the documentation, in that the date listed in a memo for when an interview had been recorded was actually the date the memo had been written, not the day of the actual interview. This was also a case where the Subject Member was never formally interviewed – only the complainant.

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- A case involving a Sustained finding was missing the hard copy of the final memo in the IIU file. The completion date of the case was missing from the IA Pro entry.
- A case included written statements from several witnesses, but again it lacked any formal interview of or written statement from the Subject Member. The IA Pro entry showed the case was assigned to an IIU Investigator when it actually was assigned to a field supervisor.
- A case included a formal write-up by a field supervisor who did a good job with the documentation. However, the investigative memo the supervisor wrote was completed almost five months before the case was formally closed in IA Pro. There was no formal documentation explaining the finding in the case, nor was there a record of whether a letter was sent to the Subject Member advising of the closing of the case.
- A case was closed with a finding of "Not Sustained," meaning the allegation could neither be proved nor disproved. Yet our review of the case indicated that a finding of Sustained would most likely have been the appropriate finding, since the Subject Deputy admitted to one of the allegations and commented that the action taken was inappropriate. If the Department's determination was that the action was acceptable conduct given the circumstances of the case, then the appropriate finding should have been "Exonerated." There was formal documentation for this case, yet it lacked detailed information to explain the logic behind the finding. It appears the Subject Deputy in this case has a history of IIU complaints, which served to heighten our concern for the stated finding in this case.

In regards to the two use of force cases we reviewed, one case was closed as Within Policy. This case involved what appeared to be a semi-hostile complainant, and there was a written statement from the Subject Deputy. We located the details of the investigation and reviewed a digital file, but it would have been more appropriate to have a formal write-up on this case as outlined in GOM Section 3.03.175. The other case involved a situation where the initial complainant was a relative of the citizen involved in the incident, and the involved citizen did not want to follow up with the IIU, so the case was closed.

An interesting point about our assessment was that in the 14 randomly selected cases we assessed, all of the cases with sustained findings involved non-sworn personnel.

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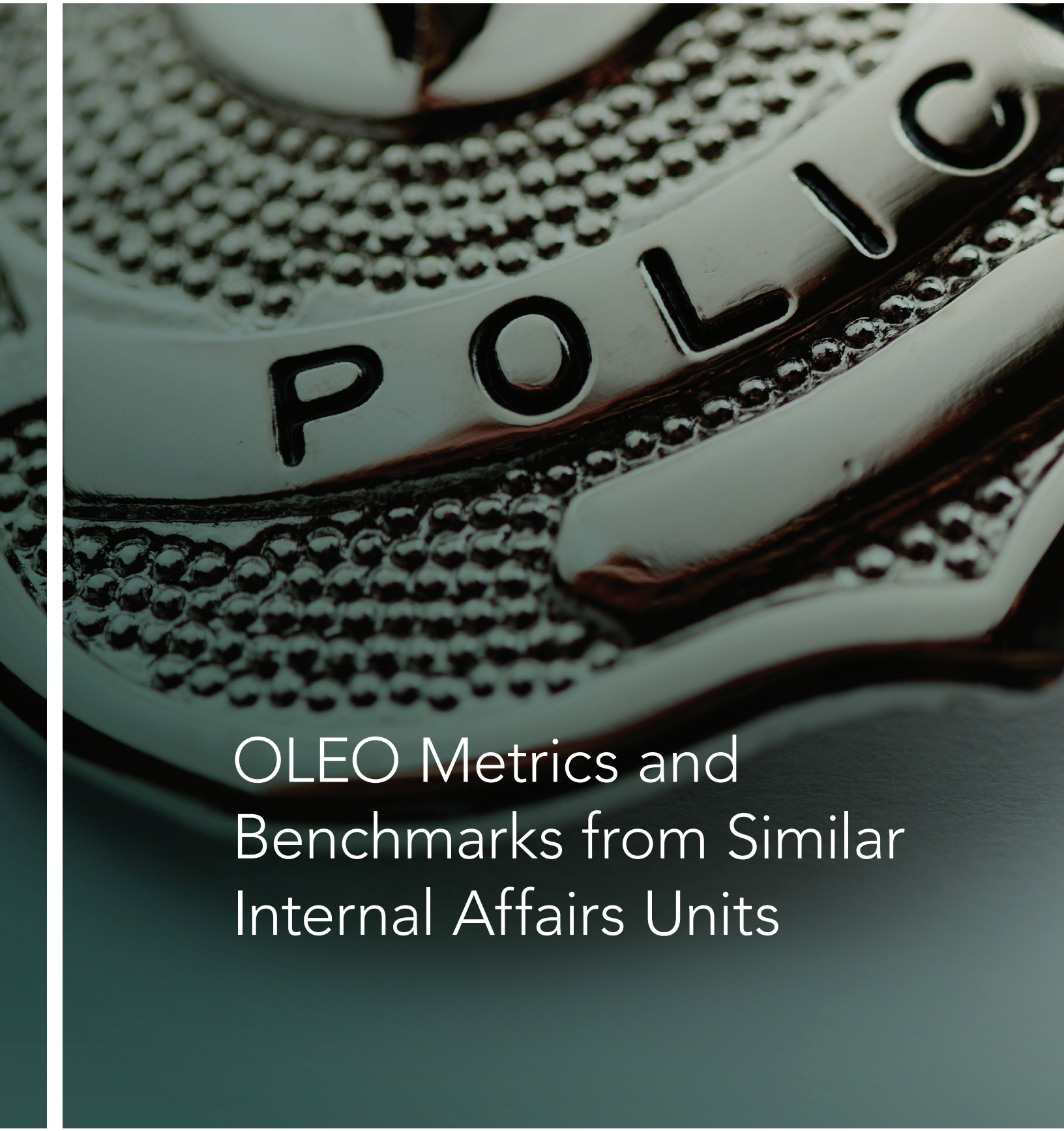

OLEO Metrics and Benchmarks from Similar Internal Affairs Units

Comparative Data Tables

To compare the KCSO IIU's policies, procedures and statistics with other similar-sized law enforcement agencies and departments recognized as being progressive in their internal affairs efforts, the following tables are provided for easy reference.

Given the wide variety in complaint definitions used by the following agencies and the manner and timing of their complaint data collection process, it is difficult to attempt to create a single table that includes all of these agencies that could adequately or accurately depict the differences and similarities across them. Also complicating such a table is that policies and procedures change at various times for these agencies, making it difficult to ensure that no policy changes are occurring within the time periods depicted. Therefore, this information is best suited for its insights into how KCSO's statistics compare in general with these other agencies, and should not be construed as a precise statistical comparison.

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For example, the following insights are but a few that can be gleaned from these data:

- The number of use of force complaints handled by the KCSO IIU is extremely low in comparison with other agencies. For example, in 2011, KCSO handled only two formal complaints, while Seattle processed 159, Denver addressed 145, San Jose handled 72 and Eugene reported 14. Even with differences in policies and procedures, KCSO's low number calls into question whether KCSO is forwarding all use of force complaints it receives to the IIU, and whether an adequate mechanism exists to receive such complaints and to manage their subsequent investigation throughout the department. This observation also contributes to our finding that KCSO is more reactive to handling its complaints than proactive.
- The low staffing levels of the KCSO IIU also stand out in comparison with other listed agencies. While there are three individuals assigned to the KCSO IIU, there are effectively only two, since one is on extended military leave. For an agency that serves a population of 1,931,249, this is extremely low compared to other law enforcement agencies, including those listed in the tables provided. For example, Oregon's Eugene Police Department, which serves a population of less than a 10th of King County's, has two internal affairs investigators who handled 42 misconduct and criminal complaints against officers, about a third of what was assigned to KCSO's investigators.
- Cities like San Jose (population 945,942) and San Francisco (population 805,235) both have significantly larger internal investigations staff than does KCSO, although they both serve approximately half the number of residents that King County does (San Jose has a lieutenant and 14 internal audit investigators, while San Francisco currently has 15 and is allotted 17). The Seattle Police Department has nine investigators, in addition to a captain and a lieutenant. These 11 employees handled 585 total complaint cases, a metric which suggests KCSO's total number of complaints should be higher, and calls into question whether all KCSO complaints are being documented and tracked appropriately. If they were, KCSO may well need the additional personnel to handle the caseload that apparently is unreported.

Note: Comparable data for the following tables was obtained from the U.S. Census Bureau, State and County QuickFacts, 2010. In order to provide a more comprehensive snapshot for the various Internal Affairs Units, additional state-specific sources were used. Sources and time periods for each are noted.

KING COUNTY, WASHINGTON – OFFICE OF LAW ENFORCEMENT OVERSIGHT	pop. 1,931,249
OFFICE INFORMATION	
KCSO Employees	1,021
Internal Investigators	3
Number of Cases Per Investigator	23
Average Time to Complete Each Case	140 days
COMPLAINT INFORMATION	
Complaints Filed	128
Complaints Sustained	33
Complaints Overturned or Altered	3
USE OF FORCE INFORMATION	
Use of Force Complaints	2
DEMOGRAPHICS	
Complainants	Not Tracked
Officers	Not Tracked
COMPLAINTS AGAINST	
Front-Line Employees	Not Tracked
Other Rank and Civilian	Not Tracked
DISCIPLINARY ACTION	
Corrective Counseling	6
Oral Reprimand	1
Performance Improvement Plan	6
Resignation	--
Suspension	11
Termination	3
Training	8
Transfer	--
Written Reprimand	22

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and Internal Investigations Audit: Statistical Data Follow-Up, March 14, 2012.

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SEATTLE, WASHINGTON – OFFICE OF PROFESSIONAL ACCOUNTABILITY pop. 608,660

OFFICE INFORMATION

Agency Employees	1,820 (1,340 Sworn)
Internal Investigators[a]	9
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case	177 days

COMPLAINT INFORMATION

Total Filed	585
Supervisory Action (PIR or SR)[b]	344
Full Investigation (LI or OPA-IS)[c]	214
Mediation	27
Sustained (based on full investigation cases)	23%
Overturned or Altered	Unknown

USE OF FORCE INFORMATION

Use of Force Allegations	159
Sustained	Unknown
Officers with One Use of Force Complaint	98
Officers with Two Use of Force Complaints	13
Officers with Three+ Use of Force Complaints	3

DEMOGRAPHICS

Complainants	Tracked
Officers	Tracked
Precinct	Tracked

COMPLAINTS AGAINST

Front-line Employees	65%
Other Rank and Civilian	35%

DISCIPLINARY ACTION

Termination	0
Suspension	5
Written Reprimand	9
Oral Reprimand	4
Transfer	0
Alternative Discipline[d]	5

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and Seattle Police Department, Office of Professional Accountability, 2010 Report.
a. Staffing includes eight sergeants and one EEO investigator (plus a supervisory captain and lieutenant). b. "PIR"= Preliminary Investigation Report, "SR" = Supervisory Referral. "In both of these classifications, the complaint is referred to the named employee's supervisor. Generally, PIRs are for information only, while SRs require that the supervisor informally resolve the complaint and report back to OPA after contact with both the citizen and the named employee." c. "LI" = Line Investigation handled by the named employee's Line of Command, usually at the rank of Lieutenant or above." OPA-IS" = OPA Investigation Section investigations. "In both LI and OPA-IS investigations, there are specific requirements about notice, interview procedures and the right to appear before the Chief if certain types of discipline result." d. Alternative Discipline can include training, requiring an officer to review and recommend revisions on SPD policy, report writing or other nontraditional approaches to behavioral change..

EUGENE, OREGON – OFFICE OF THE INDEPENDENT POLICE AUDITOR pop. 156,185

OFFICE INFORMATION

Agency Employees	300 (175 Sworn)
Internal Investigators	2
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case[a]	79 days

COMPLAINT INFORMATION

Total	326
Allegations of Criminal Conduct	2
Allegations of Misconduct	40
Service Complaints	214
Inquiries	36
Policy Complaints	34
Sustained[b]	32
Overturned or Altered	Unknown

USE OF FORCE INFORMATION

Excessive Force Allegations	14
Force Allegations Sustained	1
Officers with Excessive Force Complaints	Unknown

DEMOGRAPHICS

Complainants	Unknown
Officers	Unknown
Precinct	Unknown

COMPLAINTS AGAINST

Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION

Coaching	1
Documented Counseling	17
Written Reprimand	7
Resignation	2
Suspension	4
Oral Reprimand	3

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and City of Eugene, Office of the Police Auditor Annual Report, 2010.
a. From complaint to adjudication. b. Based on Table 1, page 19 of report.

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PORTLAND, OREGON – INDEPENDENT POLICE REVIEW pop. 583,776

OFFICE INFORMATION

Agency Employees	1,244 (977 Sworn)
Internal Investigators[a]	3
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case[b]	67 days
Process Complete[c]	247 days

COMPLAINT INFORMATION

Total	409
Community Complaints	385
Bureau Complaints	24
Sustained - Community Complaints	7
Sustained - Bureau Complaints	16
Overturned or Altered	Unknown

USE OF FORCE INFORMATION

Excessive Force Allegations	41
Force Allegations Sustained – Community	3
Force Allegations Sustained – Bureau	1
Officers with One Excessive Force Complaint	42
Officers with Two Excessive Force Complaints	4
Officers with Three+ Excessive Force Complaints	1

DEMOGRAPHICS

Complainants	Tracked
Officers	Unknown
Precinct	Tracked

COMPLAINTS AGAINST

Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION

Termination	3
Suspension	14
Letter of Reprimand	5
Command Counseling	7
Non-disciplinary Service Improvement Opportunity Discussion	67

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and Portland, Office of the City Auditor, Independent Police Review, 2010 Annual Report; Portland Police Bureau 2009 Statistical Report a. Supported by six Internal Affairs investigators. b. Overall Case Closure. c. Includes Findings, Review Level, etc.

SAN DIEGO, CALIFORNIA – CITIZENS LAW ENFORCEMENT REVIEW BOARD pop. 1,307,402

OFFICE INFORMATION

Agency Employees	2,413 (1,815 Sworn)
Internal Investigators[a]	12
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case	Unknown

COMPLAINT INFORMATION

Total Complaints	135
Sheriff's Detention Facilities	56
Sheriff's Law Enforcement Services and Other	61
Probation Department - All	13
Unknown Sheriff's Unit	5
Sustained	5
Overturned or Altered	Unknown

USE OF FORCE INFORMATION

Total Excessive Force Allegations	39
Total Sustained	Unknown
Officers with Excessive Force Complaints	Unknown

DEMOGRAPHICS

Complainants	Unknown
Officers	Unknown
Precinct	Tracked

COMPLAINTS AGAINST

Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION

	Unknown

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and County of San Diego, Citizens Law Enforcement Review Board, 2009 Annual Report.
a. Overseen by two lieutenants.

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SAN FRANCISCO, CALIFORNIA – OFFICE OF CITIZEN COMPLAINTS **pop. 805,235**

OFFICE INFORMATION	
Agency Employees (Sworn Officers)	2,235
Internal Investigators[a]	15
Number of Cases Per Investigator	31
Average Time to Complete Each Case	166 days

COMPLAINT INFORMATION	
Cases Opened	854
Sustained	12
Overturned or Altered	Unknown

USE OF FORCE INFORMATION	
Total Unnecessary Force Allegations	234
Total Sustained	2
Officers with Excessive Force Complaints	Unknown

DEMOGRAPHICS	
Complainants	Tracked
Officers	Unknown
Precinct	Tracked

COMPLAINTS AGAINST	
Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION	
	Unknown

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and City and County of San Francisco, Police Commission, Office of Citizen Complaints, 2010 Annual Report. a. 17 positions are allotted, however budget constraints limited staffing to 15.

SAN JOSE, CALIFORNIA – OFFICE OF THE INDEPENDENT POLICE AUDITOR pop. 945,942

OFFICE INFORMATION

Agency Employees	1,093
Internal Investigators[a]	14
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case	Unknown

COMPLAINT INFORMATION

IPA Conduct Complaints	133	IA Conduct Complaints	137
IPA Policy Complaints	5	IA Policy Complaints	2
IPA Non-misconduct Concerns	22	IA Non-misconduct Concerns	40
IPA Other	11	IA Other	5
Total Filed	355	Total Closed	246
Sustained	44	Other[b]	48

USE OF FORCE INFORMATION[c]

Use of Force Complaints	72
Force Complaints Sustained	1
Officers with One Use of Force Complaint	Unknown
Officers with Two Use of Force Complaints	Unknown
Officers with Three+ Use of Force Complaints	Unknown

DEMOGRAPHICS[d]

Complainants	Tracked
Officers	Tracked
Precinct	Tracked

COMPLAINTS AGAINST

Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION

Training	7
Counseling	2
Training and Counseling	10
Documented Oral Counseling (DOC)	10
DOC and Training	0
Letter of Reprimand	1
Suspension	6
Disciplinary Transfer	1
Settlement Agreement	2
Resigned in Lieu of Termination	1

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and Office of the Independent Police Auditor, 2011 IPA Year-end Report.a. Also supported by a Lieutenant. b. IPA "Disagreed With" or "Closed with Concern" IA Outcome. c. Per 2011 report, p45, the number of "Force allegations in complaints is higher than the annual number of Force Cases because … each single complaint may contain more than one Force allegation." d. Also track complaints by years of experience.

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ALBUQUERQUE, NEW MEXICO – POLICE OVERSIGHT COMMISSION	pop. 545,852

OFFICE INFORMATION	
Agency Employees	1,710 (1,097 Sworn)
Internal Investigators	3
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case	Unknown

COMPLAINT INFORMATION	
Complaints Filed	272
Complaints Sustained	95
Cases Overturned or Altered	0

USE OF FORCE INFORMATION	
Use of Force Allegations	–

DEMOGRAPHICS	
Complainants	Tracked
Officers	Tracked
Command Area	Tracked

COMPLAINTS AGAINST	
Front-line Employees	Unknown
Supervisors	Unknown

DISCIPLINARY ACTION	
	Unknown

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010; Independent Review Office of the Police Oversight Commission; 2010 Annual Report and Albuquerque Police Department, Annual Report 2011.

DENVER, COLORADO – OFFICE OF THE INDEPENDENT MONITOR pop. 600,158

OFFICE INFORMATION	
Agency Employees (Sworn Officers)	1,415
Internal Investigators	Unknown
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case[a]	56.2 days
Average Time to Complete Full IA Investigation Cases	68.8 days
COMPLAINT INFORMATION	
Total Complaints Filed	566
Internal Complaint Filed	92
Citizen Complaint Filed	474
Total Complaints Sustained	155
Internal Complaint Sustained	86
Citizen Complaint Sustained	69
Overturned or Altered	Unknown
USE OF FORCE INFORMATION	
Use of Force Allegations	145
Force Allegations Sustained	Unknown
Officers with No Excessive Force Complaints	1,297
Officers with One Excessive Force Complaint	99
Officers with Two Excessive Force Complaints	17
Officers with Three+ Excessive Force Complaints	2
DEMOGRAPHICS	
Complainants	Tracked
Officers	Unknown
District	Tracked
COMPLAINTS AGAINST	
Front-line Employees	Unknown
Other Rank and Civilian	Unknown
DISCIPLINARY ACTION	
Termination	12
Resignation/Retired Prior to Discipline	1
Demotion	0
Suspension Without Pay	28
Fined Time	41
Written Reprimand	36
Oral Reprimand	10

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and Denver, Office of the Independent Monitor, 2011 Annual Report.
a. All complaint cases.

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CHICAGO, ILLINOIS – INDEPENDENT POLICE REVIEW AUTHORITY pop. 2,695,598

OFFICE INFORMATION

Agency Employees	13,857 (12,244 Sworn)
Internal Investigators[a]	53
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case	Unknown

COMPLAINT INFORMATION

Total Allegations and Notifications	9,643
Total Retained by IPRA	3,067
Total Referred to State's Attorney's Office	81
Total Investigations Closed by OPRA	2,882
Sustained	47
Overturned or Altered	Unknown

USE OF FORCE INFORMATION

Total Excessive Force Allegations	1,754
Total Sustained[b]	Unknown
Officers with Excessive Force Complaints[b]	Unknown

DEMOGRAPHICS

Complainants	Unknown
Officers	Unknown
Precinct	Unknown

COMPLAINTS AGAINST

Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION[c]

Discharge Cases	15
Guilty and Discharged	5
Guilty and Suspended	2
Not Guilty	5
Resigned	3
Suspension Cases, 6-30 Days	12
Sustained, Full Penalty	5
Sustained, Reduced Penalty	6
Reversed	1

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and City of Chicago, Independent Police Review Authority, Annual Report 2009-2010; Chicago Police Board, 2010 Annual Report. a. Including four vacant positions. b. IPRA publishes monthly reports detailing information on sustained cases, but does not include this information in the annual report. c. Includes only cases covered by the Chicago Police Board. The Board reviews all discharge cases and may, upon request of the officer, review suspension cases greater than six days. Suspensions of five days or less are not reviewed.

CINCINNATI, OHIO – CITIZEN COMPLAINT AUTHORITY pop. 296,943

OFFICE INFORMATION

Agency Employees	1,172 (1,053 Sworn)
Internal Investigators[a]	2
Number of Cases Per Investigator	Unknown
Average Time to Complete Each Case[a]	Unknown

COMPLAINT INFORMATION

Total Complaints	324
Citizen Complaint Authority (CCA) Complaints	66
Citizen Complaint Resolution Process (CCRP) Complaints	258
Sustained – CCA[b]	10
Sustained – CCRP[c]	44
Overturned or Altered	0

USE OF FORCE INFORMATION

Total Excessive Force Allegations	64
Total Sustained	Unknown
Officers with Excessive Force Complaints	Unknown

DEMOGRAPHICS

Complainants	Tracked
Officers	Tracked
Precinct	Tracked

COMPLAINTS AGAINST

Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION

	Unknown

SSOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and City of Cincinnati, Citizen Complaint Authority, 2011 Annual Report. a. There were two detail officers from the 66 CCA investigations and three detail officers from the 258 CCRP investigations. b. An additional 6 cases were pending at the time of the report. c. An additional 14 cases were pending at the time of the report.

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NEW YORK CITY, NEW YORK – CIVILIAN COMPLAINT REVIEW BOARD pop. 8,175,133

OFFICE INFORMATION

Agency Employees (Sworn Officers)	34,500
Internal Investigators	88
Number of Cases Per Investigator	Unknown
Average Case Closure Time[a]	299 days

COMPLAINT INFORMATION

Total Complaints[b]	6,476
Sustained	260
Overturned or Altered	

USE OF FORCE INFORMATION

Total Excessive Force Allegations	3,273
Total Sustained	
Officers with Excessive Force Complaints	

DEMOGRAPHICS

Complainants	Tracked
Officers	Tracked
Precinct	Tracked

COMPLAINTS AGAINST

Front-line Employees	Unknown
Other Rank and Civilian	Unknown

DISCIPLINARY ACTION

Dismissal	1
Filed (Officer Resigned)	1
Statute of Limitations Expired	1
NYPD Pursued Discipline	225
Instructions Given	137
Command Discipline	66
Administrative Trial	14
Other	8
NYPD Pursued No Discipline	48

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010 and NYC, Civilian Complaint Review Board, 2010 Annual Report.
a. Full investigations. b. An additional 10,548 complaints were received that were outside the CCRB jurisdiction.

WASHINGTON, D.C. – POLICE COMPLAINTS BOARD, OFFICE OF POLICE COMPLAINTS pop. 601,723

OFFICE INFORMATION

Agency Employees	4,457 (3,924 Sworn)
Internal Investigators	12
Number of Cases Per Investigator	Unknown
Average Case Closure Time	Unknown

COMPLAINT INFORMATION

Formal Complaints Received	557
Sustained	7
Overturned or Altered[a]	1

USE OF FORCE INFORMATION

Total Excessive Force Allegations	280
Total Sustained	3
Officers with Excessive Force Complaints[b]	Unknown

DEMOGRAPHICS

Complainants	Tracked
Officers	Tracked
Precinct	Tracked

COMPLAINTS AGAINST

Front-line Employees	Tracked
Other Rank and Civilian	Tracked

DISCIPLINARY ACTION[c]

Termination	1
Official Reprimand	3
Suspension	1
Job Performance Documentation	1

SOURCE: U.S. Census Bureau, State and County QuickFacts, 2010, Government of the District of Columbia, Police Complaints Board, Annual Report Fiscal Year 2011 and Metropolitan Police Department Annual Report 2010. a. Police Chief sent a letter requesting OPC reconsider a case. Outcome pending at time of report. b. OPC provides information on officers who were the subject of multiple complaints across all categories, not specifically use of force allegations. c. One disciplinary case was pending at the time of the report.

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Summary of Recommendations

We believe that the present moment represents a crucial opportunity to introduce best practices in the organization that will ensure KCSO's process for handling its internal investigations and citizen complaints meets the expectations of both the community and the law enforcement profession. We also see this as a great opportunity for KCSO to embrace the advantages that will emerge from a collaborative working relationship with the new OLEO to enhance the community's trust in the department even further.

In order to support and accelerate this process, the Hillard Heintze team has compiled the following strategic recommendations. These are intended to assist the King County Sheriff's Office to improve the management of its internal investigations process, which would bring KCSO more in line with what we believe are contemporary best practices in law enforcement. These recommendations are also intended to enable the Office of Law Enforcement Oversight to succeed in its efforts to provide effective monitoring of KCSO internal investigations in a collaborative fashion with the department and with the Police Guild.

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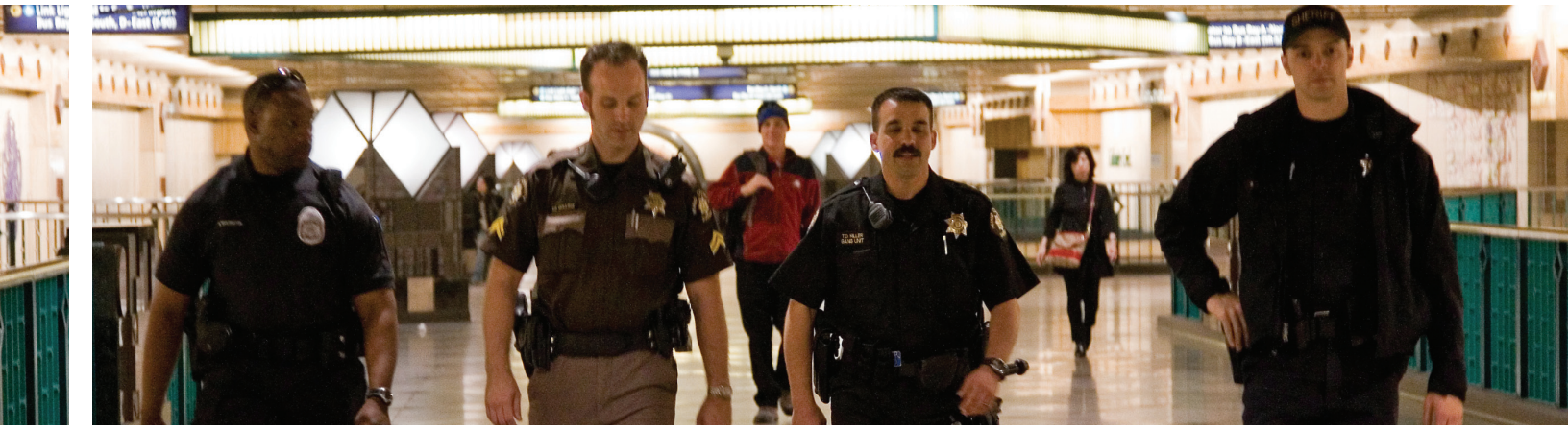

Recommendation #1:
Review and strengthen the policies and procedures outlined in the GOM as follows:

1.1 Make it very clear to all department members that not reporting misconduct complaints to a supervisor will lead to formal discipline. Use language similar to what the GOM already uses for reporting domestic violence incidents involving department members.

1.2 Create a policy and procedures section stating that Failure to Supervise could lead to formal discipline, and provide specific types of inaction to define it.

1.3 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 the IIU for entry into the IA Pro system, thereby enabling a more effective Early Warning System. Such a system will allow KCSO to manage more effectively an Early Intervention Counseling protocol, as well as provide data that can help to prioritize training to address behaviors that generate complaints.

1.4 Although some lower-level citizen complaints may be handled efficiently and quickly at the first-line supervisor level, create a template that allows such information to be entered into the Blue Team system, reviewed and approved by a supervisor, and forwarded to the IIU for entry into the IA Pro system for Early Warning purposes.

1.5 Ensure that the entire Investigative Report Format required when documenting the investigation of misconduct complaints (Section 3.03.175) is mandated. It needs to be clear that any and all complaints, no matter how large or small, need to have formal, standardized written documentation that provides the specific details of the investigation and the reason the case received the closure disposition that it did.

1.6 Add language indicating that the receipt, investigation, and documentation of all citizen complaints, regardless of where they are generated in the county, will follow the exact policies and procedures as outlined in the GOM sections that address this topic.

Recommendation #2:
Enact the following administrative, policy and procedural changes for the KCSO Internal Investigations Unit:

2.1 Relocate the IIU in the KCSO Organizational Chart so the captain commanding the unit reports directly to the Office of the Sheriff. This action will also communicate to the entire department the high degree of importance the work of the IIU represents to the overall success of KCSO. Make sure any internal or public-facing organizational charts of KCSO depict this new arrangement.

2.2 Require either 9-1-1 Communications personnel or a commander to notify immediately the Captain of the IIU or his designee whenever a deputy-involved shooting or a major use of force incident requiring the hospitalization of a suspect occurs. Also require that the IIU Captain or his designee respond to the scene or hospital to monitor and report details of the incident to the Sheriff.

2.3 Stipulate that whenever an IIU Captain or his designee is called to the scene of a deputy-involved shooting or major use of force incident requiring the formal hospitalization of the suspect, the IIU Captain or his designee must immediately notify the Director of OLEO of the incident and invite the OLEO member to meet him at the investigation scene or hospital.

2.4 Ensure that the IIU Captain will be notified immediately by the most appropriate KCSO department supervisor whenever the department becomes aware that a member is suspected of committing a misdemeanor or felony, and require the IIU Captain to determine what immediate course of action to take to monitor the incident.

2.5 Require that misconduct cases, including inquiries, not be closed in the IA Pro system until an IIU investigator has verified that formal documentation following the Investigative Report Format specified in GOM Section 3.03.175 has been completed properly and forwarded to the IIU. Ensure that incomplete documentation is returned to its author through the chain of command for completion.

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Recommendation #3:
Conduct a detailed review and assessment of staffing levels in the 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 county the size of King County.

3.1 Complete a detailed analysis that revisits the span of control concerns that surfaced during our assessment. Evaluate the apparent disparity in the low ratio of officers-to-supervisor in the contract cities compared to some of the patrol teams working in more remote areas of the unincorporated county.

3.2 Review, in particular, the inability of a supervisor to have day-to-day contact with deputies working patrol.

Recommendation #4:
Undertake a detailed review of the process KCSO uses to complete annual performance appraisals for each department member. Effective and accurate appraisals play a key role in a department's ability to manage an effective Early Warning System for department personnel, which allows a department to be proactive in reducing citizen complaints.

Recommendation #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 to the date after implementation to evaluate it.

Recommendation #6:
Place a high priority on reviewing the training 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. Confirm that the biannual use of force training for each sworn department member occurs, as well as the annual use of force policy update training.

Recommendation #7:
Consider the benefits of acquiring Shoot-Don't-Shoot and Driver Simulator training equipment to provide training that can reduce civil liability and unnecessary use of force cases. If funding is problematic, consider acquiring such equipment jointly with a nearby law enforcement agency.

Recommendation #8:
Consider contacting the COPS Office in Washington, D.C. to learn more about the ongoing effort to address the emerging topic of Procedural Justice in law enforcement. An effort to include the concepts of Procedural Justice in KCSO's training and in its policies and procedures could serve to reduce citizen complaints as well as unnecessary force incidents.

Recommendation #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.

Recommendation #10:
Review 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.

10.1 Pay particular attention to ensuring that all cases are documented properly and reported through the chain of command.

10.2 Determine why so few formal use of force complaints are made to and handled by the IIU compared to other agencies serving communities of size similar to King County.

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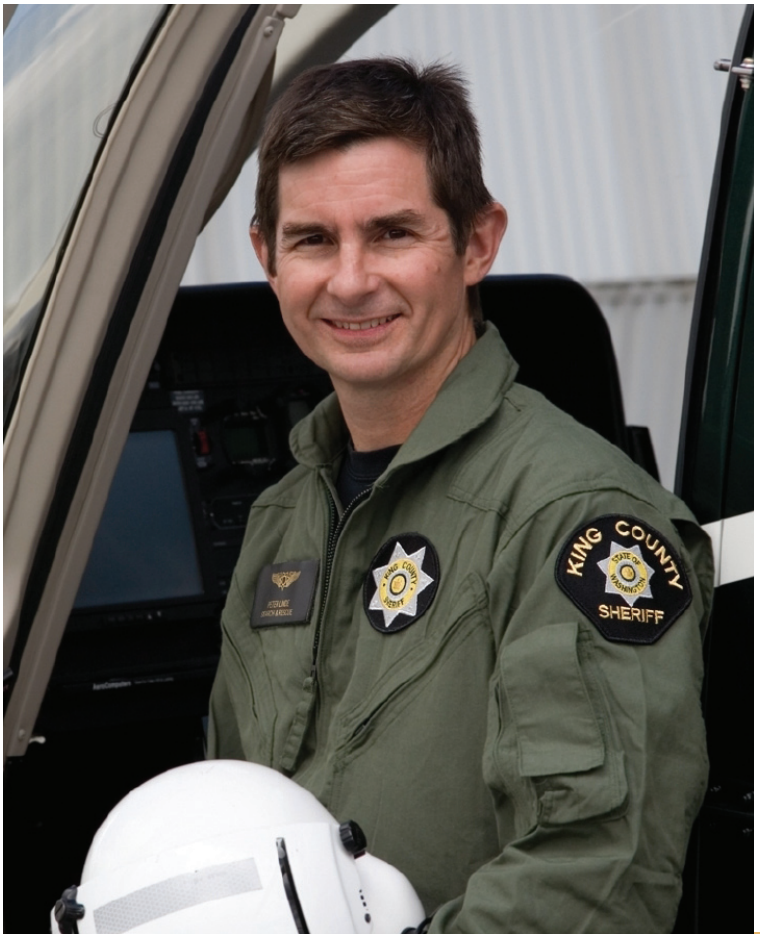
Recommendation #11:
Create a policy that states that any use of pepper spray on a subject is a use of force, requiring a review by a supervisor and documentation on the department's use of force form.

Recommendation #12:
Conduct a review and qualitative assessment to determine whether the 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.

Recommendation #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. While such matrices have existed for a number of years, a number of law enforcement agencies have recently revisited the use of this tool and have created some promising new versions to help ensure consistency in a department's use of discipline.



Recommendation #14:
Undertake a collaborative effort promptly to create clear and concise policy outlining in laymen's terms the specific roles and authorities for the new OLEO. It is difficult to expect the new OLEO Director to succeed in the county's effort to provide meaningful monitoring of KCSO misconduct investigations without providing a clear role for him.

Recommendation #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 being reviewed.

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

16.1 Evaluate the possibility that – apart from the benefits OLEO can provide to KCSO and the King County community, and in addition to the OLEO Director's proposals for his roles and authorities – a few of them may pose significant operational concerns for KCSO and other government agencies.

16.2 Examine whether or not some OLEO proposals exceed the scope of OLEO's mission to provide monitoring oversight of KCSO's handling of citizen complaints, potentially competing with the responsibilities of KCSO's Inspectional Services Unit and the Office of the County Auditor.

16.3 Ensure careful consideration by various King County officials and stakeholders prior to providing OLEO with some of the authorities it seeks, particularly as they pertain to the following:

- Being notified by a KCSO Command Post of what is defined in the OLEO proposal as a critical incident.
- Being given the ability "to respond to and review" a long list of different kinds of incidents, including criminal investigations, particularly when there is no nexus to a citizen complaint.
- Having the ability to conduct performance audits of KCSO and gain access to investigative reports, particularly when there is no nexus to an actual citizen's complaint.
- Having the ability to gain unfettered access to nearly all KCSO reports, records, evidence and even employees.

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

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Recommendation #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.

18.1 While KCSO personnel previously visited an outside agency to explore how to create an Office of Law Enforcement Oversight, KCSO should view this networking as a means of educating KCSO personnel about the benefits the rank-and-file members of these outside agencies eventually realized from its collaborative working relationship with an OLEO – and as a tactic to help reduce the learning curve for KCSO personnel.

18.2 Consider such networking for KCSO and Police Guild members to learn more about those agencies which have realized positive benefits to both the department and its members after establishing a protocol to gain voluntary statements from department members involved in officer-involved shootings within a short timeframe after the actual incident occurred. Ask Hillard Heintze for the names of recommended law enforcement agencies to visit.

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Appendices

A. KCSO, General Orders Manual, Section 2.17.005 – Mandatory Training

B. KCSO, General Orders Manual, Section 3.03.175 – Investigative Report Format

C. KCSO, Internal Investigations Unit, Standard Operating Procedures

D. Memo from Charles Gaither to Sue Rahr Re: OLEO and Ordinance 16511

E. OLEO, Proposed Mission and Enhancements to OLEO's Authority

F. King County Signature Report, May 12, 2009, Ordinance 16511

G. San Jose Police Department's Failure to Supervise Policy

H. King County Sheriff's Office, Organizational Chart 2004

I. King County Sheriff's Office, Organizational Chart 2009

J. KCSO – Professional Standards Division: 2012 Adopted Staffing Allocation

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2.17.000 TRAINING

2.17.005
MANDATORY TRAINING: 06/10

It is the policy of the Sheriff's Office that all commissioned personnel will stay current with mandatory training requirements; mandatory requirements may vary depending on rank or assignment. To determine what is mandatory training for a member's current rank or assignment go to the Sheriff's Office intranet page, then go to the Advanced Training Unit (ATU) intranet site, classes, commissioned required.

WAC Code 139-05-300 requires that all commissioned personnel will complete a minimum of twenty four (24) hours of in-service training annually.

Captains and managers are responsible for ensuring the members of their section are scheduled for mandatory training and complete the state required twenty four (24) hours training requirement. Supervisors should plan ahead when scheduling training to minimize the amount of overtime used. If overtime is necessary it shall be charged to the section the deputy is assigned, including backfill overtime. Contract city deputies will charge training overtime to the city they are assigned. For more clarification or examples go the Sheriff's Office intranet page, then to contracts, then overtime.

1. Mandatory Training will include but is not limited to training in:

   a. ACCESS (every two years).
   b. BAC refresher (every three years).
   c. Bloodborne Pathogens (once a year).
   d. Emergency Vehicle Operations Course (every two years).
   e. Ethics Training (every two years).
   f. First Aid/CPR (every two years).
   g. Hazmat/Gas Mask fit test (once a year).
   h. Less Lethal Options/Use of Force training (every two years).
   i. On-line Mandated Training (once a month).
   j. Primary Handgun (twice a year).
   k. Use of Force Policy (once a year).

2. Once qualified and/or certified to carry the following equipment, or use the technique, the following become mandatory training:

   a. AR-15 Rifle (twice a year).
   b. Secondary Handgun (twice a year).
   c. Shotgun (twice a year).
   d. Pursuit Intervention Technique (every two years).
   e. Taser Recertification (once a year).

3. Attendance is mandatory for all members scheduled to attend training.

   a. Members unable to attend scheduled training shall contact their supervisor ASAP.
   b. The supervisor shall contact the unit providing the training ASAP to advise that the member is unable to attend the scheduled training and coordinate efforts to reschedule.
   c. If a member fails to show up for training or advises they will be absent, the unit providing the training will contact the member's Captain/Manager and notify them of the absence and whether it was excused or non-excused.

4. The names of members who fail to meet mandatory training requirement may be forwarded to IIU.

3.03.175
INVESTIGATIVE REPORT FORMAT: 10/09

The investigative report will be submitted in a Follow-up Report format and should 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.

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KING COUNTY SHERIFF'S OFFICE
INTERNAL INVESTIGATIONS UNIT
STANDARD OPERATING PROCEDURES

I. GENERAL OVERVIEW

A. COMPLAINT PROCESS:

1. Complaint received by phone, mail, email, or in-person.
2. IIU Commander evaluates the complaint to determine if the complaint, if true, is a policy violation.
3. IIU Commander determines where the complaint will be investigated as outlined in GOM 3.00.000 Personnel Misconduct.
4. IIU Commander assigns the case via Blue Team to either the Section Commander or an IIU Sergeant.
5. Cases in IIU must be scheduled for a due date that allows for completion of the investigation and issuance of proposed discipline within 180 days of when the matter came to the attention of a KCSO commander.
6. Cases assigned to the Section Level are given a 45 day due date.
7. The case is investigated per GOM 3.00.000.
8. Once the case is completed the IIU Advisory Group and appropriate Command Staff Personnel will meet to discuss.
9. Section Commanders will route their findings and recommendations through their Chain of Command to the IIU Commander.
10. The IIU Commander will review and note recommendations.
11. IIU Commander will update IAPro with recommendations from Chain of Command.
12. The IIU Commander will write a memo notifying the employee of the findings and recommendations and send it to the Section Commander to deliver.
13. IIU Commander will schedule a Loudermill if needed/required.
14. IIU HR Associate will send a final disposition letter to complainant.
15. IIU Commander will close out the case in IAPro.

B. COMPLAINT INTAKE:

1. Complaint received by phone, mail, email, or in-person.
2. IIU Commander evaluates the complaint to determine where it will be investigated per GOM 3.00.000.
3. The case is assigned per GOM in Blue Team by the IIU Commander.

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4. The IIU Commander sends a follow-up email to confirm the assignment of the case to the Section Commander or the assigned IIU Sergeant with a copy to the OLEO Director and the IIU HR Associate
5. IIU HR Associate will mail a letter to the complainant confirming assignment of the investigation.
6. The assigned Sergeant will interview the complainant and obtain a recorded statement.
7. The case will be investigated per GOM 3.00.000.
8. Once the case is completed a letter will be mailed to the complainant with the results of the investigation by the IIU HR Associate who will scan a copy of the letter into IAPro.

II. RESPONSIBILITIES

A. COMPLAINT PROCEDURE WHEN RECEIVED IN IIU:

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

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

B. IIU WILL INVESTIGATE:

The Internal Investigations Unit Commander shall assign an administrative investigation to IIU when:

1. If sustained, could likely result in transfer, suspension, demotion or termination.
2. Criminal conduct is involved.
   - The administrative investigation may run concurrently with the criminal investigation.
3. There are controversial or sensitive circumstances.
4. Any complaint the IIU Commander deems appropriate to be
5. Any complaint the Sheriff directs IIU to investigate.

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C. IIU INTAKE PROCEDURES:

Complaints received by IIU members will be entered in the IA Pro system, unless already entered through Blue Team.

- Ensure the cases are numbered sequentially by year (i.e. IIU2009-001).

D. IIU MONITORING AND OVERSIGHT RESPONSIBILITIES:

When a complaint of misconduct is received, the IIU Commander shall:

1. Ensure the Complaint Report and associated paperwork has been completed.
2. Ensure a preliminary investigation has been completed.
3. Assign the complaint for formal investigation.

   - If the complaint is not investigated by IIU, the member's Precinct/Section Commander will be notified by IIU that the investigation is to be assigned to a supervisor.

4. Ensure all alleged misconduct complaints are investigated in a timely manner. The Internal Investigations Unit will have 180 days , from the date the matter came to the attention of a KCSO commander to complete an investigation, have it reviewed and serve notice of any proposed discipline. Investigations done at the Section Level should be completed within 45 days. Extensions to section level investigations may be granted if the IIU Commander deems it necessary.

   - Timely notification to a member is crucial so the member has the ability to recall the event.

5. Conduct an investigation of a complaint when required.
6. Monitor all complaint investigations and maintain all records, including dispositions and actions taken.
7. Monitor all criminal investigations on members and ensure an administrative investigation is also completed. These may run concurrently.
8. Assist other investigators in complaint investigations when necessary.
9. Prepare cases for administrative hearings.
10. Provide a monthly status update to the Sheriff of all open internal investigations.

E. IIU RESPONSIBILITIES TO MEMBERS

MEMBER NOTIFICATION:

1. Accused or witness members will be personally served notice of complaints by the Complaint Notification Report (KCSO Form A-150).
   - Members will be advised if a complaint is a major or minor investigation.
2. Accused and witness members are not entitled to disclosure of Investigative information outside that contained in their Complaint Notification Report (A-150).

REQUIREMENT TO COOPERATE:

IIU Sergeants shall advise all members of their requirement to cooperate:

1. All members, when ordered to do so, shall fully cooperate in a Sheriff's Office administrative investigation. Administrative investigations are non-criminal investigations into the conduct of Sheriff's Office members, conducted by either IIU or Sheriff's Office supervisors.
2. Failure to cooperate may result in discipline up to termination.

REPRESENTATION:

IIU Sergeants shall advise members of their right to representation per Weingarten Rights.

1. Whenever an interview focuses on matters that a member reasonably believes could result in disciplinary action, the member shall have the right to representation.
   - The representative will be an official of the member's collective bargaining unit.
   - Non represented members may have another member or an attorney as a representative.

Members have the right to an attorney of their own choosing when they are the subject of a criminal investigation.

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III. PROCEDURES

A. CONDUCTING INVESTIGATIONS:

Investigations should be conducted in a fair and impartial manner while utilizing all legal means to seek the truth. Investigators should remain neutral and fact based while conducting these investigations.

INVESTIGATIVE STEPS:

When initiating an investigation, the assigned investigator, on most investigations, should:

1. Thoroughly review the Personnel Complaint Form and attached reports taking note of the due date and any impending statute of limitations issues.
2. Gather the facts.
3. Keep an open mind at all times.
4. Identify allegations and related issues to be addressed in the investigation.
   - The allegations should specifically list the actions taken, or behavior of the member.
   - Allegations should not contain conclusory statements, (e.g. the deputy kicked the complainant vs. the deputy used excessive force.)
5. Gather and review all relevant reports related to the incident (e.g. CAD print outs, Incident Reports, Officer's Reports, etc.).
6. Send a complaint notification (A-150) to the witnesses and accused member(s). If appropriate direct the member(s) to respond in writing, giving specific direction about the information that is needed.
   - The notification must be detailed enough to reasonably apprise the member of the allegations and what information is needed, if responding in writing.
   - When possible, list specific questions to be answered, (e.g., "Describe in detail your interaction with Mr. Smith on March 3, 2004. Specifically describe any physical force used and the reason why that force was necessary.)

7. In summary, the investigator shall:

   - Gather evidence.
   - Obtain medical and financial releases if needed.
   - Schedule and conduct interviews if more information is needed.
   - Evaluate the facts of the investigation.
   - Complete investigative report.
   - Complete a summary making sure to include all facts relevant to the investigation.

EXCULPATORY INFORMATION:

1. Investigators must ensure their completed reports contain all relevant information disclosed during the investigation.

   - This includes evidence that tends to disprove the allegations of misconduct by a member.

2. Omission of relevant information could cause irreversible damage to an otherwise proper investigation.

INTERVIEWING COMPLAINANTS AND WITNESSES:

1. SCHEDULE INTERVIEW

   All interviews shall be scheduled and conducted in a manner that is expedient, and if possible, with minimal inconvenience to all involved.

2. DEFINE INTERVIEW OBJECTIVES

   - Before the interview, the investigator should have a clear understanding of the interview objectives.
   - A list of specific, relevant questions should be prepared prior to the interview if needed.
   - The typical interview may have one or more of the following objectives:

     - Determine the facts of the investigation.
     - Identifying other witnesses or accused members.
     - Clarifying allegations.
     - Resolving discrepancies and inconsistencies.
     - Obtaining information regarding motive or alibi.

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- Closing loopholes in previous statements.
- Evaluating witness credibility.

3. RECORDING

Interviews should be recorded in their entirety.

- This includes statements taken by telephone.

If a written statement has already been taken, a recorded statement may not be required if the needed information has been provided.

If a complainant or witness refuses to allow the interview to be recorded, document the refusal and proceed with the interview, completing a written statement.

- This interview should be witnessed by another member, if possible.
- Utilize a stenographer when possible.

Mark each recording with the name of the person interviewed and the IIU file number and forward all transcribed recordings to IIU with the completed investigation.

4. BEGINNING THE INTERVIEW

The investigator should begin the interview by:

- Stating the date and time.
- Identifying those present during the interview.
- Stating the appropriate tracking numbers.

The investigator should allow the subject to describe what happened in his/her own words.

- Each allegation and all relevant issues should be covered with the complainant and witnesses.
- Each witness should be asked direct questions about each allegation that he/she can address.
    - Minimize use of leading questions.
    - Remain neutral and fact based during questioning.

5. UNCOOPERATIVE WITNESSES

If the complainant or non-department witness is unavailable, fails to appear, or refuses to be interviewed, the investigator should thoroughly document attempts to conduct the interview and then continue to attempt to complete the investigation.

6. SENSITIVE INTERVIEWS

When an interview involves a sensitive matter, including but not limited to a domestic violence or a sexual matter, the interviewer should be sensitive to that fact, and if requested, the interviewer should be the same sex as the person being interviewed. In such cases the interviewer should consider requesting the assistance of a person with expertise in such interviews.

7. CLOSING THE INTERVIEW

At the end of the interview the witness should be asked if there are any questions and if there is any other relevant information to add to the investigation.

ADMINISTRATIVE INTERVIEWS OF ACCUSED EMPLOYEE:

- Advise the member in writing of the allegations and the misconduct, if sustained, could be grounds for administrative disciplinary action.
- Advise the member he/she may have representation present during any interview.
- Provide all members with a copy of their Garrity Rights.
- Provide commissioned members with a copy of the Police Officer Bill of Rights.
- Advise the member of the requirement to fully cooperate with the administrative investigation and that failure to cooperate may result in employment termination. Also advise that the information obtained from the interview cannot be used in a criminal case and ask the member if they understand Garrity.
- Allow commissioned members to read a copy of the Police Officer's Bill of Rights.
- All interviews should be recorded in their entirety.

If an accused member refuses to allow the interview to be recorded, suspend the interview and arrange a court reporter or stenographer.

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- The member requesting a court reporter or stenographer shall pay all appearance and transcription fees.

- Upon request, provide the member with a copy of his/her statement.

CONFIDENTIALITY ORDER:

1. When any member is contacted regarding an internal investigation, the investigator will advise the member not to disclose any of the information discussed in the interview except with his/her representative or attorney.
2. The member will also be told that disclosure of any information, prior to the completion of the investigation, may result in disciplinary action.

THE PREFERRED INVESTIGATIVE REPORT FORMAT:

The investigative report will be submitted in a Follow-up report or IAPro format and should contain:

1. ALLEGATIONS

   Allegations should be as specific as possible.

2. EVIDENCE

   Any statement, document, or item that has a bearing on the investigation, should be listed in the report.

3. INVESTIGATIVE STEPS

   All entries should be sequential and prefaced by the date and time of the investigative step. (i.e. 4.1 06/01/09 1221hrs).

4. SUMMARY

   The investigator will present the facts of the investigation in a clear and logical manner.

B. PROCESSING COMPLETED INVESTIGATIONS:

The sections below relate to processing completed investigations.

The IIU Commander shall:

1. Review Complaint Reports for completeness and ensure the guidelines of this chapter were followed.
   - Make recommendations for additional investigation/information if necessary.
2. Forward completed investigations to the IIU Advisory Group for their review. Forward completed investigations to the member's Precinct/Section Commander for review and/or disciplinary recommendations if any.
3. Ensure the accused member and his/her Precinct/Section Commander is notified in writing of the disposition of the complaint.
4. Ensure that the complainant has been notified in writing of the final disposition.
   - The specific nature of any action taken against the accused shall not be revealed to the complainant.
5. In cases where there is a proprietary loss (e.g., suspension, demotion, termination, etc.), notify the member that they have the right to a Loudermill Hearing with the Sheriff.
   - This meeting is voluntary and no overtime shall be paid.

LOUDERMILLS:

1. The IIU Commander receives a discipline recommendation from the Chain of Command for termination, suspension, demotion or other loss of pay action.
2. IIU Commander prepares Loudermill notice.
3. IIU Commander obtains dates for next available Loudermill from the Sheriff's Executive Staff Assistant.
4. IIU Commander sends the notice to the Section Commander of the involved employee with instructions to personally serve the notice on the employee.
5. IIU Commander sends a follow-up email to the Section Commander advising the Loudermill notice has been sent to them via department mail with a request for service on the employee.

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6. The Loudermill hearing is attended by the Sheriff (or designee), HR Manager, , IIU Commander, IIU Sergeant who investigated the case or other person who investigated the case, the Section Commander who made the disciplinary recommendation, the employee, the employee's Labor Representative or Legal Counsel, and anyone else the Sheriff deems necessary.
7. The IIU Commander drafts the results of the Loudermill hearing for the Sheriff. After the Sheriff approves and signs the memo, it is routed to the member's Section Commander with instructions to serve the results memo on the employee.
8. The IIU Commander will email the Section Commander to advise them the Loudermill results memo has been mailed to them via department mail.
9. If the discipline involves days off, a transfer, demotion or termination, IIU Commander requests a personnel order be drafted by the Personnel Unit to reflect the final discipline.
10. The Personnel Unit sends the personnel order to the IIU Commander for service on the employee.
11. The IIU Commander will mail the personnel order to the employee's Section Commander with instructions to personally serve the notice on the employee and obtain the appropriate signatures on the bottom of the order.
12. The IIU Commander will send an email to the employee's Section Commander advising them the personnel order has been sent to them by department mail.
13. The IIU Commander will enter the final discipline in IAPro.
14. The IIU Commander will ensure completed investigations are maintained in IIU.

IIU ADVISORY GROUP/FINDINGS AND RECOMMENDATIONS:

1. Composition of group consists of: IIU Commander, IIU Sergeants, KCSO HR Manager, KC Labor Negotiator, KC Civil Prosecuting Attorney, OLEO Director and Section Commanders presenting cases for discussion.
2. Cases for review are sent to each member of the Advisory Group via department mail by the IIU HR Associate in hard copy.
3. The Group meets to discuss the merits and facts of the case and to offer guidance to investigators and Commanders. The particular

Section Commander who is involved with the case presents his/her findings and recommendations.

4. Following the Group meeting the Section Commander will prepare a case findings and recommendations memo and route it via their Chain of Command to IIU.

DRIVING REVIEW BOARDS:

1. Cases assigned to the Driving Review Board by the IIU Commander are outlined in GOM 9.02.000.
2. The DRB meetings are scheduled by the IIU HR Associate on a monthly basis.
3. The Board Members per GOM 9.02.040 are invited by email by the IIU HR Associate.
4. The department member who is the subject of the DRB is notified of the DRB meeting date. If the member has a legitimate reason for asking for a later DRB date, the member may be given a one-month delay. If the member is unable or unwilling to attend, the board will review the case without the member's appearance.
5. A hard copy of each file is physically mailed to the Board Members by the IIU HR Associate.
6. The IIU Captain is the Chair of the DRB per GOM 9.02.040.
7. The IIU HR Associate takes notes during the meeting to track decisions and recommendations made by the Board.
8. Following the meeting a results memo is prepared by the IIU HR Associate
9. The IIU HR Associate mails the results memo via department mail to the employee.
10. If discipline is recommended, discipline memos are prepared by the IIU HR Associate.
11. The IIU HR Associate will route the discipline memo to the Sheriff (or designee) and appropriate Division Chief for signatures.
12. The IIU Commander will mail the signed discipline memo to the appropriate Section Commander for personal service on the employee.
13. The IIU Commander will email the appropriate Section Commander to inform him/her that the discipline memo is being routed via department mail.
14. Copies of all DRB correspondence will be included in the IAPro file.

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C. QUARTERLY USE OF FORCE MEETINGS:

1. The Quarterly Use of Force meetings are scheduled by the IIU HR Associate in the months of January, April, July and October. The purpose of the meeting is to discuss uses of force that have been determined to be policy violations, to look for trends in uses of force and to discuss other use of force matters of interest to patrol operations, training, IIU and ISU (policy manual), and legal.
2. The attendees are invited by email by the IIU HR Associate They include the IIU Commander, IIU Sergeants, Chief Deputy, the Patrol Operations Chief, Operations Captains, the ATS sergeant, the ISU Manager, the Patrol Operations Division Administrative sergeant the HR Manager, the Legal Advisor, and the OLEO Director.
3. The IIU HR Associate will provide all attendees with an electronic copy of the quarterly statistics and analysis and the top percentile of peer comparisons at least one week prior to the meeting.
4. The meeting is chaired by the IIU Commander.

IV. TRACKING, CASE FILE REQUESTS, YEARLY REPORT:

A. TRACKING OF ADMINISTRATIVE LEAVE MEMOS:

1. The Personnel Unit will keep the main list of employees on Administrative Leave.
2. IIU will provide copies of Administrative Leave memos to the Personnel Unit.
3. Administrative Leave memos generated outside of IIU will go directly to the Personnel Unit.
4. The Personnel Unit will coordinate with Payroll.
5. Personnel orders do not need to be cut for Administrative Leave unless there is a corresponding transfer accompanying the leave.

B. TRACKING OF SETTLEMENTS AND ARBITRATIONS IN IAPRO:

1. IIU HR Associate will check status monthly with the Legal Unit.
2. If advised of a change in disposition, HR Associate will update in IAPro.

C. CHECKING OUT OF INTERNAL INVESTIGATION CASE FILES:

1. The Legal Unit is able to check out case files by filling out a checkout card on the storage room door and then replacing the file when they are finished.
2. IIU Personnel may provide Command Staff sustained employee history either verbally or by email. In addition, Contract City Chiefs and others with a legitimate department need may receive the information.
3. OLEO, the Ombudsman's Office and the King County Prosecutor's Office may also review completed investigations inside of the Internal Investigations Unit under supervision.

D. OLEO FILE SHARING AND DELIVERY OF DOCUMENTS:

1. IIU HR Associate will make copies of all case files presented to IIU Advisory Group and deliver them to the OLEO's office either through inter-office confidential mail or hand delivery.
2. The OLEO Director will be invited to all IIU Advisory Group meetings.
3. The OLEO Director will be granted access to IAPro.
4. OLEO Director will be notified by the IIU Commander via email of all incoming complaints within 3 days of receipt and all IIU Case assignments.
5. OLEO Director will have unlimited real time access to all IIU materials, memos, reports, emails and any other correspondence.

E. ANNUAL REPORTS:

1. Use of Force Annual Summary and Analysis – due by February 15 each year.
2. Complaint Annual Summary and Analysis – due by February 15 each year.
3. Biased based policing report – due by February 15 each year.

F. REPORT OF LOSS OR THEFT OF KING COUNTY PROPERTY:

1. King County requires that KC Agencies report any losses or theft of King County Property to the Washington State Auditor.

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2. When IIU becomes aware or is notified of such loss, the IIU HR Associate will complete the King County "Report of Loss or Theft of King County Property" form and forward to the KCSO HR manager who will transmit the document to the King County Chief Accountant in accordance with HR Bulletin 2011-0008.

King County

Office of Law Enforcement Oversight
Charles E. Gaither, Director
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Seattle, WA 98104-3272

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MEMORANDUM

To: Sue Rahr, Sheriff
King County Sheriff's Office

From: Charles Gaither, Director
Office of Law Enforcement Oversight

Re: OLEO and the powers granted under Ordinance 16511

Date: December 13, 2011

I. Introduction

The following is my review and analysis of Ordinance 16511 and Article 22 of the Collective Bargaining Agreement (CBA). As noted in a Memorandum drafted by Mike Sinsky of the King County Prosecuting Attorney's Office, neither Ordinance 16511 nor Article 22 of the CBA specifically grant the Office of Law Enforcement Oversight (OLEO) the ability to participate in Loudermill Hearings, to respond to critical incidents involving police action, to access crimes scenes, or to review investigations other than those classified as misconduct by the King County Sheriff's Office (KCSO). While Ordinance 16511 allows OLEO to review the written findings of a shooting or accident review board, it does not permit OLEO to review other instances of police action that caused injury to members of the public or exposed King County to civil liability.

Some have argued that, to assure the adequacy of civilian oversight of law enforcement, OLEO should adopt a more expansive view of the powers granted under Ordinance 16511. While this argument is persuasive to the proponents of OLEO, the execution of such an argument could result in the termination of the OLEO Director and/or members of his staff. Pursuant to an agreement between the Guild and the Executive, "…an arbitrator could order the removal of KCOLEO employees, including its Director for not complying with the terms of the CBA." While the legal force and effect of this provision is uncertain, the question presented is how effective can OLEO be when the terms of the CBA limit its ability to review police operations and comment on internal investigations. To the extent that OLEO's authority is not enhanced to a least the degree outlined in the original enabling ordinance[1] during the next round of labor negotiations with the Guild, King County may encounter certain ethical ramifications for not doing so and may see the continued erosion of the public's trust.

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[1] Ordinance 15611 (2006)

II. Discussion

A. Analysis

Ordinance 16511, Section 2.75 of the King County Code, and the CBA provide OLEO the authority to:

1. Receive complaints from any complaining party concerning the Sheriff's office, track complaints received and transmit the complaints to the internal investigations unit.

2. Monitor the investigation and resolution of all personnel complaints to assure they are handled in a timely fashion and complainants are notified of the final disposition of their complaints.

3. Coordinate with the Sheriff's office in the development of all technology applications for tracking and information sharing.

4. Issue annual reports, which include a statistical analysis of complaints, investigative findings, and final discipline for sustained complaints.

5. Make recommendations for action by the Sheriff on needed improvements in policies, procedures, and practices stemming from analysis that look beyond individual cases of misconduct.

6. Review the written findings of a shooting or accident review board.

7. Work in collaboration with the Sheriff's office to establish and administer a volunteer officer-citizen mediation program.

While the above noted grants of authority provide OLEO "the basics" of civilian oversight of law enforcement, it is not authorized to review or comment on other important aspects of police operations to mitigate risk or to reduce civil liability.

B. Possible enhancements to OLEO's authority

As a means to identify risks inherent in police operations and to mitigate the eventuality of related litigation, OLEO should be given the authority to respond to and review the following incidents:

1. Use of force investigations (including non-lethal and lethal uses of force), whether classified as misconduct or not.

2. The negligent or accidental discharge of a firearm.

3. Officer involved shootings, even when the rounds fired fail to strike the assailant.

4. In custody deaths, which occur while the victim and/or assailant is under the control of KCSO personnel.

5. Law enforcement related injuries (i.e., head strikes with a baton or other impact weapon, carotid restraint control holds, positional asphyxia, or the discharge of a TASER).

6. Instances of workplace violence.

7. Vehicular pursuits resulting in death or serious injury to KCSO personnel or members of the public.

Further, to assure the adequacy of supervisory oversight and the internal discipline process, OLEO should be given additional authority to:

1. Assess the manner in which specific instances of discipline were recommended and administered by KCSO.

2. Access crime scenes to evaluate the quality of internal investigations and the conduct of the involved Deputy.

3. Assess KCSO investigations, whether classified as misconduct or not, that involve high risk incidents and expose King County to civil liability.

4. Respond to critical incidents as defined in Ordinance 15611.

5. Access Use of Force Review Boards, Shooting Review Boards, and Accident Review Boards. This is necessary to assess the adequacy of these Boards and the manner in which its recommendations were determined. For example, if the Deputy's action were found to be in policy, the Board could cite relevant policy and articulate a rationale to support the employee's actions. Conversely, if the deputy's actions were found to be "out of policy," the Board could articulate a rationale that the employee's actions were not objectively reasonable and/or in clear violation of KCSO policy.

Finally, to assure that KCSO is acting in concert with best practices in the law enforcement community, OLEO should also have the ability to conduct:

1. Performance audits of KCSO standards and procedures to identify risk, adequacy of policies, adequacy of internal training, and whether there are sufficient internal controls misconduct or abuse of authority.

2. Audit and review investigative reports (i.e., arrest, booking, and charging reports) to assure compliance with Department policy and the rule of law.

3. Conduct audits and reviews of allegations of racial profiling and other Constitutional violations such as those involving search and seizure, *Miranda*, and due process.

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C. Other Related Matters

In reviewing various aspects of police operations, the following concerns were identified and may require additional scrutiny by the Guild, the King County Council, the Prosecuting Attorney, and the Executive to reconcile as they appear to be mandatory subjects of bargaining.

1. Tolling – Although the CBA outlines when and to what extent administrative investigation will be tolled by KCSO, it does not clearly provide a tolling provision when KCSO conducts an internal criminal investigation of a KCSO employee. As such, there is no requirement the Investigating Officer (IO) complete his criminal investigation within the 180-day statute governing administrative investigations. As such, a policy requiring the tolling of all administrative investigations during the pendency of ALL criminal investigations is vital. This will assure the Internal Investigations Unit (IIU) the ability to complete its review within the 180-day statute and to hold the deputy accountable for his actions when necessary.

   Further, the period for an administrative investigation is NOT tolled if there is an inquest about an in-custody death – Article 19, Section 9(a) of the KCPOG contract.

2. Concurrent Investigations – It does not appear the KCSO has a policy that requires administrative investigations to run concurrently with criminal investigations. Further, as there is no tolling provision for KCSO investigations involving KCSO employees, it is possible that misconduct investigations could escape review by IIU and that KCSO will miss an opportunity to hold deputies accountable for their actions. This issue could be mitigated if KCSO were to adopt a policy, which required criminal and administrative investigations to run concurrently.

3. Intervention Program – The KCSO early intervention program is subject to a rolling 90-day review period. As the rolling 90-day period of review is short in duration when compared to intervention programs administered by other police agencies, misconduct occurring outside of this rolling review period could escape review and limit KCSO's ability to reconcile at-risk behavior among its deputies. To adequately assess patterns or practices of misconduct, the KCSO may wish to extend the review period to one year.

4. Force Investigative Teams – While KCSO's Major Crimes Division (MCD) is tasked with responding to critical incidents such as those outlined in Ordinance 15611, it does not appear that members of this investigative body respond to other force incidents likely to cause serious bodily harm. For example, if a deputy were to utilize an upper body control hold or strike an assailant in the head with his boot or other impact device during a use of force incident, there is no certainty that a member of MCD would respond to investigate the incident. To address this concern, KCSO may wish to establish clear and definite protocols under which MCD or a "Force Investigative Team" responds to critical incidents, including those involving significant uses of force.

5. Supervisors Duty to Report Misconduct – It does not appear that supervisors assigned to certain specialized units are obligated to report misconduct among KCSO deputies. For example, if a supervisor assigned to MCD responds to a significant use of force incident and discovered that the involved deputy violated KCSO administrative policies and procedures, it is unlikely that he would initiate an allegation of misconduct against the deputy. The rationale, MCD is tasked with conducting criminal investigations, not administrative investigations. While the separation of administrative and criminal investigative teams must be assured during the pendency of a criminal investigation, ALL supervisors have a responsibility to identify and to report misconduct to ensure compliance with Department policy. The reporting of misconduct should not turn on the unit assignment of a supervisor, but rather his duty to assure accountability among sheriff deputies.

6. Walkthroughs – It does not appear that a deputy involved in significant uses of force is required to participate in a "walkthrough" of the crime scene with KCSO. This is an important step in the investigative process that provides investigative insight on the deputy's decision to employ force. Experience has shown that at the time of a violent confrontation with a suspect, officers tend to block out much of their surroundings. If not allowed to view the scene, they experience difficulty in explaining their movement and tactics during the incident. As such, the KCSO may wish to reconsider its use.

III. Conclusion

I applaud those who labored hard to create OLEO. However, to assure that OLEO is successful, additional authority is needed. It is hoped that the enabling ordinance will be enhanced to ensure transparency of KCSO operations and to maintain the public's trust. I am eager to work with any and all stakeholders to make the underlying intent of assuring accountability among KCSO personnel a reality. Please do not hesitate to contact me if you have further questions.

Sincerely,

Charles Gaither, Director
Office of Law Enforcement Oversight

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PROVIDED BY
CHARLES GAITHER
TO SLC ON
01-25-12

OFFICE OF LAW ENFORCEMENT OVERSIGHT (OLEO)
(PROPOSED MISSION AND ENHANCEMENTS TO OLEO'S AUTHORITY)

Purpose

The King County Office of Law Enforcement Oversight (OLEO) was created to assure integrity and transparency of the King County Sheriff's Office (KCSO), its employees, and its deputies. Housed within the legislative branch of County government, OLEO is an independent law enforcement oversight agency made up of civilians with expertise in law, police operations, police performance auditing, and risk management.

Mission

Delivering independent and effective oversight through community engagement, collaboration, and accountability.

OLEO proactively identifies systemic problems within KCSO, assures KCSO complies with best practices in the law enforcement community, and presents reasoned recommendations to mitigate risk and to advance integrity and transparency in policing.

OLEO conducts community outreach to educate the community about its role in overseeing the KCSO on a periodic basis, especially when high-profile use of force incidents and other newsworthy events of particular interests to the community occur.

Through the analysis of data necessary to effectively manage risk and evaluate the integrity of internal controls, OLEO carries out this mission through three vital functions: Police Performance Auditing, Use of Force Review, and the assessment of Personnel Complaints. Following its review, OLEO issues detailed reports, both quarterly and annually, of its findings to the King County Council and the King County Sheriff to assure that said systems are functioning with accuracy and integrity. The responsibility and objectives of each of the three functions is described below.

Police Performance Auditing

- Audit specific functions of the KCSO to identify risks and to mitigate them through well reasoned recommendations. Audit areas include, but are not limited to:

    1. Complaint Investigations Audit;
    2. Motor Vehicle and Pedestrian Stops Audit;
    3. Warrant Application and Supporting Affidavit Audit;
    4. Confidential Informants Audit;
    5. Use of Force Investigations Audit;
    6. Arrest Booking and Charging Reports Audit;
    7. Sting (Integrity) Audits of KCSO Personnel.

Use of Force

- OLEO will be involved throughout the investigative and adjudicative process of every major use of force incident (e.g., an officer-involved shooting, a head strike with an impact weapon, an in-custody death, a law enforcement related injury involving hospitalization, etc.) involving a KCSO employee. OLEO's involvement in these matters include:

    1. Being immediately notified by the KCSO Command Post of a Critical Incident;
    2. Being present at the scene of a Critical Incident and observing the investigation in progress.
    3. Reviewing KCSO's investigation of the incident;
    4. Attending KCSO's Use of Force Review Board;
    5. Reviewing and assessing the KCSO investigative reports and the Sheriff's final report; and
    6. Preparing an evaluation and assessment the KCSO's investigative reports and the Sheriff's final report.

Personnel Complaints

- Assists members of the public as well as KCSO employees in filing complaints of misconduct involving KCSO employees.
- Assists KCSO employees in matters involving allegations of retaliation and other workplace concerns, as well as monitors KCSO's investigations into such matters to ensure that both the employee's rights as well as KCSO's legitimate business interests are protected.
- Ensures that other complaints of misconduct are properly handled and are thoroughly and objectively investigated.
- Prepares an annual review and assessment, to be presented to the Council in public session, of KCSO's investigations into and handling of complaints of retaliation by KCSO employees.

Operational Authority

To accomplish the mission of OLEO, the following additional grants of authority are needed.

1. To mitigate risks inherent to police operations, the Office seeks the authority to respond to and review the following incidents:

    a. Use of force investigations, whether classified as misconduct or not.
    b. The negligent or accidental discharge of a firearm.
    c. Officer involved shootings, even when the rounds fail to strike the suspect.
    d. In custody deaths, which occur while the victim and/or suspect is under the control of KCSO personnel.

e. Law enforcement related injuries (i.e., head strikes with a baton or other impact weapon, carotid restraint control holds, positional asphyxia, or the discharge of a TASER).
f. Instances of workplace violence.
g. Vehicular pursuits resulting in death or serious injury to KCSO personnel or members of the public.
h. Criminal investigations involving KCSO deputies.

2. To assure the adequacy of supervisory oversight and the Sheriff's internal discipline process, OLEO seeks the authority to:

   a. Assess the manner in which specific instances of discipline were recommended and administered by KCSO.
   b. Access crime scenes to evaluate the quality of internal investigations and the conduct of the involved Deputy.
   c. Assess KCSO investigations, whether classified as misconduct or not, that involve high incidents and expose King County to civil liability.
   d. Respond to critical incidents as defined in Ordinance 15611.
   e. Access Use of Force Review Boards, Shooting Review Boards, and Accident Review Boards for purposes of evaluation and oversight.
   f. Work with Internal Investigations Unit to conduct integrity checks of KCSO personnel.

3. To support KCSO's implementation of best practices in the law enforcement community, OLEO seeks the authority to:

   a. Conduct performance audits of KCSO standards and procedures to identify risk, adequacy of policies, adequacy of internal training, and whether there are sufficient internal controls.
   b. Audit and review investigative reports (i.e., arrest, booking, and charging reports) to assure compliance with Department policy and the rule of law.
   c. Conduct audits and reviews of allegations of racial profiling and other Constitutional violations such as those involving search and seizure, *Miranda*, and due process.

4. To assure OLEO and its employees have unfettered access to Department files and personnel, OLEO seeks to have the following provision memorialized in the KCSO Manual:

   INQUIRIES OR INVESTIGATIONS BY THE OFFICE OF LAW ENFORCEMENT OVERSIGHT

   Duty to Provide Access to Department Records and Information: Per an Agreement approved by the King County Sheriff's Office, Department employees have an affirmative duty to cooperate fully with the Office Law Enforcement Oversight and to provide complete, unrestricted and prompt access to inspect and/or photocopy all King County Sheriff Office records, including reports, audits, reviews, plans, projections, documents,

files, contracts, memoranda, correspondence, data or information on audio/video computer tape/disc or other materials of the Department, including ongoing and in-progress matters. The Office of Law Enforcement Oversight is not required to articulate to the Department any reason or rationale for any specific request.

No Department protocols restricting access to Department records or information shall be applied to the Office Law Enforcement Oversight. In order to carry out the duties of the office, the Office of Law Enforcement Oversight shall have prompt access to any employee of the King County Sheriff's Office, subject to limitations imposed by law or collective bargaining agreement.

When inspecting or photocopying Departmental records or evidence maintained by the Department, the Office of Law Enforcement Oversight shall follow the same protocols pertaining to chain-of-custody, preservation of integrity of physical evidence and confidentiality applicable to Department personnel. When requesting materials from an in-progress crime investigation, the Office of Law Enforcement Oversight shall coordinate all activities with the Officer in Charge in a manner which does not interfere with or compromise the investigation.

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King County

KING COUNTY

Signature Report

May 12, 2009

Ordinance 16511

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Proposed No. 2009-0260.2 **Sponsors** Ferguson and Patterson

1 AN ORDINANCE relating to oversight of the sheriff's
2 office; conforming with the collective bargaining
3 agreement and memorandum of agreement negotiated by
4 and between King County and King County Police Officers
5 Guild representing employees in the King County sheriff's
6 office approved and adopted in Ordinance 16327;
7 amending Ordinance 15611, Section 2, and K.C.C.
8 2.75.010, Ordinance 15611, Section 3, and K.C.C.
9 2.75.020, Ordinance 15611, Section 4, and K.C.C.
10 2.75.030, Ordinance 15611, Section 5, and K.C.C.
11 2.75.040, Ordinance 15611, Section 6, and K.C.C.
12 2.75.050, Ordinance 15611, Section 7, and K.C.C.
13 2.75.060, Ordinance 15611, Section 8, and K.C.C.
14 2.75.070, Ordinance 15611, Section 9, and K.C.C.
15 2.36.050, Ordinance 15611, Section 10, and K.C.C.
16 2.20.037 and Ordinance 15611, Section 11.
17

1

18 STATEMENT OF FACTS:

19 1. The metropolitan King County council is charged with the
20 responsibility of providing oversight to all county agencies and
21 departments, including the sheriff's office.

22 2. The council exercises its responsibilities for providing oversight of
23 county agencies and departments in a variety of ways, including the
24 establishment of offices within the legislative branch to provide
25 specialized oversight services. The county auditor and ombudsman are
26 just two of the offices that facilitate independent county oversight.

27 3. In 2005 and 2006, a series of local news articles questioned the sheriff's
28 systems for investigating allegations of misconduct and citizen
29 complaints. The articles also called into question the sheriff's system for
30 disciplining deputies and other sheriff's employees.

31 4. The sheriff's office has systems for addressing citizen complaints and
32 allegations of employee misconduct, but unlike many other jurisdictions,
33 the county has no independent civilian oversight agency dedicated to the
34 oversight of law enforcement. Most large jurisdictions, and many small
35 ones, have implemented a variety of models for civilian oversight of
36 alleged law enforcement officer misconduct. For example, the city of
37 Seattle has established an office of professional accountability to monitor
38 misconduct allegations within the Seattle police department.

39 5. Recognizing the need to bolster public confidence and to ensure proper
40 oversight is exercised, the council began deliberations on legislation that

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would implement civilian oversight of the sheriff's office. The council's law, justice, and human services committee held ten separate hearings on the issues associated with civilian oversight of law enforcement. The council members heard testimony from representatives of the sheriff's internal investigations unit, the ombudsman/office of citizen complaints, Seattle police department's office of professional accountability, and reviewed materials detailing models for civilian oversight and evaluated the types and effectiveness of existing systems for police agency oversight. Council members also visited jurisdictions that have established successful systems for civilian oversight.

6. In a parallel effort, the sheriff, with input from the county council, executive, and prosecutor, established a volunteer ten-member "blue ribbon panel" of citizen experts to make recommendations concerning needed improvements for the sheriff's misconduct/discipline policies, procedures, and practices. The panel reported to the law, justice and human services committee and to the committee of the whole. The panel ended its deliberations with a final report that made recommendations in six major areas including the need for civilian oversight. The council adopted the panel's final report as Motion 12337.

7. As a result of the law, justice and human services committee's six-month long efforts, visits to other jurisdictions and the blue ribbon panel's recommendations, the council recognized that a vigorous and effective

63 internal investigation process, combined with appropriate civilian
64 monitoring and oversight, is essential for effective law enforcement.
65 8. On October 9, 2006, the metropolitan King County council approved
66 Ordinance 15611 regarding civilian oversight of the King County sheriff's
67 office. In doing so, the council sought to establish a system of civilian
68 oversight to monitor ongoing investigations of misconduct, help resolve
69 cases, implement methods for increasing the level of public trust and
70 transparency, and identify systemic issues within sheriff's office and offer
71 recommendations for reform.
72 9. Subsequently, the King County Police Officers Guild filed an unfair
73 labor practice charge against King County.
74 10. On November 19, 2007, King County and the King County Police
75 Officers Guild finalized an agreement that Ordinance 15611 would be
76 treated as a labor policy and that this policy would be bargained in good
77 faith. The King County Police Officers dismissed its unfair labor practice
78 charge against the County.
79 11. On December 8, 2008, the metropolitan King County council passed
80 Ordinance 16327 approving a new five-year collective bargaining
81 agreement between King County and the King County Police Officers
82 Guild.
83 12. The new collective bargaining agreement required King County to
84 repeal most of Ordinance 15611.

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13. On December 8, 2008, the council adopted Motion 12892, which reaffirmed its commitment to establishing a system of civilian oversight as outlined in Ordinance 15611.

14. The council continues to recognize that there is still a need for civilian oversight of the sheriff's office and an organization within county government that will monitor ongoing investigations of misconduct, help resolve cases, implement methods for increasing the level of public trust and transparency and identify systemic issues within sheriff's office and offer recommendations for reform.

15. Therefore, the council seeks through this ordinance, to establish a system of civilian oversight in accordance with the existing labor agreement.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 15611, Section 2, and K.C.C. 2.75.010 are each hereby amended to read as follows:

((~~Definitions in this section apply throughout this chapter unless the context clearly requires otherwise.~~

~~A. "Command staff" means those sheriff's employees who are responsible for the chain of command or line of supervision from shift, unit or precinct levels through division command level, including the sheriff.~~

~~B. "Critical incident" means:~~

~~1. An officer-involved shooting resulting in death or injury;~~

~~2. The use of force resulting in death or serious bodily injury;~~

108 ~~3. An in-custody death;~~

109 ~~4. A vehicular pursuit resulting in death or serious bodily injury;~~

110 ~~5. A traffic collision involving an officer resulting in death or serious bodily~~

111 ~~injury; or~~

112 ~~6. Any incident of workplace violence.~~

113 ~~C. "Director" means the director of the office of law enforcement oversight.~~

114 ~~D. "Final discipline" means the action taken against an employee after all~~

115 ~~investigations are complete and the employee has exhausted his or her administrative~~

116 ~~rights.~~

117 ~~E. "Internal investigations unit" means the unit within the sheriff's office~~

118 ~~responsible for internal investigations, or its successor.~~

119 ~~F. "Office" means the office of law enforcement oversight created under this~~

120 ~~chapter.~~

121 ~~G. "Serious complaint" means allegations of serious misconduct as defined in the~~

122 ~~Sheriff's Office General Operating Manual (G.O.M. 3.00.015) as currently written or~~

123 ~~hereinafter amended. These are allegations that could be cause for dismissal, including:~~

124 ~~false reporting; dishonesty; criminal conduct; taking or giving a bribe; inducing someone to~~

125 ~~commit a crime; failing to cooperate in an investigation; conviction of a crime precluding~~

126 ~~possession of a firearm; discrimination; or harassment.~~

127 ~~H. "Sustained complaint" means a complaint where, as the result of an~~

128 ~~investigation, the allegation is supported by sufficient factual evidence and was a violation~~

129 ~~of policy.~~)) The definitions in this section apply throughout this chapter unless the

130 context clearly requires otherwise.

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131 A. "Command staff" means those sheriff's employees who are responsible for the
132 chain of command or line of supervision from shift, unit or precinct levels through
133 division command level, including the sheriff.
134 B. "Director" means the director of the office of law enforcement oversight or the
135 director's designee.
136 C. "Critical incident review" means the written findings of a shooting review
137 board or an accident review board conducted by the sheriff's office.
138 D. "Internal investigations unit" means the unit within the sheriff's office
139 responsible for internal investigations, or its successor.
140 E. "Office" means the office of law enforcement oversight created under this
141 chapter.
142 F. "Serious matter" means allegations of serious misconduct as defined in the
143 Sheriff's Office General Orders Manual as currently written or hereinafter amended.
144 G. "Sustained complaint" means a complaint where, as the result of an
145 investigation, the allegation is supported by sufficient factual evidence and was a
146 violation of policy.
147 SECTION 2. Ordinance 15611, Section 3, and K.C.C. 2.75.020 are each hereby
148 amended to read as follows:
149 ((~~The office of law enforcement oversight is hereby established within the~~
150 ~~legislative branch. The office of law enforcement oversight is an investigative agency as~~
151 ~~that term is used in RCW 42.56.240. The office shall have four full-time staff members,~~
152 ~~which include a director, an investigator and two support staff. The office's roles,~~
153 ~~responsibilities and authorities are prescribed in this chapter. Decisions about the functions~~

154 ~~and implementation of the office should be the result of a collaborative process that~~
155 ~~involves, at a minimum, the executive, the council, the prosecuting attorney, the sheriff and~~
156 ~~the labor organizations that represent sheriff's office employees. It is the intent of the~~
157 ~~council that the office shall be colocated with the sheriff's investigative staff in order to~~
158 ~~perform the duties described in this ordinance.~~)) The office of law enforcement oversight
159 is hereby established within the legislative branch. The office of law enforcement
160 oversight is an investigative agency as that term is used in RCW 42.56.240. The office's
161 roles, responsibilities and authorities are prescribed in this chapter. Decisions about the
162 functions and implementation of the office should be the result of a collaborative process
163 that involves, at a minimum, the executive, the council, the prosecuting attorney, the
164 sheriff and the labor organizations that represent sheriff's office employees.
165 SECTION 3. Ordinance 15611, Section 4, and K.C.C. 2.75.030 are each hereby
166 amended to read as follows:
167 ((~~A. The director shall be appointed by the executive and confirmed by the council.~~
168 ~~The executive shall conduct a nationwide search for the director to identify candidates with~~
169 ~~the following characteristics:~~
170 ~~1. A reputation for integrity and professionalism, as well as the ability to maintain~~
171 ~~a high standard of integrity in the office;~~
172 ~~2. An understanding of and a commitment to the responsibilities of the office;~~
173 ~~3. Demonstrated leadership and a history of effective management and~~
174 ~~administration;~~
175 ~~4. The ability to gain the trust and respect of sheriff's office employees;~~

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176 ~~5. The ability to work effectively with the executive, council, prosecuting attorney~~
177 ~~and sheriff, as well as other public agencies, labor organizations, private organizations and~~
178 ~~citizens;~~
179 ~~6. An openness to innovation and new ideas;~~
180 ~~7. Sensitivity to and knowledge of the particular needs and concerns of minorities~~
181 ~~and women in a law enforcement setting;~~
182 ~~8. The ability to work effectively under pressure with controversial issues and the~~
183 ~~ability to effectively communicate with diverse groups;~~
184 ~~9. No history of employment in the sheriff's office, and~~
185 ~~10. The selected director must pass a complete criminal background check and~~
186 ~~polygraph prior to confirmation.~~
187 ~~B. The director shall serve a term of four years, unless removed for cause at any~~
188 ~~time by motion approved by a majority of the council, and shall be considered by the~~
189 ~~county council for reappointment at the end of each term of office.~~
190 ~~C. The director, with consultation of the council, may employ investigators, staff~~
191 ~~assistants, clerical personnel or use the services of consultants as may be necessary for~~
192 ~~conduct of the office's duties. These employees and/or contractors must pass a complete~~
193 ~~criminal background check and polygraph prior to employment.~~))
194 A. The director shall be appointed by the executive and confirmed by the council.
195 The executive shall conduct a nationwide search for the director to identify candidates
196 with the following characteristics:
197 1. A reputation for integrity and professionalism, as well as the ability to
198 maintain a high standard of integrity in the office;

199 2. An understanding of and a commitment to the responsibilities of the office;

200 3. Demonstrated leadership and a history of effective management and

201 administration;

202 4. The ability to gain the trust and respect of sheriff's office employees;

203 5. The ability to work effectively with the executive, council, prosecuting

204 attorney and sheriff, as well as other public agencies, labor organizations, private

205 organizations and citizens;

206 6. An openness to innovation and new ideas;

207 7. Sensitivity to and knowledge of the particular needs and concerns of

208 minorities and women in a law enforcement setting;

209 8. The ability to work effectively under pressure with controversial issues and

210 the ability to effectively communicate with diverse groups;

211 9. No history of employment in the sheriff's office,

212 10. A history that includes the establishment of a reputation for even-

213 handedness and fairness in dealing with both complainants and regulated parties; and

214 11. The selected director must pass a complete criminal background check prior

215 to confirmation.

216 B. Candidates for appointment shall be selected by a committee of five members

217 that shall recommend three candidates for the director position to the executive, one of

218 which must be selected. The selection committee shall be composed of: one member

219 appointed by the King County Police Officers' Guild; one member appointed by the

220 Puget Sound Police Managers' Association; one member appointed by the chair of the

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221 county council; and one member appointed by the county executive. The fifth member
222 shall be appointed by the other four members.
223 C. The director shall serve a term of four years, unless removed for cause at any
224 time by motion approved by a majority of the council, and shall be considered by the
225 county council for reappointment at the end of each term of office.
226 D. The director, with consultation of the council and within the amount available
227 or budgeted by appropriation, may employ staff or use the services of consultants as may
228 be necessary for conduct of the office's duties. These employees or contractors must pass
229 a complete criminal background check before employment.
230 SECTION 4. Ordinance 15611, Section 5, and K.C.C. 2.75.040 are each hereby
231 amended to read as follows:
232 ((~~The office, in order to ensure the integrity of the sheriff's complaint and~~
233 ~~investigations processes and to ensure resolution of citizen and employee initiated~~
234 ~~complaints:~~
235 ~~A. Shall receive complaints from any source concerning the sheriff's office, track~~
236 ~~complaints received, and transmit the complaints to the internal investigations unit;~~
237 ~~B. Shall monitor, check for completeness and require additional investigation as~~
238 ~~necessary of all internal investigations unit activities, including administrative and~~
239 ~~employee-initiated complaints and allegations investigations;~~
240 ~~C. May monitor, check for completeness, evaluate the resolution of and require~~
241 ~~additional investigation as necessary of all other complaints and allegations including those~~
242 ~~assigned by the internal investigations unit to supervisors for investigation and resolution;~~
243 ~~and~~

244 ~~D. May review and make recommendations to the internal investigations unit about~~
245 ~~the screening and classification of complaints, as well as make recommendations to the~~
246 ~~sheriff about screening and classification policies and procedures. In addition, may~~
247 ~~monitor the complaint intake process and evaluate decisions whether a complaint requires~~
248 ~~initiation of a formal internal investigation or assignment to supervisors for investigation~~
249 ~~and resolution.~~)) In order to ensure the integrity of the sheriff's complaint and
250 investigations processes and to ensure resolution of citizen and employee initiated
251 complaints:
252 A. The office shall receive complaints from any complaining party concerning the
253 sheriff's office, track complaints received and transmit the complaints to the internal
254 investigations unit;
255 B. In addition to complaints received by the office, the internal investigations
256 unit shall provide copies of all other complaints to the office within three business days;
257 C. The office shall not conduct independent disciplinary investigations, but may
258 participate in interviews as provided in K.C.C. 2.75.060;
259 D. The office shall be provided a copy of any letter or other notification to an
260 officer informing them of actual discipline imposed as a result of an internal affairs
261 investigation or the notice of finding if the complaint is not sustained;
262 E. The office shall be notified by the internal investigations unit within five
263 business days of the completion of an internal investigation. The office, in addition to the
264 sheriff's office's written notice of finding letter to the complainant, may send a closing
265 letter to the complainant.

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266 SECTION 5. Ordinance 15611, Section 6, and K.C.C. 2.75.050 are each hereby
267 amended to read as follows:
268 ((~~The office, in order to ensure transparency to the sheriff's discipline and complaint~~
269 ~~handling processes and guarantee adequate information is made available to maintain~~
270 ~~public confidence, shall also:~~
271 ~~A. Monitor the investigation and resolution of all complaints to ensure they are~~
272 ~~handled in a timely fashion and complainants are notified of the final disposition of their~~
273 ~~complaints;~~
274 ~~B. Coordinate with the sheriff's office in the development of all technology~~
275 ~~applications for tracking and information sharing;~~
276 ~~C. Issue annual reports, beginning March 1, 2008. The office shall file twelve~~
277 ~~copies of each report with the clerk of the council, for distribution to all councilmembers.~~
278 ~~To facilitate availability of the reports to the public, the office shall also retain paper copies~~
279 ~~of the reports and post the reports on the Internet. The office shall provide in the reports:~~
280 ~~1. A statistical analysis of complaints, investigative findings and final discipline~~
281 ~~for sustained complaints. The reports should include information about the number and~~
282 ~~type of misconduct cases where the director disagreed with the sheriff on either findings or~~
283 ~~discipline decisions; and~~
284 ~~2. Make recommendations for action by the sheriff on needed improvements in~~
285 ~~policies, procedures and practices stemming from analyses that look beyond the individual~~
286 ~~cases of misconduct to identify systemic problems within the sheriff's office. In addition to~~
287 ~~investigational materials available to the office, the director shall make use of all other~~
288 ~~available materials, including internal and external audits and reviews of the sheriff's office~~

289 ~~and critical incident reviews, in developing and making recommendations for~~
290 ~~improvements.~~)) The office, in order to ensure transparency to the sheriff's discipline and
291 complaint handling processes and guarantee adequate information is made available to
292 the office in order to maintain public confidence, shall also:
293 A. Monitor the investigation and resolution of all complaints to ensure they are
294 handled in a timely fashion and complainants are notified of the final disposition of their
295 complaints;
296 B. Coordinate with the sheriff's office in the development of all technology
297 applications for tracking and information sharing;
298 C. Issue annual reports, beginning March 1, 2010. The office shall file twelve
299 copies of each report with the clerk of the council, for distribution to all councilmembers.
300 To facilitate availability of the reports to the public, the office shall also retain paper
301 copies of the reports and post the reports on the Internet. The office shall provide in the
302 reports:
303 1. A statistical analysis of complaints, investigative findings and final discipline
304 for sustained complaints. The reports should include information about the number and
305 type of misconduct cases in which the director did not certify that the investigation was
306 thorough and objective; and
307 2. Make recommendations for action by the sheriff on needed improvements in
308 policies, procedures and practices stemming from analyses that look beyond the
309 individual cases of misconduct to identify systemic problems within the sheriff's office.
310 In addition to investigational materials available to the office, the director shall make use
311 of all other available materials, including internal and external audits and reviews of the

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312 sheriff's office and critical incident reviews, in developing and making recommendations
313 for improvements.
314 SECTION 6. Ordinance 15611, Section 7, and K.C.C. 2.75.060 are each hereby
315 amended to read as follows:
316 ((~~In order to oversee misconduct investigations, the office shall have:~~
317 ~~A. Unimpeded and real-time access to unredacted case information and all~~
318 ~~information related to ongoing investigation files, treating all documents and information~~
319 ~~regarding specific investigations or officers as required by law. The only exception to this~~
320 ~~subsection is files related to ongoing investigations of deputies or other sheriff's staff who~~
321 ~~are under criminal investigation. Upon completion of the criminal investigation and~~
322 ~~resolution of the any criminal matter, the office shall review the case files in order to~~
323 ~~determine whether a disciplinary investigation should be initiated;~~
324 ~~B. The ability to respond to the scene of critical incidents. At a critical incident~~
325 ~~scene, the investigator or investigators from the office shall only be an observer or~~
326 ~~observers. They shall not conduct or interfere with any investigation, and they shall~~
327 ~~coordinate their presence and activities with the on-scene commander from the sheriff's~~
328 ~~office. The investigators' duties to monitor, check for completeness and require additional~~
329 ~~investigation as necessary apply only if a formal complaint investigation is conducted by~~
330 ~~the internal investigations unit;~~
331 ~~C. Approval for completeness of complaint investigations before a finding can be~~
332 ~~issued. The internal investigations unit must submit all completed misconduct~~
333 ~~investigations to the office, with an amount of time specified for the approval or direction~~

334 ~~for further investigation. If the unit disagrees with the office, the sheriff shall act as arbiter~~
335 ~~and makes the final decision or decisions;~~
336 ~~D. The option to consult with command staff or the appropriate supervisor as to the~~
337 ~~command staff's or supervisor's own review and recommendations regarding a particular~~
338 ~~investigation, including proposed discipline; and~~
339 ~~E. The option to submit recommendations regarding findings and discipline~~
340 ~~directly to the sheriff before a final decision on misconduct cases.~~)) In order to oversee
341 misconduct investigations:
342 A. The office shall have unimpeded and real-time access to unredacted case
343 information and all information related to ongoing investigation files. The only
344 exception to this subsection is files related to ongoing investigations of deputies or other
345 sheriff's staff who are under criminal investigation. The office shall protect all
346 documents and information regarding specific investigations or officers as required by
347 law;
348 B. The internal investigations unit shall notify the office of all administrative
349 interviews on all complaints of a serious matter, which are complaints that could lead to
350 suspension, demotion or discharge, and all complaints originating from the office. A
351 single office representative may attend and observe interviews and shall be given the
352 opportunity to ask questions that are within the scope of permissible investigative
353 questioning after the completion of questioning by the sheriff's office;
354 C. The office shall not participate in criminal investigations of sheriff's office
355 employees in any way and shall not be notified of any part of the criminal investigation

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356 until the criminal investigation is concluded. At that point, the file shall be provided to
357 the office;
358 D. Upon completion of internal investigations, the unit shall forward a complete
359 copy of the case file to the office for review. The director shall determine, in writing,
360 whether the investigation was thorough and objective;
361 E. As a part of the review process, if the director believes that additional
362 investigation is needed on issues material to the outcome, the director shall request that
363 further investigative work be completed. If there is any dispute between the assigned
364 investigator or investigators and the office regarding the necessity, practicality or
365 materiality of the requested additional investigation, the unit commander shall determine
366 whether additional investigation will be undertaken. If the director is not satisfied with
367 the determination of the unit commander, the matter shall be submitted to the sheriff for
368 review. If the director is not satisfied with the determination of the sheriff, the matter
369 shall be resolved by the executive, whose decision shall be final. Once the matter has
370 been referred to and resolved by the executive, the investigation shall be completed
371 consistent with the determination by the executive;
372 F. After completion of the additional investigation, or the conclusion that no
373 further investigation will be undertaken, the office shall certify whether or not, in the
374 opinion of the director, the internal investigation was thorough and objective. The
375 determination shall be made within five business days;
376 G. The office shall be provided a copy of any letter or other notification to an
377 officer informing them of actual discipline imposed as a result of an internal affairs
378 investigation or the notice of finding if the complaint is not sustained.

379 SECTION 7. Ordinance 15611, Section 8, and K.C.C. 2.75.070 are each hereby
380 amended to read as follows:
381 ((~~The office, in collaboration with the sheriff's office, shall establish and administer~~
382 ~~a voluntary officer-citizen mediation program. The program shall provide an alternative~~
383 ~~method to resolve citizen complaints by allowing willing citizens and officers to meet~~
384 ~~under the guidance of a professional mediator to discuss and resolve their differences. The~~
385 ~~office and the sheriff's office shall establish standards and guidelines for determining when~~
386 ~~a particular complaint may be referred to mediation. Serious complaints are excluded from~~
387 ~~the use of mediation to resolve allegations.~~))The office, in collaboration with the sheriff's
388 office, shall establish and administer a voluntary officer-citizen mediation program. The
389 program shall provide an alternative method to resolve citizen complaints by allowing
390 willing citizens and officers to meet under the guidance of a professional mediator to
391 discuss and resolve their differences. The office and the sheriff's office shall establish
392 standards and guidelines for determining when a particular complaint may be referred to
393 mediation. Serious complaints are excluded from the use of mediation to resolve
394 allegations. Prior to the complainant agreeing to utilize the mediation process to resolve
395 the complaint, the office shall explain the mediation process to the complainant,
396 including that if the officer participates in good faith, the officer will not be subject to
397 discipline and the complaint will be administratively dismissed.
398 SECTION 8. Ordinance 15611, Section 9, and K.C.C. 2.36.050 are each hereby
399 amended to read as follows:
400 ((~~A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall~~
401 ~~appoint, subject to council confirmation, a citizens' committee on independent oversight~~

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402 ~~to advise the director of the office of independent oversight, which is created under~~
403 ~~K.C.C. chapter 2.75, on policies, procedures and practices relating to officer misconduct,~~
404 ~~discipline and other responsibilities of the director of the office of independent oversight.~~
405 ~~B. The committee shall include eleven members of the public who represent the~~
406 ~~geographic, ethnic and economic diversity of the sheriff's service area. The committee~~
407 ~~shall consist of three members representing cities that contract with the sheriff for law~~
408 ~~enforcement services, four of the members shall represent unincorporated King County,~~
409 ~~and the four members shall be selected at-large. The committee members shall be~~
410 ~~appointed for three-year terms, subject to reappointment for additional terms.~~
411 ~~C. The committee shall make recommendations to the director of independent~~
412 ~~oversight regarding:~~
413 ~~1. Misconduct and discipline policies, procedures and practices of the sheriff's~~
414 ~~office;~~
415 ~~2. Policies, procedures and practices related to other responsibilities of the~~
416 ~~director of the office of independent oversight; and~~
417 ~~3. Public perceptions of the sheriff, the sheriff's deputies and their roles and~~
418 ~~functions in the community.~~
419 ~~D. The committee shall also serve as a means for the director of the office of~~
420 ~~independent oversight to communicate with King County's diverse communities. The~~
421 ~~communication should increase accountability and public understanding of the~~
422 ~~misconduct and discipline policies, procedures and practices of the sheriff's office and~~
423 ~~other issues related to the director of the office of independent oversight's responsibilities.~~

424 ~~E. The committee shall not review or advise the director on individual~~
425 ~~complaints, investigations or disciplinary actions.~~))
426 A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall appoint,
427 subject to council confirmation, a citizens' committee on independent oversight to advise
428 the director of the office of law enforcement oversight, which is created under K.C.C.
429 chapter 2.75, on policies, procedures and practices relating to officer misconduct,
430 discipline and other responsibilities of the director of the office of law enforcement
431 oversight.
432 B. The committee shall include eleven members of the public who represent the
433 geographic, ethnic and economic diversity of the sheriff's service area. The committee
434 shall consist of three members representing cities that contract with the sheriff for law
435 enforcement services, four members shall represent unincorporated King County and four
436 members shall be selected at-large. The committee members shall be appointed for three-
437 year terms, subject to reappointment for additional terms.
438 C. The committee shall make recommendations to the director regarding:
439 1. Misconduct and discipline policies, procedures and practices of the sheriff's
440 office;
441 2. Policies, procedures and practices related to other responsibilities of the
442 director of the office of law enforcement oversight; and
443 3. Public perceptions of the sheriff, the sheriff's deputies and their roles and
444 functions in the community.
445 D. The committee shall also serve as a means for the director of the office of law
446 enforcement oversight to communicate with King County's diverse communities. The

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447 communication should increase accountability and public understanding of the
448 misconduct and discipline policies, procedures and practices of the sheriff's office and
449 other issues related to the director of the office of law enforcement oversight's
450 responsibilities.
451 E. The committee shall not review or advise the director of the office of law
452 enforcement oversight on individual complaints, investigations or disciplinary actions.
453 SECTION 9. Ordinance 15611, Section 10, and K.C.C. 2.20.037 are each hereby
454 amended to read as follows:
455 ((~~A. The auditor shall establish a permanent ongoing law enforcement audit~~
456 ~~process.~~
457 ~~B. The auditor shall acquire an outside law enforcement expert to conduct an~~
458 ~~initial audit of the sheriff's office internal investigation operations and practices and~~
459 ~~subsequently thereafter provide for periodic review of the sheriff's office. These reviews~~
460 ~~should include at a minimum an annual written report to the council.~~
461 ~~C. The auditor shall assess and review reports and recommendations from the~~
462 ~~office of law enforcement oversight that provide council-directed oversight of the~~
463 ~~sheriff's office internal investigation unit. The auditor shall also review the effectiveness~~
464 ~~of the office of law enforcement oversight and make recommendations for reform when~~
465 ~~necessary.~~
466 ~~D. The sheriff's office shall send any audits and reports produced under the~~
467 ~~sheriff's authority on investigation and complaint operations and performance to the King~~
468 ~~County auditor's office. The reports shall be transmitted in a timely manner. The county~~
469 ~~auditor shall review and consider the findings and recommendations of, and the sheriff's~~

470 ~~responses to, these reports when planning the auditor's annual work program for the~~
471 ~~review of the council, and shall conduct audits of internal investigation and complaint~~
472 ~~resolution operations as mandated in the auditor's annual work program. The auditor's~~
473 ~~independent authority to audit the sheriff's office shall not be replaced or otherwise~~
474 ~~affected by the creation of any audit or similar function within the sheriff's office.~~
475 ~~E. To accomplish the purposes of this section, the auditor shall either hire~~
476 ~~qualified personnel with expertise in law enforcement oversight or contract for~~
477 ~~independent consulting services with appropriate expertise, or both.~~))
478 A. The county auditor shall establish a permanent ongoing law enforcement audit
479 process.
480 B. The auditor shall acquire an outside law enforcement expert to conduct an
481 initial audit of the sheriff's office internal investigation operations and practices and
482 subsequently thereafter provide for periodic review of the sheriff's office. These reviews
483 should include at a minimum an annual written report to the council.
484 C. The auditor shall assess and review reports and recommendations from the
485 office of law enforcement oversight that provide council-directed oversight of the
486 sheriff's office internal investigation unit. The auditor shall also review the effectiveness
487 of the office of law enforcement oversight and make recommendations for reform when
488 necessary.
489 D. The sheriff's office shall send any audits and reports produced under the
490 sheriff's authority on investigation and complaint operations and performance to the
491 auditor's office. The reports shall be transmitted in a timely manner. The auditor shall
492 review and consider the findings and recommendations of, and the sheriff's responses to,

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493 these reports when planning the auditor's annual work program for the review of the
494 council and shall conduct audits of internal investigation and complaint resolution
495 operations as mandated in the auditor's annual work program. The auditor's independent
496 authority to audit the sheriff's office shall not be replaced or otherwise affected by the
497 creation of any audit or similar function within the sheriff's office.
498 E. To accomplish the purposes of this section, the auditor shall either hire
499 qualified personnel with expertise in law enforcement oversight or contract for
500 independent consulting services with appropriate expertise, or both.
501 SECTION 10. Ordinance 15611, Section 11, is hereby amended to read as
502 follows:
503 ((~~A. The executive shall provide to the council monthly reports on the progress in~~
504 ~~the selection process until a director of the office of independent oversight is confirmed.~~
505 ~~After the director is confirmed, and until March 1, 2008, the director shall provide to the~~
506 ~~council monthly reports on the status of establishing the activities of the office, including~~
507 ~~the status of development of complaint receipt, tracking and investigation procedures and~~
508 ~~processes, the identification of needed data tracking systems or support, systems for~~
509 ~~ensuring the confidentiality of investigatory information, and any recommendations for~~
510 ~~further legislation needed by the office to perform its duties. Twelve copies of each report~~
511 ~~required under this section shall be filed with the clerk of the council, for distribution to~~
512 ~~all councilmembers.~~
513 ~~B. The director shall reconvene the King County sheriff's blue ribbon panel in~~
514 ~~accordance with Motion 12337, by December 2007.~~)) After the director is confirmed, and
515 until the first annual report is submitted, the director shall provide to the council monthly

516 reports on the status of establishing the activities of the office, including the status of
517 development of complaint receipt, tracking and investigation procedures and processes, the
518 identification of needed data tracking systems or support, systems for ensuring the
519 confidentiality of investigatory information and any recommendations for further
520 legislation needed by the office to perform its duties. Twelve copies of each report
521 required under this section shall be filed with the clerk of the council, for distribution to
522 all councilmembers.
523 SECTION 11. This ordinance is not intended to conflict with any applicable King
524 County collective bargaining agreement approved by the council. In the event of any
525

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Ordinance 16511

526 conflict between the ordinance and a collective bargaining agreement, the provisions of the

527 agreement shall prevail.

528

Ordinance 16511 was introduced on 4/13/2009 and passed as amended by the Metropolitan King County Council on 5/11/2009, by the following vote:

Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn
No: 0
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Dow Constantine, Chair

ATTEST:

Anne Noris, Clerk of the Council

APPROVED this 21 day of May, 2009.

Kurt Triplett, Interim County Executive

Attachments None

RECEIVED
2009 MAY 21 PM 3:58
CLERK
KING COUNTY COUNCIL

POLICY DISCIPLINE -
C 1800 GENERAL PROVISIONS:
Revised 07-18-08
The Department has a responsibility to its members and the community to seek out and discipline those whose conduct discredits the Department or impairs its effective operation. The purpose of discipline is to set a Department standard of conduct for Department members, and to correct an employee's behavior. Discipline has as its immediate purpose the channeling of individual effort into effective and productive action. It may involve encouragement, inspiration, training or the imposition of negative sanctions. Negative sanctions administered internally may range from a warning where the immediate effect is on the individual, to termination where the positive result is the reassurance to other employees of the unacceptable limits of misconduct. Policies, procedures, rules, regulations and written or oral directives are promulgated as guidelines to acceptable and desired objectives. When violations of such directives occur, members of the Department will be subject to disciplinary action.

PROCEDURE

C 1801 GENERAL PROVISIONS - NATURE OF DISCIPLINE:
Revised 07-18-08
A well-disciplined police department is a department whose members voluntarily conform to all department policies, procedures, and rules. It follows that the best disciplined department is least in need of corrective action. Nevertheless, a violation of the Department's policies, procedures, and rules, or of the law, requires disciplinary action.

Discipline may be instruction or counseling which modifies the behavior of an individual or may be punishment. However, the use of punishment as a disciplinary technique will be resorted to only when other forms of discipline have failed or the gravity of the violation dictates its use for the good of the Department.

C 1802 GENERAL CONDUCT SUBJECT TO DISCIPLINARY ACTION:
Revised 07-18-08
Any member or employee of the San Jose Police Department whose personal actions reflect against the reputation of the Police Department or the City of San Jose, commits an offense punishable under the laws or statutes of the United States, the state, or local ordinances, violates any provision of the rules and regulations of the Department, disobeys any lawful order or is incompetent to perform assigned duties is subject to appropriate disciplinary action.

C 1803 SPECIFIC CONDUCT SUBJECT TO DISCIPLINARY ACTION:
Revised 07-18-08
In concert with civil service rules, a member of the Department may be made the subject of disciplinary action whenever a member's conduct warrants.

Examples of conduct which may result in disciplinary action include, but are not limited to, the following:

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- The commission of a crime.
- Use of intoxicants in violation of the rules and regulations of this manual.
- Illegal use of narcotics or drugs.
- Willful neglect of duty.
- Willful disobedience of orders.
- Absent from duty without leave.
- Conduct unbecoming an employee.
- Use of unreasonable and unnecessary force.
- Sleeping on duty.
- Accepting or soliciting a bribe.
- Soliciting gratuities.
- Use of police badge, uniform, business card or identification card for personal gain.
- Aiding and abetting a prisoner to escape.
- Appropriating for one's own use any property, evidence, or items received in the course of duty.
- Falsification of reports, official records, or communications.
- Divulging confidential information that may be detrimental to an investigation or another person without first obtaining consent from a supervisor.
- Feigning sickness or injury to escape duty.
- Willful rough and careless handling of City property.
- Acts of discrimination based on race, religion, color, creed, age, marital status, national origin, ancestry, sex, sexual preference, medical condition or handicap.
- Operating an assigned motor vehicle in an unsafe manner, or in disregard of the rules of the road or contrary to Departmental procedures.
- Failure to supervise

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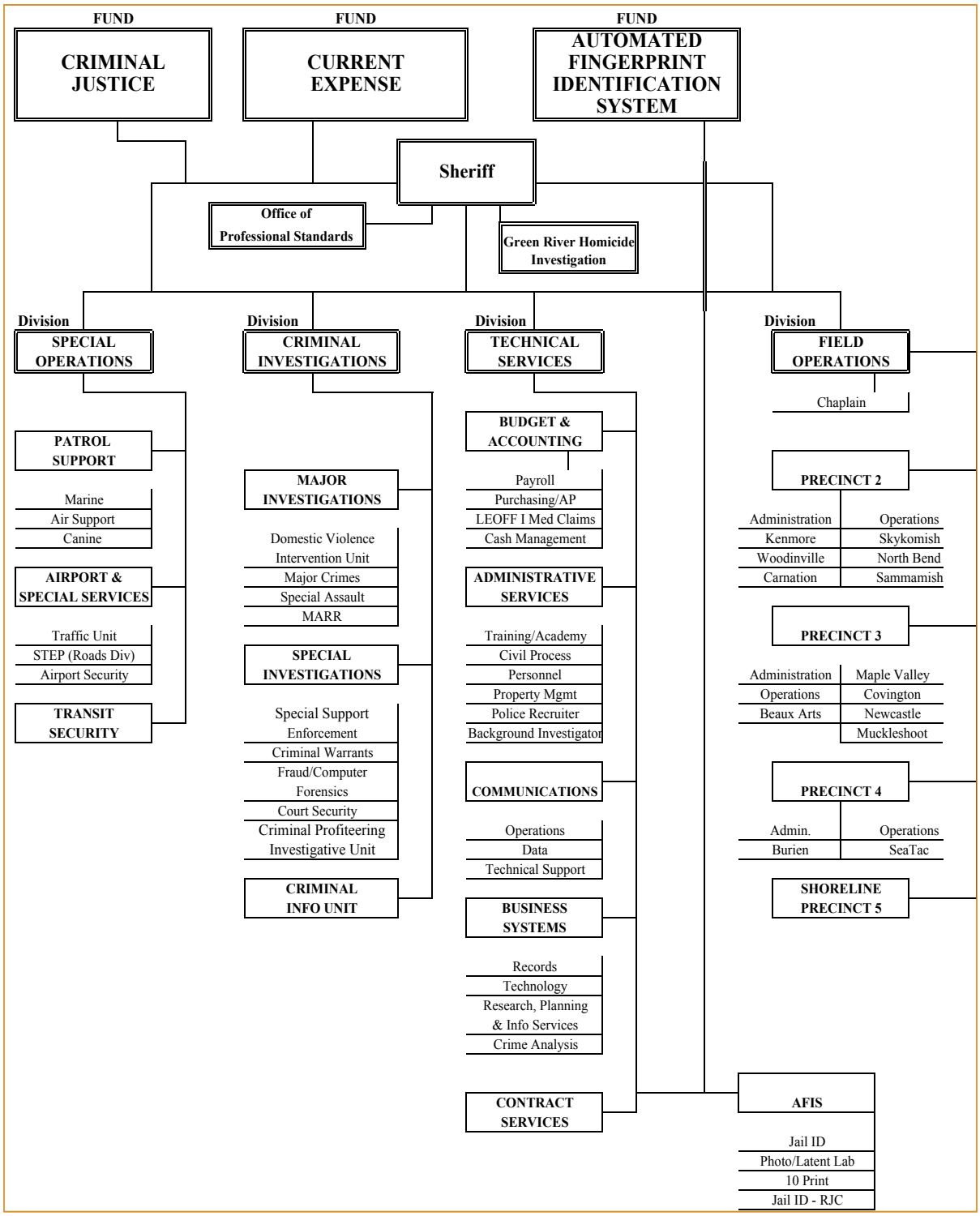
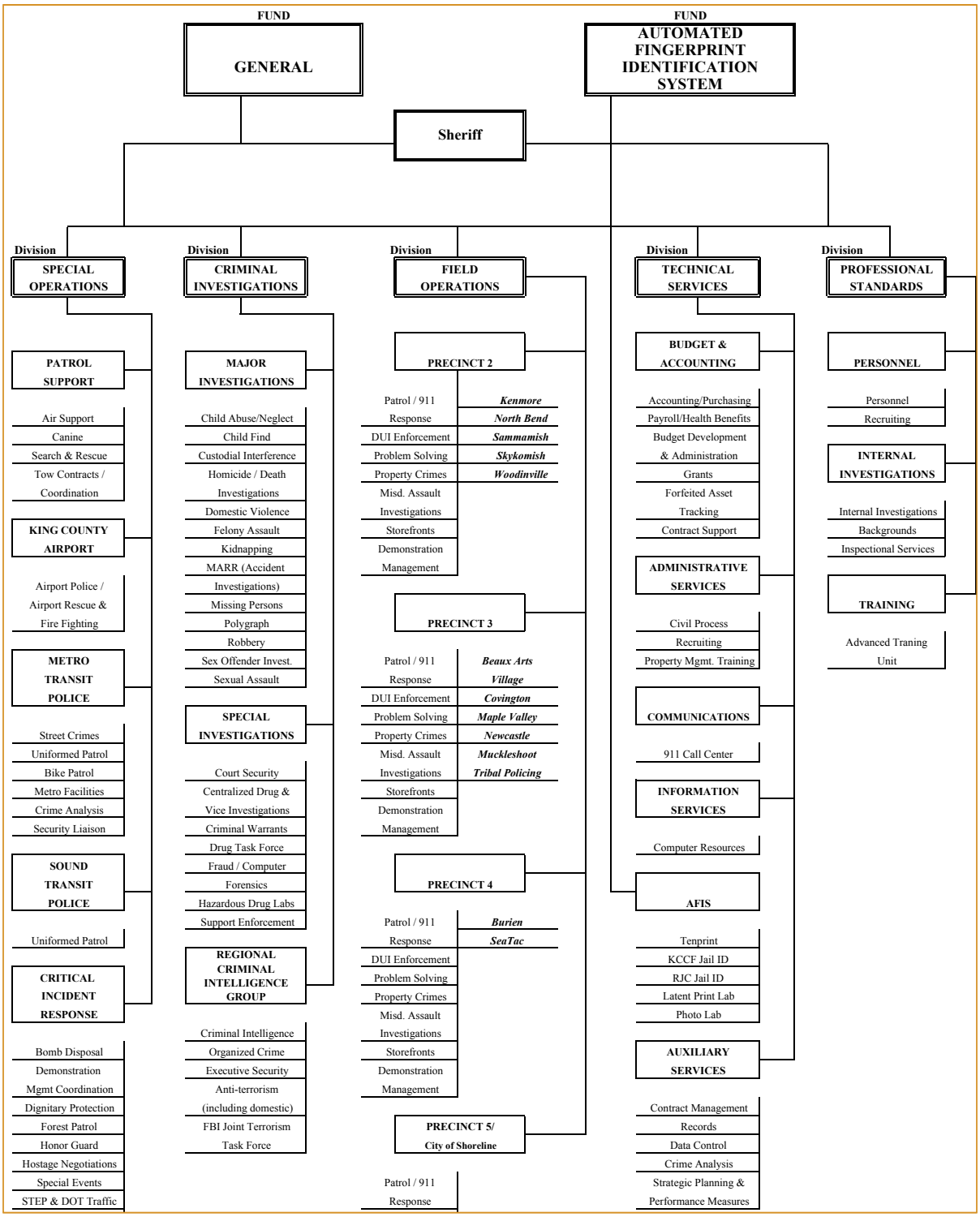

FUND
CRIMINAL JUSTICE
FUND
CURRENT EXPENSE
FUND
AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM
Sheriff
Office of Professional Standards
Green River Homicide Investigation
Division
SPECIAL OPERATIONS
Division
CRIMINAL INVESTIGATIONS
Division
TECHNICAL SERVICES
Division
FIELD OPERATIONS
Chaplain
PATROL SUPPORT
Marine
Air Support
Canine
AIRPORT & SPECIAL SERVICES
Traffic Unit
STEP (Roads Div)
Airport Security
TRANSIT SECURITY
MAJOR INVESTIGATIONS
Domestic Violence Intervention Unit
Major Crimes
Special Assault
MARR
SPECIAL INVESTIGATIONS
Special Support Enforcement
Criminal Warrants
Fraud/Computer Forensics
Court Security
Criminal Profiteering Investigative Unit
CRIMINAL INFO UNIT
BUDGET & ACCOUNTING
Payroll
Purchasing/AP
LEOFF I Med Claims
Cash Management
ADMINISTRATIVE SERVICES
Training/Academy
Civil Process
Personnel
Property Mgmt
Police Recruiter
Background Investigator
COMMUNICATIONS
Operations
Data
Technical Support
BUSINESS SYSTEMS
Records
Technology
Research, Planning & Info Services
Crime Analysis
CONTRACT SERVICES
PRECINCT 2
Administration
Operations
Kenmore
Skykomish
Woodinville
North Bend
Carnation
Sammamish
PRECINCT 3
Administration
Maple Valley
Operations
Covington
Beaux Arts
Newcastle
Muckleshoot
PRECINCT 4
Admin.
Operations
Burien
SeaTac
SHORELINE PRECINCT 5
AFIS
Jail ID
Photo/Latent Lab
10 Print
Jail ID - RJC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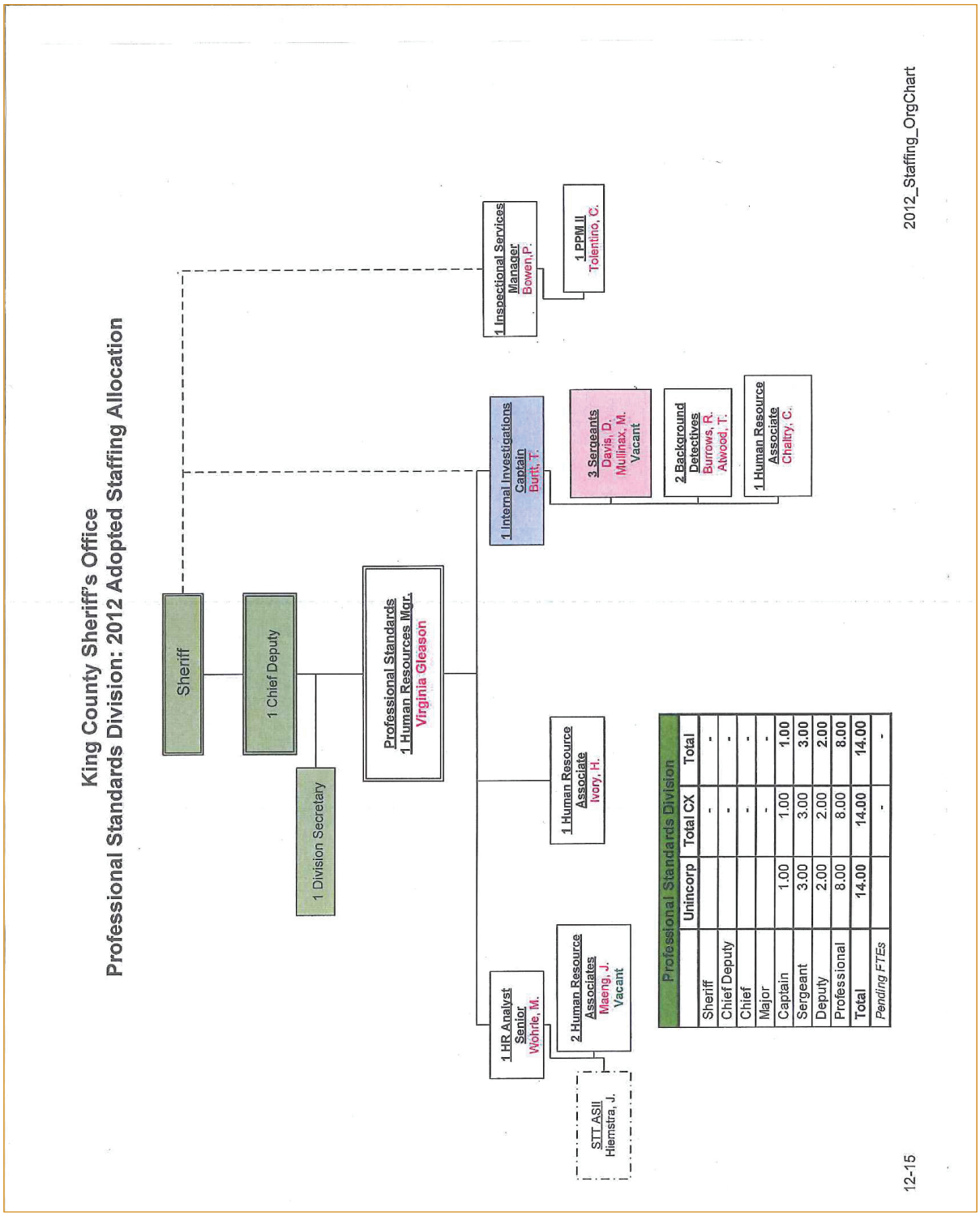
Sheriff
Division
SPECIAL OPERATIONS
Division
CRIMINAL INVESTIGATIONS
Division
FIELD OPERATIONS
Division
TECHNICAL SERVICES
Division
PROFESSIONAL STANDARDS
PATROL SUPPORT
Air Support
Canine
Search & Rescue
Tow Contracts / Coordination
KING COUNTY AIRPORT
Airport Police / Airport Rescue & Fire Fighting
METRO TRANSIT POLICE
Street Crimes
Uniformed Patrol
Bike Patrol
Metro Facilities
Crime Analysis
Security Liaison
SOUND TRANSIT POLICE
Uniformed Patrol
CRITICAL INCIDENT RESPONSE
Bomb Disposal
Demonstration Mgmt Coordination
Dignitary Protection
Forest Patrol
Honor Guard
Hostage Negotiations
Special Events
STEP & DOT Traffic
MAJOR INVESTIGATIONS
Child Abuse/Neglect
Child Find
Custodial Interference
Homicide / Death Investigations
Domestic Violence
Felony Assault
Kidnapping
MARR (Accident Investigations)
Missing Persons
Polygraph
Robbery
Sex Offender Invest.
Sexual Assault
SPECIAL INVESTIGATIONS
Court Security
Centralized Drug & Vice Investigations
Criminal Warrants
Drug Task Force
Fraud / Computer Forensics
Hazardous Drug Labs
Support Enforcement
REGIONAL CRIMINAL INTELLIGENCE GROUP
Criminal Intelligence
Organized Crime
Executive Security
Anti-terrorism (including domestic)
FBI Joint Terrorism Task Force
PRECINCT 2
Patrol / 911 Response
DUI Enforcement
Problem Solving
Property Crimes
Misd. Assault Investigations
Storefronts
Demonstration Management
Kenmore
North Bend
Sammamish
Skykomish
Woodinville
PRECINCT 3
Patrol / 911 Response
DUI Enforcement
Problem Solving
Property Crimes
Misd. Assault Investigations
Storefronts
Demonstration Management
Beaux Arts Village
Covington
Maple Valley
Newcastle
Muckleshoot Tribal Policing
PRECINCT 4
Patrol / 911 Response
DUI Enforcement
Problem Solving
Property Crimes
Misd. Assault Investigations
Storefronts
Demonstration Management
Burien
SeaTac
PRECINCT 5/ City of Shoreline
Patrol / 911 Response
BUDGET & ACCOUNTING
Accounting/Purchasing
Payroll/Health Benefits
Budget Development & Administration
Grants
Forfeited Asset Tracking
Contract Support
ADMINISTRATIVE SERVICES
Civil Process
Recruiting
Property Mgmt. Training
COMMUNICATIONS
911 Call Center
INFORMATION SERVICES
Computer Resources
AFIS
Tenprint
KCCF Jail ID
RJC Jail ID
Latent Print Lab
Photo Lab
AUXILIARY SERVICES
Contract Management
Records
Data Control
Crime Analysis
Strategic Planning & Performance Measures
PERSONNEL
Personnel
Recruiting
INTERNAL INVESTIGATIONS
Internal Investigations
Backgrounds
Inspectional Services
TRAINING
Advanced Traning Unit



Professional Standards Division			
	Unincorp	Total CX	Total
Sheriff		-	-
Chief Deputy		-	-
Chief		-	-
Major		-	-
Captain	1.00	1.00	1.00
Sergeant	3.00	3.00	3.00
Deputy	2.00	2.00	2.00
Professional	8.00	8.00	8.00
Total	14.00	14.00	14.00
Pending FTEs		-	-

ENDNOTES

1 http://www.kingcounty.gov/operations/auditor/Reports/Year/~/media/operations/auditor/documents/2011Documents/SO_IIU_Flowup_MANAGEMENT_LETTER_6_21_11_FINAL.ashx.

2 http://www.kingcounty.gov/safety/sheriff/About/~/media/safety/sheriff/documents/g/Public_GOM_Apr_2012.ashx.

3 KCSO General Orders Manual. Revised version. February 9, 2012. Section 6.01.015.

4 Commission on Accreditation for Law Enforcement Agencies, Inc. Standards for Law Enforcement Agencies: The Standards Manual of the Law Enforcement Agency Accreditation Program. Fifth Edition. Gainesville, Georgia. February, 2009. Section 1.3.11.

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