

Date: September 30, 2009

To: Sheriff Sue Rahr

Via: Chain

From: Captain Kent Baxter, IIU

Re: 2008 Annual Complaint Statistics

Introduction

The Internal Investigations Unit (IIU) of a law enforcement agency is the cornerstone of public trust and accountability. It is where citizens and employees submit complaints, concerns, and serious issues regarding employee conduct. IIU is also a place where complex decisions in the field, often involving life and death situations, are scrutinized against federal, state, and local law as well as the policies and procedures of the Sheriff's Office.

Working in the unit is a difficult job requiring fair, impartial and skilled investigators. In addition to the issues of conduct and discipline, IIU is also a place where information about high-risk events are compiled and analyzed. We strive to continuously improve our IIU processes and systems and ensure that our unit personnel have access to meaningful training and resources.

Regardless of the tools, skills and technologies, the success of the organization and the IIU operation begins with communicating and upholding the highest professional standards and expectations for employee conduct. A strong value system must be in place and supported by every employee. Likewise, we must strive to earn and sustain a healthy environment of mutual respect and trust between ourselves and the public.

This year we are also working to improve external communications with the peer agencies and communities we serve. Citizen oversight and other communication tools are in progress that will all contribute to a healthier, more transparent and accessible process.

This report presents the internal investigation unit's work for 2008 and efforts to be open, honest and accessible. We invite your comments and feedback.

Staffing

IIU is staffed by a Captain, two Detective Sergeants and one Administrative Assistant. The IIU Captain reports directly to the HR Director and has direct access to the Sheriff, legal advisor and any chiefs whenever necessary.

The sergeants assigned to IIU have extensive investigative experience. Additionally, the IIU staff attends seminars and regional internal investigator meetings each year to keep up to date on the latest information available on employee misconduct investigations, relevant case and labor law, and current industry standards.

Complaint Intake and Screening

Taking advantage of technology, we hear from and respond to the community in a variety of ways. These include:

- Through the Sheriff's Office website which includes a printed form that can be mailed or the ability to submit complaints directly on website
- Directly via email
- Phone
- Letter
- In person

The first step is to understand both the citizen's concern and their requested relief. Often the citizen merely wants to express their complaint and does not require any further response. This occurs most often in less serious cases or cases where there is no complaint of misconduct, but rather a misunderstanding about law, policy or procedures.

The IIU commander evaluates the complaint and determines whether a case is an alleged major violation that will be investigated by IIU, or whether it is a less serious allegation that should be handled at the employee's worksite. Often a less serious complaint does not require a formal internal investigation by the investigators in IIU and is best addressed by an employee's supervisor either through a worksite investigation or supervisory counseling.

"Quality of Service" Case Tracking

There are a number of contacts or inquiries we track that fall outside our definition of a "Formal Complaint." They are tracked in our QST "Quality of Service" database. These are matters that may not be actual complaints of personnel misconduct, but need to be addressed and do not require a formal IIU investigation. They may be cases where someone has a concern about a Sheriff's Office policy, procedure or an operational issue. Often all that is required is education or explanation about departmental operations and processes, or a referral to another organization or arm of government.

These QSTs are quite varied, and can include:

- Minor complaints of discourtesy or abrupt treatment
- Disagreements about the outcome of an investigation
- Disagreements about the issuing of a traffic citation
- Dissatisfaction with police services
- Complaints about Sheriff's Office helicopter noise
- Firearms release inquiries
- 911 response time questions
- Claims for monetary damages from police actions

In 2008 there were 209 QST inquiries.

Formal IIU Cases

If a complaint requires a formal investigation by IIU, an investigator is assigned to the case. After initial investigation, the case is reviewed by the IIU Advisory Group which consists of the IIU commander and investigator, the KCSO Human Resources Director, a county labor representative, and a prosecutor. This group gives input to investigators. After this review, the case is sent to the employee's commanding officer or supervisor who makes a finding and if sustained, recommends discipline.

Findings fall into the following categories:

UNFOUNDED - The allegation is not factual and/or the incident did not occur as described.

EXONERATED - The alleged incident occurred, but was lawful and proper.

NON-SUSTAINED - There is insufficient factual evidence either to prove or disprove the allegation.

SUSTAINED - The allegation is supported by sufficient factual evidence and was a violation of policy.

UNDETERMINED - The investigator is not able to use the above classifications because sufficient information cannot be gathered for reasons such as:

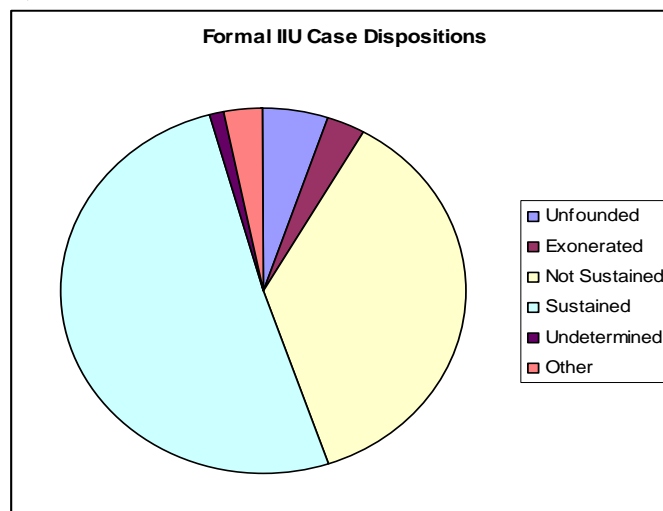
- The complainant withdraws the complaint.
- The complainant cannot be located.
- The complainant is uncooperative.
- The accused member separates from the Sheriff's Office before the conclusion of the investigation and the investigator cannot reach another classification.

In 2008 there were 67 formal IIU cases with 97 allegations of misconduct.

The dispositions of these 97 allegations:

Unfounded:	5
Exonerated:	3
Not Sustained:	35
Sustained:	49
Undetermined:	1
Other*:	4

*Other includes preliminary cases closed out with "No Policy Violation", cases that were referred out of IIU to be handled at a work site, or cases that were dismissed due to alternate resolution.



The combined overall sustained rate for formal IIU cases and inquiries is 16%.

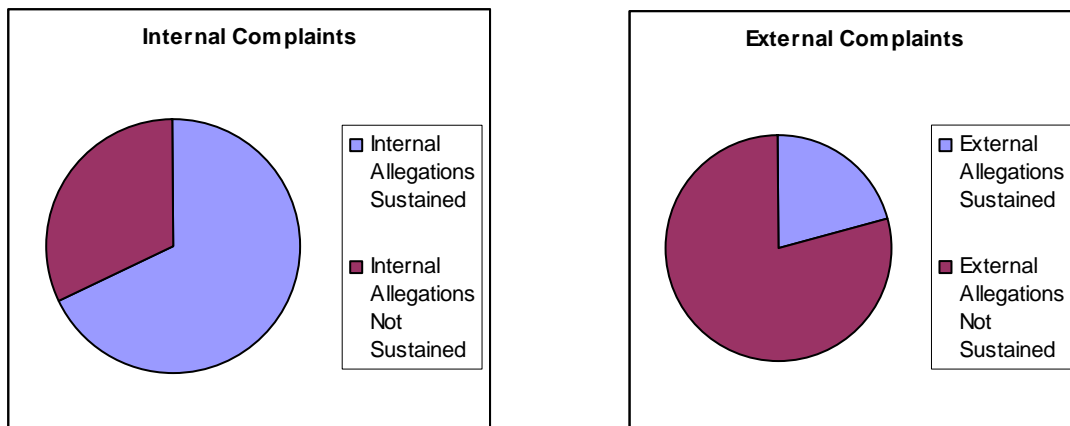
Details of formal cases:

Distribution of cases between commissioned and professional staff:

There were 68 different department employees accused to misconduct. Fifty-one of these employees were commissioned (75%), and 17 were professional (25%) employees. Professional staff includes communication center, AFIS and clerical employees; the department is 70% commissioned and 30% professional staff. The allegations are coming into the department in roughly the same proportion as commissioned and professional staff employees.

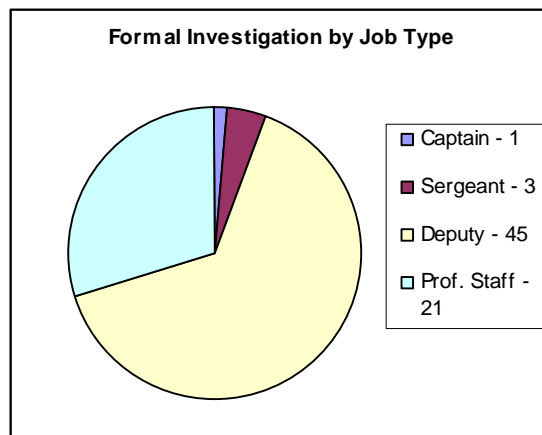
External and internal complaints:

Of the 67 formal IIU cases, 58% percent were generated internally, primarily from supervisors. Forty-two percent originated from complaints outside the department. Internally generated complaints had a much higher sustained rate.

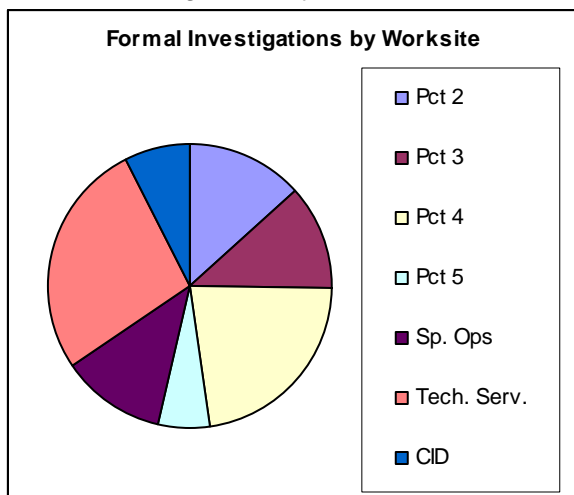


Formal Investigations by Job Type:

The majority of the formal investigations involved deputies and professional staff.



Formal Investigations by Worksite:



Special Operations includes: Bomb Disposal, TAC-30 (SWAT), Canine, Marine Patrol, Forest Patrol, King County Airport Police, Metro Transit.

Technical Services includes: Civil Process, the 911-Emergency Communications Center, AFIS (Automated Fingerprint Identification Section) Personnel, Contracting, Property Management and Computer Resources.

CID is the Criminal Investigations Division.

The higher number of complaints for Precincts Three and Four can be attributed to larger numbers of personnel and higher volumes of calls for service and more arrests per deputy at those worksites. The large numbers of the Technical Services Division complaints were regarding tardiness at the Communications Center.

Specific Allegations in Formal Investigations

90% of formal allegations can be categorized into one of eight categories:

Category	Allegations Received	Allegations Sustained
Excessive Force	3	0
Courtesy	11	4
Conduct Unbecoming	6	3
Biased Based Policing	1	0
Criminal Conduct*	13	1
Department Rule Violations**	53	33
Making False Statements or Reports	5	5
Abuse of Authority	3	2

* Includes the allegation of off-duty DUI.

** Includes Tardiness, AWOL, Insubordination, Procedural Violations, Poor Performance, Failure to Submit Reports, etc.

Range of Discipline or Correction Imposed on Sustained Formal IIU Cases

Type of Discipline or Correction	Number of times imposed
Corrective Counseling ¹	3
Reprimand	13
Suspension or Demotion	14
Termination	4
Employee resigned prior to imposition of discipline	1

¹ Corrective counseling is not discipline, and although it may be given to an employee at the conclusion of an IIU case, it may be imposed on an employee without an IIU investigation.