

# King County Auditor's Office

Kymber Waltnunson, King County Auditor



King County

DATE: October 9, 2013

TO: Metropolitan King County Councilmembers

FROM: Kymber Waltnunson, King County Auditor

SUBJECT: Follow-up on 2012 Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight

The King County Sheriff's Office (KCSO) and the Office of Law Enforcement Oversight (OLEO) have made significant progress in implementing the recommendations in the 2012 audit, substantially completing eight of 16 audit recommendations. Attachment A to this letter reviews the status of each recommendation.

Progress to date includes implementing the principal components of the audit's recommendations, such as changes to the Sheriff's Office General Orders Manual on reporting and investigation of complaints, training on the use of reporting tools, and development of a mediation program for interested complainants and deputies. To fully address the seven partially implemented and open recommendations related to data collection and reporting, training, and standardization of operating procedures, additional effort is needed. In addition, one remaining recommendation depends upon the outcome of labor negotiations. We expect to review these issues as part of our 2014 KCSO/OLEO audit.

Addressing the full range of the audit recommendations will continue to enhance police accountability and oversight. Specifically, the Sheriff's Office Internal Investigations Unit (IIU) and OLEO should address two key areas:

1. Developing comprehensive Standard Operating Procedures (SOPs) for both IIU complaint investigations and OLEO certifications and ensure that they are procedurally consistent; and
2. Continuing to advance the quality of analysis and reporting of investigation-related and performance-standards data to fully inform managers and other stakeholders as to trends in the types and frequency of misconduct incidents and citizen complaints.

Improved data, analysis, and reporting will provide management additional guidance in officer training along with increasing transparency regarding officer conduct and resolution of citizen-initiated complaints.

Attachment A provides a summary table of the 16 report recommendations, their implementation status, and additional information.

### **Implementation History of the KCSO IIU and OLEO Audit and Recommendations**

Ordinance 16511, adopted by the County Council in May 2009, re-established a system of civilian oversight of the Sheriff's Office consistent with the terms of the December 2008 collective bargaining agreement with the King County Police Officers Guild. Ordinance 16511 also directs the King County Auditor's Office to "establish a permanent, ongoing law enforcement audit process" with periodic audits of the Sheriff's Office and annual reporting to the County Council. In July 2012, the Auditor's Office released its Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight. This management letter provides an update on the status of the auditor's 2012 audit recommendations consistent with the ordinance requirements and the adopted 2013 work program. The next periodic audit is anticipated in the Auditor's Office 2014 work program.

The 2012 audit identified two main areas of concern:

1. Deficiencies within Sheriff's Office policies, procedures, and practices in documenting, investigating, and resolving complaints and allegations of officer misconduct; and
2. Potential barriers for full implementation of OLEO into an effective civilian oversight function.

The majority of the audit recommendations (12 of 16) focused on addressing significant problems in both the structure of KCSO's officer accountability system and in the level of compliance by Sheriff's Office personnel with the system. Among the four remaining recommendations, two were focused primarily on OLEO, one on OLEO and the Sheriff's Office jointly, and one on county labor policy. Both the Sheriff's Office and OLEO concurred with all 16 recommendations. Motion 13734, adopted by the County Council in September 2012, required quarterly progress reporting to the County Council from the Sheriff's Office and OLEO regarding implementation of the audit recommendations.

### **Policies and Procedures Significantly Improved, but Ongoing Effort Needed to Fully Implement all Recommendations**

KCSO: Policies, procedures, and messaging are improved; better data utilization needed

For the most part, the Sheriff's Office implemented our recommendations directed at strengthening the accountability system through early 2013, as provided in the Sheriff's Office Performance Audit Action Plan status reports.<sup>1</sup> The Sheriff's Office General Orders Manual

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<sup>1</sup> The Performance Audit Action Plan is the response plan identified in Motion 13734.

(GOM) sets the rules that all officers and staff must follow in complying with departmental policies. The Sheriff's Office keeps data on personnel investigations and performance items within its "IAPro" database.<sup>2</sup> The IAPro information is maintained with Internal Investigations Unit (IIU) and human resources staff at the Sheriff's Office. Deputies and supervisors in the field use a web-based tool to enter reporting and investigation information into IAPro, called "Blue Team." As such, the recommendations in the 2012 audit address these three components of the accountability system:

1. Language in the GOM,
2. Utilization of Blue Team, and
3. Use of IAPro.

*Positive changes to the General Orders Manual*

Audit recommendations 1, 3, 4 identified specific changes to strengthen the GOM; a number of other recommendations requested better training for compliance with the GOM, which the Sheriff's Office implemented. In fall 2012, the GOM was revised, adding language requiring mandatory reporting of complaints and a "Failure to Supervise" component in Section 3. In summary, these changes clarified that officers and supervisors will be sanctioned for failing to report and investigate complaints, and that supervisors are responsible to report on the conduct of their subordinates. Sheriff's Office policy now provides that all complaints and violations should be documented and entered via Blue Team; the IIU commander reviews all initial Blue Team incident entries to ensure they are appropriately categorized and assigned for investigation, either in the field or by IIU. Also, the County Sheriff and IIU can now directly file a complaint to trigger further investigation.

*Greater Blue Team and IAPro utilization improving professional standards*

The Sheriff's Office reported that all supervisors and command staff have now been trained on the use of Blue Team and the requirements for consistent documentation of all complaints and allegations. The volume of data being entered has increased significantly. For example, the number of complaints and allegations recorded within the IAPro database has increased almost 100 percent from 2011 to 2012:

<b>Incident Type</b>	<b>2011</b>	<b>2012</b>	<b>Increase</b>	<b>Percent Increase</b>
Complaints <sup>3</sup>	128	254	126	98%
Allegations	214	404	190	89%

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<sup>2</sup> IAPro is the name of the Professional Standards product provided by the vendor: see <http://www.iapro.com/>

<sup>3</sup> "Complaints" are complaints from any source alleging misconduct; "Allegations" are the type of alleged misconduct. Thus, a single complaint can include one or more allegations.

Excessive Force allegations (as a subset of overall allegations) showed a similar increase:

Year	Allegations	Direct Complaints <sup>4</sup>	With Use of Force	Number Sustained
2012	31	21	7	0
2011	11	6	1	0

The Sheriff's Office indicated that these increases reflect the growing compliance with documentation requirements, i.e. items that were previously not reported are now being entered through Blue Team as required, particularly with low-level complaints and allegations.

However, the Sheriff's Office staff noted ongoing challenges relative to Blue Team and IAPro. In many cases, older entries into the system are miscategorized or lack corrected data fields and are not sufficiently reliable to allow for consistent trend analysis and accurate reporting. IIU staff is reviewing the various reporting entries to improve data reliability, trend analysis, and annual reporting consistent with audit recommendation 15. We plan to analyze these issues in more depth in 2014; evaluating whether Blue Team is capturing sufficient information for effective utilization of IAPro by Sheriff's Office management.

#### *Organizational structure and IIU staffing enhanced*

The Sheriff's Office has also made a series of positive organizational and staffing changes regarding professional standards, consistent with the audit's recommendations. The IIU commander now reports directly to the County Sheriff and deputy chief, who meet weekly to discuss the status of investigations and emerging issues in the department. The IIU is now staffed with four investigators and an administrative assistant (up from two investigators at the time of the audit). Renewed emphasis on weekly roll calls provides greater opportunities for direct training and communication from supervisors to deputies in the field. The consistent "tone from the top" reported by Sheriff's Office staff included strict compliance with policy, such as fitness for duty requirements and reporting of minor violations consistent with the policy. In addition, although not a direct recommendation of the audit, the Sheriff's Office has also developed a new procedure for responding to officer-involved shootings aligned with best practices from leading police departments.

#### *Further actions needed to continue improved training, data reporting, and IIU standards*

In total, we found that the Sheriff's Office has completed, or substantially completed, six of the 12 recommendations focused entirely on its practices, as shown in Attachment A. Five of the recommendations are partially completed and discussed in greater context in this section. One of the recommendations, recommendation 8, primarily depends on the outcome of current labor negotiations with the King County Police Officers Guild.

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<sup>4</sup> "Direct Complaints" are those made by the complainant, i.e. the alleged excessive force recipient

The Sheriff's Office has substantially reformed its policies and procedures to implement the recommendations of the 2012 audit and has made solid progress in training to ensure practices align with policy. However, two areas within the accountability structure need additional work:

- **Training:**  
Sheriff's Office staff reported that training resources remain an ongoing issue, but command staff and supervisors are now regularly developing lesson plans for improved focus and documentation of training, and a renewed emphasis on weekly roll calls provides for additional training opportunities. However, the Sheriff's Office apparently does not have a fully-developed, comprehensive action plan for identifying and completing broad training requirements, i.e. specifying current training goals and deadlines for completion, nor an established process for identifying new or emerging areas of comprehensive training.<sup>5</sup>
- **Reporting on professional standards data:**  
As noted above, IIU staff is working on improving data reliability regarding complaints and incident reporting. Although use of Blue Team may be increasing, greater effort is needed to ensure that use remains consistent, so that the information entered allows for full use of IAPro by management to both identify and guide Sheriff's Office management and provide more robust information to stakeholders.

In addition, IIU's Standard Operating Procedures (SOPs) should be considered for review. IIU revised its SOPs in January 2012 to identify and clarify the specific elements to be addressed in each investigation; Sheriff's Office IIU investigations appear to be of professional quality, as reported by Hillard Heintze LLC,<sup>6</sup> and confirmed by OLEO. However, subsequent changes to the GOM (in fall 2012) and institution of OLEO case review in 2013 (discussed below) suggest that IIU should consider any related effects and potential changes to its SOPs. As noted above, the Auditor's Office will conduct a KCSO/OLEO audit in 2014, which will analyze these issues, among others.

#### OLEO: Progress made in establishing civilian oversight, but additional components needed

OLEO has made positive progress in meeting the audit recommendations as well, specifically audit recommendations 13 and 14. OLEO developed a mediation program for low-level complaints – identifying a list of qualified mediators, conducting mediator training, and creating promotional materials for the mediation program. Training participants included the King County Police Officers Guild and mediation experts. Both the Sheriff's Office and OLEO implemented the program in September following its inclusion/adoption in the GOM.

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<sup>5</sup> For example, one of the main deliverables for the Motion 13734 Performance Audit Action Plan was an action plan regarding ongoing training for supervisors on the Blue Team system, with quarterly updates. The Sheriff's Office provided that plan in February 2013, but has apparently not updated it since.

<sup>6</sup> See, e.g., [King County Sheriff's Office: Policies and Procedures for Internal Affairs Investigations](#), Hillard Heintze LLC, July 2012 at pg. 80.

In addition, OLEO reached a key milestone in 2013. It now performs its core function of reviewing and certifying Sheriff's Office IIU investigations. The Sheriff's Office facilitated OLEO's access to its internal IPro complaint database, providing OLEO capability to review completed IIU cases. OLEO is now certifying that IIU complaint investigations are appropriately conducted according to best practices. OLEO has reviewed 189 completed IIU cases dating from 2012, certifying all but one case; this figure includes 16 cases not completed within the 180-day investigations window. The non-certified case consisted of a well-publicized officer-involved shooting in Auburn and was the subject of a subsequent OLEO-sponsored consultant report. As of September 2013, OLEO completed review of all IIU investigations transmitted as of early summer, even as the volume of work increased in conjunction with the increase in complaint reporting and documentation.

OLEO recommended improvements to the Sheriff's Office procedures and practices based on its consultant review of the Auburn officer-involved shooting event<sup>7</sup> – recommendations the Sheriff's Office has acted upon. OLEO has also provided quarterly reports to the County Council consistent with the Motion 13734 Performance Audit Action Plan. Additionally, OLEO reported that it will provide its 2012 annual report in the third quarter of this year.

Despite these accomplishments, major “start-up” tasks remain for OLEO. It has not yet made demonstrable progress on establishing the citizen advisory panel as required by Ordinance 16511. It also does not yet have sufficient database tools “up and running” to be able to provide analysis of particular case issues or components (e.g., observed patterns for review and training in cases investigated, unit locations, entry, and completion dates), among other issues. For example, OLEO cannot report what the average duration of case entry, review, and certification was for each case to show consistency with the review timelines in Ordinance 16511. OLEO has selected a vendor for its database system and made progress in linking these systems with IPro case information, but implementation progress is ongoing. Robust reporting to the County Council and the public will require these capabilities. The Auditor's Office plans to review further in the upcoming 2014 audit.

KCSO and OLEO: Ongoing partnership is needed to fully implement recommendations toward effective civilian oversight

Finally, embedded within recommendation 13 in the 2012 audit is the need for greater collaboration between the Sheriff's Office and OLEO in developing a consistent and cohesive procedural framework for complaint investigation and review, such that the components and standards of each investigation are consistent and understood between each organization. Collaboration appears strong in some areas. For example, OLEO and the Sheriff's Office joined together to purchase a Firearms Interactive Training Simulator to improve the scope and quality

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<sup>7</sup> See [Review of Officer Involved Shooting of Dustin Theoharris](#), Police Assessment Resource Center, April 2013.

of weapons training. However, greater coordination is needed in procedures and processes. Presently, neither the IIU nor OLEO have developed detailed internal SOPs to ensure consistency and transparency.

Currently, OLEO reviews and certifies IIU investigations cases based on a one-page review matrix and the OLEO director's professional judgment as to the GOM and general IIU investigation best practices. Developing "handbook" SOPs that document the standards for both IIU investigations and concurrent civilian review are a best practice as they allow the review to be based on established criteria identifying the particular elements and practices to be expected in each investigation. They also provide a baseline for performance evaluation and identification of areas for additional training and focus for IIU and OLEO staff. Both IIU and OLEO report that they will be developing SOPs in these areas in late 2013. Reviewing the status of progress in developing and implementing SOPs and comparing them to other model agencies will be considered during the 2014 audit.

## **Conclusion**

In summary, the Sheriff's Office and OLEO have made substantial progress in implementing the 2012 audit recommendations and improving the officer accountability system. Maintaining consistent progress in data collection and reporting, officer training, and standardization of operating procedures will continue to enhance professionalism and improve the effectiveness of civilian oversight.

If you have any questions regarding this follow-up letter or the implementation status of any of the audit recommendations, please contact Justin Anderson, Senior Management Auditor, at 206-477-1046 or me at 206-477-1038.

## **Attachment A - Implementation Status**

cc: John Urquhart, Sheriff, King County Sheriff's Office  
Charles Gaither, Director, OLEO, King County Council  
D.J. Nesel, Captain, Internal Investigations Unit, King County Sheriff's Office  
Dow Constantine, County Executive, Department of Executive Services (DES)  
Carol Basile, Deputy Director, Finance & Business Operations Division, DES



# KCSO and OLEO Audit Report: 2013 Follow-Up

## Attachment A: Implementation Status

### Summary of Findings

Of the audit recommendations:

DONE	8 <sup>8</sup>	have been fully implemented
PROGRESS	6	are in progress or partially implemented
OPEN	2	remain unresolved

Note: some items noted as “Done” have had the fundamental components implemented, but require ongoing actions and practices to remain so; the status detail for each recommendation explains further.

#	Quick Status	Recommendation	Status Detail
1a	DONE	Develop leadership expectations that <u>all</u> complaints, misconduct, and policy violations will be categorically captured and reported into Blue Team.	IIU has been cleaning up the old entries into Blue Team, and working with supervisors to update and close out old entries. New cases are reviewed by IIU at the time the inquiry is entered into the Blue Team system, ensuring proper categorization and case assignment. Volume of data entered into the Blue Team has apparently increased significantly; IIU provided data to document the percent increase.
1b	DONE	Add and expand GOM <i>Failure to Supervise</i> section and outline disciplinary actions for supervisors who fail to document incidents of misconduct and violations of policy, as required.	This policy has been added to GOM 3.00. “Low-level” misconduct cases are now handled immediately. GOM 3.00 is more precise in terms of KCSO policy and descriptions of misconduct/policy violations; reporting deficiencies identified in the audit report are now closed.
2	PROGRESS	Formally and informally remind officers and supervisors that compliance with personnel conduct and reporting requirements is mandatory and must be the standard by which professionalism is demonstrated throughout the department.	County Sheriff and deputy sheriff communicated categorical compliance w/ the GOM; training featured requirement components regarding mandatory reporting. <sup>9</sup>

<sup>8</sup> Note: For tracking and review purposes, recommendations 1, 3, and 14 were split in the chart below.

<sup>9</sup> Note: Per Motion 13734, KCSO is also required to submit an action plan to County Council regarding ongoing Sheriff’s Office staff compliance with personnel conduct and reporting requirements as mandatory. The initial action plan was submitted but is a work in progress. The Sheriff’s Office is documenting actions taken to date and future implementation steps and dates for KCSO’s full compliance with this recommendation and Motion 13734. The Sheriff’s Office is also working on a video that will reinforce mandatory compliance with the new GOM provisions.



Attachment A – Implementation Status

#	Quick Status	Recommendation	Status Detail
3a	DONE	GOM should be changed, allowing the County Sheriff and/or IIU to file, without restriction, a department-initiated complaint when direct supervisors and commanders do not for egregious acts of misconduct or policy violations.	The County Sheriff and IIU can file a complaint per the updated GOM 3.00. IIU is now fully staffed with four investigators. New use of force/other major incident process has been developed that triggers additional steps if complaint or violation process not completed correctly.
3b	DONE	GOM should compel direct supervisors and commanders to fully cooperate with IIU in handling complaints.	GOM provisions changed and IIU has a captain and full complement of investigative staff, as noted above. IIU staff reported engaging full cooperation of field supervisors in complaint processes. Deputy sheriff requires and monitors compliance with reporting and IIU/field investigative process (IAPro/Blue Team).
4	DONE	Develop detailed policies outlining exact reporting and investigative processes for complaints and establish same as adherence standard for officers and supervisors throughout the department.	KCSO updated its policies and reported closure on this item September 30, 2012; training unit reported all officers trained on Blue Team and GOM 3.0 compliance in late 2012/early 2013. Supplemental training regime is unclear and is apparently waiting on guidance from IIU/command staff. See footnote 9.
5	DONE	Review Commission on Accreditation for Law Enforcement Agencies (CALEA) standards, identify any gaps in GOM and SOPs, and address them to ensure CALEA reaccreditation, including: Standards for complaint processing and investigation of all complaints, including anonymous complaints, and; realigning command structure so IIU commander reports directly to Sheriff.	The Inspectional Services Unit manager submitted new policies, training programs, organization charts, and enforcement responsibilities to CALEA; CALEA 's initial response was reported as favorable. A mock CALEA drill has been scheduled and partially completed; recertification is expected in late 2013/early 2014.  IIU commander reports directly to the County Sheriff in weekly update meetings. <sup>10</sup>

<sup>10</sup> Note: Final implementation of the recommendation depends on CALEA reaccreditation.

Attachment A – Implementation Status

#	Quick Status	Recommendation	Status Detail
6	PROGRESS	Require all complaints be documented in uniform manner, including: defined documentation template; clear identification of person responsible for completing the documentation; established responsibility for review and forwarding; and central record-keeping in IIU.	IIU reports that number and quality of complaints has improved; data indicates number of complaints and allegations has increased through 2012.  Note: Data reliability and consistency still at issue; IIU has improved intake and review of new complaints and allegations, but older cases need review.
7	DONE	IIU commander should be realigned to report to the Sheriff and the professional standards manager.	The IIU commander collaborates with the human resources manager on day-to-day status assignments, but also reports to the County Sheriff on a weekly basis. Complaint and performance issues are meetings topic.
8	OPEN	Explore opportunities to extend the 90-day rolling period for maintaining complaint and incident data to one year to improve the effectiveness of trend analysis and reporting.	Subject to current collective bargaining agreement negotiations with the King County Police Officers Guild. Other related changes that add “filters” include monthly Use of Force Group, weekly IIU-County Sheriff meeting, and IIU packet reviews.
9	PROGRESS	Outline policies for supervisors to increase variety of data entered into Blue Team/IAPro, enhancing system effectiveness of Early Warning System and Blue Team.	See #4; IIU review increasing compliance. Supervisors trained on Blue Team utilization and reporting elements. IIU captain exploring options for improved reporting with IAPro analytical tools.
10	DONE	Develop template to facilitate Blue Team system data entry, review, and approval of lower-level complaints handled at the first-line supervisor level and forwarded for entry into the IAPro system.	IIU now reviews all initial Blue Team entries. IIU relayed some complaints about “ease of use” of Blue Team; and facilitate compliance through data entry at IIU. Previous complaints regarding insufficient time reportedly waning.
11	PROGRESS	Provide ongoing training to supervisors on effective use of Blue Team as well as ongoing training on investigating and documenting misconduct complaints using GOM Investigative Report Format.	See #4, above. Complete reporting and consistent review through chain of command reported; deputy sheriff and IIU reviewing case timeliness, i.e. late items are noted and delay inquired from supervisor.
12	PROGRESS	KCSO should explore opportunities to expand training resources and identify other jurisdictions training to address “recurring” performance issues.	See #4, above. Full implementation of expanded training will occur as KCSO identifies funding and training approach.

Attachment A – Implementation Status

#	Quick Status	Recommendation	Status Detail
13	PROGRESS	OLEO, in collaboration with KCSO, should continue planning and developing working guidelines and measurable objectives to assure effectiveness of oversight.	<p>KCSO sends new complaints to OLEO as required; OLEO reviewing cases but often not within the five-day period. Limited in KCSO case review due to the collective bargaining agreement (CBA) provisions. Depends in part on labor negotiations and outcomes. OLEO reported softening resistance by KCSO to OLEO complaint review.</p> <p>Over the long-term, certification process depends on definition of complete and thorough investigation; OLEO needs both internal SOPs and IIU SOPs as a baseline for completeness of review.</p>
14a	DONE	OLEO and KCSO should proactively develop and educate the public about the formal mediation program as soon as program is in place.	OLEO hired a former police auditor from the City of Seattle to assist in development of county's mediation program, conducted training for mediators with King County Police Officers Guild, and has prepared outreach materials. Program is now in GOM and available to complainants.
14b	DONE	Explain the benefits of the program to complainants when they initially consider filing a lower-level complaint.	OLEO and IIU staff will outreach with citizens who contact office to determine their interest in mediation services; and will be provided program information and inquired as to participation in lieu of initiating a formal complaint process.
15	OPEN	KCSO and OLEO should each submit detailed annual reports on implementation of audit recommendations and annual statistics on the number, type, and unit location of allegations and complaints received to allow for greater tracking and analysis of complaints and supervisor compliance with requirements and community reporting.	KCSO and OLEO actively reported on implementation efforts to the County Council in 2012 and 2013 per Motion 13734 Performance Audit Action Plan. OLEO and KCSO reports were due in April and July 2013 (the audit anniversary), respectively. KCSO report needs greater detail <sup>11</sup> ; OLEO annual report pending shortly per latest quarterly report.
16	DONE	King County Council should consider embodying newly adopted labor policy changes within King County Code.	The County Council revised labor policies in 2012; outcomes subject to current CBA negotiations with King County Police Officers Guild.

<sup>11</sup> IIU did complete annual data "roll-up" in April 2013, but without additional detail as identified in recommendation 15. IIU reports training on better utilization of IAPro tools is pending and expects greater detail and utility to complaint/allegation and investigation reporting in 2014.