



KING COUNTY AUDITOR'S OFFICE

AUGUST 2, 2021

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

The King County Sheriff's Office and the Office of Law Enforcement Oversight reached a significant milestone in 2021, completing all recommendations from the 2012 audit. As of the last audit follow-up (August 3, 2020), seven recommendations remained from two audits—one from the 2012 "Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight," and six from the 2015 "Law Enforcement Oversight: Limited Independence, Authority, and Access to Information Impede Effectiveness" audit. The last remaining recommendation from the 2012 audit addressed the need for operating procedures to coordinate the work between the King County Sheriff's Office (KCSO) Internal Investigations Unit (IIU) and the Office of Law Enforcement Oversight (OLEO). Recently revised IIU standard operating procedures (SOPs)—approved this year—accomplished this goal.

Additional work by IIU and OLEO advanced coordination on the role of independent oversight. The IIU commander noted training as a specific area of focus during the past year, and both IIU and OLEO shared examples of training content, referencing OLEO. These efforts completed one of the recommendations from the 2015 audit and made progress on another. A third is very close to completion, as a result of the new IIU SOPs. Focused effort will finish these recommendations by 2022.

Three recommendations remain incomplete due to long-standing implementation challenges. These three recommendations address the location of IIU, language regarding OLEO's access to information in the contract between the County and the King County Police Officers Guild (KCPOG), and IIU staffing measures and analysis. All three involve multifaceted issues with other actors—the Facilities Management Division (FMD) of the Department of Executive Services regarding IIU relocation, the Guild and the Office of Labor Relations (OLR) collective bargaining regarding contract language, and broader KCSO personnel analysis regarding IIU staffing and caseloads. The pending transition in the Sheriff's position from elected to appointed suggests that these first two recommendations could be directed to include FMD and OLR, respectively, should they remain incomplete at the time of next audit follow-up.

Of the seven remaining audit recommendations:

	2 DONE		5 PROGRESS		0 OPEN
Fully implemented Auditor will no longer monitor.	Partially implemented Auditor will continue to monitor.	Remain unresolved Auditor will continue to monitor.			

Please see details below for implementation status of each recommendation.



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

Recommendation 1	On October 9, 2013	DONE	
Recommendation 2	On April 21, 2017	DONE	
Recommendation 3	On October 9, 2013	DONE	
Recommendation 4	On October 9, 2013	DONE	
Recommendation 5	On October 9, 2013	DONE	
Recommendation 6	On April 21, 2017	DONE	
Recommendation 7	On October 9, 2013	DONE	
Recommendation 8	On April 21, 2017	CLOSED	
Recommendation 9	On April 21, 2017	DONE	
Recommendation 10	On October 9, 2013	DONE	
Recommendation 11	On April 21, 2017	DONE	
Recommendation 12	On August 3, 2020	DONE	

Recommendation 13

DONE



OLEO, in collaboration with KCSO, should continue planning and developing working guidelines and measurable objectives to assure that the effectiveness and benefits of law enforcement oversight are maximized.

STATUS UPDATE: IIU and OLEO now have documented guidelines that coordinate their work with one another across their specific roles. IIU's recently approved (June 2021) SOPs are a significant update of the 2012 procedures. The new SOPs include, among other things, a general timeline of IIU case investigations, along with clear references to OLEO's participation in the investigations process at key milestones. As noted in the last follow-up (August 3, 2020), OLEO has developed its own case administration procedures, documented in its policies and procedures manual. Each set of procedures appropriately refers to the other entity relative to the shared understanding between the two regarding their roles and duties; for example, both documents include direct references to IAPro, KCSO's case investigations management software, and the steps each entity takes in managing their work within the software for a given case.

IMPACT: At the time our office made this recommendation in 2012, OLEO's role was largely limited to certifying IIU's investigations. Although OLEO's duties have significantly expanded since, IIU and OLEO have never had operating procedures that documented how each entity was to coordinate with the other in carrying out their work. By completing this recommendation, IIU and OLEO now have a shared foundation for managing and synchronizing their work, clarifying expectations and resolving potential disputes about process. Completing this recommendation is an essential milestone in bolstering OLEO's maturing civilian oversight of KCSO.

Recommendation 14

On October 9, 2013

DONE



Recommendation 15

On April 21, 2017

DONE



Recommendation 16

On October 9, 2013

DONE



Recommendation 17

On April 21, 2017

DONE



Recommendation 18 a, b, c

On April 21, 2017

DONE



Recommendation 18 d

On April 1, 2019

DONE



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

Recommendation 1	On April 21, 2017	CLOSED	
Recommendation 2	On August 3, 2020	DONE	
Recommendation 3		PROGRESS	

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

STATUS UPDATE: As in the last three previous audit follow-ups, KCSO management continues to report that it is seeking an alternative location for IIU, but that FMD space planning has not identified or approved a timeline or site.

WHAT REMAINS: Given the challenges of the pandemic—and the significant space planning changes as portions of King County move to telework—the lack of progress over the last year since the previous audit follow-up (August 2020) is not unexpected. However, the pending change of the Sheriff from an elected to appointed position, along with the opportunities for relocation presented by the significant space planning efforts following the COVID pandemic, indicate that responsibility for finding a new location for IIU outside of the courthouse now lies primarily with FMD. At the time of the next follow-up, we will formally include FMD as responsible for implementation of this recommendation, barring significant progress in identifying a new IIU home.

Recommendation 4		PROGRESS	
------------------	--	----------	---

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

STATUS UPDATE: At the time of the audit, there were multiple provisions in the contract between King County and KCPOG that limited OLEO’s independence and access to information. Negotiations for the current KCPOG contract (approved March 28, 2020) removed some of these barriers. However, the contract still includes language regarding OLEO’s access to information; it remains unclear why the collective bargaining agreement contains terms regarding the relationship between the Sheriff and OLEO, given that relationship is independent from that of the

County and KCPOG. Unless directly involving officer discipline, contract terms regarding OLEO should not be part of the contract.

WHAT REMAINS: As explained in our August 2020 audit follow-up, KCSO and OLEO should identify the remaining barriers to OLEO's independence and access to information in the contract (expiring at the end of 2021) and eliminate them. KCSO management concerns about information security through OLEO's access to information should be addressed through other avenues—such as policies and procedures (see recommendation 13 of the 2012 audit, above).

Recommendation 5	On April 1, 2019	CLOSED	
------------------	------------------	--------	---

Recommendation 6	On August 3, 2020	DONE	
------------------	-------------------	------	---

Recommendation 7		PROGRESS	
------------------	--	----------	---

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

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

STATUS UPDATE: Staffing analysis remains a general challenge across KCSO, this recommendation included. Although IIU continues to report and demonstrate improvement in case management and tracking, resulting in procedural efficiencies, shorter investigation timelines, and improved caseload reporting, KCSO lacks a staffing model considering each of the elements above.

WHAT REMAINS: Many of the elements of the recommendation are already used in caseload management, with data available through IAPro and easily calculable. KCSO should pull together the data immediately available (likely items a. through d.) and determine a plan to obtain or track the remaining information—especially the comparisons in item f. Implementation of this recommendation would not only help KCSO benchmark its investigation workload against others, but against its own staffing priorities over time.

Recommendation 8	On April 1, 2019	DONE	
------------------	------------------	------	---

Recommendation 9

On August 3, 2020

DONE



Recommendation 10

On August 3, 2020

DONE



Recommendation 11

PROGRESS



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

STATUS UPDATE: IIU's recent updates to its operating procedures include timeframes for each step in the investigations process. IIU also provided clear examples of reference tools and queries it uses to track timely progress of cases. Together, these elements will work together to help IIU ensure that investigative milestones are completed more quickly and stay within the 180-day time period for complaint investigations.

WHAT REMAINS: With timeframes now documented in the SOPs, IIU has created the conditions necessary to complete this recommendation and set internal goals for its portions of the work. Demonstrating that it consistently uses case status queries to evaluate case progress relative to the timeframes will finish this recommendation at the time of the next audit follow-up (2022).

Recommendation 12

PROGRESS



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

STATUS UPDATE: KCSO and OLEO are participants in a workgroup that has developed improved policy to be implemented in the near term. OLEO is also included in the general orders manual (GOM) specifically regarding monitoring critical incidents and mediation of complaints. However, the GOM does not include information about the Ombuds, or general information about OLEO's role, and the new IIU SOPs similarly do not include the Ombuds—given its lack of direct interface with the IIU complaint investigations process.

WHAT REMAINS: As noted in the last audit follow-up, the purpose of this recommendation is to provide clarity for KCSO personnel about the County's oversight entities besides IIU. For its part, KCSO leadership noted that informing KCSO officers about oversight is an area of focus. To complete this recommendation, KCSO should add information about these agencies to the GOM.

Recommendation 13

DONE



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

STATUS UPDATE: IIU developed training focused on OLEO and the function of independent oversight during the past year, and OLEO reported that it continues to actively participate in—and provide feedback on—KCSO training, including its role. Anecdotally, leaders from all three functions reported that there is a greater understanding of the role of council oversight, especially regarding OLEO’s involvement in the investigations process, among sworn officers since the time of the 2015 audit. KCSO plans to continue this training on an ongoing basis.

IMPACT: During the audit, focus groups with patrol deputies revealed information gaps about the roles of OLEO and the Ombuds, specifically OLEO’s function and involvement in the complaint investigations process. By including information about the independent oversight groups in training, KCSO addresses these knowledge gaps, in turn helping to strengthen its role and the value of external civilian review of KCSO investigations and procedures.

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