



KING COUNTY AUDITOR'S OFFICE

APRIL 1, 2019

Follow-up on Law Enforcement Recommendations

The King County Sheriff's Office (KCSO) and the Office of Law Enforcement Oversight (OLEO) achieved some progress on audit recommendations made in 2012 and 2015, but full completion depends on the outcome of ongoing labor negotiations. In 2017, we provided an omnibus update on 28 law enforcement-related recommendations from multiple audits conducted since 2005. Fifteen recommendations from two different audits remained open or in progress as of that follow up.¹ This follow-up updates the status of those recommendations.

Of the 15 remaining recommendations:

	2 DONE		11 PROGRESS		1 OPEN		1 CLOSED
Fully implemented Auditor will no longer monitor.	Partially implemented Auditor will continue to monitor.	Remain unresolved Auditor will continue to monitor.	No longer applicable Auditor will no longer monitor.				

Many recommendations depend on the outcome of unfinished contract negotiations, limiting progress. We directed the 15 recommendations at multiple actors: seven at KCSO, three at KCSO and OLEO together, two at OLEO, two at the Executive, and one at KCSO, OLEO, and the Office of the Ombudsman together. Completion of many of our recommendations—as many as 13 of the 15—depend in whole or in significant part on the outcome of labor negotiations between the County and sworn KCSO personnel. Two recommendations directly involve current contract language, while 11 concern staffing, work procedures, and other bargaining-related issues. Although some progress has occurred, the slow pace of contract negotiations hampers full implementation of these recommendations.

Recent state law changes present additional implementation challenges. In November 2018, Washington voters passed I-940. The initiative changed legal standards regarding use of deadly force by police. Following amendments early in the 2019 legislative session, the changes became law on February 4, 2019. A key component of the new law requires an independent investigation by an agency other than

¹ The two King County Auditor's Office audits with in progress and/or open recommendations include "Law Enforcement Oversight: Limited Independence, Authority, and Access to Information Impede Effectiveness" (2015), and "Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight" (2012).



KCSO when an officer uses deadly force that leads to significant injury or death. Local implementation of this requirement, in accord with rules under development by the Criminal Justice Training Commission, will likely lead to changes in KCSO and OLEO roles and procedures. KCSO explained that completing implementation of audit recommendations involving Internal Investigations Unit policies and procedures depends, in part, on these changes. The recommendations most impacted are by these changes are Recommendations 9-13 of the 2015 Law Enforcement Oversight Audit.

KCSO attempted to address a central recommendation regarding oversight: relocation of the Internal Investigations Unit (IIU). As part of the 2019-2020 budget development process, KCSO and the Facilities Management Division (FMD) submitted a proposal to relocate IIU from its current location within the Sheriff's Office area on the first floor of the King County Courthouse to the Black River Building. However, the Executive did not include the proposal in the county's 2019-2020 capital projects budget. KCSO did relocate the IIU across the hallway from the Sheriff's Office, but complainants, witnesses, and officers remain in the immediate area of KCSO management. Relocating the IIU to a facility that does not house other Sheriff's office functions is a best practice contributing to internal investigations objectivity and is necessary for full implementation of the recommendation.

OLEO's efforts aligned with specific recommendations regarding oversight procedures, staffing, and reporting, completing two recommendations and making significant progress on others. Among OLEO's activities, it conducted a staffing analysis and reported out recommended improvements in KCSO procedures. Two OLEO reports, *Internal Investigations Complaint Classification Review of the King County Sheriff's Office*² and *Use of Force Complaint Processing in the King County Sheriff's Office*,³ directly relate to recommendations addressing complaint classification and improvements in KCSO procedures. A 2019-2020 KCSO budget proviso aims to encourage implementation of the reports' guidance. By completing the staffing analysis and identifying potential improvements in KCSO policy based on its work, OLEO secured its functional role and expanded its technical expertise, actively acting to enhance KCSO's quality of service and ensure public accountability.

Please see below for details on the implementation status of these recommendations.

² *Internal Investigations Complaint Classification Review of the King County Sheriff's Office*: https://kingcounty.gov/~media/independent/law-enforcement-oversight/Documents/2018/DLGRReview_KCSO_Int_Affairs7-2018.ashx?la=en, last visited March 27, 2019

³ *Use of Force Complaint Processing in the King County Sheriff's Office*: <https://www.kingcounty.gov/~media/independent/law-enforcement-oversight/Documents/2018/Use-of-Force-Complaint-Processing.ashx?la=en>, last visited March 27, 2019

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

Recommendation 1

On April 21, 2017

CLOSED



Recommendation 2

PROGRESS



The King County Executive Office of Labor Relations (OLR) should take the following steps to provide the Office of Law Enforcement Oversight (OLEO) adequate opportunity to express its views on matters relating to oversight that may be included in any collective bargaining agreement.

- a. Provide OLEO with the opportunity to act as a subject matter expert on matters pertaining to civilian oversight that may arise during contract negotiations**
- b. Inform OLEO in a timely manner of any proposed contract language related to OLEO and its oversight**
- c. Provide OLEO with the opportunity to comment as early in the process as feasible on any proposed language pertaining to OLEO's oversight**

STATUS UPDATE: We reassigned this recommendation to the County Executive during the last follow-up due to changes in bargaining roles from a 2015 County Charter amendment. OLEO reported that it is included in the contract bargaining process and actively informed on the status of negotiations by OLR staff. However, contract negotiations remain ongoing; as of this follow-up, the contract appears to be heading into binding arbitration in mid-2019.

WHAT REMAINS: To complete this recommendation, the Executive and OLEO should continue to implement steps a-c through the negotiations process, and document feedback from OLEO regarding participation after the completion of collective bargaining.

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: During spring 2018, KCSO worked with the Facilities Management Division (FMD) to explore a possible relocation of IIU from the King County Courthouse to the Black River Building, a county-owned building in Renton with vacant office space. Although the Executive did not include this project in the proposed 2019-2020 capital projects budget, KCSO did relocate IIU from space directly adjacent to the Sheriff's Office to a different area on the first floor of the courthouse. KCSO management expressed that they would like to move IIU to a more appropriate location elsewhere. Locating internal investigations apart from other police functions is a best practice because it enhances its perceived impartiality and may reduce witness and complainant unease with having their appearance being seen and noted by others.

WHAT REMAINS: To complete this recommendation, KCSO should develop a formal proposal for relocating IIU to space not co-located with other KCSO functions.

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: As with Recommendation 2, above, we reassigned this recommendation to the County Executive during the last follow-up due to changes in bargaining roles from a 2015 County Charter amendment. OLEO reported that it is included in the contract bargaining process and actively informed on the status of negotiations by OLR staff, and that access to information is a central component of dialogue.

WHAT REMAINS: To complete this recommendation, the Executive and OLEO should perform a review and assessment of changes made to the King County Police Officers' Guild agreement following collective bargaining, and identify how those changes removed barriers to OLEO's access to information, and what barriers, if any, remain in collective bargaining agreements.

Recommendation 5

CLOSED



The King County Sheriff's Office, together with the King County Council, should develop and document an alternate process to ensure accountability in situations in which Office of Law Enforcement Oversight staff may overstep the function's authority.

STATUS UPDATE: This recommendation was included in the 2015 audit based on the (then) Sheriff's comments that limits to OLEO's access to information were added to KCSO collective bargaining agreements to ensure OLEO accountability. However, current KCSO managers opined that implementation of this recommendation is problematic, as it makes KCSO responsible for the accountability of a Council appointee; ideally, the KCSO-OLEO relationship should attempt to avoid politics, but because OLEO is a Council function, KCSO engagement with councilmembers regarding OLEO actions or conduct can be seen as politically motivated. OLEO noted that, conceptually, any issue regarding OLEO's authority inherently regards access to KCSO investigations and information, and, in turn, the purported limits on OLEO's access to information in the current collective bargaining agreement (see Recommendation 4, above). As a result, we are closing this recommendation, given the changes to the County Charter and the OLEO ordinance following the 2015 audit and ongoing collective bargaining.

Recommendation 6

PROGRESS



The King County Sheriff's Office Internal Investigations Unit (IIU) should work together with the Office of Law Enforcement Oversight (OLEO) to develop and document procedures for providing OLEO ease of visibility into the complaint classification process. For instance, the Sheriff's Office could provide OLEO with a periodic report listing all complaints and how IIU classified them.

STATUS UPDATE: During the last follow-up, OLEO identified this as a main area of focus. The 2017 changes in the OLEO ordinance increased its oversight authority regarding complaint classifications. A 2018 consultant report commissioned by OLEO (prepared by the Daigle Law Group) advised a series of improvements to the complaint classification process. KCSO reports it plans to adopt and implement them over the next year.

WHAT REMAINS: To complete this recommendation, KCSO and OLEO should review and document implementation of the changes in the classifications process from the consultant report. Doing so will improve the reliability of the complaint classification process by providing greater visibility and oversight into how incidents are classified for further investigation.

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, and (f) comparative information on workloads of internal investigations units from other jurisdictions.

STATUS UPDATE: KCSO reported it made progress on multiple elements of this recommendation in 2018. It changed the numbering system for investigations, simplifying case tracking, and began development of a departmental staffing model. It continues to track the average duration of investigations relative to the 180-day collective bargaining threshold for completion, and reviewed case assignment data, identifying growth in KCSO staffing and IIU's workload since 2012. KCSO also reviewed OLEO's staffing needs analysis (see Recommendation 8, below).

WHAT REMAINS: To complete this recommendation, KCSO should perform and document the completed staffing analysis, specifically including quantitative data points for each of the lettered elements in the Recommendation above. Doing so will continue to inform KCSO leadership in managing IIU's workload, and aid in identifying future resource needs.

Recommendation 8

DONE



The Office of Law Enforcement Oversight (OLEO) should conduct and document a staffing needs analysis. This analysis should include information on the outputs OLEO is responsible to create, the amount of resources each requires, and an explanation of what OLEO can

produce within different budgetary scenarios. It will be necessary for OLEO to establish a baseline of operations under its new director prior to implementation of this recommendation.

STATUS UPDATE: OLEO conducted and completed its staffing analysis in 2018. The consultant considered various alternatives within OLEO’s work, including levels of review and investigation of complaints, and OLEO’s communication and outreach efforts. The analysis informed staffing requests to Council expanding OLEO’s staff resources and increasing subject matter expertise.

IMPACT: By completing the analysis, OLEO helped identify the specific resources needed to advance its mission, reflected in the staffing changes over the last year.

Recommendation 9

PROGRESS



The Office of Law Enforcement Oversight (OLEO), together with the Internal Investigations Unit of the King County Sheriff’s Office, should develop and document a proposal for how to triage OLEO oversight of investigations.

STATUS UPDATE: In our 2017 audit follow-up, OLEO noted that implementation of this recommendation directly related to the 2017 changes in the OLEO ordinance, allowing OLEO more flexibility in reviewing investigations. OLEO developed draft procedures regarding investigation oversight and review. Recent hires in OLEO have expertise that will inform completion of these procedures. These additional changes relate to Recommendation 6, above, as well as completion of collective bargaining and implementation of I-940 requirements.

WHAT REMAINS: To complete this recommendation, OLEO should complete and finalize its procedures for review of complaint investigations and share them with IIU and KCSO management. Implementation of this recommendation will ground OLEO’s ability to focus its staff resources on the most critical cases, enhancing oversight while improving KCSO collaboration.

Recommendation 10

PROGRESS



The Internal Investigations Unit of the King County Sheriff’s Office should develop and document policies detailing criteria for complaint classification and prioritization of investigations.

STATUS UPDATE: Per Recommendation 6, above, KCSO reported it plans to adopt and implement changes in the complaint classification process recommended by the Daigle Law Group consultant report. KCSO also noted that identifying criteria for types of complaints would help demonstrate that investigatory resources are targeted where most needed, such as serious uses of force. They commented that completion of this recommendation may depend, in part, on implementation of I-940 requirements and collective bargaining, as it involves assignment of internal investigations work regarding some uses of deadly force to outside agencies.

WHAT REMAINS: To complete this recommendation, KCSO and OLEO should review and document implementation of the changes in the classifications process recommended in the report, including the criteria for classification of complaints. Beyond strengthening oversight (as

noted in Recommendations 6 and 9, above) implementation of this recommendation will help KCSO benchmark its investigation resource needs.

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 uses a schedule review and management tool for investigations to try to ensure it completes its investigations within the 180-day limit. It does not, however, report specific milestones for investigation steps. KCSO managers commented that completion of this recommendation may depend, in part, on implementation of I-940 requirements and collective bargaining, due to likely changes in complaint investigations regarding uses of force and any affect they have on the 180-day period for internal investigations in the current collective bargaining agreement.

WHAT REMAINS: To complete this recommendation, KCSO should document timeframes and/or milestones for key points within the investigations process. Implementation of this recommendation will allow both KCSO and OLEO to review the performance of investigations to ensure IIU completes them with sufficient time for both KCSO action and OLEO review.

Recommendation 12

OPEN



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: During our 2017 audit follow-up, KCSO did not plan to implement this recommendation. However, new KCSO management reported it would review this recommendation in light of I-940 requirements and the outcome of collective bargaining. Because I-940's changes necessitate investigation by an independent agency related to uses of deadly force, implementation inherently will require updates to the General Orders Manual; these updates could also include the role of OLEO and the County Ombudsman regarding investigations. As noted in our last audit follow-up, this recommendation remains important in specifying the formal role of OLEO and the County Ombudsman as part of KCSO's accountability framework.

WHAT REMAINS: To complete this recommendation, KCSO should update the General Orders Manual to include the roles of the Office of Law Enforcement Oversight and the King County Ombudsman's Office.

Recommendation 13

PROGRESS



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: As with Recommendation 12, above, during our 2017 audit follow-up, KCSO did not plan to implement this recommendation. However, KCSO management reports it will now implement this recommendation consistent with application of I-940 requirements. Because the new law includes specific requirements for officer training, KCSO is incorporating training elements in concert with the Criminal Justice Training Commission's (CFJC) development of training curriculum; future trainings could include information about OLEO and Ombudsman roles in the investigations process. Again, as noted in our last audit follow-up, this recommendation remains important in specifying the formal role of OLEO and the County Ombudsman as part of KCSO's accountability framework.

WHAT REMAINS: To complete this recommendation, KCSO should include information about the Office of Law Enforcement Oversight and the King County Ombudsman's Office in future training.

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 PROGRESS 

KCSO should also explore opportunities to expand its own training resources, or identify training programs in other jurisdictions, to address the main cause of “recurring” performance issues within the department.

STATUS UPDATE: KCSO provided examples of de-escalation and mental health training since the last audit follow-up, and explained that development of training in response to I-940 provides opportunities to collaborate with other entities. As noted in the last audit follow-up, with the exception of weapons certification, a significant portion of KCSO training takes place via the internet, rather than in-person. KCSO managers explained that they are building capacity to offer more in-person training, and that elements of I-940 training requirements, such as shoot/don’t shoot training, should aid in doing so.

WHAT REMAINS: To complete this recommendation, KCSO should document a process for reviewing training needs and using additional training opportunities. Documented implementation of I-940 training curriculum, per the CFJC, would address this recommendation.

Recommendation 13 PROGRESS 

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: OLEO and KCSO still lack basic policies and procedures regarding the steps in the oversight process and sharing of investigations information. Agreed and documented policies and procedures align the needs of process participants and illustrate expectations. Unfortunately, the only current documented guidelines appear to be those inappropriately in the expired collective bargaining agreement, and both KCSO and OLEO management noted that implementation of this recommendation depends on the outcome of collective bargaining.

WHAT REMAINS: To complete this recommendation, KCSO, specifically IIU, and OLEO should work together to develop baseline policies and procedures that include expectations by each unit with regard to the other. By providing an overview of working processes and their expected outcomes, the oversight process—including review of investigations—could become more efficient and effective.

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 18d		DONE	

The Office of Law Enforcement Oversight (OLEO) should strengthen its officer complaint investigation oversight reporting process by developing and implementing new policies and procedures for:

d. Recommending improvements in KCSO procedures based on trends identified from OLEO’s complaint investigation reviews.

STATUS UPDATE: OLEO’s annual reports (and other deliverables) consistently include recommendations for KCSO improvement actions, both in terms of direct changes in KCSO processes (see Recommendation 6 of the 2015 Law Enforcement Oversight audit, above) and in Council budget provisos addressing KCSO activities. OLEO’s annual reports also report out on implementation of these recommendations.

IMPACT: By recommending improvements to KCSO procedures borne of its reviews of complaint investigations, OLEO is performing its core function of improving KCSO’s quality of service by ensuring public accountability.

Justin Anderson, Principal Management Auditor, 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.