



KING COUNTY AUDITOR'S OFFICE

April 21, 2017

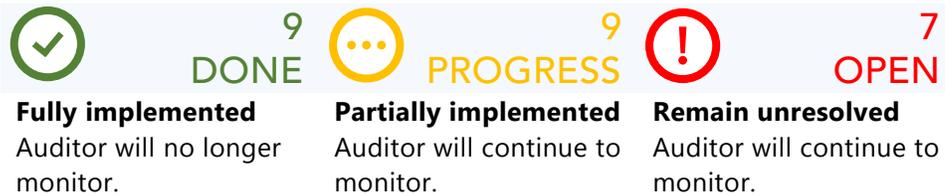
Follow Up on Law Enforcement Recommendations

TO:
Metropolitan
King County
Councilmembers

The King County Sheriff's Office (KCSO) and the Office of Law Enforcement Oversight (OLEO) have made solid progress on law enforcement-related recommendations since 2005, but 16 important recommendations remain incomplete. This letter updates the implementation status of 28 law enforcement-related recommendations from five different audits since 2005.¹ These recommendations were directed at KCSO and OLEO between 2005 and 2015.

FROM:
Kymber Waltmunson,
County Auditor

Of the 28 recommendations:



 **CLOSED:** 3 recommendations are no longer applicable, and the Auditor will no longer monitor them.

The majority of incomplete recommendations are from the 2015 Law Enforcement Oversight Audit, leaving gaps in oversight independence. KCSO and OLEO made positive progress on 4 of the 13 recommendations in this audit. Both stated a commitment to continue to work together to further their implementation and completion. Implementing these recommendations is important as they strengthen the independence of key oversight roles, including OLEO. We closed one recommendation, and reassigned two others to the County Executive, based on changes to the County Charter.

KCSO is not planning to implement three recommendations from the 2015 Law Enforcement Oversight Audit that would enhance credibility and officer understanding of existing police accountability structures. KCSO is not planning to relocate the IIU from its current location within the Sheriff's Office on the first floor of the King County Courthouse. It also is not adding information to the KCSO General Orders Manual regarding the roles of OLEO and the King County Ombudsman's Office or planning to provide training to KCSO staff about



¹The King County Auditor's Office audits include: "Law Enforcement Oversight: Limited Independence, Authority, and Access to Information Impede Effectiveness" (2015), "Performance Audit of Take-Home Vehicles in the King County Sheriff's Office" (2013), "Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight" (2012), and "Sheriff's Performance Audit Phase 2" (2005)

them. These recommendations are important, because they support the impartiality of King County's officer accountability system.

KCSO and OLEO completed or made progress on 11 of 12 recommendations that strengthen accountability, but opportunities remain to improve officer training. These recommendations are primarily from the 2012 Performance Audit of KCSO and OLEO. They address accountability processes, documentation, and training within these agencies. Implementing these recommendations strengthened officer accountability by ensuring that processes are documented and that KCSO employees are fully informed of reporting requirements. Completing the five remaining incomplete recommendations would help reinforce OLEO's effectiveness and KCSO officer training.

KCSO and OLEO completed or made progress on five out of six staffing-related recommendations. Full implementation would help ensure effective use of resources. Six recommendations relate to KCSO and OLEO staffing; they support more robust strategic planning and performance monitoring. KCSO completed or made progress on four of the five recommendations directed to it. Three of these pre-date KCSO's recent staff reductions, significantly changing their underlying context. We closed one recommendation as a result. Implementing the three remaining recommendations will aid in determining Internal Investigations Unit (IIU) and OLEO staffing, and the changing cost of the car-per-officer policy. In addition, upcoming audit work, including the current KCSO overtime audit, will also evaluate aspects of staffing.

Table: Breakdown of recommendation progress by responsible entity

	Open	Progress	Completed
KCSO	5	4	7
OLEO	1	3	1
KCSO and OLEO	--	1	1
Executive	1	1	--

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

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

Recommendation 1

CLOSED 

As it relates to the Office of Law Enforcement Oversight (OLEO), the King County Sheriff's Office, working together with stakeholders including the King County Office of Labor Relations, the King County Executive, and the Prosecuting Attorney's Office, should develop a process to ensure that any collective bargaining agreement language regarding OLEO or civilian oversight solely addresses issues of officer discipline.

The Sheriff's Office should deliver a report on the process proposed to bring about these changes to contract language to the King County Council by June 2016. The report should include a proposal for how to remove subjects that relate to OLEO's internal processes from the King County Police Officers' Guild collective bargaining agreement.

STATUS UPDATE: KCSO noted that it does not intend to deliver the report noted within this recommendation, given the 2015 charter amendment abrogated the Sheriff's responsibility for negotiating civilian oversight. OLEO noted it has received cooperation from KCSO and the County

Executive relative to its observation of ongoing contract negotiations with the King County Police Officer's Guild.

We closed this recommendation as the process suggested is superseded by the change in roles under the Charter.

Recommendation 2: REASSIGNED

PROGRESS 

The King County Executive Office of Labor Relations 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: OLEO states that it has received cooperation from KCSO and the County Executive relative to its observation of ongoing contract negotiations with the King County Police Officer's Guild.

We reassigned this recommendation to the County Executive as the responsible party due to the change in bargaining roles following the approval by King County voters of a Charter amendment in November 2015. To complete this recommendation, the Executive and OLEO should continue to implement steps a-c in the recommendation and coordinate and document a lessons learned discussion regarding OLEO's participation following collective bargaining.

Recommendation 3

OPEN 

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: Physically separating the internal investigation function from police department management is a best practice that can enhance the credibility of IIU and help prevent undue influence over investigations. This recommendation is important in enhancing the perceived impartiality of the IIU and in reducing the unease of witnesses and complainants. KCSO states that it does not intend to implement this recommendation. To complete this recommendation, KCSO should develop a proposal for relocation of the IIU from its current location and execute the relocation.

Recommendation 4: REASSIGNED

OPEN 

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: OLEO states that it has received cooperation from KCSO and the County Executive relative to its observation of ongoing contract negotiations with the King County Police Officer's Guild.

We reassigned this recommendation to the County Executive as the responsible party due to the change in bargaining roles following the approval by King County voters of a Charter amendment in November 2015. To complete this recommendation, the Executive and OLEO should share a review and assessment of changes made to the King County Police Officers' Guild agreement following collective bargaining.

Recommendation 5

OPEN 

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: KCSO reports that it does not object to this recommendation in principle. Recent changes to the OLEO ordinance affect this recommendation; to complete it, KCSO should document a process for addressing future concerns regarding OLEO staff following implementation of the new OLEO ordinance.

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: OLEO identified this topic as one of its focus areas in the next two years. Recent changes to the OLEO ordinance provide OLEO additional authority regarding review and agreement with complaint classifications. Per OLEO, KCSO is amenable to a process for OLEO review of complaint classification, but specific procedures remain to be worked out and documented. To complete this recommendation, KCSO and OLEO should jointly develop and document review procedures.

Recommendation 7

OPEN 

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 that it does not have resources for this analysis in the near term. KCSO has worked with OLEO regarding review of reporting milestones regarding IIU investigations, and plans to continue doing so as resources permit, with the goal of ensuring all investigations are completed within 180 days. KCSO notes that OLEO is assessing its own staffing needs analysis and that work should inform KCSO's IIU staffing needs.

To complete this recommendation, KCSO should perform and document the staffing analysis including each of the elements above. This recommendation is important because doing so will inform KCSO as to the amount of work necessary for quality investigations, and allow for development of IIU performance measures and staffing needs.

Recommendation 8

PROGRESS 

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 has engaged a contractor to conduct a staffing analysis. Ideally, the analysis will feature a tool including the range of current and potential tasks and duties of OLEO (investigations, for example). The tool would allow OLEO to perform different calculations of staffing needs based on different assumptions about its workload. To complete this recommendation, OLEO should perform and document the staffing analysis, including the elements listed above.

Recommendation 9

OPEN 

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: See Recommendation 6, above. OLEO indicated implementation of this recommendation directly relates to the recent changes to the OLEO ordinance. To complete this recommendation, KCSO and OLEO should develop and document triage procedures. Implementation of this recommendation is important, because it will provide OLEO flexibility to dedicate its staff resources where most critical, enhancing its oversight independence.

Recommendation 10

OPEN 

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: See Recommendation 6, above. KCSO has not developed criteria for complaint classification but suggested that it would do so as part of the classification oversight procedures with OLEO (per the language in Recommendation 6). To complete this recommendation, KCSO and

OLEO should develop and document their complaint classification criteria and procedures. Implementation of this recommendation is important, because it will provide OLEO oversight as to how IIU classifies complaints, ensuring that OLEO is able review all complaints.

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 has developed a schedule review management tool for investigations but has not identified set criteria for specific milestones in investigations. This may be revisited pending the completion of collective bargaining. To complete this recommendation, KCSO should document timeframes and/or milestones for key points within the investigations process. Implementation of this recommendation will allow KCSO and OLEO to review the performance of investigations to ensure they are completed with sufficient time for both OLEO review and KCSO action.

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: KCSO does not plan to implement this recommendation. It will not add language to the General Orders Manual and/or provide training to KCSO staff regarding the functions of OLEO and the County Ombudsman. KCSO stated that these offices themselves are best suited to provide such information, and are not the responsibility of KCSO. KCSO noted that it provides many opportunities regarding engagement with staff for each of these offices. This recommendation remains important in formalizing the role of OLEO and the County Ombudsman for KCSO staff as part of the county's accountability framework.

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: KCSO does not plan to implement this recommendation. While OLEO and the County Ombudsman agreed that KCSO generally provides opportunities for engagement with KCSO staff, KCSO does not plan to provide formal information to its officers on the county's officer accountability framework. This recommendation remains important in formalizing the role of OLEO and the County Ombudsman for KCSO staff as part of the county's accountability framework.

Performance Audit of Take-Home Vehicles in the King County Sheriff's Office (2013)

Recommendation 2

PROGRESS 

The King County Sheriff's Office should continue to analyze the costs and benefits of its current vehicle assignment policy to determine if changes to this policy could result in cost savings.

STATUS UPDATE: KCSO has significantly advanced its process for cost recovery for off-duty work. Future staffing cost analysis should incorporate vehicle cost, as a function of operational costs, as a check on the benefits of vehicle assignment. To complete this recommendation, KCSO should perform and document calculation of the impact of take-home vehicles on staff costs, and update that calculation when staff compensation or vehicle costs change.

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

Recommendation 2

DONE 

KCSO executive leadership should 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.

STATUS UPDATE: The Sheriff has performed outreach on mandatory reporting via video and roll call training messages, and sergeants and officers have been trained on these requirements and consistent use of Blue Team. Implementation reinforced required mandatory reporting of complaints and allegations of misconduct within KCSO, which helps support officer accountability within KCSO.

Recommendation 6

DONE 

KCSO should require all complaints to be documented in exactly the same manner, including the following:

- a. **A defined template for what elements need to be included in the written documentation**
- b. **A clear process identifying who is responsible for completing the documentation**
- c. **An established understanding of who is responsible for reviewing the written documentation and forwarding it up the chain of command to IIU,**
- d. **A clear determination that all such documents should be centrally stored in one common location: the IIU.**

STATUS UPDATE: The KCSO General Orders Manual requires mandatory reporting of complaints into IAPro via Blue Team. This includes defined templates for reporting. At the time of the recommendation, investigation documents and evidence (reports, photos, etc.) were often submitted via paper or CD, with some items not easily tracked relative to their case file in the IAPro data system. This information is now managed by default within IAPro. IIU also has established

internal practices for tracking investigation documentation review and disposition by the chain of command. As a result, IIU can assess all complaints for further investigation, which helps support officer accountability within KCSO.

Recommendation 8

CLOSED 

KCSO should explore opportunities to extend the 90-day rolling period for maintaining complaint and incident data to a one-year period to improve the completeness and effectiveness of its trend analysis and reports disseminated to officials and the public.

STATUS UPDATE: The intent of this recommendation, while unmet, is addressed in greater detail in the [2017 Audit Early Intervention System: Better Use Could Improve Accountability](#).

Recommendation 9

DONE 

KCSO should 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 IIU, thereby enhancing the effectiveness of the KCSO Early Intervention System and Blue Team application.

STATUS UPDATE: Following the audit, KCSO engaged in comprehensive training for officers on the Blue Team. In addition, IIU improved its process for reviewing and managing incident reporting since the last audit follow-up. Implementation of this recommendation ensured that complaints and conduct-related information was recorded in the system for review by IIU, thus helping to support officer accountability within KCSO.

Recommendation 11

DONE 

KCSO should 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 and the Blue Team template.

STATUS UPDATE: KCSO created Blue Team training in 2011 and 2012, and trained all sergeants; new sergeants continue to receive this training. KCSO's intranet also has a Blue Team resource page with the training materials for reporting. Implementation of this recommendation enhances officer accountability by helping ensure that complaints and allegations of misconduct are properly entered into Blue Team, which supports the broader KCSO officer accountability system.

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 has explored training opportunities to improve live training exercises and is updating its firearms training to address best practices. Other efforts include active shooter training. It is unclear whether training addresses "recurring" issues within KCSO; training may be

underused. Excepting weapons recertification, many officers still reportedly receive mandatory training primarily via web applications. To complete this recommendation, KCSO should document a process for reviewing training needs and using additional training opportunities.

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 reports a collaborative working structure with KCSO in sharing of information regarding investigations. However, guidelines and objectives are not yet documented. To complete this recommendation, OLEO and KCSO should document an overview of their working processes and their expected outcomes.

Recommendation 15

DONE 

KCSO and OLEO should each submit an annual report detailing progress in successfully implementing the recommendations in this report and in future subsequent reports. KCSO should also provide detailed annual statistics reports on the number, type, and unit location of allegations and complaints received to allow for greater tracking and analysis of supervisor compliance with reporting requirements and community outreach efforts.

STATUS UPDATE: The reporting deadline for each organization is annually in March and April, respectively. KCSO has met the reporting requirement consistently since its 2013 report. OLEO issued reports in 2014 and 2015. Both appear to have processes in place to ensure consistent future reporting. Implementation of this recommendation provides greater transparency into KCSO's officer accountability system, relative to the number of investigations of officers and their outcomes.

In addition, OLEO has engaged an outside consultant to help with content development for its annual report. This effort includes review of other police oversight agencies' report formats, with the goal of ensuring that OLEO's report content provides qualitative and quantitative data in an easily understood manner; it may feature examples of complaints in a "case study" format.

Recommendation 17

DONE 

The King County Sheriff's Office should include officer training-related statistical information as described in County Council Motion 13734 in its 2014 annual report and in future reports.

STATUS UPDATE: KCSO has included training data in annual reports since 2014 and plans to continue doing so. This information can provide valuable insights into KCSO efforts to address underlying causes of complaints.

Recommendation 18 a, b, c

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:

- a. **Tracking important case review information, such as the date a case is turned over for review.**
- b. **Developing criteria to be used for determining whether individual King County Sheriff's Office (KCSO) complaint investigations are "thorough and objective."**
- c. **Documenting its review of KCSO complaint investigations.**

STATUS UPDATE: OLEO has developed criteria and a written process for documenting review information and relevant milestones. Although processes and procedures may evolve over time, OLEO's process appears to meet the documentation and review expectations in the 2009 OLEO ordinance. Implementing this recommendation allows OLEO and stakeholders to ensure it is adequately performing its oversight role as described in the King County Code.

Recommendation 18 d

PROGRESS 

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 has internal goals regarding engagement with KCSO IIU on processes regarding classification of incidents, and elements of field investigations. These will mature, as intended, as OLEO advances its work. To complete this recommendation, OLEO should document recommended changes to KCSO's investigation procedures based on its case reviews as part of its annual reports.

Sheriff's Performance Audit Phase 2 (2005)

Recommendation 1

DONE 

Within the strategic plan, the Sheriff's Office should clarify the linkage between program level activities and office-wide goals, and consider developing program level objectives, measures, and strategies.

STATUS UPDATE: Since 2005, KCSO has developed multiple strategic plans featuring program objectives. Current KCSO strategic plans are outdated, but arguably met this requirement between today and when it was written. Including program objectives in strategic plans helped focus KCSO's goals relative to the Blue Ribbon Panel and subsequent operational plans.

Recommendation 2

CLOSED 

The Sheriff's Office should strengthen its planning and management capabilities by:

- a. **Identifying underlying staffing factors and, to the extent possible, adding them to the data model.**
- b. **Continuing efforts to develop a systematic patrol staffing plan that incorporates the underlying workload factors and operational needs of unincorporated county areas.**

STATUS UPDATE: This recommendation pre-dates the multiple staffing changes since the Blue Ribbon Panel, FTE cuts following the 2008 recession, and later plans.

KCSO currently does not have a systematic patrol staffing plan as was envisioned in 2005; workload factors are driven by patrol staffing minimums rather than operational factors. Follow up on the 2011 KCSO Performance Audit closed similar recommendations for these reasons.

Recommendation 3

DONE 

The Sheriff's Office should add strategies and measures to its strategic plan that demonstrate the results of patrol's activities and the linkage of these results to program objectives and the KCSO's agencywide goals.

STATUS UPDATE: The 2007 KCSO Strategic Plan included elements of strategies, measures, and patrol objectives and KCSO goals. These strategies and measures could have aided in analysis of patrol effectiveness and staffing allocations. However, FTE cuts since 2008 mean that current workload factors are driven by patrol staffing minimums rather than operational factors.

Justin Anderson conducted this review. Please contact Justin at 206-477-1046 if you have any questions about the issues discussed in this letter.

cc: Dow Constantine, King County Executive
John Urquhart, King County Sheriff
Chris Barringer, Chief of Staff, King County Sheriff's Office
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