



KING COUNTY AUDITOR'S OFFICE

Law Enforcement Audit Program: 2020 Biennial Report

ADVANCING LAW ENFORCEMENT PERFORMANCE, ACCOUNTABILITY, TRANSPARENCY, AND EQUITY

The King County Council established the Law Enforcement Audit Program within the King County Auditor's Office in 2006. We provide impactful and independent oversight to King County residents and policy-makers and make impactful recommendations to multiple county departments and offices.

High Impact Oversight

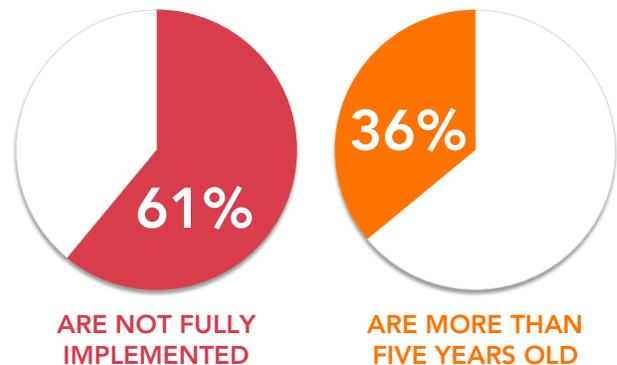
We have authority to provide oversight of all County functions whose missions relate to law enforcement. Between 2018 and 2020, we:

- **published six audits** featuring operations in the King County Sheriff's Office (KCSO), the Department of Adult and Juvenile Detention (DAJD), the Department of Public Defense, the Prosecuting Attorney's Office, and Superior Court
- **followed up on recommendations from nine audits**, presenting updates on implementation both to the County Council and in public reports
- **won two highly-competitive Knighton Awards** for law enforcement oversight performance audits (see page 3).

Labor Policy Could Help

Many of our law enforcement audits touch on issues that involve contract bargaining. Council labor policy could help highlight the importance of unimplemented recommendations, many of which are not being implemented in a timely manner.

Of recommendations linked to bargaining:



Collective Bargaining Continues to Slow Recommendation Implementation

Since 2012, we have made 18 audit recommendations that county leaders state must be bargained before implementation. Fifteen of these 18 recommendations were directed at or included KCSO.¹ As of our August 2020 audit follow ups, 61 percent of these recommendations are not yet fully implemented.²

Implementing these recommendations would positively impact law enforcement operations and oversight, but they have been slowed by the collective bargaining process. Of the 11 incomplete recommendations, three are over five years old and one is from 2012. The three recommendations completed in 2020 took over five years to accomplish.

¹ We reassigned two recommendations from the 2015 law enforcement oversight audit to the County Executive following changes to the King County Charter. We also closed two recommendations as circumstances changed.

² Five of the eighteen recommendations are done, eight are in progress, and three remain open. Of the 11 recommendations that remain open or in progress, KCSO is responsible for nine, OLEO and KCSO together for one, and OLEO and the County Executive for one.

On all 18 recommendations, county leaders—primarily KCSO—have explained that labor negotiations are required for implementation. However, in some instances, it is not clear why. For example, KCSO and the Office of Law Enforcement Oversight (OLEO) lack substantive procedures for coordinating their work—something we recommended in 2012. OLEO shared draft procedures with KCSO in fall 2019, but KCSO explained that they did not review them at that time, due to their overlap with bargaining with the King County Police Officer’s Guild (KCPOG). KCSO believes completing this recommendation depends on bargaining with KCPOG, however, KCSO has not clearly stated what it specifically thinks must be bargained and why. This could mean that the recommendation cannot be completed until the end of bargaining for the next KCPOG contract. If done at that point, it will have taken a decade for KCSO and OLEO to reach agreed-upon procedures coordinating their roles. As a result—whether the dependency of these topics on bargaining is real or perceived—the slow pace acts as a serious impediment to improvement in areas including oversight, operations, and safety.

Council May Wish to Address Pending Recommendations in Labor Policy

Under the circumstances, Council may wish to revisit labor policy relative to the remaining 11 recommendations. Because KCSO and other stakeholders identify bargaining as the hurdle to implementation, labor policy is the primary mechanism for expressing Council’s interest in their timely completion. Key areas that Council may want to consider including in labor policy are:

- **Overtime:** Include hours of off-duty work in officer overtime assignments, and limit the total amount of overtime work.
- **Early Information Systems:** Increase the system’s data window beyond 90 days for the information it uses to trigger alerts regarding officer behavior.
- **OLEO access to information:** Remove contract provisions providing the Sheriff with discretion to limit OLEO’s access to information.

We have made similar suggestions before: in the 2015 law enforcement oversight audit, a key finding was that the contract between the County and KCPOG was an inappropriate mechanism to address KCSO concerns with OLEO, because OLEO was not a participant in the negotiations process. As we noted in that report: “Management’s use of collective bargaining—whether by the Sheriff’s Office, County Council, or County Executive—to address or influence parties other than employees represented by the bargaining unit goes beyond the employer-employee relationship that labor agreements are intended to address.” To that end, Matter for Council Consideration number 2 of the audit suggested, “The King County Council may wish to consider including a statement in its official labor policy that any language regarding civilian oversight in collective bargaining agreements should solely address issues of officer discipline.” Similarly, here, we note that Council may wish to consider including key recommendations in labor policy.

Key Results

Several significant recommendations were implemented between June 2018 and June 2020, including:

 <p>KCSO made changes to reduce the safety and performance risks resulting from officers working excessively long hours</p>	 <p>KCSO implemented more comprehensive in-person training, expanding crisis intervention skills</p>	 <p>OLEO completed staffing analysis, identifying the staff needed to advance its mission</p>	 <p>KCSO obtained funding for an inventory manager position, which will help manage high risk assets</p>	 <p>DAJD made changes to database access to prevent unauthorized searches of sensitive nonpublic information</p>
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100%
CONCURRENCE

Concurrence Increases Impact

Concurrence with our recommendations is the first step in positive change for the County and is one signal that our recommendations are effectively crafted. Between June 2017 and June 2020, we made 55 recommendations to law enforcement functions.

81%
TOOK ACTION

Action Toward Implementation

Following up on our recommendations increases transparency and accountability and creates momentum for positive change. Over the last two years, we followed up on 73 audit recommendations that our office has made to law enforcement-related functions in King County. We track recommendations until they are complete.



61%
INCOMPLETE

Bargained Recommendations Are Not Fully Implemented

Recommendations that relate to working conditions may have to be bargained to be implemented. Of the 73 law enforcement recommendations our office has made to the County since 2012, 18 have a collective bargaining nexus and 11 are not yet fully implemented.

Award-Winning Oversight

Each year, local government audit organizations from around the U.S. and Canada submit their best performance audit reports to be judged by their peers. Law enforcement-related audits from our office won awards in 2018 and 2019.

2018 Winner: Sheriff’s Office Overtime

In this audit, we used Sheriff’s Office staffing and safety data to quantify the health and public safety impacts of officer overtime and found millions of dollars in overtime overpayments.

2019 Winner: ICE³ Access to County Data

In this audit, we found that King County had not put a robust privacy program in place, allowing federal immigration agents to maintain access to sensitive nonpublic information collected by law enforcement agencies, in violation of county code. We made recommendations to close gaps.

³ Immigration and Customs Enforcement

Publications

Between June 2018 and June 2020, our office completed six audits related to criminal justice functions in King County. We also followed up on recommendations from multiple audits. All publications are available on the [King County Auditor's website](#).

Performance Audit Reports

- *ICE Access to County Data Shows Privacy Program Gaps*
- *Involuntary Treatment Act Court: Reentry and Court Outcomes*
- *Noise Code: Changes Untested on Difficult Cases; Training and Guidance Could Help*
- *Public Defense: Weak Governance Hinders Improvement*
- *Sex Offense Cases: Some Victims and Their Cases May Be Harmed by Gaps*
- *Sheriff Equipment: Insufficient Safeguards to Protect High-Risk Items from Theft, Loss, and Misuse*

Work in Progress

- Courthouse Security Screening
- Jail Safety

Follow-Up Reports

- Early Intervention Systems
- ICE Access to Private Data
- Law Enforcement Oversight (2012)
- Law Enforcement Oversight (2015)
- Noise Code
- Public Defense Management
- Sheriff's Office High Risk Equipment
- Sheriff's Office Overtime
- Sheriff's Office Take Home Vehicles

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