



**KING COUNTY
SHERIFF'S OFFICE**

**INTERNAL INVESTIGATIONS UNIT
2019
Annual Report**

June 2020

Report Prepared By

**Police Strategies LLC
13197 Madison Avenue NE
Bainbridge Island, WA 98110
Phone: (206) 915-8683
Email: bob@policestrategies.com**

KING COUNTY SHERIFF'S OFFICE

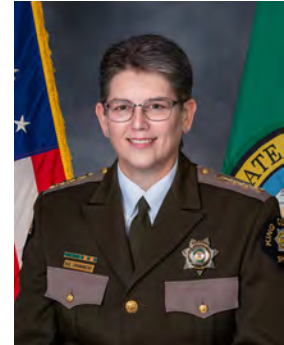
King County Sheriff's Office Internal Investigations Unit Annual Report - 2019

Message from Sheriff Mitzi Johanknecht

It is an honor and pleasure to serve as your elected Sheriff. When I ran for Sheriff in 2017, I promised to focus on the integrity, transparency and accountability of the Sheriff's Office. This Internal Investigations Unit (IIU) Annual Report is the second since I took office and details our efforts to fulfill those promises.

Shortly after taking Office, we determined that the Sheriff's Office had been using inconsistent approaches, methodologies and reliable sources of data to analyze and report on complaints and uses of force. This made it difficult to accurately identify and prioritize where we needed to improve and how to progress towards achievement of my promises.

To help us address these problems, and develop a common formula for future analysis, we engaged Police Strategies LLC to conduct an independent review of our IIU statistics. This report for 2019 uses data from years 2014 through 2019.



In analyzing these six years of complaints, Police Strategies LLC used a consistent data set: examining cases closed in a calendar year and case status. All data came from IAPro, the complaint tracking system used by the Sheriff's Office and over eight-hundred other public safety organizations.

The following report from Police Strategies LLC shows that the majority of Sheriff's Office employees who provided service to the community did so without receiving complaint. In 2019 the Sheriff's Office had 1,205 employees. 428 of those employees (35.5%) had a complaint investigation that was closed during the year. For further perspective, in 2019 the Sheriff's Office Communications Center received 326,695 emergency (911) calls and 227,490 non-emergency calls. They dispatched deputies to 128,995 calls for service and deputies on-viewed 260,129 incidents, most of which involved contact with one or more people. Of the 554,185 calls and 260,129 on-views, 730 incidents (0.09%) resulted in complaints during the year.

This report also provides examples of IIU database analysis and reports. Interactive data dashboards will soon be available to you on the Sheriff's Office website for both use of force incidents and complaint investigations. This will put the Sheriff's Office on the cutting edge and help us to become a model agency for integrity, transparency and accountability.

Sincerely,

A handwritten signature in black ink that reads "Mitzi Johanknecht". The signature is written in a cursive, flowing style.

Mitzi G. Johanknecht, Sheriff

King County Sheriff's Office – MISSION – Why are we here?

The King County Sheriff's Office is a trusted partner in fighting crime and improving the quality of life for our residents and guests.

VISION – Where are we going?

The King County Sheriff's Office is a highly effective and respected law enforcement agency and criminal justice partner, both trusted and supported, helping King County to be the safest county in America.

GOALS – How will we get there?

Through community engagement and collaboration, we will:

- Develop and sustain public trust and support while reducing crime and improving the community's sense of safety.
- Improve traffic safety by reducing impaired and unsafe driving behaviors and traffic collisions.
- Recruit, hire, train and promote the best people, reflective of the community we serve, to provide high quality, professional and responsive service.
- Provide facilities, equipment, technology, systems and processes that support achievement of our mission.
- Provide for the safety, health and wellness of Members of the King County Sheriff's Office.

OUR VALUES – How do we do business?

LEADERSHIP

- We are honest, respectful, effective and humble.
- We have clear expectations.
- Our managers model expectations and we lead by example for all levels.

INTEGRITY

- We are open, transparent, and accountable to the public we serve.
- We acknowledge that public trusts matters – all the time.
- Good faith performance errors are addressed through training.
- Bad faith, criminal behavior, abuse of authority, and repeated or egregious acts are not tolerated.

SERVICE

- We are timely in our response and seek every opportunity to have positive impact on the people we serve.
- We are good stewards of taxpayer dollars, engage and collaborate, and strive to innovate.
- We focus on hot spot locations, high impact and repeat offenders, and visible presence when needed.

TEAMWORK

- We recognize that relevant training and effective communications increase public and officer safety.
- We fight crime constitutionally.
- Our managers coach, mentor and develop a strong team culture.

Sheriff's Philosophy on Accountability

Sheriff Johanknecht knows from personal experience that the men and women of the Sheriff's Office who serve the residents of King County are often asked to difficult and sometimes dangerous jobs. While residents come to us for ordinary services, like concealed weapons permits, fingerprinting for employment, and other similar services, the vast majority of our calls for service and on-view activity involves unresolved conflict, mental health, addiction, motor vehicle accidents, and other stress filled situations.

The Sheriff believes the Sheriff's Office is responsible and accountable for providing the direction, guidance and support necessary to all employees so that they can be successful in their work. That direction comes in the form of law, policy from the General Orders Manual and leadership-supervision provided by their chain of command up to and including the Sheriff. Incorporated into the General Orders Manual is our Mission, Vision, Goals and Values. Interwoven throughout is the requirement to develop and sustain public trust, value and support.

The Sheriff also realizes that occasionally, employee's behavior or performance will not meet the standards of the Sheriff's Office or community. The Sheriff's philosophy is to deal with well-intentioned mistakes through training, coaching and measured progressive discipline when required. Conversely, where employees know what should be done but make decisions to not follow policy, law or direction, the Sheriff's philosophy is to deal with the misconduct swiftly and affirmatively as bad faith decisions during her tenure. Bad faith conduct includes criminal, abuse of authority, repeated or egregious behavior or performance, which will not be tolerated.

INTERNAL INVESTIGATIONS UNIT POLICY STATEMENT

3.00.000 PERSONNEL CONDUCT

3.00.005 PURPOSE/POLICY STATEMENT: 02/20¹

A law enforcement agency must maintain a high level of personal and official conduct if it is to command and deserve the respect and confidence of the public it serves. Rules and regulations governing the conduct of Members of the Sheriff's Office ensure that the high standards of the law enforcement profession are maintained. Issues of honesty and integrity are of paramount importance in the operation of the Sheriff's Office. The purpose of this section is to provide guidelines and instructions concerning employee conduct and responsibility for all Members in all of their activities, whether official or personal. Members will be evaluated based on whether or not their actions assist the King County Sheriff's Office in fulfilling its stated mission that the King County Sheriff's Office is a trusted partner in fighting crime and improving quality of life and reaching its goals of:

- Develop and sustain public trust and support while reducing crime and improving the community's sense of safety.
- Improve traffic safety by reducing impaired, unsafe driving behaviors and traffic collisions.
- Recruit, hire, train and promote the best people to provide high quality, professional and responsive service.
- Provide facilities, equipment, technology, systems and processes that support achievement of our mission.
- Provide for the safety, health and wellness of Members of the King County Sheriff's Office.

Members must conduct themselves at all times in a manner that brings a level of conduct in their personal and official affairs consistent with the highest standards of the law enforcement profession. These standards are outlined in the Core Values adopted by the King County Sheriff's Office:

- Leadership.
- Integrity.
- Service.
- Teamwork.

¹ Though this report summarizes IIU data for 2019, the Purpose/Policy Statement reflects amendments made to Section 3.00.005 in 2020. It does not appear that the changes impact the 2014 – 2019 data that was updated and analyzed.

Violations of these standards will result in corrective action or discipline up to and including dismissal from the Sheriff's Office. In general, Members shall:

- 1) Be honest.
- 2) Conduct themselves in a manner that creates and maintains respect for themselves, the Sheriff's Office and the County.
- 3) Avoid any actions which might result in adversely affecting confidence of the public in the integrity of the county government or the Sheriff's Office.
- 4) Perform all duties in a professional, courteous, competent and efficient manner.
- 5) Comply with all Sheriff's Office rules, policies and procedures.
- 6) Obey federal, state, county and municipal laws and regulations; and
- 7) Promptly report to their immediate supervisors' knowledge or reasonable suspicion of criminal activity or violations of any provision of this chapter.
- 8) Promptly report to their Precinct/Section Commander that their driver's license has been suspended (for whatever reason) and/or if they are ordered to have an interlock device on their vehicles.

Members are responsible for learning and abiding by the rules and guidelines in this chapter. Action may be taken against an employee due to a failure of the employee to meet the requirements of this chapter or of his/her position. Such action may be either disciplinary or non-disciplinary in nature. Examples of inappropriate conduct set out in this chapter are illustrative, and not exclusive, as it is impossible to anticipate every possible act of misconduct. Violations of this chapter will be considered misconduct.

Metropolitan King County Council

Motion 14002

In 2013, the Metropolitan King County Council passed Motion 14002, providing that the Sheriff's Office submit an annual report with data regarding its internal review of complaints and investigations of employee misconduct. The reports are to include, at a minimum, for each year and the three years prior:

1. The number of complaints and allegations received, including information on the origin of the complaint, be it either citizen or internal;
2. The number of complaints, allegations or incidents in the following areas:
 - a. Minor misconduct;
 - b. Major misconduct;
 - c. Use of force;
 - d. Criminal investigations;
3. The number of complaint, allegation and incident resolutions by classification, to include data on the types of personnel actions taken when complaints are sustained, and data on the administrative actions taken when the investigation results in recommendations for changes in Sheriff's operations, such as training or policies;
4. The number of individual employees that have accrued three or more complaints in the reporting year or eight or more complaints total in the reporting year and the three prior years. The Sheriff shall identify the outcome of the complaints and note whether any personnel or administrative action resulted from the complaints for these employees
5. Narrative information on any trends identified through its internal investigations and complaint process, and recommendations of any potential legislative changes that the Sheriff's Office has identified in its evaluation of complaint data that, if implemented, could improve public trust in the law enforcement.

The following data analysis addresses the requirements of Motion 14002, includes other information regarding misconduct complaint handling at the Sheriff's Office, and notes where there is a divergence in terminology used by the Motion, the Sheriff's Office, or the data analysis provided by Police Strategies.

IIU Complaint Tracking and Reporting Increasing Accountability and Transparency

Prior to 2018 the annual IIU reports did not use a consistent approach in tracking misconduct complaint information. In 2019 the Sheriff's Office asked Police Strategies LLC to analyze complaint data using the same set of standards for all years reviewed, in an effort to increase the reliability of data reported.² In September 2019, Police Strategies submitted its first IIU report, summarizing all misconduct complaint data from 2014 to 2018. While there were still concerns about data entry inconsistencies, particularly in earlier years, the analysis allowed for a much closer "apples to apples" comparison between years.

The Sheriff's Office uses a software program called IAPro to record and track employee misconduct complaints.³ CI Technologies created scripts for Police Strategies to extract data directly from the KCSO IAPro system. Police Strategies was then able to analyze the complaint data contained in IAPro.⁴ Police Strategies built a relational database using the IAPro misconduct complaint information. This database was used to conduct an analysis of the information and to construct a series of interactive dashboards. This powerful data visualization system provided to the Sheriff's Office makes it easier to comprehend complex information about misconduct allegations, findings, discipline, and other matters related to the work of the IIU. Police Strategies summarized the IIU data from 2014 to 2018 in its initial report and has updated the database with misconduct complaint data from 2019, including correcting earlier information that was originally miscategorized.⁵

It must be emphasized that changes over time in the Sheriff's Office's administration, policy, IIU management, data entry, and other factors means that year-to-year comparisons are not necessarily the most reliable. For example, in analyzing the 2019 IIU complaint data, and as it continued to understand how the Sheriff's Office records and tracks complaint information, Police Strategies discovered some errors in the 2014 - 2018 data it originally reported. Most significantly, there were numerous complaints classified as minor and referred to a supervisor for handling that were not captured in IAPro, nor were they included in the 2014-2018 report.

² Inconsistencies likely resulted, at least in part, as different individuals assigned to IIU compiled information over time, under changing IIU Commanders and different administrations.

³ IAPro is the records management software created by CI Technologies. IAPro also is used for recording and tracking commendations, section level discipline, use of force, first level discipline, vehicle collisions and pursuits, and early intervention issues. GOM 14.00.015.

⁴ Police Strategies appreciates the collaborative relationship it has with CI Technologies and the assistance provided on this project, which allowed Police Strategies to extract raw data from IAPro's proprietary system.

⁵ Over the last six years KCSO has changed how it categorizes different types of IIU incidents in the IAPro system. While producing the 2019 IIU report, it was discovered that some of the data from the prior report had been mischaracterized. These errors were corrected for the current report. As a result, some of the historical data from this report will be inconsistent with the data presented in the prior report.

This report provides examples of the types of information available using the IIU relational database, identifies some apparent trends in the data, and makes recommendations for ways that the Sheriff's Office can continue to improve accountability and transparency in misconduct complaint handling. Assumptions underlying the data now are being made explicit and the data is continuously being reviewed and corrected where necessary, with the goal that analyses moving forward should be more consistent.

Note that complaints tracked in IAPro can name a Sworn member or a Civilian/Professional working for the Sheriff's Office. Unless otherwise noted, the data reported includes information on all Members of the Sheriff's Office named in misconduct complaints that were closed for each year covered. However, because some in the community are particularly interested in how the Sheriff's Office is addressing issues of alleged misconduct involving Sworn Members, some of the trends highlighted below will focus only on complaints involving this group.

Terminology Used in Data Analysis and Report

In the IIU misconduct complaint data analysis conducted by Police Strategies and presented in this report, some terms are unique to the analytic approach that has been developed. These terms are listed below with definitions and are used throughout to promote consistency and reliability. Some terms relevant to the misconduct complaint investigation process and defined in the Sheriff's Office's General Orders Manual (GOM) also are addressed in the corresponding sections throughout the report.

- **Member/Employee:** An individual who works for the King County Sheriff's Office.
- **Incident:** An event where at least one Member/Employee receives a Complaint. One Incident can involve multiple Members/Employees who receive complaints. For example, an Incident involving three Members alleged to have engaged in misconduct amounts to one Incident and three Complaints.
- **Complaint:** A claim of misconduct filed against a single Member/Employee during one Incident. Each Complaint may include one or more Allegations.
- **Allegation:** A claim that a Member/Employee has engaged in an act in violation of a Sheriff's Office directive, rule, policy, or procedure.

Example: While making an arrest, three Members use force against a resisting subject. Member #1 orders the subject to stop, uses profanity and strikes the subject with a baton. Member #2 strikes the subject in the arm with a closed fist. Member #3 holds the subject down while the subject is being handcuffed. The subject believes that the use of profanity was unprofessional and that the use of the baton and physical strikes were excessive force and files a complaint against two Members. The data from this incident would be entered into IAPro as follows:

- One Incident – A single event that generated two complaints.
- Two Members – Allegations were made against Member #1 and Member #2.
- Two Complaints – Each Member alleged to have engaged in misconduct is counted as having each received one Complaint.
- Three Allegations – Allegations of excessive force against two Members and an allegation for the use of profanity against one Member.

Misconduct Complaint Intake and Investigation Complaint Categorization, Sources, and Types of Allegations

Changes in How the Sheriff's Office Categorizes and Processes Complaints

As Sheriff's Office supervisors or IIU become aware of misconduct or a complaint of misconduct, they enter information about the incident into the IPro system through a program called BlueTeam. Based on the nature of the allegation and other factors, a determination is made as to whether the complaint will be handled by IIU or at the section/worksite level.

Under a Special Order issued in November 2019, interim changes were made to the administrative investigations policy regarding how different categories of complaints and policy infractions will be processed, with a focus on Minor Investigations and Supervisory Action Logs (SALs). Much of the purpose for the Special Order was to address areas of overlap in the formal categorization scheme and to make explicit procedures that in some instances already had been instituted. The Special Order provides that Major Investigations will continue to be handled per policy, while revising and clarifying the definitions and processing expectations for Minor Complaints and SALs as follows:

- Major Investigations: Allegations that if sustained, "likely will result in suspension, demotion, termination, or the filing of criminal charges."⁶
- Minor Investigations: Allegations that if sustained "would result in counseling or discipline up to and including a written reprimand."⁷
- Supervisory Action Logs (SALs): Allegations that if sustained, "at most the outcome would be coaching, training, or counseling."⁸ Allegations classified as SALs cannot involve CARE violation allegations (Alleged Criminal misconduct, Abuse of authority, Repeated allegations, or allegations which are Egregious in nature).⁹

Major and Minor Investigations are both categorized as an Inquiry when entered into BlueTeam in the IPro database, while SALs are treated as a separate BlueTeam categorization. In addition to the changes in definition for Minor Investigations and SALs noted above, the Special Order details how these cases will be processed, including: IIU's role in complaint classification; which investigations will be handled by IIU (Major Investigations) or by an investigator in the worksite (Minor Investigations); the investigative and review steps to be followed for Minor Investigations, including OLEO's involvement and making recommendations for findings, notice to the

⁶ Id.

⁷ Special Order 2019-2. Previously, a minor investigation was defined as meaning, "the alleged violations, if sustained, may be handled outside the disciplinary system." GOM 3.03.010.

⁸ The GOM previously defined a SAL as "an entry into BlueTeam used to document a supervisor action related to observed or reported minor policy infractions." GOM 3.03.010.

⁹ Special Order 2019-2.

complainant, and handling of discipline, counseling or training; and, how SALs are to be reviewed by IIU to ensure the designation is appropriate and resolution and documentation of SALs.

Regardless of how a complaint ultimately is classified, a single complaint can involve multiple allegations and a single incident can result in multiple Sheriff's Office Members receiving complaints. However, it was not always clear in earlier IIU reports whether misconduct related statistics relied on individual complaints, considered the overall number of allegations involved, or took into account the number of Sheriff's Office Members named in a complaint. In the IIU data reviewed in the 2014-2018 IIU Report, in this report that includes 2019 data, and moving forward, the analysis uses the number of overall allegations, unless otherwise specified. Also, reports prior to 2018 included data on all complaints that were open or had been resolved in the year under consideration. Police Strategies only extracted and analyzed information concerning closed cases, avoiding the problems of potentially including a complaint during more than one reporting cycle or counting cases in one category that are re-categorized before the complaint is closed.

The IAPro data analyzed and highlighted below includes all Sheriff's Office misconduct complaints classified as Inquiries (Major and Minor Investigations) and SALs that were closed in 2014 - 2019.¹⁰

Complaint Categorization, Source, and Types of Allegations

As discussed above, the Sheriff's Office categorizes misconduct complaints and minor policy infractions into Major Investigations, Minor Investigations, and SALs. However, Metropolitan King County Council Motion 14002 requires that the Sheriff's Office report on the number of complaints, allegations, or incidents of major and minor misconduct received, and the origin of the complaint (citizen or internal). Despite some difference in terminology, Tables 1 and 2 address the first two categories of information required by Motion 14002 (data concerning the number of complaints regarding use of force and criminal investigations is covered elsewhere).

The term "Inquiries" is used to refer to Major and Minor Investigations – misconduct complaints that, if sustained, likely would result in some level of discipline. Supervisory Action Logs (SALs) is used for minor policy violations that likely would result in coaching, training, or counseling if sustained.

¹⁰ IIU uses the Non-Investigative Matter (NIM) classification for complaint allegations that, even if true, would not involve a policy violation or misconduct. It is possible that in earlier years, some less serious complaints were categorized as NIMs. IAPro does not capture data on NIMs and, as a result, NIMs are not included in the IIU statistics.

**Table 1 – Complaint Classification
Inquiries and Supervisor Action Logs (SALs)**

	Year Investigation Completed					
	2014	2015	2016	2017	2018	2019
Inquiries (Major Complaints per Motion 14002) ¹¹	437	430	337	226	357	561
Supervisor Action Logs (Minor Complaints per Motion 14002)	388	293	269	189	188	169
Total	825	723	606	415	545	730

Observations concerning Table 1 include:

- There were 57% more IIU Inquiries closed in 2019, as compared to 2018.
- The number of complaints closed as SALs dropped slightly, from 188 in 2018 to 169 in 2019.
- The total number of complaints increased significantly between 2018 and 2019, from 545 in 2018 to 730 in 2019, a number closer to that reported for 2015 (723). Since the misconduct data analyzed for this report is based on closed cases, the increase in complaints for 2019 might actually represent a higher incidence of case closure, rather than a significant increase in new complaints received. This would be consistent with on-going efforts to correct and complete data in IAPro, which also could contribute to the increase.

¹¹ Under Special Order 2019-2, Inquiries include both Major and Minor Investigations - complaints that, if sustained, could result in some level of discipline.

**Table 2 – Internal and External Sources of Complaints by Percentage¹²
Inquiries and Supervisory Action Logs (SALs)**

	Year Investigation Completed						6 Year Average
	2014	2015	2016	2017	2018	2019	
External	32%	47%	51%	36%	44%	53%	44%
Internal	41%	52%	46%	41%	35%	39%	42%
Unknown	27%	1%	3%	23%	21%	8%	14%

Anyone external or internal to the Sheriff’s Office can file a complaint for alleged misconduct against a member.¹³ In IAPro, cases coming from internal sources are listed as “Departmental” and External sources include: Citizen, Inmate, King County Prosecutor, OLEO, Ombudsman, and Other Law Enforcement Agencies.

- The 2014-2018 report noted that IIU did not have an explanation as to why the percentage of cases where the source was unknown significantly increased in 2017 and 2018. However, IIU indicated it was developing a quality control plan for IAPro data entry moving forward. The significant drop in unknown sources from 21% to 8% between 2018 and 2019 likely reflects implementation of tighter data quality control measures, along with work in correcting and completing missing data in IAPro.
- The percentage of internal complaints has dropped since 2015, though there was a slight uptick in 2019. As noted in the 2014-2018 report, the percentage of complaints filed by Members of the Department is relatively high overall, in large part based on minor policy infractions documented by supervisors and classified as SALs.
- While the Sheriff’s Office mandates that Members promptly report any policy violations, it is not easy to determine the significance of changes in the number of internal complaints, just as it is difficult to draw conclusions about rising or falling external complaints.
- When the sources of complaints are broken down for Inquiries and SALs, we find that a majority of Inquiries (55%) are generated from external complaints while a majority of SALs (59%) come from internal complaints.

¹² Motion 14002 refers to complaints originating either from citizens or internally. Table 2 uses “source” instead of “origin,” and “external,” rather than “citizens.”

¹³ “Members” are defined to include: “any person whether paid, unpaid, temporary, permanent, intern, probationary, volunteer, appointed, non-appointed, commissioned, or non-commissioned, who is employed or supervised by the King County Sheriff’s Office.” GOM 3.03.010.

**Table 3 – Complaints and Allegations by Year
Inquiries and Supervisory Action Logs (SALs)**

	Year Investigation Completed					
	2014	2015	2016	2017	2018	2019
Employees Receiving at Least One Complaint	454	392	350	261	336	428
Incidents Involving at Least One Complaint	679	573	477	351	426	515
Total Complaints	825	723	606	415	545	729
Total Allegations	744	862	669	480	646	1,168

- A single Incident can involve one or multiple Employees. An Employee alleged to have engaged in misconduct during the incident receives a Complaint. If multiple Employees in one Incident allegedly engaged in misconduct, each is separately counted in the total number of Complaints. Each Complaint will include one or more Allegations.
- From 2014 to 2017, all of the metrics in Table 3 declined steadily before rising in 2018 and 2019. Between 2018 and 2019, the total number of allegations nearly doubled from 646 to 1,168. This appears to be explained by improved quality control measures, along with efforts being made to correct missing data in IAPro.

Types of Misconduct Allegations

As noted in the 2014-2018 report, while extracting and analyzing IIU data, Police Strategies found that approximately 100 sections of the GOM were cited in identifying the policies at issue in processing misconduct complaints. There appears to be overlap in some policies and it is not clear whether those responsible for identifying the policy implicated by a specific allegation consistently used the same GOM section.

The following examples were included in the 2014-2018 report and are still applicable:

- The subject of supervisory expectations is addressed in GOM 3.00.020(4), a subsection of Chapter 3.00.000 – Personnel Conduct. However, roles and responsibilities for supervisors also are addressed elsewhere in the Manual, e.g., 03.03.025, which outlines duties when a supervisor receives a complaint, and 03.03.055, which covers a supervisor’s duties when a use of force complaint is received. One complaint potentially could result in all of these policy sections being cited, or only one or two of them.
- There is overlap in Sheriff’s Office policies cited for allegations of biased or discriminatory policing. 3.00.015(g) defines serious misconduct to include “Discrimination, Harassment, Incivility, and Bigotry,” 3.00.015(h) refers to 3.01.000 for further definition of “Discrimination, [Harassment/hostile work environment, quid pro quo], and section 3.00.030 specifically addresses “Biased Based Policing,” which refers back to 3.00.015. Both 3.00.015 and 3.00.030 list specific protected classes, though 3.00.015 also includes “Gender Identity or Expression.”

IIU previously confirmed it has internal guidance dating back to 2014 to assure that distinctions between the policy sections are clear, though acknowledged there may be quality control issues to be addressed. Sheriff’s Office policies addressing employee misconduct and IIU’s Standard Operating Procedures are undergoing review. As this process continues, it is recommended that the Sheriff’s Office consider limiting the number of policies referenced and providing written guidance on how similar types of misconduct differ.

**Table 4 – Misconduct Allegation Types by Year with GOM Reference
Inquiries and Supervisory Action Logs (SALs)**

	Year Investigation Completed					
	2014	2015	2016	2017	2018	2019
03.00.020(1) – Performance Standards	269	286	131	76	105	228
03.00.015(2)(i) – Courtesy	94	120	86	60	80	146
03.00.015(1) – Serious Misconduct	56	97	65	51	98	188
03.00.015(2) – Misconduct	46	71	78	50	79	156
03.00.015(d) – Excessive or Unnecessary Force	15	51	93	52	72	160
02.00 – Punctuality, Absence & Leave	38	48	66	42	45	50
03.00.015(2)(k) – Conduct Unbecoming	37	41	20	34	51	69
03.00.020(3) – Use of Authority	25	29	63	26	24	81
03.00.020(2) – Obedience to Laws and Orders	40	49	34	32	30	43
03.03.055 – Investigation of Misconduct/Supervisory UOF Duties	41	37	12	24	35	14
Other Violations	23	5	1	20	15	17
02.17.005 & 3.00.020(6) – Training	43	8	5	2	5	5
03.00.025 – Ethics and Conflicts	10	5	10	7	3	6
03.00.020(4) – Supervision	7	15	5	4	4	5

- There was an increase between 2018 and 2019 for the majority of Allegation types listed in Table 4.
 - Allegations related to Use of Authority more than tripled from 24 to 81.
 - Allegations involving Performance Standards more than doubled from 105 to 228 and allegations of Excessive or Unnecessary Use of Force more than doubled from 72 to 160.
 - Courtesy, Serious Misconduct, and Misconduct related Allegations nearly doubled from 2018 to 2019.

- Allegations related to Investigation of Misconduct/Supervisory UOF Duties decreased by over half from 2018 to 2019, falling from 35 to 14.

- Allegations implicating the Ethics and Conflicts policy remain relatively low, though still doubled from 2018 to 2019 rising from 3 to 6.

Among other mandates, Metropolitan King County Council Motion 14002 directs the Sheriff's Office to report on the number of complaints, allegations, or incidents of use of force and criminal investigations. While the number of allegations of use of force by year are noted in Table 4, IAPro does not record a criminal investigation as a separate specific allegation, though 3.02.000 addresses incidents of domestic violence involving Sheriff's Office Members and 3.03.020 addresses notice and investigative responsibilities when there is information or reason to suspect a member has committed a crime. Conduct of a criminal nature also may be included under serious misconduct in 3.00.015(1). It is recommended that IIU separately track criminal investigations, if any, in IAPro, which could facilitate the risk management analytic process and allow for such information to be included in public reports.

Investigation Findings, Discipline, and Other Outcomes

When a major Investigation is complete, Sheriff's Office policy sets out the steps to be taken to ensure that no further inquiry is necessary, and includes review by the IIU Commander, the Precinct/Section Commander, Division Commander, and others, depending on the nature of the allegations involved.¹⁴ Following these steps, the case is sent to the Undersheriff for review and to recommend discipline when appropriate. Finally, the Sheriff receives the investigation, findings, and recommended discipline and, if required, conducts a due process hearing (called a "Loudermill hearing") for the named employee. The Sheriff can change the discipline recommendation made by the Undersheriff.¹⁵ Special Order 2019-2 provides details regarding the revised review and discipline process for complaints categorized as Minor Investigations or SALs.

After a complaint has been through the investigation and review process, one of five potential findings is made for each allegation raised:

1. Unfounded: The allegation is not factual and/or the incident did not occur as described.
2. Exonerated: The alleged incident occurred but was lawful and proper.
3. Non-Sustained: There is insufficient factual evidence either to prove or disprove the allegation.
4. Sustained: The allegation is supported by sufficient factual evidence and was a violation of policy.
5. Undetermined: The completed investigation does not meet the criteria of classifications 1 through 4. This may involve the following: The complainant withdraws the complaint; the complainant cannot be located; the complainant is uncooperative; the accused member separates from the Sheriff's Office before the conclusion of the investigation and the investigator cannot reach another classification.¹⁶

¹⁴ GOM 3.03.190.

¹⁵ GOM 3.03.200.

¹⁶ GOM 3.03.185. The policy notes that, notwithstanding the criteria that might make a finding of Undetermined appropriate, "if enough information has been collected to close the investigation with a classification of 1 through 4, an undetermined classification will not be used."

**Table 5 – Findings and Other Determinations
Inquiries Only – Allegations**

	Year Investigation Completed					
	2014	2015	2016	2017	2018	2019
Exonerated	65	96	95	82	181	415
Sustained	89	169	93	97	99	222
Unfounded	96	184	147	58	85	172
Non-Sustained	81	95	48	52	58	100
Info Only/Unknown	11	9	10	13	19	41
No Finding/180-day Deadline Missed	4	4	4	1	27	33
Undetermined	12	7	12	4	2	11
Annual Total Allegations	358	564	409	307	471	994

	Year Investigation Completed					
	2014	2015	2016	2017	2018	2019
Exonerated	18%	17%	23%	27%	38%	42%
Sustained	25%	30%	23%	32%	21%	22%
Unfounded	27%	33%	36%	19%	18%	17%
Non-Sustained	23%	17%	12%	17%	12%	10%
Info Only/Unknown	3.1%	1.6%	2.4%	4.2%	4.0%	4.1%
No Finding/180-day Deadline Missed	1.1%	0.7%	1.0%	0.3%	5.7%	3.3%
Undetermined	3.4%	1.2%	2.9%	1.3%	0.4%	1.1%
Annual Total Allegations	100%	100%	100%	100%	100%	100%

- The “No Finding” determination refers to an instance where the requirement that investigations be completed within 180 days was not met and there was no extension of the deadline by agreement.¹⁷ The number of cases in which the 180-day deadline was missed is relatively low except for in 2018 and 2019. Beginning in 2018, the Sheriff’s Office determined that if it was clear that the investigation of alleged misconduct exceeded 180 days (which is set by policy and collective bargaining agreements), investigations would be closed with a “No Finding” classification, along with notation of what the finding would have been had the investigation been finished in time. It would be useful to analyze these cases for any patterns that help explain why the deadline was missed and how to avoid the problem in the future.

¹⁷ The 180-day investigation requirement may be extended because the complaint involves alleged criminal conduct or because there were other extenuating circumstances impacting the investigation process. GOM 3.03.150.

- Since the total number of findings for each classification increased between 2018 and 2019, it is useful to look at the findings by percentages instead of raw numbers.
 - The percentage of allegations resulting in any particular finding was relatively stable between 2018 and 2019.
 - In both 2018 and 2019, more allegations were found to be Exonerated than any other determination.
 - Over the last six years the percentage of sustained allegations has varied between 21% and 32%.
 - The percentage of allegations resulting in an Unfounded or Non-Sustained finding dropped over the past three years. The decrease in the percentage of Non-Sustained findings may indicate a greater willingness of the Sheriff's Office to make a clear finding on whether or not a complaint has merit, even if it entails making difficult credibility determinations and resolving differences where there is conflicting evidence.

**Diagram 1 – Sustained Allegations by Year
Sworn and Professional Employees
Inquiries Only**

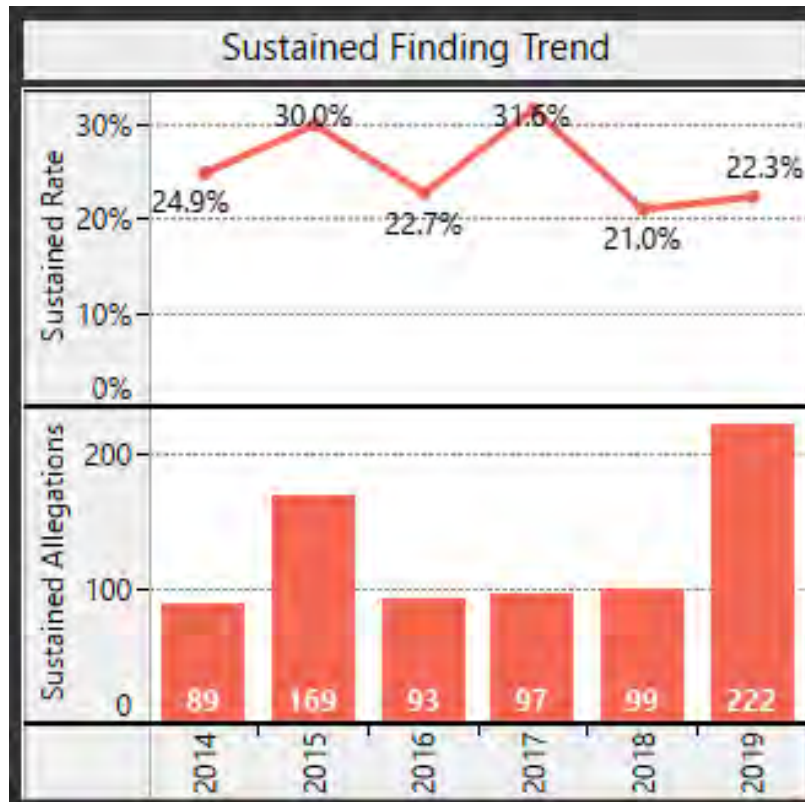
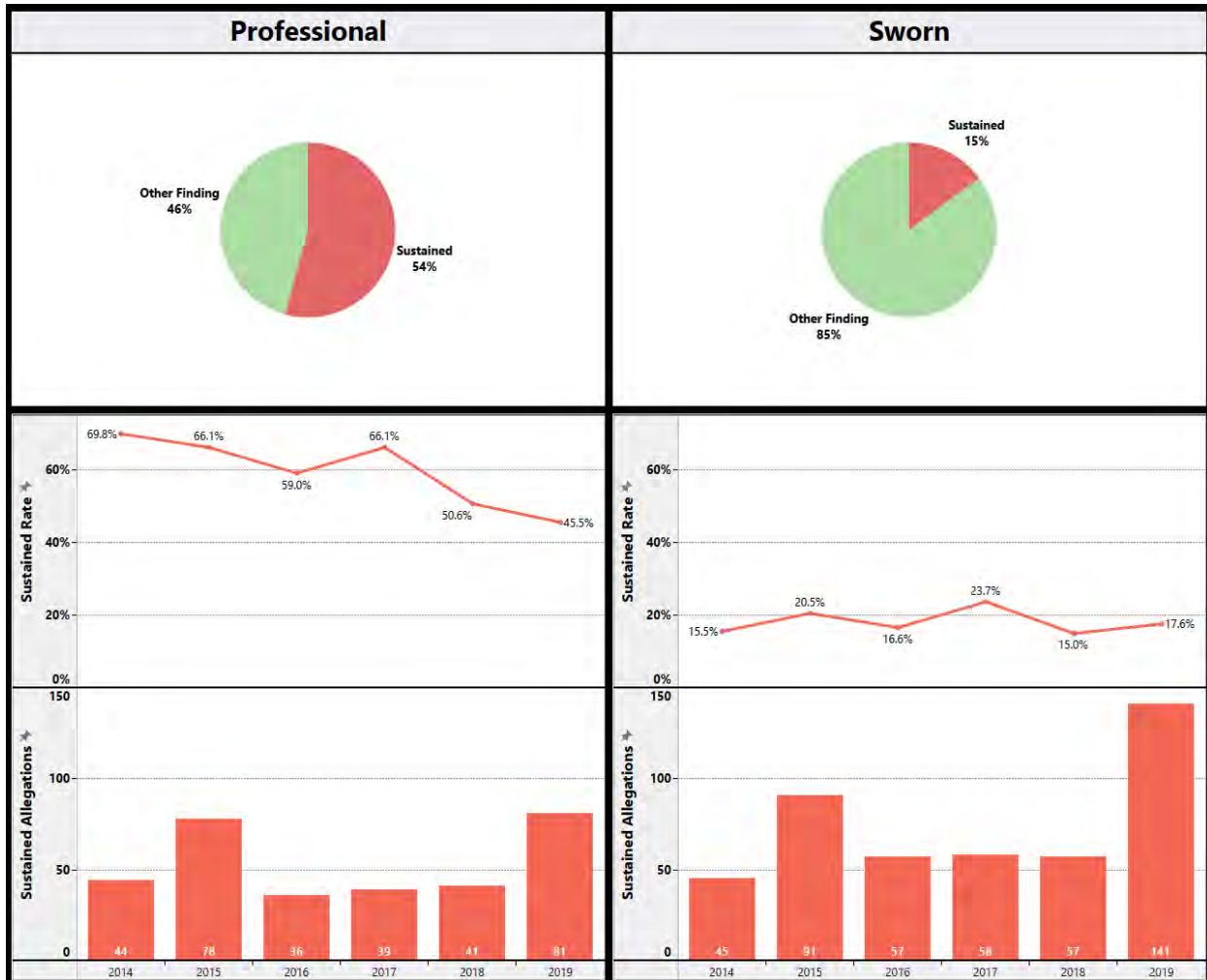


Diagram 1 provides data on the Sustained rate for completed cases involving both Professional and Sworn employees in the years 2014 to 2019.

- While the total number of allegations found to be Sustained in 2019 was more than double the number in 2018, the data can be misleading taken out of context. Considering the total number of findings for allegations in cases closed in 2018 and 2019, there was only a small percentage change (21% to 22.3%) in the number of Sustained allegations.
- Though not indicated in Diagram 1, for Sworn employees alone, the Sustained rate increased slightly more between 2018 and 2019, from 15% to 17.6% of all allegation findings in closed cases.

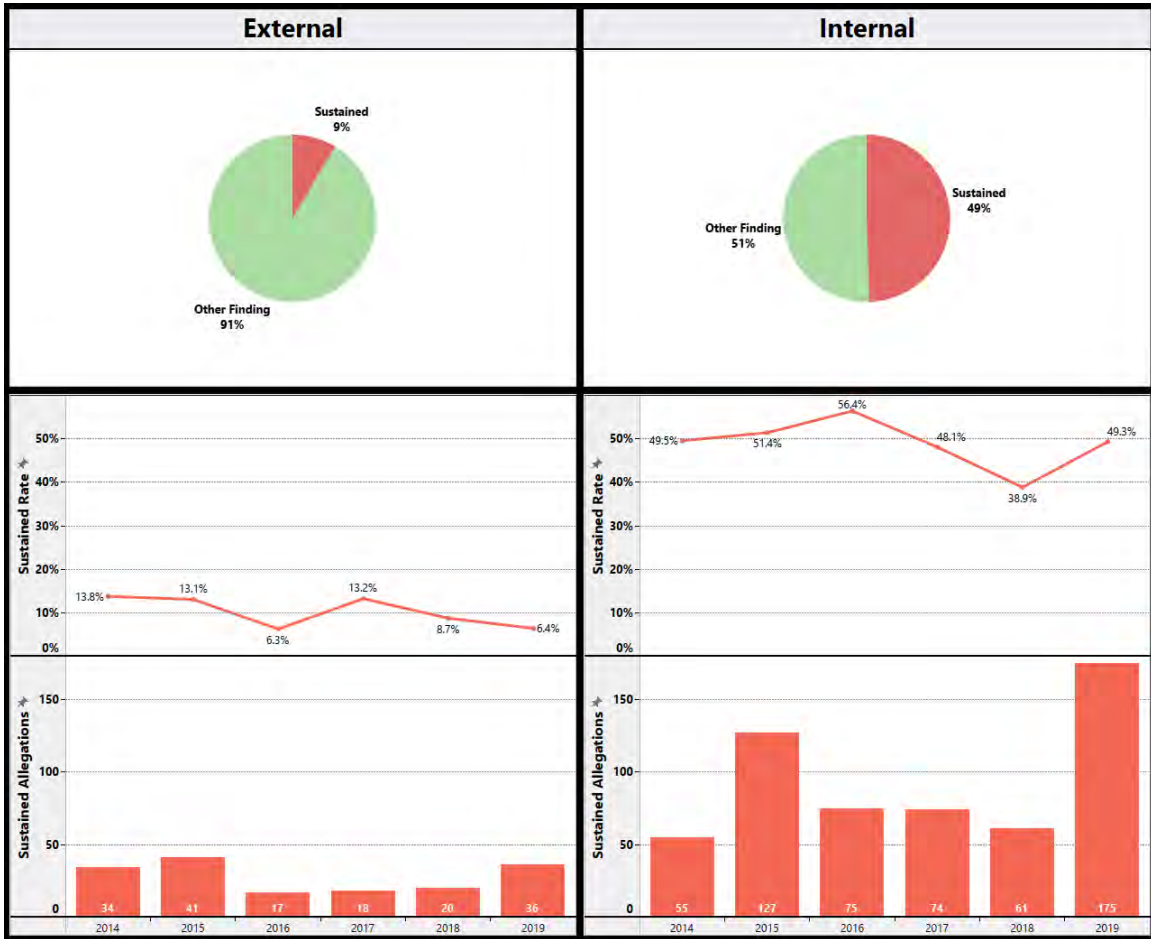
Diagram 1 above presents Sustained finding data for all allegations involving Sworn and Professional Employees combined over the six years reviewed. However, the IAPro data on Sustained rates can be broken down in a number of other ways. For example, see the two diagrams below.

Diagram 2 – Sustained Allegations 2014 - 2019
Inquiries Only
Employee Type



The trend of there being a relatively higher rate of Sustained allegation findings with Professional employees, as compared to Sworn employees, is seen whether looking at individual years or across the full data set. This is likely explained by there being more internally generated complaints against Professional employees filed by supervisors who had documented an employee’s performance problems leading to a misconduct complaint with sufficient evidence to result in a Sustained finding.

**Diagram 3 - Sustained Allegations 2014 - 2019
Inquiries Only
Source of the Complaint**



Similar to the explanation in Diagram 2, misconduct complaints filed by internal sources are sustained at higher rates because they more often represent underlying documented performance problems, as opposed to complaints filed by external sources, which usually derive from a single enforcement incident.

**Table 6 – Discipline by Year
Based on Sustained Complaints
Inquiry Only**

	Year Investigation Completed						
	2014	2015	2016	2017	2018	2019	Total
Reprimand	13	14	12	14	18	23	94
Suspension	5	16	12	13	10	6	62
Corrective Counseling	7	13	10	5	3	15	53
Resign & Terminate	3	10	4	2	1	4	24
Unknown	2	2	--	8	3	8	23
Training & PIP	--	3	1	--	6	7	17
Demotion & Transfer	--	--	1	--	--	--	1
Annual Total	30	58	40	42	41	63	274

	Year Investigation Completed						
	2014	2015	2016	2017	2018	2019	Total
Reprimand	43%	24%	30%	33%	44%	37%	34%
Suspension	17%	28%	30%	31%	24%	10%	23%
Corrective Counseling	23%	22%	25%	12%	7%	24%	19%
Resign & Terminate	10%	17%	10%	5%	2%	6%	9%
Unknown	7%	3%	--	19%	7%	13%	8%
Training & PIP	--	5%	3%	--	15%	11%	6%
Demotion & Transfer	--	--	3%	--	--	--	0.4%
Annual Total	100%	100%	100%	100%	100%	100%	100%

Table 6 provides a snapshot of the types of discipline or other corrective action that results when a complaint is Sustained. A complaint can involve multiple allegations, though only one form of discipline will result regardless of the number of allegations that ultimately are Sustained. Thus, complaints are considered instead of allegations when analyzing discipline data. Looking only at cases closed in 2019:

- In 2019 a Reprimand (37%) or Corrective Counseling (24%) were the two most common forms of discipline or action taken. As noted in the 2014-2018 report, Corrective Counseling is often a lesser-included outcome and not considered discipline; e.g., an Inquiry founded as Exonerated but where a minor training issue was identified, and a Corrective Counseling Memo documents the follow-up action.
- Between 2018 and 2019 the number of Suspensions dropped by nearly half between 2018 and 2019 or, considering Suspensions relative to other forms of discipline, there was a drop from 24% to 10%.

- Resignations & Terminations were up from 1 in 2018 to 4 in 2019, though still representing a relatively small percentage of all discipline types.
- Corrective Counseling as an outcome was used much more frequently in 2019 than 2018, moving from 7% to 24% of all discipline.

While the Sheriff's Office tracks information on individuals who receive training as a complaint outcome, broader training or policy changes resulting from misconduct investigations are not recorded in the IAPro system. It is recommended that the Sheriff's Office devise a means to record training and policy changes growing out of investigations where they impact Members beyond the originally involved employee. This will allow for such information to be included in annual reports and be responsive to Motion 14002.

Sample Characteristics of Sworn Employees Named in Complaints

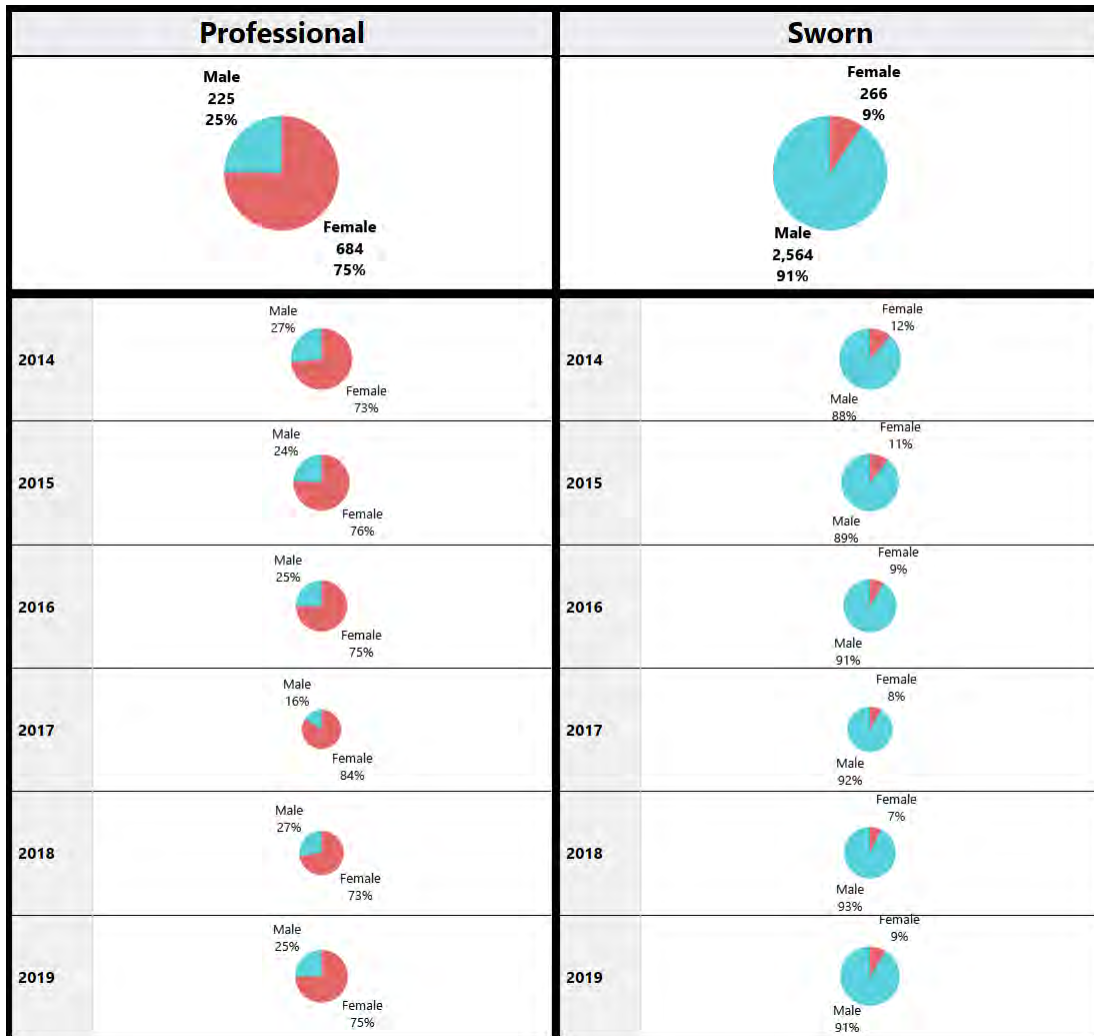
Many stakeholders interested in learning more about the misconduct investigation process and outcomes are primarily concerned with Sworn employees. The following tables and diagrams provide data regarding sample characteristics of Sworn employees named in misconduct complaints.

**Table 7 – Sworn vs. Professional Employees Named in Complaints
(Excluding Unknown Employee Type)
Inquiry & SAL**

	Year Investigation Completed						6-Year Average
	2014	2015	2016	2017	2018	2019	
Sworn	73%	74%	74%	78%	79%	78%	76%
Professional	27%	26%	26%	22%	21%	22%	24%

Sworn employees consistently have been named in misconduct complaints more often than Professional employees, with complaints against Sworn employees comprising an average of 76% of all complaints filed against Members of the Sheriff’s Office.

**Diagram 4 - Complaints Filed Against KCSO Members 2014 - 2019
Employee Gender**



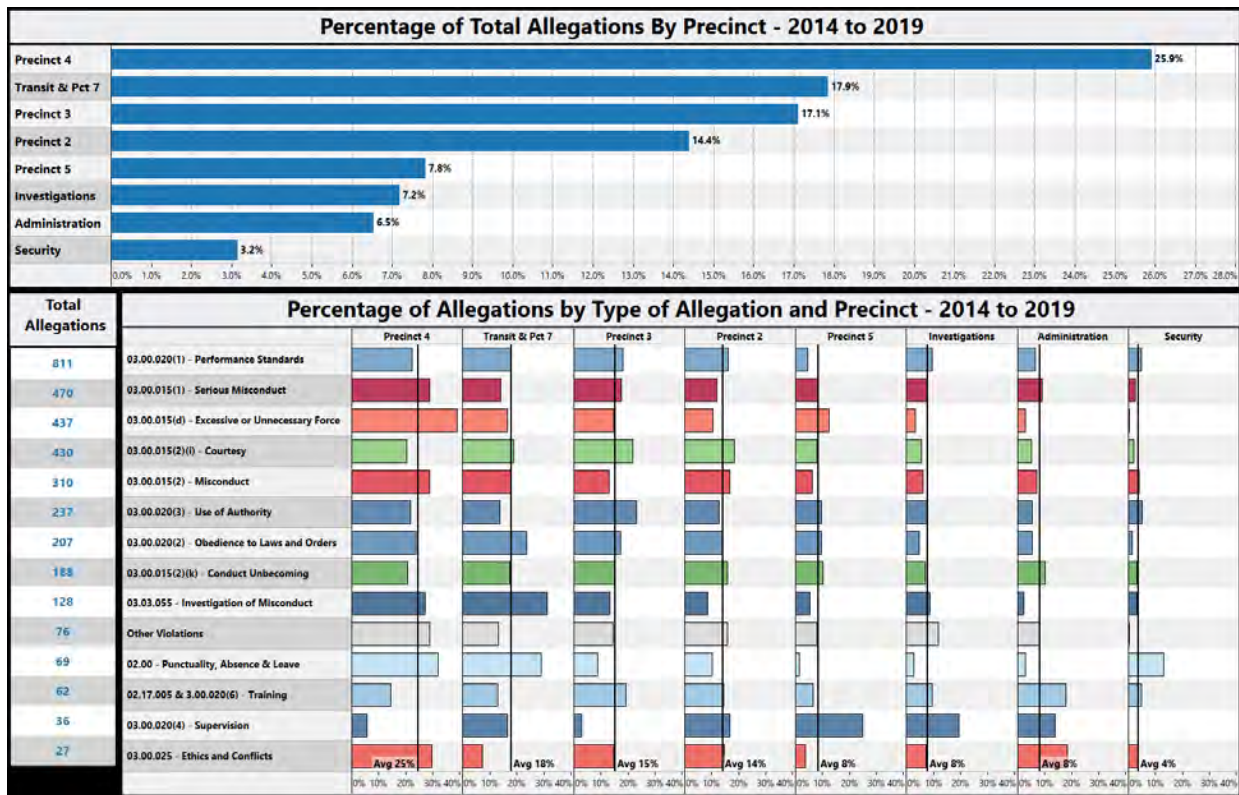
As seen in Diagram 4, approximately 91% of all allegations against Sworn Members of the Sheriff’s Office from 2014 to 2019 involve males, while 9% name female Sworn Employees. This likely reflects, at least in part, the lower percentage of Sworn Employees who are female. In contrast, 75% of complaints against Professional Employees involve females.

**Table 8 – Rank of Sworn Employees Named in Misconduct Complaints
Inquiries and Supervisor Action Logs (SALs)**

Rank	2014	2015	2016	2017	2018	2019
Deputy	436	370	330	241	295	390
Sergeant	90	65	40	27	44	59
MPO	16	25	28	25	27	41
Marshal	14	19	17	6	10	14
Captain	17	18	8	9	14	13
Detective	2	4	9	9	11	18
Sheriff/Chief/Major	10	13	3	1	12	11
Reserve Deputy	4	1	4	1	1	4

- The majority of Sheriff’s Office Sworn Members named in complaints are Deputies, which is to be expected as they represent the largest segment of employees. Deputies also have the majority of law enforcement interactions with the public that often underlie complaints of misconduct.
- The number of complaints against Deputies increased by approximately a third in 2019, as compared to 2018. As has been noted previously, this increase likely reflects IIU’s effort to close cases and to improve data entry by correcting and completing IIU information in general.
- The numbers of complaints against Sergeants, MPOs and Marshals also increased in 2019.

Diagram 5 – Allegations by Precinct – 2014 to 2019
Inquiries and Supervisor Action Logs (SALs)



- Over the last six years, employees assigned to Precinct 4 (which includes the towns of Burien and SeaTac) have received the most complaints. This is primarily due to the size and activities of the Precinct. When we examine the breakdown and distribution of the types of allegations, it is apparent that some precincts are more likely to generate certain types of complaints. For example, Precinct 4 makes up 26% of all allegations but 39% of all Excessive or Unnecessary Force allegations. This is likely due to the fact that the Precinct has the highest number of use of force incidents.
- Precinct 7 has a high percentage of Investigation of Misconduct allegations (31%) and Punctuality, Absence & Leave allegations (29%).
- Precinct 3 has a higher percentage than average of Use of Authority allegations (23%), while Precinct 5 is high in Supervision allegations (25%).
- Security makes up only 3% of all allegations but 13% of Punctuality, Absence & Leave allegations.

Employees with Multiple Complaints

King County Council Motion 14002 calls for reporting on the number of individual employees who have accrued three or more complaints in the reporting year or eight or more complaints total in the reporting year and the prior three years.

**Table 9 – Number of Employees with Three or More Closed Complaints
During the Reporting Year
Inquiries and Supervisor Action Logs (SALs)**

	Year Investigation Completed					
	2014	2015	2016	2017	2018	2019
Professional	24	26	15	12	16	15
Sworn	57	47	41	25	33	55
Total	81	73	56	37	49	70

**Table 10 – Number of Employees with Eight or More Closed Complaints
During the Reporting Year and Prior Three Years
Inquiries and Supervisor Action Logs (SALs)**

	Year Investigation Completed		
	2014 - 2017	2015 - 2018	2016 - 2019
Professional	22	20	21
Sworn	44	35	31
Total	66	55	52

It is difficult to determine the significance of considering the total number of employees, Sworn or Professional, who receive multiple complaints within a single year or over a number of years. Many contextual factors can contribute to the likelihood of whether an employee is named in a misconduct complaint, including factors such as whether the employee is Sworn or Professional, specific job assignment, shift assignment, and work location. Sworn Employees comprise a much larger percentage of the overall workforce in the Sheriff's Office, so it would be expected that this group would draw more complaints by total number. Most Sworn Members hold the rank of Deputy and Deputies engaged in patrol functions are more likely to interface with the public, with more opportunities for complaints to arise. Further, law enforcement activity is higher in certain parts of King County, which might result in a higher incidence of use of force and more complaints related to force. The data analysis underlying Tables 10 and 11 and throughout this report provide an opportunity to look at the number of employees who accrue complaints within a year or over time to determine how the numbers are impacted by these and other factors.

Trends and Recommendations

Changes over time in the Sheriff's Office administration, policy and procedures, IIU management, data entry quality control, and other factors impact the reliability of data reported for misconduct complaints closed during the years 2014 to 2019. IIU made an effort in 2019 to add data that was missing in IAPro and closed a number of investigations from earlier years that had lasted beyond the 180-day deadline for completion. Since this report and Police Strategies' data analysis relies only on closed cases, it is possible that IIU's quality control efforts and work to close older investigations explain at least some of the variance in 2019 as compared to earlier years. By making explicit the assumptions underlying the data analysis and recognizing unusual factors that might impact case processing in a particular year, it is hoped that data reliability will continue to improve moving forward.

Trends and recommendations noted below are divided by the corresponding report sections, though are consecutively numbered for ease in reference.

Misconduct Complaint Intake and Investigation

- 1) There was a 57% increase in the number of inquiries closed in 2019, as compared to 2018, though there was a slight drop in the number of SALs closed during the period. The overall higher closer rate in 2019 likely represents IIU's effort to correct and complete the IAPro data on which this analysis rests, along with work towards documenting closure in IAPro of older, completed investigations.
- 2) The percentage of cases where the source of the complaint was "Unknown" significantly decreased in 2019. The previous report had noted a concern about the number of "Unknown" sources, but it appears IIU's quality control plan to address data entry problems retrospectively and moving forward has been successful.
- 3) The majority of Inquiries (55%) are generated from external sources, while most SALs originate as internal complaints.
- 4) Between 2018 and 2019, the total number of allegations filed in complaints against Sheriff's Office Sworn and Professional Employees nearly doubled, from 646 to 1,168. This appears to be explained by improved quality control measures.
- 5) There are approximately 100 sections from the General Operations Manual that have been used to classify the allegations used in the IAPro data, with significant overlap in some policies. While IIU has used internal guidance dating back to 2014 to assure that distinctions between policy sections are clear, it acknowledged there might be quality control issues to address. Policies and IIU procedures are under review. It is recommended that the Sheriff's Office consider limiting the number of policies referenced and provide written guidance on how similar types of misconduct differ, helping to ensure reliable data entry.

- 6) Allegation numbers in closed cases increased for most types of allegations between 2018 and 2019, reflecting the increase in closed cases in general. However, increases were more significant in the following types of allegations: Use of Authority, Performance Standards, Excessive or Unnecessary Use of Force, and Courtesy, Serious Misconduct, and Misconduct.
- 7) Allegations related to Investigation of Misconduct/Supervisory UOF Duties decreased by over half from 2018 to 2019.
- 8) Allegations involving criminal investigations are not separately tracked in IAPro. As previously noted, it is recommended that IIU implement a means to identify and track allegations of criminal misconduct, to facilitate the risk management analytic process and allow for such information to be included in public reports.

Investigation Findings, Discipline and Other Outcomes

- 9) The number of cases in which the 180-day deadline was missed is relatively low except for in 2018 and 2019. Beginning in 2018, the Sheriff's Office determined that if it was clear that the investigation of alleged misconduct exceeded 180 days (which is set by policy and collective bargaining agreements), investigations would be closed with a "No Finding" classification, along with notation of what the finding would have been had the investigation been finished in time. It is recommended that these cases be analyzed for any patterns that may help explain why the deadline was missed and how to avoid the problem in the future.
- 10) The percentage of allegations resulting in any particular finding was relatively stable between 2018 and 2019.
- 11) Over the past six years the percentage of Sustained allegations has varied between 21% and 32% when considering Sworn and Professional Employees Combined. The Sustained rate increased slightly between 2018 and 2019 for Sworn Employees alone, from 15% to 17.6% of all allegation findings in closed cases.
- 12) The trend of there being a relatively higher rate of Sustained allegation findings with Professional Employees, as compared to Sworn Employees, is seen whether looking at individual years or across the full data set.
- 13) The percentage of allegations resulting in an Unfounded or Non-Sustained finding dropped over the past three years. The decrease in the percentage of Non-Sustained findings may indicate a greater willingness of the Sheriff's Office to make a clear finding on whether or not a complaint has merit, even if it entails making difficult credibility determinations and resolving differences where there is conflicting evidence.

- 14) In 2019 a Reprimand or Corrective Counseling were the two most common forms of discipline or action taken on Sustained complaints.
- 15) The number of Suspensions dropped by nearly half between 2018 and 2019 or, considering Suspensions relative to other forms of discipline, there was a drop from 24% to 10%.
- 16) While still a relatively unusual outcome, Resignations & Terminations were up from 1 in 2018 to 4 in 2019.
- 17) Corrective Counseling as an outcome was used much more frequently in 2019 than 2018, moving from 7% to 24% of all discipline.
- 18) It is recommended that the Sheriff's Office devise a means to record training and policy changes growing out of investigations where they impact Members beyond the originally involved Employee. This will allow for such information to be included in annual reports and responsive to Motion 14002.

Sample Characteristics of Sworn Employees Named in Complaints

- 19) Sworn Employees have consistently been named in misconduct complaints more often than Professional Employees, with Sworn Members named in an average of 76% complaints over the past 6 years.
- 20) Female employees are named in 75% of complaints against Professional Members, while females only constitute 9% of complaints against Sworn Members, likely reflecting the lower percentage of Sworn Employees who are female.
- 21) The majority of Sheriff's Office Sworn Members named in complaints are Deputies, though they also represent the largest segment of Sheriff's Office employees.
- 22) During the period from 2014 to 2019, Employees assigned to Precinct 4 (which includes the towns of Burien and SeaTac) have received the highest percentage of complaints. This is primarily due to the size and activities of the Precinct.

Conclusion

Since the Sheriff's Office was concerned that different administrations and IIU Commanders did not use a consistent approach in tracking, reviewing, and reporting on misconduct complaint data, Police Strategies was asked to use a new methodology to analyze the IIU data contained within IAPro. Using the same set of standards for all time periods, data was extracted directly from the Sheriff's Office IAPro system, analyzed, and summarized for this report. These same standards will be used moving forward, allowing for increased reliability and more meaningful interpretation of the information gleaned from misconduct complaint data.