



King County

Office of Law Enforcement Oversight

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MEMORANDUM

DATE: July 24, 2015

TO: John Urquhart, Sheriff, King County

FROM: Patricia Cole-Tindall
Interim Director, Office of Law Enforcement Oversight

SUBJECT: Results of 180-Day compliance review

Objectives This review was completed at the request of the King County Sheriff's Office (KCSO) to: (1) identify the number of misconduct¹ investigations or Inquiry Investigations² that were not processed within 180 days as required; (2) identify possible causes for exceeding the 180-days threshold and (3) to provide reasonable recommendations that could decrease the number of lapses. This review is limited to the complaint handling process and does not assess the quality of any investigations.

Methodology The Office of Law Enforcement Oversight (OLEO) reviewed all cases classified as Inquiry investigations with "no finding-180 days" dispositions in IAPro, spanning three years. The period begins January 1, 2012 and runs through December 31, 2014. We reviewed policies and procedures and interviewed both the current and former Internal Investigation Unit (IIU) Captains and one staff investigator. We analyzed 23 investigations or 100 percent of the complaints found to have exceeded 180 days. Staff also contacted CI-Technologies, Inc., the parent company of IAPro and BlueTeam, to get a better understanding of system capabilities used by IIU. Further discussions regarding these systems are discussed on page 5 of this memo.

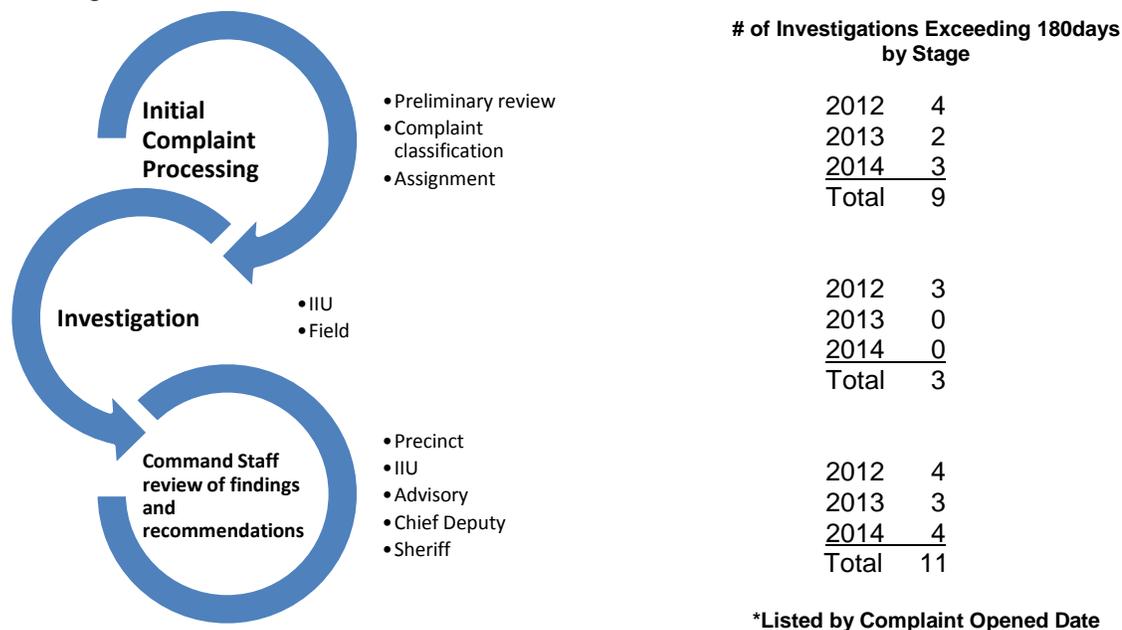
Summary of Review KCSO's administrative investigative process for complaints that are classified as Inquiry investigations can be divided into three main stages, as shown in Figure 1: (1) initial complaint processing; (2) the investigation and (3) the command staff review of findings and proposed recommendations. To the right of Figure 1 are the

¹ Misconduct means any violation of laws, ordinances, Sheriff's Office or King County rules, regulations or procedures.

² An Inquiry investigation is a full investigation into alleged misconduct by any member of the Sheriff's Office. The scope of this review is limited to only Inquiry investigations subject to administrative actions.

23 investigations according to the year it was opened and at which stage the most significant delays occurred. A delay can occur at any stage of the investigation.

**Figure 1:
Stages of an Investigation**



Initial complaint processing Any reported or observed possible violations of policy are first entered as “Preliminary Investigations” into either BlueTeam or IAPro depending on a commissioned officers rank or position for professional staff.³ Complaints received by IIU members will be entered in IAPro. When a Preliminary Investigation is received outside of IIU, the Commander or management reviews the BlueTeam entry for completeness and then forwards it on via BlueTeam to the IIU Commander for classification and assignment. Once a preliminary investigation shows an alleged complaint could be potential misconduct, the IIU Commander can request that either field staff or IIU conduct the investigation.

Of the 23 investigations identified, nine were delayed during the first stage of the investigative process. Two exceeded 180 days because the preliminary investigations were not timely reviewed by command staff, one of whom was in the process of transitioning into retirement. There were six instances where the investigation was not assigned an investigator after the preliminary review showed the possibility of potential misconduct. Of these six, five were the responsibility of the IIU Captain to assign, and one was delegated to a precinct commander for assignment to a field investigator.

The ninth investigation never actually exceeded 180 days. The file shows the investigation was opened July 8, 2013. This date should have been entered as May 27, 2013, at minimum, when the precinct captain was made aware of the incident. Regardless of either dates used, the investigation was completed well before exceeding

³ See [Background](#) on page 5

180 days. The final disposition letter was issued July 26, 2013. A summary of the nine discussed are shown below in Table 1.

Table 1

Year Opened	Total Days ¹ / Approximate Days Delayed ²	Delay Point	Cause ⁴
2012	225 / 176	Review of preliminary investigation	It took over 176 days for a supervisor review the preliminary investigation. Notes indicate this was not handled via BlueTeam.
2013	239 / 144	Review of preliminary investigation	It took over 144 days for a supervisor review the preliminary investigation.
2012	537 / 305	Assignment to investigator	It took over 300 days to assign an investigator to this case. Notes show this was not handled via BlueTeam.
2012	217 / 67	Assignment to investigator	It took over 67 days to assign an investigator to this case. Notes show this was not handled via BlueTeam. New IIU Commander transition in (month 3).
2013	194 / 133	Assignment to investigator	It took over 133 days to assign an investigator to this case. Commander took medical leave then retired. Notes show this was not handled via BlueTeam.
2014	323 ³ / 283	Assignment to investigator	After preliminary review, the recommendation was made to have precinct handle investigation. Activity ceased on the case for 283 days until this was assigned to an investigator. IIU Commander transitioning out (last month)
2014	293 / 280	Assignment to investigator	It took over 280 days to assign an investigator to this case. IIU Commander transition out (last month)
2014	333 / 277	Assignment to investigator	It took over 277 days to assign an investigator to this case. IIU Commander took full responsibility for oversight.
2012	121	Did NOT exceed 180	The dates were entered incorrectly, this investigation took only 121 days.

1. Total number of days starting from the date the investigation was opened to the issuance of the disposition memo

2. Approximate number of days delayed at delay point

3. No disposition memo issued. The date the investigation closed in IAPro was used to calculate time.

4. Many factors contributed to the cause of delay. Only the most significant are highlighted here.

Investigation Only three cases exceeded 180 days during the actual investigation stage. These investigations were all opened in calendar year 2012 and were processed by field staff. In one case, the investigation was considered insufficient, and the sergeant responsible was requested to complete follow up work. The last two investigations were assigned to two command staff where they remained (see Table 2).

Table 2

Year Opened	Total Days / Approximate Days Delayed	Delay Point	Cause ²
2012	445 / 202	Begin investigation	The investigation did not begin for 202 days after it was assigned. Notes indicate routing was not handled in Blue Team.
2012	259 ¹	Conducting the investigation	The reviewing supervisor found investigative work inadequate and requested additional work be completed.
2012	198 / 194	Conducting the investigation	The investigation did not begin for 194 days after it was assigned. Notes in the file show the Field Commander took full responsibility for the oversight.

1. Total number of days to complete investigation

2. Many factors contributed to the cause of delay. Only the most significant are highlighted here.

Command Staff Review The most notable number of delays was found during the command staff review stage. Occurrences were distributed almost equally among the three years reviewed.

This final stage of the process involves many individuals including command staff in the field, the IIU Captain, an advisory group⁴, the Chief Deputy and the Sheriff. Investigations, when completed, are forward to the member's precinct or Section Commander for review and or disciplinary recommendations, if any. An Advisory Group meeting may be necessary to discuss the merits of the case prior to rendering the findings and recommendations. When discipline is involved, the Chief Deputy provides the final determination pending any Due Process or contract rights exercised by the employee. In instances where a proprietary loss is at stake, the member is offered a Loudermill⁵ Hearing with the Sheriff. In total, the number of delays that resulted from precinct or section level command staff or supervisors almost equaled that originating from IIU.

⁴ An Advisory Group is composed of the Chief Deputy, IIU Commander, IIU Sergeants, KCSO HR Manager, KC Labor Negotiator, KC Civil Prosecuting Attorney and the accused employee's Chain of Command.

⁵ A Loudermill hearing is part of the due process requirement provided to a public employee prior to removing or impacting their property interest in employment (e.g. termination or deprivation of compensation under employment).

We found five of the eleven investigations were delayed by command staff assigned to a precinct while the remaining six were mainly administrative oversights within IIU (see Table 3).

Table 3

Year Opened	Total Days / Approximate Days Delayed ¹	Delay Point	Cause ²
2012	404 / 202	IIU Commander review of supplemental investigative steps	IIU oversight - additional field work was requested, completed and resubmitted. No activity after submitting the summary back to IIU.
2012	227 / 52	IIU Commander Disposition letter not sent out on time	Disposition letter did not get issued on time. IIU Commander transition in (month 1).
2012	356 / 226	IIU Commander review of supplemental investigative steps	Supplemental investigative steps completed and submitted by Sergeant 66 days prior to 180, no further activity. IIU Commander transition in (month 3)
2012	377 / 238	Field Commander to review or write findings and recommendations	Findings and recommendations requested from Field Commander 41 days prior to 180 days. No action taken. IIU Commander transition in (month 3)
2013	339 / 279	Field Commander to review or write findings and recommendations	Findings and recommendations requested Field Commander 119 days prior to 180 days. No action taken. IIU Commander transition in (month 3)
2013	229 / 142	IIU Commander review of findings and recommendation	Findings and recommendations submitted to IIU Captain 102 days prior to 180 days. No action taken. IIU Commander transition in (month 4)
2013	247 / 207	Field Commander assignment of follow up work	IIU Captain requested additional supplemental work. No action taken.
2014	226 / 75	IIU Commander review of findings and recommendation	Findings and recommendations submitted to IIU Captain 9 days prior to 180 days. No action taken. IIU Commander transition in (month 1).
2014	185 / 5	IIU Commander timely issuance of disposition letter	The IIU Commander issued the final memo 5 days past the 180 days due to delays receiving the findings and recommendations memo. IIU Commander transition in (month 6).
2014	181 / 1	IIU Commander timely issuance of Loudermill notice	Command staff was notified one day prior of the date entered. The Loudermill notice was issued on the 181 st day. IIU Commander transition in (month 7).

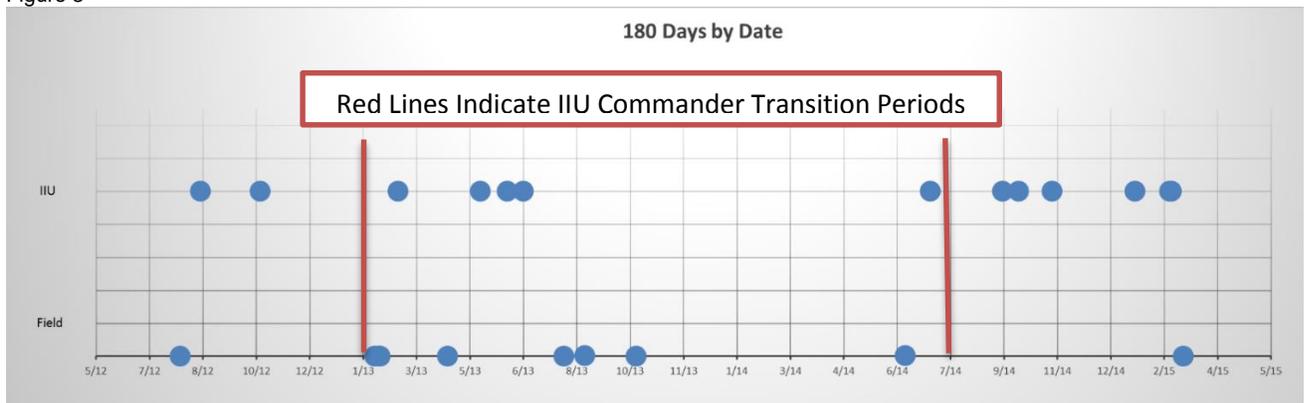
1. Number of days between when Command Staff was requested to take action up to 180 days

2. Many factors contributed to cause. Only the most significant are highlighted here.

Staffing Whether the complaint is investigated by IIU or at the Precinct or Section level, IIU has primary oversight responsibility to ensure Inquiry investigations are thorough and timely completed. This includes ensuring all administrative tasks are complete. On average, there are over 300 inquiry investigations annually.

Of the 23 investigations, 11 exceeded 180 days during the first eight months of the new IIU Captain's transition into the unit. Delays were administrative or procedural oversights that include not timely routing or assigning a case. As seen in Figure 3, a new IIU Commander began January 1, 2013 and was replaced by another June 31, 2014. There was no period of overlap between the two.

Figure 3



Note: Some occurrences are close in date thus appearing to only be 9 investigations exceeding 180 after the IIU Commanders transition period.

Systems and Process Within IAPro are fields to capture the start and due dates of an investigation. The time between should equal to 180 days or less. Of the 23 investigations, we found six dates were calculated incorrectly. The calculations ranged from 181 to 215 days. There were also four cases where the start date was not when Command Staff or IIU received notification, demonstrating that staff's interpretation of when to begin counting the 180 period is interpreted inconsistently.

Review of IAPro and BlueTeam logs indicate that investigations were not routed consistently via BlueTeam, thus the supervisor did not receive notification of the assignment.

Recommendations We discussed our findings and recommendations with IIU which indicated that several of the recommendations have been contemplated or are in the process of already being implemented by the KCSO. Those recommendations are identified by a check mark.

- 1. Establish a standard approach to using IAPro and BlueTeam to ensure data is reliable and consistent.** Between 2012 and 2013, the KCSO made significant efforts to train staff on the use of Blue Team. In addition, policy was revised to require mandatory reporting of complaints and to hold supervisors accountable for noncompliance. However, as noted in this report, use of the systems has not always been consistent.

Prior practice was, when an investigation was completed and approved by the IIU Commander, the IIU Administrative Assistant copied the case file and forwarded it to the member's precinct or Section Commander for review and or any disciplinary recommendations. Preparation of the case file involved duplicating the entire IIU file onto a disk and sending it via inter-office mail, outside of IAPro or BlueTeam. This manual, intensive approach did not fully utilize IAPro and BlueTeam features such as tasks and routings so that notifications and activity tracking can be captured in one centralized location. ✓
Commander Review

Note: On July 23, 2015, The IIU Captain notified Command staff that IAPro will be the standard practice used to review to investigative files. Files will no longer be copied and sent separately.

- 2. Incorporate within IIU's standard operating procedures and the KCSO General Orders Manual a standard approach to calculating the 180-day period. Also clarification to staff when they start and end of the 180-period and.** Future training should include an overview of the entire complaint process. ✓
All stages

Note: IAPro Command staff training was held July 23, 2015

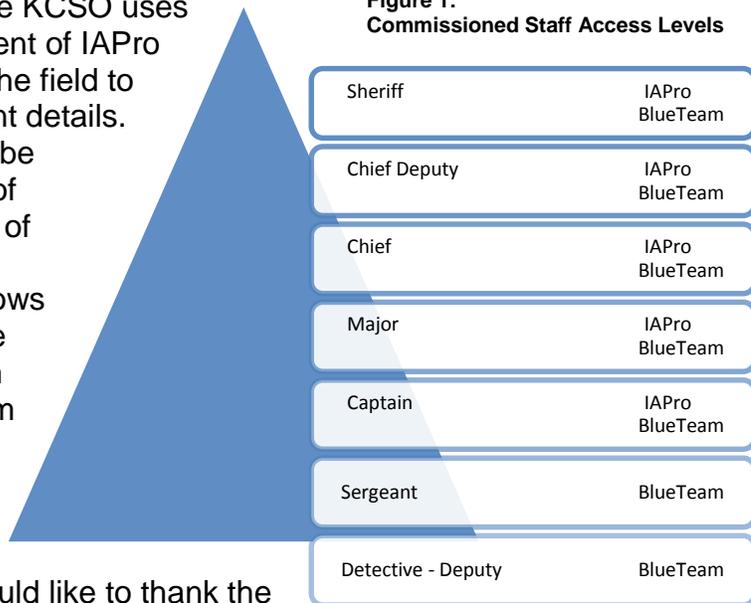
- 3. Establish a succession plan and cross train staff to smoothen IIU staffing rotations.** Although there is a periodic rotation of personal through IIU, there is no period of overlap causing a gap in operational continuity.
Staffing

Background The collective bargaining agreement states that Administrative Investigations⁶ must be completed within 180-days of the matter coming to the attention of the Sheriff's Office Command Staff or Captains. For commissioned officers, this means any Captain, Major, Chief, the Chief Deputy or the Sheriff. This excludes instances when allegations are against a KCSO Captain. According to the Captains' bargained contract, the 180-days begin when the matter comes to the attention of IIU. For non-commissioned professional staff, the 180 days begins when management becomes aware of the allegation(s). An extension to the 180 time frame may be requested if the investigation could not reasonably be completed because of factors beyond the control of the Sheriff's Office. Compliance with the 180 limit is required if the KCSO issues any findings or imposes discipline. The issuance of a Loudermill notice of intent to discipline constitutes the end of the 180-day time frame for an administrative investigation.

Systems The King County Sheriff's Office (KCSO) began using the case management software IAPro in 2009. The software is capable of tracking all investigations and incidents involving King County Sheriff staff. The electronic database has the ability to capture an investigations opening date, due date, and completion date that can be used to assist with the 180-day time limit. IAPro is also capable of setting reminders for pre-assigned tasks coming due. Access to IAPro is limited to command staff who hold the rank of Captain and above, with the exception of Sergeants working within the Internal Investigations Unit (see Figure 1 for access levels).

For front line personnel support, the KCSO uses BlueTeam. This software component of IAPro is simply a mechanism for staff in the field to capture, share and manage incident details. The software allows documents to be uploaded and permits the sharing of information up and down the chain of command. Like IAPro, BlueTeam timestamps routings, but it also allows reviewers to approve or disapprove electronically actions taken at each step of the investigation. BlueTeam information is uploaded and associated with the IAPro investigative case file.

**Figure 1:
Commissioned Staff Access Levels**



The Office of Law Enforcement would like to thank the King County Sheriff's office and the IIU staff for their full cooperation throughout this review.

⁶ The 180-day period shall be suspended when criminal conduct is being reviewed.

About OLEO

The Office of Law Enforcement Oversight (OLEO) is an independent King County agency responsible for ensuring the integrity of the King County Sheriff's Office complaint and internal investigations processes. King County Code section 2.75 and the 2008-2012 CBA between the King County Police Officers Guild and King County provide the authority for OLEO. Under this guidance OLEO's authority includes review of policies and procedures and/or audit of the complaint resolution process.