



King County

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MANAGEMENT LETTER

DATE: February 2, 2010

TO: Metropolitan King County Councilmembers

FROM: Cheryle A. Broom, County Auditor

SUBJECT: 2006 King County Sheriff's Office Complaint Analysis Follow-Up Review

Introduction

The purpose of this follow-up review is to determine the progress made in implementing the improvements identified in the 2006 management letter regarding the *King County Sherriff's Office Complaint Analysis*. The 2006 management letter focused on the analysis of the Sheriff's Office misconduct and use of force complaints, and included a comparison of county and national complaint volumes and trends drawn from the U.S. Department of Justice's Bureau of Justice Statistics. In addition, the Sheriff's Office policies, procedures, and processes related to police accountability were reviewed for conformance to nationally recognized standards set forth by the Commission on Accreditation for Law Enforcement Agencies (CALEA) and best law enforcement practices in seven other police agencies considered to be leaders in the field of police accountability.

The results of our review indicate that the Sheriff's Office made significant improvements to meet national standards and to implement police accountability best practices. Noteworthy improvement efforts since 2006 include more rigorous reviews and analyses of serious misconduct and use of force complaints and investigations. A new annual performance appraisal system was also implemented to promote individual and organizational accountability.

Background on October 2006 Complaint Analysis, Conclusions and Recommendations

Our 2006 management letter contained extensive information on previously unavailable Sheriff's Office complaint data that helped inform the Sheriff's Blue Ribbon Panel of citizen experts and county decision-makers of the nature and extent of the general misconduct and use of force complaints. Prior to initiating our complaint review, the Blue Ribbon Panel had already been established for the purpose of recommending improvements to strengthen the Sheriff's Office misconduct and discipline policies, procedures, and practices.

Opportunities for improvement of the Sheriff's Office data systems and reporting processes were identified during our 2006 review (e.g., the absence of documentation or tracking on quality of service complaints). However, the overall number of investigated complaints substantially declined from 2001 to 2005. Investigations of more serious allegations also declined slightly during the five-year review period, and the nature and prevalence of officer

misconduct and use of force within the Sheriff's Office was generally consistent with that of the surveyed agencies and with national statistics. Additionally, most complaints were generated by a relatively small percentage of officers, consistent with national trends.

In 2010, we plan to complete a follow-up review of the Sheriff's Office complaint data and trends that will coincide with the release of more current national data and trends from the Bureau of Justice Statistics. Recommendations may be offered to address any new findings and conclusions as well as any unresolved complaint data issues identified in the 2006 management letter.

As noted above, our 2006 management letter also reported on the results of our review of the Sheriff's Office policies, procedures, and processes based on the nationally recognized CALEA standards and best practices identified in seven other police agencies. We concluded that the Sheriff's Office had basic elements in place for managing employee conduct and use of force. However, the Sheriff's Office policies and processes for managing use of force in particular did not consistently meet national standards, and a best practice performance accountability system had not yet been implemented. Although we did not offer formal "recommendations" in the 2006 management letter, we identified improvements necessary for the Sheriff's Office to better manage employee conduct and use of force to strengthen police accountability.

Sheriff's Office Progress in Conforming to National Standards and Implementing Best Practices

Specific improvements identified in the 2006 management letter and Sheriff's Office implementation efforts are described below.

1. **2006 Management Letter:** *Strengthening policies and procedures to align with best practices and CALEA accreditation requirements could improve the Sheriff's Office management of misconduct and use of force incidents.*

Sheriff's Office Improvements: Strengthening its policies and procedures has been a high priority for the Sheriff's Office, particularly during the past year. Numerous examples of recently developed or expanded policies that promote better management and accountability in the Sheriff's Office were identified in the revised General Orders Manual, including:

- **Section 3.04.040—Investigation of Personnel Misconduct** requires the completion of an Internal Investigation Unit (IIU) Report Form and review for all Sheriff's Office complaints, regardless whether the complaint is addressed at the supervisory level or formally investigated by the IIU.
- **Section 3.04.195—Review and Processing of Completed Investigations** provides additional review and oversight of cases by the Sheriff's Office Internal Investigations Advisory Committee. The Committee, which includes representatives from the Prosecuting Attorney's Office, Labor Relations and the Sheriff's Office, advises the Sheriff, the IIU Commander and other command personnel on legal matters related to investigations of major incidents or cases that require special attention.
- **Section 3.04.250—Annual Analysis** directs the IIU Commander to compile an annual statistical summary report of all complaints and internal investigations to identify trends or patterns; evaluate and make recommendations to the Sheriff on any training needs or policy changes; and provide copies of the report to the Sheriff for dissemination to the public and Sheriff's Office personnel (note: the most recent annual summary report was posted to the Sheriff's Office Web site in December 2009).

- 2. 2006 Management Letter:** *Other best practices that could enhance the Sheriff's Office management of use of force include: a) implementing an early intervention system that includes use of force as a key component; b) performing regular agency-wide use of force reviews; and c) using results of use of force investigations to modify policies and training programs.*

Sheriff's Office Improvements: Recently developed or expanded policies that promote better management of use of force in the Sheriff's Office include:

- **Chapter 3.07.000—Early Intervention System** is a data-based management tool that provides for the early identification of personnel experiencing potential or actual performance issues, and intervention through training or counseling. The Sheriff's Office has established performance indicators and thresholds by job classifications for identifying candidates for early intervention (e.g., three or more complaints, use of force incidents, etc.). The Human Resource Unit is responsible for completing annual reviews of the early intervention system.
- **Section 1.05.045—Major Incident Debriefing** requires a debriefing within three days of a major incident with participation of department and incident command staff, and the affected precinct commander.
- **Section 1.05.050—Post Major Incident "Lessons Learned" Review** requires the completion of a lesson learned review within four weeks of the incident to determine if there were any lessons to improve future responses. Training or safety issues are also identified during the review.

(Also see **Section 3.04.250—Annual Analysis** above for policy on using results of investigations to modify policies and training programs.)

- 3. 2006 Management Letter:** *Integrating the detailed policies and guidelines with ongoing training of supervisors and officers can help ensure that management's expectations with regard to conduct and use of force are clear and consistent.*

Sheriff's Office Improvements: In the past, the Sheriff's Office did not offer or require supervisors or officers to attend use of force training except during their initial academy and field training. As of 2009, the Sheriff's Office conforms to best practices and reinforces its use of force policies through its regularly scheduled gun qualification assessment process. Use of lethal force training is provided annually, and use of less lethal weapons training is now provided biennially. Failure to attend all assigned training or scheduled qualification assessments may be grounds for failing training or disobeying orders and subject to disciplinary action.

- 4. 2006 Management Letter:** *Considerable effort will be required to develop a comprehensive employee performance and conduct management system to bring its practices up to national standards.*

Sheriff's Office Improvements: Two significant barriers to the full implementation of an accountable police system in the Sheriff's Office was the absence of annual performance evaluations and inconsistent disciplinary action in response to misconduct incidents that were similar in nature. Performance evaluations were discontinued during the tenure of the former Sheriff and could not be reinstated without collective bargaining. A demonstrated record of consistent, progressive disciplinary action was also needed to restore the Sheriff's authority to take action, particularly in cases of serious misconduct (e.g., sanctions such as

terminations were legally defensible). Successful negotiation of the Sheriff's management rights to evaluate personnel occurred in 2008, and the Sheriff's Office developed a new performance appraisal process in 2009. A history of consistent discipline to restore the Sheriff's disciplinary authority is also being developed.

Although the King County Sheriff's Office has made noteworthy progress in efforts to conform to CALEA law enforcement standards and best police practices, many policies were recently adopted (November 2009). Thus, we are unable to confirm that some practices were in fully implemented. Implementation of the newer policies and practices can be expected to continue through July 2010, when the Sheriff's Office plans to complete the CALEA Accreditation Process. We plan to reconfirm whether the policies, procedures, and practices are fully in effect after that time.

We would like to acknowledge and appreciate the cooperation received from the Sheriff's Office management and staff. Please contact Susan Baugh, Senior Principal Management Auditor, at 296-0376 or me at 296-1655 if you have any questions about the issues discussed in this letter.

CB:SB:yr

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