



KING COUNTY AUDITOR'S OFFICE

NOVEMBER 26, 2019

Follow-up on Personally Identifiable Information Audit

County agencies have strengthened privacy protections for immigrant and refugee communities.

The Department of Adult and Juvenile Detention (DAJD) and the King County Sheriff's Office (KCSO) have implemented policies and procedures to prevent the unauthorized release of sensitive personal information to federal agents conducting civil immigration enforcement. Meanwhile, to support broader implementation of laws meant to protect immigrant and refugee communities, the Office of Equity and Social Justice (OESJ) conducted a progress and needs assessment among executive branch departments, the King County Assessor's Office, and KCSO. OESJ intends to begin rolling out training and materials in November and December 2019 and hold in-person training for designated department leads in January 2020. Its training plan is currently under review by community groups and executive senior leadership.

We will continue to monitor DAJD's work informing people in custody of their right not to answer questions about their citizenship status and ensuring timely notification of immigration detainers. We will also follow up with OESJ on its training plans as they develop them. We will begin reviewing the Department of Information Technology's (KCIT) progress on a countywide privacy program in 2020.

Of the 14 audit recommendations:

 <p style="text-align: right;">4</p> <p style="text-align: center;">DONE</p> <p>Fully implemented Auditor will no longer monitor.</p>	 <p style="text-align: right;">3</p> <p style="text-align: center;">PROGRESS</p> <p>Partially implemented Auditor will continue to monitor.</p>	 <p style="text-align: right;">0</p> <p style="text-align: center;">OPEN</p> <p>Remain unresolved Auditor will continue to monitor.</p>	<p style="text-align: right;">7</p> <p style="text-align: center;">PENDING</p> <p>Not yet reviewed Auditor will follow up at future date.</p>
---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Please see details below for implementation status of each recommendation.



Recommendation 1

DONE



To comply with county code 2.15, the Department of Adult and Juvenile Detention should regularly monitor and manage access to nonpublic data systems to ensure that federal immigration authorities are not using them.

STATUS UPDATE: Since May 2019, DAJD has conducted monthly reviews of agencies with access to nonpublic databases, such as the Jail Inmate Look-up System. Access logs show that federal immigration authorities have not logged in since the county deactivated their accounts on April 15, 2019, due to our audit findings. DAJD revised its General Policy Manual in June 2019, stating that it “will not provide [federal immigration agents] access to nonpublic databases or interfaces under [its] control.”

IMPACT: DAJD has enhanced the privacy of county residents by preventing unauthorized searches of sensitive nonpublic information.

Recommendation 2

DONE



To comply with county code 2.15, the King County Sheriff’s Office should develop, document, and implement a plan to ensure that it does not provide personal information to federal immigration authorities for civil immigration enforcement without a criminal warrant or legal requirement.

STATUS UPDATE: In August 2019, KCSO revised its General Orders Manual to prohibit department employees from releasing personal information to federal immigration authorities for civil immigration enforcement without a warrant signed by a judge or a legal requirement. The manual also requires a legal adviser to review documents before they are released to federal immigration authorities. Data and communications from KCSO’s Records Unit shows that the agency has denied records requests in instances where fulfilling them would have violated county code by aiding civil immigration enforcement without a warrant or legal requirement.

IMPACT: KCSO has enhanced the privacy of county residents by preventing unauthorized use of sensitive nonpublic information.

Recommendation 3

DONE



To comply with county code 2.15, the Department of Adult and Juvenile Detention should provide people in custody with copies of any Immigration and Customs Enforcement detainer hold, notification, or transfer requests placed on them while in custody.

STATUS UPDATE: DAJD revised its General Policy Manual in June 2019, clarifying that staff shall provide people in custody with copies of detainers. On August 14, DAJD emailed booking and release staff to inform them of new procedures they should use to ensure that they issue copies of detainers in a timely manner. Between August 17 and September 16, DAJD provided 25 people with copies of Immigration and Customs Enforcement (ICE) detainers, accounting for 86 percent of the 29 people DAJD received ICE detainers for in the period. In the four instances where people

did not receive a copy, the individuals were released from custody the same day the request was received. The 86 percent notification rate is a significant improvement from the 48 percent notification rate found in our audit, where we reviewed notification rates for hold requests received in March and April 2019.

IMPACT: DAJD has increased transparency by providing county residents with information that directly affects their personal safety and immigration status.

Recommendation 4

PROGRESS



To comply with county code 2.15, the Department of Adult and Juvenile Detention should establish and monitor a performance measure to ensure its personnel inform people in custody in a timely manner when it receives Immigration and Customs Enforcement hold, notification, or transfer requests for them.

STATUS UPDATE: DAJD set a target of notifying people in custody about relevant ICE detainers within two days of DAJD's receipt and intends to monitor compliance with this target quarterly. DAJD receives an average of one hold request or detainer a day.

WHAT REMAINS: DAJD should demonstrate that it regularly monitors its timeliness in informing people in custody of ICE holds, notifications, or transfer requests.

Recommendation 5

DONE



To comply with county code 2.15, the Department of Adult and Juvenile Detention should develop, document, and implement a plan to ensure that citizenship status and place of birth is not collected in its data systems.

STATUS UPDATE: DAJD informed booking and release staff on June 4, 2019, that it will no longer collect information about citizenship/immigration status or place of birth for people booked into county jails. By the end of June 2019, DAJD revised its General Policy Manual to clarify this policy. To prevent data collection, KCIT disabled data entry for the citizenship and place of birth fields in DAJD's booking database.

IMPACT: DAJD has lowered the potential harm of a data breach by reducing the amount of personal information it collects and stores.

Recommendation 6

PROGRESS



To comply with county code 2.15, the Department of Adult and Juvenile Detention should inform people of their right not to answer questions about citizenship status or place of birth and the reasons for these questions.

STATUS UPDATE: DAJD informed booking and release staff on June 4, 2019, that it will no longer collect information about citizenship/immigration status or place of birth for people booked into county jails. The agency is working to update its inmate handbook to inform people in custody of their rights not to provide this information and to know why it might be asked of them.

WHAT REMAINS: DAJD needs to distribute the revised inmate handbook to inform people in custody of their rights not to provide citizenship status or place of birth information and to inform them why it might be asked of them.

Recommendation 7

PROGRESS



The Office of Equity and Social Justice should develop, document, and implement a training plan to assist agencies in implementing county code 2.15 in a timely manner.

STATUS UPDATE: OESJ designated one full-time equivalent employee to lead and support monitoring efforts related to county code 2.15. The office conducted a progress and needs assessment among executive branch departments, the King County Assessor’s Office, and KCSO in August 2019. The County Executive required all departments to develop a plan to implement county code by the end of October 2019, with progress monitoring scheduled for April 2020.

OESJ intends to begin rolling out training and materials in November and December 2019, and hold in-person training for designated department leads in January 2020. Its training plan is currently under review by community groups and executive senior leadership. OESJ said it is holding quarterly meetings with community groups including the King County Immigrant and Refugee Commission, OneAmerica, ACLU-WA, Northwest Immigrant Rights Project, and Washington Immigrant Solidarity Network.

WHAT REMAINS: OESJ needs to roll out and monitor its training plan.

Recommendation 8

PENDING

Recommendation 9

PENDING

Recommendation 10

PENDING

Recommendation 11

PENDING

Recommendation 12

PENDING

Recommendation 13

PENDING

Recommendation 14

PENDING

Senior Management Auditor Megan Ko conducted this review. If you have any questions or would like more information, please contact the King County Auditor's Office at KCAO@KingCounty.gov or 206-477-1033.