



King County

Office of Law Enforcement Oversight

Annual Report 2014

Patti Cole-Tindall, Acting Director

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. OLEO is a blended or hybrid model of civilian oversight, meaning it has adopted a combined monitoring and auditing approach; it also receives advisement from a Committee representing the Sheriff's diverse service area. OLEO does not have the power to compel evidence or conduct independent investigations. OLEO is responsible, however, for actively monitoring all KCSO internal investigations and making a determination as to whether or not an investigation was thorough and objective.

Highlights

On November 3, 2014, Patti Cole-Tindall was appointed the interim Director of the Office of Law Enforcement Oversight (OLEO). Cole-Tindall has experience with both investigations and the local criminal justice system. Cole-Tindall was a former Internal Affairs Investigator for the County's Department of Adult and Juvenile Detention and has served as the Assistant Director for its Community Corrections Division. Prior to that, she was responsible for the regional unemployment insurance benefits investigative program for the Washington State Employment Security Department. She has also served as a Special Agent for the Washington State Gambling Commission. Cole-Tindall is on loan from King County Executive Dow Constantine's Office, where she also serves as the Director of Labor Relations.

Since November, Cole-Tindall and her staff have identified several opportunities to improve and/or expand the Citizen Oversight process and work more constructively with the King County Sheriff's Office (KCSO).

- Citizens Committee on Independent Oversight
- Mediation
- Complaint Review Procedures

The recruitment process for a permanent OLEO Director has also commenced. A five-member committee responsible for identifying three candidates to move forward in the selection process has been established. A permanent Director is expected to be named later this year. Once the permanent Director is appointed, staffing decisions regarding the office will be addressed.

Another important function of OLEO is the citizen's outreach component which is currently not being pursued, given the part-time status of the Director. The permanent Director will have the opportunity to fully explore all facets of public engagement efforts related to civilian oversight.

Citizens Advisory Committee

The first meeting of the OLEO Citizen's Committee on Independent Oversight was held on December 22, 2014. Two subsequent meetings have been held since. Ordinance 15611, Section 8, as amended, and the King County Code (KCC) section

2.36.050 established the eleven-member committee to advise the Director of OLEO regarding both policies and best practices related to civilian oversight and fulfillment of the responsibilities of OLEO. The Committee is not charged with reviewing or providing advice on individual complaints or disciplinary actions. The committee does function as an important primary avenue to communicate with King County's diverse communities. Members are appointed by the Executive and confirmed by Council.



OLEO Citizen's Committee on Independent Oversight

From left to right are:
Sili Savusa,
Patti Cole-Tindall (Acting
OLEO Director),
James Graddon,
John Jensen,
Honorable Mia Gregerson,
Honorable David Baker,
Tricia Richards,
Lourdes Salazar and
Reverend Steve Baber.

Mediation

Although the mediation program began in 2013, only three cases have been referred, and two successfully completed. Mediation provides an alternative to the traditional complaint and disciplinary process. It is voluntary, confidential and facilitated by a neutral third party. Mediation is intended to promote fairness and respect for all parties through listening and understanding. Enhancing the mediation program is a top priority of OLEO.



Sheriff Urquhart and the OLEO Citizen's Committee on Independent Oversight

Complaint and Investigation Procedures

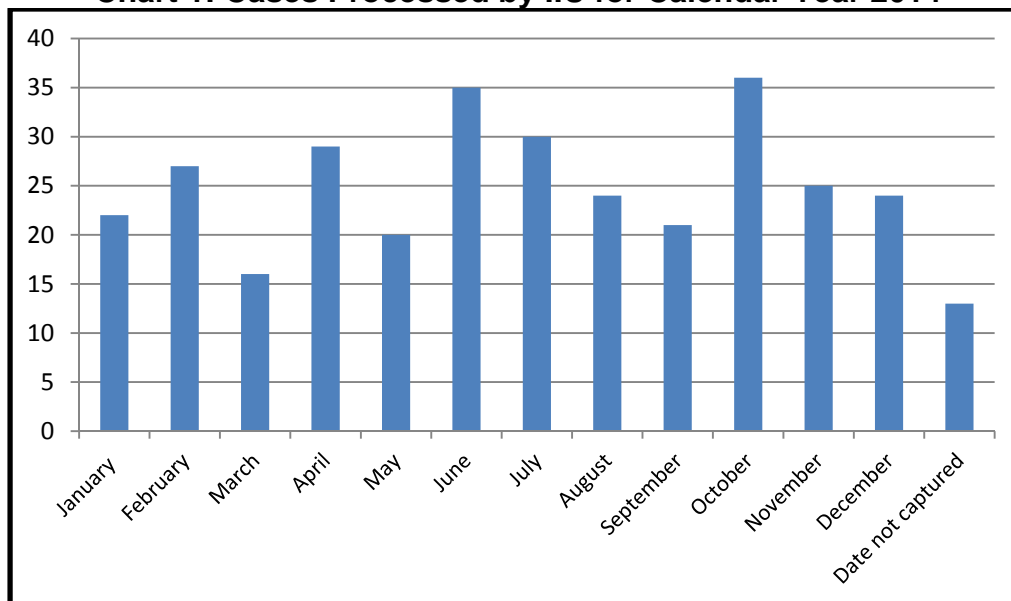
As required by KCC 2.75.050(C), OLEO is to provide an annual analysis of complaints, investigative findings, and final discipline for sustained complaints.

Complaints are classified in one of three categories:

- A non-investigative matter or NIM is a complaint that is not an allegation of misconduct and for which no further action is required.
- A supervisory action log or SAL is a minor policy violation or performance issue.
- An Inquiry is an allegation that, if true, alleges misconduct that is not minor.

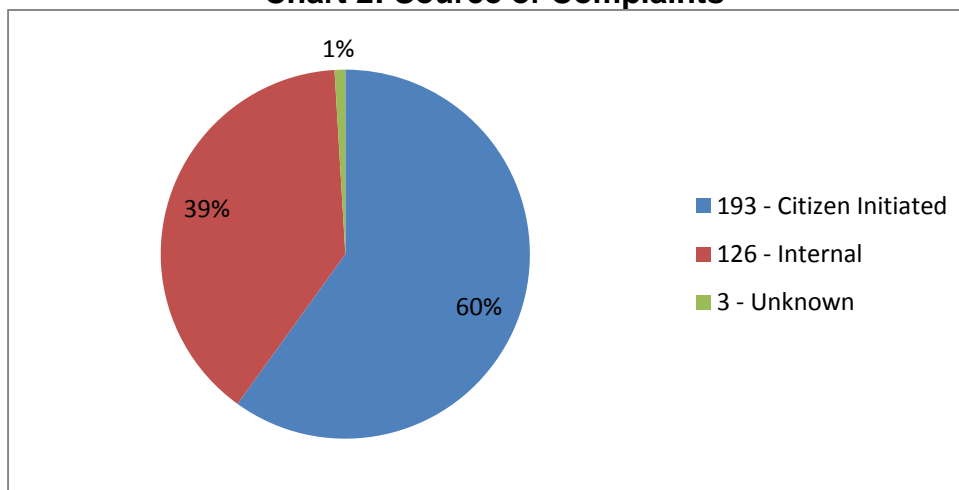
The KCSO and OLEO receive complaints from any complaining party. Non-Investigative Matters and Supervisory Action Log complaints resulting in minor policy infractions are not reviewed by OLEO and, therefore, are not addressed in this report. On average, for calendar year 2014, IIU processed roughly 26.8 non-minor misconduct complaints monthly or 322 complaints for the year¹. Chart 1 below provides a monthly breakdown.

Chart 1: Cases Processed by IIU for Calendar Year 2014



In total, sixty percent of the complaints classified as non-minor originated with citizens while thirty-nine percent came from internal sources (see chart 2). During the calendar year 2014, OLEO received a total of 30 general inquiries and complaints, consisting of both telephone calls and walk-ins.

¹ The 322 total processed cases include 39 cases from 2013, processed by IIU in January, February, and March of 2014. The total 2014 complaints totaled 290, of which 7 will be included in 2015 reporting, as they were processed in January and February of 2015. The OLEO notification date is the basis for counting a new complaint received. This approach provides the actual workload for a calendar year.

Chart 2: Source of Complaints

Of the 322 complaints that IIU processed, 33 were sustained. The sustained complaints were comprised of 133 individual allegations. No comments are being made with respect to discipline as all disciplinary decisions are made by the Sheriff and appropriately discussed in the annual report published by the KCSO IIU.

In accordance with the collective bargaining agreement (CBA), OLEO must forward any complaints received to IIU within three days. Following its referral, OLEO continues to have unimpeded access to all complaint and investigative files for auditing and reporting. Since Cole-Tindall has been the Acting OLEO Director, OLEO has reviewed and certified 14 cases. The OLEO Director can request additional investigation at any time throughout the process, and has done so twice. In both instances, IIU and OLEO were agreeable to the actions taken.

Prior to Cole-Tindall's appointment, OLEO had no mechanism to document its review of cases, nor did OLEO track the complaints it received or forwarded to IIU. The Office of Law Enforcement Oversight is currently creating a case review process and reviewing past records to compile information regarding prior OLEO complaint activity. In order to gain a better understanding of the organization and its issues, OLEO has been observing various basic law enforcement training classes taught within the KCSO. In addition, OLEO has been collaboratively working with KCSO staff to evaluate the effectiveness of the current complaint review process. Communication with the KCSO has been frequent and productive. The Office of Law Enforcement Oversight realizes that it still needs to establish internal controls to ensure the integrity of OLEO reviews. Additionally, the review process itself must be documented. These efforts will be undertaken by OLEO in the near future.

King County Code directs OLEO to recommend policy, procedure and practice improvements to address systemic complaint investigation issues within the Sheriff's Office. Two immediate areas have been identified that could benefit from change:

- More effective integration of OLEO into the complaint review process, and
- Establishment of clear standards for IIU's complaint classification.

Complaint Review Process. According to the King County Code and the CBA, Both OLEO and IIU must adhere to three time limits over the course of the administrative investigation and review process. First, each party has an obligation to notify the other within three days when any complaint is received. Second, OLEO must complete its review and make a determination as to the thoroughness and objectivity of the administrative investigation within five days after IIU notifies OLEO the investigation is complete. Lastly, with little exception, the entire administrative investigation, including OLEO review, must be completed within 180 days². Two notifications are sent to OLEO: (1) when IIU opens a new serious complaint investigation, and (2) upon IIU's completion of an investigation. Currently, the timing as to when OLEO is notified of a completed administrative investigation is not effectively integrated into the complaint review process at the appropriate time. Because the actual case analysis, preliminary disposition and proposed discipline are put together by the precinct or command staff after the IIU investigation, however, OLEO is not actually certifying anything other than the investigative steps. While the current process appropriately empowers supervisors themselves to identify and correct performance, it limits OLEO's ability to adequately review the full scope of an investigation through disposition.³ The Office of Law Enforcement Oversight's review period should continue after disposition and up to the point at which the investigation is completed and the appropriate commanding officer has proposed findings and formulated conclusions. This observation has been discussed with IIU and IIU has concurred and agreed to notify OLEO after the appropriate commanding officer has rendered his/her findings.

IIU Complaint Classification. The Sheriff or designee determines which complaints will be classified as not minor; however, there are currently no preset criteria that explain how this complaint classification is done. Such criteria are important in order to assure that a matter appropriate for OLEO review does not avoid scrutiny based upon a potentially inaccurate classification. The KCSO could benefit from applying a consistent and transparent approach, based upon clearly enumerated standards, to determine how complaints will be categorized.

This report is submitted pursuant to section 2.75.050(C) of the King County Code.

Authority

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 but is not limited to the following:

² Administrative Investigations must be completed within 180 days of the matter coming to the attention of the Sheriff's Office Command Staff/Captains. If an extension is needed, the Sheriff must contact the Guild prior to the expiration of the 180 days in order to seek an extension of the time period. When a complaint is alleged to involve criminal conduct, the 180-day period will be suspended. However, in no event shall the investigation last more than 240 days.

³ Oleo recognizes that it is not called upon to second guess KCSO disciplinary decisions. Per the Collective Bargaining Agreement, OLEO may make statistical observations regarding the disciplinary results of sustained internal investigations, but shall not take issue with discipline imposed by the Sheriff in specific cases.

- Receive complaints from any complaining party concerning the KCSO, track complaints received and transmit the complaints to the Internal Investigations Unit.
- Monitor all of the KCSO's internal investigations.
- Monitor the investigation and resolution of all IIU complaints to assure they are handled in a timely fashion and that complainants are notified of the final disposition of their complaints.
- Attend and observe IIU interviews and ask questions within the scope of permissible investigative questioning after the KCSO completes its questioning.
- Request further investigative work be completed if material to the outcome.
- Determine in writing whether each personnel complaint investigation was thorough and objective, and request additional investigation if needed.
- Coordinate with the KCSO in the development of all technology applications for tracking and information sharing.
- Issue annual reports, which include a statistical analysis of complaints, investigative findings, and final discipline for sustained complaints.
- Make recommendations for action by the Sheriff regarding needed improvements in policies, procedures, and practices stemming from analysis that looks beyond individual cases of misconduct.
- Work in collaboration with the KCSO to establish and administer a volunteer officer-citizen mediation program.
- Recommend policies and procedures for the review and/or audit of the complaint resolution process.
- Review and recommend changes in KCSO policies to improve the quality of police internal investigations and practices.
- Have unimpeded access to all IIU complaint and investigative files for auditing and reporting purposes.

The KCSO is the custodian for all investigative records. The Office of Law Enforcement Oversight is prohibited at all times from disclosing the names of or any other identifying information pertaining to employees or other individuals involved in incidents or investigations. The Office of Law Enforcement Oversight cannot participate in criminal investigations of KCSO employees in any way. All final disciplinary decisions are made by the Sheriff. The terms of the current CBA are in the process of review for possible revision.