
Office of Law
Enforcement
Oversight

2015

annual
report

Annual Report 2015

Cheryle Broom, Interim Director
Office of Law Enforcement Oversight

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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 (KCSO) 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 the Citizens' Committee on Independent Oversight (CCIO) representing the Sheriff's diverse service areas. OLEO is responsible for actively monitoring all KCSO internal investigations and making a determination as to whether an investigation was thorough and objective. It does not have the power to compel evidence or conduct independent investigations¹.

OLEO's authority includes:

- Receiving complaints from the public
- Certifying complaints investigated by the Sheriff's Office
- Auditing or reviewing systemic issues in the Sheriff's Office
- Conducting public engagement, including supporting the work of the Citizens' Committee on Independent Oversight (CCIO)

Highlights - 2015

A major policy action was the approval of Charter Amendment No. 1, Law Enforcement Oversight, by the voters of King County. Pending passage of implementation legislation and related policy actions, this amendment can enhance the authority of OLEO and the CCIO.

During 2015, OLEO formalized its complaint certification process. This resulted in 158 investigations certified as thorough and objective. Approximately 60 percent of the complaints investigated by IIU came from the public with the top three types of complaints being 1) excessive or unnecessary use of force, 2) lack of courtesy, and 3) acts in violation of Sheriff's Office directives. Data on complaint issues and outcomes is summarized in this report. Additionally, the King County Sheriff's Office (KCSO) reports on completed investigations on its website².

OLEO also participated in monthly Driving Review Board (DRB) meetings, attended weekly IIU meetings with the Sheriff, and observed the scene of one shooting incident.

Sheriff Urquhart requested an independent assessment of the number of misconduct investigations that were not processed within 180 days as required by Collective Bargaining Agreements (CBA). Under our audit and review authority, we determined 23 investigations exceeded the 180 day timeline, though only three related to IIU's pace of conducting the investigation. We made three subsequent recommendations to improve compliance with the 180 day requirement. KCSO's response and follow-up is reported on page 7 of this report. A full copy of the response can be found at Appendix 2.

1 OLEO's authority to review administrative investigations and conduct other civilian oversight is found in King County Code Chapter 2.75. Within KCSO, there are 10 Collective Bargaining Agreements that further describes OLEO's role including Article 22 of the King County Police Officers Guild (KPOG). All the agreements can be found at <http://www.kingcounty.gov/depts/executive/labor-relations/contracts.aspx>

2 <http://www.kingcounty.gov/depts/sheriff/about-us/internal-investigations-unit-reports.aspx>

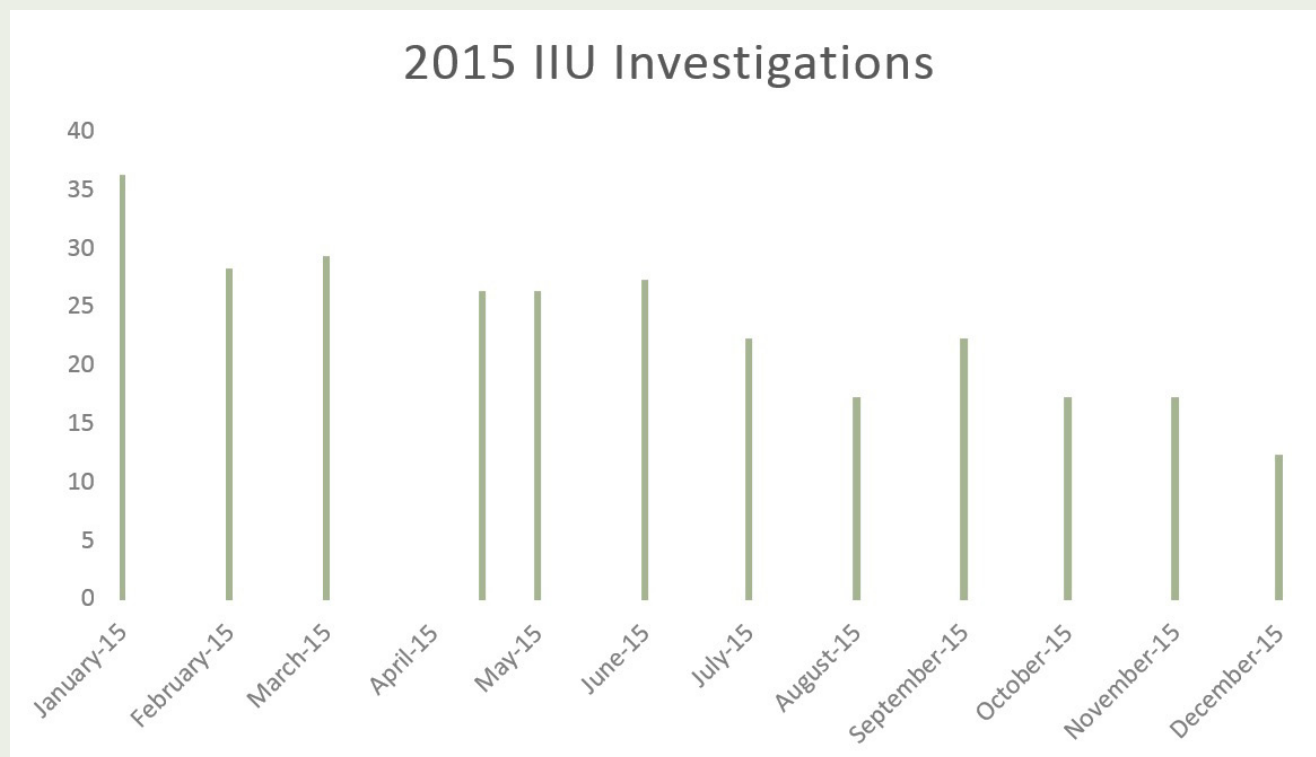
CCIO held its first in meeting in December 2014 and concluded 2015 with a presentation by, and discussion with, Councilmember Larry Gossett on the implications of the passage of Charter Amendment 1. The charter expands CCIO's authority to advise the Sheriff and County Council on matters relating to law enforcement including social justice and equity.

Complaint and Investigation Program

OLEO accepts complaints from any party, including KCSO employees. Complaints received must be forwarded to IIU, who may conduct an investigation if IIU determines that the allegations involve serious misconduct. IIU investigations are administrative, not criminal. Complaints concerning workplace discrimination are not within OLEO's purview.

In 2015, IIU conducted 283 investigations (See Table 1 for a monthly breakdown); OLEO reviewed 158 of them. With limited resources and a mandated five day period to review an investigation completed by IIU, the analysis of all investigations was not feasible. Additionally, only five certifications were issued between October and November 2015, when the Interim Director position was vacant. As of April 20, 2016, there were 12 active 2015 investigations³.

Table 1: Investigations Shown According to the Month They were Opened



IIU has five days to notify OLEO that an investigation is complete. OLEO then has five business days, after being notified of a completed investigation, to certify its opinion of whether it was thorough and

³ Investigations may overlap with next calendar year. IIU has 180 calendar days to conduct an investigation and may receive an extension if necessary. For example, an investigation starting on 12/31/15 is to be completed by 6/28/16.

objective. The OLEO Director also has the option to request additional investigation or seek clarifying information. This was done in 17 of the investigations reviewed (See Attachment 1). IIU informs the KCSO employee and the complainant of the investigation's outcome. The Sheriff's Office determines if and what form of discipline is warranted if an allegation is sustained.

Two of the 158 investigations reviewed by OLEO were not certified as thorough and objective.

In one instance, OLEO believed more attempts to obtain evidence could have been made and the investigation could have been completed in a timelier manner. Based on our feedback, IIU continued to follow up, although the investigation surpassed the period where discipline could be imposed had the allegation been sustained.

In the second instance, OLEO found witness statements were not expediently obtained from all parties. Even though the complainant no longer wished to revisit the issue, IIU made the effort to contact three witnesses. Subsequently, the KCSO employee received corrective counseling. IIU indicated that this likely would have been the outcome had the investigation been completed on time.

Approximately 60 percent of the complaints classified as serious misconduct that were investigated by IIU originated from citizens and 40 percent came from KCSO employees.

In 2015, 53 contacts were made directly to our office. In five, the complainants disagreed with the investigative outcome. IIU considered new information that was presented for one investigation, but it did not change the original determination. In a second, IIU reevaluated video footage, but also did not change the original outcome. For the remaining three disputed outcomes, the investigations were not reopened.

Table 2 is a summary of contacts made to OLEO by the public, which are about 1/4 of the total investigations OLEO reviewed. About 65 percent of these direct contacts are complaints, the majority received via telephone. The remaining 35 percent were complaints, but not related to KCSO personnel or were general inquiries rather than complaints.

Table 2: Contacts Made Directly to OLEO by the Public

	2015	Source
Complaints	34	8 – email 1 – fax 25 – telephone
Disputes investigative finding	5	3 - walk in 2 – telephone
Inquiries	4	1 - walk in 3 – telephone
Not KCSO related	10	1 – walk in 1 - email 8 – telephone
Total Contacts	53	10 – email 1 – fax 5 – walk in 37 - telephone

To ensure OLEO's reviews of IIU investigations are unbiased and impartial, OLEO uses the following criteria to determine the investigation of a complaint was "thorough and objective":

The file is accurate and complete, and appropriate notifications are documented in the file;

- The complainant's allegation(s) was/were addressed;
- The investigation was timely;
- The investigation was based on fact finding and did not allow opinions, bias, or personal observation to affect how the investigation was conducted;
- Investigators conducted interviews using open-ended, non-leading questions where appropriate;
- Pertinent witnesses were interviewed, or reasonable attempts to contact such witnesses were made and were properly documented;
- Relevant documentary and physical evidence was gathered or addressed;
- The appropriate standard of review was used;
- The final report is objective and evidence-based.

For excessive or unnecessary use of force against a person, OLEO also reviews whether:

- The reason for force was thoroughly and appropriately documented by those who used or witnessed the force;
- Medical care was sought for the person on whom force was used; and if not, why not;
- A supervisor was called to the scene;
- Photos were taken of injuries to both the person on whom force was used and the involved deputy/deputies;
- A release of medical information and all available medical records was obtained if needed.

4 For inquiries - Related to KCSO authority but not a complaint, such as how to start an oversight function, a public disclosure request (PDR) for a copy of the contract providing police service to a city and how to follow up with a vehicle that was impounded.

Table 3 provides a summary of the top five allegation types investigated by IIU. An investigation can have numerous allegations or involve more than one KCSO member⁵, thus the number of allegations will always be greater than the number of investigations conducted. Although excessive or unnecessary use of force is one of the most common allegations, some of them do not originate from citizen complaints. KCSO policy mandates prompt reporting by all KCSO members involved and members witnessing any use of force incidents. A failure to report excessive or unnecessary use of force incidents is considered a violation of policy.

Table 3: Top Five Allegations Investigated by IIU

Allegations	Number of Allegations	Number of Investigations Conducted
Excessive or unnecessary use of force against a person	88	50
Courtesy	73	64
Acts in violation of Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere	68	61
Inappropriate use of authority	33	18
Conduct that is criminal in nature	29	19

Note: The number of allegations reported in this table differs from what is reported by the KCSO in its annual report, which captures all complaints. What is shown here is limited to complaints investigated by IIU.

KCSO also has an Administrative Review Team (ART) composed of IIU and precinct sergeants responsible for conducting the administrative investigation and review of serious force incidents and serious officer involved events. ART identifies observed concerns or problems with training, tactics, equipment, and policy or procedures. These findings are presented at a lessons learned briefing facilitated by the ART Commander no later than 90 days following the incident. A memo summarizing the ART review and lessons learned is provided to the Sheriff. Action items are then assigned to appropriate KCSO personnel for follow up with a deadline for completion/implementation. OLEO is notified when ART is called to attend an incident and has the opportunity to also attend it.

During 2015, the former interim OLEO director responded to one officer involved shooting that occurred in SeaTac.

Not all complaints are investigated by IIU or reviewed by OLEO. Some allegations may be classified as non-investigative matters and others may be deemed appropriate for supervisory referral. OLEO is not involved in the classification process. The Sheriff or designee determines complaint classification.

⁵ "Member" means 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.

KCSO complaint classifications:**1. Non-investigative matter (NIM)**

- Complaint that is not an allegation of misconduct
- No further action is taken
- No OLEO review

2. A supervisory action log (SAL)

- Minor policy violation(s) or performance issue(s) deemed appropriate for supervisory referral
- No OLEO review

3. Inquiry

- An allegation of misconduct
- An administrative investigation is needed
- OLEO review

Once the OLEO certification process is completed, OLEO has limited involvement in the investigation. If an employee who is the subject of an IIU investigation is also accused of criminal behavior, the employee may be investigated criminally by the law enforcement agency with jurisdiction over the crime⁶.

OLEO has been working collaboratively with KCSO staff to continue improving the effectiveness of the complaint review process. In the 2014 annual report, we noted that OLEO was being notified of a completed investigation concurrently with the employee's commanding officer or supervisor. This precluded OLEO from considering the commanding officer or supervisor's analysis of the investigative facts and explanation of the rationale underlying the case's resolution. IIU has since changed their process. OLEO is now provided the relevant findings and recommendations of commanding officers or supervisors. IIU has also instituted a change, making OLEO's review more meaningful, by delaying the investigative outcome letter to the complainant and KCSO employee until after OLEO has had an opportunity to review and request additional investigative steps if necessary. In the past, notifications were sent out after the five day review period, regardless of OLEO review. The OLEO director regularly attends weekly meetings with the Sheriff and his leadership team, including the IIU captain, to discuss active IIU cases and the progress of ongoing investigations.

Beginning in 2015, OLEO staff has been allowed to participate in interviews that IIU staff hold with KCSO staff named in complaints, and participate as a nonvoting member in the sheriff's monthly Driving Review Board meetings to review collisions and pursuits involving sheriff deputies. OLEO has also been allowed to attend internal board meetings of the Shooting Review Board. In June 2015, the former interim director attended that board's review of an officer involved shooting that resulted in the death of a man in the SODO district in 2014.

Audits and Reviews Program

In 2015, OLEO conducted one review that was undertaken at the request of the King County Sheriff's Office (KCSO). The review's intent was to (1) identify the number of misconduct investigations that were not processed within 180 days as required by the Collective Bargaining Agreement; (2) identify possible

⁶ Criminal investigations are not conducted by IIU and are not certified by OLEO.

causes for exceeding the 180-days threshold; and (3) provide reasonable recommendations that could decrease the number of lapses.

In summary, the number of investigations exceeding 180 days totaled 23 over a three-year period. A majority of the delays occurred during the command staff's final review stage. Other delays occurred during the initial processing of the complaint which could happen during the preliminary review, complaint classification, or assignment to an investigator. Only three investigations were delayed due to the pace of the investigation itself.

OLEO recommended that KCSO establish a standard approach to using available technology to ensure data is reliable and consistent, to incorporate a consistent standard approach to calculating the 180-day period, and to establish a succession plan and cross-train staff to smoothen IIU staffing rotations.

KCSO has developed better tracking mechanisms, such as regular monthly reports during the investigative and findings stage of the investigation. In mid-2015, the IIU Captain notified command staff that the IAPro system⁷ will be the standard practice used to review investigative files. This promotes a more consistent review approach and provides a permanent record of work. Review of investigative files outside IAPro is now done only on a very limited bases. For succession planning, the outgoing IIU Captain will provide training to an incoming Captain and an IIU sergeant has been cross-trained to review excessive or unnecessary use of force against a person and pursuits. That individual can be a substitute for IIU Captain when necessary. (See Attachment 2 for a full copy of the report).

Citizens' Committee on Independent Oversight

King County Code section 2.36.050 established the eleven-member Citizens' Committee on Independent Oversight (CCIO). The committee functions as an important avenue to communicate with King County's diverse communities. Members are appointed by the Executive and confirmed by Council.

The primary purpose of the Committee is to make recommendations to the OLEO director regarding:

- Officer misconduct and discipline policies;
- Procedures and practices of the King County Sheriff's Office;
- Policies, procedures, and practices related to other responsibilities of the OLEO director;
- Public perceptions of the Sheriff, the Sheriff's deputies, and their roles and functions in the community.

In addition, CCIO provides a vehicle for OLEO to identify systemic issues within the Sheriff's office that adversely affect public trust and transparency and serves as a means for the OLEO director to



L-R: Lourdes Salazar, John Jensen, Sili Savusa, Tricia Richards, Honorable David Baker, Mia Gregerson, and interim director Cheryle Broom

⁷ IAPro is the KCSO's Internal Investigation Unit case management software system.

communicate with the County's diverse communities. Such communication is intended to increase accountability and public understanding of the misconduct and discipline policies, procedures, and practices of the sheriff's office and of other issues related to the OLEO director's responsibilities. The Committee does not have authority to advise on individual complaints or disciplinary actions.

With 8 of its 11 seats filled, CCIO met seven times in 2015. CCIO developed its interim bylaws. Educational sessions included a historical perspective on the Sheriff's Office and a briefing on its use of force policies and ART.



*Retired KCSO Major
Jim Graddon (CCIO)*



Reverend Steve Baber (CCIO)

Community Outreach

In late 2015, a community outreach program manager was hired to draft OLEO's first outreach plan. Increasing transparency, responsiveness, accessibility, and credibility is key to building public trust and critical to fulfilling OLEO's mandate. Key strategies of the outreach plan include:

- Developing and disseminating information regarding public rights and responsibilities vis-à-vis the law in King County
- Providing information and education to the public on the Sheriff's law enforcement methods and tactics
- Reporting to the public on OLEO's progress and effectiveness
- Supporting and facilitating outreach of the CCIO
- Developing tools and apps to solicit input and share information

Mediation

Mediation provides an alternative to the traditional complaint and disciplinary process. It is voluntary, confidential, and facilitated by a neutral third party between the complainant and KSCO deputy or staff who is the basis for the complaint. Mediation is intended to promote fairness and respect for all parties through listening and understanding.

Although the mediation program began in 2013, few cases have been referred. OLEO intends to evaluate how the mediation program may be effectively used and expanded on in the future.

Goals and Priorities Moving Forward

The King County Council unanimously appointed Deborah Jacobs as director of OLEO in April 2016. She will begin serving a 4-year term beginning in June 2016. Since late 2014, OLEO has had two interim

part-time directors⁸ and has not been fully staffed. Despite this, substantial groundwork has been laid to advance the mission of OLEO. Additionally, the recently passed charter amendment has the potential to expand OLEO's authority and responsibilities.

Implementation of Charter Amendment. In the fall of 2015, the King County Council passed Ordinance 2015-0275, placing a charter amendment on the ballot for consideration by the voters. Approved by voters in November 2015, this new charter amendment (1) establishes a charter-based office of law enforcement oversight to investigate, review, and analyze complaints about law enforcement conduct and the use of force by county law enforcement officers; (2) provides OLEO with the appropriate authority to carry out its duties; and (3) establishes a citizen committee on independent oversight, which will review, advise, and report on OLEO and advise the Sheriff and the Council on matters of equity and social justice related to law enforcement.

The charter amendment calls for an ordinance that will expand or clarify OLEO's practices including in areas listed below.

- **Investigation.** OLEO may be permitted to directly investigate the conduct of law enforcement officers that results in a complaint or that involves the use of force, rather than merely monitoring investigations conducted by KCSO's Internal Investigation Unit (IIU).
- **Review of Use of Force in Absence of Complaint.** Even in the absence of a complaint, OLEO's oversight may extend to matters involving the use of force by county law enforcement officers.
- **Scope of Findings, Conclusions, and Recommendations.** OLEO may prepare and publish findings, conclusions, and recommendations related to its oversight of the Sheriff's Office.
- **Access to Information.** The charter amendment provides for OLEO to have access to all relevant information.

The charter amendment contains no explicit prohibition against OLEO monitoring criminal investigations of law enforcement officers or participating in interviews that are part of such investigations. King County Council is currently drafting the enabling legislation with new and expanded authority subject to collective bargaining agreement negotiations with the King County Sheriff's Office and the King County Police Officers guilds and unions.

Strengthen Complaint Oversight Process. With assistance of experts in the field, OLEO has taken steps to validate and enhance our complaint oversight and related protocols. OLEO will continue to make improvements to this process in the upcoming year in order to provide confidence to the public that independent and quality review of complaint investigations is occurring. Associated with our oversight of investigations is the authority to attend the Sheriff's Use of Force and Driving Review Boards as a non-voting member. This effort provides OLEO an opportunity to give input before KCSO makes a determination whether a vehicle accident was preventable or use of force was appropriate. We anticipate developing guidelines for our participation on these boards.

We have a goal of reviewing all IIU complaint investigations in 2016. This was not achievable in 2015, given resource and organizational constraints.

⁸ Patti Cole-Tindall served as the first interim OLEO director; Cheryle Broom's interim appointment began November 2015.

Conduct Strategic Planning. OLEO envisions initiating a strategic planning process under the direction of the new director. Along with the enabling legislation, a strategic plan will help the office focus on achieving priority goals and providing accountability to residents of King County. The CCIO is also interested in clarifying its expanded role and preparing a strategic plan that will guide its activities into the future. Both OLEO and the CCIO expect to be engaging communities throughout King County in 2016.

Update Website. To increase transparency and accountability, OLEO initiated updates to its website⁹ in 2015. With recent updates, residents may now file a complaint online in English and in five non-English languages. OLEO will continue to evaluate its website and make additional updates to expand its online presence, including greater use of social media.

Implement Public Outreach Program. OLEO is developing a plan and materials to support a robust outreach program. OLEO will make incremental steps toward implementation of the plan, based on resource availability and other priorities.

New Office Manual. An operational policy and procedure manual is an important framework to ensure that work meets professional standards and achieves mandates efficiently. In late 2015, the office commenced development of a manual that should reflect best practices in conducting oversight of complaint investigations and compliance with applicable professional standards in performing audits or reviews.

Follow-up on KCAO Audit Recommendations. In July 2015, the KCAO published an audit report, [Law Enforcement Oversight: Limited Independence, Authority and Access to Information Impede Effectiveness](#). Passage and implementation of Charter Amendment No. 1, Law Enforcement Oversight, should address some of the concerns raised in this report. For example, the Charter amendment enhances OLEO's access to relevant information in KCSO.

There are two recommendations addressed directly to OLEO in the audit. One relates to conducting a staffing analysis and the other to developing a system for prioritizing OLEO's investigation oversight. The work underway to verify OLEO processes and document workload will serve as a base for developing a staffing plan that can be submitted to the Council with OLEO's 2017-18 budget proposal¹⁰. The other recommendation is to determine a triage approach for conducting priority complaint investigation work given resource constraints. OLEO has started to address this matter based on advice from experts in the field of civilian oversight of law enforcement.

9 <http://www.kingcounty.gov/independent/law-enforcement-oversight.aspx>

10 In 2015 the office had two consecutive and part-time interim directors and one fulltime auditor/investigator. The office has 4 full-time positions in the 2015-2016 biennial budget.

APPENDIX

**Appendix 1 – 2015 IIU Investigations Where OLEO Requested
Further Information**

Appendix 2 - KCSO 180 Day Compliance Review

Appendix 1 - 2015 IIU Investigations Where OLEO Requested Further Information:

	Summary of Issue / Complaint	Allegation	Disposition	OLEO Clarification Sought Regarding:
1	Citizen not satisfied with how an officer responded to a vandalism complaint	(1) acts in violation of directives, rules, policies or procedures	(1) exonerated	(1) complainant's allegations (2) evidence - video (3) commander's report
2	Citizen appealed the original disposition and introduced new evidence	(1) excessive or unnecessary use of force against a person	(1) unfounded	(1) new evidence and its impact, if any on prior disposition (2) efforts to contact complainant who has no permanent address (3) effort to interview witness (4) clarification of witness statement (5) availability of additional evidence
3	Internal complaint reporting officer conduct	(1) conduct unbecoming (2) appropriate use of authority	(1) unfounded (2) unfounded	(1) clarification - witness interview
4	Citizen reported officer was rude during traffic stop	(1) biased based policing (2) courtesy	(1) no finding (2) no finding	(1) evidence not collected timely (2) timeliness of investigation *did not certify although IIU completed the investigation. A video recording was requested but the complainant was reluctant to provide it at this time.
5	Citizen reported officer was discourteous	(1) courtesy	(1) non-sustained	(1) complainant interview was not conducted (2) timeliness of investigation *did not certify although IIU conducting follow up witness interviews that provided statements supporting the complainant's original allegation. The complainant no longer wished to revisit the issue. Although the time period to issue discipline has lapsed, the employee received verbal corrective counseling.
6	Internal complaint reporting unauthorized equipment	(1) willful violation of either King County Civil Career Service Rules or King County Code of Ethics (2) appropriate use of authority	(1) exonerated	(1) verification of training and qualifications (2) policy clarification

7	Internal complaint regarding supervisor treatment	(1) courtesy (2) supervision	(1) unfounded (2) non-sustained	(1) timeliness of investigation (2) employee notifications
8	Internal King County employee complaint about service received	(1) rude treatment from KCSO staff	(1) sustained	(1) employee interview - clarification
9	Citizen reported illegally entry, excessive force and unlawful arrested	(1) excessive or unnecessary use of force against a person	(1) unfounded	(1) facts of case and photos (2) applicable RCW's
10	Citizen reported excessive force	(1) excessive or unnecessary use of force against a person	(1) unfounded	(1) complainant interview recording (2) additional witness statements
11	Citizen reported deputy failed to investigate, did not collect additional evidence	(1) performs at a level significantly below standard achieved by others in work unit	(1) exonerated	(1) name of complainant (2) clarification about type of investigation
12	Citizen reported officer was rude during traffic stop	(1) courtesy	(1) sustained	(1) disposition letter to complainant (2) officer commendation noted
13	Citizen reported inappropriate behavior during traffic stop	(1) appropriate use of authority	(1) sustained	(1) recording deputies involved
14	Citizen reported search warrant was illegal	(1) appropriate use of authority	(1) exonerated	(1) clarified allegations
15	Citizen reported excessive force	(1) excessive or unnecessary use of force against a person	(1) unfounded	(1) attempts to contact witnesses (2) investigative file
16	Citizen reported officer was discourteous	(1) courtesy	(1) non-sustained	(1) clarified policy
17	Internal complaint about inappropriate comments	(1) misconduct - ridicule	(1) unfounded	(1) interview questions
18	Citizen reported preferential treatment	(1) appropriate use of authority	(1) exonerated	(1) additional witness (2) additional evidence
19	Citizen reported excessive force	(1) excessive or unnecessary use of force against a person	(1) unfounded	(1) additional evidence

Appendix 2 – KCSO 180-Day Compliance Review



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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 misconduct¹² investigations or Inquiry Investigations¹³ 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.

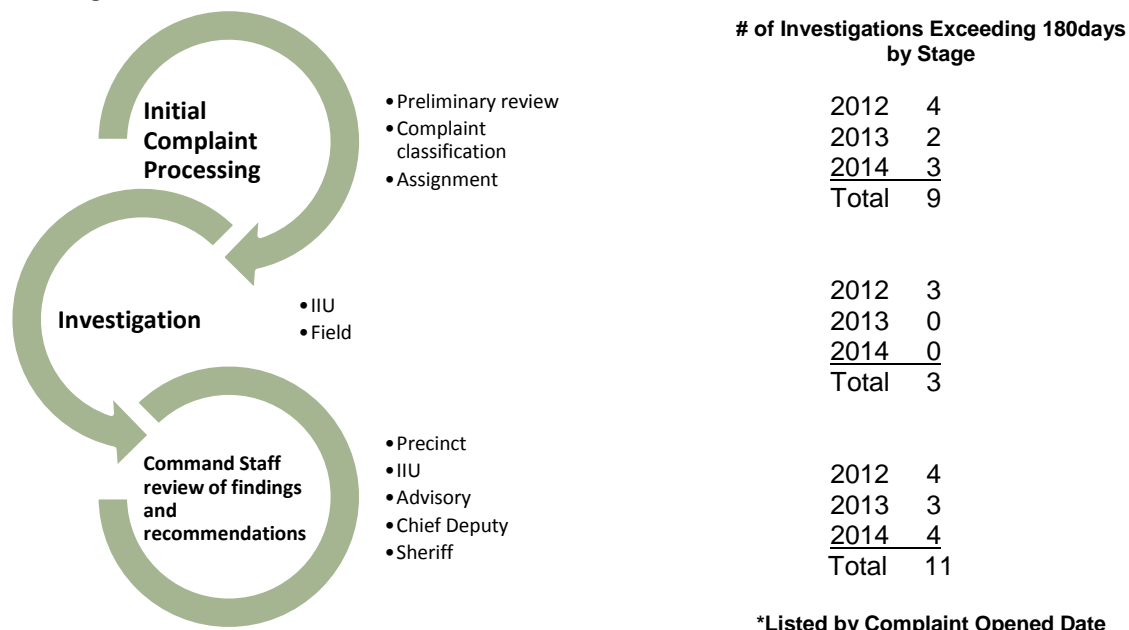
Methodology The Office of Law Enforcement Oversight (OLEO) reviewed all cases classified as Inquiry investigations with "no finding-180 days" dispositions in IAPro, spanning three years. The period begins January 1, 2012 and runs through December 31, 2014. We reviewed policies and procedures and interviewed 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 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.

¹² Misconduct means any violation of laws, ordinances, Sheriff's Office or King County rules, regulations or procedures.

¹³ 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.

**Figure 1:
Stages of an Investigation**



*Listed by Complaint Opened Date

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.¹⁴ 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 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

¹⁴ 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 group¹⁵, 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 Loudermill¹⁶ 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.

¹⁵ 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.

¹⁶ 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).

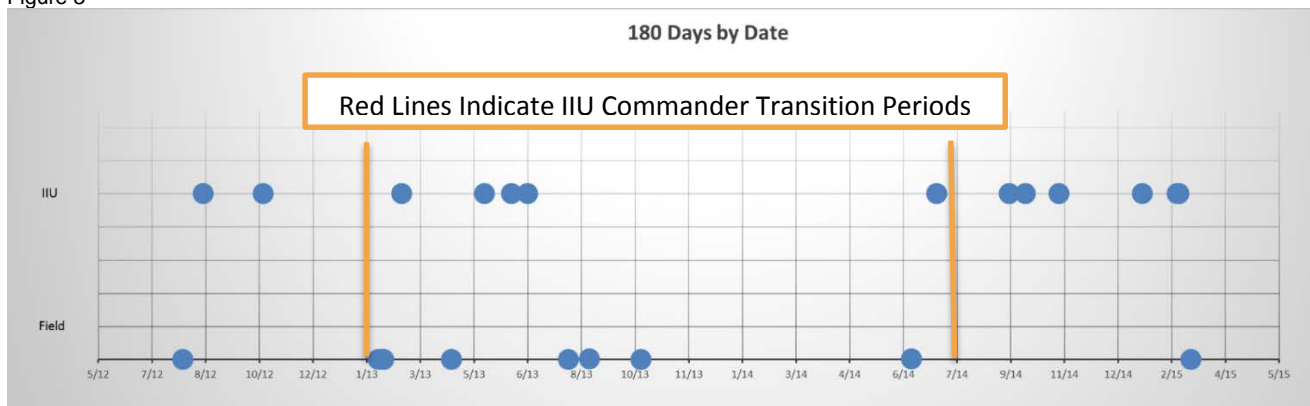
1. Number of days between when command staff was requested to take action up to 180 days

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 Investigations¹⁷ 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-

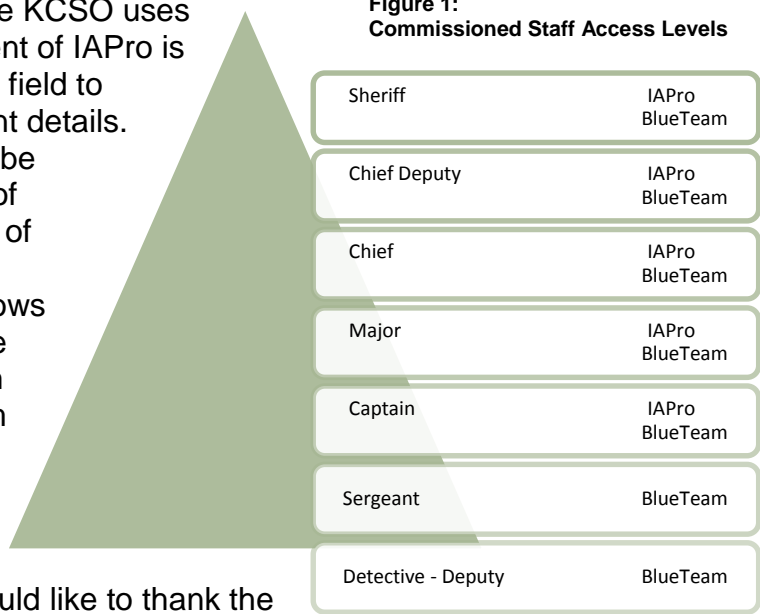
¹⁷ The 180-day period shall be suspended when criminal conduct is being reviewed.

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.

