



Office of Law Enforcement Oversight (OLEO)

Date: October 21, 2021

To: Sheriff Mitzi Johanknecht, King County Sheriff's Office (KCSO)

From: Tamer Abouzeid, Director, Office of Law Enforcement Oversight (OLEO)

Re: IAPro Policy

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OLEO has reviewed KCSO's proposed revisions to the IAPro policy intended for inclusion in the General Orders Manual (GOM). In preparation for making recommendations, OLEO reviewed the previous policy, considered internal investigations related to IAPro access, and gleaned information from OLEO's internal use of the database.

OLEO made a significant number of revisions to the policy; thus, we attached the marked-up version as well as a clean copy with questions and comments to consider before finalization. The primary revisions we made attempt to create a clear and concise product without compromising the intent of the policy, which ultimately is to limit IAPro access to legitimate business reasons.

OLEO's revisions also align with our authorities granted by the King County Ordinance, help ensure that prohibitions within the policy promote transparency of KCSO's operations, and encourage consistency with the style, language, and format of the GOM.

### **OLEO Access to IAPro**

KCSO's proposed revisions to the IAPro policy permit OLEO access to pending investigations. The proposed policy proceeds to state that commanders and their authorized delegates are the only personnel who have access to completed investigations. We revised the policy to accurately reflect OLEO's authority granted by King County Code (KCC) 2.75.045(A), which outlines our access to information to fulfill our authorities recognized in KCC 2.75.040. These authorities include but are not limited to making recommendations on intake classifications, conducting reviews of administrative investigations, conducting systemic reviews, and making recommendations on proposed findings. OLEO's access to IAPro files and entries related to these authorities cannot be limited by prohibitions in the GOM.

### **KCSO Access to IAPro**

OLEO's revisions of the proposed policy aim to clarify which KCSO personnel have access to IAPro and for what reasons. Ensuring that personnel are aware of the IAPro files and entries they are prohibited from accessing provides KCSO employees guidelines for use of the database. It is important that the policy clearly differentiate the information that can be obtained via IAPro for legitimate business reasons from information that can be obtained from KCSO's human

resources division. Providing clarity regarding access will help mitigate unintended violations of the policy and contribute to public transparency and accountability around record keeping.

### **Discipline for Potential Violations**

OLEO noted that language referring to potential misconduct allegations and discipline related to violating the IAPro policy was added to the proposed policy. To promote consistency with the GOM, OLEO's revisions remove this language, as any potential violations of policy throughout the GOM could result in misconduct allegations and potential discipline. Including language about potential violations for some GOM provisions but not others may unintentionally imply that violation of some provisions cannot result in discipline.

14.00.015

IAPRO: 07/15

IAPRO is a software program designed to uphold the integrity and accountability of the Sheriff's Office. It is used for receiving and retention commendations, investigating employee misconduct, and assisting supervisors manage incidents such as section level discipline, use of force, first level discipline, vehicle collisions and pursuits and early intervention issues that are entered through the BlueTeam software.

1. IAPRO contains sensitive and confidential information. IAPRO shall only be accessed by commanders and managers to conduct inquiry findings and recommendations reviews, for IIU investigations (department and section level), to complete employee performance evaluations and other department business such as research and analysis. Any other use is strictly prohibited.
2. Abuse of the IAPRO system may be considered conduct unbecoming due to the adverse effect on members of the Sheriff's Office. Unauthorized use is subject to discipline.

**REWRITE OF SECTION ABOVE**

IAPRO is a software database kept for the purpose of accurate documentation and retention of ~~cComplaints, cCommendations, uUses of fForce, patrol vVehicle accidents, pPursuits, and aAwards, and more.~~ This database is designed to be a comprehensive and accurate record of complaints, classifications, investigations, findings, discipline, and results of appeals. In addition, IAPRO contains a record of ~~actions, recommendations, and review~~ reviews and recommendations related to administrative investigations taken by the King County Office of Law Enforcement Oversight (OLEO). ~~This Secure IAPRO records enhances the public's trust in and accountability of the KCSO. Department's integrity and accountability. The integrity of this record is not only relied upon by the public we serve, but by other branches of government and agencies that rely upon statistics that can be derived from IAPRO. The integrity of records is also important for other government agencies that rely on IAPRO data to promote law enforcement transparency and accountability.~~

1. ~~IAPRO contains sensitive and confidential information. Particularly when an investigation is pending, the Aaccess to files or entries the materials should shall be strictly limited to people personnel with a business reason to access the record do so. The mMembers of the Internal Investigations Unit (IIU), lLegal aAdvisors, the Office of Law Enforcement Oversight OLEO, the hHuman resources R mManager, commanders, and authorized delegates and the IAPRO Administrator all have a business reason to access pending investigation materials files and entries. Upon completion of an investigation, IAPRO shall only be accessed by commanders and managers (their staff?) to conduct inquiry findings and recommendations reviews, to review comparables, to complete employee performance evaluations and other department business such as research and analysis. Examples of appropriate research and analysis include use by Supervisors and Managers to assess appropriate level of response to conduct and performance issues. Any other use not specifically authorized, is strictly prohibited.~~

~~Abuse, unauthorized access, or use of the IAPRO system may be considered conduct unbecoming due to the adverse effect. Any files and/or documents contained within IAPRO shall be accessed and shared with authorized personnel only, strictly on a "need to know" basis. All other access is prohibited and may result in discipline, up to and including termination.~~

**Commented [KK1]:** For the purpose of policy, I recommend listing all official uses of IAPRO instead of using this language.

**Commented [KK2]:** Recommend revising to "KCSO" to ensure that this sentence is not a reference to OLEO given the previous sentence.

**Commented [KK3]:** Need to define this.

**Commented [KK4]:** Is this always a member of IIU or an HR manager? If so, recommend removing this to avoid being redundant.

**Commented [KK5]:** OLEO conducts certification reviews, drafts findings, and conducts systemic reviews that require access to investigative files upon completion.

2.75.045(A) of the KC ordinance grants OLEO this access.

**Commented [OE6]:** Or their authorized delegates

**Commented [KJM7R6]:** I like Erin's language here

**Commented [PKM8R6]:** I do too.

**REDLINE OF SECTION BELOW**

~~“IAPro contains sensitive and highly confidential information. As with other law enforcement (Criminal Justice?) programs, IAPro is to be used for official business only.~~

Any files ~~or entries and/or documents~~ contained within IAPro shall be ~~accessed and~~ shared with authorized personnel only, strictly on a “need to know” basis. All other access is prohibited and may result in discipline, up to and including termination.

Prohibited access includes:

~~a. Opening, searching, or reviewing any file or entry for which one knows, or reasonably should know, they are a complainant, subject, or witness without going through the proper PDR or discovery process with their labor group. for:~~

~~a. Personal reasons~~

~~b. Any file or entry for which one knows, or reasonably should know, they are a subject or witness;~~

~~c. Completed investigation materials involving oneself without going through the proper PDR or discovery process with their labor group.~~

~~This prohibition includes b. R~~ requesting that others conduct the above types of searches for them, or reviewing materials ~~described above obtained by others.~~

~~(3)-IAPro~~ may be used by ~~Managers, Commanders and above commanders and other authorized delegates~~ for reasons such as:

a. Conducting employee history searches for purposes of due diligence when hiring for a position or ~~promotions~~ or when evaluating performance. A report may be requested from the Human Resources unit for this purpose. ~~Supervisors may also request a report for history during a rating period for purposes of evaluating performance as part of the annual performance evaluation.~~

b. ~~When tasked with W~~ writing findings for an inquiry.

c. ~~When tasked with R~~ reviewing findings for an inquiry.

d. ~~For purposes of preparation Preparing for Advisory and other review boards, such as an IIU advisory, CIRB, 72-hour Sheriff briefing, ART and or~~ department level DRBs.

If an inappropriate incident of access occurs, one must immediately provide email notification to the IIU Commander that includes date and time of search, names and IIU numbers, and reason for the search.

**Commented [KK9]:** If the file was obtained through a PDR, how can they bar others from reviewing the PDR material?

**Commented [KJM10]:** Typically they reach out to HR for a report. We typically provide only the last 3 years. We also provide annual reports for supervisors when writing evaluations.

**Commented [PKM11R10]:** It would be great to state that as they have been coming to me instead.

**Commented [KK12R10]:** If a report can be requested from HR, then is there a need to search IAPro for this purpose? May want to specify exactly what information can be obtained from HR and when IAPro can be accessed if the info from HR is not sufficient.

~~DO WE NEED THIS? If a Manager or Commander conducts an IAPRO search for purposes of the following reasons, notification via email to the IIIU Commander is not necessary as it would be duplicate documentation in Commander's Reviews and DRB memos that they are already making:~~

- ~~a. Research on driving history for purposes of a DRB~~
- ~~b. Research on discipline history for accused members necessary for determining their recommendations for inquiry routing and follow up (C.A.R.E. violation or minor allegation) or performance related training (SAL).~~

**DOES THIS GO ABOVE?**

RECOMMENDATION FOR 14.00.015-2

~~"Abuse of the IAPRO system may result in allegations of misconduct under conduct unbecoming due to the adverse effect of KCSO members. Unauthorized use is subject to revocation of IAPRO access and potential discipline up to and including termination."~~

- ~~1. Members of the Sheriff's office. Unauthorized use is subject to discipline.~~
- 2.

**Commented [KK13]:** It seems this is already stated above.

**Commented [KJM14]:** I think we already state this, do we need it again?

**Commented [PKM15R14]:** Yes, because this is the root issue for the need of these improvements and why the Sheriff asked me to write this up.

**Commented [KJM16]:** Should this be "on"?

**Commented [PKM17R16]:** Easy fix

**Commented [KK18]:** Recommend removing this since it's implied throughout the GOM that violation of policy could result in misconduct allegations and potential discipline.

Clean Version

IAPro is a software database kept for the purpose of accurate documentation and retention of complaints, commendations, uses of force, patrol vehicle accidents, pursuits, and awards. This database is also designed to be a comprehensive and accurate record of complaint classifications, investigations, findings, discipline, and results of appeals. In addition, IAPro contains a record of reviews and recommendations related to administrative investigations taken by the King County Office of Law Enforcement Oversight (OLEO). Secure IAPro records enhance public trust in and accountability of KCSO. The integrity of records is also important for other government agencies that rely on IAPro data to promote law enforcement transparency and accountability.

IAPro contains sensitive and confidential information. Access to IAPro files or entries shall be strictly limited to personnel with a business reason to do so. Members of the Internal Investigations Unit (IIU), legal advisors, OLEO, the human resources manager, commanders, and authorized delegates all have a business reason to access files and entries.

Any files or entries contained within IAPro shall be shared with authorized personnel only, strictly on a "need to know" basis. All other access is prohibited and may result in discipline, up to and including termination.

Prohibited access includes:

- a. Opening, searching, or reviewing any file or entry for which one knows, or reasonably should know, they are a complainant, subject, or witness without going through the proper PDR or discovery process with their labor group.
- b. Requesting that others conduct the above types of searches for them, or reviewing materials described above obtained by others.

IAPro may be used by commanders and other authorized delegates for reasons such as:

- a. Conducting employee history searches for purposes of due diligence when hiring for a position or promotions or when evaluating performance. A report may be requested from the Human Resources unit for this purpose.
- b. Writing findings for an inquiry.
- c. Reviewing findings for an inquiry.
- d. Preparing for review boards such as an IIU advisory, CIRB, 72-hour Sheriff briefing, or department level DRBs.

If an inappropriate incident of access occurs, one must immediately provide email notification to the IIU Commander that includes date and time of search, names and IIU numbers, and reason for the search.

**Commented [KK1]:** Need to define this. Could be managers or members of boards, etc.

**Commented [WA2]:** If the file was obtained through a PDR, how can they bar others from reviewing the PDR material?

**Commented [KK3]:** If a report can be requested from HR, then is there a need to search IAPro for this purpose? May want to specify exactly what information can be obtained from HR and when IAPro can be accessed if the info from HR is not sufficient.