



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

September 18, 2012

Motion 13734

Proposed No. 2012-0366.2

Sponsors Ferguson, Patterson and Lambert

1 A MOTION related to improving individual and
2 organizational accountability of the King County sheriff's
3 office and increasing effectiveness of the office of law
4 enforcement oversight; following up on a performance
5 audit of the sheriff's office internal investigations
6 operations and the effectiveness of law enforcement
7 oversight; adopting a performance audit action plan to
8 implement recommendations of the King County auditor,
9 and requesting the sheriff to submit an implementation plan
10 in response to a risk assessment report by the office of law
11 enforcement oversight.

12 WHEREAS, the justice and safety goal of the King County Strategic Plan
13 prioritizes keeping people safe in their homes and communities, and

14 WHEREAS, the service excellence goal of the King County Strategic Plan
15 prioritizes building a culture of service that is responsive and accountable to the
16 community, and

17 WHEREAS, according to the United States Department of Justice's Office of
18 Community Oriented Policing Services, building and maintaining community trust is the
19 cornerstone of successful policing and law enforcement, and

20 WHEREAS, although the overwhelming majority of deputies and employees of
21 the King County sheriff's office serve with honor and distinction, stories or instances of
22 misconduct or malfeasance, even if isolated and infrequent, can damage the reputation of
23 the entire sheriff's office and erode community trust, and

24 WHEREAS, to build and maintain community trust, it is incumbent on sheriff's
25 office leadership and managing supervisors to foster an environment in which ethical and
26 conscientious behavior is expected and each individual is responsible for meeting those
27 expectations, and

28 WHEREAS, a culture that values integrity and holds individuals accountable is
29 critical for sustaining community trust, and the community must know that issues of
30 concern will be reviewed objectively, investigated thoroughly and resolved in a fair and
31 just manner, and

32 WHEREAS, a strong and effective internal investigations unit and external
33 system of civilian oversight with appropriate authority reinforce a culture of integrity and
34 accountability, and are crucial components for building and maintaining community trust,
35 and

36 WHEREAS, in 2006, the metropolitan King County council approved ordinance
37 15611 regarding civilian oversight of the sheriff's office in an effort to establish a system
38 of civilian oversight to monitor ongoing investigations of misconduct, help resolve cases,
39 implement methods for increasing the level of public trust and transparency and identify
40 systemic issues within the sheriff's office and offer recommendations for reform, and

41 WHEREAS, in 2009, the council reaffirmed its commitment to establishing a
42 system of civilian oversight of law enforcement by adopting Ordinance 16511, and

43 WHEREAS, as part of an ongoing audit process called for in Ordinance 16511,
44 the King County auditor conducted a performance audit of the sheriff's office and law
45 enforcement oversight and issued a report on July 24, 2012, finding inconsistencies
46 between the practices, policies and procedures and the stated intent of both the office and
47 the council, and

48 WHEREAS the sheriff concurred with the each of the findings of the audit and
49 has stated his commitment to addressing all of the performance audit recommendations,
50 and

51 WHEREAS, the director of the office of law enforcement oversight
52 commissioned a risk assessment report that examined potential areas of risk relative to
53 the sheriff's office use of force, early intervention and internal investigative processes,
54 and

55 WHEREAS, the council's government accountability, oversight and financial
56 performance committee held a briefing on the risk assessment report on September 11,
57 2012, and

58 WHEREAS, the risk assessment report identifies a number of recommendations
59 as to how to improve the sheriff's office use of force and internal investigative policies,
60 processes and practices, and

61 WHEREAS, the sheriff concurs or fundamentally agrees with the
62 recommendations of the risk assessment report, but noted that implementation of some of
63 the recommendations will require further review or clarification, and

64 WHEREAS, in addition to detailed plans and reporting for the July 24 audit report
65 recommendations, the council finds that it also needs a detailed plan and reporting

66 mechanism for how the sheriff's office will implement the recommendations of the
67 September 11 risk assessment report, and

68 WHEREAS, the council desires to address issues raised by both the auditor and
69 the director of the office of law enforcement oversight in both a timely and responsible
70 manner;

71 NOW, THEREFORE, BE IT MOVED by the Council of King County:

72 A.1. The council concurs with the audit findings related to effective management
73 and supervision that sheriff's office supervisors, chain of command, and internal the
74 investigations unit have not consistently demonstrated leadership in sustaining
75 accountability practices; and that egregious misconduct or policy violations require
76 prompt response from the sheriff and command staff.

77 2. It is the policy of King County that:

78 a. individuals within the sheriff's office who witness or have knowledge of a
79 potential breach of conduct by any employee of the sheriff's office shall promptly report
80 the concern to the sheriff or his designee;

81 b. within the sheriff's office, supervisors, managers and the sheriff shall fairly
82 and justly investigate and, as appropriate, resolve all complaints;

83 c. an internal investigations function directly reporting to the sheriff shall
84 review all resolved complaints, investigate all unresolved complaints within reasonable
85 times and issue reports for review by the office of law enforcement oversight; and

86 d. the sheriff may initiate an investigation even if no formal complaint has
87 been made.

88 3. The sheriff is hereby requested to undertake specific activities in response to
89 recommendations made in the July 2012 performance audit of the sheriff's office. These
90 activities consist of:

91 a. notifying staff of the sheriff's office about county policy regarding reporting
92 of potential breaches of conduct and transmitting to the council by September 30, 2012, a
93 copy of a sheriff's office department-wide memorandum outlining expectations and
94 procedures for capturing and reporting all complaints, misconduct and policy violations
95 into the sheriff's office's Blue Team application, software designed for intake and follow-
96 up of incidents in the field, including complaints, commendations, uses of force, and
97 policy violations;

98 b. transmitting monthly reports to the council starting in September, 2012,
99 describing efforts to adopt a new "Failure to Supervise" general orders manual ("GOM")
100 section, with the reporting requirement terminating upon transmission of a report upon
101 completion that includes the text of the adopted policy;

102 c. transmitting to the council an action plan by December 31, 2012, for
103 continuing to remind sheriff's office staff that compliance with personnel conduct and
104 reporting requirements is mandatory;

105 d. transmitting monthly reports to the council starting in September 2012,
106 describing efforts to amend the GOM to allow either the sheriff or the internal
107 investigations unit ("the IIU"), or both, to file a complaint or an allegation of a policy
108 violation, without restriction, with the reporting requirement terminating upon
109 transmission of a report upon completion that includes the text of the adopted policy; and

110 e. transmitting monthly reports to the council starting in September 2012,
111 describing efforts to amend the GOM to compel supervisors and commanders to fully
112 cooperate with the IIU in the handling of sheriff or IIU-initiated complaints, with the
113 reporting requirement terminating upon transmission of a report upon completion that
114 includes the text of the adopted policy.

115 B.1. The council concurs with the audit finding related to complaint policies and
116 procedures that the GOM and the IIU's standard operating procedures ("SOPs") have not
117 been effective in providing direction to commissioned personnel, or in compelling
118 supervisors and commanders to consistently enforce the complaint policies and processes
119 necessary to achieve organizational and officer accountability.

120 2. It is the policy of King County that:

121 a. the sheriff shall develop and publish detailed general orders and standard
122 operating procedures regarding the reporting and investigation processes for complaints;
123 and

124 b. as the Commission on Accreditation for Law Enforcement Agencies
125 ("CALEA") is a trusted source for best practices and standards for law enforcement
126 agencies, the sheriff shall regularly review the current standards and best practices
127 identified by CALEA in comparison with the current GOM and SOPs, and especially as
128 they pertain to personal misconduct, use of force and deputy-involved shootings.

129 3. The sheriff is hereby requested to undertake specific activities in response to
130 recommendations made in the July 2012 performance audit of the sheriff's office. These
131 activities consist of:

132 a. establishing, publishing and informing sheriff's office staff regarding the use
133 of a standardized complaint process, and transmitting to the council by September 30,
134 2012, a report detailing the SOPs for reporting and investigating complaints, including
135 the text of all relevant GOM sections and SOPs and supporting internal documents, such
136 as checklists and forms, and notifying the council and office of law enforcement
137 oversight whenever the SOPs are materially changed in the future and of all changes
138 annually;

139 b. transmitting to the council an action plan by December 31, 2012, for
140 identifying and addressing any policy gaps to ensure full CALEA compliance and
141 ongoing accreditation in advance of the scheduled 2013 CALEA reaccreditation process;

142 c. transmitting to the council by September 30, 2012, a report outlining the
143 SOPs for how sheriff's office staff will document all complaints, including the text of all
144 relevant GOM sections and SOPs and supporting internal documents, such as templates
145 and forms, and notifying the council and the office of law enforcement oversight
146 whenever the SOPs are materially changed in the future and of all changes annually; and

147 d. transmitting to the council by September 30, 2012, a copy of a revised
148 organizational chart for the sheriff's office, and notifying the council and the office of law
149 enforcement oversight whenever an organizational change is made that modifies the
150 reporting or chain of command related to the IIU commander.

151 C.1. The council concurs with the audit finding related to use of accountability
152 tools that underutilization by the sheriff's office of its accountability system tools impact
153 its effectiveness in improving accountability across the sheriff's office.

154 2. It is the policy of King County that:

155 a. the sheriff shall track all complaints, investigation results and incident data
156 in the Blue Team system and consistently use the Early Intervention System, a tool that
157 alerts supervisors of potentially problematic work performance, in an effort to identify
158 ninety-day, one year, five year and longer trends in individual and organizational conduct
159 that could lead to a breach of trust with the people of King County; and

160 b. the sheriff shall include in regular, annual sworn officer training the
161 information, materials, procedures and resources for compliance with these policies.

162 3. The sheriff is hereby requested to undertake specific activities in response to
163 recommendations made in the July 2012 performance audit of the sheriff's office. These
164 activities consist of:

165 a. the sheriff, or the sheriff's designee, reporting quarterly to the council during
166 contract negotiations, in executive session as necessary, regarding the status of
167 bargaining related to extending the ninety-day rolling period for maintaining complaint
168 and incident data and extending the one-hundred-eighty-day limit on the completion of
169 complaint investigations;

170 b. transmitting a report to the council by September 30, 2012, detailing the
171 SOPs that supervisors will be expected to follow to increase the variety of data that must
172 be entered into the Blue Team system and forwarded to IIU, including a discussion for
173 how the SOPs are expected to enhance the effectiveness of the sheriff's office's Early
174 Intervention System and Blue Team application;

175 c. transmitting quarterly reports to the council beginning in January 2013,
176 detailing the use and implementation of the SOPs regarding how sheriff's office staff is
177 documenting all complaints, including data on the number and type of complaints

178 received, the geographic breakdown of complaint intake, the number of complaints
179 entered into the Blue Team system, and a description of any ongoing obstacles and
180 efforts to achieve comprehensive countywide implementation;

181 d. transmitting to the council an action plan for implementing an ongoing
182 training schedule for supervisors on the effective use of the Blue Team system, as well as
183 how to investigate and document misconduct complaints and inquiries, which includes
184 the number of training hours and how often ongoing trainings occur; and

185 e. reporting annually to the council on its training resources and programs, the
186 number of training hours completed and the number of employees that received training,
187 and the sheriff's office's efforts to explore opportunities to expand training resources or
188 identify training programs in other jurisdictions.

189 D.1. The council concurs with the audit finding related to complaint policies and
190 procedures that organizational, legal and labor issues have hampered the implementation
191 of law enforcement oversight.

192 2. It is the policy of King County that:

193 a. the creation and maintenance of an independent civilian office of law
194 enforcement oversight is an important means of assuring integrity, transparency and
195 accountability in law enforcement and of fostering community trust in, and respect and
196 support for, the sheriff's office, as articulated in labor policy LP2012-033; and

197 b. when labor agreements embody elements of adopted labor policy LP 2012-
198 033, the King County Code should be updated to reflect the outcome of labor
199 negotiations.

200 3. The director of the office of law enforcement oversight is hereby requested to
201 undertake specific activities in response to recommendations made in the July 2012
202 performance audit of the sheriff's office. These activities consist of:

203 a. reporting quarterly to the council regarding collaborative efforts with the
204 sheriff's office to plan and develop guidelines and measureable objectives to assure the
205 maximization of the effectiveness and benefits of oversight;

206 b. reporting quarterly to the council regarding efforts to develop and promote
207 the formal mediation program, including information on the use of the mediation
208 program once established; and

209 c. transmitting an annual report to the council detailing progress in
210 successfully implementing audit recommendations, including detailed annual statistics
211 and the number, type and unit location of allegations and complaints received.

212 E. The performance audit action plan, Attachment A to this motion, is hereby
213 adopted.

214 F.1. As identified in the risk assessment, the council concurs that internal
215 investigation and review of deputy-involved shootings and uses of force could be
216 improved.

217 2. It is the policy of King County that internal reviews of deputy-involved
218 shootings and uses of force should be thorough, objective and based in best practices.

219 3. The sheriff's office shall, by October 15, 2012, transmit for the review and
220 approval by motion, an implementation plan for the findings and recommendations
221 identified in the office of law enforcement oversight's risk assessment report dated
222 August 17, 2012. The sheriff's plan shall include:

223 1. A review of each recommendation identifying differences with existing
224 policy, relevant GOM sections and SOPs and supporting internal documents, and
225 identifying those areas where the recommendations overlap with or duplicate audit
226 recommendations identified in other sections of this motion;

227 2. The specific action or actions to be undertaken to address each
228 recommendation, including a discussion of any areas that the sheriff has identified
229 alternative means of implementing the recommendations, how it made its determination
230 and the alternatives considered;

231 3. The date by which the action or actions will be completed; and

232 4. A proposed reporting mechanism, such as a transmitted report or formal
233 briefing to council for each action.

234 G. The reports called for in this motion shall be transmitted electronically to the
235 clerk of the council, who shall distribute them to all councilmembers and lead staff for
236 the government accountability, oversight and financial performance committee, or its
237 successor.

238 H. In addition to the reports called for in this motion, the sheriff shall brief the
239 council's government oversight, accountability and financial performance committee, or
240 its successor, in January, April, July and December 2013 regarding the activity, successes
241 and challenges associated with implementing recommendations one through fifteen of the
242 July 2012 performance audit of the sheriff's office.

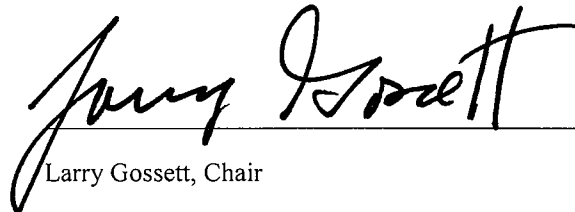
243 I. To the extent that the directives contained in this motion affect mandatory

244 subjects of bargaining, a county official or other county employee may not implement
245 those directives until the county has fulfilled its duty to bargain those subjects.
246

Motion 13734 was introduced on 9/4/2012 and passed as amended by the Metropolitan King County Council on 9/17/2012, by the following vote:

Yes: 9 - Mr. Phillips, Mr. von Reichbauer, Mr. Gossett, Ms. Hague,
Ms. Patterson, Ms. Lambert, Mr. Ferguson, Mr. Dunn and Mr.
McDermott
No: 0
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


Larry Gossett, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. Performance Audit Action Plan

PERFORMANCE AUDIT ACTION PLAN			Target Completion Dates
Audit	Motion		
Effective Management and Supervision			
1A	A3a	The Sheriff is requested to notify staff of the sheriff's office about county policy regarding reporting of potential breaches of conduct and transmit to the council a copy of a sheriff's office department-wide memorandum outlining expectations and procedures for capturing and reporting all complaints, misconduct and policy violations into the sheriff's office's Blue Team application.	September 30, 2012
1B	A3b	The Sheriff is requested to transmit monthly reports to the Council describing efforts to include a new "Failure to Supervise" GOM section, with the reporting requirement terminating upon transmission of a report upon completion that includes the text of the adopted policy.	September 30, 2012
2	A3c	The Sheriff is requested to transmit to the Council an action plan for continuing to remind sheriff's office staff that compliance with personnel conduct and reporting requirements is mandatory.	December 31, 2012
3A	A3d	The Sheriff is requested to transmit monthly reports to the Council describing efforts to amend the GOM to allow either the Sheriff or IIU, or both, to file a complaint or an allegation of a policy violation without restriction, with the reporting requirement terminating upon transmission of a report upon completion that includes the text of the adopted policy.	September 30, 2012
3B	A3e	The Sheriff is requested to transmit monthly reports to the Council describing efforts to amend the GOM to compel direct supervisors and commanders to fully cooperate with IIU in the handling of sheriff or IIU-initiated complaints, with the reporting requirement terminating upon transmission of a report upon completion that includes the text of the adopted policy.	September 30, 2012
Complaint Policies and Procedures			
4	B3a	The Sheriff is requested to establish, publish and inform sheriff's office staff regarding the use of a standardized complain process, to transmit to the Council a report detailing the SOPs for reporting and investigating complaints, including the text of all relevant GOM sections, SOPs, and supporting internal documents (e.g., checklists, forms), and to notify Council and OLEO when the SOPs are materially changed in the future.	September 30, 2012
5	B3b	The Sheriff is requested to transmit to the Council an action plan for identifying and addressing any policy gaps to ensure full CALEA compliance and ongoing accreditation in advance of the scheduled 2013 CALEA reaccreditation process.	December 31, 2012
6	B3c	The Sheriff is requested to transmit to the Council a report outlining the SOPs for how department staff will document all complaints, including the text of all relevant GOM sections, SOPs and supporting internal documents (e.g. templates, forms), and to notify Council and OLEO whenever the SOPs are materially changed in the future.	September 30, 2012
7	B3d	The Sheriff is requested to transmit to the Council a copy of a revised organizational chart for KCSO, and to notify Council and OLEO whenever an organizational change is made that modifies the reporting or chain of command related to the IIU commander.	September 30, 2012

Use of Accountability Tools			
8	C3a	The Sheriff (or designee) is requested to report quarterly to the Council during contract negotiations, in executive session as necessary, regarding the status of bargaining related to extending the 90-day rolling period for maintaining complaint and incident data and extending the 180-day limit on the completion of complaint investigations.	Ongoing, beginning in September 2012
9	C3b	The Sheriff is requested to transmit a report to the Council detailing the SOPs that supervisors will be expected to follow to increase the variety of data that must be entered into the Blue Team system and forwarded to IIU, including a discussion for how the SOPs are expected to enhance the effectiveness of the Early Intervention System and Blue Team application.	September 30, 2012
10	C3c	The Sheriff is requested to transmit quarterly reports to the Council detailing the use and implementation of the SOPs regarding how department staff is documenting all complaints, including data on the number and type of complaints received, the geographic breakdown of complaint intake, the number of complaints entered into the Blue Team system, and a description of any ongoing obstacles and efforts to achieve comprehensive countywide implementation.	Ongoing, beginning in January 2013
11	C3d	The Sheriff is requested to transmit to the Council an action plan for implementing an ongoing training schedule for supervisors on the effective use of the Blue Team system, as well as how to investigate and document misconduct complaints and inquiries, which includes the number of training hours and how often trainings occur.	December 31, 2012
12	C3e	The Sheriff is requested to report annually to the Council on its training resources and programs, the number of training hours completed and the number of employees that received training, and the department's efforts to explore opportunities to expand training resources or identify training programs in other jurisdictions.	Ongoing, beginning in September 2012
Implementation of Law Enforcement Oversight			
13	D3a	The OLEO Director is requested to report quarterly to the Council regarding collaborative efforts with KCSO to plan and develop guidelines and measureable objectives to assure the maximization of the effectiveness and benefits of oversight.	Ongoing
14	D3b	The OLEO Director is requested to report quarterly to the Council regarding efforts to develop and promote the formal mediation program, including information on the use of the mediation program once established.	Ongoing
15	D3c	The OLEO Director is requested to transmit an annual report to the Council detailing progress in successfully implementing audit recommendations, including detailed annual statistics and the number, type, and unit location of allegations and complaints received.	April 2013
16	D2b	Pending the outcome of labor negotiations, the Council will reassess sections of King County Code relating to oversight of the sheriff's office and amend the code as necessary.	TBD