



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

April 1, 2014

Motion 14103

Proposed No. 2014-0096.1

Sponsors Lambert

1 A MOTION accepting the King County sheriff's office
2 internal investigations unit annual report for 2013.

3 WHEREAS, the service excellence goal of the King County Strategic Plan
4 prioritizes a building of culture of service that is responsive and accountable to
5 the community; and

6 WHEREAS, pursuant to Motion 14002, the council requested the sheriff's office
7 provide a statistical report on the work of the internal investigations unit in 2013;

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

9 The King County council hereby accepts the King County sheriff's office internal
10 investigations unit report for 2013, Attachment A to this motion.
11

Motion 14103 was introduced on 3/17/2014 and passed by the Metropolitan King County Council on 3/31/2014, by the following vote:

Yes: 8 - Mr. Phillips, Mr. Gossett, Ms. Hague, Ms. Lambert, Mr. Dunn, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 0
Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON


FOR: Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments: A. King County Sheriff's Office Internal Investigations Unit

KING COUNTY SHERIFF'S OFFICE INTERNAL INVESTIGATIONS UNIT



2013 Annual Report

A MESSAGE FROM SHERIFF JOHN URQUHART

I am pleased to present the King County Sheriff's Office Internal Investigations Unit Annual Report. This document was created by request in a motion from the King County Council, and it sets the benchmark for consistent, annual reports moving into the future. Enclosed in this document are 2013 statistics for complaints against members of the Sheriff's Office, their investigations, and ultimate adjudication. Also enclosed are statistics on uses of force by Sheriff's Office deputies, and identified trends.



The one clear trend identified in 2013 compared to previous years is better reporting and tracking of complaints, fuller investigations, and stricter accountability.

I was elected on the heels of two very devastating audits of our organization. One audit in particular was extremely critical. A major point in the audit was the lack of accountability in the Sheriff's Office. The employees were not being held accountable for their actions. That puts the trust of the citizens we serve at risk. I am not willing to lose that trust.

In my first year as Sheriff, I have made my expectations clear to my people. Everyone must honor the Law Enforcement Code of Ethics, and honor our General Orders Manual. I expect all ranks to be on board with this – both commissioned and professional staff – just as I expect all of them to hold each other accountable for their actions. Everyone in the Sheriff's Office is expected to treat people with dignity and respect, no matter their status or situation.

It is my hope that you find the information in this report reassuring and a clear sign that the Sheriff's Office is back on the road to accountability. I look forward to working with my partners in King County to ensure we always maintain the community's trust. It is an honor and a privilege to serve as your Sheriff.

Respectfully,

A handwritten signature in black ink, appearing to read 'John Urquhart'. The signature is stylized and written over a light-colored background.

John Urquhart
Sheriff

"The duties which a police officer owes to the state are of a most exacting nature. No one is compelled to choose the profession of a police officer. But having chosen it, everyone is obliged to live up to the standard of its requirements."

President Calvin Coolidge

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The King County Sheriff's Office Internal Investigations Unit

The King County Sheriff's Office Internal Investigations Unit is responsible for ensuring all complaints of misconduct involving Sheriff's Office employees are properly investigated. The unit receives complaints, completes investigations into serious misconduct allegations, reviews investigations by field supervisors, and facilitates the adjudication of allegations.

The Internal Investigations Unit is staffed by one Captain who serves as unit commander, four detective sergeants who conduct investigations and one Human Resources Associate who manages administrative functions. The unit works closely with the King County Office of Law Enforcement Oversight (OLEO), the King County Ombudsman's Office and the King County Prosecutor's Office.

The goals of the unit are to provide:

- Accountability in managing complaints of misconduct.
- A transparent process that supports the rights of our residents and department members.
- Identification of areas where training may be appropriate.
- A timely system of review, outcome, and notification to everyone involved.

The men and women who are assigned to the Internal Investigations Unit take their responsibilities seriously and are dedicated to ensuring the public's trust and confidence in the King County Sheriff's Office. The unit also ensures the rights of King County Sheriff's Office employees are protected and all persons involved in a complaint are treated with dignity and respect.

Internal Investigations Unit

Policy Statement

A law enforcement agency must maintain a high level of personal and official conduct if it is to command and deserve the respect and confidence of the public it serves. Rules and regulations governing the conduct of members of the Sheriff's Office ensure the high standards of the law enforcement profession are maintained. The purpose of section 3.03.000 of the General Orders Manual is to provide guidelines concerning the investigations of member alleged misconduct. It is the Sheriff's Office policy to promptly, thoroughly and fairly, investigate alleged misconduct involving its members. Supervisors and Commanders who are assigned to review complaints shall ensure that all complaints are appropriately investigated and documented according to the procedures established in this policy. Nothing in this policy prohibits a supervisor or command staff from taking corrective action if they observe a circumstance that requires immediate attention.

Complaint Intake and Investigation

King County Sheriff's Office employees are expected to maintain the highest level of personal and professional conduct. The King County Sheriff's Office General Orders Manual provides clear guidelines and instructions to Sheriff's Office employees concerning their conduct and responsibilities.

All complaints about Sheriff's Office employees are classified into two categories: Major Complaints and Minor Complaints. Major Complaints are those complaints that, if sustained, will likely result in suspension, demotion, termination or the filing of criminal charges. Minor Complaints are those complaints that, if sustained, may lead to discipline up to written reprimand or be handled outside the disciplinary process (e.g., training, counseling). In 2013, the King County Sheriff's Office received six hundred eighty-five (685) total complaints.

Investigation Type	2010	2011	2012	2013
Major Complaints	16	14	114	171
Minor Complaints	92	257	510	514
Total Complaints	108	271	624	685

Table 1 note: Minor Complaints include Supervisor Action Logs (an entry into Blue Team used to document a supervisor action related to observed or reported minor policy infractions) and Non-Investigative Matters (a concern expressed by a citizen that, if true, is not an allegation of misconduct).

Complaints are received from a variety of sources, both internally and externally. While the majority of complaints received are from citizens, a significant number of complaints are generated internally by Sheriff's Office members.

Source of Complaint	2010	2011	2012	2013
Citizen	80	42	224	401
Department (Internal)	21	27	94	264
Inmate	0	0	3	2
OLEO	0	0	3	1
Other Law Agency	0	2	12	10
Ombudsman	0	0	3	0
No Entry	7	190	285	7
Total	108	271	624	685

Table 2

Complaints in 2013 were received from every King County Sheriff's Office location with the majority of complaints coming from the unincorporated area of King County.

Complaint Location	2010	2011	2012	2013
No Entry	11	13	19	38
Burien	2	8	32	26
Covington	1	2	9	14
Kenmore	1	6	8	12
King County Airport	1	4	12	7
Maple Valley	2	2	14	14
Metro Transit	12	16	31	36
Muckleshoot	2	1	4	5
Newcastle	1	0	5	1
North Bend	0	1	1	3
Sammamish	3	4	15	16
Seatac	5	7	38	34
Shoreline	7	13	24	35
Sound Transit	2	6	19	9
Unincorporated	57	173	384	429
Woodinville	1	6	9	6
Total	108	271	624	685

Table 3

There are forty (40) different categories of allegations. Table 4 shows the five (5) most common categories of allegations. A complete list of allegation totals is attached as Addendum A.

Allegation	2010	2011	2012	2013
Use of Authority	4	7	44	49
Courtesy	23	46	132	149
Excessive Force	7	8	37	63
Rules Violation	18	36	90	156
Poor Performance	1	7	25	52

Table 4

With the help of the Early Intervention System, the King County Sheriff's Office proactively identifies employees whose performance exhibits potential problems. In response to identified issues, the Sheriff's Office provides interventions, usually in the form of counseling or training, to correct those concerns.

Table 5 identifies the number of Sheriff's Office employees who had three (3) or more major complaints in 2013. Table 6 shows the number of employees who had eight (8) more major complaints over the last four (4) years.

Employees with three (3) or more complaints in 2013	Number of Complaints	Outcome of the Complaints
Employee A	3	All complaints were filed internally by the employee's supervisor. The complaints were sustained and the employee received a one-day suspension.
Employee B	3	The finding for one of the complaints was "Exonerated." The other two complaints are still in the investigatory stage.
Employee C	4	All four complaints were sustained and the employee was demoted and subsequently terminated.
Employee D	4	All complaints were filed internally by the employee's supervisor. All complaints involve failing to follow policies and procedures. The finding for one of the complaints was "Unfounded." The finding for one of the complaints was "Non-Sustained." Two of the complaints were "Sustained." The employee received two "Counseling Memoranda" and one "Letter of Corrective Counseling."
Employee E	7	Two of the complaints are still in the investigatory stage. The finding for one of the complaints was "Non-Sustained." Four of the complaints were "Sustained." The employee has received one "Letter of Corrective Counseling" and three "Letters of Reprimands."
Employee F	10	All complaints were filed internally by the employee's supervisor and are related to attendance issues. The employee was terminated; however, because of mitigating circumstances the employee is still working pursuant to a "Last Chance Agreement."

Table 5

Employees with eight (8) or more complaints 2010-2013	Number of Complaints	Outcome of the Complaints
Employee F	10	All complaints were filed internally by the employee's supervisor and are related to attendance issues. The employee was terminated; however, because of mitigating circumstances the employee is still working pursuant to a "Last Chance Agreement."

Table 6

Adjudication of Complaints

After an investigation is completed it is reviewed by the "Internal Investigations Advisory Committee." The committee members are Prosecuting Attorney's Office and Sheriff's Office personnel who meet to advise the Sheriff's Office Commanders on legal issues regarding the cases they present to the committee.

There are five ways an allegation may be adjudicated:

Sustained – The allegation is supported by sufficient factual evidence and was a violation of policy.

Non Sustained – There is insufficient factual evidence either to prove or disprove the allegation.

Exonerated – The alleged incident occurred, but was lawful and proper.

Unfounded – The allegation is not factual and/or the incident did not occur as described.

Undetermined- The Precinct/Section Commander is not able to use any of the above classifications. This may involve the following: The complainant withdraws the complaint; The complainant cannot be located; The complainant is uncooperative; The accused member separates from the Sheriff's Office before the conclusion of the investigation and the investigator cannot reach another classification.

Disposition	2010	2011	2012	2013
Sustained	7	21	60	67
Exonerated	6	9	77	0
Non-Sustained	4	14	47	35
Unfounded	15	17	43	49
Undetermined	3	16	19	19
Investigation Not Done	2	2	14	14
Performance Training	0	9	7	0
No Entry	0	0	0	87
No Findings	0	0	10	5
Within Policy	0	1	1	0
Info Only	70	0	0	0
Total	105	110	265	325

Table 7 note: "No Entry" means the complaint was still in the investigatory or disciplinary process stage at the time of this report.

Discipline and Corrective Actions

The vast majority of King County Sheriff's Office employees serve with honor and distinction; however, even isolated instances of misconduct can damage the reputation of the Sheriff's Office and erode community trust. Therefore, it is important that individuals be held accountable for any misconduct. Discipline should be corrective and not punitive in nature with the goal of ensuring the misconduct will not occur again. Generally, progressive discipline will be applied; however, the level of discipline will be based on the seriousness of misconduct, the employee's disciplinary history and the likelihood that the employee's actions will be repeated.

Table 8 shows that in 2013, the King County Sheriff's Office imposed one hundred two (102) disciplinary actions ranging from written reprimand to termination.

Discipline	2010	2011	2012	2013
Termination	2	3	2	4
Demotion	0	0	0	2
Suspension	16	11	3	33
Disciplinary Transfer	0	0	0	5
Written Reprimand	30	24	11	57
Total	48	38	16	102

Table 8 Note: Additionally, one Explorer was also terminated from the program in 2013.

In addition to formal discipline, in 2013 the King County Sheriff's Office imposed eighty-nine (89) non-disciplinary corrective actions.

Corrective Action	2010	2011	2012	2013
Training	2	8	9	36
Corrective Counseling	8	6	9	50
Oral Reprimand	3	1	2	1
Performance Improvement Plan	0	4	2	2
Total	13	19	22	89

Table 9

In addition to discipline and corrective actions, training courses have been changed in an effort to reduce future misconduct. Courses in "Defensive Tactics," "Life and Education Based Discipline" and "Procedural Justice" have been updated as a result of trends observed from Internal Investigations Unit cases.

Criminal Investigations Involving Employees

When a King County Sheriff's Office employee is charged with a crime in King County, the Sheriff's Office conducts a criminal investigation separate from the Internal Investigations Unit investigation. If the alleged crime occurs outside of King County, the law enforcement agency with jurisdiction conducts the criminal investigation in accordance with local procedures and the King County Internal Investigations Unit administratively investigates the complaint.

2013 Criminal Investigations	Disposition
In possession of illegal drugs and stolen property	Employee resigned prior to completion of the investigation.
Domestic Violence	Employee resigned prior to completion of the investigation.
Driving Under the Influence	Investigation is ongoing.
Driving Under the Influence	Investigation is ongoing.
Under the Influence while in control of a vehicle	Investigation is ongoing.
Total	5

Table 10

2012 Criminal Investigations	Disposition
Driving Under the Influence	Employee received a one (1) day suspension.
Use of a Controlled Substance	Explorer was terminated from the program.
Shooting a bear within city limits	Employee received an eight (8) day suspension.
Total	3

Table 11

2011 Criminal Investigations	Disposition
Domestic Violence	Employee was retired from King County at the time of the criminal investigation.
Domestic Violence	Unfounded- No criminal charges were filed against the employee.
Total	2

Table 12

2010 Criminal Investigations	Disposition
Sexual Assault	Unfounded- the complainant had a history of mental issues and a history of filing false complaints. No criminal charges were filed against the employee.
Driving Under the Influence	Employee received a three (3) day suspension and their probationary period was extended.
Reckless Endangerment- employee fired a gun in her home	Employee received a ten (10) day suspension.
Driving Under the Influence	Non-sustained- employee was found not to be legally impaired and no criminal charges were filed.
Driving Under the Influence	Employee received a five (5) day suspension.
Total	5

Table 13

Use of Force

Deputies may not use either physical or deadly force on any person, except that force which is reasonably necessary to effect an arrest, to defend themselves or others from violence, or to otherwise accomplish police duties according to law. It is the policy of the King County Sheriff's Office to promptly report and to thoroughly investigate any use of force incident.

	2010	2011	2012	2013
Total Use of Force Events	179	165	172	165

Table 14

Identified Trends and Recommendations

In reviewing the numbers from 2010 through 2014, one clear trend is that the year-to-year analysis is not an “apples to apples” comparison. This is true for several reasons:

- In 2010 and 2011, there was much less adherence to reporting requirements for complaints against KCSO deputies. In 2012, reporting was improved upon, but 2013 has the most accurate reporting results yet.
- In the past, KCSO staff was less familiar with the imputing and mining data with the IAPro system. In 2013, IAPro staff personally met with and provided additional training to members of KCSO.
- When Sheriff Urquhart took office in November of 2012, he was the third Sheriff in less than a year. Different administrations had different standards for what constituted a complaint.

2013 Actions

Sheriff Urquhart has maintained that *all complaints* against staff must be logged, tracked, and resolved. The additional training that KCSO staff received from the IAPro representatives has made the 2013 data the most accurate.

For the 2013 report, all complaints were included in the report totals. This includes Inquiries, Supervisor Action Logs (SALs), and Non-Investigative Matters (NIMs).

It appears that in the past when a complaint involved multiple employees, it was only counted as a single complaint. In the 2013 report, if multiple employees were identified by a complainant as having engaged in misconduct, a separate complaint is attached to each employee.

The methodology used in the 2013 report is more accurate, gives a better picture of what’s happening with complaints, and will make it easier to identify trends in the future.

There is some clear data that show more accountability for misconduct than in the past. In 2013, there were one-hundred two (102) formal disciplinary actions (See, Table 8). In 2012, there were only sixteen (16) formal disciplinary actions. Additionally, in 2013 there were eighty-nine (89) non-disciplinary corrective actions, which in 2012 there were only twenty-two (22) (See, Table 9).

Recommendations for Legislative Changes – None at this time.

ADDENDUM "A"

Allegation	2010	2011	2012	2013
Absence for Duty Without Leave	1	14	9	27
Abuse of Authority	0	2	1	0
Appropriate Use of Authority	4	7	44	49
Being under the influence of either drugs or alcohol while off-duty, resulting in criminal conduct, charge or conviction	0	0	2	2
Conduct that is criminal in nature	1	12	24	24
Conduct Unbecoming	9	12	38	45
Conflicting relationships	0	0	1	1
Courtesy	23	46	132	149
Discrimination, Incivility and Bigotry	1	0	9	21
Drugs	0	1	0	1
Duty to report criminal activity	0	0	3	6
Employee associations	0	0	1	1
Ethics, Conflicts, and Appearance of Conflicts	2	2	4	2
Evidence, withholding, fabricating, destroying or mishandling	0	0	0	1
Excessive or unnecessary use of force against a person	7	8	37	63
Failure of training or qualification	0	1	3	3
Fitness for duty.	0	0	1	1
Furnishing bond or bail	0	0	0	1
Harassment based on race, ethnicity, gender, religion disability or sexual orientation.	2	6	7	8
Identification as a Police Officer	0	1	5	4
Insubordination or failure to follow orders	3	9	8	16
Intoxicants	0	2	2	2
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so.	2	9	11	26
Names or photographs, use of	0	1	1	1
Obedience to laws and orders	1	5	16	20
Performance Standards	40	25	45	23

Performance Standards: Abide by Federal and State Laws and applicable local ordinances	0	3	13	28
Performance Standards: Acts in violation of directives, rules, policies or procedures	18	36	90	156
Performance Standards: Fails to achieve passing score in required training or qualifications	1	0	1	0
Performance Standards: Fails to submit reports, citations, or other appropriate paperwork in a timely manner	1	5	8	15
Performance Standards: Otherwise fails to meet standards. below standard achieved by others in work unit.	1	7	25	52
Performance Standards: Supervision	0	0	3	11
Performing Duties in a Satisfactory Manner	1	19	20	31
Personal business or recreation while on-duty or in uniform	1	0	1	2
Publicity	0	0	1	0
Punctuality	2	26	40	59
Recommendation regarding disposition or investigation	1	0	0	0
Ridicule	0	6	9	17
Sleeping on-duty	0	0	2	3
Willful violation of either Civil Career Service rules, Code of Ethics, or KCSO rules, policies, and procedures	0	2	7	7

Table 13 Note: Employees may be accused of violating multiple rules in connection with a single complaint; therefore there are more allegations than complaints