



**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 |  |                         |
| <b>Effective Management and Supervision</b> |        |  |                         |
| 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      |
| <b>Complaint Policies and Procedures</b>    |        |  |                         |
| 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      |

| <b>Use of Accountability Tools</b>                 |     |   |                                      |
|--|-----|---|--------------------------------------|
| 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 |
| <b>Implementation of Law Enforcement Oversight</b> |     |   |                                      |
| 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                                  |