



King County

Office of Law Enforcement Oversight

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Supplement to 2016 Annual Report

The purpose of this supplement to the Office of Law Enforcement Oversight's 2016 Annual Report is to provide statistical analysis of investigative findings and final discipline for sustained complaints for the King County Sheriff's Office's internal investigations of misconduct complaints.

This report also provides recommendations OLEO has made for action by the Sheriff on needed improvements in policies, procedures and practices stemming from analyses that look beyond individual cases of misconduct to identify systemic problems within the Sheriff's Office. Please note that this body of work is limited by the fact that OLEO did not have any staffing to conduct policy analysis in 2016.

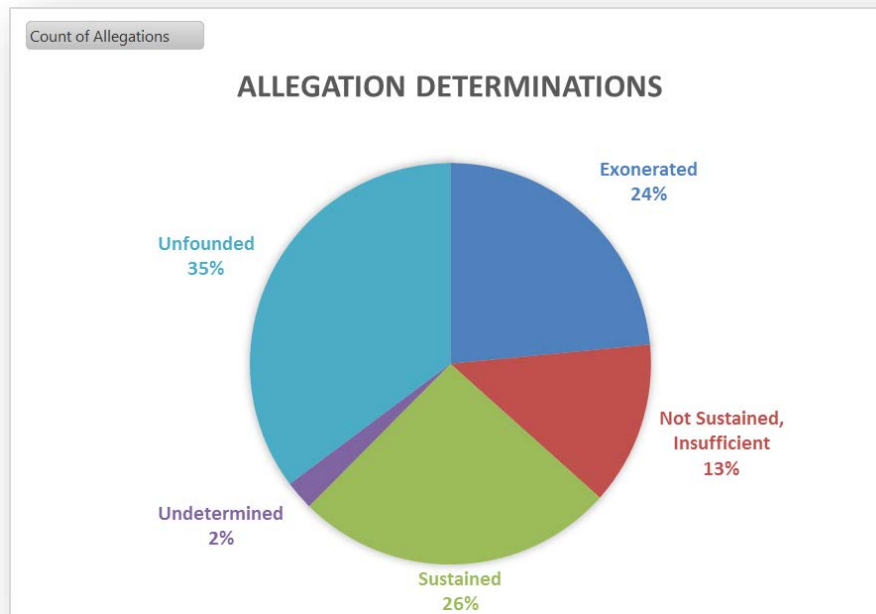
The data and recommendations included in this supplement pertain to 2016 investigations with data current up to September 25, 2017. During the time the investigations were reviewed, OLEO was operating under former KCC 2.75.050 (2012).

Analysis of Investigative Findings

The standard of proof to sustain an administrative investigation is generally a "preponderance of evidence." The exceptions are when criminal or serious misconduct is alleged, and there is a likelihood of suspension, demotion or termination, in which case the standard of proof is "clear and convincing evidence." The Sheriff's office determines whether allegations are:

- SUSTAINED - the allegation is supported by sufficient factual evidence and was a violation of policy.
- UNFOUNDED - the allegation is not factual and/or the incident did not occur as described.
- EXONERATED - the alleged incident occurred, but was lawful and proper.
- NON-SUSTAINED - there is insufficient factual evidence either to prove or disprove the allegation.
- UNDETERMINED - the completed investigation does not meet the criteria of the above classifications.

In 2016, the Sheriff's office completed 233 investigations involving a total of 426 allegations. Because a complaint can have more than one allegation associated, the number of allegations reported surpasses the number of actual investigations. Of the 426 total allegations completed, the Sheriff's office sustained 110 (26%), allegations contained within 76 investigations (33% of all investigations). The chart below displays the outcome by percentages according to each allegation.



Analysis of Final Discipline for Sustained Complaints

Thirteen allegations resulted in termination, involving five investigations and three affected Sheriff's Office employees. In one case, an officer applied oleoresin capsicum or "OC" spray to the mouth piece of a homeless man's water bottle. The second found that an officer made fraudulent claims for reimbursement and numerous ethics violations. The last involved a civilian employee who was terminated for below standard performance and work attendance while on probation. Table 1 at the end of this document summarizes the types of corrective actions taken.

Recommendations from OLEO to the Sheriff's Office

Investigative thoroughness

Although OLEO did not have staff for policy analysis in 2016, it did consistently provide feedback to the Sheriff's Office on the thoroughness of its investigations, including on the need to obtain statements from all involved parties, including officer(s), complainant(s), and witnesses. In April 2017, the Sheriff's Office revised its General Orders Manual 3.03.155(6) on investigative steps for misconduct investigations. Unfortunately, the revision lowered the quality of investigations by allowing the investigator in consultation with the commander of the Internal Investigations Unit (IIU) to determine whether or not a party involved in an incident needed to provide a statement for the investigation. The policy revision was not what we would have hoped for from the Sheriff's Office in response to OLEO's position that all parties involved in a misconduct investigation be offered an opportunity to provide a statement about the incident. OLEO was concerned that the new policy revision would diminish the thoroughness and consistency of investigations, as well as due process rights for the accused employee. On May 18, 2017, OLEO sent a memorandum to the Sheriff detailing our concerns and recommending the Sheriff's Office revert back to the previous policy version that stated that IIU investigators shall obtain statements from all parties.

Table 1	Corrective Action Taken by the Sheriff's Office								
Allegation	Corrective Counseling	Memo of Expectations	Oral/Verbal Reprimand	Resignation	Retired	Suspension	Termination	Written Reprimand	Grand Total
Acts in violation of Sheriff's Office directives, rules, policies or procedures as set out in this manual, the training bulletins or elsewhere	1	2	1			5	2	8	19
Punctuality	1					7		10	18
Conduct Unbecoming	1					7	2	5	15
Courtesy			1			5		2	8
Absence from Duty Without Leave	3			1		1	1	1	7
Insubordination or failure to follow orders						3	2	2	7
Making false or fraudulent reports or statements, committing acts of dishonesty, or inducing others to do so						4	2		6
Performs at a level significantly below the standard achieved by others in the work unit		1			1	3		1	6
Conduct that is criminal in nature						3	2		5
Appropriate use of authority						2		2	4
Fails to submit reports, citations, or other appropriate paperwork in a timely manner				1	1			1	3
Willful violation of either Sheriff's Office Civil Career Service Rules, or King County Code of Ethics. As well as King County Sheriff's Office rules, policies and procedures							2	1	3
Excessive or unnecessary use of force against a person						1			1
Willful violation of any lawful or reasonable regulation, or ordering resulting in loss or injury to the county or public.						1			1
Harassment based on race, ethnicity, gender, religion disability or sexual orientation						1			1
Being under the influence of either drugs or alcohol while off-duty, resulting in criminal conduct, charge or conviction						1			1
Otherwise fails to meet Sheriff's Office standards								1	1
Accepting any gratuity, fee commission, loan, reward, or gift for services rendered incident to duty as a deputy, unless approved by the Sheriff						1			1
Performance Standards						1			1
Evidence, withholding, fabricating, destroying or otherwise mishandling						1			1
Sleeping on-duty								1	1
Grand Total	6	3	2	2	2	47	13	35	110
Grant Total by Percentage	5%	3%	2%	2%	2%	43%	12%	32%	100%