



Legislation Text

File #: 2012-0366, **Version:** 2

Clerk 09/18/2012

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

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

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

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

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

WHEREAS, to build and maintain community trust, it is incumbent on sheriff's office leadership and

managing supervisors to foster an environment in which ethical and conscientious behavior is expected and each individual is responsible for meeting those expectations, and

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

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

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

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

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

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

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

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

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

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

WHEREAS, in addition to detailed plans and reporting for the July 24 audit report recommendations, the council finds that it also needs a detailed plan and reporting mechanism for how the sheriff's office will implement the recommendations of the September 11 risk assessment report, and

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

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

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

2. It is the policy of King County that:

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

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

c. an internal investigations function directly reporting to the sheriff shall review all resolved complaints, investigate all unresolved complaints within reasonable times and issue reports for review by the

office of law enforcement oversight; and

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

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

a. notifying staff of the sheriff's office about county policy regarding reporting of potential breaches of conduct and transmitting to the council by September 30, 2012, 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, software designed for intake and follow-up of incidents in the field, including complaints, commendations, uses of force, and policy violations;

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

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

d. transmitting monthly reports to the council starting in September 2012, describing efforts to amend the GOM to allow either the sheriff or the internal investigations unit ("the 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; and

e. transmitting monthly reports to the council starting in September 2012, describing efforts to amend the GOM to compel supervisors and commanders to fully cooperate with the 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.

B.1. The council concurs with the audit finding related to complaint policies and procedures that the GOM and the IIU's standard operating procedures ("SOPs") have not been effective in providing direction to

commissioned personnel, or in compelling supervisors and commanders to consistently enforce the complaint policies and processes necessary to achieve organizational and officer accountability.

2. It is the policy of King County that:

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

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

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

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

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

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

d. transmitting to the council by September 30, 2012, a copy of a revised organizational chart for the

sheriff's office, and notifying the council and the office of law enforcement oversight whenever an organizational change is made that modifies the reporting or chain of command related to the IIU commander.

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

2. It is the policy of King County that:

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

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

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

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

b. transmitting a report to the council by September 30, 2012, 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 sheriff's office's Early Intervention System and Blue Team application;

c. transmitting quarterly reports to the council beginning in January 2013, detailing the use and implementation of the SOPs regarding how sheriff's office 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;

d. transmitting 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 ongoing trainings occur; and

e. reporting 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 sheriff's office's efforts to explore opportunities to expand training resources or identify training programs in other jurisdictions.

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

2. It is the policy of King County that:

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

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

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

These activities consist of:

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

of oversight;

b. reporting 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; and

c. transmitting 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.

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

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

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

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

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

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

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

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

G. The reports called for in this motion shall be transmitted electronically to the clerk of the council,

who shall distribute them to all councilmembers and lead staff for the government accountability, oversight and financial performance committee, or its successor.

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

I. To the extent that the directives contained in this motion affect mandatory subjects of bargaining, a county official or other county employee may not implement those directives until the county has fulfilled its duty to bargain those subjects.