

### **3.03.000 INVESTIGATION OF PERSONNEL MISCONDUCT**

3.03.005

**PURPOSE AND SCOPE:** 10/24

A law enforcement agency must maintain a high level of personal and official conduct if it is to command and deserve the trust 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 this section is to provide rules and guidelines concerning the investigation of alleged member misconduct.

3.03.010

**DEFINITIONS:** 03/24

For the purpose of this policy:

**"Administrative Leave"** means when a member is placed on leave, with pay and benefits, because they were involved in a traumatic incident; or, they are the subject of an investigation into an allegation of misconduct; or, their ability to perform essential job functions is in question; and, it is determined that circumstances exist that make the immediate removal of the member from duty in the best interests of the Sheriff's Office. Such leave is not a disciplinary action and is not subject to appeal.

**"Blue Team"** is a web-based computer program used to record information about an employee's work performance, disciplinary, and awards history.

**"Clear and Convincing"** is a standard of proof that means an allegation or argument is far more likely to be true than false. This standard of proof is greater than the "preponderance of the evidence" standard commonly used to prove civil liability but less than the "beyond a reasonable doubt" standard commonly used to prove criminal liability.

**"Complaint Intake"** refers to a specific process of collecting initial information about the performance or conduct of a Sheriff's Office member.

**"Expedited Investigation"** is a process that occurs in IIU that allows a finding on a complaint based on the preliminary inquiry without conducting a full investigation. It is an exception to be used in circumstances when it is apparent that the formal administrative investigative process would not be beneficial or meaningful.

**"Formal Investigation"** means steps taken by the investigator assigned to investigate a complaint of misconduct and prepare the final investigative report.

**"Garrity Rights"** rights afforded to public employees which provide that an employee can be required to fully cooperate with an administrative investigation and failure to cooperate may result in employment termination. However, any information obtained from a compelled interview typically cannot be used in criminal proceedings except in limited circumstances. (Garrity v. N.J., 385 U.S. 493, 1967)

**"Internal Investigations Advisory Committee"** a committee made up of the Prosecuting Attorney's Office, Labor Relations, and Sheriff's Office personnel which meets to advise the IIU Commander or other Sheriff's Office Commanders on legal issues related to cases presented to the committee.

**"Inquiry"** is an entry into Blue Team that documents a Personnel Complaint directed to a member of the department which, if true, alleges misconduct by any member of the Sheriff's Office.

**"Intervene"** means to interact with another Sheriff's Office member verbally or physically in an attempt to prevent or stop misconduct from occurring.

**“Loudermill Hearing”** means whenever discipline includes a proprietary, or monetary, loss (e.g., suspension, demotion, termination, etc.); the employee has the right to meet with the Sheriff and speak on their own behalf as to why the recommended discipline should not be imposed in the matter. (Cleveland Board of Education v. Loudermill, 105 S. Ct 1487, 1985)

**“Member”** means any person whether paid, unpaid, temporary, permanent, intern, probationary, volunteer, appointed, non-appointed, commissioned, or non-commissioned, who is employed or supervised by the King County Sheriff's Office.

**“Minor Policy Violation”** means conduct that is inconsistent with any department policy, rule, regulation, or directive but does not rise to the level of a serious policy violation as defined in this chapter. This type of violation may erode professionalism and discipline within the department but does not cause significant harm or damage to the public trust. Examples of minor policy violations include being late for work, failing to follow proper procedure, or engaging in discourteous behavior. Allegations of minor policy violations, if sustained, typically would not result in discipline greater than a written reprimand.

**“Misconduct”** means any violation of law, ordinance, Sheriff's Office or King County rule, regulation, policy, or procedure.

**“O.L.E.O.”** means the Office of Law Enforcement Oversight. OLEO is an independent agency under King County's legislative branch and separate from the Sheriff's Office tasked with ensuring the King County Sheriff's Office is accountable for providing fair and just police services.

**“Personnel Complaint”** means any allegation of member misconduct received from any source, so long as it is more than just conclusory statements that, if true, are a violation of KCSO policy as stated. Conclusory statements include remarks such as general name-calling or threats by the reporting party, statements of general opinion about the subject of the complaint and similar kinds of remarks that do not identify any particular conduct or factual assertions about the member.

**“Preliminary”** is an entry into Blue Team used to document any reported or observed possible violations of policy.

**“Preliminary Investigation”** means steps taken by a supervisor or IIU to determine if an alleged complaint is potential misconduct. An interview of the complainant should be conducted before a preliminary investigation is considered complete, except for unusual circumstances (i.e., complainant intoxicated, incapacitated, etc.).

**“Preponderance of Evidence”** is a standard of proof holding that an allegation or argument is true if the evidence shows that it is more probable than not that the allegation or argument is true.

**“Repeated”** means a pattern of similar behavior or performance exists and efforts to correct the behavior or performance with training and/or counseling have not been successful. A second similar allegation over a two-year period will automatically be considered repeated or a pattern of misconduct.

**“Representative”** means an official of a member's collective bargaining agency.

**“Serious Policy Violation”** means conduct that is considered a serious violation of the core values of the King County Sheriff's Office and the Law Enforcement Code of Ethics, causes substantial harm to a group or individual, or significantly undermines the community's trust and confidence in the Sheriff's Office. Serious policy violations may result in discipline up to, and including, dismissal from the Sheriff's Office. Conduct that would typically be defined as a minor policy violation may be considered a serious policy violation if the violation is egregious or repeated.

**“Supervisor”** means any commissioned employee of the rank of sergeant or above or any professional staff employee who is designated as a supervisor by virtue of their job title.

**“Performance Related Training” (formerly known as a Supervisory Action Log or SAL)** is a disposition used to document a supervisor's action related to an employee's minor policy infractions. Performance Related Training is not discipline and includes corrective counseling and/or training.

3.03.012

**POLICY:** 10/24

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 complaints are appropriately investigated and documented according to the procedures established in this policy. Nothing in this policy prohibits a supervisor or command staff member from taking corrective action if they observe a violation of policy that requires immediate correction.

3.03.015

**RECEIVING COMPLAINTS:** 04/23

A well-run complaint process creates accountability, transparency and provides vital feedback to the Sheriff's Office. To be effective, community members must trust that their participation will be respected and valued. It is the responsibility of all members to ensure that anyone wishing to file a complaint is encouraged to do so. Supervisors should focus on gathering facts and evidence objectively during the complaint intake process and shall not reach conclusions or judgement at the preliminary stage and during the fact-finding portion of investigations.

1. Information on how to file a complaint will be made easily accessible to community members.
  - a. Information on how to file a complaint shall be posted on the Sheriff's Office web pages.
  - b. Brochures with information on how to file a complaint will be available at all Sheriff's Office public locations.
  - c. Sheriff's Office members will have printed information on how to file a complaint and shall provide it to anyone wishing to file a complaint.
  - d. Outreach efforts to community groups will include information on the Sheriff's Office complaint process and how to file a complaint.
2. Members shall accept all complaints including those relayed through a third party or anonymously. Complaints may be made through any means, including but not limited to in person, by telephone or in writing.
3. Members shall help anyone wishing to file a complaint. Members shall:
  - a. Provide a general overview of the complaint intake process.
  - b. Call a supervisor to facilitate contact between the community member and the supervisor.
  - c. Provide the community member with written material on how to file a complaint.
  - d. Not delay, deter, or discourage anyone from filing or retaliate against anyone who files a complaint.
4. Members receiving a complaint, observing a policy violation, or becoming aware of a potential complaint shall immediately notify a supervisor. All members of the Sheriff's Office have a duty to intervene when observing misconduct and to report policy violations in accordance with GOM 3.00.035.
5. A member shall not be retaliated or discriminated against for intervening when misconduct is occurring or for reporting policy violations.
6. Members shall identify themselves when requested to do so by community members. Members shall:
  - a. Provide their business card upon request.

- b. Provide their first and last name and their employee identification number if they are unable to provide a business card.
  - c. Provide their supervisors name and phone number on request.
7. Members receiving personnel complaints shall maintain the confidential nature of the information. This includes, but is not limited to discussing information regarding complainants, accused employees or witnesses or details with anyone not authorized to hear the information per GOM 3.03.090.

3.03.020

**COMPLAINT INTAKE:** 04/23

Evidence and information often become less reliable and more difficult to obtain as time passes. It is therefore important that supervisors conduct preliminary inquiries as soon as possible. The personnel complaint intake process is designed to facilitate consistent and thorough collection of objective facts and evidence for all allegations of misconduct against a Sheriff's Office member.

When receiving a complaint Supervisors or Managers shall:

1. Complete the preliminary complaint intake form (KCSO A-128) for all personnel complaints of misconduct against a Sheriff's Office member and collect all available information and evidence related to the allegation(s).
2. Take any necessary action to prevent further aggravation of the incident unless such action might jeopardize the investigation.
3. Focus on objective and neutral fact-finding without reaching conclusions or judgements.
4. Attach all relevant documents, pictures, and recordings to Blue Team or IAPro and submit the inquiry to the Captain or Manager for approval.

3.03.025

**CLASSIFICATIONS:** 04/23

Complaint classification determines how the personnel complaint will be processed and who should be notified. Personnel complaints with a complete preliminary investigation will be sent to IIU for classifications. A complete preliminary investigation allows IIU to identify all allegations and all involved parties.

Personnel complaints will be classified in one of three categories:

1. **Formal Investigation** – These types of complaints, if true, involve a potential policy violation and need further investigation before a finding can be determined. Depending on the type of misconduct alleged, or if the allegations are Repeated, IIU may either handle the investigation itself or send to a field supervisor for investigation.
2. **Expedited investigation** – Complaint qualifies for expedited investigation based on the complete preliminary investigation.
3. **Mediation** – Complaint qualifies for mediation and both the complainant and subject employee(s) agree to mediation. See GOM 3.03.300

3.03.030

**INVESTIGATING COMPLAINTS OF SERIOUS POLICY VIOLATIONS** 03/24

In most cases, complaints of serious policy violations will be handled by IIU. IIU may assign serious policy violation complaints to a field supervisor for investigation.

**Supervisors who intake a serious policy violation complaint shall:**

1. Take any immediate action necessary to prevent further aggravation of the incident.
2. Evaluate the complaint for administrative leave criteria and notify their captain, manager, or CDO if they believe administrative leave may be necessary. See GOM 3.00.100.
3. Evaluate the complaint for a conflict of interest. If a conflict exists, the supervisor shall notify their chain of command and request the case to be reassigned.
  - a. Conflicts of interest may include a familial or other close personal relationship between the supervisor and accused member, supervisor involvement in the incident that generated the complaint, or any other circumstances that might create an actual or perceived inability for the supervisor to remain unbiased and impartial throughout the investigation.
4. Immediately conduct a thorough and objective preliminary investigation including obtaining a recorded statement from the complainant and witnesses when practicable.
5. Notify the accused member's assigned Captain or Manager by the next workday and document this notification on the Complaint Intake Form (A-128).
6. Complete the Complaint Intake Form (A-128), attach it to the preliminary inquiry in Blue Team, and route it to the accused member's assigned Captain or Manager within five (5) working days of receiving the complaint. If it is not possible to complete in this timeline, the sergeant/supervisor shall notify their captain/manager via email with an explanation of the cause of the delay.

**The accused member's assigned Captain or Manager shall:**

1. Evaluate the complaint for administrative leave criteria (see GOM 3.00.100).
2. Take actions to prevent additional instances of misconduct or further aggravation of the incident. This may include advising the accused member of the complaint and providing direction on proper procedures.
3. Review the preliminary inquiry for completeness and return it for any necessary corrections or required information.
4. Complete the Preliminary Complaint Commander's Review Form (A-114) and attach it to the preliminary inquiry in Blue Team.
5. Route the completed preliminary inquiry directly to IIU within five (5) working days of receiving the complaint.

**The Internal Investigations Unit shall:**

1. Review the preliminary investigation for completeness and notify the appropriate Commander of any recommended corrections.
2. Confirm the Sheriff has been notified and provide a summary of the allegation upon request. Provide investigation status updates as requested.
3. Request a criminal investigation by the appropriate agency for all allegations of criminal conduct as directed by GOM 3.03.060 and GOM.03.215 or GOM 3.03.220.

4. Screen the preliminary investigation for proper initial classification.
5. Notify OLEO of the proposed intake classification and provide 5 days for OLEO to either agree or recommend a change to the intake classification before the complaint classification is finalized.
6. Notify the accused member's chain of command of the classification.
7. Assign the inquiry for investigation to an appropriate investigator.
8. Monitor the investigation's progress. Most investigations should be completed within sixty (60) working days of receiving the complaint.
9. Review and approve the completed investigation.
10. Notify OLEO that the case is ready for certification review.
  - a. OLEO may recommend that additional investigation is needed on issues they deem material to the outcome of the investigation.
  - b. If there is any dispute between the KCSO and OLEO regarding the necessity, practicality, or materiality of the requested additional investigation, the IIU Commander will determine whether additional investigation will be undertaken by KCSO.
  - c. If OLEO is not satisfied with the determination of the IIU Commander, the matter will be submitted to the Sheriff, or their designee, for a determination with OLEO providing the reason(s) for its recommended additional investigation. After completion of the additional investigation, or the conclusion that no further investigation will be undertaken, OLEO may then conduct its certification review.
11. Assign the investigation to the appropriate Section Commander for findings recommendations.
12. Upon OLEO request, after the findings are drafted, and before the accused member is notified of the findings, provide notification of proposed findings to OLEO and allow up to 10 days for OLEO to provide its findings recommendation.
  - a. If OLEO provides separate findings, both the Section Commander's and OLEO's findings will be provided to the appropriate Division Commander for review.
13. Consult with the appropriate Division Commander and/or the Undersheriff about presenting the case to the Internal Investigations Advisory Committee for review and advice if:
  - a. A sustained finding, and the subsequent discipline in the case, is likely to create a proprietary loss for the employee (suspension, demotion, transfer, termination, or other monetary loss); or
  - b. The investigation otherwise requires special attention.
14. Ensure the accused member and their Section Commander are notified in writing of the final disposition of the complaint.
15. Ensure that the complainant has been notified in writing of the final disposition of the complaint. The specific nature of any action taken against the member shall not be disclosed to the complainant.
16. Notify members that they have the right to a voluntary Loudermill hearing.
17. Ensure completed investigations are maintained in IIU secured files.

**The Section Commander shall:**

1. Review the complete investigation and request additional investigation if necessary.
2. Consult with the appropriate Division Commander and/or the Undersheriff about presenting the case to the Internal Investigations Advisory Committee for review if:
  - a. A sustained finding, and the subsequent discipline in the case, is likely to create a proprietary loss for the employee (suspension, demotion, transfer, termination, or other monetary loss); or
  - b. The investigation otherwise requires special attention; and
  - c. IIU has not already requested review by the committee.
3. Write a findings recommendation memo in accordance with GOM 3.03.040 and route it to the Division Chief within ten (10) working days after receiving the completed investigation or attending the IIU Advisory Committee meeting.

**The Division Chief shall:**

1. Review the complete investigation and the findings recommendation memo for compliance with policy, accuracy, and completeness and if necessary, return for correction.
2. Review findings recommendation for fairness and consistency and approve or change the recommendation within ten (10) working days of receiving the findings and recommendation memo.
  - a. When presented with the Section Commander and OLEO findings, review both findings recommendations for fairness and consistency and approve or change the recommendation within ten (10) working days of receiving the findings and recommendation memo.
  - b. When presented with the Section Commander and OLEO findings, provide the Undersheriff and Sheriff with a summary of both findings and final recommendations.
3. Provide the Undersheriff and Sheriff a regular status and summary of the allegations under investigation in their Division. Provide individual investigation status and updates upon request.

**The Undersheriff shall:**

1. Review any investigation for compliance with policy, accuracy and completeness and return it for correction as appropriate.
2. Review findings recommendation for fairness and consistency and approve or change the recommendations from the Division Commander.
3. Determine appropriate discipline.

**The Sheriff:**

1. May review the complete investigation and the findings and disciplinary recommendations for compliance with policy, accuracy, and completeness and if necessary, return for correction.
2. Shall conduct or delegate any requested Loudermill hearings.
3. Shall provide a written response following any Loudermill hearing within ten (10) working days of the Loudermill hearing.

3.03.035

**INVESTIGATING COMPLAINTS OF MINOR POLICY VIOLATIONS: 03/24**

Minor policy violations will be investigated in most cases by a field supervisor assigned to the same section as the accused member.

**Supervisors who intake a misconduct complaint shall:**

1. Take any immediate action necessary to prevent further aggravation of the incident and to prevent any additional policy violations.
2. Evaluate the complaint for a conflict of interest. If a conflict exists, the supervisor shall notify their chain of command and request the case to be reassigned.
  - a. Conflicts of interest may include a familial or other close personal relationship between supervisor and accused member, supervisor involvement in the incident that generated the complaint, or any other circumstances that might create an actual or perceived inability for the supervisor to remain unbiased and impartial throughout the investigation.
3. Immediately conduct a thorough and objective preliminary investigation including obtaining a recorded statement from the complainant and witnesses when practicable.
4. Notify the accused member's assigned Captain or Manager by the next workday and document this notification on the Complaint Intake Form (A-128).
  - a. See GOM 14.01.000 for an exception to this process when minor misconduct is observed during certain BWC footage reviews.
5. Complete the Complaint Intake Form (A-128), attach it to the preliminary inquiry in Blue Team.
6. Route the Blue Team entry to the accused member's assigned Captain or Manager within five (5) working days of receiving the complaint.
7. If the complaint is classified for mediation and assigned to the supervisor, the supervisor shall coordinate the mediation.
  - a. Contact OLEO to coordinate the mediation with complaining community member.

**The accused member's assigned Captain or Manager shall:**

1. Take actions to prevent additional instances of misconduct or further aggravation of the incident. This may include advising the accused member of the complaint and providing direction on proper procedures.
2. Review the preliminary inquiry for completeness and return it for any necessary corrections or required information.
3. Complete the Preliminary Complaint Commander's Review Form (A-114) and attach it to the preliminary inquiry in Blue Team.
  - a. Route the Blue Team entry to IIU for review and classification.
4. If the classification designation indicates that the investigation will be handled at the section level, assign an appropriate supervisor to complete the investigation or coordinate mediation if appropriate.
5. Monitor the progress of the investigation and ensure it conforms to policy and is completed on time. section level investigations should be completed within fifteen (15) working days of receiving the complaint.



6. Review completed investigation and return for any necessary corrections.
7. Send completed investigation to IIU for certification by OLEO prior to writing a findings recommendation.
8. Write a findings recommendation memo in accordance with GOM 3.03.040, attach it to Blue Team and forward it to the Section Commander within ten (10) days of receiving a completed investigation.

**The Section Commander shall:**

1. Review the complete investigation and the findings recommendation memo for compliance with policy, accuracy, and completeness and if necessary, return for correction.
2. Review findings recommendation for fairness and consistency and approve or change the recommendation.
3. In consultation with their Chief and/or Undersheriff, determine appropriate discipline or corrective action.
4. Upon OLEO request, after findings are drafted and before the accused member is notified of the findings, coordinate with IIU to provide notification and ten (10) working days for OLEO to provide their findings recommendation.
  - a. If OLEO provides separate findings, both the Section Captain's and OLEO's findings will be provided to the appropriate Section Commander for review.
5. Following the OLEO review period, ensure the recommended training or corrective action is provided to the accused member and appropriately documented and attached to Blue Team.
6. Forward the completed investigation along with records of training and corrective action to IIU within ten (10) workdays of the OLEO review period.

**The Internal Investigations Unit shall:**

1. Screen the preliminary investigation in coordination with OLEO for proper initial classification and notify the Captain or Manager of required changes to the classification.
2. Upon receipt of the completed investigation:
  - a. Notify the accused member in writing of the final disposition of the complaint.
  - b. Ensure that the complainant has been notified in writing of the final disposition of the complaint. The specific nature of any action taken against the member shall not be disclosed to the complainant.
3. Notify the appropriate chain of command when encountering improper policy or problems with section level investigations.
4. Ensure completed investigations are maintained in IIU secured files.

3.03.040

**THE FINDINGS RECOMMENDATIONS MEMO:** 04/23

After reviewing the completed investigation, the appropriate captain, manager, or precinct/section commander shall draw a conclusion as to the facts of the case based upon the information developed in the investigative record and assign a disposition for each alleged policy violation based on those facts in accordance with GOM 3.03.190. The commander's determination of fact and dispositions shall be documented in a findings memorandum submitted to their chain of command. Commanders shall use the "Findings Memo" template found under the "forms" tab of the KCSO intranet home page.

**When preparing the memorandum, the commander shall:**

1. Use neutral and objective criteria based on the facts as contained in the investigative record.
2. Analyze evidence and make determinations consistent with the tenants of just cause.
3. Weigh evidence appropriately to distinguish strong evidence from questionable or less material evidence.
4. Not allow presumptions to bias the findings of fact.
5. Ensure the rationale for each disposition is clearly related to the employee's conduct as determined based on the investigative record and applicable policies, laws, and practices.
6. Any aggravating or mitigating factors shall be based on the finding of facts supported by the investigative record.
7. Refrain from expressing opinion and/or conjecture that is not based on the findings of fact supported by the investigative record.

Commanders shall be provided with training in completing findings memorandums.

3.03.045

**EXPEDITED INVESTIGATION:** 03/24

Personnel complaints may be handled through expedited investigations. An expedited investigation is a process to reach a finding on a complaint based on the preliminary inquiry without conducting a full administrative investigation. It is an exception to be used in cases where the normal investigative process would not be meaningful or useful.

**An expedited investigation may be used under the following circumstances:**

1. **SERVICE OR POLICY CONCERN:** A complaint that if true would not be a violation of policy. Concerns about Sheriff's Office policy will be referred to the King County Sheriff.
2. **REFERRAL TO RESOURCES:** A complaint is recurring without additional facts or evidence and there is cause to believe the complainant would benefit from a referral to community resources such as mental health, substance abuse counseling or crisis intervention services.
3. **HARASSMENT AND RETALIATION:** A complaint is recurring without additional facts or evidence and there is evidence that it was made in response to a previous allegation for the purpose of harassment or retaliation against the member that initiated a complaint.
4. **LACK OF RELEVANCE:** The accused member is no longer an employee of the Sheriff's Office, and an administrative investigation would not provide any meaningful information about current members operations of the Sheriff's Office and the circumstances of the allegation is not or will not be of significant public concern.

5. **LACK OF EVIDENCE:** The preliminary inquiry lacks sufficient factual evidence or leads to follow to allow for identification of involved members.
6. **PRELIMINARY EVIDENCE CONCLUSIVE:** There is clear and convincing evidence already in the preliminary investigation to determine that all the allegations are:
  - a. Unfounded; or
  - b. Exonerated; or
  - c. Sustained, but the policy infraction is so minor that no corrective action beyond performance related training is warranted; and
  - d. There is no other compelling public interest to further investigate the allegation.
7. **MEMBER STIPULATES TO MISCONDUCT:** The complaint meets the following criteria: The member admits to the conduct alleged in the complaint, member agrees to any imposed discipline/training/counseling, the complaint is not categorized as a Serious Policy Violation, the member does not justify or attribute their actions to something the investigator must independently verify and there is no associated significant public concern.
8. **TIME LIMITATION ON COMPLAINTS:** The complaint meets the following criteria: Not a serious policy violation and, alleged to have occurred more than one **(1) year** prior and, is not or will not be of significant public concern.

3.03.050

**EXPEDITED INVESTIGATIONS PROCESS:** 03/24

It is in the interest of the King County Sheriff's Office that expedited investigations are only used in appropriate circumstances. If there is any doubt regarding the suitability of a preliminary inquiry for expediting, an investigation shall be conducted. The following process is designed to ensure expedited investigations are issued with broad consensus and only when appropriate. Expedited investigations shall use the following process:

1. The reviewing Captain or Manager may make an expedited finding recommendation on the Commander's complaint review form. The Captain or Manager should identify the applicable expedited finding category and justify their recommendation.
2. The IIU Commander shall either concur with the recommendation or ensure the inquiry is assigned for a full investigation.
3. Notify OLEO of the proposed expedited classification and provide five (5) days for OLEO to either agree or recommend a change to the intake classification before the complaint classification is finalized.
4. The IIU Commander will complete an expedited finding memo for any preliminary inquiry that meets the criteria for an expedited finding.
5. Upon OLEO request, the expedited finding memo will then be forwarded to OLEO with a request for concurrence.
6. The expedited finding memo will justify using one of the allowed expedited investigation categories and recommend a disposition for the investigation when appropriate.
  - a. If investigation is expedited under the "Service or Policy Concern" or "Referral to Resources" categories, the expedited finding memo shall specify the type of follow up that will occur with the complainant, assign the follow up to the Captain, and include a due date. Documentation that the follow up occurred must be sent back to IIU and included in the IAPro file.

7. If the investigation has been expedited using the "Member Stipulates" category, and the agreed upon corrective action includes discipline, the expedited memo shall be forwarded to the Undersheriff for review and approval.
8. An expedited finding recommendation without concurrence from OLEO may be assigned for investigation or, with authorization from the Sheriff or their designee, closed without concurrence from OLEO.
9. All investigations closed with expedited findings shall be documented and tracked by IIU. The IIU commander shall report on expedited cases during their monthly presentation at the Sheriff's executive staff meeting.
10. The Sheriff or their designee may choose to order any investigation with expedited findings to be fully investigated.

3.03.055

**SUPERVISOR OBSERVED POLICY VIOLATIONS:** 03/24

Supervisors are tasked with holding Sheriff's Office members accountable for following policy. This entails calling a member's attention to policy violations and making appropriate corrections with necessary training and counseling. Training and correction are most effective when they quickly follow the inappropriate behavior. Policy violations directly observed by supervisor will follow the complaint procedures outlined in GOM 3.03.020 and subsequent process depending on complaint classification with the following exceptions:

1. The supervisor becomes the primary complainant. A supervisor's statement regarding the observed behavior will be used to initiate the complaint process.
2. The supervisor shall intervene immediately when necessary to:
  - a. Prevent further instances of misconduct by providing training on proper procedures.
  - b. Take actions to prevent further aggravation of the incident and to protect potentially endangered community members.
  - c. Conduct emergency relief from duty as outlined in GOM 3.00.100 if necessary.

3.03.060

**CRIMINAL CONDUCT COMPLAINTS:** 10/09

1. It shall be the responsibility of **all** members to **immediately** notify an on-duty supervisor when, by observation or receipt of information, there is cause to suspect a member, whether on or off-duty, has committed a crime.
2. Normal criminal investigation procedures shall be followed during the investigation of all alleged criminal violations.
3. When an on-duty supervisor receives notification or information that a member has been arrested, charged, or is accused of committing a crime, the on-duty supervisor shall:
  - a. Immediately notify the CDO, the accused member's Precinct/Section Commander, and the IIU Commander.
  - b. Ensure that appropriate law enforcement action has been initiated in a manner consistent with the appropriate guidelines in 3.03.215 or 3.03.220.
4. Any alleged violations of laws or ordinances shall be investigated by the appropriate police agency or assigned to the appropriate investigative unit.

3.03.065

**ADMINISTRATIVE LEAVE:** 03/24

(This section was removed from GOM 03.03.000 and is now a separate policy. See GOM 3.00.100 - Administrative Leave).

3.03.070

**INTOXICATION COMPLAINTS:** 03/24

If a community member or member alleges that an **on-duty** member is under the influence of either alcohol or drugs, the member taking the complaint shall immediately contact the accused member's supervisor.

The accused member's supervisor shall:

1. Immediately contact the accused to determine if there is a basis for the allegation and if so:
  - a. Take the accused to the nearest workstation with a breath alcohol analysis device.
  - b. In the presence of a witness, ensure a test for intoxication is completed.
  - c. If drugs are suspected, utilize a Drug Recognition Expert.
2. If the allegation is supported, the member refuses to test for intoxication, or there is reasonable belief the member is impaired by drugs or medications.
  - a. Pursuant to GOM 3.00.100, relieve the member from duty.
  - b. Notify the CDO and Precinct/Section Commander.
  - c. Arrange for transportation to member's residence.
3. Complete a complaint intake as outlined in GOM 3.03.060.

3.03.075

**USE OF FORCE COMPLAINTS:** 04/23

When a complaint alleges excessive use of force by a member, the on-duty supervisor shall:

1. Photograph the community member's injuries or claimed injuries and the department member's injuries or claimed injuries, whether visible or not.
  - a. Photographs of the community member and the department member should be taken regardless of a complaint of injury or not. Documentation of the lack of visible injury can be very important evidence.
2. Obtain statements from the complainant and witnesses.
  - a. If possible, obtain recorded statements.
3. Request an emergency medical services response for the community member alleging excessive force.
4. Request that the person sign a Release of Medical Information (KCSO Form #B-137).
5. Identify witnesses to the alleged misconduct who may be currently unavailable.
6. Complete a complaint Intake as outlined in GOM 3.03.060 in addition to the Use of Force Report when required.

3.03.080

**COMPLAINTS INVOLVING IIU PERSONNEL:** 08/12

1. Complaints alleging misconduct involving IIU personnel shall be forwarded **directly** to the Sheriff.
2. The Sheriff shall appoint personnel from outside IIU to conduct the investigation.
3. Completed investigations shall be maintained in IIU.

3.03.085

**COMPLAINTS AGAINST OTHER AGENCY MEMBERS:** 04/23

On-duty members reporting alleged misconduct involving members of other agencies shall complete and forward an Officer's Report directly to IIU.

3.03.090

**INVESTIGATION CONFIDENTIALITY:** 10/09

1. Personnel complaint investigators and those who review investigations have a responsibility to preserve the confidentiality of investigations.
2. Release of information to unauthorized personnel is a serious breach of ethics and could be a violation of state law.
3. Release of information regarding an investigation shall be only to those who have a right and need to know and will be released by the IIU Commander, or designee.

3.03.095

**CONFIDENTIALITY ORDER:** 10/24

1. When any member is contacted regarding an internal investigation, the investigator will advise the member that, during the course of the investigation, the member is not permitted to disclose any information related to the investigation except with their bargaining unit representative, attorney, or medical provider. This requirement is in place to protect the integrity of the investigation and expires once the administrative investigation is complete. There may be limited exceptions to this requirement, but the member must obtain prior approval from the IIU Commander before disclosing any information while the investigation is ongoing.
2. The investigator will also inform the member that failure to comply with the temporary confidentiality requirement may result in disciplinary action.

3.03.100

**MEMBER NOTIFICATION:** 03/24

1. Accused or witness members will be notified of complaints by the Complaint Notification Report (KCSO Form A-150).
2. Accused members will be provided with a copy of their Garrity Rights and the Peace Officer Bill of Rights prior to an administrative interview.
3. Accused and witness members are not entitled to disclosure of investigative information outside that contained in their Complaint Notification Report (A-150).

3.03.105

**REQUIREMENT TO COOPERATE:** 10/09

1. All members, when ordered to do so, shall fully cooperate in Sheriff's Office administrative investigations. Administrative investigations are non-criminal investigations into the conduct of Sheriff's Office members conducted by either IIU or Sheriff's Office supervisors.
2. Failure to cooperate may result in discipline up to termination.

3.03.110

**REPRESENTATION:** 03/24

1. Whenever an interview focuses on matters that a member reasonably believes could result in disciplinary action against any member, the member shall have the right to representation.  
Represented member:
  - a. The representative must be an official of the member's collective bargaining unit (board member or shop steward) who is not involved in the incident related to the administrative investigation.
  - b. The member may also have an attorney present during an interview.

Non-represented member:

- a. Non-represented members may be accompanied by a member or attorney who are not involved in the incident related to the administrative investigation.

3.03.115

**IMPARTIALITY:** 04/23

1. Any accused member who feels an assigned investigator cannot be impartial during the investigation of a complaint shall forward their concerns in an Officer's Report directly to the IIU Commander.
2. Any assigned investigator who during the investigation of a complaint, has a potential conflict of interest, shall forward their concerns directly to the IIU Commander.
3. The IIU Commander shall review the concerns and reassign the investigation if appropriate.

3.03.120

**EXCULPATORY INFORMATION:** 09/04

1. Investigators shall ensure their completed reports contain all relevant information disclosed during the investigation.
  - a. This includes evidence that tends to disprove the allegations of misconduct by a member.
2. Omission of relevant information could cause irreversible damage to an otherwise proper investigation.

3.03.125

**SEARCHES AND SEIZURES:** 09/04

All searches and seizures conducted during the course of an administrative investigation must be in compliance with the law.

1. The search must be approved by the member's Division Commander.
2. The IIU Commander should be present during any such searches.
3. The search should be conducted professionally with the member present if possible.
4. Photographs should be taken before and after the search.
5. An inventory of items seized shall be given to the subject of the search and or conspicuously placed at the scene.

3.03.130

**FINANCIAL DISCLOSURE:** 09/04

Sheriff's Office members shall not be required to disclose any item of their property, income, assets, source of income, debts, or expenditures (including those of any member of their household) unless volunteered or obtained by proper legal procedure, (i.e., criminal investigation, subpoena).

3.03.135

**MEDICAL OR LABORATORY EXAMINATIONS:** 10/09

Sheriff's Office members shall not be required to submit to any medical or laboratory examination unless volunteered or obtained by proper legal procedures.

3.03.140

**PHYSICAL LINE UPS:** 10/09

Sheriff's Office members shall not be required to appear in a line up unless volunteered or obtained by proper legal procedures. Investigators have access to member photographs on file and may use those photos in an internal investigation.

3.03.145

**FAMILY MEMBERS:** 10/09

Members of the employee's immediate family shall not be contacted and/or asked to give statements in administrative investigations except when.

1. A crime is alleged to have been committed against a family member; or
2. The accused member gives permission.



3.03.150

**POLYGRAPH:** 04/23

Sheriff's Office members will not be compelled to take a lie detector test as a condition of continued employment.

1. Washington State law prohibits the Sheriff's Office from compelling a member to submit to a polygraph examination.
2. Members shall not be offered a polygraph examination during any administrative investigation.
3. An accused member that requests a polygraph examination:
  - a. Must make such a request in writing through their bargaining unit representative; and
  - b. The request shall be approved or disapproved by the Undersheriff.
4. Polygraph evidence of any kind shall not be admissible in disciplinary proceedings except by stipulation of the parties.
5. A Sheriff's Office approved polygraph operator shall be used.

3.03.155

**DUE DATES:** 10/24

1. Administrative Investigations must be completed within **one hundred and eighty (180) days** of the matter coming to the attention of the Sheriff's Office Command Staff/Captains.
2. In the event the Sheriff believes an extension beyond one hundred and eighty (180) days is necessary, and the County establishes an appropriate burden that it has acted with due diligence and the investigation could not reasonably be completed due to factors beyond the control of the Sheriff's Office (i.e., extended illness or other unavailability of a critical witness, such as the complainant or the deputy being investigated, or necessary delays in the processing of forensic evidence by other agencies), the Sheriff must contact the Bargaining Unit prior to the expiration of the one hundred and eighty (180) days seeking to extend the time period.
  - a. Any request for extension based on the unavailability of witnesses shall include a showing that the witness is expected to become available in a reasonable period of time.
  - b. A request for extension based upon the above criteria will not be unreasonably denied.
3. The one hundred and eighty (180) day period shall be suspended when a complaint involving alleged criminal conduct is being reviewed by a prosecuting authority or is being prosecuted at the local, state, or federal level, or if the alleged conduct occurred in another jurisdiction and is being criminally investigated or prosecuted in that jurisdiction.
  - a. In cases of a deputy involved fatal incident, the one hundred and eighty (180) day period will commence when the completed criminal file is provided to the Prosecuting Attorney and will only be tolled in the event criminal charges are filed.
  - b. In the event an outside agency conducts a criminal investigation of a matter within the jurisdiction of the County, and the Sheriff's Office receives the completed criminal file with less than sixty (60) days remaining for the administrative investigation, the Sheriff's Office will have up to an additional sixty (60) days to complete its administrative investigation.
    - i. In no event shall the investigation last more than two hundred and forty (240) days.

4. Compliance with this provision is required if findings are to be entered or discipline is to be imposed.
5. A written notice to an employee that an investigation has been completed, issuance of a Loudermill notice, or other written notice of intent to discipline will constitute conclusion of the administrative investigation for purposes of this section.
6. Nothing in this policy prohibits the County from disciplining a deputy convicted of a crime; provided, there is just cause for discipline.
7. The accused member(s) shall be notified of any extensions.

3.03.160

**INVESTIGATIVE STEPS:** 04/17

When initiating an investigation, the assigned investigator shall:

1. Review the complaint forms and reports noting due date and any statute of limitations issues.
2. Gather the facts and always keep an open mind.
3. Identify allegations and related issues to be addressed in the investigation.
  - a. The allegations should list the actions and/or behavior of the deputy. Allegations should not contain conclusive statements, (e.g., the deputy kicked the complainant vs. the deputy used excessive force.)
4. Gather and review all relevant reports related to the incident (e.g., CAD print outs, Incident Reports, Officer's Reports, etc.).
5. Send complaint notification (A-150) to the member(s) involved.
  - a. The notification must reasonably apprise the member of what the allegations are and what information is needed.
6. Obtain statements from all involved parties, unless after consultation with the IIU Commander, it is deemed likely that any information gleaned would be irrelevant or immaterial.
7. Document the steps of their investigation and any action taken.
8. Forward the completed report to the IIU Commander via the chain of command.

3.03.165

**INTERVIEWING COMPLAINANTS AND WITNESSES:** 04/23

**1. RESEARCH BACKGROUND**

- a. An investigator should know as much as possible about the person to be interviewed. The investigator should check records and other sources of information regarding the individuals to be interviewed.
- b. The investigator should also check to see if the complainant has filed complaints in the past and the nature of those complaints.

**2. SCHEDULE INTERVIEW**

- a. All interviews, especially sensitive interviews, should be conducted in person. OLEO investigators are allowed to participate in interviews of accused Sheriff's Office members. OLEO should be notified of the intention to conduct an interview and reasonable efforts should be made to facilitate their participation.
- b. If an in-person interview is not possible, a recorded telephonic statement may be taken.

**3. DEFINE INTERVIEW OBJECTIVES**

- a. Before the interview, the investigator should have a clear understanding of the interview objectives.
- b. A list of specific, relevant questions should be prepared prior to the interview.
- c. The typical interview may have one or more of the following objectives:
  - i. Determine the facts of the investigation.
  - ii. Identifying other witnesses or accused members.
  - iii. Clarifying allegations.
  - iv. Resolving discrepancies and inconsistencies.
  - v. Obtaining information regarding motive or alibi.
  - vi. Closing loopholes in previous statements.

**4. INTERVIEW LOCATION**

- a. Community member witnesses should be encouraged to come to a Sheriff's Office facility for their interviews. If this is not possible, they may be interviewed at another location.

**5. RECORDING STATEMENTS**

- a. Except for minor offenses, all formal interviews should be recorded in their entirety.
  - i. This includes statements taken by telephone.
- b. If a written statement has already been taken, an audio statement may not be required if the needed information has been provided.
- c. If a complainant or witness refuses to allow the interview to be recorded, document the refusal, and proceed with the interview, using a court reporter.
  - i. If a court reporter is unavailable complete a written statement.
  - ii. Such interviews should be witnessed by another member.
  - iii. Label each recording with the name of the person interviewed and the IIU file number and forward all transcribed recordings to IIU with the completed investigation.

**6. BEGINNING THE INTERVIEW**

- a. The investigator should begin the interview by:
  - i. Stating the date and time.
  - ii. Identifying those present during the interview.
  - iii. The reason for the interview.
- b. The investigator should allow the interviewee to describe what happened in their own words.

- i. Each allegation and all relevant issues should be covered with the complainant and witnesses.
- ii. Each witness should be asked specific questions about each allegation that they can address.

## 7. UNCOOPERATIVE WITNESSES

- a. If the complainant or civilian witness is unavailable, fails to appear, or refuses to be interviewed, the investigator should thoroughly document attempts to conduct the interview and then continue to attempt to complete the investigation.

## 8. SENSITIVE INTERVIEWS

- a. When an interview involves a sensitive matter, including but not limited to a domestic violence, or a sexual matter, the interviewer should be sensitive to that fact, and if requested the interviewer should be the same sex as the person being interviewed. In such cases the interviewer should consider requesting the assistance of a person with expertise in such interviews.

## 9. CLOSING THE INTERVIEW

- a. At the end of the interview the witness should be asked if there are any questions and if there is any other relevant information to add to the investigation.

3.03.170

### **ADMINISTRATIVE INTERVIEWS:** 04/23

1. An administrative interview is an in-person inquiry with an accused or witness member that is conducted to investigate alleged misconduct. The following rules shall apply to all administrative interviews of Sheriff's Office members:
  - a. Interviews shall be conducted within a reasonable time after an allegation has been made.
  - b. Interviews shall be held during the member's on-duty hours whenever reasonable or possible.
  - c. The interview should take place at the member's workstation or in IIU unless prior arrangements have been made.
  - d. Before interviewing the member(s), they shall be informed of the name of the person in charge of the investigation and the name of the person conducting the interview.
  - e. Member(s) shall be advised whether they are the accused or a witness.
  - f. Member(s) shall be advised that they are required to cooperate in an administrative investigation and that failing to do so may result in discipline up to and including termination from the department.
  - g. The accused member shall be advised, in writing, of the allegations against them and that the misconduct, if sustained, could be grounds for administrative disciplinary action.
  - h. The accused member shall be advised that they may have representation present during any interview.
  - i. Accused members shall be provided with written copies of their Garrity Rights.

- j. Accused commissioned members shall be provided a copy of the Peace Officer Bill of Rights.
  - k. Members being interviewed shall be allowed reasonable intermissions.
  - l. The scope of the interview shall relate **only** to the specific allegation(s).
  - m. All interviews shall be audio recorded.
  - n. All major investigations interviews will be transcribed.
  - o. Other investigation interviews will be transcribed at the discretion of the IIU Commander.
  - p. Upon request (and when authorized by the IIU Commander), provide the member with a copy of the interview (transcript and/or audio recording).
2. This section does not apply to criminal investigation interviews.

3.03.175

**PERSONAL INTERVIEWS, CRIMINAL INVESTIGATION:** 10/09

1. Criminal investigation interviews shall be conducted by the appropriate police agency, or Sheriff's Office CID Unit.
  - a. The accused member **shall not** be ordered to meet with any criminal investigator and/or give a statement during any criminal investigation.
2. Before interviewing the accused, they shall be advised that they are suspected of committing a criminal offense and afforded all their constitutional rights.

3.03.180

**INVESTIGATIVE REPORT FORMAT:** 09/12

The investigative report will be submitted in a Blue Team Follow-up Report and shall contain:

1. **ACCUSED MEMBER ALLEGATIONS**
  - a. Allegations should be specific and listed in chronological order.
2. **EVIDENCE**
  - a. Evidence is any statement, document, or item that will have a bearing on the investigation.
  - b. All evidence obtained during the investigation should be listed in the report.
3. **PERSONS INTERVIEWED**
  - a. List names, addresses and phone numbers.
4. **INVESTIGATIVE STEPS**
  - a. All entries should be prefaced by the date and time of the investigative step.
5. **SUMMARY**
  - a. The investigator will present the results of the investigation in a clear, logical sequence.

3.03.185

**STANDARDS OF PROOF:** 07/25

1. The standard of proof, in most cases, for an administrative investigation is generally "a preponderance of evidence."
2. For cases in which criminal or serious misconduct violations are alleged, and there is a likelihood of suspension, demotion, or termination, the standard of proof is "clear and convincing" which is a higher standard than "a preponderance of evidence".

3.03.190

**DISPOSITIONS:** 02/25**1. UNFOUNDED**

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

**2. EXONERATED**

The alleged incident occurred but was lawful and proper.

**3. NON-SUSTAINED**

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

**4. SUSTAINED**

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

**5. SUSTAINED - LESSER INCLUDED**

The allegation is supported by sufficient factual evidence to establish a general misconduct violation but is based on the same facts as a sustained serious misconduct allegation for the same incident, and therefore does not result in additional discipline.

**6. UNDETERMINED**

The completed investigation does not meet the criteria of classifications 1 through 4.

This may involve the following:

- a. The complainant withdraws the complaint.
- b. The complainant cannot be located.
- c. The complainant is uncooperative.
- d. The accused member separates from the Sheriff's Office before the conclusion of the investigation and the investigator cannot reach another classification.

Notwithstanding the above situations, if enough information has been collected to close the investigation with a classification of 1 through 4, an undetermined classification will not be used.

**7. PERFORMANCE RELATED TRAINING**

Complaints where the accused member admitted to the conduct and counseling and/or training was provided.

3.03.195

**DISCIPLINARY AUTHORITY:** 01/11

Except for oral reprimands, all disciplinary actions shall be approved by the Undersheriff.

3.03.200

**DISCIPLINE RECOMMENDATIONS:** 02/15

1. Recommendations for discipline on **sustained** complaints will be made in writing by the Undersheriff.
2. Discipline should be corrective and not punitive in nature and will be based on the:
  - a. Seriousness of misconduct.
  - b. Member's complaint history.
  - c. Likelihood that the member's actions will be repeated.
3. Recommendation of discipline made by the Undersheriff may be changed by the Sheriff.

3.03.205

**DISCIPLINARY ACTION:** 02/10

Disciplinary actions should be timely, corrective, and not punitive in nature.

1. Members are subject to disciplinary action consistent with the provisions of the following:
  - a. General Orders Manual.
  - b. Standard Operating Procedures.
  - c. State and Federal Laws.
  - d. Local Ordinances.
  - e. King County rules, including Civil Service Rules.
  - f. Collective Bargaining Agreements.
2. Disciplinary actions may include, but are not limited to:
  - a. Oral reprimands.
  - b. Written reprimands.
  - c. Transfer.
  - d. Suspension from duty.
  - e. Demotion.
  - f. Termination.
  - g. Or any combination of appropriate actions.
3. Training and/or professional counseling are not considered discipline and may be used instead of discipline or in conjunction with other disciplinary actions.
  - a. The Sheriff's Office may make a training referral or order a member to participate in training or professional counseling as needed.
    - i. This includes memos of expectations.
4. Personnel actions, including but not limited to transfers, may also be taken when appropriate in non-disciplinary cases.

3.03.210

**NOTICES OF DISCIPLINE:** 03/24**1. SERVICE OF DISCIPLINE LETTERS**

- a. It is important that discipline letters be served properly to ensure that the member may exercise the grievance process in a timely manner.
- b. Service of discipline letters should be served in person by managers or command staff.
  - i. If this is not possible, the letter will be sent to the member's mailing address via registered mail.

**2. ORAL REPRIMANDS**

- a. An oral reprimand is the first step in discipline.
  - i. It is used when the specific inadequate performance does not amount to a written reprimand but needs to be included in the disciplinary process.
- b. The oral reprimand will be documented by time, place, and a brief description of the discussion with the member and will be forwarded with the completed investigation to IIU.
- c. A copy of the documentation will be placed in the member's worksite personnel file.
  - i. The documentation shall remain in the member's worksite personnel file for three (3) years unless used in a subsequent disciplinary action within the same three (3) year time period.

**3. WRITTEN REPRIMANDS**

- a. A Written Reprimand is a formal written notice to the member regarding misconduct.
  - i. It is appropriate for specific inadequate performance or repeated offenses which an oral reprimand or corrective counseling has not corrected.
  - ii. It is intended to provide the member with a written record indicating that the specific corrective action must be taken to avoid more serious disciplinary action.
  - iii. It may be given as the first step in formal discipline.
- b. The Written Reprimand shall remain permanently in the member's personnel file.

**4. SUSPENSION AND TERMINATION LETTERS**

- a. Suspension and termination letters shall be prepared by Sheriff's Office legal advisors and signed by the Sheriff.
- b. Termination letters shall include the reason for and effective date of the termination.
- c. Human Resources will provide the individual with information on their benefits after termination.



3.03.215

**CRIMINAL CONDUCT, INSIDE UNINCORPORATED KING COUNTY OR CONTRACT CITY: 03/24****Criminal Conduct Non-traffic and in-Progress:**

1. If a member is apprehended during or immediately following the commission of a crime, they will be afforded all their rights as any other citizen in King County.
2. The on-duty supervisor shall:
  - a. Screen the arrest to ensure it is appropriate and the appropriate documentation is completed correctly.
  - b. Ensure the member has been advised of their constitutional rights and allowed to exercise those rights.
  - c. Notify the CDO and Precinct/Section Commander.
  - d. Recommend relieving the member from duty in accordance with 3.00.100.
  - e. Complete a Supervisor's Incident Review with a copy of the entire case file to IIU and a copy to the Precinct/Section Command staff before securing from duty.
  - f. Forward the original case packet to the appropriate CID Unit via the chain of command.

**Criminal Conduct Non-traffic and not in-progress:**

1. When there is probable cause to reasonably believe a member is responsible for the commission of an alleged crime that is non-traffic and not in-progress, an Incident Report shall be completed and submitted by the supervisor receiving the information.
2. Forward the original case packet to the appropriate CID unit.
3. Forward a copy of the case packet to IIU and the Precinct/Section Command staff.

**Criminal Traffic:**

1. Members, apprehended after the commission of a criminal traffic offense, shall be treated in the same manner as any other citizen in King County.
2. If a citation is to be issued, the on-duty supervisor shall conduct an on-scene review to ensure that proper procedures are followed.
3. Forward a copy of the citation and any related reports **directly** to IIU and the Precinct/Section Commander.

3.03.220

**CRIMINAL CONDUCT OUTSIDE UNINCORPORATED KING COUNTY OR CONTRACT CITY: 03/24**

1. When a member is notified that another member is or has been arrested and/or criminally charged by another jurisdiction, the member receiving notification shall immediately notify IIU or any on-duty supervisor.
2. The on-duty supervisor shall:
  - a. Immediately notify the CDO and the appropriate Division Commander.

- b. Request that the arresting agency follow normal criminal investigation procedures of all alleged violations of any law.
- c. If needed, recommend relieving the member from duty in accordance with 3.00.100.
- d. Ensure that a preliminary KCSO administrative investigation is completed and forwarded to IIU regardless of the arresting agency's decision to pursue a criminal investigation or not.

3.03.225

**PRESENTATION TO THE PROSECUTOR:** 09/04

1. When a complaint involves criminal allegations, the completed investigation should be presented to the appropriate prosecutor for the consideration of filing charges prior to any IIU investigation.
2. If the prosecutor requests additional steps, before a filing decision is made, the investigator shall comply with the request and inform the IIU Commander if the requests are significant.
3. When a decision has been reached by the prosecutor, the investigator shall inform the IIU Commander and the member's Division Commander.

3.03.230

**CORRECTIVE COUNSELING MEMORANDUM:** 01/16

A Corrective Counseling Memorandum is a written notification from a supervisor to a member addressing minor training deficiencies.

1. Corrective Counseling is:
  - a. **Not** disciplinary action.
  - b. Notification of undesirable conduct.
  - c. Documentation for evaluations.
  - d. Corrective Counseling Memoranda may not be referenced in an evaluation because they are temporary in nature, but the behaviors that led to the memo should be addressed.
  - e. Documentation for subsequent disciplinary action.
2. Corrective Counseling may be issued without an IIU investigation.
3. The memorandum shall contain:
  - a. A description of the conduct or behavior requiring counseling.
  - b. The steps taken to prevent recidivism.
  - c. Expectations of future performance.
4. Corrective Counseling Memoranda shall be approved and signed by the member's Precinct/Section Commander or Section Manager prior to being given to the member.
5. Once signed by the member, the supervisor shall make two copies of the fully signed memo, one for the member and one for the member's traveling file.
6. The original will be sent to IIU.

7. Corrective Counseling Memoranda shall be retained in the member's traveling (supervisor's) file for one (1) year from the date of issuance, unless used in a subsequent disciplinary action within the same one (1) year time period.
8. The supervisor shall document issues and discussions in Blue Team as Performance Related Training.

**CORRECTIVE COUNSELING MEMORANDUM FORMAT:** 02/13

TO:	(Department Member Name)	DATE:	
FROM:	(Supervisor Name)	VIA:	Chain
SUBJECT:	<u>CORRECTIVE COUNSELING</u>		
(Detailed description of conduct requiring counseling and expectations of future performance.			
This memorandum serves as documentation of the corrective counseling given and is not disciplinary action.			
This memorandum shall be in your Department personnel file for one year (Refer to GOM 3.03.230).			
Approved: _____		Date: _____	
(Precinct/Section Commander)			
I hereby acknowledge receipt of this Corrective Counseling Memorandum.			
_____		Date: _____	Time: _____
(Department Member Signature)			
cc:	Personnel File (receipted copy) Unit/Section File Division Commander Department Member		

3.03.235

**WRITTEN REPRIMANDS:** 03/24

1. When disciplinary action requires a written reprimand, the following information shall be provided in a Memorandum (Written Reprimand-IIU):
  - a. Date(s) of the violation.
  - b. Type of violation.
    - i. Reference the specific authority covering the violation.
  - c. Concise and specific description of the violation.
  - d. Steps taken to prevent recidivism.
  - e. "This Written Reprimand will become part of your permanent file."
2. The written reprimand will be prepared by the employee's supervisor, Precinct/Section Commanders, or Managers.
3. Written reprimands shall be completed at the direction of the Undersheriff, and therefore do not require Division Commander or Undersheriff final approval.
  - a. Written reprimands issued through the Driving Review Board are exceptions to this, and do require the Undersheriff approval signature (see Written Reprimand-DRB).
4. The written reprimand shall remain permanently in the member's personnel file.

3.03.240

**GRIEVANCE PROCEDURE:** 10/09

Members who feel aggrieved shall follow the grievance procedures outlined in either their applicable Collective Bargaining Agreements or Civil Service Rules.

3.03.245

**ANNUAL ANALYSIS:** 12/16

1. The Internal Investigations Unit Commander will compile an annual statistical summary report of all complaints and internal investigations to determine any trends or patterns.
2. The Commander will evaluate training needs or policy changes and make recommendations to the Sheriff via the Undersheriff.
3. Copies of the report will be given to the Undersheriff for dissemination to the public and Sheriff's Office Members.