



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

October 9, 2006

Ordinance 15611

Proposed No. 2006-0037.2

Sponsors Ferguson, Patterson, Lambert,
Dunn and Phillips

1 AN ORDINANCE relating to oversight of the sheriff's
2 office; adding a new chapter to K.C.C. Title 2, adding a
3 new section to K.C.C. chapter 2.36 and adding a new
4 section to K.C.C. chapter 2.20.

5
6

7 **STATEMENT OF FACTS:**

- 8 1. The metropolitan King County council is charged with the
9 responsibility of providing oversight to all county agencies and
10 departments, including the sheriff's office.
- 11 2. The council exercises its responsibilities for providing oversight of
12 county agencies and departments in a variety of ways, including the
13 establishment of offices within the legislative branch to provide
14 specialized oversight services. The county auditor and ombudsman are
15 just two of the offices that facilitate independent county oversight.
- 16 3. A recent series of articles by a local newspaper has questioned the
17 sheriff's systems for investigating allegations of misconduct and citizen

18 complaints. The articles have also called into question the sheriff's system
19 for disciplining deputies and other sheriff's employees.

20 4. The sheriff's office has systems for addressing citizen complaints and
21 allegations of employee misconduct, but unlike many other jurisdictions,
22 the county has no independent civilian oversight agency dedicated to the
23 oversight of law enforcement. Most large jurisdictions, and many small
24 ones, have implemented a variety of models for civilian oversight of
25 alleged law enforcement officer misconduct. For example, the city of
26 Seattle has established an office of professional accountability to monitor
27 misconduct allegations within the Seattle police department.

28 5. Recognizing the need to bolster public confidence and to ensure proper
29 oversight is exercised, the council began deliberations on legislation that
30 would implement civilian oversight of the sheriff's office. The council's
31 law, justice, and human services committee held ten separate hearings on
32 the issues associated with civilian oversight of law enforcement. The
33 council members heard testimony from representatives of the sheriff's
34 internal investigations unit, the ombudsman/office of citizen complaints,
35 Seattle police department's office of professional accountability, and
36 reviewed materials detailing models for civilian oversight and evaluated
37 the types and effectiveness of existing systems for police agency
38 oversight. Council members also visited jurisdictions that have
39 established successful systems for civilian oversight.

40 6. In a parallel effort, the sheriff, with input from the county council,
41 executive, and prosecutor, established a volunteer ten-member "blue
42 ribbon panel" of citizen experts to make recommendations concerning
43 needed improvements for the sheriff's misconduct/discipline policies,
44 procedures, and practices. The panel reported to the law, justice and
45 human services committee and to the committee of the whole. The panel
46 ended its deliberations with a final report that made recommendations in
47 six major areas including the need for civilian oversight. The council
48 adopted the panel's final report as Motion 12337.

49 7. As a result of the law, justice and human services committee's six-
50 month long efforts, visits to other jurisdictions and the blue ribbon panel's
51 recommendations, the council recognizes that a vigorous and effective
52 internal investigation process, combined with appropriate civilian
53 monitoring and oversight, is essential for effective law enforcement.

54 8. Therefore, the council seeks through this ordinance, to establish a
55 system of civilian oversight that will monitor ongoing investigations of
56 misconduct, help resolve cases, implement methods for increasing the
57 level of public trust and transparency, and that will identify systemic
58 issues within sheriff's office and offer recommendations for reform.

59 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

60 SECTION 1. Sections 2 through 8 of this ordinance should constitute a new
61 chapter in K.C.C. Title 2.

62 NEW SECTION. SECTION 2. The definitions in this section apply throughout
63 this chapter unless the context clearly requires otherwise.

64 A. "Command staff" means those sheriff's employees who are responsible for the
65 chain of command or line of supervision from shift, unit or precinct levels through
66 division command level, including the sheriff.

67 B. "Critical incident" means:

- 68 1. An officer-involved shooting resulting in death or injury;
- 69 2. The use of force resulting in death or serious bodily injury;
- 70 3. An in-custody death;
- 71 4. A vehicular pursuit resulting in death or serious bodily injury;
- 72 5. A traffic collision involving an officer resulting in death or serious bodily
73 injury; or
- 74 6. Any incident of workplace violence.

75 C. "Director" means the director of the office of law enforcement oversight.

76 D. "Final discipline" means the action taken against an employee after all
77 investigations are complete and the employee has exhausted his or her administrative
78 rights.

79 E. "Internal investigations unit" means the unit within the sheriff's office
80 responsible for internal investigations, or its successor.

81 F. "Office" means the office of law enforcement oversight created under this
82 chapter.

83 G. "Serious complaint" means allegations of serious misconduct as defined in the
84 Sheriff's Office General Operating Manual (G.O.M. 3.00.015) as currently written or

85 hereinafter amended. These are allegations that could be cause for dismissal, including:
86 false reporting; dishonesty; criminal conduct; taking or giving a bribe; inducing someone
87 to commit a crime; failing to cooperate in an investigation; conviction of a crime
88 precluding possession of a firearm; discrimination; or harassment.

89 H. "Sustained complaint" means a complaint where, as the result of an
90 investigation, the allegation is supported by sufficient factual evidence and was a
91 violation of policy.

92 NEW SECTION. SECTION 3. The office of law enforcement oversight is
93 hereby established within the legislative branch. The office of law enforcement
94 oversight is an investigative agency as that term is used in RCW 42.56.240. The office
95 shall have four full-time staff members, which include a director, an investigator and two
96 support staff. The office's roles, responsibilities and authorities are prescribed in this
97 chapter. Decisions about the functions and implementation of the office should be the
98 result of a collaborative process that involves, at a minimum, the executive, the council,
99 the prosecuting attorney, the sheriff and the labor organizations that represent sheriff's
100 office employees. It is the intent of the council that the office shall be co-located with
101 the sheriff's investigative staff in order to perform the duties described in this ordinance.

102 NEW SECTION. SECTION 4. A. The director shall be appointed by the
103 executive and confirmed by the council. The executive shall conduct a nationwide
104 search for the director to identify candidates with the following characteristics:

105 1. A reputation for integrity and professionalism, as well as the ability to
106 maintain a high standard of integrity in the office;

107 2. An understanding of and a commitment to the responsibilities of the office;

- 108 3. Demonstrated leadership and a history of effective management and
109 administration;
- 110 4. The ability to gain the trust and respect of sheriff's office employees;
- 111 5. The ability to work effectively with the executive, council, prosecuting
112 attorney and sheriff, as well as other public agencies, labor organizations, private
113 organizations and citizens;
- 114 6. An openness to innovation and new ideas;
- 115 7. Sensitivity to and knowledge of the particular needs and concerns of
116 minorities and women in a law enforcement setting;
- 117 8. The ability to work effectively under pressure with controversial issues and
118 the ability to effectively communicate with diverse groups;
- 119 9. No history of employment in the sheriff's office, and
- 120 10. The selected director must pass a complete criminal background check and
121 polygraph prior to confirmation.

122 B. The director shall serve a term of four years, unless removed for cause at any
123 time by motion approved by a majority of the council, and shall be considered by the
124 county council for reappointment at the end of each term of office.

125 C. The director, with consultation of the council, may employ investigators, staff
126 assistants, clerical personnel or use the services of consultants as may be necessary for
127 conduct of the office's duties. These employees and/or contractors must pass a complete
128 criminal background check and polygraph prior to employment.

129 NEW SECTION. SECTION 5. The office, in order to ensure the integrity of the
130 sheriff's complaint and investigations processes and to ensure resolution of citizen and
131 employee initiated complaints:

132 A. Shall receive complaints from any source concerning the sheriff's office, track
133 complaints received, and transmit the complaints to the internal investigations unit;

134 B. Shall monitor, check for completeness and require additional investigation as
135 necessary of all internal investigations unit activities, including administrative and
136 employee-initiated complaints and allegations investigations;

137 C. May monitor, check for completeness, evaluate the resolution of and require
138 additional investigation as necessary of all other complaints and allegations including
139 those assigned by the internal investigations unit to supervisors for investigation and
140 resolution; and

141 D. May review and make recommendations to the internal investigations unit
142 about the screening and classification of complaints, as well as make recommendations to
143 the sheriff about screening and classification policies and procedures. In addition, may
144 monitor the complaint intake process and evaluate decisions whether a complaint requires
145 initiation of a formal internal investigation or assignment to supervisors for investigation
146 and resolution.

147 NEW SECTION. SECTION 6. The office, in order to ensure transparency to the
148 sheriff's discipline and complaint handling processes and guarantee adequate information
149 is made available to maintain public confidence, shall also:

150 A. Monitor the investigation and resolution of all complaints to ensure they are
151 handled in a timely fashion and complainants are notified of the final disposition of their
152 complaints;

153 B. Coordinate with the sheriff's office in the development of all technology
154 applications for tracking and information sharing;

155 C. Issue annual reports, beginning March 1, 2008. The office shall file twelve
156 copies of each report with the clerk of the council, for distribution to all councilmembers.
157 To facilitate availability of the reports to the public, the office shall also retain paper
158 copies of the reports and post the reports on the Internet. The office shall provide in the
159 reports:

160 1. A statistical analysis of complaints, investigative findings and final discipline
161 for sustained complaints. The reports should include information about the number and
162 type of misconduct cases where the director disagreed with the sheriff on either findings
163 or discipline decisions; and

164 2. Make recommendations for action by the sheriff on needed improvements in
165 policies, procedures and practices stemming from analyses that look beyond the
166 individual cases of misconduct to identify systemic problems within the sheriff's office.
167 In addition to investigational materials available to the office, the director shall make use
168 of all other available materials, including internal and external audits and reviews of the
169 sheriff's office and critical incident reviews, in developing and making recommendations
170 for improvements.

171 NEW SECTION. SECTION 7. In order to oversee misconduct investigations,
172 the office shall have:

173 A. Unimpeded and real-time access to unredacted case information and all
174 information related to ongoing investigation files, treating all documents and information
175 regarding specific investigations or officers as required by law. The only exception to
176 this subsection is files related to ongoing investigations of deputies or other sheriff's staff
177 who are under criminal investigation. Upon completion of the criminal investigation and
178 resolution of the any criminal matter, the office shall review the case files in order to
179 determine whether a disciplinary investigation should be initiated;

180 B. The ability to respond to the scene of critical incidents. At a critical incident
181 scene, the investigator or investigators from the office shall only be an observer or
182 observers. They shall not conduct or interfere with any investigation, and they shall
183 coordinate their presence and activities with the on-scene commander from the sheriff's
184 office. The investigators' duties to monitor, check for completeness and require
185 additional investigation as necessary apply only if a formal complaint investigation is
186 conducted by the internal investigations unit;

187 C. Approval for completeness of complaint investigations before a finding can be
188 issued. The internal investigations unit must submit all completed misconduct
189 investigations to the office, with an amount of time specified for the approval or direction
190 for further investigation. If the unit disagrees with the office, the sheriff shall act as
191 arbiter and makes the final decision or decisions;

192 D. The option to consult with command staff or the appropriate supervisor as to
193 the command staff's or supervisor's own review and recommendations regarding a
194 particular investigation, including proposed discipline; and

195 E. The option to submit recommendations regarding findings and discipline
196 directly to the sheriff before a final decision on misconduct cases.

197 NEW SECTION. SECTION 8. The office, in collaboration with the sheriff's
198 office, shall establish and administer a voluntary officer-citizen mediation program. The
199 program shall provide an alternative method to resolve citizen complaints by allowing
200 willing citizens and officers to meet under the guidance of a professional mediator to
201 discuss and resolve their differences. The office and the sheriff's office shall establish
202 standards and guidelines for determining when a particular complaint may be referred to
203 mediation. Serious complaints are excluded from the use of mediation to resolve
204 allegations.

205 NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 2.36 a
206 new section to read as follows:

207 A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall appoint,
208 subject to council confirmation, a citizens' committee on independent oversight to advise
209 the director of the office of independent oversight, which is created under K.C.C. chapter
210 2.—(sections 2 through 8 of this ordinance), on policies, procedures and practices
211 relating to officer misconduct, discipline and other responsibilities of the director of the
212 office of independent oversight.

213 B. The committee shall include eleven members of the public who represent the
214 geographic, ethnic and economic diversity of the sheriff's service area. The committee
215 shall consist of three members representing cities that contract with the sheriff for law
216 enforcement services, four of the members shall represent unincorporated King County,

217 and the four members shall be selected at-large. The committee members shall be
218 appointed for three-year terms, subject to reappointment for additional terms.

219 C. The committee shall make recommendations to the director of independent
220 oversight regarding:

221 1. Misconduct and discipline policies, procedures and practices of the sheriff's
222 office;

223 2. Policies, procedures and practices related to other responsibilities of the
224 director of the office of independent oversight; and

225 3. Public perceptions of the sheriff, the sheriff's deputies and their roles and
226 functions in the community.

227 D. The committee shall also serve as a means for the director of the office of
228 independent oversight to communicate with King County's diverse communities. The
229 communication should increase accountability and public understanding of the
230 misconduct and discipline policies, procedures and practices of the sheriff's office and
231 other issues related to the director of the office of independent oversight's responsibilities.

232 E. The committee shall not review or advise the director on individual
233 complaints, investigations or disciplinary actions.

234 NEW SECTION. SECTION 10. There is hereby added to K.C.C. chapter 2.20 a
235 new section to read as follows:

236 A. The auditor shall establish a permanent ongoing law enforcement audit
237 process.

238 B. The auditor shall acquire an outside law enforcement expert to conduct an
239 initial audit of the sheriff's office internal investigation operations and practices and

240 subsequently thereafter provide for periodic review of the sheriff's office. These reviews
241 should include at a minimum an annual written report to the council.

242 C. The auditor shall assess and review reports and recommendations from the
243 office of law enforcement oversight that provide council-directed oversight of the
244 sheriff's office internal investigation unit. The auditor shall also review the effectiveness
245 of the office of law enforcement oversight and make recommendations for reform when
246 necessary.

247 D. The sheriff's office shall send any audits and reports produced under the
248 sheriff's authority on investigation and complaint operations and performance to the King
249 County auditor's office. The reports shall be transmitted in a timely manner. The county
250 auditor shall review and consider the findings and recommendations of, and the sheriff's
251 responses to, these reports when planning the auditor's annual work program for the
252 review of the council, and shall conduct audits of internal investigation and complaint
253 resolution operations as mandated in the auditor's annual work program. The auditor's
254 independent authority to audit the sheriff's office shall not be replaced or otherwise
255 affected by the creation of any audit or similar function within the sheriff's office.

256 E. To accomplish the purposes of this section, the auditor shall either hire
257 qualified personnel with expertise in law enforcement oversight or contract for
258 independent consulting services with appropriate expertise, or both.

259 SECTION 11. A. The executive shall provide to the council monthly reports on
260 the progress in the selection process until a director of the office of independent oversight is
261 confirmed. After the director is confirmed, and until March 1, 2008, the director shall
262 provide to the council monthly reports on the status of establishing the activities of the

263 office, including the status of development of complaint receipt, tracking and investigation
264 procedures and processes, the identification of needed data tracking systems or support,
265 systems for ensuring the confidentiality of investigatory information, and any
266 recommendations for further legislation needed by the office to perform its duties. Twelve
267 copies of each report required under this section shall be filed with the clerk of the
268 council, for distribution to all councilmembers.

269 B. The director shall reconvene the King County sheriff's blue ribbon panel in
270 accordance with Motion 12337, by December 2007.

271

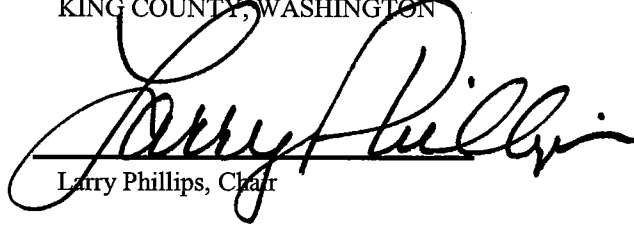
Ordinance 15611 was introduced on 1/30/2006 and passed by the Metropolitan King
County Council on 10/9/2006, by the following vote:

Yes: 6 - Mr. Phillips, Ms. Lambert, Mr. Ferguson, Mr. Gossett, Mr.
Constantine and Ms. Patterson

No: 0

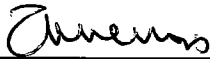
Excused: 3 - Mr. von Reichbauer, Mr. Dunn and Ms. Hague

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 20 day of OCTOBER, 2006.



Ron Sims, County Executive

Attachments None

RECEIVED
2006 OCT 20 PM 2:45
KING COUNTY COUNCIL
CLERK