



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

May 12, 2009

Ordinance 16511

Proposed No. 2009-0260.2

Sponsors Ferguson and Patterson

1 AN ORDINANCE relating to oversight of the sheriff's
2 office; conforming with the collective bargaining
3 agreement and memorandum of agreement negotiated by
4 and between King County and King County Police Officers
5 Guild representing employees in the King County sheriff's
6 office approved and adopted in Ordinance 16327;
7 amending Ordinance 15611, Section 2, and K.C.C.
8 2.75.010, Ordinance 15611, Section 3, and K.C.C.
9 2.75.020, Ordinance 15611, Section 4, and K.C.C.
10 2.75.030, Ordinance 15611, Section 5, and K.C.C.
11 2.75.040, Ordinance 15611, Section 6, and K.C.C.
12 2.75.050, Ordinance 15611, Section 7, and K.C.C.
13 2.75.060, Ordinance 15611, Section 8, and K.C.C.
14 2.75.070, Ordinance 15611, Section 9, and K.C.C.
15 2.36.050, Ordinance 15611, Section 10, and K.C.C.
16 2.20.037 and Ordinance 15611, Section 11.

17

18 STATEMENT OF FACTS:

- 19 1. The metropolitan King County council is charged with the
20 responsibility of providing oversight to all county agencies and
21 departments, including the sheriff's office.
- 22 2. The council exercises its responsibilities for providing oversight of
23 county agencies and departments in a variety of ways, including the
24 establishment of offices within the legislative branch to provide
25 specialized oversight services. The county auditor and ombudsman are
26 just two of the offices that facilitate independent county oversight.
- 27 3. In 2005 and 2006, a series of local news articles questioned the sheriff's
28 systems for investigating allegations of misconduct and citizen
29 complaints. The articles also called into question the sheriff's system for
30 disciplining deputies and other sheriff's employees.
- 31 4. The sheriff's office has systems for addressing citizen complaints and
32 allegations of employee misconduct, but unlike many other jurisdictions,
33 the county has no independent civilian oversight agency dedicated to the
34 oversight of law enforcement. Most large jurisdictions, and many small
35 ones, have implemented a variety of models for civilian oversight of
36 alleged law enforcement officer misconduct. For example, the city of
37 Seattle has established an office of professional accountability to monitor
38 misconduct allegations within the Seattle police department.
- 39 5. Recognizing the need to bolster public confidence and to ensure proper
40 oversight is exercised, the council began deliberations on legislation that

41 would implement civilian oversight of the sheriff's office. The council's
42 law, justice, and human services committee held ten separate hearings on
43 the issues associated with civilian oversight of law enforcement. The
44 council members heard testimony from representatives of the sheriff's
45 internal investigations unit, the ombudsman/office of citizen complaints,
46 Seattle police department's office of professional accountability, and
47 reviewed materials detailing models for civilian oversight and evaluated
48 the types and effectiveness of existing systems for police agency
49 oversight. Council members also visited jurisdictions that have
50 established successful systems for civilian oversight.

51 6. In a parallel effort, the sheriff, with input from the county council,
52 executive, and prosecutor, established a volunteer ten-member "blue
53 ribbon panel" of citizen experts to make recommendations concerning
54 needed improvements for the sheriff's misconduct/discipline policies,
55 procedures, and practices. The panel reported to the law, justice and
56 human services committee and to the committee of the whole. The panel
57 ended its deliberations with a final report that made recommendations in
58 six major areas including the need for civilian oversight. The council
59 adopted the panel's final report as Motion 12337.

60 7. As a result of the law, justice and human services committee's six-
61 month long efforts, visits to other jurisdictions and the blue ribbon panel's
62 recommendations, the council recognized that a vigorous and effective

63 internal investigation process, combined with appropriate civilian
64 monitoring and oversight, is essential for effective law enforcement.

65 8. On October 9, 2006, the metropolitan King County council approved
66 Ordinance 15611 regarding civilian oversight of the King County sheriff's
67 office. In doing so, the council sought to establish a system of civilian
68 oversight to monitor ongoing investigations of misconduct, help resolve
69 cases, implement methods for increasing the level of public trust and
70 transparency, and identify systemic issues within sheriff's office and offer
71 recommendations for reform.

72 9. Subsequently, the King County Police Officers Guild filed an unfair
73 labor practice charge against King County.

74 10. On November 19, 2007, King County and the King County Police
75 Officers Guild finalized an agreement that Ordinance 15611 would be
76 treated as a labor policy and that this policy would be bargained in good
77 faith. The King County Police Officers dismissed its unfair labor practice
78 charge against the County.

79 11. On December 8, 2008, the metropolitan King County council passed
80 Ordinance 16327 approving a new five-year collective bargaining
81 agreement between King County and the King County Police Officers
82 Guild.

83 12. The new collective bargaining agreement required King County to
84 repeal most of Ordinance 15611.

85 13. On December 8, 2008, the council adopted Motion 12892, which
86 reaffirmed its commitment to establishing a system of civilian oversight as
87 outlined in Ordinance 15611.

88 14. The council continues to recognize that there is still a need for civilian
89 oversight of the sheriff's office and an organization within county
90 government that will monitor ongoing investigations of misconduct, help
91 resolve cases, implement methods for increasing the level of public trust
92 and transparency and identify systemic issues within sheriff's office and
93 offer recommendations for reform.

94 15. Therefore, the council seeks through this ordinance, to establish a
95 system of civilian oversight in accordance with the existing labor
96 agreement.

97 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

98 SECTION 1. Ordinance 15611, Section 2, and K.C.C. 2.75.010 are each hereby
99 amended to read as follows:

100 ~~((Definitions in this section apply throughout this chapter unless the context clearly~~
101 ~~requires otherwise.~~

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

105 B. ~~"Critical incident" means:~~

106 1. ~~An officer involved shooting resulting in death or injury;~~

107 2. ~~The use of force resulting in death or serious bodily injury;~~

- 108 3. ~~An in-custody death;~~
- 109 4. ~~A vehicular pursuit resulting in death or serious bodily injury;~~
- 110 5. ~~A traffic collision involving an officer resulting in death or serious bodily~~
111 ~~injury; or~~
- 112 6. ~~Any incident of workplace violence.~~
- 113 C. ~~"Director" means the director of the office of law enforcement oversight.~~
- 114 D. ~~"Final discipline" means the action taken against an employee after all~~
115 ~~investigations are complete and the employee has exhausted his or her administrative~~
116 ~~rights.~~
- 117 E. ~~"Internal investigations unit" means the unit within the sheriff's office~~
118 ~~responsible for internal investigations, or its successor.~~
- 119 F. ~~"Office" means the office of law enforcement oversight created under this~~
120 ~~chapter.~~
- 121 G. ~~"Serious complaint" means allegations of serious misconduct as defined in the~~
122 ~~Sheriff's Office General Operating Manual (G.O.M. 3.00.015) as currently written or~~
123 ~~hereinafter amended. These are allegations that could be cause for dismissal, including:~~
124 ~~false reporting; dishonesty; criminal conduct; taking or giving a bribe; inducing someone to~~
125 ~~commit a crime; failing to cooperate in an investigation; conviction of a crime precluding~~
126 ~~possession of a firearm; discrimination; or harassment.~~
- 127 H. ~~"Sustained complaint" means a complaint where, as the result of an~~
128 ~~investigation, the allegation is supported by sufficient factual evidence and was a violation~~
129 ~~of policy.)) The definitions in this section apply throughout this chapter unless the~~
130 ~~context clearly requires otherwise.~~

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

134 B. "Director" means the director of the office of law enforcement oversight or the
135 director's designee.

136 C. "Critical incident review" means the written findings of a shooting review
137 board or an accident review board conducted by the sheriff's office.

138 D. "Internal investigations unit" means the unit within the sheriff's office
139 responsible for internal investigations, or its successor.

140 E. "Office" means the office of law enforcement oversight created under this
141 chapter.

142 F. "Serious matter" means allegations of serious misconduct as defined in the
143 Sheriff's Office General Orders Manual as currently written or hereinafter amended.

144 G. "Sustained complaint" means a complaint where, as the result of an
145 investigation, the allegation is supported by sufficient factual evidence and was a
146 violation of policy.

147 SECTION 2. Ordinance 15611, Section 3, and K.C.C. 2.75.020 are each hereby
148 amended to read as follows:

149 ~~((The office of law enforcement oversight is hereby established within the~~
150 ~~legislative branch. The office of law enforcement oversight is an investigative agency as~~
151 ~~that term is used in RCW 42.56.240. The office shall have four full-time staff members,~~
152 ~~which include a director, an investigator and two support staff. The office's roles,~~
153 ~~responsibilities and authorities are prescribed in this chapter. Decisions about the functions~~

154 and implementation of the office should be the result of a collaborative process that
155 involves, at a minimum, the executive, the council, the prosecuting attorney, the sheriff and
156 the labor organizations that represent sheriff's office employees. It is the intent of the
157 council that the office shall be colocated with the sheriff's investigative staff in order to
158 perform the duties described in this ordinance.) The office of law enforcement oversight
159 is hereby established within the legislative branch. The office of law enforcement
160 oversight is an investigative agency as that term is used in RCW 42.56.240. The office's
161 roles, responsibilities and authorities are prescribed in this chapter. Decisions about the
162 functions and implementation of the office should be the result of a collaborative process
163 that involves, at a minimum, the executive, the council, the prosecuting attorney, the
164 sheriff and the labor organizations that represent sheriff's office employees.

165 SECTION 3. Ordinance 15611, Section 4, and K.C.C. 2.75.030 are each hereby
166 amended to read as follows:

167 ~~((A. The director shall be appointed by the executive and confirmed by the council.~~
168 ~~The executive shall conduct a nationwide search for the director to identify candidates with~~
169 ~~the following characteristics:~~

- 170 ~~1. A reputation for integrity and professionalism, as well as the ability to maintain~~
171 ~~a high standard of integrity in the office;~~
- 172 ~~2. An understanding of and a commitment to the responsibilities of the office;~~
- 173 ~~3. Demonstrated leadership and a history of effective management and~~
174 ~~administration;~~
- 175 ~~4. The ability to gain the trust and respect of sheriff's office employees;~~

176 ~~5. The ability to work effectively with the executive, council, prosecuting attorney~~
177 ~~and sheriff, as well as other public agencies, labor organizations, private organizations and~~
178 ~~citizens;~~

179 ~~6. An openness to innovation and new ideas;~~

180 ~~7. Sensitivity to and knowledge of the particular needs and concerns of minorities~~
181 ~~and women in a law enforcement setting;~~

182 ~~8. The ability to work effectively under pressure with controversial issues and the~~
183 ~~ability to effectively communicate with diverse groups;~~

184 ~~9. No history of employment in the sheriff's office, and~~

185 ~~10. The selected director must pass a complete criminal background check and~~
186 ~~polygraph prior to confirmation.~~

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

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

194 A. The director shall be appointed by the executive and confirmed by the council.
195 The executive shall conduct a nationwide search for the director to identify candidates
196 with the following characteristics:

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

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

200 3. Demonstrated leadership and a history of effective management and
201 administration;

202 4. The ability to gain the trust and respect of sheriff's office employees;

203 5. The ability to work effectively with the executive, council, prosecuting
204 attorney and sheriff, as well as other public agencies, labor organizations, private
205 organizations and citizens;

206 6. An openness to innovation and new ideas;

207 7. Sensitivity to and knowledge of the particular needs and concerns of
208 minorities and women in a law enforcement setting;

209 8. The ability to work effectively under pressure with controversial issues and
210 the ability to effectively communicate with diverse groups;

211 9. No history of employment in the sheriff's office,

212 10. A history that includes the establishment of a reputation for even-
213 handedness and fairness in dealing with both complainants and regulated parties; and

214 11. The selected director must pass a complete criminal background check prior
215 to confirmation.

216 B. Candidates for appointment shall be selected by a committee of five members
217 that shall recommend three candidates for the director position to the executive, one of
218 which must be selected. The selection committee shall be composed of: one member
219 appointed by the King County Police Officers' Guild; one member appointed by the
220 Puget Sound Police Managers' Association; one member appointed by the chair of the

221 county council; and one member appointed by the county executive. The fifth member
222 shall be appointed by the other four members.

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

226 D. The director, with consultation of the council and within the amount available
227 or budgeted by appropriation, may employ staff or use the services of consultants as may
228 be necessary for conduct of the office's duties. These employees or contractors must pass
229 a complete criminal background check before employment.

230 SECTION 4. Ordinance 15611, Section 5, and K.C.C. 2.75.040 are each hereby
231 amended to read as follows:

232 ~~((The office, in order to ensure the integrity of the sheriff's complaint and~~
233 ~~investigations processes and to ensure resolution of citizen and employee initiated~~
234 ~~complaints:~~

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

237 ~~B. Shall monitor, check for completeness and require additional investigation as~~
238 ~~necessary of all internal investigations unit activities, including administrative and~~
239 ~~employee initiated complaints and allegations investigations;~~

240 ~~C. May monitor, check for completeness, evaluate the resolution of and require~~
241 ~~additional investigation as necessary of all other complaints and allegations including those~~
242 ~~assigned by the internal investigations unit to supervisors for investigation and resolution;~~
243 ~~and~~

244 ~~D. May review and make recommendations to the internal investigations unit about~~
245 ~~the screening and classification of complaints, as well as make recommendations to the~~
246 ~~sheriff about screening and classification policies and procedures. In addition, may~~
247 ~~monitor the complaint intake process and evaluate decisions whether a complaint requires~~
248 ~~initiation of a formal internal investigation or assignment to supervisors for investigation~~
249 ~~and resolution.)) In order to ensure the integrity of the sheriff's complaint and~~
250 ~~investigations processes and to ensure resolution of citizen and employee initiated~~
251 ~~complaints:~~

252 A. The office shall receive complaints from any complaining party concerning the
253 sheriff's office, track complaints received and transmit the complaints to the internal
254 investigations unit;

255 B. In addition to complaints received by the office, the internal investigations
256 unit shall provide copies of all other complaints to the office within three business days;

257 C. The office shall not conduct independent disciplinary investigations, but may
258 participate in interviews as provided in K.C.C. 2.75.060;

259 D. The office shall be provided a copy of any letter or other notification to an
260 officer informing them of actual discipline imposed as a result of an internal affairs
261 investigation or the notice of finding if the complaint is not sustained;

262 E. The office shall be notified by the internal investigations unit within five
263 business days of the completion of an internal investigation. The office, in addition to the
264 sheriff's office's written notice of finding letter to the complainant, may send a closing
265 letter to the complainant.

266 SECTION 5. Ordinance 15611, Section 6, and K.C.C. 2.75.050 are each hereby
267 amended to read as follows:

268 ~~((The office, in order to ensure transparency to the sheriff's discipline and complaint~~
269 ~~handling processes and guarantee adequate information is made available to maintain~~
270 ~~public confidence, shall also:~~

271 ~~A. Monitor the investigation and resolution of all complaints to ensure they are~~
272 ~~handled in a timely fashion and complainants are notified of the final disposition of their~~
273 ~~complaints;~~

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

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

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

284 ~~2. Make recommendations for action by the sheriff on needed improvements in~~
285 ~~policies, procedures and practices stemming from analyses that look beyond the individual~~
286 ~~cases of misconduct to identify systemic problems within the sheriff's office. In addition to~~
287 ~~investigational materials available to the office, the director shall make use of all other~~
288 ~~available materials, including internal and external audits and reviews of the sheriff's office~~

289 ~~and critical incident reviews, in developing and making recommendations for~~
290 ~~improvements.))~~ The office, in order to ensure transparency to the sheriff's discipline and
291 complaint handling processes and guarantee adequate information is made available to
292 the office in order to maintain public confidence, shall also:

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

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

298 C. Issue annual reports, beginning March 1, 2010. The office shall file twelve
299 copies of each report with the clerk of the council, for distribution to all councilmembers.
300 To facilitate availability of the reports to the public, the office shall also retain paper
301 copies of the reports and post the reports on the Internet. The office shall provide in the
302 reports:

303 1. A statistical analysis of complaints, investigative findings and final discipline
304 for sustained complaints. The reports should include information about the number and
305 type of misconduct cases in which the director did not certify that the investigation was
306 thorough and objective; and

307 2. Make recommendations for action by the sheriff on needed improvements in
308 policies, procedures and practices stemming from analyses that look beyond the
309 individual cases of misconduct to identify systemic problems within the sheriff's office.
310 In addition to investigational materials available to the office, the director shall make use
311 of all other available materials, including internal and external audits and reviews of the

312 sheriff's office and critical incident reviews, in developing and making recommendations
313 for improvements.

314 SECTION 6. Ordinance 15611, Section 7, and K.C.C. 2.75.060 are each hereby
315 amended to read as follows:

316 ~~((In order to oversee misconduct investigations, the office shall have:~~

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

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

331 ~~C. Approval for completeness of complaint investigations before a finding can be~~
332 ~~issued. The internal investigations unit must submit all completed misconduct~~
333 ~~investigations to the office, with an amount of time specified for the approval or direction~~

334 for further investigation. ~~If the unit disagrees with the office, the sheriff shall act as arbiter~~
335 ~~and makes the final decision or decisions;~~

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

339 ~~E. The option to submit recommendations regarding findings and discipline~~
340 ~~directly to the sheriff before a final decision on misconduct cases.)) In order to oversee~~
341 ~~misconduct investigations:~~

342 A. The office shall have unimpeded and real-time access to unredacted case
343 information and all information related to ongoing investigation files. The only
344 exception to this subsection is files related to ongoing investigations of deputies or other
345 sheriff's staff who are under criminal investigation. The office shall protect all
346 documents and information regarding specific investigations or officers as required by
347 law;

348 B. The internal investigations unit shall notify the office of all administrative
349 interviews on all complaints of a serious matter, which are complaints that could lead to
350 suspension, demotion or discharge, and all complaints originating from the office. A
351 single office representative may attend and observe interviews and shall be given the
352 opportunity to ask questions that are within the scope of permissible investigative
353 questioning after the completion of questioning by the sheriff's office;

354 C. The office shall not participate in criminal investigations of sheriff's office
355 employees in any way and shall not be notified of any part of the criminal investigation

356 until the criminal investigation is concluded. At that point, the file shall be provided to
357 the office;

358 D. Upon completion of internal investigations, the unit shall forward a complete
359 copy of the case file to the office for review. The director shall determine, in writing,
360 whether the investigation was thorough and objective;

361 E. As a part of the review process, if the director believes that additional
362 investigation is needed on issues material to the outcome, the director shall request that
363 further investigative work be completed. If there is any dispute between the assigned
364 investigator or investigators and the office regarding the necessity, practicality or
365 materiality of the requested additional investigation, the unit commander shall determine
366 whether additional investigation will be undertaken. If the director is not satisfied with
367 the determination of the unit commander, the matter shall be submitted to the sheriff for
368 review. If the director is not satisfied with the determination of the sheriff, the matter
369 shall be resolved by the executive, whose decision shall be final. Once the matter has
370 been referred to and resolved by the executive, the investigation shall be completed
371 consistent with the determination by the executive;

372 F. After completion of the additional investigation, or the conclusion that no
373 further investigation will be undertaken, the office shall certify whether or not, in the
374 opinion of the director, the internal investigation was thorough and objective. The
375 determination shall be made within five business days;

376 G. The office shall be provided a copy of any letter or other notification to an
377 officer informing them of actual discipline imposed as a result of an internal affairs
378 investigation or the notice of finding if the complaint is not sustained.

379 SECTION 7. Ordinance 15611, Section 8, and K.C.C. 2.75.070 are each hereby
380 amended to read as follows:

381 ~~((The office, in collaboration with the sheriff's office, shall establish and administer~~
382 ~~a voluntary officer-citizen mediation program. The program shall provide an alternative~~
383 ~~method to resolve citizen complaints by allowing willing citizens and officers to meet~~
384 ~~under the guidance of a professional mediator to discuss and resolve their differences. The~~
385 ~~office and the sheriff's office shall establish standards and guidelines for determining when~~
386 ~~a particular complaint may be referred to mediation. Serious complaints are excluded from~~
387 ~~the use of mediation to resolve allegations.))The office, in collaboration with the sheriff's
388 office, shall establish and administer a voluntary officer-citizen mediation program. The
389 program shall provide an alternative method to resolve citizen complaints by allowing
390 willing citizens and officers to meet under the guidance of a professional mediator to
391 discuss and resolve their differences. The office and the sheriff's office shall establish
392 standards and guidelines for determining when a particular complaint may be referred to
393 mediation. Serious complaints are excluded from the use of mediation to resolve
394 allegations. Prior to the complainant agreeing to utilize the mediation process to resolve
395 the complaint, the office shall explain the mediation process to the complainant,
396 including that if the officer participates in good faith, the officer will not be subject to
397 discipline and the complaint will be administratively dismissed.~~

398 SECTION 8. Ordinance 15611, Section 9, and K.C.C. 2.36.050 are each hereby
399 amended to read as follows:

400 ~~((A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall~~
401 ~~appoint, subject to council confirmation, a citizens' committee on independent oversight~~

402 to advise the director of the office of independent oversight, which is created under
403 K.C.C. chapter 2.75, on policies, procedures and practices relating to officer misconduct,
404 discipline and other responsibilities of the director of the office of independent oversight.

405 B. The committee shall include eleven members of the public who represent the
406 geographic, ethnic and economic diversity of the sheriff's service area. The committee
407 shall consist of three members representing cities that contract with the sheriff for law
408 enforcement services, four of the members shall represent unincorporated King County,
409 and the four members shall be selected at large. The committee members shall be
410 appointed for three year terms, subject to reappointment for additional terms.

411 C. The committee shall make recommendations to the director of independent
412 oversight regarding:

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

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

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

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

424 ~~E. The committee shall not review or advise the director on individual~~
425 ~~complaints, investigations or disciplinary actions.))~~

426 A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall appoint,
427 subject to council confirmation, a citizens' committee on independent oversight to advise
428 the director of the office of law enforcement oversight, which is created under K.C.C.
429 chapter 2.75, on policies, procedures and practices relating to officer misconduct,
430 discipline and other responsibilities of the director of the office of law enforcement
431 oversight.

432 B. The committee shall include eleven members of the public who represent the
433 geographic, ethnic and economic diversity of the sheriff's service area. The committee
434 shall consist of three members representing cities that contract with the sheriff for law
435 enforcement services, four members shall represent unincorporated King County and four
436 members shall be selected at-large. The committee members shall be appointed for three-
437 year terms, subject to reappointment for additional terms.

438 C. The committee shall make recommendations to the director regarding:

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

441 2. Policies, procedures and practices related to other responsibilities of the
442 director of the office of law enforcement oversight; and

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

445 D. The committee shall also serve as a means for the director of the office of law
446 enforcement oversight to communicate with King County's diverse communities. The

447 communication should increase accountability and public understanding of the
448 misconduct and discipline policies, procedures and practices of the sheriff's office and
449 other issues related to the director of the office of law enforcement oversight's
450 responsibilities.

451 E. The committee shall not review or advise the director of the office of law
452 enforcement oversight on individual complaints, investigations or disciplinary actions.

453 SECTION 9. Ordinance 15611, Section 10, and K.C.C. 2.20.037 are each hereby
454 amended to read as follows:

455 ~~((A. The auditor shall establish a permanent ongoing law enforcement audit~~
456 ~~process.~~

457 ~~B. The auditor shall acquire an outside law enforcement expert to conduct an~~
458 ~~initial audit of the sheriff's office internal investigation operations and practices and~~
459 ~~subsequently thereafter provide for periodic review of the sheriff's office. These reviews~~
460 ~~should include at a minimum an annual written report to the council.~~

461 ~~C. The auditor shall assess and review reports and recommendations from the~~
462 ~~office of law enforcement oversight that provide council directed oversight of the~~
463 ~~sheriff's office internal investigation unit. The auditor shall also review the effectiveness~~
464 ~~of the office of law enforcement oversight and make recommendations for reform when~~
465 ~~necessary.~~

466 ~~D. The sheriff's office shall send any audits and reports produced under the~~
467 ~~sheriff's authority on investigation and complaint operations and performance to the King~~
468 ~~County auditor's office. The reports shall be transmitted in a timely manner. The county~~
469 ~~auditor shall review and consider the findings and recommendations of, and the sheriff's~~

470 responses to, these reports when planning the auditor's annual work program for the
471 review of the council, and shall conduct audits of internal investigation and complaint
472 resolution operations as mandated in the auditor's annual work program. The auditor's
473 independent authority to audit the sheriff's office shall not be replaced or otherwise
474 affected by the creation of any audit or similar function within the sheriff's office.

475 ~~E. To accomplish the purposes of this section, the auditor shall either hire
476 qualified personnel with expertise in law enforcement oversight or contract for
477 independent consulting services with appropriate expertise, or both.))~~

478 A. The county auditor shall establish a permanent ongoing law enforcement audit
479 process.

480 B. The auditor shall acquire an outside law enforcement expert to conduct an
481 initial audit of the sheriff's office internal investigation operations and practices and
482 subsequently thereafter provide for periodic review of the sheriff's office. These reviews
483 should include at a minimum an annual written report to the council.

484 C. The auditor shall assess and review reports and recommendations from the
485 office of law enforcement oversight that provide council-directed oversight of the
486 sheriff's office internal investigation unit. The auditor shall also review the effectiveness
487 of the office of law enforcement oversight and make recommendations for reform when
488 necessary.

489 D. The sheriff's office shall send any audits and reports produced under the
490 sheriff's authority on investigation and complaint operations and performance to the
491 auditor's office. The reports shall be transmitted in a timely manner. The auditor shall
492 review and consider the findings and recommendations of, and the sheriff's responses to,

493 these reports when planning the auditor's annual work program for the review of the
494 council and shall conduct audits of internal investigation and complaint resolution
495 operations as mandated in the auditor's annual work program. The auditor's independent
496 authority to audit the sheriff's office shall not be replaced or otherwise affected by the
497 creation of any audit or similar function within the sheriff's office.

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

501 SECTION 10. Ordinance 15611, Section 11, is hereby amended to read as
502 follows:

503 ~~((A. The executive shall provide to the council monthly reports on the progress in~~
504 ~~the selection process until a director of the office of independent oversight is confirmed.~~
505 ~~After the director is confirmed, and until March 1, 2008, the director shall provide to the~~
506 ~~council monthly reports on the status of establishing the activities of the office, including~~
507 ~~the status of development of complaint receipt, tracking and investigation procedures and~~
508 ~~processes, the identification of needed data tracking systems or support, systems for~~
509 ~~ensuring the confidentiality of investigatory information, and any recommendations for~~
510 ~~further legislation needed by the office to perform its duties. Twelve copies of each report~~
511 ~~required under this section shall be filed with the clerk of the council, for distribution to~~
512 ~~all councilmembers.~~

513 ~~B. The director shall reconvene the King County sheriff's blue ribbon panel in~~
514 ~~accordance with Motion 12337, by December 2007.)) After the director is confirmed, and
515 until the first annual report is submitted, the director shall provide to the council monthly~~

516 reports on the status of establishing the activities of the office, including the status of
517 development of complaint receipt, tracking and investigation procedures and processes, the
518 identification of needed data tracking systems or support, systems for ensuring the
519 confidentiality of investigatory information and any recommendations for further
520 legislation needed by the office to perform its duties. Twelve copies of each report
521 required under this section shall be filed with the clerk of the council, for distribution to
522 all councilmembers.

523 SECTION 11. This ordinance is not intended to conflict with any applicable King
524 County collective bargaining agreement approved by the council. In the event of any
525

526 conflict between the ordinance and a collective bargaining agreement, the provisions of the
527 agreement shall prevail.

528


Ordinance 16511 was introduced on 4/13/2009 and passed as amended by the Metropolitan King County Council on 5/11/2009, by the following vote:

Yes: 8 - Mr. Constantine, Mr. Ferguson, Ms. Hague, Ms. Lambert, Mr. Gossett, Mr. Phillips, Ms. Patterson and Mr. Dunn

No: 0

Excused: 1 - Mr. von Reichbauer

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



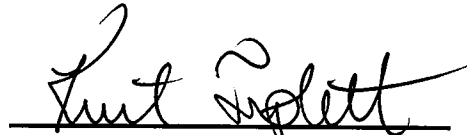
Dow Constantine, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 21 day of May, 2009.



Kurt Triplett, Interim County Executive

Attachments None

RECEIVED
2009 MAY 21 PM 3:58
CLERK
KING COUNTY COUNCIL