



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

July 21, 2015

Ordinance 18087

Proposed No. 2015-0275.3

Sponsors Phillips, Gossett, Upthegrove,
McDermott and Dembowski

1 AN ORDINANCE providing for the submission to the
2 qualified electors of King County at a special election to be
3 held in King County on November 3, 2015, a proposition to
4 amend Section 898 of the King County Charter and add a
5 new Section 265 to the King County Charter, establishing a
6 charter-based civilian office of law enforcement oversight,
7 providing the office with appropriate authority to carry out
8 its duties and establishing a charter-based citizen advisory
9 committee on law enforcement oversight, making the
10 county executive, in consultation with the county sheriff,
11 the county's bargaining agent concerning civilian oversight
12 of law enforcement; and appointing a committee to write
13 the voters pamphlet statement for the November 3, 2015,
14 special election.

15 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

16 SECTION 1. Findings:

17 A. In a democratic society, effective civilian oversight of law enforcement is
18 essential. To protect the fundamental freedoms of all citizens, police are granted the

19 power to detain and use force against some individuals, but there is potential for that
20 power to be abused. Civilian oversight is a safeguard against such abuse.

21 B. The creation and maintenance of an independent civilian office of law
22 enforcement oversight is a crucial means of assuring integrity, transparency and
23 accountability in law enforcement and of fostering community trust in, and respect and
24 support for, the King County sheriff and the department of public safety.

25 C. By its independent and objective review, a civilian office of law enforcement
26 oversight serves not only to identify police misconduct when it has occurred, but also to
27 reassure citizens and maintain the positive reputations of law enforcement officers when
28 allegations of misconduct are unfounded.

29 D. To be effective, an office of law enforcement oversight must, at a minimum,
30 have authority to: investigate, review, and analyze conduct of law enforcement officers
31 that has been the subject of a complaint and the use of force by county law enforcement
32 officers regardless of whether it has been the subject of a complaint; and review and
33 analyze internal investigations conducted and disciplinary action taken by the department
34 of public safety regarding that conduct or use of force. The authority of the office should
35 also include: the preparation and publication of findings, conclusions and
36 recommendations related to the office's oversight of the department of public safety.

37 E. An additional vital function of an office of law enforcement oversight is to
38 reach out to the community, listening and responding to questions and concerns that are
39 raised and helping to foster communication and understanding between the community
40 and the sheriff's office.

41 F. To do its job, an office of law enforcement oversight must have timely access
42 to all relevant information.

43 G. To exercise independent judgment, the director of an office of law
44 enforcement oversight must not fear removal from office prior to expiration of the
45 director's term of office, except for cause by a majority vote of the county council.

46 H. Civilian oversight of law enforcement is a fundamental principle that should
47 be enshrined in the King County Charter.

48 I. The county council has already established by ordinance a civilian office of
49 law enforcement oversight in K.C.C. chapter 2.75 and a citizens' advisory committee on
50 law enforcement oversight in K.C.C. 2.36.050. This proposed charter amendment is not
51 intended to dissolve those entities or to require readoption of existing code provisions
52 that are consistent with this proposed amendment, but rather is intended to provide the
53 office and the committee with a foundation in the county Charter as well as the county
54 code and to set forth the essential authority of the office and the committee.

55 J. K.C.C. chapter 1.10 provides for the publication and distribution of local voters
56 pamphlets in conformity with the provisions of chapter 29A.32 RCW for elections held in
57 King County.

58 K. RCW 29A.32.280 provides that for each measure from a jurisdiction that is
59 included in a local voters pamphlet, the legislative authority of that jurisdiction shall
60 formally appoint a committee to prepare arguments advocating voter approval of the
61 measure and a committee to prepare arguments advocating voter rejection of the measure.

62 SECTION 2. There shall be submitted to the qualified voters of King County for
63 their approval and ratification or rejection at a special election to be held in conjunction

64 with the general election on November 3, 2015, the addition of a new Section 265 and an
65 amendment to Section 898 to the King County Charter, as follows:

66 **Section 265. Office of Law Enforcement Oversight.**

67 The county council shall establish by ordinance an office of law enforcement
68 oversight, which shall be a part of the legislative branch. The office shall have a director
69 who is appointed by a majority of the county council to serve a term of four years and
70 until a successor is appointed. The director may be removed from office at any time for
71 cause by a majority of the county council.

72 The authority of the office of law enforcement oversight shall be prescribed by
73 ordinance and should include: investigation, review and analysis of conduct of county
74 law enforcement officers that has been the subject of a complaint and the use of force by
75 county law enforcement officers regardless of whether it has been the subject of a
76 complaint; and review and analysis of internal investigations conducted and disciplinary
77 action taken by the department of public safety regarding that conduct or use of force.
78 The authority of the office should also include: the preparation and publication of
79 findings, conclusions and recommendations related to the office's oversight of the
80 department of public safety; and community outreach concerning the department of
81 public safety and the office of law enforcement oversight.

82 To enable the office of law enforcement oversight to exercise its authority
83 effectively, the office shall be authorized by ordinance to obtain all relevant information,
84 including authority to review and copy relevant department of public safety files, inspect
85 crime scenes, conduct interviews and participate in internal investigations and review
86 hearings.

87 The county council shall establish by ordinance an advisory committee for law
88 enforcement oversight to review, advise and report on the office of law enforcement
89 oversight in a manner that may be prescribed by ordinance. The committee shall also
90 advise the sheriff and the council on matters of equity and social justice related to law
91 enforcement. The committee may also advise the sheriff and the council on systemic
92 problems and opportunities for improvement in the law enforcement practices of the
93 department of public safety. The county council shall prescribe by ordinance the
94 committee's membership, qualifications, and rules and procedures, and the process for
95 appointment of committee members, and may prescribe by ordinance additional duties of
96 the committee.

97 **Section 898 Department of Public Safety Employee Collective Bargaining.**

98 The county council may enact an ordinance providing for collective bargaining by
99 the county with employees of the department of public safety. The county executive
100 shall not have veto power over this ordinance. If such an ordinance is enacted, it shall
101 designate the county sheriff as the bargaining agent of the county on all department of
102 public safety matters except for compensation and benefits, which shall be negotiated by
103 the county executive as provided in Section 890 of this charter, and civilian oversight of
104 law enforcement, which shall be negotiated by the county executive in consultation with
105 the county sheriff. Any agreement reached as a result of negotiations by the county
106 sheriff or the county executive with employees of the department of public safety shall
107 not have the force of law unless enacted by ordinance.

108 SECTION 3. Call for special election. In accordance with RCW 29A.04.321,
109 the King County council hereby calls for a special election to be held in conjunction with

110 the general election on November 3, 2015, to consider a charter amendment as described
111 in this ordinance. The King County director of elections shall cause notice to be given of
112 this ordinance in accordance with the state constitution and general law and to submit to
113 the qualified electors of the county, at the said special county election, the proposition
114 hereinafter set forth. The clerk of the council shall certify that proposition to the King
115 County director of elections in substantially the following form, with such additions,
116 deletions or modifications as may be required by the prosecuting attorney:

117 Shall the King County Charter be amended to establish a charter-based
118 civilian office of law enforcement oversight, to provide the office with
119 appropriate authority to carry out its duties, to establish a charter-based
120 citizen advisory committee on law enforcement oversight and to make the
121 county executive, in consultation with the county sheriff, the county's
122 bargaining agent concerning civilian oversight of law enforcement?

123 SECTION 4. The county director of elections is hereby authorized and requested
124 to prepare and distribute a local voters pamphlet, pursuant to K.C.C. 1.10.010, for the
125 special election called for in this ordinance, the cost of the pamphlet to be included as
126 part of the cost of the special election.

127 SECTION 5. Pursuant to RCW 29A.32.280, the following individuals are
128 appointed to serve on the voters pamphlet committees, each committee to write a

129 statement for or against the proposed levy:

FOR	AGAINST

130

Ordinance 18087 was introduced on 7/6/2015 and passed as amended by the Metropolitan King County Council on 7/20/2015, by the following vote:


Yes: 5 - Mr. Phillips, Mr. Gossett, Mr. McDermott, Mr. Dembowski and Mr. Upthegrove
No: 4 - Mr. von Reichbauer, Ms. Hague, Ms. Lambert and Mr. Dunn
Excused: 0

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON




Larry Phillips, Chair

ATTEST:



Anne Noris, Clerk of the Council

APPROVED this 23 day of July, 2015.



Dow Constantine, County Executive

Attachments: None