



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

December 8, 2008

Motion 12892

Proposed No. 2008-0634.2

Sponsors Patterson and Ferguson

1 A MOTION establishing county labor policy related to
2 civilian oversight of King county law enforcement.

3
4 WHEREAS, the metropolitan King County council is charged with the
5 responsibility of providing oversight to all county agencies and departments, including
6 the sheriff's office, and

7 WHEREAS, the council exercises its responsibilities for providing oversight of
8 county agencies and departments in a variety of ways, including the establishment of
9 offices within the legislative branch to provide specialized oversight services. The
10 county auditor and ombudsman are just two of the offices that facilitate independent
11 county oversight, and

12 WHEREAS, the sheriff's office has systems for addressing citizen complaints and
13 allegations of employee misconduct, but unlike many other jurisdictions, the county has
14 no independent civilian oversight agency dedicated to the oversight of law enforcement.
15 Most large jurisdictions, and many small ones, have implemented a variety of models for
16 civilian oversight of alleged law enforcement officer misconduct. For example, the city

17 of Seattle has established an office of professional accountability to monitor misconduct
18 allegations within the Seattle police department, and

19 WHEREAS, recognizing the need to bolster public confidence and to ensure
20 proper oversight is exercised, the council began deliberations on legislation that would
21 implement civilian oversight of the sheriff's office. The council's law, justice and human
22 services committee held ten separate hearings on the issues associated with civilian
23 oversight of law enforcement. The councilmembers heard testimony from
24 representatives of the sheriff's internal investigations unit, the ombudsman/office of
25 citizen complaints, Seattle police department's office of professional accountability, and
26 reviewed materials detailing models for civilian oversight and evaluated the types and
27 effectiveness of existing systems for police agency oversight. Councilmembers also
28 visited jurisdictions that have established successful systems for civilian oversight, and

29 WHEREAS, in a parallel effort, the sheriff, with input from the county council,
30 executive and prosecutor, established a volunteer ten-member "blue ribbon panel" of
31 citizen experts to make recommendations concerning needed improvements for the
32 sheriff's misconduct/discipline policies, procedures and practices. The panel reported to
33 the law, justice and human services committee and to the committee of the whole. The
34 panel ended its deliberations with a final report that made recommendations in six major
35 areas including the need for civilian oversight. The council adopted the panel's final
36 report as Motion 12337, and

37 WHEREAS, as a result of the law, justice and human services committee's six-
38 month long efforts, visits to other jurisdictions and the blue ribbon panel's
39 recommendations, the council recognizes that a vigorous and effective internal

40 investigation process, combined with appropriate civilian monitoring and oversight, is
41 essential for effective law enforcement, and

42 WHEREAS, the council seeks through this labor policy motion, to establish a
43 system of civilian oversight that will monitor ongoing investigations of misconduct, help
44 resolve cases, implement methods for increasing the level of public trust and
45 transparency and identify systemic issues within sheriff's office and offer
46 recommendations for reform;

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

48 A. It shall be a labor policy of King County that the executive shall engage in
49 good faith bargaining with labor organizations that represent sheriff's office employees to
50 establish or enhance an office of civilian oversight of law enforcement ("the office") with
51 the characteristics and authorities identified herein, to the extent that bargaining is legally
52 required.

53 B. The office shall have the following characteristics:

54 1. The office shall be an investigative agency as that term is used in RCW
55 42.56.240;

56 2. The office's roles, responsibilities and authorities are described in this
57 motion; and

58 3. Decisions about the functions and implementation of the office should be the
59 result of a collaborative process that involves, at a minimum, the executive, the council,
60 the prosecuting attorney, the sheriff and the labor organizations that represent sheriff's
61 office employees. It is the intent of this policy that the office shall be colocated with the
62 sheriff's investigative staff in order to perform the duties described in this policy.

63 C. Administration of the office shall occur as follows:

64 1. The director of the office shall be appointed by the executive and confirmed
65 by the council. The executive shall conduct a nationwide search for the director to
66 identify candidates with the following characteristics:

67 a. a reputation for integrity and professionalism, as well as the ability to
68 maintain a high standard of integrity in the office;

69 b. an understanding of and a commitment to the responsibilities of the office;

70 c. demonstrated leadership and a history of effective management and
71 administration;

72 d. the ability to gain the trust and respect of sheriff's office employees;

73 e. the ability to work effectively with the executive, council, prosecuting
74 attorney and sheriff, as well as other public agencies, labor organizations, private
75 organizations and citizens;

76 f. an openness to innovation and new ideas;

77 g. sensitivity to and knowledge of the particular needs and concerns of
78 minorities and women in a law enforcement setting;

79 h. the ability to work effectively under pressure with controversial issues and
80 the ability to effectively communicate with diverse groups;

81 i. no history of employment in the sheriff's office, and

82 j. the selected director must pass a complete criminal background check and
83 polygraph before confirmation.

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

87 3. The director, with consultation of the council, may employ investigators, staff
88 assistants, clerical personnel or use the services of consultants as may be necessary for
89 conduct of the office's duties. These employees and contractors must pass a complete
90 criminal background check and polygraph examination before employment.

91 D. In order to ensure the integrity of the sheriff's complaint and investigations
92 processes and to ensure resolution of citizen- and employee-initiated complaints, the
93 office of law enforcement oversight:

94 1. Shall receive complaints from any source concerning the sheriff's office,
95 track complaints received and transmit the complaints to the internal investigations unit;

96 2. Shall monitor, check for completeness and require additional investigation as
97 necessary of all internal investigations unit activities, including administrative and
98 employee-initiated complaints and allegations investigations;

99 3. May monitor, check for completeness, evaluate the resolution of and require
100 additional investigation as necessary of all other complaints and allegations including
101 those assigned by the internal investigations unit to supervisors for investigation and
102 resolution; and

103 4. May review and make recommendations to the internal investigations unit
104 about the screening and classification of complaints, as well as make recommendations to
105 the sheriff about screening and classification policies and procedures. In addition, the
106 office may monitor the complaint intake process and evaluate decisions whether a

107 complaint requires initiation of a formal internal investigation or assignment to
108 supervisors for investigation and resolution.

109 E. The office, in order to ensure transparency to the sheriff's discipline and
110 complaint handling processes and guarantee adequate information is made available to
111 maintain public confidence, shall also:

112 1. Monitor the investigation and resolution of all complaints to ensure they are
113 handled in a timely fashion and complainants are notified of the final disposition of their
114 complaints;

115 2. Coordinate with the sheriff's office in the development of all technology
116 applications for tracking and information sharing;

117 3. Issue annual reports, beginning March 1, 2010, which shall be transmitted to
118 the council. To facilitate availability of the reports to the public, the office shall also
119 retain paper copies of the reports and post the reports on the Internet. The office shall
120 provide in the reports:

121 a. a statistical analysis of complaints, investigative findings and final discipline
122 for sustained complaints. The reports should include information about the number and
123 type of misconduct cases where the director disagreed with the sheriff on either findings
124 or discipline decisions; and

125 b. make recommendations for action by the sheriff on needed improvements in
126 policies, procedures and practices stemming from analyses that look beyond the
127 individual cases of misconduct to identify systemic problems within the sheriff's office.
128 In addition to investigational materials available to the office, the director shall make use
129 of all other available materials, including internal and external audits and reviews of the

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

132 F. In order to oversee misconduct investigations, the office shall have:

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

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

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

152 4. The option to consult with command staff or the appropriate supervisor as to
153 the command staff's or supervisor's own review and recommendations regarding a
154 particular investigation, including proposed discipline; and

155 5. The option to submit recommendations regarding findings and discipline
156 directly to the sheriff before a final decision on misconduct cases.

157 G. The office, in collaboration with the sheriff's office, shall establish and
158 administer a voluntary officer-citizen mediation program. The program shall:

159 1. Provide an alternative method to resolve citizen complaints by allowing
160 willing citizens and officers to meet under the guidance of a professional mediator to
161 discuss and resolve their differences; and

162 2. The office and the sheriff's office shall establish standards and guidelines for
163 determining when a particular complaint may be referred to mediation. Serious
164 complaints are excluded from the use of mediation to resolve allegations.

165 H. To the extent that the following may be a subject of mandatory bargaining the
166 executive is further directed to engage in good faith bargaining with represented
167 employees to propose to add to K.C.C. chapter 2.36 a new section to substantially read as
168 follows:

169 1. Using the process prescribed in K.C.C. 2.28.0015, the executive shall
170 appoint, subject to council confirmation, a citizens' committee on independent oversight
171 to advise the director of the office of independent oversight, which should be created
172 under K.C.C. Title 2 in accordance with this labor policy, on policies, procedures and
173 practices relating to officer misconduct, discipline and other responsibilities of the
174 director of the office of law enforcement oversight.

175 2. The committee shall include eleven members of the public who represent the
176 geographic, ethnic and economic diversity of the sheriff's service area. The committee
177 shall consist of three members representing cities that contract with the sheriff for law
178 enforcement services, four of the members shall represent unincorporated King County
179 and the four members shall be selected at-large. The committee members shall be
180 appointed for three-year terms, subject to reappointment for additional terms.

181 3. The committee shall make recommendations to the director of the office
182 regarding:

183 a. misconduct and discipline policies, procedures and practices of the sheriff's
184 office;

185 b. policies, procedures and practices related to other responsibilities of the
186 director of the office; and

187 c. public perceptions of the sheriff, the sheriff's deputies and their roles and
188 functions in the community.

189 4. The committee shall also serve as a means for the director of the office to
190 communicate with King County's diverse communities. The communication should
191 increase accountability and public understanding of the misconduct and discipline
192 policies, procedures and practices of the sheriff's office and other issues related to the
193 director of the office's responsibilities.

194 5. The committee shall not review or advise the director on individual
195 complaints, investigations or disciplinary actions.

196 I. To the extent that the following may be a subject of mandatory bargaining, the
197 executive is further directed to engage in good faith bargaining with represented

198 employees to propose to add to K.C.C. chapter 2.20 a new section to substantially read as
199 follows:

200 1. The auditor shall establish a permanent ongoing law enforcement audit
201 process.

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

206 3. The auditor shall assess and review reports and recommendations from the
207 office of law enforcement oversight that provide council-directed oversight of the
208 sheriff's office internal investigation unit. The auditor shall also review the effectiveness
209 of the office of law enforcement oversight and make recommendations for reform when
210 necessary.

211 4. The sheriff's office shall send any audits and reports produced under the
212 sheriff's authority on investigation and complaint operations and performance to the King
213 County auditor's office. The reports shall be transmitted in a timely manner. The county
214 auditor shall review and consider the findings and recommendations of, and the sheriff's
215 responses to, these reports when planning the auditor's annual work program for the
216 review of the council, and shall conduct audits of internal investigation and complaint
217 resolution operations as mandated in the auditor's annual work program. The auditor's
218 independent authority to audit the sheriff's office shall not be replaced or otherwise
219 affected by the creation of any audit or similar function within the sheriff's office.

220 5. To accomplish the purposes of this section, the auditor shall either hire
221 qualified personnel with expertise in law enforcement oversight or contract for
222 independent consulting services with appropriate expertise, or both.

223 J. Finally, it is the intent of this labor policy that the executive shall provide to
224 the council monthly reports on the progress in the selection process for a director of the
225 Office until a director of the office of independent oversight is confirmed. After the
226 director is confirmed, and until March 1, 2010, the director shall provide to the council
227 monthly reports on the status of establishing the activities of the office, including the
228 status of development of complaint receipt, tracking and investigation procedures and
229 processes, the identification of needed data tracking systems or support, systems for

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231 ensuring the confidentiality of investigatory information and any recommendations for
232 further legislation needed by the office to perform its duties.

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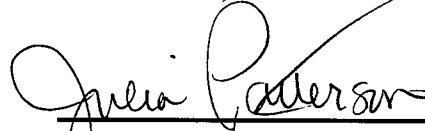
Motion 12892 was introduced on 11/24/2008 and passed by the Metropolitan King County Council on 12/8/2008, by the following vote:

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

No: 0

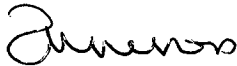
Excused: 1 - Mr. Phillips

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON



Julia Patterson, Chair

ATTEST:



Anne Noris, Clerk of the Council

Attachments None