



**KING COUNTY**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**Signature Report**

**April 18, 2017**

**Ordinance 18500**

**Proposed No. 2017-0139.3**

**Sponsors Gossett and Dembowski**

1 AN ORDINANCE relating to the office of law enforcement  
2 oversight; amending Ordinance 15611, Section 2, as  
3 amended, and K.C.C. 2.75.010, Ordinance 15611, Section  
4 3, as amended, and K.C.C. 2.75.020, Ordinance 15611,  
5 Section 4, as amended, and K.C.C. 2.75.030, Ordinance  
6 15611, Section 5, as amended, and K.C.C. 2.75.040,  
7 Ordinance 15611, Section 8, as amended, and K.C.C.  
8 2.75.070 and Ordinance 1438, Section 3(c), as amended,  
9 and K.C.C. 2.16.060, adding new sections to K.C.C.  
10 chapter 2.75 and repealing Ordinance 15611, Section 6, as  
11 amended, and K.C.C. 2.75.050 and Ordinance 15611,  
12 Section 7, as amended, and K.C.C. 2.75.060.

13 **STATEMENT OF FACTS:**

- 14 1. The creation and maintenance of an independent civilian office of law  
15 enforcement oversight is an essential means of assuring integrity,  
16 transparency, and accountability in law enforcement and of fostering  
17 community trust in, and respect and support for, the sheriff's office.
- 18 2. In 2015 the people of King County amended the King County Charter  
19 to include Section 265 affirming the foundation and role of the office of

20 law enforcement oversight.

21 3. The King County Code related to the office of law enforcement  
22 oversight and the department of public safety should be updated to reflect  
23 Section 265 of the King County Charter.

24 BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

27 The definitions in this section apply throughout this chapter unless the context  
28 clearly requires otherwise.

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

32 B. ~~"Director" means the director of the office of law enforcement oversight or the~~  
33 ~~director's designee.~~

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

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

38 E. ~~"Office" means the office of law enforcement oversight created under this~~  
39 ~~chapter.~~

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

42 G. ~~"Sustained complaint" means a complaint where, as the result of an~~

43 ~~investigation, the allegation is supported by sufficient factual evidence and was a~~  
44 ~~violation of policy.))~~ "Administrative investigation" means an internal investigation of  
45 alleged misconduct by an employee.

46 B. "Certification review" means the monitoring and examination of an  
47 administrative investigation in order to determine whether the investigation was  
48 thorough, complete, accurate, timely, objective and in compliance with sheriff's office  
49 procedures.

50 C. "Complaint" means any communication to the sheriff's office or the oversight  
51 office alleging possible misconduct by an employee.

52 D. "Concern" means any communication to the oversight office about a matter  
53 that is related to the work of the oversight office and is not the subject of a complaint.

54 E. "Director" means the director of the office of law enforcement oversight or the  
55 director's designee.

56 F. "Employee" means the sheriff and any person whether paid, unpaid,  
57 temporary, permanent, intern, probationary, volunteer, appointed, non-appointed,  
58 commissioned or noncommissioned, who is employed or supervised by the sheriff's  
59 office.

60 G. "Finding" means a determination made at the conclusion of an administrative  
61 investigation of whether the alleged misconduct was or was not proved by the applicable  
62 standard of proof.

63 H. "Intake classification" means the decision made as to whether a complaint  
64 should be investigated, transferred to an employee's supervisor for follow-up or not acted  
65 upon. Intake classifications also identify each misconduct allegation and associated

66 named employee or employees, whether the matter will be investigated by the sheriff's  
67 office or the oversight office and whether mediation or an alternative resolution is  
68 appropriate.

69 I. "Misconduct" means any violation of a law or a sheriff's office or other  
70 applicable policy, procedure, rule or regulation.

71 J. "Oversight office" means the office of law enforcement oversight.

72 K. "Sheriff's office" means the department of public safety, including all  
73 divisions and units of the department.

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

76 The office of law enforcement oversight is hereby established within the  
77 legislative branch, in accordance with Section 265 of the King County Charter. The  
78 office of law enforcement oversight is ~~((an investigative agency as that term is used in~~  
79 ~~RCW 42.56.240. The office's roles, responsibilities and authorities are prescribed in this~~  
80 ~~chapter. Decisions about the functions and implementation of the office should be the~~  
81 ~~result of a collaborative process that involves, at a minimum, the executive, the council,~~  
82 ~~the prosecuting attorney, the sheriff and the labor organizations that represent sheriff's~~  
83 ~~office employees)) established to represent the interests of the public and increase~~  
84 confidence in King County police services through independent civilian oversight of the  
85 sheriff's office and all of its employees. The organization and administration of the  
86 oversight office shall be sufficiently independent to assure that no interference or  
87 influence external to the office shall adversely affect independent and objective review  
88 and analysis by the office. The office of law enforcement oversight is an investigative



89 agency as that term is used in RCW 42.56.240.

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

92 A. The director shall be appointed by a majority of the council to implement and  
93 manage the duties of the oversight office.

94 B. The ~~((executive shall conduct))~~ director shall be selected by the council  
95 through a nationwide search ~~((for the director to identify candidates with the following~~  
96 ~~characteristics:~~

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

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

100 ~~3. Demonstrated leadership and a history of effective management and~~  
101 ~~administration;~~

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

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

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

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

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

111 ~~9. No history of employment in the sheriff's office;~~

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

114 ~~11. The selected director must pass a complete criminal background check prior~~  
115 ~~to confirmation.~~

116 ~~B. Candidates for appointment shall be selected by a committee of five members~~  
117 ~~that shall recommend three candidates for the director position to the council. The~~  
118 ~~selection committee shall be composed of: one member appointed by the King County~~  
119 ~~Police Officers' Guild; one member appointed by the Puget Sound Police Managers'~~  
120 ~~Association; one member appointed by the chair of the county council; and one member~~  
121 ~~appointed by the county executive. The fifth member shall be appointed by the other four~~  
122 ~~members. If none of the three recommended candidates has the support of a majority of~~  
123 ~~the council, the council may direct by motion the commencement of a new recruitment~~  
124 ~~and recommendation process)) through a merit-based selection process.~~

125 ~~C. The selected director must pass a complete criminal background check before~~  
126 ~~confirmation.~~

127 ~~D. The director shall serve a term of four years, unless removed for cause at any~~  
128 ~~time by ((motion approved by)) a majority of the council, and shall be considered ((by the~~  
129 ~~county council)) for reappointment at the end of each term of office.~~

130 ~~((D.)) E. The director, ((with consultation of the council)) consistent with the~~  
131 ~~Organizational Motion of the council and within the ((amount)) resources available or~~  
132 ~~budgeted by appropriation, may employ staff or use the services of consultants as may be~~  
133 ~~necessary for conduct of the oversight office's duties. ((These employees or contractors~~  
134 ~~must pass a complete criminal background check before employment.))~~

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

137            In order to ~~((ensure the integrity of the sheriff's complaint and investigations~~  
138 ~~processes and to ensure resolution of citizen and employee initiated complaints;~~

139            ~~A. The office shall receive complaints from any complaining party concerning~~  
140 ~~the sheriff's office, track complaints received and transmit the complaints to the internal~~  
141 ~~investigations unit;~~

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

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

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

149            ~~E. The office shall be notified by the internal investigations unit within five~~  
150 ~~business days of the completion of an internal investigation. The office, in addition to the~~  
151 ~~sheriff's office's written notice of finding letter to the complainant, may send a closing~~  
152 ~~letter to the complainant)) instill confidence and public trust in the fairness and integrity~~

153 ~~of the police accountability system, the sheriff's office and its employees, the oversight~~  
154 ~~office shall have the authority to:~~

155            A. Receive and consider complaints and concerns, and:

156            1. Refer the complaint to the sheriff's office with or without an intake  
157 classification recommendation; or

158           2. Conduct an investigation of the complaint or concern and transmit the  
159 associated review, analysis and findings to the sheriff and if the investigation is about the  
160 sheriff, to the council and executive;

161           B. Review, and agree with or recommend changes to all proposed intake  
162 classifications before the sheriff's office investigates or closes any complaint;

163           C. Conduct a certification review of any administrative investigation before the  
164 sheriff's office issues the findings. Additionally, the oversight office may review and  
165 make recommendations related to the proposed findings;

166           D. Review and make timely recommendations to the sheriff regarding changes to  
167 sheriff's office policies, rules, procedures or general orders. It is the policy of the county  
168 that the sheriff consult with the oversight office before implementing changes to all  
169 general orders, as well as policies and procedures relating to administrative investigations  
170 and reviews, unless prior implementation is deemed necessary to address urgent  
171 circumstances;

172           E. Conduct systemic reviews and issue conclusions and recommendations to the  
173 sheriff regarding sheriff's office operations, training, policies, rules, procedures, practices  
174 or general orders related to the work of the oversight office;

175           F. Conduct community outreach and engagement activities;

176           G. Develop and publish reports related to the work of the oversight office, trends  
177 in police practices and the complaint handling process. All reports published by the  
178 oversight office shall be electronically filed with the clerk of the council for distribution  
179 to all councilmembers;

180           H. Develop and, by June 1 of each year, transmit an annual report and a motion

181 accepting the report to the clerk of the council for distribution to all councilmembers.  
182 The annual report shall include analyses, recommendations and conclusions relating to all  
183 phases of the sheriff's complaint handling process, related findings and final status of  
184 complaints; and

185 I. Review and, at the discretion of the oversight office, report on or conduct  
186 systemic reviews related to the findings of King County inquests involving a sheriff's  
187 office employee.

188 SECTION 5. The following are each hereby repealed:

- 189 A. Ordinance 15611, Section 6, as amended, and K.C.C. 2.75.050; and
- 190 B. Ordinance 15611, Section 7, as amended, and K.C.C. 2.75.060.

191 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 2.75 a  
192 new section to read as follows:

193 The oversight office is authorized to obtain all relevant information in a timely  
194 manner as necessary to fulfill the authorities of K.C.C. 2.75.040, including:

195 A. Access to all relevant employees, facilities, systems, documents, files, records,  
196 data, interviews, hearings, boards, trainings and meetings;

197 B. Access crime scenes and related follow-up administrative investigations, in a  
198 manner so as to protect the integrity of the scene; and

199 C. Notification from the sheriff's office regarding the current status of all  
200 complaints as follows:

- 201 1. When a complaint is received;
- 202 2. When a complaint is given a proposed intake classification, but before the  
203 complaint is classified, or when a change in the classification of a complaint is made;

204           3. Of the date, time and location of any interview that is conducted as part of an  
205 administrative investigation;

206           4. When an administrative investigation, and any additional investigative steps  
207 requested by the oversight office, is complete, but before the subject employee is notified  
208 by the sheriff's office of the findings;

209           5. When findings and recommendations are issued; and

210           6. When and what discipline is recommended in writing.

211           NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 2.75 a  
212 new section to read as follows:

213           A. The oversight office may issue a subpoena to compel any person to appear,  
214 give sworn testimony or produce documentary or other evidence reasonable in scope and  
215 relevant to the matter under inquiry and limited to the matters associated with the  
216 authority granted under K.C.C. 2.75.040.A.2.

217           B. A person required by the oversight office to provide information shall be paid  
218 the same fees and allowances, in the same manner and under the same conditions, as are  
219 extended to witnesses whose attendance has been required in the courts of this state,  
220 excepting that city or county employees who are receiving compensation for the time that  
221 they are witnesses shall not be paid the set fees and allowances.

222           C. A person who, with or without service of compulsory process, provides oral or  
223 documentary information requested by the director shall be accorded the same privileges  
224 and immunities as are extended to witnesses in the courts of this state.

225           D. Any witness in a proceeding before the oversight office shall have the right to  
226 be represented by counsel.

227 E. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify  
228 when requested concerning any matter under examination or investigation at the hearing,  
229 the director may petition the superior court of King County for enforcement of the  
230 subpoena. The petition shall be accompanied by a copy of the subpoena and proof of  
231 service, and shall set forth in what specific manner the subpoena has not been complied  
232 with, and shall ask an order of the court to compel the witness to appear and testify before  
233 the oversight office. The court upon such a petition shall enter an order directing the  
234 witness to appear before the court at a time and place to be fixed in the order, and then  
235 and there to show cause why the witness has not responded to the subpoena or has  
236 refused to testify. A copy of the order shall be served upon the witness. If it appears to  
237 the court that the subpoena was properly issued and that the particular questions that the  
238 witness refuses to answer are reasonable and relevant, the court shall enter an order that  
239 the witness appear at the time and place fixed in the order and testify or produce the  
240 required papers and on failing to obey the order the witness shall be dealt with as for a  
241 contempt of court.

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

244 The oversight office, in collaboration with the sheriff's office, shall establish and  
245 administer a voluntary ~~((officer-citizen))~~ mediation or alternative dispute resolution  
246 program. The program shall provide ~~((an))~~ alternative methods to resolve ~~((citizen))~~  
247 complaints by allowing willing citizens, employees and officers to meet under the  
248 guidance of a professional mediator to otherwise discuss and resolve their differences.  
249 The oversight office and the sheriff's office shall establish standards and guidelines for

250 determining when a particular complaint may be referred to mediation. ((Serious  
251 complaints are excluded from the use of mediation to resolve allegations. Prior to the  
252 complainant agreeing to utilize the mediation process to resolve the complaint, the office  
253 shall explain the mediation process to the complainant, including that if the officer  
254 participates in good faith, the officer will not be subject to discipline and the complaint  
255 will be administratively dismissed.))

256         SECTION 9. Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060 are  
257 each hereby amended to read as follows:

258         A. The department of public safety, as identified in the Section 350.20.40 of the  
259 King County Charter, and managed by the King County sheriff, may also be known and  
260 cited in the King County Code and in other usage as the office of the sheriff. Employees  
261 managed by the King County sheriff may be referred to in the King County Code or  
262 otherwise, as King County police, King County officer((s)) or deputy sheriff.

263         B. The department of public safety is responsible to keep and preserve the public  
264 peace and safety including the discharge of all duties of the office of sheriff under  
265 ((S))state law, except those duties relating to jails and inmates which are performed by  
266 other departments of county government. The functions of the department include:

267             1. Oversee a crime prevention program, investigate crimes against persons and  
268 property and arrest alleged offenders((-));

269             2. Execute the processes and orders of the courts of justice and all other  
270 mandated functions required by law((-));

271             3. In coordination with the office of emergency management, plan and  
272 coordinate resources for the public safety and welfare in the event of a major emergency



273 or disaster((?));

274 4. Provide service and administrative functions which support but do not  
275 duplicate other governmental activities, and which have the potential to be fiscally self-  
276 supportive((?));

277 5. Investigate the origin, cause, circumstances and extent of loss of all fires, in  
278 accordance with RCW 43.44.050. Fire investigations shall be conducted under the  
279 direction of the fire investigation supervisor, who shall also be considered an assistant  
280 fire marshal for the purposes of chapter 43.44 RCW. The functions of the fire and arson  
281 investigation unit include, but are not limited to: investigation and determination of the  
282 origin and cause of fires; preparation of detailed informational, investigative and  
283 statistical reports; conducting criminal follow-up investigations, including detection,  
284 apprehension and prosecution of arson suspects; providing expert testimony in court for  
285 criminal and civil cases; maintenance of records of fires; preparation and submission of  
286 annual reports to the county sheriff and other entities as required by chapters 43.44 and  
287 48.50 RCW; and

288 6. Consistent with the office of law enforcement oversight carrying out its  
289 authorities as identified in Section 365 King County Charter and K.C.C. chapter 2.75:

290 a. provide the office of law enforcement oversight all relevant information in a  
291 timely manner, including:

292 (1) access to all relevant employees, facilities, systems, documents, files,  
293 records, data, interviews, hearings, boards, trainings and meetings;

294 (2) access to crime scenes and related follow-up administrative investigations,  
295 in a manner so as to protect the integrity of the scene; and

296           (3) notifications regarding the current status of all complaints consistent with  
297 2.75.050.C.;

298           b. provide the oversight office with a reasonable opportunity to comment on all  
299 administrative investigations before notifying the subject employee of the findings;

300           c. provide the oversight office with a reasonable opportunity to comment on all  
301 sheriff's office policies, rules, procedures or general orders; and

302           d. annually, in collaboration with the office of law enforcement oversight,  
303 establish or update, as needed, pilot projects and sheriff's office policies and procedures  
304 related to implementation of the authorities of K.C.C. chapter 2.75, including such things  
305 as timelines and processes for achieving K.C.C. 2.16.060.B.6.a., b., c. and d., and records  
306 management and controls.

307           C. The sheriff, to carry out the duties under subsection B. of this section, may  
308 establish the functions for the following divisions:

- 309           1. Office of the sheriff;
- 310           2. Patrol operations division;
- 311           3. Support services division;
- 312           4. Criminal investigation division;
- 313           5. Professional standards division;
- 314           6. Sound Transit division, which provides services to the Central Puget Sound  
315 Regional Transit Authority; and
- 316           7. Metro Transit division, which provides services to the King County  
317 department of transportation, transit division.

318           SECTION 10. A. Any provision of this ordinance that would establish a working

319 condition that is a mandatory subject of collective bargaining shall not apply to members  
320 of that bargaining unit until the county has satisfied its bargaining obligation with respect  
321 to the provision.

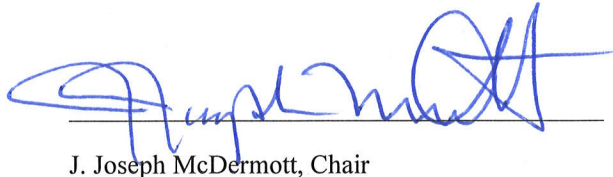
322 B. In the event of a conflict between the provisions of this ordinance and a

323 collective bargaining agreement, the provisions of the collective bargaining agreement  
324 shall govern for those affected employees.  
325

Ordinance 18500 was introduced on 3/27/2017 and passed as amended by the Metropolitan King County Council on 4/17/2017, by the following vote:

Yes: 9 - Mr. von Reichbauer, Mr. Gossett, Ms. Lambert, Mr. Dunn,  
Mr. McDermott, Mr. Dembowski, Mr. Upthegrove, Ms. Kohl-Welles  
and Ms. Balducci  
No: 0  
Excused: 0

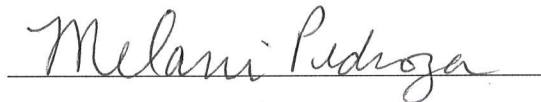
KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON



---

J. Joseph McDermott, Chair

ATTEST:



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Melani Pedroza, Acting Clerk of the Council

APPROVED this 27<sup>th</sup> day of April, 2017.



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← Dow Constantine, County Executive

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Attachments: None