



KING COUNTY

1200 King County Courthouse
516 Third Avenue
Seattle, WA 98104

Signature Report

Labor Policy

Proposed No. LP2020-002.1

Sponsors Dembowski, Zahilay, Kohl-Welles,
McDermott, Upthegrove and Balducci

1 Labor Policy relating to civilian oversight of the
2 sheriff's office.

3 **STATEMENT OF FACTS:**

4 1. The creation and maintenance of an independent civilian office of law
5 enforcement oversight is an essential means of assuring integrity, transparency, and
6 accountability in law enforcement and of fostering community trust in, and respect and
7 support for, the sheriff's office.

8 2. In 2015 the people of King County amended the King County Charter to
9 include Section 265 affirming the foundation and role of the office of law enforcement
10 oversight. Listed among its authorities are the independent investigation, review and
11 analysis of the conduct of county law enforcement officers that have been the subject of a
12 complaint and the use of force by county law enforcement officers.

13 3. In 2017, Ordinance 18500 was enacted to bring King County Code into
14 compliance with Section 265 of the King County Charter. To enhance the office's
15 powers of investigation, the ordinance also empowered the office to issue subpoenas.

16 4. In 2017, the council's labor policy committee adopted Labor Policy LAB 7-
17 010 that required the county's bargaining agent to negotiate in good faith with the King
18 County Police Officer's Guild to prioritize achieving authorities granted the office of law
19 enforcement oversight under the charter and code, specifically calling out the policy

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20 requirement that states that labor negotiators obtain, as part of bargaining, the provision
21 that the office be able to exercise subpoena powers which, in the code, are deemed
22 critical to the effectiveness of the investigative authority of the office

23 5. In June 2019, five members of the council sent a letter, which is Attachment A
24 to this labor policy, to the county's labor negotiators stressing that the policies adopted in
25 Labor Policy LAB 7-010 should be fully achieved in the negotiations for a new
26 bargaining agreement. Specifically, the letter called for the negotiations to contain the
27 necessary provisions to allow "for the office to conduct independent investigations when
28 deemed warranted by that office to ensure public confidence in our justice system, such
29 as, but not limited to, cases involving fear of retaliation, conflict of interest, or the matter
30 raising a critical issue of public trust and confidence."

31 6. In March 2020, Ordinance 19084 was enacted, which adopted the bargaining
32 agreement for the King County Police Officer's Guild for the period of January 1, 2017,
33 through December 31, 2021, and the new agreement does make changes to working
34 conditions, including conditions related to the implementation of policies to improve
35 civilian oversight of the sheriff's office.

36 7. While the new agreement does include several of the provisions for civilian
37 oversight as set forth in Labor Policy LAB 7-010, not all of the elements have been
38 included, especially the provision that would implement the code requirement allowing
39 for the office of law enforcement oversight to issue subpoenas. In addition, despite
40 charter requirements, the county code and the provisions of the Labor Policy, the
41 collective bargaining agreement precludes independent investigations of represented
42 employees by anyone other than the sheriff's office.

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43 8. The executive reports that the parties have agreed to conduct a joint education
44 process to explore civilian oversight models used elsewhere in the country, including
45 those that conduct independent investigations, where this effort is intended to be used to
46 find common ground among the office of law enforcement oversight, sheriff's office, and
47 the guild on the best practices for civilian oversight before bargaining the next labor
48 agreement. Any changes from this process would not be reflected until the period of the
49 next collective bargaining agreement which would begin January 1, 2022, if negotiations
50 are complete.

51 9. In the spring of 2020, all fifty states and the world, including King County,
52 have seen demonstrations and other actions in support of the Black Lives Matter
53 movement, where the participants are acknowledging numerous unjust killings of Black
54 persons, police violence against Black communities and disparate and discriminatory
55 police practices when law enforcement officers interact with Black people when
56 compared to White communities. Further, these groups acknowledge that police violence
57 is also a significant problem for other non-White populations due to systematic racism.
58 In King County, the demonstrations have been joined by the Native American
59 community, Asian Pacific Islander community and many other communities who have
60 been affected by police violence and disproportionately impacted by our criminal justice
61 system. The worldwide demonstrations and other actions evidence a renewed urgency
62 for meaningful community oversight of law enforcement agencies, where the agencies
63 should be empowered to conduct fully transparent investigations and reviews of critical
64 incidents, uses of force, and other serious matters, including the right to independently
65 conduct investigations of all law enforcement personnel, and to use the investigatory tool

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66 of subpoenas, when needed, to ensure the completeness of investigations. The public has
67 demanded, in light of the increased awareness and knowledge of these issues, that we
68 take all steps necessary and appropriate to bring the support reforms to life as soon as
69 possible.

70 FOR THE FOREGOING REASONS, LP 2010-031, Section I.17d, as amended, and LAB
71 7-010 are hereby amended to read as follows:

72 **"LAB 7-010. Civilian Oversight of Sheriff's Office.**

73 A. In establishing an office of law enforcement oversight consistent with Section
74 265 of the King County Charter, K.C.C. chapter 2.75, and K.C.C. 2.16.060, it is the
75 policy of King County that:

76 ~~((A.))~~ 1. the bargaining agent ~~((shall bargain in good faith with labor~~
77 ~~organizations prioritizing the achievement of the law enforcement oversight authorities~~
78 ~~set forth in the King County charter and code to achieve meaningful civilian oversight of~~
79 ~~law enforcement in King County,))~~ is directed to request that the King County Police
80 Officer's Guild reopen negotiation of the existing collective bargaining agreement
81 between the parties. If the guild consents to reopen negotiations, the county and the
82 bargaining unit should engage in good faith discussions to amend the collective
83 bargaining agreement to grant the office of law enforcement the right to conduct
84 independent investigations of all represented employees, including the use of subpoenas
85 as part of any of its investigations as more fully set forth in this policy;

86 ~~((B.))~~ 2. the office of law enforcement oversight's role and authorities continue
87 to apply to all employees of the King County sheriff's office;

88 ~~((C. all aspects of the intake classification process are components of the office~~

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89 of law enforcement oversight's responsibilities to investigate, review and analyze
90 complaints and concerns;

91 ~~D. in order to ensure the integrity of the complaint investigation process, it is~~
92 ~~necessary for the oversight office to review and make recommendations on the sheriff's~~
93 ~~office proposed classification of complaints;~~

94 ~~E. a certification review of individual complaint investigations shall be conducted~~
95 ~~by, and at the discretion of, the oversight office and provided to the sheriff's office prior~~
96 ~~to the sheriff's office notifying the subject employee of the findings;~~

97 ~~F. the oversight office shall have the discretion to identify and conduct systemic~~
98 ~~reviews and issue non-binding conclusions or recommendations of any sheriff's office~~
99 ~~operations, training, policy, rule, procedure or general order;~~

100 ~~G.))~~ 3. the office of law enforcement oversight has subpoena powers to compel
101 any person to appear, give sworn testimony or produce documentary or other evidence
102 reasonable in scope and relevant to the matter under inquiry and limited to the matters
103 associated with the authority granted under K.C.C. 2.75.040.A.2., which are critical to the
104 effectiveness of the investigative authority of the oversight office;

105 ~~((H.))~~ 4. in the implementation of its investigative authority, the oversight office
106 shall have the authority to independently investigate the conduct of law enforcement
107 officers that has been the subject of a complaint and the use of force by county law
108 enforcement officers regardless whether such use has been a subject of a complaint and
109 will use criteria such as fear of retaliation, conflict of interest or the matter raising a
110 critical issue of public trust and confidence for determining cases that warrant
111 independent investigation; and

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112 ~~((F.))~~ 5. the oversight office shall not participate in ongoing criminal
113 investigations (~~(; and~~
114 ~~J. timely access to relevant information as directed by Section 265 King County~~
115 ~~Charter shall only be for authorities expressly identified in K.C.C. 2.75.040. All such~~
116 ~~information shall be maintained in accordance with all applicable laws and bargaining~~
117 ~~agreements))~~ but would be allowed to conduct independent investigations after the
118 criminal investigation is complete.

119 B. Within thirty days of the adoption of this labor policy, the bargaining agent
120 shall transmit to the clerk of the council, for further dissemination to members of the
121 labor policy committee, a written report describing the bargaining agent's efforts to
122 effectuate this policy and the outcome of such efforts.

123

124 The committee determines that this labor policy shall be _____ maintained as
125 confidential OR xx made public.

126

Labor Policy was introduced on 6/23/2020 and passed by the Metropolitan King
County Council on 7/7/2020, by the following vote:

Yes: 8 - Ms. Balducci, Mr. Dembowski, Ms. Kohl-Welles, Ms.
Lambert, Mr. McDermott, Mr. Upthegrove, Mr. von Reichbauer and
Mr. Zahilay
Excused: 1 - Mr. Dunn

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

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DocuSigned by:
Claudia Balducci
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Claudia Balducci, Chair

ATTEST:

DocuSigned by:
Melani Pedroza
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Melani Pedroza, Clerk of the Council

Attachments: A. June 2019 Letter from Councilmembers to the Office of Labor Relations concerning the importance of independent investigations and subpoena power in negotiating with the King County Police Officers Guild