

May 11, 2008 Council Meeting

1

Bob Ferguson

Sponsors: Ferguson, Patterson

TOA

Proposed No.: 2009-0260

BF MOVED

PASSED: 8-0

PUR EXCUSED

Julia Patterson

1 STRIKING AMENDMENT TO PROPOSED ORDINANCE 2009-0260, VERSION

2 1

3 On page 5, beginning on line 98, strike everything through page 25, line 542, and insert:

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

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

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

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

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

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

14 3. ~~An in-custody death;~~

15 4. ~~A vehicular pursuit resulting in death or serious bodily injury;~~

16 5. ~~A traffic collision involving an officer resulting in death or serious bodily~~

17 ~~injury; or~~

18 6. ~~Any incident of workplace violence.~~

19 C. ~~"Director" means the director of the office of law enforcement oversight.~~

20 D. ~~"Final discipline" means the action taken against an employee after all~~
21 ~~investigations are complete and the employee has exhausted his or her administrative~~
22 ~~rights.~~

23 E. ~~"Internal investigations unit" means the unit within the sheriff's office~~
24 ~~responsible for internal investigations, or its successor.~~

25 F. ~~"Office" means the office of law enforcement oversight created under this~~
26 ~~chapter.~~

27 G. ~~"Serious complaint" means allegations of serious misconduct as defined in the~~
28 ~~Sheriff's Office General Operating Manual (G.O.M. 3.00.015) as currently written or~~
29 ~~hereinafter amended. These are allegations that could be cause for dismissal, including:~~
30 ~~false reporting; dishonesty; criminal conduct; taking or giving a bribe; inducing someone to~~
31 ~~commit a crime; failing to cooperate in an investigation; conviction of a crime precluding~~
32 ~~possession of a firearm; discrimination; or harassment.~~

33 H. ~~"Sustained complaint" means a complaint where, as the result of an~~
34 ~~investigation, the allegation is supported by sufficient factual evidence and was a violation~~
35 ~~of policy.)) The definitions in this section apply throughout this chapter unless the~~
36 ~~context clearly requires otherwise.~~

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

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

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

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

46 E. "Office" means the office of law enforcement oversight created under this
47 chapter.

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

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

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

55 ~~((The office of law enforcement oversight is hereby established within the~~
56 ~~legislative branch. The office of law enforcement oversight is an investigative agency as~~
57 ~~that term is used in RCW 42.56.240. The office shall have four full-time staff members,~~
58 ~~which include a director, an investigator and two support staff. The office's roles,~~
59 ~~responsibilities and authorities are prescribed in this chapter. Decisions about the functions~~
60 ~~and implementation of the office should be the result of a collaborative process that~~
61 ~~involves, at a minimum, the executive, the council, the prosecuting attorney, the sheriff and~~
62 ~~the labor organizations that represent sheriff's office employees. It is the intent of the~~

63 council that the office shall be colocated with the sheriff's investigative staff in order to
64 perform the duties described in this ordinance.)) The office of law enforcement oversight
65 is hereby established within the legislative branch. The office of law enforcement
66 oversight is an investigative agency as that term is used in RCW 42.56.240. The office's
67 roles, responsibilities and authorities are prescribed in this chapter. Decisions about the
68 functions and implementation of the office should be the result of a collaborative process
69 that involves, at a minimum, the executive, the council, the prosecuting attorney, the
70 sheriff and the labor organizations that represent sheriff's office employees.

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

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

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

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

79 ~~3. Demonstrated leadership and a history of effective management and~~
80 ~~administration;~~

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

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

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

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

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

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

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

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

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

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

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

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

106 3. Demonstrated leadership and a history of effective management and
107 administration;

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

- 109 5. The ability to work effectively with the executive, council, prosecuting
110 attorney and sheriff, as well as other public agencies, labor organizations, private
111 organizations and citizens;
- 112 6. An openness to innovation and new ideas;
- 113 7. Sensitivity to and knowledge of the particular needs and concerns of
114 minorities and women in a law enforcement setting;
- 115 8. The ability to work effectively under pressure with controversial issues and
116 the ability to effectively communicate with diverse groups;
- 117 9. No history of employment in the sheriff's office,
- 118 10. A history that includes the establishment of a reputation for even-
119 handedness and fairness in dealing with both complainants and regulated parties; and
- 120 11. The selected director must pass a complete criminal background check prior
121 to confirmation.

122 B. Candidates for appointment shall be selected by a committee of five members
123 that shall recommend three candidates for the director position to the executive, one of
124 which must be selected. The selection committee shall be composed of: one member
125 appointed by the King County Police Officers' Guild; one member appointed by the
126 Puget Sound Police Managers' Association; one member appointed by the chair of the
127 county council; and one member appointed by the county executive. The fifth member
128 shall be appointed by the other four members.

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

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

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

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

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

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

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

150 ~~D. May review and make recommendations to the internal investigations unit about~~
151 ~~the screening and classification of complaints, as well as make recommendations to the~~
152 ~~sheriff about screening and classification policies and procedures. In addition, may~~
153 ~~monitor the complaint intake process and evaluate decisions whether a complaint requires~~
154 ~~initiation of a formal internal investigation or assignment to supervisors for investigation~~

155 ~~and resolution.))~~ In order to ensure the integrity of the sheriff's complaint and
156 investigations processes and to ensure resolution of citizen and employee initiated
157 complaints:

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

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

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

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

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

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

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

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

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

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

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

190 2. ~~Make recommendations for action by the sheriff on needed improvements in~~
191 ~~policies, procedures and practices stemming from analyses that look beyond the individual~~
192 ~~cases of misconduct to identify systemic problems within the sheriff's office. In addition to~~
193 ~~investigational materials available to the office, the director shall make use of all other~~
194 ~~available materials, including internal and external audits and reviews of the sheriff's office~~
195 ~~and critical incident reviews, in developing and making recommendations for~~

196 ~~improvements.)) The office, in order to ensure transparency to the sheriff's discipline and~~
197 ~~complaint handling processes and guarantee adequate information is made available to~~
198 ~~the office in order to maintain public confidence, shall also:~~

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

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

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

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

213 2. Make recommendations for action by the sheriff on needed improvements in
214 policies, procedures and practices stemming from analyses that look beyond the
215 individual cases of misconduct to identify systemic problems within the sheriff's office.
216 In addition to investigational materials available to the office, the director shall make use
217 of all other available materials, including internal and external audits and reviews of the
218 sheriff's office and critical incident reviews, in developing and making recommendations
219 for improvements.

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

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

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

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

237 ~~C. Approval for completeness of complaint investigations before a finding can be~~
238 ~~issued. The internal investigations unit must submit all completed misconduct~~
239 ~~investigations to the office, with an amount of time specified for the approval or direction~~
240 ~~for further investigation. If the unit disagrees with the office, the sheriff shall act as arbiter~~
241 ~~and makes the final decision or decisions;~~

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

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

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

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

260 C. The office shall not participate in criminal investigations of sheriff's office
261 employees in any way and shall not be notified of any part of the criminal investigation
262 until the criminal investigation is concluded. At that point, the file shall be provided to
263 the office;

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

267 E. As a part of the review process, if the director believes that additional
268 investigation is needed on issues material to the outcome, the director shall request that
269 further investigative work be completed. If there is any dispute between the assigned
270 investigator or investigators and the office regarding the necessity, practicality or
271 materiality of the requested additional investigation, the unit commander shall determine
272 whether additional investigation will be undertaken. If the director is not satisfied with
273 the determination of the unit commander, the matter shall be submitted to the sheriff for
274 review. If the director is not satisfied with the determination of the sheriff, the matter
275 shall be resolved by the executive, whose decision shall be final. Once the matter has
276 been referred to and resolved by the executive, the investigation shall be completed
277 consistent with the determination by the executive;

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

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

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

287 ~~((The office, in collaboration with the sheriff's office, shall establish and administer~~
288 ~~a voluntary officer-citizen mediation program. The program shall provide an alternative~~
289 ~~method to resolve citizen complaints by allowing willing citizens and officers to meet~~

290 under the guidance of a professional mediator to discuss and resolve their differences. The
291 office and the sheriff's office shall establish standards and guidelines for determining when
292 a particular complaint may be referred to mediation. Serious complaints are excluded from
293 the use of mediation to resolve allegations.))The office, in collaboration with the sheriff's
294 office, shall establish and administer a voluntary officer-citizen mediation program. The
295 program shall provide an alternative method to resolve citizen complaints by allowing
296 willing citizens and officers to meet under the guidance of a professional mediator to
297 discuss and resolve their differences. The office and the sheriff's office shall establish
298 standards and guidelines for determining when a particular complaint may be referred to
299 mediation. Serious complaints are excluded from the use of mediation to resolve
300 allegations. Prior to the complainant agreeing to utilize the mediation process to resolve
301 the complaint, the office shall explain the mediation process to the complainant,
302 including that if the officer participates in good faith, the officer will not be subject to
303 discipline and the complaint will be administratively dismissed.

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

306 ~~((A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall~~
307 ~~appoint, subject to council confirmation, a citizens' committee on independent oversight~~
308 ~~to advise the director of the office of independent oversight, which is created under~~
309 ~~K.C.C. chapter 2.75, on policies, procedures and practices relating to officer misconduct,~~
310 ~~discipline and other responsibilities of the director of the office of independent oversight.~~

311 ~~B. The committee shall include eleven members of the public who represent the~~
312 ~~geographic, ethnic and economic diversity of the sheriff's service area. The committee~~

313 shall consist of three members representing cities that contract with the sheriff for law
314 enforcement services, four of the members shall represent unincorporated King County,
315 and the four members shall be selected at large. The committee members shall be
316 appointed for three-year terms, subject to reappointment for additional terms.

317 ~~C. The committee shall make recommendations to the director of independent
318 oversight regarding:~~

319 ~~1. Misconduct and discipline policies, procedures and practices of the sheriff's
320 office;~~

321 ~~2. Policies, procedures and practices related to other responsibilities of the
322 director of the office of independent oversight; and~~

323 ~~3. Public perceptions of the sheriff, the sheriff's deputies and their roles and
324 functions in the community.~~

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

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

332 A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall appoint,
333 subject to council confirmation, a citizens' committee on independent oversight to advise
334 the director of the office of law enforcement oversight, which is created under K.C.C.
335 chapter 2.75, on policies, procedures and practices relating to officer misconduct,

336 discipline and other responsibilities of the director of the office of law enforcement
337 oversight.

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

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

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

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

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

351 D. The committee shall also serve as a means for the director of the office of law
352 enforcement oversight to communicate with King County's diverse communities. The
353 communication should increase accountability and public understanding of the
354 misconduct and discipline policies, procedures and practices of the sheriff's office and
355 other issues related to the director of the office of law enforcement oversight's
356 responsibilities.

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

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

361 ~~((A. The auditor shall establish a permanent ongoing law enforcement audit
362 process.~~

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

367 ~~C. The auditor shall assess and review reports and recommendations from the
368 office of law enforcement oversight that provide council directed oversight of the
369 sheriff's office internal investigation unit. The auditor shall also review the effectiveness
370 of the office of law enforcement oversight and make recommendations for reform when
371 necessary.~~

372 ~~D. The sheriff's office shall send any audits and reports produced under the
373 sheriff's authority on investigation and complaint operations and performance to the King
374 County auditor's office. The reports shall be transmitted in a timely manner. The county
375 auditor shall review and consider the findings and recommendations of, and the sheriff's
376 responses to, these reports when planning the auditor's annual work program for the
377 review of the council, and shall conduct audits of internal investigation and complaint
378 resolution operations as mandated in the auditor's annual work program. The auditor's
379 independent authority to audit the sheriff's office shall not be replaced or otherwise
380 affected by the creation of any audit or similar function within the sheriff's office.~~

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

384 A. The county auditor shall establish a permanent ongoing law enforcement audit
385 process.

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

390 C. The auditor shall assess and review reports and recommendations from the
391 office of law enforcement oversight that provide council-directed oversight of the
392 sheriff's office internal investigation unit. The auditor shall also review the effectiveness
393 of the office of law enforcement oversight and make recommendations for reform when
394 necessary.

395 D. The sheriff's office shall send any audits and reports produced under the
396 sheriff's authority on investigation and complaint operations and performance to the
397 auditor's office. The reports shall be transmitted in a timely manner. The auditor shall
398 review and consider the findings and recommendations of, and the sheriff's responses to,
399 these reports when planning the auditor's annual work program for the review of the
400 council and shall conduct audits of internal investigation and complaint resolution
401 operations as mandated in the auditor's annual work program. The auditor's independent
402 authority to audit the sheriff's office shall not be replaced or otherwise affected by the
403 creation of any audit or similar function within the sheriff's office.

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

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

409 ~~((A. The executive shall provide to the council monthly reports on the progress in~~
410 ~~the selection process until a director of the office of independent oversight is confirmed.~~
411 ~~After the director is confirmed, and until March 1, 2008, the director shall provide to the~~
412 ~~council monthly reports on the status of establishing the activities of the office, including~~
413 ~~the status of development of complaint receipt, tracking and investigation procedures and~~
414 ~~processes, the identification of needed data tracking systems or support, systems for~~
415 ~~ensuring the confidentiality of investigatory information, and any recommendations for~~
416 ~~further legislation needed by the office to perform its duties. Twelve copies of each report~~
417 ~~required under this section shall be filed with the clerk of the council, for distribution to~~
418 ~~all councilmembers.~~

419 ~~B. The director shall reconvene the King County sheriff's blue ribbon panel in~~
420 ~~accordance with Motion 12337, by December 2007.)) After the director is confirmed, and
421 until the first annual report is submitted, the director shall provide to the council monthly
422 reports on the status of establishing the activities of the office, including the status of
423 development of complaint receipt, tracking and investigation procedures and processes, the
424 identification of needed data tracking systems or support, systems for ensuring the
425 confidentiality of investigatory information and any recommendations for further
426 legislation needed by the office to perform its duties. Twelve copies of each report~~

427 required under this section shall be filed with the clerk of the council, for distribution to
428 all councilmembers.

429 SECTION 11. This ordinance is not intended to conflict with any applicable King
430 County collective bargaining agreement approved by the council. In the event of any
431 conflict between the ordinance and a collective bargaining agreement, the provisions of the
432 agreement shall prevail."

433

434 **EFFECT: Makes changes clarifying language to ensure compliance with collective**
435 **bargaining agreement approved by Ordinance 16327.**