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Clerk 04/17/2017

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

STATEMENT OF FACTS:

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

2. In 2015 the people of King County amended the King County Charter to include Section 265 affirming the foundation and role of the office of law enforcement oversight.

3. Labor policy related to the office of law enforcement oversight and the sheriff's office should be updated to reflect Section 265 of the King County Charter.

FOR THE FOREGOING REASONS, LP 2010-031, Section I.17, as amended, and LAB 7-010 and LP 2010-035 (part), as amended, and LAB 7-020, LP 2010-035 (part) and LAB 7-020 and LP 2013-033 (part) and LAB 7-030 are each hereby amended to read as follows:

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

~~((A. It shall be a labor policy of King County that the sheriff and the executive, to the extent that bargaining is legally required, shall engage in good faith bargaining with labor organizations that represent sheriff's office employees to establish or enhance an office of civilian oversight of law enforcement with the authority to:~~

- ~~1. identify systemic problems and opportunities for improvement, and offer recommendations to address those problems and make improvements;~~
- ~~2. review and assess internal investigations of complaints, misconduct, uses of force, and critical incidents and other matters as more fully described in the OLEO operational plan that is Attachment A to this labor policy to ensure the thoroughness, objectivity, and adequacy of those investigations and any resultant discipline;~~
- ~~3. audit internal investigation operations and any other operations, policies and practices of the King County Sheriff's Office necessary to carry out the goals and purposes of OLEO set forth herein or in the OLEO operational plan that is Attachment A to this labor policy;~~
- ~~4. have unimpeded and timely access to case information, investigations, scenes of critical incidents, and other meetings and operations as necessary to carry out the OLEO operational plan that is Attachment A to this labor policy [Labor Policy LP 2013-033]; and~~
- ~~5. conduct community outreach related to complaint and investigations processes and public perceptions of the King County Sheriff's Office to increase understanding, confidence, and trust between the King County Sheriff's Office and the public.~~

~~B. It shall be a goal of the county to negotiate collective bargaining agreements and related agreements in good faith that are consistent with, and do not undermine, the goals set forth in this policy and the OLEO operational plan that is Attachment A to this labor policy [Labor Policy LP 2013-033].)~~ In establishing an office of law enforcement oversight consistent with Section 265 King County Charter, K.C.C. 2.75, and K.C.C. 2.16.060, it is the policy of King County that:

A. the bargaining agent shall bargain in good faith with labor organizations prioritizing the achievement of the law enforcement oversight authorities set forth in the King County charter and code;

B. the office of law enforcement oversight's role and authorities continue to apply to all employees of the King County sheriff's office;

C. all aspects of the intake classification process are components of the office of law enforcement oversight's responsibilities to investigate, review and analyze complaints and concerns;

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

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

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

G. subpoena powers are critical to the effectiveness of the investigative authority of the oversight office;

H. in the implementation of the investigative authority, the oversight office shall use criteria such as fear of retaliation, conflict of interest or the matter raising a critical issue of public trust and confidence for determining cases that warrant independent investigation;

I. the oversight office shall not participate in criminal investigations; and

J. timely access to relevant information as directed by Section 265 King County Charter shall only be for authorities expressly identified in K.C.C. 2.75.040. All such information shall be maintained in accordance with all applicable laws and bargaining agreements.

~~((LAB 7-020. Sheriff's Office Implementation of Report Recommendations. It is the policy of King County that the county's bargaining agents shall make every effort to negotiate labor agreements that are consistent with the implementation of (1) the July 24, 2012, report of the King County Auditor concerning the King County Sheriff's Office (Report No. 2012-01, entitled "Performance Audit of King County Sheriff's Office and Office of Law Enforcement Oversight") and (2) the August 17, 2012, report of the Office of Law Enforcement Oversight prepared by the Police Assessment Resource Center (entitled "Managing the Risk of Misconduct for the King County Sheriff's Office") as embodied in the adopted implementation action plan of Motion 13734.~~

~~LAB 7-030. Legislative Branch Employees and Officials. Under the King County charter, the county council has sole responsibility for the hiring, firing and supervision of legislative branch employees and officials. It is the labor policy of King County that the King County Office of Law Enforcement Oversight is and should remain in the legislative branch. It is the labor policy of King county that the county's bargaining agent should bargain all labor agreements to be in compliance with this and all other provisions of the county charter.))"~~

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