



Legislation Text

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Clerk 03/23/2020

A MOTION establishing King County council's intent related to collective bargaining with the King County Police Officers Guild.

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

WHEREAS, the council exercises its responsibility to provide oversight of county agencies and departments in a variety of ways, including the establishment of offices within the legislative branch to provide specialized oversight services, and

WHEREAS, recognizing the need to bolster public confidence and to ensure proper oversight, in 2006, the council began deliberations on legislation that would implement civilian oversight of the sheriff's office. The councilmembers heard testimony from representatives of the sheriff's internal investigations unit, the ombudsman/office of citizen complaints and the Seattle police department's office of professional accountability, and reviewed materials detailing models for civilian oversight and evaluated the types and effectiveness of existing systems for police agency oversight. Councilmembers also visited jurisdictions that have established successful systems for civilian oversight, and

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

and

WHEREAS, as a result of the council's efforts, including visits to other jurisdictions and the blue ribbon panel's recommendations, the council recognized that a vigorous and effective internal investigation process, combined with appropriate civilian monitoring and oversight, is essential for effective law enforcement, and

WHEREAS, on October 9, 2006, the metropolitan King County council approved Ordinance 15611 regarding civilian oversight of the King County sheriff's office. In doing so, the council sought to establish a system of civilian oversight to monitor ongoing investigations of misconduct, help resolve cases, implement methods for increasing the level of public trust and transparency and identify systemic issues within the sheriff's office and to offer recommendations for reform, and

WHEREAS, after passage of the civilian oversight legislation, the King County Police Officers Guild filed an unfair labor practice charge against King County, and

WHEREAS, on November 19, 2007, King County and the King County Police Officers Guild finalized an agreement that Ordinance 15611 would be treated as a labor policy and that this policy would be bargained in good faith. The King County Police Officers Guild dismissed its unfair labor practice charge against the County. Because of this agreement, no action was taken to implement the elements of Ordinance 15611, and

WHEREAS, on December 8, 2008, the metropolitan King County council passed Ordinance 16327 approving a new five-year collective bargaining agreement between King County and the King County Police Officers Guild, the new collective bargaining agreement required King County to repeal most of Ordinance 15611, and

WHEREAS, on December 8, 2008, the council adopted Motion 12892, which reaffirmed its commitment to establishing a system of civilian oversight as outlined in Ordinance 15611, and

WHEREAS, the council subsequently adopted Ordinance 16511 in 2009, that established the authorities and responsibilities of the office of law enforcement oversight in the King County Code, and

WHEREAS, in 2015, the council approved Ordinance 18087, which sent to the voters a proposed

change to the King County Charter that would also establish the office of law enforcement oversight as a charter agency in the legislative branch with the multiple oversight authorities, and

WHEREAS, in April 2017, the county council adopted labor policy LAB 7-010 that directs the bargaining agent to "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," and

WHEREAS, the county began negotiations with the Guild in September 2016, before the agreement's termination date of December 31, 2016. In February 2018, the parties entered into mediation with the Public Employment Relations Commission, in November 2019 a tentative agreement was reached, and in December 2019 the bargaining unit ratified the agreement, and

WHEREAS, the executive has transmitted the bargaining agreement for the King County Police Officers Guild for the period of January 1, 2017, through December 21, 2021, to the council for its review, and

WHEREAS, many of the terms in the new agreement are a continuation of the provisions included in the previous agreement which had expired on December 31, 2016. However, the new agreement does have significant changes to compensation, benefits and working conditions, especially those related to the implementation of policies to improve civilian oversight of the sheriff's office, and

WHEREAS, while the new agreement does include several of the requirements for civilian oversight as set forth in council-established labor policy, not all of the elements have been included, especially the code requirement allowing for the office of law enforcement oversight to issue subpoenas, and

WHEREAS, the executive reports that the parties have agreed to conduct a joint education process to explore civilian oversight models used elsewhere in the country, including those that conduct independent investigations, where this effort is intended to be used to find common ground among the office of law enforcement oversight, the sheriff's office and the Guild on the best practices for civilian oversight before

bargaining the next labor agreement, and

WHEREAS, the council continues to recognize that there is still a need to improve civilian oversight of the sheriff's office and to increase the ability of the office of law enforcement oversight to exercise its responsibility and authority, under the charter and ordinance, to monitor ongoing investigations of misconduct, help resolve cases, implement methods for increasing the level of public trust and transparency and identify systemic issues within the sheriff's office and offer recommendations for reform;

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

Before the commencement of bargaining for the next successor labor agreement between King County and the King County Police Officers Guild, it is the intent of the King County council, sitting as the labor policy committee to:

A. Review labor policies, specifically LAB 7-010, that pertain to collective bargaining with the Guild and consider amendments to such labor policies to provide clear policy direction to the bargaining agent of the matters the labor policy committee desires to be successfully included in the next collective bargaining agreement, in accordance with the county's obligation to negotiate in good faith. Consideration should include, but are not limited to:

1. Recognition of the full investigative powers of the office of law enforcement oversight ("OLEO") as applicable to the Guild as set forth in code and charter; and

2. Grievance provision related to the OLEO's exercise of its investigatory authority;

B. Determine if and when an OLEO designee should attend collective bargaining negotiations and the role the designee should have in the negotiations; and

C. Solicit public engagement as part of the process.