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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. Listed among its authorities are the independent investigation, review and analysis of the conduct of county law enforcement officers that have been the subject of a complaint and the use of force by county law enforcement officers.

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

4. In 2017, the council's labor policy committee adopted Labor Policy LAB 7-010 that required the county's bargaining agent to negotiate in good faith with the King County Police Officer's Guild to prioritize achieving authorities granted the office of law enforcement oversight under the charter and code, specifically calling out the policy requirement that states that labor negotiators obtain, as part of bargaining, the provision that the office be able to exercise subpoena powers which, in the code, are deemed critical to the effectiveness of the investigative authority of the office

5. In June 2019, five members of the council sent a letter, which is Attachment A to this labor policy, to the county's labor negotiators stressing that the policies adopted in Labor Policy LAB 7-010 should be fully

achieved in the negotiations for a new bargaining agreement. Specifically, the letter called for the negotiations to contain the necessary provisions to allow "for the office to conduct independent investigations when deemed warranted by that office to ensure public confidence in our justice system, such as, but not limited to, cases involving fear of retaliation, conflict of interest, or the matter raising a critical issue of public trust and confidence."

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

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

8. 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, sheriff's office, and the guild on the best practices for civilian oversight before bargaining the next labor agreement. Any changes from this process would not be reflected until the period of the next collective bargaining agreement which would begin January 1, 2022, if negotiations are complete.

9. In the spring of 2020, all fifty states and the world, including King County, have seen demonstrations and other actions in support of the Black Lives Matter movement, where the participants are acknowledging

numerous unjust killings of Black persons, police violence against Black communities and disparate and discriminatory police practices when law enforcement officers interact with Black people when compared to White communities. Further, these groups acknowledge that police violence is also a significant problem for other non-White populations due to systematic racism. In King County, the demonstrations have been joined by the Native American community, Asian Pacific Islander community and many other communities who have been affected by police violence and disproportionately impacted by our criminal justice system. The worldwide demonstrations and other actions evidence a renewed urgency for meaningful community oversight of law enforcement agencies, where the agencies should be empowered to conduct fully transparent investigations and reviews of critical incidents, uses of force, and other serious matters, including the right to independently conduct investigations of all law enforcement personnel, and to use the investigatory tool of subpoenas, when needed, to ensure the completeness of investigations. The public has demanded, in light of the increased awareness and knowledge of these issues, that we take all steps necessary and appropriate to bring the support reforms to life as soon as possible.

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

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

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

((~~A.~~)) 1. 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 to achieve meaningful civilian oversight of law enforcement in King County,~~)) is directed to request that the King County Police Officer's Guild reopen negotiation of the existing collective bargaining agreement between the parties. If the guild consents to reopen negotiations, the county and the bargaining unit should engage in good faith discussions to amend the collective bargaining agreement to grant the office of law enforcement the right

to conduct independent investigations of all represented employees, including the use of subpoenas as part of any of its investigations as more fully set forth in this policy;

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

((~~H.~~)) 4. in the implementation of its investigative authority, the oversight office shall have the authority to independently investigate the conduct of law enforcement officers that has been the subject of a complaint and the use of force by county law enforcement officers regardless whether such use has been a subject of a complaint and will 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; and

((~~I.~~)) 5. the oversight office shall not participate in ongoing 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~~)) but would be allowed to conduct independent investigations after the criminal investigation is complete.

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

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