



**Signature Report**

1200 King County Courthouse  
516 Third Avenue  
Seattle, WA 98104

**March 28, 2017**

**Ordinance**

**Proposed No.** 2017-0139.1

**Sponsors** Gossett and Dembowski

1 AN ORDINANCE relating to the office of law enforcement  
2 oversight; amending Ordinance 15611, Section 2, as  
3 amended, and K.C.C. 2.75.010, Ordinance 15611, Section  
4 3, as amended, and K.C.C. 2.75.020, Ordinance 215611,  
5 Section 4, as amended, and K.C.C. 2.75.030, Ordinance  
6 15611, Section 5, as amended, and K.C.C. 2.75.040,  
7 Ordinance 15611, Section 8, as amended, and K.C.C.  
8 2.75.070 and Ordinance 1438, Section 3(c), as amended,  
9 and K.C.C. 2.16.060, adding new sections to K.C.C.  
10 chapter 2.75 and repealing Ordinance 15611, Section 6, as  
11 amended, and K.C.C. 2.75.050 and Ordinance 15611,  
12 Section 7, as amended, and K.C.C. 2.75.060.

**STATEMENT OF FACTS:**

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

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

21           3. The King County Code related to the office of law enforcement  
22           oversight and the department of public safety should be updated to reflect  
23           Section 265 of the King County Charter.

24           BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

27           The definitions in this section apply throughout this chapter unless the context  
28 clearly requires otherwise.

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

32           B. ~~"Director" means the director of the office of law enforcement oversight or the~~  
33 ~~director's designee.~~

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

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

38           E. ~~"Office" means the office of law enforcement oversight created under this~~  
39 ~~chapter.~~

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

42 G. ~~"Sustained complaint" means a complaint where, as the result of an~~  
43 ~~investigation, the allegation is supported by sufficient factual evidence and was a~~  
44 ~~violation of policy.)~~ "Administrative investigation" means an internal investigation of  
45 alleged misconduct by an employee.

46 B. "Certification review" means the monitoring and examination of an  
47 administrative investigation in order to determine whether the investigation was  
48 thorough, complete, accurate, timely, objective and in compliance with sheriff's office  
49 procedures, and that findings are consistent with the investigation and sheriff's office  
50 policies, rules, procedures, practices and general orders.

51 C. "Complaint" means any communication to the sheriff's office or the oversight  
52 office alleging possible misconduct by an employee.

53 D. "Concern" means any matter involving use of force or misconduct by an  
54 sheriff's office employee, or otherwise related to the sheriff's office operations, training,  
55 policies, rules, procedures, practices or general orders related to the work of the oversight  
56 office, that is not the subject of a complaint.

57 E. "Director" means the director of the office of law enforcement oversight or the  
58 director's designee.

59 F. "Employee" means the sheriff and any person whether paid, unpaid,  
60 temporary, permanent, intern, probationary, volunteer, appointed, non-appointed,  
61 commissioned or non-commissioned, who is employed or supervised by the sheriff's  
62 office.

63           G. "Finding" means a determination made at the conclusion of an administrative  
64 investigation of whether the alleged misconduct was or was not proved by the applicable  
65 standard of proof.

66           H. "Intake classification" means the decision made as to whether a complaint  
67 should be investigated, transferred to an employee's supervisor for follow-up or not acted  
68 upon. Intake classifications also identify each misconduct allegation and associated  
69 named employee or employees, whether the matter will be investigated by the sheriff's  
70 office or the oversight office and whether mediation or an alternative resolution is  
71 appropriate.

72           I. "Misconduct" means any violation of a law or a sheriff's office or other  
73 applicable policy, procedure, rule or regulation.

74           J. "Oversight office" means the office of law enforcement oversight.

75           K. "Sheriff's office" means the department of public safety, including all  
76 divisions and units of the department.

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

79           The office of law enforcement oversight is hereby established within the  
80 legislative branch, in accordance with Section 265 of the King County Charter. The  
81 office of law enforcement oversight is ~~((an investigative agency as that term is used in~~  
82 ~~RCW 42.56.240. The office's roles, responsibilities and authorities are prescribed in this~~  
83 ~~chapter. Decisions about the functions and implementation of the office should be the~~  
84 ~~result of a collaborative process that involves, at a minimum, the executive, the council,~~  
85 ~~the prosecuting attorney, the sheriff and the labor organizations that represent sheriff's~~

86 ~~office employees))~~ established to represent the interests of the public and increase  
87 confidence in King County police services through independent civilian oversight of the  
88 sheriff's office and all of its employees. The organization and administration of the  
89 oversight office shall be sufficiently independent to assure that no interference or  
90 influence external to the office shall adversely affect independent and objective review  
91 and analysis by the office. The office of law enforcement oversight is an investigative  
92 agency as that term is used in RCW 42.56.240.

93 SECTION 3. Ordinance 215611, Section 4, as amended, and K.C.C. 2.75.030 are  
94 each hereby amended to read as follows:

95 A. The director shall be appointed by a majority of the council to implement and  
96 manage the authorities of the oversight office.

97 B. The ~~((executive shall conduct))~~ director shall be selected by the council  
98 through a nationwide search ~~((for the director to identify candidates with the following~~  
99 ~~characteristics:~~

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

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

103 ~~3. Demonstrated leadership and a history of effective management and~~  
104 ~~administration;~~

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

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

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

119           B. ~~Candidates for appointment shall be selected by a committee of five members~~  
120 ~~that shall recommend three candidates for the director position to the council. The~~  
121 ~~selection committee shall be composed of: one member appointed by the King County~~  
122 ~~Police Officers' Guild; one member appointed by the Puget Sound Police Managers'~~  
123 ~~Association; one member appointed by the chair of the county council; and one member~~  
124 ~~appointed by the county executive. The fifth member shall be appointed by the other four~~  
125 ~~members. If none of the three recommended candidates has the support of a majority of~~  
126 ~~the council, the council may direct by motion the commencement of a new recruitment~~  
127 ~~and recommendation process)) through a merit-based selection process.~~

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

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

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

138 In order to ~~((ensure the integrity of the sheriff's complaint and investigations~~  
139 ~~processes and to ensure resolution of citizen and employee initiated complaints:~~

140 ~~A. The office shall receive complaints from any complaining party concerning~~  
141 ~~the sheriff's office, track complaints received and transmit the complaints to the internal~~  
142 ~~investigations unit;~~

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

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

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

150 ~~E. The office shall be notified by the internal investigations unit within five~~  
151 ~~business days of the completion of an internal investigation. The office, in addition to the~~  
152 ~~sheriff's office's written notice of finding letter to the complainant, may send a closing~~  
153 ~~letter to the complainant)) instill confidence and public trust in the fairness and integrity~~

154 of the police accountability system, the sheriff's office and its employees, the oversight  
155 office shall have the authority to:

156 A. Receive and consider complaints and concerns, and:

157 1. Refer the complaint to the sheriff's office with or without an intake  
158 classification recommendation; or

159 2. Conduct an investigation of the complaint or concern and transmit the  
160 associated review, analysis and findings to the sheriff and if the investigation is about the  
161 sheriff, to the council and executive;

162 B. Review, and agree with or make changes to all proposed intake classifications  
163 before the sheriff's office investigating or closing any complaint. The decision of the  
164 oversight office for intake classifications shall be final;

165 C. Conduct a certification review of any administrative investigation before the  
166 sheriff's office notifies the subject employee of the findings;

167 D. Review and make timely recommendations to the sheriff regarding any  
168 changes to sheriff's office policies, rules, procedures or general orders, before their  
169 implementation, unless the sheriff determines that urgent circumstances require  
170 implementation before such review and recommendations, in which case the oversight  
171 office shall provide recommendations following implementation;

172 E. Conduct systemic reviews and issue conclusions and recommendations to the  
173 sheriff regarding sheriff's office operations, training, policies, rules, procedures, practices  
174 or general orders related to the work of the oversight office;

175 F. Conduct outreach and engagement activities;



176 G. Develop and publish reports related to the work of the oversight office, trends  
177 in police practices and the complaint handling process. All reports published by the  
178 oversight office shall be electronically filed with the clerk of the council for distribution  
179 to all councilmembers;

180 H. Develop and publish an annual report that includes analyses,  
181 recommendations and conclusions relating to all phases of the sheriff's complaint  
182 handling process, related findings and final status of complaints; and

183 I. Review and, at the discretion of the oversight office, report on or conduct  
184 systemic reviews related to the findings of King County inquests involving a sheriff's  
185 office employee.

186 SECTION 5. The following are each hereby repealed:

187 A. Ordinance 15611, Section 6, as amended, and K.C.C. 2.75.050; and

188 B. Ordinance 15611, Section 7, as amended, and K.C.C. 2.75.060.

189 NEW SECTION. SECTION 6. There is hereby added to K.C.C. chapter 2.75 a  
190 new section to read as follows:

191 The oversight office is authorized to obtain all relevant information in a timely  
192 manner as necessary to fulfill the authorities of K.C.C. 2.75.040, including:

193 A. Access to all relevant employees, facilities, systems, documents, files, records,  
194 data, interviews, hearings, boards, trainings and meetings;

195 B. Access crime scenes and related follow-up investigations, in a manner so as to  
196 protect the integrity of the scene; and

197 C. Notification from the sheriff's office regarding the current status of all  
198 complaints as follows:

- 199           1. When a complaint is received;
- 200           2. When a complaint is given a proposed intake classification, but before the  
201 complaint is classified;
- 202           3. Of the date, time and location of any interview that is conducted as part of an  
203 administrative investigation;
- 204           4. When an administrative investigation is complete, but before the subject  
205 employee is notified by the sheriff's office of the findings;
- 206           5. When findings and recommendations are issued;
- 207           6. When and what discipline is recommended;
- 208           7. When any change in classification of a complaint is made; and
- 209           8. Completion of any additional investigative steps requested by the oversight  
210 office.

211           NEW SECTION. SECTION 7. There is hereby added to K.C.C. chapter 2.75 a  
212 new section to read as follows:

213           A. The oversight office may issue a subpoena to compel any person to appear,  
214 give sworn testimony or produce documentary or other evidence reasonable in scope and  
215 relevant to the matter under inquiry and limited to the matters associated with the  
216 authority granted under K.C.C. 2.75.040.A.2.

217           B. A person required by the oversight office to provide information shall be paid  
218 the same fees and allowances, in the same manner and under the same conditions, as are  
219 extended to witnesses whose attendance has been required in the courts of this state,  
220 excepting that city or county employees who are receiving compensation for the time that  
221 they are witnesses shall not be paid the set fees and allowances.

222 C. A person who, with or without service of compulsory process, provides oral or  
223 documentary information requested by the director shall be accorded the same privileges  
224 and immunities as are extended to witnesses in the courts of this state.

225 D. Any witness in a proceeding before the oversight office shall have the right to  
226 be represented by counsel.

227 E. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify  
228 when requested concerning any matter under examination or investigation at the hearing,  
229 the director may petition the superior court of King County for enforcement of the  
230 subpoena. The petition shall be accompanied by a copy of the subpoena and proof of  
231 service, and shall set forth in what specific manner the subpoena has not been complied  
232 with, and shall ask an order of the court to compel the witness to appear and testify before  
233 the oversight office. The court upon such a petition shall enter an order directing the  
234 witness to appear before the court at a time and place to be fixed in the order, and then  
235 and there to show cause why the witness has not responded to the subpoena or has  
236 refused to testify. A copy of the order shall be served upon the witness. If it appears to  
237 the court that the subpoena was properly issued and that the particular questions that the  
238 witness refuses to answer are reasonable and relevant, the court shall enter an order that  
239 the witness appear at the time and place fixed in the order and testify or produce the  
240 required papers and on failing to obey the order the witness shall be dealt with as for a  
241 contempt of court.

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

244 The oversight office, in collaboration with the sheriff's office, shall establish and  
245 administer a voluntary officer-citizen mediation or alternative dispute resolution program.  
246 The program shall provide ~~((an))~~ alternative methods to resolve citizen complaints by  
247 allowing willing citizens and officers to meet under the guidance of a professional  
248 mediator to otherwise discuss and resolve their differences. The oversight office and the  
249 sheriff's office shall establish standards and guidelines for determining when a particular  
250 complaint may be referred to mediation. ~~((Serious complaints are excluded from the use  
251 of mediation to resolve allegations. Prior to the complainant agreeing to utilize the  
252 mediation process to resolve the complaint, the office shall explain the mediation process  
253 to the complainant, including that if the officer participates in good faith, the officer will  
254 not be subject to discipline and the complaint will be administratively dismissed.))~~

255 SECTION 9. Ordinance 1438, Section 3(c), as amended, and K.C.C. 2.16.060 are  
256 each hereby amended to read as follows:

257 A. The department of public safety, as identified in the Section 350.20.40 of the  
258 King County Charter, and managed by the King County sheriff, may also be known and  
259 cited in the King County Code and in other usage as the office of the sheriff. Employees  
260 managed by the King County sheriff may be referred to in the King County Code or  
261 otherwise, as King County police, King County officer~~((s))~~ or deputy sheriff.

262 B. The department of public safety is responsible to keep and preserve the public  
263 peace and safety including the discharge of all duties of the office of sheriff under  
264 ~~((S))~~state law, except those duties relating to jails and inmates which are performed by  
265 other departments of county government. The functions of the department include:

266           1. Oversee a crime prevention program, investigate crimes against persons and  
267 property and arrest alleged offenders((-));

268           2. Execute the processes and orders of the courts of justice and all other  
269 mandated functions required by law((-));

270           3. In coordination with the office of emergency management, plan and  
271 coordinate resources for the public safety and welfare in the event of a major emergency  
272 or disaster((-));

273           4. Provide service and administrative functions which support but do not  
274 duplicate other governmental activities, and which have the potential to be fiscally self-  
275 supportive((-));

276           5. Investigate the origin, cause, circumstances and extent of loss of all fires, in  
277 accordance with RCW 43.44.050. Fire investigations shall be conducted under the  
278 direction of the fire investigation supervisor, who shall also be considered an assistant  
279 fire marshal for the purposes of chapter 43.44 RCW. The functions of the fire and arson  
280 investigation unit include, but are not limited to: investigation and determination of the  
281 origin and cause of fires; preparation of detailed informational, investigative and  
282 statistical reports; conducting criminal follow-up investigations, including detection,  
283 apprehension and prosecution of arson suspects; providing expert testimony in court for  
284 criminal and civil cases; maintenance of records of fires; preparation and submission of  
285 annual reports to the county sheriff and other entities as required by chapters 43.44 and  
286 48.50 RCW; and

287           6. Consistent with the office of law enforcement oversight carrying out its  
288 authorities as identified in Section 365 King County Charter and K.C.C. chapter 2.75:

289 a. provide the office of law enforcement oversight all relevant information in a  
290 timely manner, including:

291 (1) access to all relevant employees, facilities, systems, documents, files,  
292 records, data, interviews, hearings, boards, trainings and meetings;

293 (2) access to crime scenes and related follow-up investigations, in a manner so  
294 as to protect the integrity of the scene; and

295 (3) notifications regarding the current status of all complaints consistent with  
296 2.75.050.C.; and

297 b. proceed with sheriff's office complaint handling procedures based on the  
298 office of law enforcement oversight's concurrence with or changes to sheriff's office  
299 proposed intake classifications of complaints;

300 c. provide the oversight office with a reasonable opportunity to comment on all  
301 administrative investigations before notifying the subject employee of the findings;

302 d provide the oversight office with a reasonable opportunity to comment on all  
303 sheriff's office policies, rules, procedures or general orders before implementation;  
304 however, if the sheriff determines that urgent circumstances require implementation  
305 before receiving recommendations, the oversight office shall provide recommendations  
306 following implementation;

307 e. annually, after receiving a recommendation from the office of law  
308 enforcement oversight, establish or update pilot projects and policies and procedures for  
309 implementation of the authorities of K.C.C. chapter 2.75, including such things as  
310 timelines and processes for achieving K.C.C. 2.16.060.B.6.a., b., c. and d., and records  
311 management and controls.

312 C. The sheriff, to carry out the duties under subsection B. of this section, may  
313 establish the functions for the following divisions:

- 314 1. Office of the sheriff;
- 315 2. Patrol operations division;
- 316 3. Support services division;
- 317 4. Criminal investigation division;
- 318 5. Professional standards division;
- 319 6. Sound Transit division, which provides services to the Central Puget Sound  
320 Regional Transit Authority; and
- 321 7. Metro Transit division, which provides services to the King County  
322 department of transportation, transit division.

323 SECTION 10. A. Any provision of this ordinance that would establish a working  
324 condition that is a mandatory subject of collective bargaining shall not apply to members  
325 of any bargaining unit until the county has satisfied its bargaining obligation with respect  
326 to the provision.

327 B. In the event of a conflict between the provisions of this ordinance and a

328 collective bargaining agreement, the provisions of the collective bargaining agreement  
329 shall govern for those affected employees.  
330

KING COUNTY COUNCIL  
KING COUNTY, WASHINGTON

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J. Joseph McDermott, Chair

ATTEST:

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Melani Pedroza, Acting Clerk of the Council

APPROVED this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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Dow Constantine, County Executive

**Attachments:** None