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Title: AN ORDINANCE relating to oversight of the sheriff's office; adding a new chapter to K.C.C. Title 2 and adding a new section to K.C.C. chapter 2.36.

Sponsors: Larry Phillips

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AN ORDINANCE relating to oversight of the sheriff's office; adding a new chapter to K.C.C. Title 2 and adding a new section to K.C.C. chapter 2.36.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Sections 2 through 8 should constitute a new chapter in K.C.C. Title 2.

NEW SECTION. SECTION 2. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

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

B. "Critical incident" means:

1. An officer-involved shooting resulting in death or injury;
2. The use of force resulting in death or serious bodily injury;
3. An in-custody death;
4. A vehicular pursuit resulting in death or serious bodily injury;

5. A traffic collision involving an officer resulting in death or serious bodily injury; or
6. Any incident of workplace violence.

C. "Director" means the director of the office of independent oversight.

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

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

F. "Office" means the office of independent oversight created under this chapter.

G. "Serious complaint" means allegations that could be cause for dismissal, including: false reporting; dishonesty; criminal conduct; taking or giving a bribe; inducing someone to commit a crime; failing to cooperate in an investigation; conviction of a crime precluding possession of a firearm; discrimination; or harassment.

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

NEW SECTION. SECTION 3. The office of independent oversight is hereby established within the legislative branch. The office shall have four full-time staff members, which include a director, an investigator and two support staff. The office's roles, responsibilities and authorities are prescribed in this chapter. Decisions about the functions and implementation of the office should be the result of a collaborative process that involves, at a minimum, the executive, the council, the prosecuting attorney, the sheriff and the labor organizations that represent sheriff's office employees.

NEW SECTION. SECTION 4. The director shall be appointed by the executive and confirmed by the council. The executive shall conduct a search for the director to identify candidates with the following characteristics:

1. A reputation for integrity and professionalism, as well as the ability to maintain a high standard of

integrity in the office;

2. An understanding of and a commitment to the responsibilities of the office;
3. Demonstrated leadership and a history of effective management and administration;
4. The ability to gain the trust and respect of sheriff's office employees;
5. The ability to work effectively with the executive, council, prosecuting attorney and sheriff, as well

as other public agencies, labor organizations, private organizations and citizens;

6. An openness to innovation and new ideas;

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

8. The ability to work effectively under pressure, with common sense and a sense of humor; and

9. No history of employment in the sheriff's office.

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

NEW SECTION. SECTION 5. The office, in order to ensure the integrity of the sheriff's complaint and investigations processes and to ensure resolution of citizen complaints, shall:

A. Shall receive complaints from any source concerning the sheriff's office;

B. Shall monitor, check for completeness and require additional investigation as necessary of all formal internal investigations unit activities, including administrative and employee-initiated complaint investigations;

C. May monitor, check for completeness, evaluate the resolution of and require additional investigation as necessary of all other complaints including those assigned to supervisors for investigation and resolution; and

D. May review and make recommendations to the internal investigations unit about the screening and

classification of complaints, as well as make recommendations to the sheriff about screening and classification policies and procedures.

NEW SECTION. SECTION 6. The office, in order to ensure transparency to the sheriff's discipline and complaint handling processes and guarantee adequate information is made available to maintain public confidence, shall also:

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

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

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

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

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

NEW SECTION. SECTION 7. In order to oversee misconduct investigations, the office shall have:

A. Unimpeded and real-time access to unredacted case information and all information related to ongoing investigation files, treating all documents and information regarding specific investigations or officers

as required by law. The only exception to this subsection is files related to ongoing criminal investigations;

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

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

D. The option to consult with command staff as to the command staff's own review and recommendations regarding a particular investigation; and

E. The option to submit recommendations regarding findings and discipline directly to the sheriff before a final decision on misconduct cases.

NEW SECTION. SECTION 8. The office, in collaboration with the sheriff's office, shall establish and administer a voluntary officer-citizen mediation program. The program shall provide an alternative method to resolve citizen complaints by allowing willing citizens and officers to meet under the guidance of a professional mediator to discuss and resolve their differences. Serious complaints are excluded from the use of mediation to resolve allegations.

NEW SECTION. SECTION 9. There is hereby added to K.C.C. chapter 2.36 a new section to read as follows:

A. Using the process prescribed in K.C.C. 2.28.0015, the executive shall appoint, subject to council confirmation, a citizens' committee on independent oversight to advise the director of the office of independent

oversight, which is created under K.C.C. chapter 2.-(sections 2 through 8 of this ordinance), on policies, procedures and practices relating to officer misconduct, discipline and other responsibilities of the director of the office of independent oversight.

B. The committee shall include nine members of the public who represent the geographic, ethnic and economic diversity of the sheriff's service area. The committee members shall be appointed for three-year terms, subject to reappointment for additional terms. The terms shall be staggered with initial terms of one year for members nominated for council districts one, four and seven, two years for members nominated for council districts two, five and eight, and three years for members nominated for council districts three, six and nine.

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

1. Misconduct and discipline policies, procedures and practices of the sheriff's office;
2. Policies, procedures and practices related to other responsibilities of the director of the office of independent oversight; and
3. Public perceptions of the sheriff, the sheriff's deputies and their roles and functions in the community.

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

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

SECTION 10. A. The executive shall provide to the council monthly reports on the progress in the selection process until a director of the office of independent oversight is confirmed. After the director is confirmed, and until March 1, 2008, the director shall provide to the council monthly reports on the status of establishing and activities of the office, including the status of development of complaint receipt, tracking and

investigation procedures and processes, the identification of needed data tracking systems or support and any recommendations for further legislation needed by the office to perform its duties. Twelve copies of each report required under this section shall be filed with the clerk of the council, for distribution to all councilmembers.

B. The director shall reconvene the King County sheriff's blue ribbon panel in accordance with Motion 12337, by December 2007.

none