



Legislation Text

File #: 2009-0260, **Version:** 2

AN ORDINANCE relating to oversight of the sheriff's office; conforming with the collective bargaining agreement and memorandum of agreement negotiated by and between King County and King County Police Officers Guild representing employees in the King County sheriff's office approved and adopted in Ordinance 16327; amending Ordinance 15611, Section 2, and K.C.C. 2.75.010, Ordinance 15611, Section 3, and K.C.C. 2.75.020, Ordinance 15611, Section 4, and K.C.C. 2.75.030, Ordinance 15611, Section 5, and K.C.C. 2.75.040, Ordinance 15611, Section 6, and K.C.C. 2.75.050, Ordinance 15611, Section 7, and K.C.C. 2.75.060, Ordinance 15611, Section 8, and K.C.C. 2.75.070, Ordinance 15611, Section 9, and K.C.C. 2.36.050, Ordinance 15611, Section 10, and K.C.C. 2.20.037 and Ordinance 15611, Section 11.

STATEMENT OF FACTS:

1. The metropolitan King County council is charged with the responsibility of providing oversight to all county agencies and departments, including the sheriff's office.
2. The council exercises its responsibilities for providing 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. The county auditor and ombudsman are just two of the offices that facilitate independent county oversight.
3. In 2005 and 2006, a series of local news articles questioned the sheriff's systems for investigating allegations of misconduct and citizen complaints. The articles also called into

question the sheriff's system for disciplining deputies and other sheriff's employees.

4. The sheriff's office has systems for addressing citizen complaints and allegations of employee misconduct, but unlike many other jurisdictions, the county has no independent civilian oversight agency dedicated to the oversight of law enforcement. Most large jurisdictions, and many small ones, have implemented a variety of models for civilian oversight of alleged law enforcement officer misconduct. For example, the city of Seattle has established an office of professional accountability to monitor misconduct allegations within the Seattle police department.

5. Recognizing the need to bolster public confidence and to ensure proper oversight is exercised, the council began deliberations on legislation that would implement civilian oversight of the sheriff's office. The council's law, justice, and human services committee held ten separate hearings on the issues associated with civilian oversight of law enforcement. The council members heard testimony from representatives of the sheriff's internal investigations unit, the ombudsman/office of citizen complaints, 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. Council members also visited jurisdictions that have established successful systems for civilian oversight.

6. 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 reported to the law, justice and human services committee and to the committee of the whole. 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.

7. As a result of the law, justice and human services committee's six-month long efforts, 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.

8. 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 sheriff's office and offer recommendations for reform.

9. Subsequently, the King County Police Officers Guild filed an unfair labor practice charge against King County.

10. 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 dismissed its unfair labor practice charge against the County.

11. 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.

12. The new collective bargaining agreement required King County to repeal most of Ordinance 15611.

13. 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.

14. The council continues to recognize that there is still a need for civilian oversight of the

sheriff's office and an organization within county government that will monitor ongoing investigations of misconduct, help resolve cases, implement methods for increasing the level of public trust and transparency and identify systemic issues within sheriff's office and offer recommendations for reform.

15. Therefore, the council seeks through this ordinance, to establish a system of civilian oversight in accordance with the existing labor agreement.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

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

~~((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 law enforcement 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 law enforcement oversight created under this chapter.~~

~~G. "Serious complaint" means allegations of serious misconduct as defined in the Sheriff's Office General Operating Manual (G.O.M. 3.00.015) as currently written or hereinafter amended. These are 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.)) 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. "Director" means the director of the office of law enforcement oversight or the director's designee.

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

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

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

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

G. "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.

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

~~((The office of law enforcement oversight is hereby established within the legislative branch. The office~~

~~of law enforcement oversight is an investigative agency as that term is used in RCW 42.56.240. 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. It is the intent of the council that the office shall be colocated with the sheriff's investigative staff in order to perform the duties described in this ordinance.))~~ The office of law enforcement oversight is hereby established within the legislative branch. The office of law enforcement oversight is an investigative agency as that term is used in RCW 42.56.240. 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.

SECTION 3. Ordinance 15611, Section 4, and K.C.C. 2.75.030 are each hereby amended to read as follows:

~~((A. The director shall be appointed by the executive and confirmed by the council. The executive shall conduct a nationwide 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 controversial issues and the ability to effectively communicate with diverse groups;~~

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

~~10. The selected director must pass a complete criminal background check and polygraph prior to confirmation.~~

~~B. 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 by the county council for reappointment at the end of each term of office.~~

~~C. The director, with consultation of the council, may employ investigators, staff assistants, clerical personnel or use the services of consultants as may be necessary for conduct of the office's duties. These employees and/or contractors must pass a complete criminal background check and polygraph prior to employment.))~~

A. The director shall be appointed by the executive and confirmed by the council. The executive shall conduct a nationwide 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 controversial issues and the ability to effectively communicate with diverse groups;

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

10. A history that includes the establishment of a reputation for even-handedness and fairness in dealing with both complainants and regulated parties; and

11. The selected director must pass a complete criminal background check prior to confirmation.

B. Candidates for appointment shall be selected by a committee of five members that shall recommend three candidates for the director position to the executive, one of which must be selected. The selection committee shall be composed of: one member appointed by the King County Police Officers' Guild; one member appointed by the Puget Sound Police Managers' Association; one member appointed by the chair of the county council; and one member appointed by the county executive. The fifth member shall be appointed by the other four members.

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 by the county council for reappointment at the end of each term of office.

D. The director, with consultation of the council and within the amount available or budgeted by appropriation, may employ staff or use the services of consultants as may be necessary for conduct of the office's duties. These employees or contractors must pass a complete criminal background check before employment.

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

~~((The office, in order to ensure the integrity of the sheriff's complaint and investigations processes and~~

~~to ensure resolution of citizen and employee initiated complaints:~~

~~A. Shall receive complaints from any source concerning the sheriff's office, track complaints received, and transmit the complaints to the internal investigations unit;~~

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

~~C. May monitor, check for completeness, evaluate the resolution of and require additional investigation as necessary of all other complaints and allegations including those assigned by the internal investigations unit 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. In addition, may monitor the complaint intake process and evaluate decisions whether a complaint requires initiation of a formal internal investigation or assignment to supervisors for investigation and resolution.)) In order to ensure the integrity of the sheriff's complaint and investigations processes and to ensure resolution of citizen and employee initiated complaints:~~

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

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

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

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

E. The office shall be notified by the internal investigations unit within five business days of the completion of an internal investigation. The office, in addition to the sheriff's office's written notice of finding letter to the complainant, may send a closing letter to the complainant.

SECTION 5. Ordinance 15611, Section 6, and K.C.C. 2.75.050 are each hereby amended to read as follows:

~~((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. 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:~~

~~1. 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~~

~~2. 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.))~~ The

office, in order to ensure transparency to the sheriff's discipline and complaint handling processes and

guarantee adequate information is made available to the office in order 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. Issue annual reports, beginning March 1, 2010. 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:

1. 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 in which the director did not certify that the investigation was thorough and objective; and

2. 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.

SECTION 6. Ordinance 15611, Section 7, and K.C.C. 2.75.060 are each hereby amended to read as follows:

~~((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 investigations of deputies~~

~~or other sheriff's staff who are under criminal investigation. Upon completion of the criminal investigation and resolution of the any criminal matter, the office shall review the case files in order to determine whether a disciplinary investigation should be initiated;~~

~~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 or the appropriate supervisor as to the command staff's or supervisor's own review and recommendations regarding a particular investigation, including proposed discipline; and~~

~~E. The option to submit recommendations regarding findings and discipline directly to the sheriff before a final decision on misconduct cases.))~~ In order to oversee misconduct investigations:

A. The office shall have unimpeded and real-time access to unredacted case information and all information related to ongoing investigation files. The only exception to this subsection is files related to ongoing investigations of deputies or other sheriff's staff who are under criminal investigation. The office shall protect all documents and information regarding specific investigations or officers as required by law;

B. The internal investigations unit shall notify the office of all administrative interviews on all complaints of a serious matter, which are complaints that could lead to suspension, demotion or discharge, and

all complaints originating from the office. A single office representative may attend and observe interviews and shall be given the opportunity to ask questions that are within the scope of permissible investigative questioning after the completion of questioning by the sheriff's office;

C. The office shall not participate in criminal investigations of sheriff's office employees in any way and shall not be notified of any part of the criminal investigation until the criminal investigation is concluded. At that point, the file shall be provided to the office;

D. Upon completion of internal investigations, the unit shall forward a complete copy of the case file to the office for review. The director shall determine, in writing, whether the investigation was thorough and objective;

E. As a part of the review process, if the director believes that additional investigation is needed on issues material to the outcome, the director shall request that further investigative work be completed. If there is any dispute between the assigned investigator or investigators and the office regarding the necessity, practicality or materiality of the requested additional investigation, the unit commander shall determine whether additional investigation will be undertaken. If the director is not satisfied with the determination of the unit commander, the matter shall be submitted to the sheriff for review. If the director is not satisfied with the determination of the sheriff, the matter shall be resolved by the executive, whose decision shall be final. Once the matter has been referred to and resolved by the executive, the investigation shall be completed consistent with the determination by the executive;

F. After completion of the additional investigation, or the conclusion that no further investigation will be undertaken, the office shall certify whether or not, in the opinion of the director, the internal investigation was thorough and objective. The determination shall be made within five business days;

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

SECTION 7. Ordinance 15611, Section 8, and K.C.C. 2.75.070 are each hereby amended to read as follows:

~~((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. The office and the sheriff's office shall establish standards and guidelines for determining when a particular complaint may be referred to mediation. Serious complaints are excluded from the use of mediation to resolve allegations.))~~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. The office and the sheriff's office shall establish standards and guidelines for determining when a particular complaint may be referred to mediation. Serious complaints are excluded from the use of mediation to resolve allegations. Prior to the complainant agreeing to utilize the mediation process to resolve the complaint, the office shall explain the mediation process to the complainant, including that if the officer participates in good faith, the officer will not be subject to discipline and the complaint will be administratively dismissed.

SECTION 8. Ordinance 15611, Section 9, and K.C.C. 2.36.050 are each hereby amended 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 2.75, 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 eleven members of the public who represent the geographic, ethnic and economic diversity of the sheriff's service area. The committee shall consist of three members representing~~

~~cities that contract with the sheriff for law enforcement services, four of the members shall represent unincorporated King County, and the four members shall be selected at-large. The committee members shall be appointed for three-year terms, subject to reappointment for additional terms.~~

~~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.))~~

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 law enforcement oversight, which is created under K.C.C. chapter 2.75, on policies, procedures and practices relating to officer misconduct, discipline and other responsibilities of the director of the office of law enforcement oversight.

B. The committee shall include eleven members of the public who represent the geographic, ethnic and economic diversity of the sheriff's service area. The committee shall consist of three members representing cities that contract with the sheriff for law enforcement services, four members shall represent unincorporated King County and four members shall be selected at-large. The committee members shall be appointed for three

-year terms, subject to reappointment for additional terms.

C. The committee shall make recommendations to the director 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 law enforcement 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 law enforcement 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 law enforcement oversight's responsibilities.

E. The committee shall not review or advise the director of the office of law enforcement oversight on individual complaints, investigations or disciplinary actions.

SECTION 9. Ordinance 15611, Section 10, and K.C.C. 2.20.037 are each hereby amended to read as follows:

~~((A. The auditor shall establish a permanent ongoing law enforcement audit process.~~

~~B. The auditor shall acquire an outside law enforcement expert to conduct an initial audit of the sheriff's office internal investigation operations and practices and subsequently thereafter provide for periodic review of the sheriff's office. These reviews should include at a minimum an annual written report to the council.~~

~~C. The auditor shall assess and review reports and recommendations from the office of law enforcement oversight that provide council directed oversight of the sheriff's office internal investigation unit. The auditor shall also review the effectiveness of the office of law enforcement oversight and make recommendations for reform when necessary.~~

~~D. The sheriff's office shall send any audits and reports produced under the sheriff's authority on~~

~~investigation and complaint operations and performance to the King County auditor's office. The reports shall be transmitted in a timely manner. The county auditor shall review and consider the findings and recommendations of, and the sheriff's responses to, these reports when planning the auditor's annual work program for the review of the council, and shall conduct audits of internal investigation and complaint resolution operations as mandated in the auditor's annual work program. The auditor's independent authority to audit the sheriff's office shall not be replaced or otherwise affected by the creation of any audit or similar function within the sheriff's office.~~

~~E. To accomplish the purposes of this section, the auditor shall either hire qualified personnel with expertise in law enforcement oversight or contract for independent consulting services with appropriate expertise, or both.))~~

A. The county auditor shall establish a permanent ongoing law enforcement audit process.

B. The auditor shall acquire an outside law enforcement expert to conduct an initial audit of the sheriff's office internal investigation operations and practices and subsequently thereafter provide for periodic review of the sheriff's office. These reviews should include at a minimum an annual written report to the council.

C. The auditor shall assess and review reports and recommendations from the office of law enforcement oversight that provide council-directed oversight of the sheriff's office internal investigation unit. The auditor shall also review the effectiveness of the office of law enforcement oversight and make recommendations for reform when necessary.

D. The sheriff's office shall send any audits and reports produced under the sheriff's authority on investigation and complaint operations and performance to the auditor's office. The reports shall be transmitted in a timely manner. The auditor shall review and consider the findings and recommendations of, and the sheriff's responses to, these reports when planning the auditor's annual work program for the review of the council and shall conduct audits of internal investigation and complaint resolution operations as mandated in the auditor's annual work program. The auditor's independent authority to audit the sheriff's office shall not be

replaced or otherwise affected by the creation of any audit or similar function within the sheriff's office.

E. To accomplish the purposes of this section, the auditor shall either hire qualified personnel with expertise in law enforcement oversight or contract for independent consulting services with appropriate expertise, or both.

SECTION 10. Ordinance 15611, Section 11, is hereby amended to read as follows:

~~((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 the 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, systems for ensuring the confidentiality of investigatory information, 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.))~~ After the director is confirmed, and until the first annual report is submitted, the director shall provide to the council monthly reports on the status of establishing the 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, systems for ensuring the confidentiality of investigatory information 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.

SECTION 11. This ordinance is not intended to conflict with any applicable King County collective bargaining agreement approved by the council. In the event of any

conflict between the ordinance and a collective bargaining agreement, the provisions of the agreement shall prevail.