



## Legislation Text

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Clerk 07/21/2015

AN ORDINANCE providing for the submission to the qualified electors of King County at a special election to be held in King County on November 3, 2015, a proposition to amend Section 898 of the King County Charter and add a new Section 265 to the King County Charter, establishing a charter-based civilian office of law enforcement oversight, providing the office with appropriate authority to carry out its duties and establishing a charter-based citizen advisory committee on law enforcement oversight, making the county executive, in consultation with the county sheriff, the county's bargaining agent concerning civilian oversight of law enforcement; and appointing a committee to write the voters pamphlet statement for the November 3, 2015, special election.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

**SECTION 1. Findings:**

A. In a democratic society, effective civilian oversight of law enforcement is essential. To protect the fundamental freedoms of all citizens, police are granted the power to detain and use force against some individuals, but there is potential for that power to be abused. Civilian oversight is a safeguard against such abuse.

B. The creation and maintenance of an independent civilian office of law enforcement oversight is a crucial means of assuring integrity, transparency and accountability in law enforcement and of fostering community trust in, and respect and support for, the King County sheriff and the department of public safety.

C. By its independent and objective review, a civilian office of law enforcement oversight serves not only to identify police misconduct when it has occurred, but also to reassure citizens and maintain the positive reputations of law enforcement officers when allegations of misconduct are unfounded.

D. To be effective, an office of law enforcement oversight must, at a minimum, have authority to: investigate, review, and analyze conduct of law enforcement officers that has been the subject of a complaint and the use of force by county law enforcement officers regardless of whether it has been the subject of a complaint; and review and analyze internal investigations conducted and disciplinary action taken by the department of public safety regarding that conduct or use of force. The authority of the office should also include: the preparation and publication of findings, conclusions and recommendations related to the office's oversight of the department of public safety.

E. An additional vital function of an office of law enforcement oversight is to reach out to the community, listening and responding to questions and concerns that are raised and helping to foster communication and understanding between the community and the sheriff's office.

F. To do its job, an office of law enforcement oversight must have timely access to all relevant information.

G. To exercise independent judgment, the director of an office of law enforcement oversight must not fear removal from office prior to expiration of the director's term of office, except for cause by a majority vote of the county council.

H. Civilian oversight of law enforcement is a fundamental principle that should be enshrined in the King County Charter.

I. The county council has already established by ordinance a civilian office of law enforcement oversight in K.C.C. chapter 2.75 and a citizens' advisory committee on law enforcement oversight in K.C.C. 2.36.050. This proposed charter amendment is not intended to dissolve those entities or to require readoption of existing code provisions that are consistent with this proposed amendment, but rather is intended to provide

the office and the committee with a foundation in the county Charter as well as the county code and to set forth the essential authority of the office and the committee.

J. K.C.C. chapter 1.10 provides for the publication and distribution of local voters pamphlets in conformity with the provisions of chapter 29A.32 RCW for elections held in King County.

K. RCW 29A.32.280 provides that for each measure from a jurisdiction that is included in a local voters pamphlet, the legislative authority of that jurisdiction shall formally appoint a committee to prepare arguments advocating voter approval of the measure and a committee to prepare arguments advocating voter rejection of the measure.

SECTION 2. There shall be submitted to the qualified voters of King County for their approval and ratification or rejection at a special election to be held in conjunction with the general election on November 3, 2015, the addition of a new Section 265 and an amendment to Section 898 to the King County Charter, as follows:

**Section 265. Office of Law Enforcement Oversight.**

The county council shall establish by ordinance an office of law enforcement oversight, which shall be a part of the legislative branch. The office shall have a director who is appointed by a majority of the county council to serve a term of four years and until a successor is appointed. The director may be removed from office at any time for cause by a majority of the county council.

The authority of the office of law enforcement oversight shall be prescribed by ordinance and should include: investigation, review and analysis of conduct of county law enforcement officers that has been the subject of a complaint and the use of force by county law enforcement officers regardless of whether it has been the subject of a complaint; and review and analysis of internal investigations conducted and disciplinary action taken by the department of public safety regarding that conduct or use of force. The authority of the office should also include: the preparation and publication of findings, conclusions and recommendations related to

the office's oversight of the department of public safety; and community outreach concerning the department of public safety and the office of law enforcement oversight.

To enable the office of law enforcement oversight to exercise its authority effectively, the office shall be authorized by ordinance to obtain all relevant information, including authority to review and copy relevant department of public safety files, inspect crime scenes, conduct interviews and participate in internal investigations and review hearings.

The county council shall establish by ordinance an advisory committee for law enforcement oversight to review, advise and report on the office of law enforcement oversight in a manner that may be prescribed by ordinance. The committee shall also advise the sheriff and the council on matters of equity and social justice related to law enforcement. The committee may also advise the sheriff and the council on systemic problems and opportunities for improvement in the law enforcement practices of the department of public safety. The county council shall prescribe by ordinance the committee's membership, qualifications, and rules and procedures, and the process for appointment of committee members, and may prescribe by ordinance additional duties of the committee.

### **Section 898 Department of Public Safety Employee Collective Bargaining.**

The county council may enact an ordinance providing for collective bargaining by the county with employees of the department of public safety. The county executive shall not have veto power over this ordinance. If such an ordinance is enacted, it shall designate the county sheriff as the bargaining agent of the county on all department of public safety matters except for compensation and benefits, which shall be negotiated by the county executive as provided in Section 890 of this charter, and civilian oversight of law enforcement, which shall be negotiated by the county executive in consultation with the county sheriff. Any agreement reached as a result of negotiations by the county sheriff or the county executive with employees of the department of public safety shall not have the force of law unless enacted by ordinance.

### **SECTION 3. Call for special election.** In accordance with RCW 29A.04.321, the King County

council hereby calls for a special election to be held in conjunction with the general election on November 3, 2015, to consider a charter amendment as described in this ordinance. The King County director of elections shall cause notice to be given of this ordinance in accordance with the state constitution and general law and to submit to the qualified electors of the county, at the said special county election, the proposition hereinafter set forth. The clerk of the council shall certify that proposition to the King County director of elections in substantially the following form, with such additions, deletions or modifications as may be required by the prosecuting attorney:

Shall the King County Charter be amended to establish a charter-based civilian office of law enforcement oversight, to provide the office with appropriate authority to carry out its duties, to establish a charter-based citizen advisory committee on law enforcement oversight and to make the county executive, in consultation with the county sheriff, the county's bargaining agent concerning civilian oversight of law enforcement?

SECTION 4. The county director of elections is hereby authorized and requested to prepare and distribute a local voters pamphlet, pursuant to K.C.C. 1.10.010, for the special election called for in this ordinance, the cost of the pamphlet to be included as part of the cost of the special election.

SECTION 5. Pursuant to RCW 29A.32.280, the following individuals are appointed to serve on the voters pamphlet committees, each committee to write a statement for or against the proposed levy:

FOR	AGAINST