

***Note: this ordinance was passed in April 2017. Some portions of it are subject to collective bargaining with the King County Police Officers Guild and OLEO's authorities may be limited by that process. ***

King County Code 2.75 LAW ENFORCEMENT OVERSIGHT

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2.75.010 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. "Administrative investigation" means an internal investigation of alleged misconduct by an employee.

B. "Certification review" means the monitoring and examination of an administrative investigation in order to determine whether the investigation was thorough, complete, accurate, timely, objective and in compliance with sheriff's office procedures.

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

D. "Concern" means any communication to the oversight office about a matter that is related to the work of the oversight office and is not the subject of a complaint.

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

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

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

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

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

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

K. "Sheriff's office" means the department of public safety, including all divisions and units of the department. (Ord. 18500 § 1, 2017: Ord. 16511 § 1, 2009: Ord. 15611 § 2, 2006).

2.75.020 Office of law enforcement oversight – established - purposes. The office of law enforcement oversight is hereby established within the legislative branch, in accordance with Section 265 of the King County Charter. The office of law enforcement oversight is established to represent the interests of the public and increase confidence in King County police services through independent civilian oversight of the sheriff's office and all of its employees. The organization and administration of the oversight office shall be sufficiently independent to assure that no interference or influence external to the office shall adversely affect independent and objective review and analysis by the office. The office of law enforcement oversight is an investigative agency as that term is used in RCW 42.56.240. (Ord. 18500 § 2, 2017: Ord. 16511 § 2, 2009: Ord. 15611 § 3, 2006).

2.75.030 Director of office of law enforcement oversight.

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

B. The director shall be selected by the council through a nationwide search through a merit-based selection process.

C. The selected director must pass a complete criminal background check before confirmation.

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

E. The director, consistent with the Organizational Motion of the council and within the resources available or budgeted by appropriation, may employ staff or use the services of consultants as may be necessary for conduct of the oversight office's duties. (Ord. 18500 § 3, 2017: Ord. 18235 § 2, 2016: Ord. 16511 § 3, 2009: Ord. 15611 § 4, 2006).

2.75.040 Office of law enforcement oversight - powers and duties. In order to instill confidence and public trust in the fairness and integrity of the police accountability system, the sheriff's office and its employees, the oversight office shall have the authority to:

A. Receive and consider complaints and concerns, and:

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

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

B. Review, and agree with or recommend changes to all proposed intake classifications before the sheriff's office investigates or closes any complaint;

C. Conduct a certification review of any administrative investigation before the sheriff's office issues the findings. Additionally, the oversight office may review and make recommendations related to the proposed findings;

D. Review and make timely recommendations to the sheriff regarding changes to sheriff's office policies, rules, procedures or general orders. It is the policy of the county that the sheriff consult with the oversight office before implementing changes to all general orders, as well as policies and procedures relating to administrative investigations and reviews, unless prior implementation is deemed necessary to address urgent circumstances;

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

F. Conduct community outreach and engagement activities;

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

H. Develop and, by June 1 of each year, transmit an annual report and a motion accepting the report to the clerk of the council for distribution to all councilmembers. The annual report shall include analyses, recommendations and conclusions relating to all phases of the sheriff's complaint handling process, related findings and final status of complaints; and

I. Review and, at the discretion of the oversight office, report on or conduct systemic reviews related to the findings of King County inquests involving a sheriff's office employee. (Ord. 18500 § 4, 2017: Ord. 16511 § 4, 2009: Ord. 15611 § 5, 2006).

2.75.045 Office of law enforcement oversight – authority to obtain information. The oversight office is authorized to obtain all relevant information in a timely manner as necessary to fulfill the authorities of K.C.C. 2.75.040, including:

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

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

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

1. When a complaint is received;

2. When a complaint is given a proposed intake classification, but before the complaint is classified, or when a change in the classification of a complaint is made;

3. Of the date, time and location of any interview that is conducted as part of an administrative investigation;

4. When an administrative investigation, and any additional investigative steps requested by the oversight office, is complete, but before the subject employee is notified by the sheriff's office of the findings;

5. When findings and recommendations are issued; and

6. When and what discipline is recommended in writing. (Ord. 18500 § 6, 2017).

2.75.055 Office of law enforcement oversight – subpoena – payments to persons required to provide information – privileges of persons providing information – right to counsel – enforcement of subpoena.

A. The oversight office may issue a subpoena 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.

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

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

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

E. If a person fails to obey a subpoena, or obeys a subpoena but refuses to testify when requested concerning any matter under examination or investigation at the hearing, the director may petition the superior court of King County for enforcement of the subpoena. The petition shall be accompanied by a copy of the subpoena and proof of service, and shall set forth in what specific manner the subpoena has not been complied with, and shall ask an order of the court to compel the witness to appear and testify before the oversight office. The court upon such a petition shall enter an order directing the witness to appear before the court at a time and place to be fixed in the order, and then and there to show cause why the witness has not responded to the subpoena or has refused to testify. A copy of the order shall be served upon the witness. If it appears to the court that the subpoena was properly issued and that the particular questions that the witness refuses to answer are reasonable and relevant, the court shall enter an order that the witness appear at the time and place fixed in the order and testify or produce the required papers and on failing to obey the order the witness shall be dealt with as for a contempt of court. (Ord. 18500 § 7, 2017).

2.75.070 Mediation or alternative dispute resolution program. The oversight office, in collaboration with the sheriff's office, shall establish and administer a voluntary mediation or alternative dispute resolution program. The program shall provide alternative methods to resolve complaints by allowing willing citizens, employees and officers to meet under the guidance of a professional mediator to otherwise discuss and resolve their differences. The oversight office and the sheriff's office shall establish standards and guidelines for determining when a particular complaint may be referred to mediation. (Ord. 18500 § 8, 2017; Ord. 16511 § 7, 2009; Ord. 15611 § 8, 2006).