Report of the King County Sheriff's Blue Ribbon Panel

Progress Report

King County, Washington

January 28, 2008

King County Sheriff's Blue Ribbon Panel Members

Randy Revelle, Chair

Faith Ireland, Vice Chair

Anthony Anderson

David Boerner

Michael O'Mahony

Wilson Edward Reed

Jennifer Shaw

Richard K. Smith

Patricia H. Stell

David Eugene Wilson

"The police are the public and the public are the police."

- Sir Robert Peel, upon establishment of the Metropolitan London Police,1829

For more information or copies of the report, visit the King County Sheriff's Blue Ribbon Panel website:

http://www.metrokc.gov/sheriff/sheriff/blueribbon/

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To: Ron Sims, King County Executive
Metropolitan King County Councilmembers
Dan Satterberg, King County Prosecuting Attorney
Sue Rahr, King County Sheriff

From: Members, King County Sheriff's Blue Ribbon Panel

RE: Progress Report

Enclosed for your consideration and action is the Progress Report of the King County Sheriff's Blue Ribbon Panel. Our original charge was to review and research policies, procedures, and management systems for addressing employee misconduct and discipline in the Sheriff's Office; to gain an understanding of best management practices in other police departments and their applicability to the Sheriff's Office; and to make recommendations to you for improvements to the accountability system for misconduct and discipline.

We fulfilled our charge by delivering our final report to you on September 11, 2006. In an effort to facilitate and advocate for implementation of our recommendations, our 2006 report included a proposal that the panel be reconvened no later than December 2007 to review and report on the progress achieved towards implementing our recommendations.

The Blue Ribbon Panel was reconvened in October 2007 by the King County Council and officially met four times over the last three months. We approached our progress review with the same diverse backgrounds, expertise, and perspectives brought to our September 11, 2006 report, Our Progress Report, including an in-depth progress review and recommendations, was adopted unanimously after much constructive discussion. We also reaffirmed and endorsed all six major recommendations and 36 implementing actions in our 2006 report.

The Blue Ribbon Panel's Progress Report presents four recommendations that address implementation issues regarding the accountability measures proposed by the panel in our 2006 report on the Sheriff's Office. With these recommendations, our regular meeting schedule has concluded and our charge has been fulfilled. We are ready to provide any assistance we can in support of your efforts to understand and implement our recommendations.

Thank you for the opportunity to serve you and the people of King County.

KING COUNTY SHERIFF'S BLUE RIBBON PANEL

Randy Revelle, *Chair*

Faith Ireland, *Vice Chair*

Anthony Anderson

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King County

Executive Summary

The King County Sheriff's Blue Ribbon Panel delivered its report to the King County Council on September 11, 2006, concluding an eight-month review of the management and oversight of employee misconduct and discipline in the King County Sheriff's Office. Our report presented 43 findings, six major recommendations, and 36 implementing actions. We also proposed the panel be reconvened to review progress made in implementing the panel's recommendations. At the King County Council's direction, the panel reconvened in October 2007 to review and evaluate the progress made to date. The nine-member Blue Ribbon Panel met four times over three months.

This report presents our thorough review of the progress made towards implementing the recommendations of the Blue Ribbon Panel. The panel was charged with making recommendations to the King County Council, Executive, Prosecuting Attorney, and Sheriff on needed improvements to the misconduct/discipline policies, procedures, and practices of the King County Sheriff's Office.

Based on the Blue Ribbon Panel's progress review, the panel believes the Sheriff's Office has made significant progress implementing those panel recommendations over which the Sheriff has control. Additionally, in its 2006 report, the panel members understood their recommendations would require significant financial resources from King County government. In general, the panel is very pleased with the government's commitment of financial resources towards implementing the panel's recommendations.

Unfortunately, some of the panel's recommendations have made little or no progress towards implementation. The panel's progress review reveals two separate but related issues impeding the full and complete implementation of our recommendations: (1) elements of our recommendations that cannot be fully implemented until agreements are reached with the labor unions representing Sheriff's Office employees; and (2) issues of authority to bargain and manage working conditions with those unions.

The following is a summary of the Blue Ribbon Panel's four recommendations described in this progress report. They address implementation issues regarding the accountability measures proposed by the panel in our September 11, 2006 report on the Sheriff's Office.

1 *The King County Sheriff should continue her successful efforts to implement the Blue Ribbon Panel's recommendations.*

The panel is very pleased with the Sheriff's progress toward implementing the panel's recommendations; however, the panel's review reveals that the Sheriff's Office is working towards, but has not yet completed some of the recommendations. The Sheriff has taken the lead in implementing those recommendations over which she has control. The panel urges the Sheriff's Office to capitalize on the substantial changes and momentum it has created by continuing to implement the necessary reforms that will sustain a culture of accountability and professionalism within the office for years to come.

2 *The King County Executive and the King County Council should use their best efforts to protect and implement the panel's recommendations that are subject to labor negotiations with the King County Police Officers Guild.*

A number of the panel's important recommendations are subject to the current labor negotiations between the Executive and Guild. The recommendations include performance evaluations, the Field Training Officer program, the Early Intervention System, and the Office of Law Enforcement Oversight. The panel members hope for continued support from the Executive and Council and respectfully urge them to work together to protect and implement these recommended reforms.

We are especially concerned about maintaining the scope and integrity of our oversight recommendations. The Office of Law Enforcement Oversight is the singular independent perspective outside the Sheriff's Office responsible for improving public trust and confidence in the integrity, performance, and professionalism of Sheriff Office employees. An oversight office with less authority or independence as recommended by the panel and enacted into law will not effectively serve the Sheriff's Office or the citizens of King County.

The Executive is responsible for bargaining labor agreements and the Council is responsible for reviewing and approving them. The panel respectfully urges the Executive and Council – who enacted and funded Ordinance 15611 establishing the oversight office – to protect the integrity of the ordinance so it can be implemented effectively.

3 *The King County Charter Review Commission should forward a recommendation to the King County Council to amend the County Charter to give the Sheriff the authority and responsibility to negotiate and manage working conditions with the labor organizations representing Sheriff's Office employees.*

As an independent, elected official, the King County Sheriff should have the responsibility and authority to negotiate working conditions with all labor unions representing commissioned and non-commissioned employees of the Sheriff's Office. Without this authority, it is difficult for citizens to hold the Sheriff accountable for the leadership and oversight of the office. This arrangement will lead to a more effective and accountable management system by allowing the Sheriff to have a meaningful role in negotiating and managing labor agreements with the employees the Sheriff is responsible for managing and overseeing. The King County Executive would retain the responsibility and authority to negotiate wages and benefits as part of the collective bargaining agreements.

Since the King County Council has the authority and responsibility to review and approve by ordinance all labor union agreements, as well as the annual county budget, the appropriate checks and balances are in place to hold the Sheriff accountable for any agreements the Sheriff negotiates.

The panel believes our recommendation regarding collective bargaining responsibilities would create a structure where the Executive and Sheriff would have a greater incentive to collaborate during negotiations with the labor organizations representing Sheriff's Office employees. In contrast to the current situation, our recommendation would place the Sheriff and Executive on an equal footing during the bargaining process, with the Sheriff responsible for bargaining working conditions and the Executive responsible for bargaining wages and benefits. Under this arrangement, both elected officials would have to work together effectively in order to arrive at an agreed labor contract for joint submission and approval to the King County Council.

The Blue Ribbon Panel learned that our recommended allocation of labor contract bargaining and management authority is not uncommon:

- The King County Superior Court Judges and the King County Prosecuting Attorney have similar authority over management rights and working conditions; and
- Based on a recent survey of Washington's 39 counties by the King County Sheriff's Office, in at least 28 counties the elected Sheriff has the final bargaining authority over management rights and working conditions included in the labor agreements sent for ratification to a council or commission.

All nine Blue Ribbon Panel members respectfully urge you to consider and support our recommendation to revise the King County Charter to give the Sheriff the responsibility and authority to bargain and manage labor agreement provisions governing working conditions, but ***not*** wages and benefits. The Sheriff's Office, King County government, and our community will benefit from your approval of our recommendation.

4 *The King County Charter Review Commission should forward a recommendation to the King County Council to amend the County Charter so the King County Office of Citizen Complaints-Ombudsman would no longer have oversight responsibilities for the Sheriff's Office.*

The panel's Recommendation 6 provides: "The King County Executive and the King County Council should create and fund an Office of Independent Oversight," with a provision that the King County Office of Citizen Complaints-Ombudsman should no longer have oversight responsibilities for the Sheriff's Office. These responsibilities should be performed by the new Office of Law Enforcement Oversight, assuming Ordinance 15611 is implemented after completion of the current labor negotiations. If the ordinance is not implemented, no Charter amendment will be needed.

Introduction

The King County Sheriff's Blue Ribbon Panel delivered its final report to the King County Council, Executive, Prosecuting Attorney, and Sheriff on September 11, 2006. The panel was charged to review and research policies, procedures, and management systems for addressing employee misconduct and discipline in the Sheriff's Office; to gain an understanding of best management practices in other departments and their applicability to the Sheriff's Office; and to make recommendations for improvements to the accountability system for misconduct and discipline. The panel's efforts were designed to complement other Sheriff's Office reforms already underway.

The Blue Ribbon Panel's report presented 43 findings, six major recommendations, and 36 implementing actions that addressed accountability and performance in the Sheriff's Office. The panel's recommendations specified improvements to the internal management and systems for addressing employee misconduct and discipline. The panel noted that the successful implementation of these recommendations would require considerable cooperation and resources from the Sheriff's Office and King County government.

In an effort to facilitate and advocate for implementation of its recommendations, the panel's 2006 report includes the following recommendation on page 35:

> **"Progress Report.** The Blue Ribbon Panel requests the King County Executive, County Council, Prosecuting Attorney, and Sheriff reconvene the panel no later than December 2007 to review the progress made on implementing the panel's recommendations. The panel's review should be based in part on a written progress report prepared in advance by appropriate county staff."

The nine-member panel was reconvened in October 2007 and met four times over the following three months.[1] In completing this progress report, the panel requested two assessments of the progress made addressing the panel's six major recommendations and 36 implementing actions. These reports were produced by the King County Sheriff and the King County Council's policy and audit staff. In addition to these two reports, the panel received testimony from representatives of the organizations involved in the implementation process: the King County Executive's Office, the King County Council, the King County Sheriff's Office, and the King County Police Officers Guild. The testimony led to thorough and thoughtful discussions about how the recommendations have been implemented and what further actions are needed.

Panel members brought a rich and diverse mix of perspectives, expertise, and experience to their charge, including 97 years of experience in law enforcement and public safety, 125 years of experience in the law and the justice system, 51 years of experience in King County government, and 66 years of experience in labor issues. A full description of the panel members' credentials is in Appendix B.

1 One panel member, Wilson Edward Reed, was unable to participate in the panel's progress review.

The Blue Ribbon Panel's Progress Report contains three sections. The first section provides a summary of progress made in implementing the panel recommendations, highlighting: (1) progress made by the Sheriff's Office; (2) progress towards funding of the panel's priority budget recommendations; and (3) progress made by King County government to establish an Office of Independent Oversight. The second section provides a summary of issues related to the panel's recommendations that have not been implemented. The last section presents additional recommendations needed for either the initial or ongoing implementation of the panel's September 11, 2006 recommendations.

KING COUNTY SHERIFF'S OFFICE

Based on our progress review, the Blue Ribbon Panel believes the Sheriff's Office has made significant progress implementing the panel's recommendations over which the Sheriff has the authority and control. The following section provides a summary of the Sheriff's progress implementing five of the six major recommendations of the panel:

1 *Executive leadership of the Sheriff's Office should take primary responsibility for creating, implementing, modeling, and sustaining reforms that improve accountability.*

The Sheriff has done a commendable job implementing leadership reforms targeted at articulating clear expectations for accountability, job performance, and conduct.

Key Accomplishments

- The Sheriff's memorandum clearly stating employee performance expectations and reinforcement of core visions and values in employee materials demonstrates a necessary first step towards creating and sustaining a culture of accountability within the Sheriff's Office.
- The Sheriff has taken measures to create a more professional and structured relationship with labor organizations representing Sheriff's Office employees. The panel is encouraged the Sheriff's Office has made the following changes: (1) actively reviewing and participating in the negotiation of new labor contracts with its labor organizations for the first time in ten years; (2) offering monthly meetings with leadership of the King County Police Officers Guild to discuss issues of mutual concern; and, (3) actively seeking labor relations support through outside counsel and the King County Prosecuting Attorney's Office.

Areas of Concern

- There are no significant concerns related to Panel Recommendation 1.

2 *The Sheriff's Office should examine and implement methods for increasing the level of public trust and transparency of the office.*

The Sheriff's Office has completed almost all of the implementing actions under this recommendation, including reforms to the information available about the intake of citizen complaints, increased transparency of policies and procedures, and more direct outreach to the community.

Key Accomplishments

- The Sheriff's Office instituted several systemic improvements to promote greater public trust and transparency through the organization of precinct-based citizen advisory councils, a county-wide chaplaincy outreach program, and quarterly community meetings at all precincts.
- The requirement that all employees receive complaint intake training is a significant accomplishment towards creating a robust culture of valuing citizen complaints.

Areas of Concern

- The Sheriff's Office still needs to complete intake training for all personnel. This training is scheduled to be completed in 2008.

3 *The Sheriff's Office management and supervision systems should be improved to support supervisors in making the office more accountable.*

The Sheriff's Office has made satisfactory progress implementing this recommendation; however, several actions have yet to be fully implemented.

Key Accomplishments

- The Sheriff's Office has made significant improvements in creating a clear and consistent approach to discipline of misconduct and other performance issues by: (1) distributing a memorandum on employee performance and expectations to all Sheriff's Office employees; and (2) forming an internal investigations review group consisting of a representative from the Prosecuting Attorney's Office, King County Labor Relations, and the Sheriff's Human Resources Division, as well as the Internal Investigations Unit Captain and investigators.

This group meets bi-monthly to address individual cases and outcomes, as well as internal case management, including review of discipline.

- The Sheriff's Office has taken a significant step towards improving the variety, amount, and consistency of training by creating an internal Training Advisory Board. The board has developed a five-year plan for in-service training with all employee training records managed on a new, centralized data system. All of the training programs are being consolidated in a new Professional Standards Division. All command level employees received consistent and coordinated management training in 2007, and all first line supervisors are scheduled for a similar training in 2008.

- As a result of an evaluation of the Field Training Officer program, the Sheriff's Office has selected a new program model. Portions of the program that do not require collective bargaining are currently being implemented.

- The manager of the Inspectional Services Unit has identified several potential Early Intervention Systems and is working with employee groups to discuss appropriate events that would trigger intervention. The manager will develop a training and implementation strategy and will begin to implement those portions of the system that do not require collective bargaining.

Areas of Concern

- The panel identified the lack of performance standards and personnel evaluations as key areas in need of improvement by the panel. While standards and evaluations have been developed by the Sheriff's Office, they have not been implemented because their use is subject to collective bargaining.

- A comprehensive and robust Early Intervention System was cited by the panel as an important tool for collecting and analyzing data on employee performance to help officers through counseling, training, and mentoring. While the Sheriff's Office is proceeding to select and implement a system, it cannot be fully implemented because certain elements are subject to collective bargaining. In its previous report, the panel emphasized that the system should be used as a management tool to support important efforts directed at increasing the quantity and quality of supervision, but it should not be a substitute for effective and diligent supervision.

4 *The Sheriff's Office should improve the processes and guidelines for taking, classifying, investigating, and responding to all citizen and employee complaints.*

The Sheriff's Office has made satisfactory progress implementing this recommendation.

Key Accomplishments

- The Inspectional Services Division's audit of the Internal Investigations Unit, a review of best practices, and selection of a complaint tracking software system are necessary first steps in improving the processes and guidelines for taking, classifying, investigating, and responding to all citizen and employee complaints.
- The Sheriff's Office drafting of "A Citizen's Investigations & Discipline Guidebook on Employee Conduct" and the posting of information of the complaint process to the Sheriff's Office website are necessary first steps toward increasing public access to and understanding of the complaint process.

Areas of Concern

- The panel is disappointed the Sheriff's Office has yet to create and implement a comprehensive complaint tracking system. The Sheriff's Office is planning to develop and implement a comprehensive system. The office currently has the ability to track complaints throughout the office, but has yet to institute a practice of performing analysis on complaint trends and outcomes to inform potential underlying patterns of misconduct.

5 *The Sheriff's Office should create and strengthen organizational structures that support leadership, management, supervision, and accountability.*

The Sheriff's Office has made substantial progress implementing this recommendation.

Key Accomplishments

- The Sheriff's Office has attained a better overall ratio of field supervisors (sergeants) to employee (deputies) to achieve effective supervision. Sergeant minimum staffing is currently

done through overtime budgeting, ensuring a span of control that is generally less than or equal to ten to one during evening hours when other supervisory resources are less available. Budget authority has been obtained for new sergeants positions, and new sergeants will be promoted and deployed subject to re-testing and promotions processes.

- The creation of the Inspectional Services Unit to evaluate and oversee policies, procedures, practices, and performance is a critical resource within the Sheriff's Office with the capacity to help implement many of the key performance and accountability recommendations of the panel. The Sheriff's decision to begin pursuing national accreditation in 2008 will further augment and reinforce the office's commitment to internal reforms that support accountability and professionalism.

- The Blue Ribbon Panel is encouraged and supports the Sheriff's efforts to create a Professional Standards Division to consolidate employee career services, including recruiting, training, inspectional services, internal investigations, and other human resources functions. It is critical for the Sheriff to create the infrastructure, resources, and organizational capacity to implement the major institutional changes recommended by the panel. The division will assist the Sheriff's Office in addressing the alignment of people, management systems, and proper training.

Areas of Concern

- The Sheriff's Office has not yet provided precinct commanders on-duty at least 18-hours-a-day, 7 days a week as recommended by the panel. While Captains' (precinct commanders) hours have been staggered to ensure command coverage from 6:00 am to 10:00 pm during the week, the Sheriff's Office has not met the minimum standard recommended by the panel. The Captains have filed an Unfair Labor Practice related to this change in hours.

- While the Sheriff's Office has met the minimum standard for the overall ratio of field supervisors (sergeants) to employee (deputies) to achieve effective supervision, the panel stresses that the supervisor/employee ratio needs constant attention from the Professional Standards Division and the Inspectional Services Unit. Further, the panel urges the Sheriff, County Council, and Executive to be vigilant and continue to focus on effective supervision by maintaining and improving the ratios of field supervisors to employees.

MAJOR BUDGET RECOMMENDATIONS

The Blue Ribbon Panel understood our recommendations would require significant financial resources from King County government. On pages 32-34 of our September 11, 2006 report, the panel listed our recommendations with an estimated budgetary impact of more than $10,000 in fiscal year 2007. The recommendations were listed in approximate order of priority.

In general, the panel is very pleased with the King County Council's and Executive's commitment of financial resources towards implementing the panel's budget recommendations. The panel understands the challenges of allocating limited funds across King County's various services and greatly appreciates the attention given to needed reforms within the Sheriff's Office. The following provides a brief summary of the funding of nine panel recommendations.

Priority 1: *Attain an acceptable ratio of field supervisors (sergeants) to employees (deputies) to achieve effective supervision.*

In 2007, the Executive and Council supported seven of the ten additional sergeants. Money to pay for those positions was partially funded in mid-2007 with $500,000 intended for panel implementation, but not specifically earmarked for this purpose. From this money sergeants were assigned on an overtime basis to reduce the span of control until new sergeants can be promoted. In 2008, the Executive and Council supported continuing funding for these additional sergeants.

Priority 2: *Create an Inspectional Services Unit to evaluate and oversee policing policies, procedures, practices, and performance.*

This recommendation was fully funded by the Executive and Council and implemented by the Sheriff in 2007. Continuing budget support was provided in 2008.

Priority 3: *Improve the type, amount, consistency, and quality of training available for all employees – from recruits to executive leadership.*

In mid-2007, the Sheriff's Office received a $500,000 lump sum from the Council and Executive for implementing panel recommendations. A portion of that money was used for additional employee training. In 2008, the Council provided $260,000 for in-service training programs.

Priority 4: *The King County Executive should appoint, subject to King County Council confirmation, a director of the Office of Independent Oversight.*

This $400,000 budget request was fully supported by the Executive and Council in 2007, but it has not been implemented because it is subject to collective bargaining with the King County Police Officers Guild.

Priority 5: *Establish a professional and collaborative relationship with the labor unions that represent Sheriff's Office employees.*

In mid-2007, as noted above, the Sheriff's Office received a lump sum of $500,000 from the Council and Executive. A significant portion of that money was used for additional labor relations resources.

Priority 6: *Improve the effectiveness of supervisory systems and tools through the creation of an Early Intervention System.*

This budget recommendation was fully supported by the Executive and Council and funded for 2007 and 2008.

Priority 7: *Increase the number of staff in the Internal Investigations Unit.*

The Sheriff's Office did not request 2007 funding for additional sergeants for the unit. The office will wait until several of the Internal Investigations Unit audit findings are implemented and additional sergeants are promoted before requesting additional personnel.

Priority 8: *Provide commanders on duty at all precincts at least 18-hours-a-day, 7-days-a-week.*

No funds were requested by the Sheriff's Office for this panel recommendation. The initial extension of the captains' hours to increase commander presence did not require additional funds.

Priority 9: *The Sheriff should retain qualified professionals to perform an institutional audit of the office's culture and its influence on employee behavior.*

This panel recommendation was not funded in the initial 2007 budget, and the additional $500,000 obtained during 2007 to fund panel recommendations was not sufficient to include a cultural audit. Funding for this project is being completed through existing resources.

The Blue Ribbon Panel's budget recommendations listed above were largely funded by the King County Council and Executive. The initial 2007 budget, enacted in late 2006, completely funded the Inspectional Services Unit, the Early Intervention System, and the Office of Law Enforcement Oversight. In mid-2007, as noted above, the Council and Executive provided an additional lump sum of $500,000 to fund panel projects that were not specifically funded in the initial 2007 budget. The funds were not specifically earmarked and were used for sergeant overtime to alleviate span of control problems, additional training, and resources for labor relations improvements.

The panel would like to thank the King County Council and Executive for continuing to support the panel's recommendations by carrying over many of the continuing costs of the panel's 2007 budget priorities. The panel especially wants to commend the Council for fully funding the Sheriff's new Professional Standards Division in the amount of $493,826 and the in-service training for deputies in the amount of $261,030 in the 2008 budget.

OFFICE OF INDEPENDENT OVERSIGHT

The Blue Ribbon Panel noted in its September 11, 2006 report that the successful implementation of its recommendations would require considerable cooperation and resources from King County government, especially the Executive, Council, and Sheriff. Generally, the panel is very pleased with the Sheriff's progress and the Council's and Executive's commitment of financial resources towards implementation of the recommendations (summarized above in the Major Budget Recommendations section). Unfortunately, the following critical recommendation creating the Office of Independent Oversight has not yet been implemented.

6 The King County Executive and the King County Council should create and fund an Office of Independent Oversight.

In October 2006, Ordinance 15611 creating the Office of Law Enforcement Oversight was enacted by the King County Council and signed into law by the King County Executive. The ordinance created an office with essentially the same authority, functions, and responsibilities recommended by the panel. The Executive and Council funded the office with the necessary staff and resources as part of a supplemental budget request. The office has not been implemented, however, pending resolution of contract negotiations with the King County Police Officers Guild.

Panel Recommendation 6 contains specific provisions for an integrated package of independent oversight reforms tailored to the unique conditions and needs of the King County Sheriff's Office. The recommended oversight office should play a critical role providing an independent perspective outside the Sheriff's Office for addressing and improving public trust and confidence in the integrity, performance, and professionalism of Sheriff's Office employees.

Areas of Concern

Several of the Blue Ribbon Panel's recommendations have made little or no progress towards implementation. The panel's progress review reveals two separate but related issues impeding the full and complete implementation of our recommendations: (1) elements of our recommendations that cannot be fully implemented until agreements are reached with the labor unions representing Sheriff's Office employees; and (2) issues of authority to bargain and manage working conditions with those unions.

In general, recommendations that impact wages, benefits, and working conditions may have to be bargained and reflected in new collective bargaining agreements. While it is unclear what exact elements of the panel's recommendations are subject to mandatory bargaining, several of the panel's key recommendations include aspects that are subject to bargaining. These reforms are listed below.

- Implementing performance evaluations;
- Improving discipline policies and procedures;
- Instituting Field Training Officer program reforms;
- Implementing an Early Intervention System;
- Improving policies/systems related to complaint intake, processing, and tracking; and
- Establishing independent oversight through the Office of Law Enforcement Oversight

The labor unions' collective bargaining agreements with the Sheriff's Office form the foundation and framework for how employees of that office are managed, disciplined, and compensated. The issues involved in the agreements fall under two broad categories: (1) wages and benefits, and (2) working conditions. Wages and benefits refer to the compensation afforded employees, while working conditions cover a broader range of issues, including discipline, performance evaluations, misconduct investigations, training policies, and overtime management.

The current King County Charter designates the King County Executive as the bargaining agent to negotiate and manage the collective bargaining agreements with the unions representing Sheriff's Office employees. This authority includes management of grievances and the bargaining of working conditions, as well as wages and benefits. While the independently elected Sheriff is consulted on bargaining issues, the Sheriff has neither the responsibility nor the authority to negotiate the agreements or settle contract disputes. This arrangement creates a structural impediment to an effective and accountable outcome that best serves the interests of the public and the employees of the Sheriff's Office. Three main reasons support this finding:

1) **Accountability:** As an elected official, the Sheriff is accountable to King County citizens for the leadership of her employees and their performance. The Sheriff is accountable to the King County Council and Executive for managing the office's budget. The Sheriff is also accountable to the office's employees for their oversight and safety, as well as a fair and effective system of discipline. Under the current King County Charter, the Sheriff is held accountable for labor agreement provisions governing working conditions the Sheriff does not have the authority to bargain or manage.

2) **Priority Setting/Issue Alignment:** As part of the bargaining process for the Sheriff's Office, the negotiating parties specify which items they intend to bargain. The labor negotiators work for the Executive rather than the Sheriff, creating a situation where issues to be bargained are not necessarily aligned nor prioritized between the Executive and the Sheriff.

3) **Nature of Police Work:** The policing and public safety functions of the Sheriff's Office are very different from other county services, especially because deputies have the authority to deprive citizens of their life and liberty. In addition, the quasi-military structure of police organizations creates a unique work management environment that is different from any other government service.

As an independent, elected official, the King County Sheriff should have the responsibility and authority to negotiate and manage working conditions with all labor unions representing commissioned and non-commissioned employees of the Sheriff's Office. Without this authority, it is difficult and unfair for citizens to hold the Sheriff accountable for leadership and oversight of the office.

Panel Recommendations

The King County Sheriff's Blue Ribbon Panel reaffirms and endorses all six major recommendations and 36 implementing actions in our September 11, 2006 report. After careful review of the progress made by the Sheriff's Office and King County government towards implementing the panel recommendations and actions, the panel sees no need to alter or amend them. The panel is confident it has prepared a comprehensive package of reforms that will improve the Sheriff's Office and increase the level of public trust in the conduct of its employees.

The following panel recommendations reinforce its initial charge aimed at improving accountability within the Sheriff's Office by addressing the management and supervision of employees, as well as the systems for dealing with employee performance and behavior.

1 *The King County Sheriff should continue her successful efforts to implement the Blue Ribbon Panel's recommendations.*

The panel is very pleased with the Sheriff's progress toward implementing the panel's recommendations; however, the panel's review reveals that the Sheriff's Office is working towards, but has not yet completed some of the recommendations. The Sheriff has taken the lead in implementing those recommendations over which she has control. The panel urges the Sheriff's Office to capitalize on the substantial changes and momentum it has created by continuing to implement the necessary reforms that will sustain a culture of accountability and professionalism within the office for years to come.

2 *The King County Executive and the King County Council should use their best efforts to protect and implement the panel's recommendations that are subject to labor negotiations with the King County Police Officers Guild.*

A number of the panel's important recommendations are subject to the current labor negotiations between the Executive and Guild. The recommendations include performance evaluations, the Field Training Officer program, the Early Intervention System, and the Office of Law Enforcement Oversight. The panel members hope for continued support from the Executive and Council and respectfully urge them to work together to protect and implement these recommended reforms.

We are especially concerned about maintaining the scope and integrity of our oversight recommendations. The Office of Law Enforcement Oversight is the singular independent perspective outside the Sheriff's Office responsible for improving public trust and confidence in the integrity, performance, and professionalism of Sheriff Office employees. An oversight office with less authority or independence as recommended by the panel and enacted into law will not effectively serve the Sheriff's Office or the citizens of King County.

The Executive is responsible for bargaining labor agreements and the Council is responsible for reviewing and approving them. The panel respectfully urges the Executive and Council – who enacted and funded Ordinance 15611 establishing the oversight office – to protect the integrity of the ordinance so it can be implemented effectively.

3 *The King County Charter Review Commission should forward a recommendation to the King County Council to amend the County Charter to give the Sheriff the authority and responsibility to negotiate and manage working conditions with the labor organizations representing Sheriff's Office employees.*

As an independent, elected official, the King County Sheriff should have the responsibility and authority to negotiate working conditions with all labor unions representing commissioned and non-commissioned employees of the Sheriff's Office. Without this authority, it is difficult for citizens to hold the Sheriff accountable for the leadership and oversight of the office. This arrangement will lead to a more effective and accountable management system by allowing the Sheriff to have a meaningful role in negotiating and managing labor agreements with the employees the Sheriff is responsible for managing and overseeing. The King County Executive would retain the responsibility and authority to negotiate wages and benefits as part of the collective bargaining agreements.

Since the King County Council has the authority and responsibility to review and approve by ordinance all labor union agreements, as well as the annual county budget, the appropriate checks and balances are in place to hold the Sheriff accountable for any agreements the Sheriff negotiates.

The panel believes our recommendation regarding collective bargaining responsibilities would create a structure where the Executive and Sheriff would have a greater incentive to collaborate during negotiations with the labor organizations representing Sheriff's Office employees. In contrast to the current situation, our recommendation would place the Sheriff and Executive on an equal footing during the bargaining process, with the Sheriff responsible for bargaining working conditions and the Executive responsible for bargaining wages and benefits. Under this arrangement, both elected officials would have to work together effectively in order to arrive at an agreed labor contract for joint submission and approval to the King County Council.

The Blue Ribbon Panel learned that our recommended allocation of labor contract bargaining and management authority is not uncommon:

- The King County Superior Court Judges and the King County Prosecuting Attorney have similar authority over management rights and working conditions; and
- Based on a recent survey of Washington's 39 counties by the King County Sheriff's Office, in at least 28 counties the elected Sheriff has the final bargaining authority over management rights and working conditions included in the labor agreements sent for ratification to a council or commission.

All nine Blue Ribbon Panel members respectfully urge you to consider and support our recommendation to revise the King County Charter to give the Sheriff the responsibility and authority to bargain and manage labor agreement provisions governing working conditions, but ***not*** wages and benefits. The Sheriff's Office, King County government, and our community will benefit from your approval of our recommendation.

4 *The King County Charter Review Commission should forward a recommendation to the King County Council to amend the County Charter so the King County Office of Citizen Complaints-Ombudsman would no longer have oversight responsibilities for the Sheriff's Office.*

The panel's Recommendation 6 provides: "The King County Executive and the King County Council should create and fund an Office of Independent Oversight," with a provision that the King County Office of Citizen Complaints-Ombudsman should no longer have oversight responsibilities for the Sheriff's Office. These responsibilities should be performed by the new Office of Law Enforcement Oversight, assuming Ordinance 15611 is implemented after completion of the current labor negotiations. If the ordinance is not implemented, no Charter amendment will be needed.

Progress Report of the King County Sheriff's Blue Ribbon Panel

APPENDICES

Appendix A: Progress on Implementing Actions

Appendix B: Panel Member Credentials

Appendix C: Progress Review Work Program

Appendix D: Progress Review Resources

Appendix E: Charter Review Commission Letters

King County

Appendix A

PROGRESS ON IMPLEMENTING ACTIONS

Appendix A contains a summary assessment of the progress made implementing the Blue Ribbon Panel's six major recommendations and 36 implementing actions that address accountability in the King County Sheriff's Office. These recommendations and actions are listed and categorized below as completed (◆), in progress (⌖), or subject to labor negotiations (◇).

1 *Executive leadership of the Sheriff's Office should take primary responsibility for creating, implementing, modeling, and sustaining reforms that improve accountability.*

Action A: *Articulate clear expectations that all employees will be held accountable for job performance and conduct, and specify how that will occur.*

⌖◇ **Status: In progress; subject to labor negotiations**

The Sheriff's Office has developed performance standards and evaluations, but use of the evaluations is currently being negotiated between the King County Executive and the King County Police Officers Guild. Sheriff Rahr has visited every work site and addressed Sheriff's Office staff regarding the findings and recommendations of the panel, her steps to implement specific recommendations, and her expectations regarding employee conduct.

Action B: *State clearly that poor performance and misbehavior will no longer be tolerated.*

◆ **Status: Completed**

A Sheriff's memorandum of expectations was distributed to all Sheriff's Office employees. The memorandum was also posted in March 2006 to the employee website and Sheriff's website.

Action C: *Create and prominently post a code of values, ethics, and conduct that all employees are expected to follow.*

◆ **Status: Completed**

Posters of the "Sheriff's Office Vision, Mission, and Core Values" have been produced and displayed on the Sheriff's and employee websites, as well as in all work site lobby areas, employee work areas, and in precinct Majors' and Division Chiefs' offices. Letter size versions are included in every new employee orientation packet.

Action D: *Establish a professional and collaborative relationship with the labor organizations that represent Sheriff's Office employees.*

- **Status: In progress**

The Sheriff has received permission from the Executive and has retained additional outside expert counsel to assist in contract negotiations and arbitrations. Additional labor relations support is being provided by the King County Prosecuting Attorney. Overall structural, process, and systems tracking improvements have been implemented in all of the labor relations activity in the Sheriff's Office. The Sheriff has made a standing offer to meet monthly with the leadership of the King County Police Officers Guild.

Action E: *The Sheriff should retain qualified professionals to perform an institutional audit of the office's culture and its influence on employee behavior.*

- **Status: In progress**

Consultant companies for this project have been identified. This project is being developed by the Inspectional Services Unit Manager and the Human Resources Manager. The projected start date is mid-year 2008.

2 *The Sheriff's Office should examine and implement methods for increasing the level of public trust and transparency of the office.*

Action A: *Create a robust culture of valuing citizen complaints, including a mandate that all employees be trained to properly take, record, and courteously process all complaints.*

- **Status: In progress**

A new citizen complaint process has been posted to the Sheriff's Office website. Forms are also available at all work sites and in public lobby areas. The complaint intake process and training for all Sheriff's Office employees has been started.

Action B: *Make the Sheriff's Office Policy and Procedures Manual available on the office website and in other public spaces such as libraries, county offices, and police precincts.*

◆ **Status: Completed**

A searchable, electronic version of the manual has been posted to the Sheriff's website. Physical copies are available at all work sites. Library users will access the manual via the Sheriff's Office website to eliminate burden on the libraries to update the manual with revised policies.

Action C: *Create precinct-level citizen advisory committees that would meet regularly to discuss current community problems and issues related to policing and public safety.*

◆ **Status: Completed**

Precinct Commanders have organized their advisory committees through Unincorporated Area Councils. Advisory committee meetings took place beginning September 2007. A county-wide chaplaincy outreach program is currently underway. The first summits took place October 2007; another is scheduled for early 2008. The King County Council recently enacted Ordinance 15939 adopting the Sheriff's reorganization plan that includes creation of the commissioned position of Communications Director, responsible for creating the channel for internal/external communications and outreach.

Action D: *With the help of the citizen advisory committees, hold regular public meetings throughout the county to provide information and receive advice about policies, procedures, and citizens' rights with respect to the Sheriff's Office.*

◆ **Status: Completed**

Quarterly Sheriff's community meetings were initiated in late 2007.

3 *The Sheriff's Office management and supervision systems should be improved to support supervisors in making the office more accountable.*

Action A: *Provide meaningful performance evaluations for all employees once adequate span of control ratios and supervisory training are in place.*

◇ **Status: In progress; subject to labor negotiations**

The Sheriff's Office has developed performance standards and evaluations. Using them is subject to collective bargaining between the Executive and the Guild currently underway.

Action B: *Create a clear and consistent approach to the discipline of misconduct and other performance issues.*

⌖◇ **Status: In progress; subject to labor negotiations**

The Sheriff's memorandum of expectations has been distributed to all Sheriff's Office employees. The Sheriff formed an Internal Investigations review group consisting of a deputy prosecutor, labor relations and human resources personnel, and the Internal Investigations Unit Captain and investigators. The review group meets bi-monthly to address individual cases/outcomes, as well as internal case management, including review of discipline.

Action C: *Improve the variety, amount, consistency, and quality of training available for all employees, including recruits, sworn personnel, civilian personnel, and executive leadership.*

⌖ **Status: In progress**

The Sheriff's Office has created an internal Training Advisory Board. The board has developed a five-year plan for in-service training with all employee training records being managed on a new, centralized data system. All of the office's training functions are being consolidated in the new Professional Standards Division, recently approved and funded by the King County Council.

Action D: *Create an Early Intervention System. The system should aid the Sheriff's Office in collecting and analyzing data on employee performance and identifying interventions as appropriate.*

⌖◇ **Status: In progress; subject to labor negotiations**

The Inspectional Services Unit Manager has identified several product choices for the system. He has also organized an internal working committee that is meeting to develop training and implementation strategy. Final details of implementation are being bargained with the unions representing Sheriff's Office employees.

Action E: *Evaluate the Car Per Officer Program for its impact on overall department performance and public safety.*

◇ **Status: Subject to labor negotiations**

The Sheriff's Office will review the Car Per Officer Program during its cultural audit. Any significant changes to the program will need to be negotiated with the labor unions representing Sheriff's Office employees.

Action F: *Create a program to assist employees in their professional development and attainment of career goals.*

- **Status: In progress**

A career-path matrix is in development. The Sheriff's Professional Standards Division will be establishing minimum, objective requirements for career positions. Captains' supervisory training was completed in September/October 2007. The sergeants' and supervisors training program is scheduled to begin in 2008. Executive training for all managers was conducted in 2007.

Action G: *Assess the demographic distribution of officers relative to the communities they serve. The Sheriff's Office should continue and strengthen its efforts to recruit, hire, train, and promote qualified employees that reflect the ethnic, racial, and gender diversity of its service area.*

- **Status: In progress**

The Sheriff's Office is assessing organization and community demographics. Programs such as the Police Activities League are designed to provide more sustainable presence, exposure, and outreach into diverse communities. A "rebranding" project is being undertaken for future positioning and recruitment purposes. A consultant has been awarded a contract for Phase 1 program development.

Action H: *Examine the Field Training Officer Program to identify any systemic problems that contribute to the low retention rate of academy recruits.*

- ◇ **Status: In progress; subject to labor negotiations**

A new Field Training Officer program model has been chosen. Training and partial implementation of the new model is currently underway. Certain elements of the program are subject to labor negotiations.

4 *The Sheriff's Office should improve the processes and guidelines for taking, classifying, investigating, and responding to all citizen and employee complaints.*

Action A: *Develop a system for tracking complaints at all levels of the complaint process.*

- **Status: In progress**

  The Sheriff's Office has not yet completed this important implementing action. The Internal Investigations Unit has developed and implemented a basic tracking and reporting system. The unit is further reviewing a more comprehensive tracking system. As noted below, the auditor's review shows that the Sheriff's Office has not yet updated its complaint tracking system to address the shortcomings identified in its internal audit or our review. Pending labor negotiations, the office is planning to implement an Early Intervention System that would address some of these issues. The Sheriff's Office currently has the ability to monitor agency wide complaints and is not prevented from performing analysis on complaint trends, patterns, and outcomes.

Action B: *Increase public accessibility to and understanding of the complaint process.*

- **Status: In progress**

  A Citizens' Investigations and Discipline Guidebook on Employee Conduct is in the final editing stages. The Sheriff's Office will print hard copies and make them available in public areas, along with posting the guidebook to the Sheriff's website.

Action C: *Develop policies that allow for receiving and processing all citizen and employee complaints.*

- **Status: In progress**

  The Inspectional Services Unit has reviewed standard operating procedures and best practices of comparable sheriff's offices and police departments. A manual intake system is being implemented until appropriate tracking and complaint management system software can be added.

Action D: *Develop clear and publicly accessible guidelines for complaint screening and classification.*

- **Status: In progress**

  Basic complaint process information and direction is posted to the Sheriff's Office website and is available in writing at all work sites. Complaint screening and classification guidelines addressed in the Internal Investigations Unit audit will be implemented in 2008.

5 *The Sheriff's Office should create and strengthen organizational structures that support leadership, management, supervision, and accountability.*

Action A: *Evaluate and oversee policing policies, procedures, practices, and performance through the creation of an Inspectional Services Unit.*

- **Status: Completed**

The Inspectional Services Unit manager has been hired and has already completed audits of the Internal Investigations Unit and other division chiefs. Policy and training issues have also been addressed.

Action B: *Pursue the Sheriff's Office's goal of accreditation at a future time when the office has successfully implemented the major recommendations of this report.*

- **Status: In progress**

An internal audit of policies and procedures has begun to prepare for accreditation. The Sheriff has notified employees that the Sheriff's Office will begin the accreditation process in 2008.

Action C: *Attain an acceptable ratio of field supervisors (sergeants) to employees (deputies) to achieve effective supervision.*

- **Status: In progress**

Sergeant minimum staffing is currently done through overtime assignments (use of the 2007 Blue Ribbon Panel Recommendations Reserve was approved by the King County Council on October 22, 2007), resulting in a span of control that is generally less than ten to one during the swing shift hours when other supervisory resources are limited and calls for service are high. Hiring has been completed for new sergeant positions. New sergeants will be promoted and deployed subject to re-testing and promotions processes. While the Sheriff's Office has improved the overall ratio of field supervisors (sergeants) to employee (deputies) to achieve effective supervision, the supervisor/employee ratios need constant attention from the Professional Standards Division and the Inspectional Services Unit.

Action D: *Provide commanders on duty at all the precincts at least 18-hours-a-day, 7-days-a-week.*

- **Status: In progress**

Captain's hours have been staggered into the second shift to ensure command coverage

from 6:00 am to 10:00 pm during the week. In some cases, coverage may go until 12 midnight, depending on the shift structure and any situational factors for the precinct. The Sheriff plans to expand Captain's coverage to include weekends in 2008.

Action E: *Increase the number of staff in the Internal Investigations Unit.*

- **Status: In progress**

As the Internal Investigations Unit audit recommendations are implemented, the need for additional staffing will be evaluated. This will occur in 2008.

Action F: *Move the Internal Investigations Unit to another facility or another area in the King County Courthouse that does not have other Sheriff's Office functions.*

- **Status: In progress**

The Guild Office has been relocated away from the Internal Investigations Unit to the other side of the King County Courthouse. The unit's physical location will be evaluated as part of the Sheriff's Office facilities master planning process in 2008.

6 *The King County Executive and the King County Council should create and fund an Office of Independent Oversight.*

- **Status: Subject to labor negotiations**

In October 2006, the King County Council and Executive enacted Ordinance 15611 creating the Office of Law Enforcement Oversight as a new legislative branch agency. The ordinance approves almost all of the Blue Ribbon Panel's recommendation and nine implementing actions for an oversight office. The 2007 and 2008 King County budgets included adequate funds and personnel to carry out the panel's oversight recommendation and implementing actions. Implementation of Ordinance 15611 and the panel's oversight recommendation is subject to bargaining between the Executive and the Guild.

One of the panel's nine implementing actions stated that the King County Office of Citizen Complaints-Ombudsman should no longer have oversight responsibilities for the Sheriff's Office. These responsibilities should be performed by the new Office of Law Enforcement Oversight. This transfer of responsibilities will require an amendment to the King County Charter. Assuming Ordinance 15611 is implemented after completion of the labor negotiations, this Charter change should be made. If the ordinance is not implemented, no Charter amendment will be needed.

PANEL MEMBER CREDENTIALS

Randy Revelle, chair, is Senior Vice President for Policy and Public Affairs for the Washington State Hospital Association. As King County Executive (1981-1985), he was responsible for the Sheriff's Department, the King County Jail, and the Department of Youth Services. As a Seattle City Councilman, he served as chair of the Public Safety and Health Committee (1974-1977) and as vice chair of the Public Safety and Justice Committee (1977-1981). As an elected official, Mr. Revelle played a leadership role regarding the Mayor's Task Force on Arson, Seattle's police shooting/ammunition policies, the financing of four police precinct stations, Seattle's police investigations ordinance, King County's inquest policies/procedures, construction and operation of the King County Jail, the Enhanced 911 Emergency Communications System, use of deadly force policies/procedures for King County's detention facilities, and creation and implementation of the Green River Task Force. Mr. Revelle graduated with honors from Princeton University and the Woodrow Wilson School of Public and International Affairs. He also earned a Juris Doctor degree working his way through Harvard Law School as a Fuller Brush Man.

Faith Ireland, vice chair, is a retired Washington State Supreme Court Justice (1999-2005), a former King County Superior Court Judge (1983-1998), and a litigation lawyer (1970-1983). Ms. Ireland's background brings expertise in the criminal justice system, employment law, government operations, and separation of powers. She has participated in systemic reviews and strategic planning efforts in the justice system, including serving as chair of the Washington Gender and Justice Committee and as chair of long range planning for the King County Superior Court. She served as a trustee and President Judge of the Superior Court Judges Association and as vice chair for the Board for Judicial Administration. Ms. Ireland received her Bachelor of Arts degree from the University of Washington in 1965 and her Juris Doctor degree from Willamette University School of Law in 1969. She received her Masters of Science degree in taxation with honors from Golden Gate University in 1984. Ms. Ireland is a member of the TVW Advisory Board and The Law Fund, as well as a past president and current board member of the Austin Foundation. She is also a member of the board of visitors of Willamette University School of Law.

Anthony Anderson is the Administrative Lieutenant for the Port of Seattle Police Department. He has worked 24 years in law enforcement, beginning with the Seattle Police Department in 1980. He serves on the SeaTac City Council as chair of the Public Safety and Justice Committee. Mr. Anderson has been an adjunct faculty member in the School of Law and Justice at Central Washington University for more than ten years. He received his Doctorate in Education Leadership from Seattle University (1994), a Masters of Science in Business Administration from Boston University (1990), and a Bachelors of Arts in Psychology from Seattle Pacific University (1979).

David Boerner is an associate professor at the Seattle University School of Law. He was associate dean and an associate professor of law at the University of Puget Sound School of Law. He also served as Chief Criminal Deputy Prosecuting Attorney for King County, as Assistant Attorney General for the state of Washington and as Assistant U.S. Attorney for the Western District of Washington. Mr.

Boerner received the Washington State Bar Association's 2004 Award of Merit for long-term service to the bar association and the public. He has served as chair of various justice system committees, including the Washington State Supreme Court's Time for Trial Task Force, the Board for Court Education, the King County Inquest Procedures Review Committee, the King County Charter Review Commission, and the bar association's Character, Fitness, and Ethics Committee. He earned Bachelor of Science and Bachelor of Law degrees from the University of Illinois.

Michael O'Mahony joined the Seattle Police Department in 1966; served in various assignments in patrol and the detective division; and moved through promotions into policing assignments that included training, vice, special patrol unit, traffic, internal investigations, juvenile, auto theft, homicide, and robbery. He served as precinct commander, patrol commander, and as Assistant Chief for the Family and Youth Protection Bureau, which focuses on gangs, sex crimes, domestic violence, and juvenile crime. Mr. O'Mahony has investigated, reviewed, and made recommendations on several hundred internal investigations of police misconduct. He is a graduate of the University of Puget Sound, the FBI National Academy (Quantico), and the Secret Service Dignitary Protection School. He has been an instructor for the Washington State Criminal Justice Training Center, the Washington State Arson Investigators Program, and the police department of American Samoa. Since leaving police service in 1996, he has enjoyed volunteer work with Children's Hospital, Neighbors in Need, and several social service programs on Whidbey Island.

Jennifer Shaw joined the American Civil Liberties Union of Washington as the Legislative Director in November 2004. She was a trial attorney with the firm Aoki & Sakamoto for eight years, representing individuals in criminal defense, personal injury, civil rights, and discrimination cases. She was a staff attorney for the Seattle-King County Public Defender Association for seven years. Ms. Shaw has served as a Commissioner Pro Tem for King County Superior Court and has chaired the Criminal Law Section of the Washington State Trial Lawyers and the Legislative Committee for the Washington Association of Criminal Defense Lawyers. Ms. Shaw is currently serving on the City of Seattle Mayor's Police Accountability Review Panel. She is a 1987 graduate of Seattle University Law School and earned undergraduate degrees in English and Political Science from the University of Washington in 1984.

Richard K. Smith spent his entire 35-year law enforcement career with the Washington State Patrol. His work progressed in rank and responsibility as a supervisor and administrator in different locations throughout the state. Among his many assignments, he supervised the Executive Protection Unit of the Patrol, which provided security to two governors and their families. Mr. Smith is a graduate of the FBI National Academy (Quantico) and the Secret Service Dignitary Protection School. He was credited during his career as being a well-respected supervisor and administrator. Following his retirement as a Lieutenant and Assistant District Commander in King County, he was appointed administrator of the Washington State Fire Training Academy in North Bend. Mr. Smith attended Everett Community College. He currently works as the supervising investigator with the Washington State Horse Racing Commission.

Patricia H. Stell has been active in organized labor issues for more than 30 years. In 2001, she retired from a Presidential appointment by the Clinton administration as the Northwest Regional

Representative for the U.S. Secretary of Labor (1994-2001). She served eight years on the Washington State Higher Education Personnel Board, chairing six of them. From 1989 to 1993, she was a staff aide to U.S. Representative Jim McDermott. She spent four years from 1963-1973 working as a riot conciliator with the U.S. Department of Justice, responding to conflicts and crises between law enforcement and communities of color. Ms. Stell is a graduate of Stanford University where she earned a Bachelor of Arts degree in American History with additional doctoral work in cultural anthropology.

David Eugene Wilson has more than 30 years of experience in criminal and civil litigation as a trial lawyer, judge, mediator, and arbitrator. He currently works for McKay Chadwell, PLLC, which represents corporations and corporate officers facing government allegations of civil or criminal misconduct and other civil disputes. His law practice focuses on white collar criminal defense and civil mediation. Mr. Wilson served eight years as a U.S. Magistrate Judge for the Western District of Washington and 19 years an Assistant U.S. Attorney in Seattle and Washington, D.C. In Seattle, he worked in both the civil division and the criminal division of the U.S. Attorney's Office, and served as interim U.S. Attorney in 1989. From 1983 to 1992, he was Chief of the Criminal Division of the U.S Attorneys Office. Mr. Wilson was lead counsel in several lengthy Racketeer Influenced and Controlled Organization cases, including the successful prosecutions of the Sheriff of Pierce County, Native American businessman Robert Satiacum, and the Neo-Nazi group known as The Order. In recent years, he has served as lead counsel for a defendant in a war crimes trial in The Hague, Netherlands. He is a Fellow in the American College of Trial Lawyers.

PROGRESS REVIEW WORK PROGRAM

Day/Date	Meeting/Agenda
Through week of October 22, 2007	**Reconvene the Blue Ribbon Panel** • Work with the panel chair and vice chair to develop the panel's objectives, work program, operating guidelines, meeting logistics, and schedule (Berk & Associates) • Prepare communications materials for the panel website (Berk) • Distribute and review the panel's draft work program (Berk) • Coordinate and distribute materials to panel members (Berk)
Thursday, November 1 6-9 pm	**Panel Meeting 1** • Presentation, questions, and answers: King County Sheriff's progress report (Sheriff Sue Rahr and Virginia Kirk, Human Resources Manager) • Presentation, questions, and answers: King County Council staff report (Cliff Curry, Senior Principal Legislative Analyst) • Panel discussion of the progress made by the Sheriff's Office implementing the panel's recommendations • Identification of preliminary findings and areas for panel review.
Wednesday, November 28 6-9 pm	**Panel Meeting 2** • Presentation, questions, and answers: King County Police Officers Guild (Steve Eggert, President) • Presentation, questions, and answers: King County Executive's Office (Kathleen Oglesby, Labor Liaison) • Discussion of collective bargaining issues and report outline
Monday, December 3	**Draft Report:** Prepare and distribute the first draft progress report for preliminary review (Berk)
Wednesday, December 5 6-9 pm	**Panel Meeting 3** • Presentation and discussion of the collective bargaining process: Sheriff Sue Rahr • Review and discuss the first draft progress report • Refine the findings and recommendations
Tuesday, December 18	**Draft Report:** Prepare and distribute the second draft progress report for review (Berk)
Thursday, December 20 6-9 pm	**Panel Meeting 4** • Review, discuss, and revise the second draft progress report • Adopt the findings/recommendations; approve the draft report
Week of January 7, 2008	**Draft Report** • Prepare the final draft progress report (Berk) • Distribute the final draft report to panel members for final review/ approval • Panel member edits and revisions by email
Monday, January 28	**Final Report:** Deliver and present the final progress report to the King County Sheriff, Executive, Council, and Prosecuting Attorney

Appendix D

PROGRESS REVIEW RESOURCES

Panel Presenters

- Cliff Curry, Senior Principal Legislative Analyst, King County Council
- Steve Eggert, President, King County Police Officers Guild
- Virginia Kirk, Manager, Human Resources, King County Sheriff's Office
- Kathleen Oglesby, Labor Liaison, King County Executive's Office
- Sue Rahr, King County Sheriff

Progress Reports

- King County Sheriff's Blue Ribbon Panel Progress Report, September 1, 2007.
- King County Council's Policy and Audit Staff Report on Blue Ribbon Panel Progress, October 29, 2007.

Other Resources

- King County Ordinance 15611: An Ordinance relating to oversight of the Sheriff's Office, October 9, 2006.
- Survey of Bargaining Authority on Working Conditions for County Sheriffs. King County Sheriff's Office, December 2007.

Appendix E

CHARTER REVIEW COMMISSION LETTERS

A copy of the letter from the Charter Review Commision requesting the Blue Ribbon Panel provide "a formal written statement of the panel's findings and conclusions regarding changes to the management and operation of the Sheriff's Office that would best be accomplished through amendment of the King County Charter."

King County

Ron Sims
King County Executive

December 14, 2007

Members of the King County Sheriff's Blue Ribbon Panel
c/o Morgan Shook, Berk & Associates
120 Lakeside Avenue, Suite 200
Seattle, WA 98122

Dear Panel Members:

The 2007-08 Charter Review Commission (CRC) is considering a number of issues affecting the management and operation of the King County Sheriff's Office. The Sheriff's Office has submitted three proposed charter amendments to the CRC, including a proposal that would authorize the Sheriff to negotiate and manage labor contracts of Sheriff's Office employees. The CRC has also heard testimony on the Sheriff's Office from the public and other stakeholders

These issues are being taken up by the CRC's Regional Governance Subcommittee. The Subcommittee will devote much of its next meeting to considering the Sheriff's charter amendment proposals.

We respect the work of the Blue Ribbon Panel, and believe that its perspectives can advance our understanding of the Sheriff's Office. Therefore, the Subcommittee requests that the Blue Ribbon Panel provide the CRC with a formal written statement of the panel's findings and conclusions regarding changes to the management and operation of the Sheriff's Office that would best be accomplished through amendment of the King County Charter.

We hope to receive the Blue Ribbon Panel's statement no later than January 3rd, in order to provide Subcommittee members with the opportunity to review it before its January 7th meeting. Thank you very much for your time and consideration.

Sincerely,

Mike Lowry
Co-Chair
2007-08 Charter Review Commission

Lois North
Co-Chair
2007-08 Charter Review Commission

Cc: Members of the Charter Review Commission Regional Subcommittee

King County is an Equal Opportunity/Affirmative Action Employer and complies with the Americans with Disabilities Act

A copy of the Blue Ribbon Panel's letter to the Charter Review Commision to provide "a formal written statement of the panel's findings and conclusions regarding changes to the management and operation of the Sheriff's Office that would best be accomplished through amendment of the King County Charter."

January 2, 2008

Honorable Mike Lowry
Honorable Lois North
Co-Chairs, Charter Review Commission
Office of the King County Executive
Columbia Center, Suite 3210
701 Fifth Avenue
Seattle, WA 98104

Dear Mike and Lois:

Thank you for your invitation and the opportunity for the King County Sheriff's Blue Ribbon Panel to provide the Charter Review Commission with "a formal written statement of the panel's findings and conclusions regarding changes to the management and operation of the Sheriff's Office that would best be accomplished through amendment of the King County Charter."

On September 11, 2006, the Blue Ribbon Panel published a detailed report concluding an eight-month review of the management and oversight of employee misconduct and discipline in the Sheriff's Office. Our report includes 43 findings, six major recommendations, and 36 implementing actions. Also included in the report is a proposal asking that the panel be reconvened in one year to review the progress made in implementing the recommendations.

At the King County Council's request, we reconvened in October 2007 to review and evaluate the progress made to date and to prepare a progress report to the King County Council, Executive, Prosecuting Attorney, and Sheriff in January 2008. We recently concluded our panel meeting schedule by unanimously adopting a set of findings and recommendations addressing additional actions needed to implement the panel's 2006 recommendations.

As a result of our review, we believe the King County Charter should be revised to advance and sustain the performance, discipline, accountability, and oversight measures we recommended in September 2006. The panel's progress review reveals two separate but related issues impeding the full and complete implementation of our recommendations: (1) elements of our recommendations that cannot be fully implemented until agreements are reached with the labor unions representing the Sheriff's Office employees; and (2) issues of authority to bargain and manage working conditions with those unions.

We were aware that the panel's recommendations impacting wages, benefits, and working conditions would need to be bargained with the appropriate labor unions before they could be fully implemented. At least some elements of each of the following six recommendations arguably need to be bargained before implementation:

- Implementing performance evaluations;
- Improving discipline policies and procedures;
- Instituting Field Training Officer program reforms;
- Implementing an Early Intervention System;
- Improving policies/systems related to complaint intake, processing, and tracking; and
- Establishing independent oversight through the Office of Law Enforcement Oversight.

The labor unions' collective bargaining agreements with the Sheriff's Office form the foundation and framework for how employees of that office are managed, disciplined, and compensated. The issues involved in the agreements fall under two broad categories: (1) wages and benefits, and (2) working conditions. Wages and benefits refer to the compensation afforded employees, while working conditions cover a broader range of issues, including discipline, performance evaluations, misconduct investigations, training policies, and overtime management.

The current King County Charter authorizes the King County Executive to negotiate and manage the collective bargaining agreements with the unions representing Sheriff's Office employees. This authority includes bargaining working conditions, as well as wages and benefits. While the independent, elected Sheriff is consulted on bargaining issues, the Sheriff has neither the responsibility nor the authority to negotiate the agreements or settle contract disputes. This arrangement creates a structural impediment to an effective and accountable outcome that best serves the interests of the public and the employees of the Sheriff's Office. Three main reasons support our conclusion:

- **Accountability:** As an elected official, the Sheriff is accountable to King County citizens for the leadership of her employees and their performance. The Sheriff is accountable to the Executive and County Council for managing the office's budget. The Sheriff is also accountable to the office's employees for their oversight and safety, as well as a fair and effective system of discipline. Under the current King County Charter, the Sheriff is held accountable for labor agreement provisions governing working conditions the Sheriff does not have the authority to bargain or manage.

- **Priority Setting/Issue Alignment:** As part of the bargaining process for the Sheriff's Office, the parties specify which items they intend to bargain. The labor negotiators work for the Executive rather than the Sheriff, creating a situation where issues to be bargained are not necessarily aligned nor prioritized between the Executive and the Sheriff.

- **Nature of Police Work:** The policing and public safety functions of the Sheriff's Office are very different from most other county services, especially because deputies have the authority to deprive citizens of their life and liberty. In addition, the quasi-military structure of police organizations creates a unique work management environment that is different from any other government service.

Based on the foregoing conclusions, the Blue Ribbon Panel respectfully urges the Charter Review Commission to forward a recommendation to the King County Council to amend the Charter to give the Sheriff the authority and responsibility to negotiate and manage provisions of the labor agreements governing working conditions. Under our recommendation, the King County Executive would retain the responsibility and authority to negotiate and manage wages and benefits. Since the King County Council has the authority and responsibility to review and approve by ordinance all labor union agreements, as well as the annual county budget, the appropriate checks and balances are in place to hold the Sheriff accountable for any agreements the Sheriff negotiates.

As an independent, elected official, the King County Sheriff should have the responsibility and authority to negotiate and manage working conditions with all labor unions representing commissioned and non-commissioned employees of the Sheriff's Office. Without this authority,

it is difficult and unfair for citizens to hold the Sheriff accountable for leadership and oversight of the office. This arrangement will lead to an effective and accountable management system by allowing the Sheriff to have a meaningful role in negotiating and managing labor agreements of the employees the Sheriff is responsible for managing and overseeing.

The Blue Ribbon Panel learned that our recommended allocation of authority is not uncommon:

- The King County Superior Court Judges and the King County Prosecuting Attorney have similar authority over management rights and working conditions; and
- Based on a recent survey by the King County Sheriff's Office, in at least 18 counties the elected Sheriff has the final authority over management rights and working conditions included in the labor agreements sent for ratification to a council or commission.

All nine Blue Ribbon Panel members respectfully urge you to consider and support our recommendation to revise the King County Charter to give the Sheriff the responsibility and authority to bargain and manage labor agreement provisions governing working conditions, but ***not*** wages and benefits. The Sheriff's Office, King County government, and our community will benefit from your approval of our recommendation.

Another important panel recommendation requires an amendment to the current King County Charter. The panel's Recommendation 6 provides: "The King County Executive and the King County Council should create and fund an Office of Independent Oversight." The panel's recommendation and nine implementing actions were approved by the Executive and Council when they enacted Ordinance 15611 creating an Office of Law Enforcement Oversight in October 2006. Implementation of the ordinance is subject to current collective bargaining negotiations between the Executive and the King County Police Officers Guild.

Assuming most of Ordinance 15611 is implemented after completion of the labor negotiations, the King County Office of Citizen Complaints-Ombudsman should no longer have oversight responsibilities for the Sheriff's Office. These responsibilities should be performed by the new Office of Law Enforcement Oversight. This transfer of responsibilities will require an amendment to the King County Charter. If the ordinance is not implemented, no Charter amendment will be needed.

Thank you for your thorough consideration of our recommended changes to the Charter.

Sincerely,

Blue Ribbon Panel

cc: Ron Sims, King County Executive
King County Councilmembers
Dan Satterberg, King County Prosecuting Attorney
Sue Rahr, King County Sheriff
Members, Charter Review Commission
Members, King County Sheriff's Blue Ribbon Panel

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A copy of a letter from former Washington State Governor and King County Executive Gary Locke to the Charter Review Commision encouraging "changes in the King County Charter that would give the elected Sheriff direct authority to bargain management rights and working conditions with those labor unions that represent the employees within the Sheriff's Office."

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January 4, 2008

The Honorable Mike Lowry, Co-Chair
The Honorable Lois North, Co-Chair
King County Charter Review Commission
c/o Executive Office
701 Fifth Avenue, Suite 3210
Seattle, WA 98104

RE: ELECTED SHERIFF AND LABOR MANAGEMENT

Dear Co-Chairs ~~Lowry~~ and North: Mike & Lois

I am writing to encourage the Charter Commission to recommend and forward to the King County Council the necessary changes in the King County Charter that would give the elected Sheriff direct authority to bargain management rights and working conditions with those labor unions that represent the employees within the Sheriff's Office.

As a former county prosecutor, state legislator, county executive, and governor, I have had the opportunity over a period of years to work with law enforcement officials, the criminal justice system, and public safety in general. As the King County Executive from 1993-1997, I had direct supervisory responsibility over the Department of Public Safety, as the Sheriff's Office was known at that time, as well as the appointed Sheriff. My office negotiated directly with the Sheriffs' various bargaining units. This was a logical role for the Executive when the Sheriff's department and its appointed management reported directly to the Executive.

By a convincing majority vote in 1997, the citizens of King County directed county government to return the Sheriff's Office to a non-partisan, separately elected office. With this vote, the community clearly signaled their desire to have a voice in who represented them in public safety matters. The elected position also afforded the public the right to choose the Sheriff whom they could hold fully accountable for the community's safety, the operation of the organization internally and externally, and the

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conduct of the Sheriff's employees. However, the 1997 charter revisions to reinstate the elected Sheriff's position in 1997 did not allow the Sheriff to bargain directly with the represented labor groups in the Sheriff's Office.

While the Sheriff has a seat at the bargaining table in the current negotiations, she does not have the final word on what issues will be bargained or on final contract language. Simply being able to participate in the conversation or submitting a list of desired management rights and working conditions does not carry the same weight or lead to the same outcome as direct negotiations. I do not believe that the current arrangement of the Executive bargaining the Sheriff's labor contracts is in the best interests of public, the Sheriff, or the employees in the Sheriff's office. It is neither effective management nor effective law enforcement to hold an elected sheriff accountable for the conduct of his or her employees governed by labor agreements the sheriff did not bargain.

The Sheriff's Office is unlike any other county government agency. The Sheriff is responsible for the conduct of more then 1,100 employees, including more than 700 commissioned officers who have the power over life and individual liberty. This is a monumental personal and professional responsibility granted at the will of the public. To modernize and improve the Sheriff's Office and to bring greater accountability within the ranks of its employees, the Sheriff should be given the authority to manage her employees through a direct relationship with the bargaining units.

Allowing the Sheriff to bargain directly management rights and working conditions would not diminish the important roles of the Executive and the King County Council. The Executive and the Council would still retain the authority to ensure the Sheriff stays within the approved budget. The Executive and Council would still have the ultimate authority to approve all labor agreements and to address any unreasonable or untenable contract provisions before they become law.

I hope you will support these proposed changes to the King County Charter.

Sincerely,

Gary Locke

cc: King County Executive Ron Sims
King County Councilmembers
King County Sheriff Sue Rahr

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SHERIFF

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