



King County

**Metropolitan King County Council
Law & Justice Committee**

STAFF REPORT

Agenda Item:	5	Name:	Nick Bowman
Proposed No.:	2021-0113	Date:	March 2, 2021

SUBJECT

AN ORDINANCE establishing an advisory committee to engage community stakeholders regarding the selection, appointment and confirmation of the chief officer for the department of public safety and matters pertaining to the department of public safety.

SUMMARY

The proposed ordinance would establish an advisory committee consisting of thirteen members, including representatives from various stakeholder communities and individuals with expertise in the area of law enforcement reform. The purpose of the committee is tied to two distinct bodies of work: (1) to engage with and receive input from stakeholder communities in order to provide guidance to the Council and the Executive in the selection, appointment and confirmation process for appointing a new Sheriff; and (2) to solicit input on the values stakeholder communities hold for how law enforcement services should be provided and the ways the county could improve the delivery of law enforcement services.

Under the proposed ordinance, the Council and the Executive will each select one committee member representing overpoliced communities, rural unincorporated communities, urban unincorporated communities and persons with knowledge of, or experience with, law enforcement reform. Two committee members will be selected to represent cities who contract with the department of public safety, also referred to as the King County Sheriff's Office (KCSO), for law enforcement services. Further, the Puget Sound Police Managers Association and the King County Police Officers Guild will each select one member from their respective organizations to the committee. Finally, the Community Committee for Law Enforcement Oversight will also select one member to represent its' organization on the advisory committee.

The committee shall provide a report(s) on its efforts and findings to the Council and the Executive by July 1, 2021.

BACKGROUND

Elected vs Appointed Sheriff in King County. From 1852 to 1969, the King County Sheriff was an elected position that operated more or less independently of the three county commissioners, who exercised both legislative and executive power. With the adoption of Amendment 21 to the state constitution in 1948, counties were able to adopt Home Rule Charters with voter approval.¹ After rejecting an initial charter in 1952, the voters of King County approved a Home Rule Charter in November 1968. The charter replaced many quasi-independent elected officials, including the sheriff, with appointed positions subordinate to the executive.

For the next twenty-five years, the top law enforcement officer in King County was appointed by the Executive as the Director of the Department of Public Safety, as the Sheriff's Office was renamed under the charter. In late 1995, King County Council Chair Kent Pullen introduced Proposed Ordinance 95-755², which sought to reestablish the sheriff as an independently elected position. “[At the time, King County Executive Gary Locke had proposed a budget which included cuts and staff reductions in the Dept. of Public Safety. Council Chair Pullen argued that an elected sheriff would be in a better position to protect the budget from such cuts over that of a sheriff that also is a county department head reporting to the county executive. Executive Locke stated that he opposed the ordinance on the ground that the sheriff should be viewed as a law enforcement professional rather than an elected politician.]”³

In May 1996, Proposed Ordinance 95-755 was adopted by the County Council. The ordinance submitted to the voters a charter amendment to establish the county sheriff as a nonpartisan elected official with a four-year term. The ordinance maintained the Department of Public Safety as an executive department and maintained the civil service employment status of the department's employees.

With the adoption of Proposed Ordinance 95-755, the decision to make the county sheriff an elected position went to the voters in November 1996 under the ballot title: “Charter Amendment No. 2”. Leading up to the election, various parties made their case for and against the measure.

Charter Amendment No. 2, establishing the King County Sheriff as a nonpartisan elected official, was approved by the voters in November 1996 with 57% voting yes.⁴ In early 1997, King County Executive Ron Sims appointed Dave Reichert, a veteran of the county police force, as Director of the Department of Public Safety. Mr. Reichert was elected sheriff in November 1997. There have been a total of five elected sheriffs since Sheriff Reichert's first term in 1998.

In July 2020, the County Council adopted Ordinance 19139, which placed on the ballot for the November 2020 general election, an amendment to the King County Charter,

¹ “A History of Washington's Local Governments: Washington State Local Governance Study Commission Report (Update). Municipal Research and Services Center for Washington. October 2007.

<http://leg.wa.gov/JointCommittees/Archive/JSCJTD/Documents/2007HistoryofWALocalGov.pdf>

² Ordinance 12301

³ Schaefer, David. “County Council Chairman Calls for Sheriff to be Elected Official- He Thinks Change Would Help Protect Police Budget from Cuts.” *The Seattle Times*. October 26, 1995.

⁴ “Election Results.” *The Seattle Times*. November 6, 1996.

reestablishing the King County Sheriff as an appointed position with a requirement for consideration of community stakeholder input during the selection, appointment and confirmation process . In November 2020, the voters of King County approved Charter Amendment No.5, returning the King County sheriff to an appointed position with a requirement for consideration of community stakeholder input during the selection, appointment and confirmation process to be prescribed by county ordinance.

Sheriff’s Duties and the Duties and Structure of the Department of Public Safety.

Prior to November 2020, the King County Charter specified the Sheriff’s duties by General Law⁵ and prohibited the County Council from decreasing the duties of the Department of Public Safety, also referred to as the King County Sheriff’s Office.⁶ In July 2020, the County Council adopted Ordinance 19140 which submitted to the voters an amendment to the King County Charter placed on the November 2020 general election ballot, allowing the County Council to establish the duties of the Sheriff and the structure and duties of the Sheriff’s Office by ordinance. In November 2020, the voters of King County approved Charter Amendment No.6, allowing the duties of the Sheriff and the duties and structure of the King County Sheriff’s Office to be established by county ordinance.

ANALYSIS

Proposed Ordinance 2020-0113 would establish an advisory committee consisting of thirteen members representing various community stakeholders and individuals with expertise in the area of law enforcement reform. The committee is to engage with and receive input from stakeholder communities directly impacted by KCSO, in order to provide guidance to the Council and the Executive in the selection, appointment and confirmation process for appointing a new Sheriff in accordance with the King County Charter after the adoption of Charter Amendment 5 in November 2020. The committee is also to garner input on the values stakeholder communities hold for how law enforcement services should be provided and the ways the county could improve the delivery of law enforcement services throughout King County.

Committee Composition, Member Selection and Operating Rules. The advisory committee includes thirteen members representing the geographic, ethnic and economic diversity of KCSO’s service area. The Executive and the Council will each select one member to represent overpoliced communities, rural unincorporated communities, urban unincorporated communities and those with knowledge of, or experience related to, law enforcement reform work. The oversight committee, established by the interlocal public safety services agreement with the cities, shall select two members to represent the cities who contract with KCSO for law enforcement services. The Puget Sound Police Managers Association, the King County Police Officers Guild and the Community Advisory Committee for Law Enforcement will each select one member to represent their respective organizations. The committee members which are to be selected by the Executive, the Council and the organizations listed above will be included in an Attachment A to this ordinance by amendment once the names of individuals have been provided to staff.

⁵ The duties as established by RCW Chapter 36.28

⁶ King County Charter Section 350.20.40

Once fully constituted, the committee will determine its rules and operating procedures with assistance from facilitators hired by the Executive.

Committee Responsibilities Pertaining to the Selection, Appointment and Confirmation of the Sheriff. The committee's responsibilities pertaining to the selection, appointment and confirmation of the Sheriff include:

- Engaging with the broader community to garner input on community expectations on the selection, appointment and confirmation of a new Sheriff;
- Soliciting input from experts on the recruitment and selection of high-ranking law enforcement personnel;
- Transmitting a report to the Executive and Council;
- Interviewing candidates identified by the Executive and providing the Executive with the committee's impressions of those candidates; and
- Attending a meeting of the Committee of the Whole to provide the advisory committee's input on the person selected by the Executive for the position of Sheriff.

Committee Responsibilities Pertaining to Obtaining Stakeholder Input on Law Enforcement Services. The committee's responsibilities pertaining to obtaining input from stakeholder communities regarding both the values held for how law enforcement services should be provided and the ways the county could better deliver those services include:

- Providing stakeholder communities with an overview of KCSO services;
- Engaging with the broader community to gather input on the values stakeholder communities hold regarding how law enforcement services should be provided and ways the delivery of those services could be delivered;
- Participating in public forums when invited;
- Soliciting input from experts in the fields of public safety, accountability and oversight or any other field the committee deems relevant; and
- Transmitting a report to the Executive and the Council.

Advisory Committee Report(s). The advisory committee will provide a report or reports to the Executive and the Council by July 1, 2021. The report(s) will detail the committee's efforts to fulfill their responsibilities under the proposed ordinance and will include the following components:

- A description detailing the principles that should guide the solicitation of candidates for the position of Sheriff;
- A description of those qualities, experience and other characteristics the committee would like to see in a candidate for Sheriff;
- A description of the community stakeholder groups providing input to the committee pertaining to the guiding principles on selection of a Sheriff and the qualities a successful candidate should have;
- A description of those values stakeholder communities expressed regarding how law enforcement services should be provided;
- A description of those ways the county could improve the delivery of law enforcement services to preserve and enhance public safety;

- A description of the committee's efforts to engage with, and receive input from community stakeholders; and
- A recommendation on whether a future advisory body should continue to provide public engagement opportunities and guidance to the Executive and the Council on how law enforcement services should be provided and ways the county could improve delivery of those services.

Committee Facilitators and Staff Working Group. The proposed ordinance specifies that the Executive will hire facilitators to assist the committee in its work. A staff working group, including staff from the Executive and the Council, will also be available to assist the committee.

Additional Community Stakeholder Engagement. The proposed ordinance would commit the Executive and the Council to community stakeholder engagement outside of, and in addition to, the work of the advisory committee.

Ordinance Expiration. The proposed ordinance, and the advisory committee it would establish, expires upon confirmation of a new Sheriff.

INVITED

- Patti Cole-Tindall, Undersheriff, King County Sheriff's Office
- Karan Gill, Council Relations Director, King County Executive's Office

ATTACHMENTS

1. Proposed Ordinance 2021-0113