



## King County

### Charter Review Commission

March 27, 2019

### Meeting Minutes

#### **In Attendance:**

Louise Miller (Co-Chair), Ron Sims (Co-Chair), Tim Ceis, Joe Fain (via telephone), Elizabeth Ford, David Heller, Michael Herschensohn, Sean Kelly, Linda Larson (via telephone), Clayton Lewis, Nat Morales, Jeff Natter, Rob Saka, Beth Sigall (via telephone), Alejandra Tres (via telephone), Kinnon Williams and Sung Yang

#### **Excused:**

Ian Goodhew, Marcos Martinez, Toby Nixon, Nikkita Oliver, and Brooks Salazar

#### **Council and Executive Staff:**

Kelli Carroll, Director of Special Projects, Patrick Hamacher, Director of Legislative Analysis, Calli Knight, External Relations Specialist, Mac Nicholson, Director of Government Relations, and Nick Bowman, Council central staff

#### **Also in Attendance:**

Mike Sinsky and Mari Isaacson, Senior Deputy Prosecuting Attorneys, King County Prosecuting Attorney's Office; King County Sheriff Mitzi Johanknecht; Erin Overbey, Senior Legal Advisor, King County Sheriff's Office; Deborah Jacobs, Director, Office of Law Enforcement Oversight (OLEO); meeting facilitator Betsy Daniels, Co-President, Triangle Associates Inc. and Mishu Pham-Whipple, Project Associate, Triangle Associates, Inc.

#### **Welcome and Call to Order**

Co-Chair Miller called the meeting to order at 6:05 p.m. and asked those who have not completed the certificate of training to do so.

#### **Public Comment:**

Manal Al-ansi representing the Loren Miller Bar Association requested an extension to the deadline for revisions and changes to the King County Charter. They believe some of the topics under consideration (e.g., subpoena power for OLEO, sale of properties for

less than fair market value for affordable housing) are paramount and would like to appoint some of their members to participate in the discussions prior to changes being made to the Charter.

### **Approval of Minutes**

Commissioner Williams moved approval of the minutes of the February 27, 2019, meeting. The motion was seconded. There being no objections, the minutes were approved.

### **Overview of the Office of Law Enforcement Oversight (OLEO)**

Nick Bowman, Council central staff, provided a history of the inception of the OLEO and related pieces of legislation, as well as a brief overview of general civilian oversight of law enforcement across the country. He identified the three general types of oversight models as investigative, review, and auditor/monitor. King County's OLEO would be considered a hybrid as it has responsibilities in all three of these areas.

### **History of the Sheriff Becoming an Appointed Position**

Nick Bowman, Council central staff, provided the evolution of the position of sheriff from an appointed position to an elected position.

### **Presentation from King County Sheriff Mitzi Johanknecht**

Sheriff Mitzi Johanknecht noted that the election of Sheriff in the last election had the second highest number of voters behind the vote for King County executive, an indication of the public's desire to have input in the selection of the sheriff. A letter from the Washington State Sheriffs' Association specifying unanimous support of an elected sheriff was referenced. Sheriff Johanknecht stated that elected sheriffs are common throughout the nation, noting that having an elected sheriff allows the Sheriff's Office to work directly with the communities they serve rather than through the direction of another County office and also helps to ensure checks and balances. Regarding qualifications for sheriff, the Washington State Sheriff's Association is currently addressing that.

Discussion ensued regarding potential division among the ranks if someone from within the ranks runs against an incumbent sheriff, what happens to the sheriff during an investigation into allegations against the sheriff, restrictions related to hiring a sheriff from outside the area, the pros and cons of having an elected sheriff, instances where the OLEO has requested information that has not been provided, the impact on negotiations if the Charter were changed to an appointed sheriff, how to look at oversight in the context of an elected sheriff versus an appointed sheriff, and how to change the culture within the Department if cultural change is needed. Sheriff Johanknecht stated that she doesn't think there's a need for OLEO to have subpoena power. Erin Overbey, Legal Advisor for the King County Sheriff, noted that there are processes in place should an internal complaint be filed against the sheriff and also that the Sheriff is in support of the OLEO, though there are some concerns with the scope of authority.

## **Presentation from OLEO Director Deborah Jacobs**

Deborah Jacobs, Director, Office of Law Enforcement Oversight (OLEO), commented on the importance of subpoena power to an independent investigation – having it is critical, using it is rare - and good justification would be needed since OLEO would have to go through the courts to issue the subpoena. She also made the following observations and requests: since the fundamental right of public review of government is something that is bargained under Washington state law, at some point State law and how it might impede independent oversight should be addressed; bring the Charter in line with the Ordinance that authorizes subpoena power; include language that affirms the transparency role of OLEO; OLEO's ability to be transparent is inhibited by the restriction on the use a victim's name; add the word "independent" when describing OLEO's authority to conduct investigations; extend the term of the director to five years so they can have the benefit of being vested in the pension plan; update the description of the OLEO Community Advisory Committee to add clarity and direction; in regard to bargaining where the Executive does money and the Sheriff's Department does oversight, move oversight into the Executive space so there is not such a bargaining conflict; and incorporate something in the Charter to include OLEO in the collective bargaining process. A chart listing King County and other oversight offices around the country that have subpoena power as well as suggested line edits to the OLEO section of the Charter were provided.

Further discussion addressed the denials of requested information, access to databases, having the Ombuds Office subpoena information for them, what considerations should be made if the sheriff were an appointed position, use of a public disclosure request, the type of subpoena power being requested, who would enforce the subpoenas if the sheriff says no, the role of OLEO, what requested Charter changes are in the ordinance and how the recommendations will benefit the people of King County over the next 10 years.

## **Topics, Calendar and Expectations for Subcommittees and Commission**

The subcommittee membership, key dates, processes, the nature of recommendations and nominations for subcommittee co-chairs were addressed. A staff member will be present at each subcommittee meeting. Triangle staff will be at the first meeting of each subcommittee. A calendar will be posted in Dropbox for Commissioners to enter their availability. For the first meeting of each subcommittee, members volunteered to put together information regarding topics within each subcommittee.

### **Adjournment:**

The meeting was adjourned at 8:13 p.m.