



Date: August 17, 2015
To: Members of the Public Safety, Civil Rights, and Technology Committee
From: Mark Baird, Council Central Staff
Subject: Proposed Seattle Police Department Special Commissions Legislation

On August 19th, the Public Safety, Civil Rights, and Technology Committee will discuss Executive-proposed legislation that amends and modifies portions of Seattle Municipal Code (SMC) Chapter 3.28, which deals with Special Commissions and Retired Police Officer Commissions. This memo summarizes two key provisions of the proposed legislation: (1) change to the authority of the Seattle Police Department (SPD) Chief of Police to grant qualified government employees (former police officers or parking enforcement officers) Special Police Officer Commissions to conduct limited law enforcement duties; and (2) the elimination of the Chief of Police's authority to grant and renew Retired Police Officer Commissions.

1. Granting Special Police Officer Commissions

Currently, the Chief of Police may issue a Special Police Officer Commission to a **Government Employee** who is required to exercise police authority or to a **Person Engaged in Private Security Employment** who is required to exercise police authority in his or her employment. In both situations the Chief of Police grants only the police authority necessary to enable the individual to accomplish the duties of his or her employment. Those individuals who get special commissions do not become City employees and are not eligible for City or LEOFF State pensions.

Under the proposed legislation, there remain two scenarios where the Chief of Police may issue a Special Police Officer Commission to an individual. However, the type of individual and the employment scenarios are both tightened to limit the number of and use of special commissions. The Chief of Police could issue a Special Police Commission to:

- **Government Employees** whose appointment will assist the Police Department in enforcing the laws and who have prior law enforcement training or experience.
- **Former employees of the Police Department** with training and experience in traffic control for the purposes of conducting traffic control.

The proposed legislation does not alter the provisions pertaining to limiting police authority to only what is necessary to accomplish duties and the facts that the individual does not become an employee of the City or eligible for City or LEOFF State pensions.

2. Elimination of Retired Police Officer Commissions

Currently, the Chief of Police may grant a Retired Police Officer Commission to any Seattle Police Officer who retired in good standing and not for disability. The Retired Police Officer Commission gives the retired officer all the same authority as an active police officer and subjects retired officers to orders of the Chief of Police and the rules and regulations of the SPD. The retired officer does not become an employee of the City.

There are no specific training requirements that accompany the Retired Police Officer Commission other than to “Maintain the skills and knowledge required of an active police officer.” Retired commissions expire annually. Upon written request, the Chief of Police has discretion to renew commissions. A requester must update contact information. The Chief also possesses the authority to revoke a retired commission for the violation of department rules and regulations; for the holder of a commission being physically or mentally unfit to serve as a police officer; engaging in employment inconsistent with service as a police officer; or a felony or violence related arrest, conviction, or guilty plea.

The proposed legislation *repeals* the sections of Subchapter V of SMC Chapter 3.28 that deal with retired police officers’ commissions. It eliminates the authority of the Chief of Police to grant a Retired Police Officer Commission to any Seattle Police Officer who retired in good standing for service and not for disability. Likewise, the legislation would eliminate this type of commission along with the processes for renewal and revocation of retired commissions.

Implementation Issues and Fiscal Implications of the Proposed Legislation

The proposed changes to this Section of the SMC limit the ability for the Chief of Police to grant special commissions. It tightens the parameters for who may be granted a special commission and how special commission authority can be used in private employment.

The proposed elimination of the Chief of Police’s authority to grant Retired Police Officer Commissions would eliminate retired police officers having police authority equal to what they had as an employee without the ongoing required annual training. It also eliminates liability issues surrounding retired individuals who are not receiving department training having full police powers.

The Chief of Police has not granted any new retired police officer commissions in the past two years. Likewise, she has not granted any renewals of expired retired police officer commissions during that time. As a result, there should not be any existing retired police officer commissions with full police authority with the community.

There are no fiscal implications associated with this legislation.

If you have questions about the information contained in this memo or other questions related to the proposed legislation, please contact Mark Baird (4-5509).