



Legislation Details (With Text)

File #: CB 118476 **Version:** 1 **Name:** CB 118476
Type: Ordinance (Ord) **Status:** Passed
In control: City Clerk

On agenda: 9/8/2015

Final Action: 9/11/2015 **Ord. No.** Ord 124848

Title: AN ORDINANCE relating to the Seattle Police Department; authorizing the Chief of Police to issue Special Police Officer Commissions to qualified government employees to conduct limited law enforcement duties or to former police officers or parking enforcement officers to conduct traffic control; eliminating the authority to authorize Retired Police Officer Commissions; amending Section 3.28.150, and repealing Sections 3.28.450, 3.28.460, 3.28.470, and 3.28.480 of the Seattle Municipal Code.

Sponsors: Bruce Harrell

Indexes:

Attachments: 1. Summary and Fiscal Note, 2. Central Staff Memo on Special Commissions, 3. Signed Ord 124848

Date	Ver.	Action By	Action	Result
9/11/2015	1	City Clerk	attested by City Clerk	
9/11/2015	1	Mayor	Signed	
9/11/2015	1	Mayor	returned	
9/10/2015	1	City Clerk	submitted for Mayor's signature	
9/8/2015	1	City Council	passed	Pass
8/19/2015	1	Public Safety, Civil Rights, and Technology Committee	pass	Pass
8/10/2015	1	City Council	referred	
7/1/2015	1	Council President's Office	sent for review	
6/30/2015	1	City Clerk	sent for review	
6/30/2015	1	Mayor	Mayor's leg transmitted to Council	

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the Seattle Police Department; authorizing the Chief of Police to issue Special Police Officer Commissions to qualified government employees to conduct limited law enforcement duties or to former police officers or parking enforcement officers to conduct traffic control; eliminating the authority to authorize Retired Police Officer Commissions; amending Section 3.28.150, and repealing Sections 3.28.450, 3.28.460, 3.28.470, and 3.28.480 of the Seattle Municipal Code.

WHEREAS, Section 3.28.150 of the Seattle Municipal Code currently authorizes the Chief of Police to

commission persons engaged in private security employment to assist the Police Department in enforcing laws; and

WHEREAS, the Seattle Police Department does not issue Special Police Officer Commissions to persons engaged in security work as such work is strictly regulated under Chapter 18.170 Revised Code of Washington; and

WHEREAS, the City of Seattle has a need for qualified persons with limited law enforcement authority to assist the Police Department where appropriate; and

WHEREAS, the City of Seattle has a need for qualified persons to conduct traffic control; and

WHEREAS, Section 3.28.450 of the Seattle Municipal Code currently authorizes the Chief of Police to grant Retired Police Officer Commissions to any Seattle Police Officer who has retired in good standing; and

WHEREAS a retired officer with a Retired Police Officer Commission has the same authority as an active police officer, may wear his or her Seattle Police Department uniform, and carry a weapon; and

WHEREAS, a retired officer with a Retired Police Officer Commission is not considered an employee, has no assigned supervisor, is not required to have ongoing training or be readily identifiable to the public distinctly from active duty officers, and is not subject to discipline for violations of Seattle Police Department or City policy; and

WHEREAS, it is appropriate to amend Section 3.28.150 to grant the Chief of Police authority to issue commissions that grant limited law enforcement authority to certain qualified City employees or grant limited law enforcement authority to conduct traffic control to retired police officers and parking enforcement officers; and

WHEREAS, it is appropriate to repeal Sections 3.28.450 through 3.28.480 to eliminate the category of Retired Police Officer Commissions; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 3.28.150 of the Seattle Municipal Code, last amended by Ordinance 109759, is

amended as follows:

3.28.150 Commission-Issuance conditions.

A. The Chief of Police may issue a Special Police Officer commission in accordance with the provisions of this ~~((subchapter))~~ Subchapter II to:

1. ~~((a))~~ government employees whose appointment will assist the Police Department in enforcing the laws and who have prior law enforcement training or experience qualifying them for such duties;

or

2. ~~((a))~~ persons formerly employed by the Police Department with training and experience in traffic control for the purpose of conducting traffic control ~~((engaged in private security employment who is required to exercise police authority in his employment and whose appointment will assist the Police Department in enforcing the laws))~~.

B. The Chief shall grant to the person applying for the commission only that police authority necessary to enable said person to accomplish the duties ~~((of his employment))~~ specified in the commission in accordance with this Section 3.28.150. A Special Police Officer does not become an employee of the City by virtue of ~~((his))~~ such commission and is not eligible for a City or LEOFF State pension by virtue of such commission.

Section 2. Subchapter V of Chapter 3.28 of the Seattle Municipal Code, is amended by repealing Sections 3.28.450, 3.28.460, 3.28.470, and 3.28.480, all last amended by Ordinance 109757, as follows:

Subchapter V - Retired Police Officers

Reserved.

~~((3.28.450 Commission-Conditions for granting Authority of commissioned officer.~~

~~The Chief of Police at his discretion may grant a Retired Police Officer Commission to any Seattle Police Officer who is retired in good standing for service and not for disability. An officer so commissioned shall have the same authority as an active police officer; provided, that said authority shall not be exercised in the normal course of said officer's employment, profession, or calling; provided further, that said authority may~~

~~be exercised in the normal course of said officer's private uniformed security employment. An officer so commissioned shall be subject to orders of the Chief of Police and the rules and regulations of the Police Department but does not become an employee of the City by virtue of his commission.~~

~~**3.28.460 Commission Request Expiration and renewal.**~~

~~A retired officer seeking a Retired Police Officer Commission shall submit a written request therefor to the Chief of Police. The Chief at his discretion may grant or deny the request. All commissions shall expire on January 15th of each year. Upon written request prior to expiration, the Chief at his discretion may renew a commission.~~

~~**3.28.470 Requirements for commissioned officers.**~~

~~A retired officer who has been granted a Retired Police Officer Commission shall:~~

- ~~A. Advise the Chief in writing of any change in his home or business address or telephone number, and of any change in the nature of any private employment engaged in; and~~
- ~~B. Maintain the skills and knowledge required of an active police officer.~~

~~**3.28.480 Revocation of commission Conditions.**~~

~~The Chief may revoke a Retired Police Officer Commission for any violation of Police Department rules and regulations for mental or physical unfitness to serve as a police officer, or for engaging in employment inconsistent with service as a police officer. Any determination whether these grounds for revocation exist shall be at the sole discretion of the Chief of Police:~~

- ~~A. Arrest for, conviction of or plea of guilty to any felony, crime of violence or offense involving moral turpitude;~~
- ~~B. Revocation by the Chief of Police; or~~
- ~~C. Expiration of the commission.))~~

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2015, and signed by me in open session in authentication of its passage this ____ day of _____, 2015.

President _____ of the City Council

Approved by me this ____ day of _____, 2015.

Edward B. Murray, Mayor

Filed by me this ____ day of _____, 2015.

Monica Martinez Simmons, City Clerk

(Seal)