



Legislative Department Seattle City Council Memorandum

Date: January 12, 2014
To: Councilmembers
From: Councilmember Bruce Harrell
Councilmember Tim Burgess
Subject: **Appointing Deputy and Assistant Police Chiefs**

Councilmember Harrell and Councilmember Burgess have introduced legislation that will *repeal* a 1978 Municipal Code provision that restricts the appointment of the top commanders in the Police Department to the pool of current Captains and Lieutenants.¹

The purpose of the new legislation is to give the Chief of Police, at his or her sole discretion, the opportunity to select the *best possible candidates* from either inside or outside the Department for the important leadership positions of Deputy Chief of Police or Assistant Chief of Police. Truly effective and sustainable reform necessitates strong leadership; removing barriers to attracting the best possible candidates will help us achieve this leadership.

This legislation was first discussed at Councilmember Harrell's Committee on December 4, 2013. During that discussion, the Committee openly discussed the policy considerations for removing the restrictions for hiring Deputy Chiefs or Assistant Chiefs, not removing the restrictions or removing the restrictions to a limited number of positions. This issue is scheduled for additional discussion and a possible vote on Wednesday, January 15, 2014 at 2 p.m. Here are some questions and answers about this ordinance.

1. Why was the Seattle restriction included in the Municipal Code in 1978?

The legislative history is not entirely clear, but the 1978 code revisions established the Public Safety Civil Service Commission as a separate entity from the Civil Service Commission. The restrictive language on top command appointments was included in the ordinance setting up the separate Commissions.²

¹ SMC 4.08.060(B)(2): "Appointments and promotions to the positions . . . Above the rank and position of Police Captain in the Police Department shall be made by assignment from the ranks and positions of . . . Captain or Lieutenant in the Seattle Police Department . . . at the sole discretion of the appointing authority."

² SMC 4.08.060 includes similar restrictions for appointments to the most senior command positions in the Fire Department, but the ordinance being considered now does not change the Fire Department restrictions.

2. What is the primary reason to lift the appointment restriction?

The new Chief of Police should be empowered to appoint the “best candidates” from inside or outside of the Police Department to his or her senior command staff. Lifting this restriction as we begin a national search for a new police chief will send a strong signal to candidates that we want leadership that can implement strong reforms in the department. This is particularly important if the new Chief of Police is from outside the Department. An experienced Chief from another city who has a proven record of reform and effective leadership may well want to bring one or more experienced assistants along. Not allowing “best candidate” appointments may unnecessarily restrict the City’s ability to attract highly qualified and experienced Chief candidates. This change will send both a practical and a symbolic signal to the Department and the people of Seattle that we are very serious about meaningful reform and hiring the best candidates possible for leadership positions.

3. Some argue that allowing “best candidate” appointments will limit promotion opportunities for current Lieutenants and Captains and create discouragement within the ranks of SPD. Is that true?

Allowing for “best candidate” appointments to the top command positions does not prevent internal candidates from aspiring to these key management assignments. It increases competition and inspires the rank and file to compete with the best as they further their careers. It also allows officers to serve and learn from the strongest police commanders available.

As a practical matter, it is extremely unlikely that any Chief, new or otherwise, would not fill most command staff positions by promotion from within. But the long-term interests of the City and the Police Department are best served through “best candidate” opportunities like this ordinance creates. Except for the Fire Department, no other City department faces similar restrictions on appointment to its most senior management positions. It is highly unlikely the current restrictions, if proposed as a new policy today, would ever be embraced as good public policy for positions that are exempt from Civil Service protection.

4. Do other cities have similar restrictions in place?

At the December 4 Committee meeting, questions were raised about how other cities approach this issue. The following table—developed after telephone interviews with the named cities—provides a comparison with the “West Coast Seven” cities historically used for comparison purposes in labor contract negotiations and with other cities from across the country.

Of the “West Coast Seven” cities, only San Jose does not allow appointment to the top command positions from a “best candidate” pool that includes officers from outside their police department. Seattle’s 1978 restrictive policy is clearly inconsistent with the other cities.

Of the 19 total cities surveyed, 12 allow for “best candidate” appointments (63%) and seven do not (36%).

"Best Candidate" Appointment Practices

	May Chief Hire Assistant or Deputy Chiefs from Inside or Outside?	How many Total Assistant or Deputy Chiefs in Department?	City Population 2010 Census	Number Sworn Police Officers, 2011*	Sworn Police Officers per 10,000 Residents**
West Coast Seven Comparable Cities					
Long Beach	Yes	3	462,257	847	18.3
Oakland	Yes	4	390,724	647	16.6
Portland	Yes	3	583,776	956	16.4
Sacramento	Yes	3	466,488	678	14.5
San Diego	Yes	5	1,307,402	1,834	14.0
San Francisco	Yes	5	805,235	2,210	27.4
San Jose	No	5	945,942	1,103	11.7
Seattle	No	6	608,660	1,305	21.4

Other Cities					
Albuquerque	Yes	3	545,852	1,027	18.8
Austin	No	6	790,390	1,644	20.8
Charlotte	No	5	731,424	1,726	23.6
Chicago	Yes	7	2,695,598	12,092	44.9
Denver	No	2	600,158	1,420	23.7
El Paso	No	4	649,121	1,057	16.3
Fort Worth	No	8	741,206	1,509	20.4
Jacksonville	Yes	5	821,784	1,645	20.0
Milwaukee	Yes	3	594,833	1,862	31.3
Oklahoma City	Yes	4	579,999	1,020	17.6
Philadelphia	Yes	6	1,526,006	6,625	43.4

Quick Summary	
Number of Cities Surveyed	19
Total Cities Allowing Outside Appointments	12
Total Cities NOT Allowing Outside Appointments	7
Average Number Command Positions Per City	4.6

* Source: FBI Uniform Crime Reports for 2011

** Using 2011 officer data and 2010 census population data