

Ordinance No. 00471

[City Council meeting minutes of March 17 2008](#)

ORDINANCE NO. 471

AN ORDINANCE of the City Council of the City of Lakewood, Washington, amending Chapter 02.14 of the Lakewood Municipal Code to clarify the scope of authority extended to employees granted Limited Special Commission, authorizing those employees to have varying degrees of authority to carry or otherwise use weapons and authorizing the Police Department to dispose of all forfeited items in a manner consistent with state law.

WHEREAS, the City of Lakewood created its own police department in 2003 and authorized the Chief Law Enforcement Officer to grant Limited Special Commissions to specific members of City staff; and

WHEREAS, those City employees who have been granted Limited Special Commissions include Community Service Officers, Animal Control Officers, Building Officials and those persons responsible for code enforcement; and

WHEREAS, the City has created a new position entitled Court Compliance Officer which will also require the grant of a Limited Special Commissions to the employee hired to fill that position; and

WHEREAS, employees who are granted Limited Special Commissions will need varying degrees of authority to perform specific job duties and varying degrees of authority to carry weapons in conjunction with performance of the job duties; and

WHEREAS, the Lakewood Municipal Code currently prohibits employees with Limited Special Commissions from carrying firearms or any type of weapons;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. That Chapter 02.14 of the Lakewood Municipal Code shall read as follows:

02.14.000 - Lakewood Police Department

Chapter 02.14
Lakewood Police Department

Sections:

02.14.010 Establishment.
02.14.020 Chief's Appointment
02.14.030 Police ~~Chiefs~~ Civil service exclusion.
02.14.040 Oath.
02.14.050 Members' Appointment and Commissions
02.14.060 Police Powers
02.14.070 Police Department Staffing
02.14.080 Community Service Officers
02.14.090 Additional Powers
02.14.100 Forfeited Items

02.14.110 Commissions
02.14.120 Scope of Limited Commission

02.14.010 - Establishment

There is established and created a police department to be operated under the direction and control of the City's chief law enforcement officer, the ~~e~~Chief of ~~p~~Police, subject to the supervision of the City Manager. (Ord. 327 ? 2 (part), 2003.)

02.14.020 - Chief - Appointment

The ~~C~~Chief of ~~P~~Police shall be appointed by the City Manager, and may be removed by the City Manager. Removal shall be in accordance with law and the policies of the City of Lakewood. (Ord. 327? 2 (part), 2003.)

02.14.030 - Police Chief - Civil service exclusion

Pursuant to RCW 41.12.050, the position of ~~P~~Police ~~C~~Chief is excluded from civil service for city police. (Ord. 327 ? 2 (part), 2003.)

02.14.040 - Oath

The Chief shall take an oath to uphold the laws of the City of Lakewood, hereinafter referred to as the City. (Ord. 327 ? 2 (part), 2003.)

02.14.050 - Members - Appointment and Commissions

All personnel below the rank of chief shall be appointed and commissioned by the ~~e~~Chief in accordance with the applicable law, ordinance, rule or regulation relating to civil service except as exempted in accordance with RCW 41.12.050 and may be removed by the City Manager or Chief subject to any applicable law, ordinance, rule or regulation then in force and effect. No police commission, regular, temporary or honorary, shall be issued to any person until such person has been certified for a regular or provisional appointment to fill an authorized personnel vacancy by the civil service commission in accordance with such rules and regulations relating to civil service then in force and effect. (Ord. 327 ? 2 (part), 2003.)

02.14.060 - Police Powers

The ~~C~~hief of ~~P~~olice and all commissioned police personnel shall have the powers granted to them by state and local law, and shall be responsible for those with duties imposed by the laws of the state relating to ~~C~~hief of ~~P~~olice and law enforcement personnel for code cities, ~~and~~ The ~~C~~hief and all law enforcement personnel shall have the power and duty to enforce the ordinances of the ~~C~~ity and to perform such other services as the laws of the state or the ordinances of the ~~C~~ity may now or hereafter require including acts authorized pursuant to the Inter-Local Cooperation Acts, and the Mutual Aid Peace Officers Powers Act, and pursuant to RCW 10.93. (Ord. 327 ? 2 (part), 2003.)

02.14.070 - Police Department Staffing

The police department shall be staffed by regular commissioned personnel in such numbers as shall be deemed necessary by the City Council pursuant to its adopted budget.

The Department may be supplemented by such support personnel as would be required to aid in the every day operations of a police department. Such support personnel, also known as clerical staff, shall not be commissioned officers. Only full-time employees may be a part of the civil service system. The positions of Administrative Secretary and Administrative Supervisor are exempt from the civil service system. (Ord. 359 ? 1, 2005; Ord. 327 ? 2 (part), 2003.)

02.14.080 - Community Service Officers

Community ~~S~~ervice ~~O~~fficers, whether paid, or volunteer, part-time or full time, shall have limited powers and shall not be considered commissioned officers. Only full-time Community Service Officers are a part of the civil service system. (Ord. 369 ? 2, 2005; Ord. 338 ? 1, 2004; Ord. 327 ? 1 (part), 2003.)

02.14.090 - Additional Powers

The Chief of Police is authorized to engage in forfeiture hearings and proceedings according to RCW 69.50, RCW 10.105.010 and any other applicable state law, and to appoint a designee to act as a hearing examiner for those proceedings. (Ord. 369 ? 3, 2005; Ord. 327 ? 2 (part), 2003.)

02.14.100 - Forfeited Items

~~Forfeited property, r~~Real or personal property forfeited to the Lakewood Police Department pursuant to RCW 69.50, any other state statutes, or pursuant to a court order may be sold, auctioned, converted or otherwise disposed of pursuant to the provisions of the statutory authority or court order authorizing forfeiture. However, to wit, firearms, shall not be retained by the department but shall be sold at auction or destroyed, whichever is most appropriate. (Ord. 327 ? 2 (part), 2003.)

02.14.110 - Commissions

The Lakewood Police Department, as a general authority Washington ~~l~~aw enforcement agency does hereby provide a limited special commission to qualifying employees of the City, specifically those employees responsible for Code Enforcement, Animal Control, and to ~~and also Building Officials specifically those who are authorized to enforce certain civil and criminal laws, as well as those holding the position of Court Compliance Officer and Community Service Officer.~~ (Ord. 339 ? 2, 2004.)

02.14.120 - Scope of Limited Commission

The scope of the commission granted to Court Compliance Officers shall be different from that granted to other employees with the same level of commission. Court Compliance Officers shall be authorized to carry and use firearms, tasers or other weapons issued by the Lakewood Police Department to perform the duties of the position after successful completion of training in the deployment of the weapons and successful completion of the State Correctional Officer Academy. This commission is only effective while the Court Compliance Officer is on duty for the City. Nothing in this section shall extend more authority beyond that necessary to accomplish the duties of Court Compliance Officer.

For all other employees with special limited commissions, ~~the~~ the commission granted shall not grant any power of arrest, nor shall it grant any authority to carry firearms or ~~tasers other weapons~~. Code Enforcement Officers, Building Officials, Community Service Officers and Animal Control Officers are authorized to carry oleoresin capsicum (o.c.) spray issued by the Lakewood Police Department and may only use the o.c. spray for defensive purposes after successful completion of training in the deployment of the spray. In addition, Animal Control Officers may also carry and use tranquilizer darts or other weapons designed for use on animals in conjunction with animal control functions. No one commissioned pursuant to this section shall have any authority beyond that necessary to issue Notices of Infraction and Criminal Citations for violations of the City code provisions as a condition of hired employment with the City, as they related to the previously adopted ~~sted~~ of code provisions. (Ord. 339 ? 3, 2004.)

02.14.130 - Reserve Officers

Reserve Officers shall be considered commissioned officers entitled to participate in the Volunteer Firefighters and Reserve Officer Relief and Pension Program and shall serve without pay for the period as determined by the Chief. The ~~R~~eserve ~~O~~fficer's commission shall be valid only when on official duty as a part of an assigned shift or detail. The Police Chief will ensure reserves have received proper background screening, training and certifications consistent with standards established under Washington law, City ordinance and Civil Service directive. The Chief will also establish standards for continued eligibility for reserve assignment that will ensure reserve officers remain current with training and certifications, as well as familiar and compliant with ordinances of the City and policies of the police department.

(a) Reserve officers shall be deemed to be agents or employees of the City of Lakewood while on official duty and shall have the right to use the Lakewood Police Department's equipment, vehicles and uniforms as deemed necessary and authorized by the Chief.

(Ord. 349 ? 1, 2004.)

Section 2: The remainder of the Chapter shall remain unchanged.

Section 3: Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4: Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this 17th day of March, 2008.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney