



Mayor David A. Condon

February 17, 2016

Council President Ben Stuckart
Councilmember Lori Kinnear
Public Safety Committee
808 W. Spokane Falls Blvd.
Spokane, WA 99201

Dear Council President Stuckart and Councilmember Kinnear,

Thank you for the Committee's letter of February 8, 2016, regarding the appointment of Jim McDevitt as the temporary Director of Law Enforcement for the Spokane Police Division. I desire to work cooperatively and collaboratively with you on this matter, and I believe committee meetings will be more productive if we are given advance notice of all topics the committee would like to discuss so appropriate staff is in attendance.

The following is a point-by-point response to each of the Council's questions.

1. No new job description is necessary for the Director of Law Enforcement position, as the job is a temporary project position that is essentially the Chief of Police in a non-commissioned capacity. It is a temporary assignment while the City undergoes the search for a new Chief. The City has precedence for this, as this is what was done to allow prior appointments to act as the Director of Law Enforcement pending commission.
2. The Director of Law Enforcement has general oversight authority over the Police Division, and is the representative of the Police Division to the community. Any and all duties that require a commission, including hiring, firing, or disciplinary authority, are delegated to the Assistant Chief who holds a commission. If these situations become necessary over the Director's short interim period, those decisions would be left to the Assistant Chief, the highest ranking commissioned officer. The City has done this in the past to allow prior appointments to act as the Director of Law Enforcement pending commission, and this would be necessary as well should a new Chief be brought in from another state and need to be commissioned in Washington.
3. The Director of Law Enforcement is a temporary/interim position in lieu of an interim Chief of Police. The most current version of the SPD organizational chart is attached hereto. Hiring Mr. McDevitt will replace the top box (currently "Chief (Interim) Dobrow") with the title "Director of Law Enforcement (Interim) McDevitt."

The City of Choice

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4. Mr. McDevitt will not be the Chief of Police. He is being appointed as the Director of Law Enforcement, which is a temporary/interim position in lieu of a Chief of Police. RCW 35.21.333 addresses only persons “seeking appointment to the office of chief of police or marshal” and does not apply to interim civilian directors.
5. There is no conflict with the Spokane Municipal Code, as the Administration is not changing the organizational structure to create a permanent civilian director in lieu of a chief of police. To that end, SMC 03.10.010 does not identify the possibility of an acting or interim chief, which has been a practice even as recent as Acting Chief Dobrow’s tenure. The title “Director of Law Enforcement” is a temporary language change, not a substantive overhaul of the organizational structure. As such no “subsequent ordinance” will be brought forward for Council consideration.
6. The Administration is proposing that Mr. McDevitt be hired as a project employee paid a rate of \$100.00/hour for his services. The total estimated expenditure for his position from March 1 – June 30, 2016, is estimated at \$64,000. As a project employee, Mr. McDevitt will be ineligible for City benefits. The estimated cost for Mr. McDevitt’s services will be approximately \$6,000 less than the total cost of compensation for the Chief of Police over that same period (\$69,986). No new position will be necessary to create, as the Director of Law Enforcement is a temporary placeholder position for the Chief of Police in the Spokane Police Division. Again, the City has used this position before to allow prior appointments to act as the Director of Law Enforcement pending commission.
7. For matters that require a commissioned officer, the Assistant Chief will stand ready to perform those duties. There should be no long-term operational change.

Sincerely,



David A. Condon
Mayor

cc: Theresa Sanders, City Administrator
Tyler Whitney, Policy Advisor
Heather Lowe, Human Resources Director
Erin Jacobson, Assistant City Attorney



SPokane Police Division ORGANIZATIONAL CHART PROPOSED FOR 3/01/2016

