## STAFF REPORT

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| **Agenda Item:** |  | **Name:** | Nick Bowman |
| **Proposed No**.: |  | **Date:** | February, 2019 |

**SUBJECT**

History of the sheriff as an elected position in King County.

**BACKGROUND**

From 1852 to 1969, the King County Sheriff was an elected position that operated more or less independently of the three county commissioners, who exercised both legislative and executive power. According to HistoryLink.org, the sheriff, along with other elected county officials, including the assessor, auditor, clerk, coroner, prosecuting attorney and treasurer had considerable discretion over the operations of their departments without much oversight by the commissioners. The independent authority of these elected offices to, "[dispense county jobs and funds] permitted the growth of a patronage system that both political parties fought to control.”[[1]](#footnote-2)

In 1948, the Seattle League of Women Voters and the Municipal League of Seattle and King County, successfully pushed for the adoption of Amendment 21 to the state constitution, which permitted counties to adopt Home Rule Charters with voter approval.[[2]](#footnote-3) After rejecting an initial charter in 1952, the voters of King County approved a Home Rule Charter in November 1968. The charter replaced many quasi-independent elected officials, including the sheriff, with appointed positions subordinate to the executive. Proponents of the proposed charter stated that an appointed sheriff would be chosen on merit and professional qualifications and “[create] a climate for professional, career employees isolated from political involvement.”[[3]](#footnote-4) According to reports at the time, the King County Sheriff’s Office and the Seattle Police Department “had been buffeted by charges of corruption and cronyism, and there were state and federal investigations of reported police payoffs;”[[4]](#footnote-5) investigations which eventually led to a grand jury indictment of King County Sheriff Jack Porter and Seattle Police Chief Frank Ramon among other local government officials.[[5]](#footnote-6) Opponents of the charter, including *The Seattle Times* Editorial Board, argued that making the sheriff an appointed position would expose the county commissioners to “corrosive influences in the form of election contributions from those who might benefit from law enforcement ‘tolerances’,”[[6]](#footnote-7) or police policies that ignore activities of doubtful legality. Other charter opponents such as the King County Labor Council, argued it would undemocratically deny the public the right to elect the sheriff and undermine efforts to establish collective bargaining for county employees.[[7]](#footnote-8)

For the next twenty-five years, the top law enforcement officer in King County was appointed by the executive as the Director of the Department of Public Safety, as the Sheriff’s Office was renamed under the charter. In late 1995, King County Council Chair Kent Pullen introduced Proposed Ordinance 95-755[[8]](#footnote-9) which sought to reestablish the sheriff as an independently elected position. “[At the time, King County Executive Gary Locke had proposed a budget which included cuts and staff reductions in the Dept. of Public Safety. Council Chair Pullen argued that an elected sheriff would be in a better position to protect the budget from such cuts over that of a sheriff that also is a county department head reporting to the county executive. Executive Locke stated that he opposed the ordinance on the ground that the sheriff should be viewed as a law enforcement professional rather than an elected politician.]”[[9]](#footnote-10)

In May 1996, after a series of hearings in the Law, Justice and Human Services Committee, Proposed Ordinance 95-755 was adopted by the County Council. The ordinance submitted to the voters a charter amendment to establish the county sheriff as a nonpartisan elected official with a four year term. If approved by the voters, the sheriff would be elected in November 1997, with the first year of their term beginning in 1998. The ordinance maintained the Dept. of Public Safety as an executive department and also maintained the civil service employment status of the department’s employees. As listed in the available council materials, representatives from the King County Police Officers Guild and other police unions supported the ordinance, while a representative from the executive’s office opposed the measure.[[10]](#footnote-11)

With the adoption of Proposed Ordinance 95-755, the decision to make the county sheriff an elected position went to the voters in November 1996 under the ballot title: “Charter Amendment No. 2”. Leading up to the election, various parties made their case for and against the measure.

The arguments **for** Charter Amendment No. 2 offered by a majority of the King County Council and the King County Police Officers Guild, generally consisted of the following:

* “[The county executive has generally appointed a sheriff from out of state with no community ties or knowledge of the interworking of the county’s police force;
* An appointed sheriff reporting to the county executive is unable to effectively fight budget cuts or go public with requests for additional funding that he or she may feel are necessary;
* Nationally, 3,085 counties have elected sheriffs while only 11 counties have appointed sheriffs; and
* King County voters are intelligent enough to choose for themselves who they want as the county’s top law enforcement officer.]”[[11]](#footnote-12)

The arguments **against** Charter Amendment No. 2, offered by Seattle Mayor Norm Rice, King County Councilmember Greg Nickels, Former King County Executive John Spellman and *The Seattle Times* Editorial Board generally consisted of the following:

* “[Politics and ‘electability’ should not determine the top law enforcement officer in such a populous county;
* Investigations into graft and corruption at the King County Sheriff’s Office was one of the reasons the voters approved the Home Rule Charter and made the sheriff an appointed position;
* Since the sheriff became and appointed position there have been no major investigations into corruption or criminal activity in the sheriff’s office;
* An ineffective, incompetent or dishonest sheriff that is appointed can be held immediately accountable by the executive, while removing an elected sheriff would require a cumbersome recall election; and
* An appointed sheriff allows for an extensive search and rigorous selection process to ensure the most qualified professional gets the job.]”[[12]](#footnote-13)

Charter Amendment No. 2, establishing the King County Sheriff as a nonpartisan elected official, was approved by the voters in November 1996 with 57% voting yes[[13]](#footnote-14). In early 1997, King County Executive Ron Sims appointed Dave Reichert, a veteran of the county police force, as Director of the Department of Public Safety. Mr. Reichert was elected sheriff in November 1997. There have been a total of five elected sheriffs since Sheriff Reichert’s first term in 1998.

**ATTACHMENTS**

1. Proposed Ordinance 95-755 Staff Report and Law, Justice and Human Services Committee Minutes May 7, 1996
2. King County Voter’s Pamphlet November 1996
1. Oldham, Kit. “Freeholders propose new Home Rule charter for King County on July 28, 1952.” Historylink.org 3 June 2006. <https://historylink.org/File/7790> [↑](#footnote-ref-2)
2. “A History of Washington’s Local Governments: Washington State Local Governance Study Commission Report (Update). Municipal Research and Services Center for Washington. October 2007. <http://leg.wa.gov/JointCommittees/Archive/JSCJTD/Documents/2007HistoryofWALocalGov.pdf> [↑](#footnote-ref-3)
3. Vogel, Andrea. “The Charter.” *The Seattle Times.* October 6, 1968 [↑](#footnote-ref-4)
4. Schaefer, David. “Back to the Future: An Elected Sheriff – Nonpartisan Office- Holder to be Chosen.” *The Seattle Times.* November 6, 1996. [↑](#footnote-ref-5)
5. Anderson, Rick. “Shakedown Streets: Excerpts from Seattle Vice.” *Seattle Weekly.* October 19, 2010 [↑](#footnote-ref-6)
6. Editorial Board. “The County Charter: Controls Voters Should Retain.” *The Seattle Times*. November 19, 1967. [↑](#footnote-ref-7)
7. Bender, James King County Labor Council. “Is the Proposed King County Charter a Tax-Eating Monster in Disguise?” Paid advertisement in *The Seattle Times.* November 4, 1968 [↑](#footnote-ref-8)
8. Ordinance 12301 [↑](#footnote-ref-9)
9. Schaefer, David. “County Council Chairman Calls for Sheriff to be Elected Official- He Thinks Change Would Help Protect Police Budget from Cuts.” *The Seattle Times.* October 26, 1995. [↑](#footnote-ref-10)
10. Hurd, Catherine. “Proposed Ordinance 95-755 An Ordinance proposing to amend the King County Charter to create the elected office of county sheriff, Staff Report.” May 7, 1996. [↑](#footnote-ref-11)
11. Sources for the “for” arguments include: 1. “Charter Amendment No. 2 statements for” prepared by Kent Pullen, Paul Barden and Steve Eggert. King County Voters’ Pamphlet. November 1996. 2. “Ballot Measures” *The Seattle Times.* November 1, 1996. [↑](#footnote-ref-12)
12. Sources for the “against” arguments include: 1. “Charter Amendment No. 2 statements against” prepared by Greg Nickels, Connie King and John Spellman. King County Voters’ Pamphlet. November 1996. 2. Editorial Board. “Keep Sheriff Appointed.” *The Seattle Times*. October 25, 1996. 3. Editorial Board. “Resist the Urge to Tinker.” *The Seattle Times.* May 27, 1996. [↑](#footnote-ref-13)
13. “Election Results.” *The Seattle Times*. November 6, 1996. [↑](#footnote-ref-14)