

Amended & Overridden

4549

ORDINANCE NO. _____

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AN ORDINANCE relating to administration; transferring certain functions from the Department of Rehabilitative Services to the District Court and implementing certain other functions; amending Ordinance 1872, Section 2 and KCC 2.16.130(2); adding new sections to Ordinance 3714 and KCC 2.68.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 1872, Section 2, and KCC 2.16.130(2) are hereby amended as follows:

Department of Rehabilitative Services - Duties - Divisions. The Department of Rehabilitative Services shall be responsible for the administration of the Division of Human Services and Corrections.

(1) HUMAN SERVICES DIVISION. The Human Services Division shall be responsible for the administration of programs relating to the involuntary treatment and commitment of the mentally ill; for assisting the community mental health administrative board, board for developmental disabilities and drug commission in developing program policies; for assisting the boards and commission in developing positions for implementing policies through the policy-making and appropriation authority of the council and the administrative prerogatives of the executive.

(A) Within ten days of the effective date of the ordinance codified in this section, the director of the Department of Rehabilitative Services shall appoint the manager of the Division of Human Services.

Subsequent to the initial appointment, the manager of the Division of Human Services shall be appointed by the director of the Department of Rehabilitative Services from a list of at least five nominees submitted by a committee composed of the chairmen of the community mental health administrative board, board for developmental disabilities, and drug commission. If the director does not appoint from the list of nominees, the director may request a new list from the committee. In the event

1 the list is not forthcoming within thirty days following a
2 vacancy of the position or request for a list, the director shall
3 appoint the manager.

4 (B) The manager is responsible for staffing and
5 supervising the staff of the division pursuant to career service
6 rules and budgetary constraints of the King County Charter. The
7 exempt positions of program coordinator for the mental health,
8 developmental disabilities, and drug abuse programs shall be
9 appointed by the manager from a list of five nominees submitted
10 by the appropriate board, the nominee is to be certified by the
11 Personnel Division as technically qualified for the position. If
12 the manager does not appoint from the list of certified nominees,
13 he may request a new certified list from the board.

14 (C) The manager of the Division of Human Services
15 shall:

16 (i) Provide the boards, county executive and county
17 council with information, analysis, and related staff assistance
18 needed for the development, recommendation and adoption of
19 policies and plans for the mental health, developmental
20 disabilities and drug abuse programs.

21 (ii) Allocate sufficient staffing support to the
22 boards and commission to allow them to carry out their
23 responsibilities.

24 (iii) Monitor and evaluate service providers to assure
25 compliance with contracts and policies.

26 (D) No provision of this section shall be interpreted
27 to lessen or diminish the statutory authority and
28 responsibilities of the boards.

29 No provision of this section shall be construed to
30 limit the power of the boards and commission to report directly
31 to the county council or executive.

32 (E) There is created an administration committee
33 consisting of the chairman and vice chairman of each of the

4540

1 boards and commission. The administration committee shall meet
2 at least annually, on the call of any one of its members, to
3 review and comment on the administration budget and objectives
4 proposed by the manager of the Division of Human Services.

5 (2) CORRECTIONS DIVISION. The Corrections Division
6 shall be responsible for the administration of criminal detention
7 facilities and work release programs, service contract
8 development and negotiation, presentence diagnosis and reporting,
9 rehabilitation services, pretrial release information collection,
10 and postsentence monitoring. The statement of function shall not
11 be construed or interpreted in any way as to include probation
12 services or related activities involving misdemeanor offenders
13 receiving probation services or those parties being considered
14 for the same.

15 (3) All employees of the Department of Rehabilitative
16 Services, except the chief officer of the department and its
17 divisions, their administrative assistants, confidential
18 secretaries and one program coordinator assigned to the mental
19 health board, developmental disabilities board and drug abuse
20 commission, appointed pursuant to Article 5, Section 550 of the
21 King County Charter, shall be members of the career service
22 system; provided, this provision shall not include commissioned
23 members of the Department of Public Safety or Seattle Police
24 Department temporarily assigned to the Department of
25 Rehabilitative Services.

26 NEW SECTION. SECTION 2. DISTRICT COURT ADMINISTRATOR.
27 There is hereby established the position of District Court
28 Administrator. The position shall be filled and maintained in a
29 manner and through such procedures as are established by a
30 majority of the King County District Court Judges. The rate of
31 compensation shall be determined by a majority of the King County
32 District Court Judges, subject to the review of appropriate
33 parties as permitted by general law. The duties and job descrip-

1 tion of the District Court Administrator shall be as established
2 and as from time to time set forth by the King County District
3 Court Judges.

4 NEW SECTION. SECTION 3. DIVISION OF PROBATION. There is
5 hereby established a Division of Probation responsible for
6 providing probation services to the King County District Courts.
7 Such Division of Probation shall be administered by the District
8 Court Administrator, supervised by a division director, and
9 funded in the same manner as the District Courts. Existing
10 employees of the Corrections Division of the Department of
11 Rehabilitative Services who are transferred to the Division of
12 Probation and who were County Career Service employees on the
13 effective date of such transfer shall be provided with employment
14 rights at least equivalent to those which they were accorded
15 under the Career Service System, as established by Article 5 of
16 the King County Charter. Employees of the Division of Probation
17 who are hired after the effective date of the transfer shall be
18 exempt from the Career Service, as defined by Section 550 of the
19 King County Charter.

20 NEW SECTION. SECTION 4. DIVISION OF BAIL, FINES AND
21 PENALTY COLLECTION. There is hereby established the Division of
22 Bail, Fines and Penalty Collection to be responsible for the
23 initial attempt to collect forfeited bail, other fines and
24 monetary penalties accruing to the county as a result of action
25 taken by the court. Such Division of Bail, Fines and Penalty
26 Collection shall be administered by the District Court Administra-
27 tor, supervised by a division director, and funded in the same
28 manner as the District Courts. The activities of the division
29 shall be coordinated with the Department of Public Safety. For-
30 mal procedures shall be promulgated to insure that such services
31 are provided in conformance with general law and other related
32 policies of the county.

33 NEW SECTION. SECTION 5. Revenue derived from the operation

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of the Division of Bail, Fines and Penalty Collection shall be used first to subsidize the operation of such division and then for the costs of operation of the Division of Probation, the remainder, if any, shall be deposited in the appropriate county general fund.

SECTION 6. This ordinance shall take effect on January 1, 1980.

INTRODUCED AND READ for the first time this 8th day of October, 1979.

PASSED this 22nd day of October, 1979.

KING COUNTY COUNCIL
KING COUNTY, WASHINGTON

Rubij Chow
Chairman

ATTEST:

Dorothy M. Stevens
Deputy Clerk of the Council

~~VETOED~~
~~APPROVED~~ this 1st day of November, 1979.

John D. Spallman
King County Executive

VETO OVERRIDEN BY THE KING COUNTY COUNCIL ON
NOVEMBER 19, 1979.



John D. Spellman

County Executive

King County Courthouse
Seattle, Washington 98104
(206) 344-4040

November 1, 1979

The Honorable Ruby Chow
Chairman, King County Council
402 King County Courthouse
B U I L D I N G

Dear Councilwoman Chow:

I am returning to you Ordinance No. 4549, vetoed in accordance with Section 230.20 of the King County Home Rule Charter.

Not only does this ordinance contain two subjects, in contravention of section 230.10 of the Charter (the distinct subjects being probation services and warrants); more substantively, this ordinance is a step backward in the operation of the County's criminal justice system.

Modern correctional philosophy recommends that probation services be administered separate and apart from the judicial system. This is the organizational arrangement that we presently have; it is consistent with the organization for probation at the state level. Spinning these services off to the district courts would be a mistake, resulting in a weakening of our correctional system. When the Council originally considered this matter in the form of a motion, it was my hope that final judgment would be reserved until the budgetary process. At that time, a determination could be made as to whether perceived problems in misdemeanor probation were related to funding or to organizational structure. I again urge that course of action upon the Council, and suggest that further consideration be given to the prudence of building up functions in the judicial branch, with the historical and inherent budgetary pressures that such an action has on the general governmental fiscal decisions of the legislative and executive branches.

In regard to the second subject of the ordinance, warrants, I believe that the proposed ordinance establishes a new, potentially expensive and largely unnecessary bureaucracy. At a time when citizens seek economy in government, and a reduction in its size, this ordinance would create an unneeded collection agency that in large measure duplicates other means of collecting warrants. I believe that the supposed financial benefits of this new warrants diversion have been far overstated and that in

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KING COUNTY COUNCIL

Councilwoman Chow
November 1, 1979
Page 2

reality the costs will be found to outweigh the benefits. We have dealt forthrightly with the District Courts in an attempt to determine any new revenue that might be generated by an expanded collection effort. While the courts maintain that some new revenue may be available, the basis for this estimate is not well documented. Moreover, our analysis of the subject indicates that, because of other collection mechanisms, the purported new revenue is largely illusory. This analysis is discussed in greater detail in the attached letter.

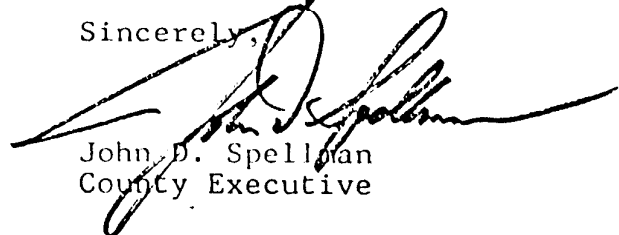
Briefly, the decriminalization of most traffic offenses by the legislature takes effect on July 1, 1980, meaning that warrants will not be issued for most traffic offenses. Furthermore, present procedure is to deny driver's license renewal to individuals with unpaid bail warrants outstanding, with the check being made by the State Department of Motor Vehicles computer at no cost to the County.

When an actual warrant for arrest must be served, sound procedure calls for it to be served by a sworn police officer, not by a civilian employee of the courts. The Council should be advised that I have no intention of permitting civilian employees to be sworn as special deputies to make arrests. This is a bad law enforcement practice with a lamentable history in other jurisdictions as well as in this jurisdiction prior to the adoption of a modern charter government, which has led to the establishment of a professional police force.

If the Council feels that additional effort is needed to collect warrants, then I urge it to add such manpower as it must to the existing Department of Public Safety.

I regret the need to veto this ordinance, but I sincerely believe that it is hasty, inappropriate legislation. I urge the Council to reconsider the matters contained in the ordinance, and to find alternative ways to remedy your program concerns.

Sincerely,



John D. Spellman
County Executive

JDS:cm
Enclosures



John D. Spellman, *County Executive*

Department of Budget and Program Development ED
Mary Ellen McCaffree, *Director*

Budget Division
Room 400, King County Courthouse
516 Third Avenue
Seattle, Washington 98104

OCT 31 1979
KING COUNTY
EXECUTIVE OFFICE

John M. Rose, *Manager*
(206) 344-7370

October 31, 1979

John D. Spellman
King County Executive
B U I L D I N G

Dear Mr. Spellman:

We have reviewed Ordinance No. 4549 which was passed by the Council on October 22, 1979, and conclude that the assumption that there would be sufficient additional revenue to fund an expanded warrant service effort is unfounded. Our analysis indicates that no additional continuing revenue would be available to the County through an expanded warrant service effort.

The bases for this conclusion are firstly that most traffic offenses will be decriminalized as of July 1, 1980, pursuant to the provisions of H.B. 101. District Court has indicated that warrants will not be issued for the decriminalized offenses as there is no legal recourse for making a physical arrest for this type of offense. Approximately 85 percent of the misdemeanor warrants issued are for traffic offenses. Since most of these offenses would be decriminalized, any revenue from current outstanding traffic warrants would be for one time only. Furthermore, the number of existing checks in the warrant system indicate that most of these one-time warrants would be collected without an additional warrant service effort. The existing checks are:

- 1) if an offender fails to respond to the original summons/bail notice, a warrant is issued and, at the same time, a failure to appear notice (FTA) is sent to the Department of Licensing (DOL);
- 2) when Public Safety receives a warrant, the Department checks the offender's address and sends a copy of the warrant to the offender; the warrant is also entered into the Sea-King system and, for some warrants, the statewide WASIC system;

HONORABLE RUDY CHOW
October 31, 1979

Page two

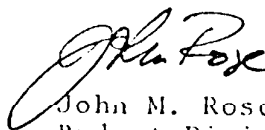
- 3) when DOL receives an FTA notice it sends a notice to the offender and enters the information on the Driver's Electronic Record; this record is checked whenever a person applies for a driver's license renewal; if there is an outstanding FTA notice the DOL will not issue a permanent driver's license until the matter is cleared by the offender.

Thus, several means already exist for obtaining the one-time revenue that might be available from the outstanding misdemeanor warrants that are for traffic offenses.

Secondly, the remaining non-traffic (criminal) misdemeanor warrants are already being processed by the Department of Public Safety's Warrant Unit. Since whatever revenue is available from these criminal misdemeanor warrants is already being collected, these warrants do not represent an additional source of funds to the County.

For these reasons, the Department of Public Safety did not request and the County Executive did not recommend any expansion of the Warrant Service Unit in 1980.

Sincerely,



John M. Rose, Manager
Budget Division

JMR/bt