



## City Council

### Approval of a Resolution Authorizing an Interlocal Agreement with the Thurston County Prosecuting Attorney's Office for Prosecution Services

**Agenda Date:** 4/19/2022  
**Agenda Item Number:** 4.L  
**File Number:**22-0370

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**Type:** resolution **Version:** 1 **Status:** Passed

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#### **Title**

Approval of a Resolution Authorizing an Interlocal Agreement with the Thurston County Prosecuting Attorney's Office for Prosecution Services

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the Resolution authorizing the Interlocal Agreement with Thurston County Prosecutor's Office for Prosecution Services.

#### **Report**

##### **Issue:**

Whether to enter into an Interlocal Agreement with Thurston County Prosecuting Attorney's Office for Prosecution Services.

##### **Staff Contact:**

Tye Graham, Chief Prosecutor, Legal Department, 360.753.8237

##### **Presenter(s):**

None - Consent Calendar Item.

##### **Background and Analysis:**

Staff from the City and Thurston County Prosecutor's Office have developed the proposed Interlocal Agreement to address prosecution of conflict-of-interest cases and allow the City's prosecutors to pursue felony charges.

There are times when either the City's prosecutors or Thurston County prosecutors are barred from ethically prosecuting a case because of a conflict of interest. Examples of conflicts include defendants being family members of City staff, close working relationship between either office and

the defendant, or employees as defendants. In these circumstances, the City's prosecutors or Thurston County's prosecutors are barred to prosecute by the Rules of Professional Conduct enacted by the Washington State Supreme Court. This agreement allows the other office to take over those cases, assuming the office can accommodate the request at that moment.

Additionally, the agreement allows the City's prosecutors to pursue felony charges in Thurston County Superior Court on cases that the Thurston County Prosecuting Attorney's Office is unwilling to prosecute. Traditionally, the City's prosecutors would be limited to only pursuing Misdemeanor or Gross Misdemeanor charges in Olympia Municipal Court. The prosecution of felony cases is reserved for the county prosecutor and his/her/their staff. The decision to pursue such a felony would be at the discretion of the City's prosecutors.

**Neighborhood/Community Interests (if known):**

The ability of the City's prosecutors to pursue felony charges on certain cases enhances public safety.

**Options:**

1. Approve the Resolution Authorizing an Interlocal Agreement Between the City of Olympia and Thurston County Prosecuting Attorney's Office for Prosecution Services.
2. Direct staff to discuss Council-requested modifications to the ILA with Thurston County. This option will delay implementation of the ILA.
3. Do not approve the Resolution authorizing the ILA with Thurston County Prosecutor's Office.

**Financial Impact:**

The Interlocal Agreement does not require additional funding.

**Attachments:**

Resolution  
Agreement