

# 2020 Seattle City Council Statement of Legislative Intent

## Agenda

Tab	Action	Option	Version
SPD	1	A	1

**Budget Action Title:** Request that SPD, in conjunction with other City departments, lead an examination of the Charge By Officer (CBO) program

Ongoing: Yes

Primary Sponsor: Abel Pacheco

Council Members:

Staff Analyst: Greg Doss

Date		Total	LH	BH	KS	AP	DJ	MO	SB	TM	LG
	Yes	0									
	No	0									
	Abstain	0									
	Absent	0									

### Statement of Legislative Intent:

This Statement of Legislative Intent (SLI) requests that the Seattle Police Department (SPD) partner with the City Attorney's Office (LAW) and the Seattle Municipal Court (SMC) - through the Criminal Justice Equity Team (CJET) - to lead an examination of the SPD Charge By Officer (CBO) program. The analysis should determine:

(1) how CBO cases are used by SPD, LAW and SMC; and

(2) whether the CBO program creates any backfire effects that increase the financial and psychological trauma created when people come into contact with the criminal justice system, or other unintended consequences.

SPD and CJET are asked to submit the report by July 1, 2020 to the Chair of the Gender Equity, Safe Communities, and New Americans Committee – or successor committee - and the Council Central Staff Director. The report should:

1) identify the national research that has been conducted on CBO-type programs in other jurisdictions; and

2) summarize Seattle's CBO program history, including information on number of CBOs by year, the average time it takes to file a CBO and whether the CBO has resulted in a FTA notice;

3) evaluate whether and how SPD's CBO program is consistent with the principles of harm reduction and restorative justice; and

4) describe whether the CBO program decreases or contributes further to involvement in the criminal justice system in the long term.

The analysis and report should be developed in conjunction with the communities most impacted by the criminal legal system and should include a racial equity analysis identifying racial equity outcomes and whether the program as a whole reduces or increases racial disproportionality in the criminal legal system.

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### Background:

Section 15.020 of the SPD Policy Manual outlines the Department's CBO program, which offers SPD officers an alternative to booking suspected misdemeanants into jail. The CBO program allows officers to refer directly to the City Attorney's Office (LAW) a case that has been fully investigated in the field and does not require any Detective follow up.

The CBO reduces the negative outcomes associated with jail bookings, which may include separation from family and the risk of losing employment if a suspected misdemeanant cannot report for work. However, it does not fully mitigate the harm caused by the Criminal Justice System and may exacerbate such harm if LAW filing delays or an improperly delivered summons results in a Failure To Appear (FTA) notice that becomes the basis for a warrant.

As an alternative to arrest, or to CBO, the City's Law Enforcement Assisted Diversion offers officers another choice – to bypass the Criminal Justice System altogether in favor an approach that reduces law violations by participants through use of harm reduction-based case management.

Some U.S. cities, such as New Orleans, LA use CBO-type programs where officers are expected to issue summonses in lieu of arrests for many misdemeanor offenses. And the State of New York passed legislation in April 2019 that expands the use of desk appearance tickets in lieu of arrests for most misdemeanors. These efforts are in line with President Obama's Task Force on 21st Century Policing which recommended that "law enforcement training policies should emphasize de-escalation and alternatives to arrest or summons in situations where appropriate." Additionally, the Seattle Reentry Workgroup, created by Resolution 31637 and convened by the Office of Civil Rights, recommended in its final report that SPD limit arrests for nonviolent misdemeanor offenses and increase its use of alternatives to arrest.

### Responsible Council Committee(s):

Gender Equity, Safe Communities, New Americans & Education

### Date Due to Council:

July 1, 2020