



Legislation Text

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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE relating to the organization of City government; creating a new Community Safety and Communications Center; and making necessary amendments to Chapters 3.15, 3.28, 6.10, 10.08, 11.14, 11.16, and 12A.16 of the Seattle Municipal Code and Ordinance 86431 to implement associated organizational changes and make technical revisions.

WHEREAS, throughout the summer, Seattle residents have taken to the streets to protest the unjust murders of Black Americans, including George Floyd and Breonna Taylor and the shooting of Jacob Blake; all of these individuals experienced violent and lethal force at the hands of the police; and

WHEREAS, in response to this local and national civil rights reckoning, community members and civic leaders, including the Mayor and members of the City Council, have committed to a holistic review and community-led discussion around the effectiveness of the current way that community safety is provided in Seattle; and

WHEREAS, the shared vision for reimagining Seattle's system of community safety recognizes the importance of providing alternatives to armed police officer response, including civilian and community-based services and solutions; and

WHEREAS, based on community input, the Mayor and the City Council will pursue the transfer of certain functions out of the Seattle Police Department, including Emergency Management, 9-1-1 Dispatch, and Parking Enforcement; and

WHEREAS, moving the law enforcement function of the Parking Enforcement Officers outside the Seattle Police Department will require commissioning those officers as special police officers under Seattle

Municipal Code Sections 3.28.150-220; and

WHEREAS, changes to the Seattle Municipal Code and to ordinances are necessary to A) locate parking enforcement outside the Seattle Police Department and B) allow Parking Enforcement Officers, as special police officers, to continue enforcing Title 11, as limited by their special commissions under Seattle Municipal Code subsection 3.28.150.B; and

WHEREAS, the transfer of parking enforcement functions from the Seattle Police Department to a new Community Safety and Communications Center will require time to develop an appropriate organizational structure and to define new internal and intra-departmental procedures, some of which may be subject to bargaining; and

WHEREAS, the executive is prepared to transfer 9-1-1 Dispatch from the Seattle Police Department to a new Community Safety and Communications Center effective January 1, 2021; and

WHEREAS, these transfers, taken in total, aim to reflect community expectations of the equitable delivery of City services, elevate emergency planning, improve the coordination of calls-for-service, increase civilian and community-based dispatch options, and bolster public trust and confidence in a reimagined system of community safety; and

WHEREAS, creating a new Community Safety and Communications Center will allow the City to improve customer service experiences, consolidate and co-locate communications and dispatch functions, as well as incorporate civilian and community-based dispatch alternatives that draws on the wealth of resources that currently exist in Seattle that could replace armed officer response to better meet community needs;
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. New Sections 3.15.060 and 3.15.062 are added to the Seattle Municipal Code as follows:

3.15.060 Community Safety and Communications Center

There is created within the Executive Department a Community Safety and Communications Center to provide timely, accurate, and vital information to the City's first responders, city service providers, and to the public and to provide civilian and community-based services and solutions to community safety challenges.

A. Effective the earlier of June 1, 2021 or 30 days after the Executive receives the necessary Originating Agency Identifier (ORI) access permissions for the 9-1-1 call center, the functions of the Community Safety and Communications Center are as follows:

1. Act as the city's Primary Public Safety Answering Point (PSAP), providing 24-hour public safety communication and dispatch services for 9-1-1 calls originating in Seattle.

a. Identify, triage, and dispatch public safety service requests to first responders and other community resources most appropriate to quickly and safely respond and resolve the requested need.

b. Dispatch and provide continuous contact with responders, provides support functions for responding agencies, and coordinates responses between city departments and public safety agencies operating within Seattle.

c. Notify City departments, City leaders, and other stakeholders of emergency incidents.

d. Provide information and service referral to non-emergency callers.

B. Effective June 1, 2021, the following function shall be added to the Community Safety and Communications Center:

1. Provide parking enforcement to assist in the administration of traffic laws, to the extent allowed by the commission of Parking Enforcement Officers as Special Police Officers and in coordination with the Seattle Police Department and the Seattle Department of Transportation.

3.15.062 Director of the Community Safety and Communications Center

A. Appointment, term, and removal

The Director of the Community Safety and Communications Center (CSCC) shall be appointed by the Mayor and subject to confirmation by a majority vote of City Council. The Director shall be subject to

reappointment and reconfirmation every four years and may be removed by the Mayor upon filing a statement of reasons therefor with the City Council.

B. Duties

The Director of CSCC shall be the head of CSCC, shall be responsible for the administration of the CSCC, and shall:

1. Develop and manage all functions and responsibilities of the CSCC.
2. Subject to the City's personnel ordinances and rules, appoint, assign, supervise, control, and remove all officers and employees in CSCC;
3. Manage the preparation of the preliminary proposed budget for CSCC, authorize necessary expenditures and enter into contracts for professional and expert services in accordance with the adopted budget, develop and manage programs, and undertake authorized activities;
4. Administer all ordinances pertaining to the CSCC and its functions;
5. Execute, administer, modify, and enforce such agreements and instruments as the Director shall deem reasonably necessary to implement city service dispatching consistent with all applicable laws and ordinances, as the Director shall deem appropriate for carrying out the responsibilities, functions, and activities of CSCC;
6. Apply for grants for departmental programs;
7. Coordinate with outside jurisdictions;
8. Serve, in conjunction with other pertinent members of the Mayor's Cabinet, as the City's representative to intergovernmental and public-private boards, commissions, organizations, and committees engaged in issues pertaining to emergency communications and city service dispatching;
9. Provide input to the Mayor and City Council on the city's emergency communications and recommend actions to better respond to calls for assistance from the public and to better communicate with the public about dangerous situations and natural disasters;

10. Make periodic reports to the Mayor and City Council concerning the activities of CSCC;

11. Promulgate and amend, in accordance with Chapter 3.02, rules and regulations to carry out CSCC activities;

12. Maintain city compliance with all national, state, and county laws, rules, certifications, etc., as necessary for the efficient and robust city service response for all members of the community; and

13. Exercise such other and further powers and duties as shall be prescribed by ordinance.

Section 3. Section 3.28.100 of the Seattle Municipal Code, enacted by Ordinance 101629, is repealed:

~~**(3.28.100 Transfer of parking meter regulations.**~~

~~As of January 1, 1973, the duty and responsibility of enforcement of certain parking meter traffic regulations, and other related work, heretofore assigned to the City Treasurer by Ordinance 86431, is transferred to the Chief of Police as contemplated in the 1973 budget.)~~

Section 4. Ordinance 86431, which gave parking enforcement authority to special police officers in the City Treasurer's Office (now part of the Department of Finance and Administrative Services), is repealed.

Section 5. Section 11.14.440 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

11.14.440 Peace officer((-))

"Peace officer" means ~~((any officer, including police officers, authorized by law to execute criminal process or to make arrests for the violation of the regulations generally or of any particular regulation relative to the highways of the state or to the streets or alleys of the City. (RCW 46.04.391)))~~ every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

Section 6. A new Section 11.14.482 is added to the Seattle Municipal Code as follows:

11.14.482 Police officer

"Police officer" has the same meaning as "peace officer" in Section 11.14.440.

Section 7. A new Section 11.14.657 is added to the Seattle Municipal Code as follows:

11.14.657 Traffic officer

"Traffic officer" means any officer assigned by the Police Chief under Section 11.16.040 to direct traffic in conformance with this Subtitle I.

Section 8. Section 11.16.020 of the Seattle Municipal Code, last amended by Ordinance 118409, is amended as follows:

11.16.020 Police Department authority((:))

It is the function of the Police Department to enforce this ((~~subtitle~~)) Subtitle I and all of the State ((~~Motor Vehicle Laws~~)) motor vehicle laws applicable to traffic and trains in this City, to make arrests and/or issue citations for traffic offenses, to cooperate with the Director of Transportation and other officers of the City in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those functions specially imposed upon the Police Department by this ((~~subtitle~~)) Subtitle I and other traffic ordinances of this City. Special Police Officers who receive commissions consistent with Sections 3.28.150 through 3.28.220 may also enforce this Subtitle I to the extent allowed by their commissions.

Section 9. Section 11.16.040 of the Seattle Municipal Code, enacted by Ordinance 108200, is amended as follows:

11.16.040 ((~~Police authorization.~~)) Authorization to direct traffic

Officers of the Police Department and such officers as are assigned by the Chief of Police, as well as Special Police Officers to the extent allowed by their commissions, are authorized to direct all traffic by voice, hand, or signal in conformance with the provisions of this ((~~subtitle~~)) Subtitle I ((~~: Provided, that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct~~

~~traffic as conditions may require, notwithstanding the provisions of this subtitle)).~~ Any officer authorized to direct traffic in conformance with the provisions of this Subtitle I may direct traffic as conditions require, notwithstanding other provisions of this Subtitle I, in the event of a fire or other emergency, to expedite traffic, or to safeguard pedestrians.

Section 10. Section 6.10.005 of the Seattle Municipal Code, last amended by Ordinance 124963, is amended as follows:

6.10.005 Definitions((-))

The following definitions as well as the definitions contained in Chapters 5.30 and 10.08 of the Seattle Municipal Code shall be fully applicable to this Chapter 6.10 in its entirety, except as expressly stated to the contrary herein.

* * *

E. "False ((Alarm)) alarm" means the notification to the Community Safety and Communications Center, Seattle Police Department, or Seattle Fire Department concerning the activation of an alarm system or alarm device when:

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for police response; or

2. There is no indication or presence of a fire on the premises, that warrants a call for assistance from or investigation by the Seattle Fire Department, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for fire response; or

3. The dispatch of police or fire personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police or fire personnel at the alarm site.

* * *

Section 11. Section 6.10.010 of the Seattle Municipal Code, last amended by Ordinance 125449, is amended as follows:

6.10.010 Alarm system monitoring companies-License required-Fee-Identification

* * *

D. The Department will issue a permit number to each alarm system monitoring company licensed under this Chapter 6.10, and such number shall be provided on the company's business license. The ~~((Seattle Police Department))~~ Community Safety and Communications Center shall reference this number as their Unique Identifying Number (UIN). All persons licensed pursuant to this Chapter 6.10 shall supply the ~~((Seattle Police Department personnel))~~ Community Safety and Communications Center with their permit number/UIN at the time an alarm is called in to the ~~((Seattle Police Department))~~ Community Safety and Communications Center.

* * *

Section 12. Section 6.10.070 of the Seattle Municipal Code, enacted by Ordinance 121332, is amended as follows:

6.10.070 Suspension or revocation of license((-))

The Director shall have the power and authority to suspend or revoke any license issued under the provisions of this ~~((chapter))~~ Chapter 6.10 as set forth in ~~((SMC))~~ Chapter 6.02. No suspended or revoked license may be reinstated without prior payment of all fees due and outstanding, including false alarm fees. The Director shall notify the Community Safety and Communications Center and the Seattle Police Department of any revocation or suspension, and in the discretion of the ~~((Police Department,))~~ Community Safety and Communications

Center no response may be made to any alarms monitored by the alarm system monitoring company until the license is reinstated. An alarm system monitoring company whose license has been revoked or suspended shall notify each of its subscribers of the revocation or suspension. The notice shall be in writing and shall be mailed to all subscribers no later than the tenth calendar day following such suspension or revocation.

Section 13. Section 6.10.110 of the Seattle Municipal Code, last amended by Ordinance 121932, is amended as follows:

6.10.110 Notice and hearing on penalty for false alarms((-))

A. The Department shall mail by first class mail, or transmit electronically if previously agreed between the Department and the alarm system monitoring company, a written notice of the false alarm fee to the alarm system monitoring company. The notice shall state the date and time of the false alarm, and that the alarm system monitoring company is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the determination that the false alarm occurred. All false alarm fees are due and payable within ~~((sixty-(60)))~~ 60 days of the date that the Department mails or transmits the notice, unless: (1) an appeal is filed pursuant to subsection 6.10.110.B ~~((of this section))~~, in which case the fees appealed from are due and payable within ten ~~((10))~~ days after the date of the written ruling, or (2) a waiver is requested and an alarm user class is scheduled pursuant to subsection ~~((D of this section))~~ 6.10.110.C.

B. An alarm system monitoring company wanting to contest a false alarm fee shall file a written appeal with the Director within ~~((thirty-(30)))~~ 30 days after the date of the notice. A hearing shall be held by the Director, or the Director's designee, not more than ~~((twenty-(20)))~~ 20 days from the date the appeal is filed. Within ~~((twenty-(20)))~~ 20 days after the hearing, the Department shall issue a written ruling including factual findings and the Director's conclusion, with supporting reasons affirming or reversing the notice. The Decision of the Director shall be final.

C. ~~((The Director may, but is not required to, delegate authority to conduct hearings under this section to the Seattle Police Department.~~

D.) The Director may waive the first false alarm fee once within an ~~((eighty-four (84)))~~ 84 month period per alarm site, if the owner of the monitored alarm attends an alarm user class as defined in Section 10.08.140 ~~((of the Seattle Municipal Code))~~. The owner of the alarm must attend the class within ~~((one hundred and twenty (120)))~~ 120 days of the date of the false alarm billing. A current Seattle subscriber that moves to a new address within Seattle shall receive a waiver for the first false alarm at the subscriber's new location if the owner attends a class after moving to the new location within ~~((one hundred twenty (120)))~~ 120 days of the false alarm, regardless of whether the first time waiver was granted to the subscriber at the subscriber's previous address.

Section 14. Section 10.08.140 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

10.08.140 Definitions((-))

* * *

I. "False ~~((Alarm))~~ alarm" means the notification to the Seattle Police Department or Community Safety and Communications Center concerning the activation of an alarm system or alarm device when:

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for police response; or

2. The dispatch of police personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police personnel at the alarm site.

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Section 15. Section 10.08.165 of the Seattle Municipal Code, last amended by Ordinance 123361, is amended as follows:

10.08.165 Alarm system monitoring companies-Verification process((~~SMC~~))

Every alarm system monitoring company engaged in business activities in Seattle shall:

A. Obtain a City of Seattle alarm system monitoring company license from the Department of Finance and Administrative Services as provided in ((SMC)) Chapter 6.10;

B. Provide the Director of the Community Safety and Communications Center and the Chief of Police such information about the nature of its property alarms, burglary alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing false alarms; and its method of disconnecting audible alarms, each as the Chief may require by rule adopted pursuant to Chapter 3.02;

C. Maintain a current list of all subscribers' names and the associated protected premises it serves, which list shall be given to the Director on a quarterly basis;

D. Verify with those subscribers who have an automatic alarm system, each alarm signal that has been accepted by the alarm system monitoring company using a verification process to prevent false alarms from resulting in unnecessary police dispatches.

A verification process is an independent method of determining that a signal from an automatic alarm system reflects a need for police assistance or investigation. The means of verification shall include one or more of the following:

1. An attempt by the alarm system monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ((ordinance)) Section 10.08.165, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch;

2. A feature that permits the alarm system user or a person authorized by the user to send a

cancellation code to the alarm system monitoring company that will cancel an alarm immediately after it has been sent and prevent the monitoring company calling for a police dispatch;

3. The installation of a video system that provides the alarm system monitoring company when the signal is received with the ability to ascertain that activity is occurring which warrants police assistance or investigation;

4. An independent confirmation that a signal reflects a need for police assistance or investigation either by the alarm system user, a person at or near the premises, or an alternate response agency made before dispatching police; or

5. An alternate system that the Chief determines has or is likely to have a high degree of reliability.

E. When the Chief reports that there appears to have been a false alarm at a subscriber's premises, work cooperatively with the subscriber, the Director of the Community Safety and Communications Center, and the Chief in order to determine the cause thereof and prevent recurrences.

Section 16. Section 10.08.178 of the Seattle Municipal Code, last amended by Ordinance 121332, is amended as follows:

10.08.178 Frequent false alarms-Process for disregarding automatic alarms-In-person verification((=))

A. In exercising ~~((his or her))~~ discretion to make a dispatch in response to an automatic property or automatic burglary alarm, the Director of the Community Safety and Communications Center or Chief of Police may disregard a call for dispatch when:

1. The call comes from or is prompted by an automatic property alarm or automatic burglary alarm that has a record of sending six ~~((6))~~ false alarms within a period of ~~((twelve (12)))~~ 12 months; and

2. The call is the only basis for making such a dispatch.

The Director of the Community Safety and Communications Center or Chief may consider such a call as an additional factor in making ~~((his or her))~~ a decision to order a dispatch when an in-person verification

from an individual at the premises, or other independent evidence, shows a need for police assistance at the premises.

B. To discourage false alarms, the ~~((Chief))~~ Director of the Community Safety and Communications Center may adopt a process of sending a letter by regular mail informing the alarm system monitoring company of record of the false alarm history, the need to take corrective action, and the prospect that six ~~((6))~~ false alarms within a ~~((twelve (12)))~~ 12 month period shall result in the automatic signals being disregarded and an in-person verification being required or other independent information showing a need for such a dispatch before a dispatch will be made to the premises.

C. Before acting as authorized in subsection 10.08.178.A ~~((of this section))~~, the ~~((Chief))~~ Director of the Community Safety and Communications Center shall send or deliver a notice to the alarm system monitoring company that:

1. Six ~~((6))~~ false alarms have been received within a ~~((twelve (12)))~~ 12 month period;
2. The remedy authorized in subsection 10.08.178.A may be taken;
3. The alarm system monitoring company may request a hearing before the ~~((Chief))~~ Director of the Community Safety and Communications Center or ~~((his))~~ the Director of the Community Safety and Communications Center's designee and explain why the ~~((Chief))~~ Director of the Community Safety and Communications Center should not take the proposed action; if no hearing is requested, the ~~((Seattle Police Department))~~ Community Safety and Communications Center will after ten ~~((10))~~ days disregard automatic signals from the premises without a verification from an individual or other independent information showing a need for such dispatch; and
4. A requirement of an in-person communication or verification may remain in effect for a period of ~~((three hundred sixty five (365)))~~ 365 days.

D. If a hearing is requested, the ~~((Chief))~~ Director of the Community Safety and Communications Center shall schedule the hearing within ten ~~((10))~~ days. Both the alarm user and a representative from the

alarm system monitoring company are required to attend. The ~~((Chief))~~ Director of the Community Safety and Communications Center may take into consideration such factors as the steps that the alarm system user or alarm system monitoring company has taken or is taking to correct the problem; the incidence of crime in the area; the facts and circumstances of the false alarms; and other relevant information presented by the user or the monitoring company.

E. The ~~((Chief))~~ Director of the Community Safety and Communications Center may suspend or cancel the remedy under subsection 10.08.178.A if ~~((he or she))~~ the Director of the Community Safety and Communications Center determines that the automatic alarm system has been corrected to prevent the recurrence of false alarms.

F. "Dispatch" means a discretionary decision whether to direct police units to a location where there has been a report made, by whatever means, that police assistance or investigation is needed. There is no duty to dispatch under any circumstances whatever, whether automatic alarms are involved or not, and all dispatch decisions are made subject to competing priorities and available police response resources.

Section 17. Section 12A.16.040 of the Seattle Municipal Code, last amended by Ordinance 125254, is amended as follows:

12A.16.040 False reporting.

A person is guilty of false reporting if ~~((he or she))~~ the person:

* * *

C. Makes a verbal statement relating to a crime, catastrophe, or emergency to a Seattle ~~((Police))~~ police officer or a ~~((Seattle Police Department))~~ 911 emergency operator, knowing that such statement contains a misstatement of a material fact; or

* * *

Section 18. The Council requests that the Executive report to the city Council by March 31, 2021 on 1)

the cost-effectiveness and feasibility of providing parking enforcement officers access to the Seattle Department of Transportation's car charging stations and, 2) additional staff and budget that would be required to support the potential expansion of the parking enforcement officers' responsibilities as follows: managing traffic at lighted intersections, red light camera and school zone enforcement, response to non-injury collisions, response to and reporting on minor thefts and car-break-ins, and traffic control.

Section 19. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the _____ day of _____, 2020, and signed by me in open session in authentication of its passage this _____ day of _____, 2020.

President _____ of the City Council

Approved by me this _____ day of _____, 2020.

Jenny A. Durkan, Mayor

Filed by me this _____ day of _____, 2020.

Monica Martinez Simmons, City Clerk

(Seal)