

SUMMARY and FISCAL NOTE*

Department:	Dept. Contact:	CBO Contact:
LAW	James Kenny/4-8532	Ramandeep Kaur/4-0225

** Note that the Summary and Fiscal Note describes the version of the bill or resolution as introduced; final legislation including amendments may not be fully described.*

1. BILL SUMMARY

Legislation Title: AN ORDINANCE relating to the City’s criminal code; amending the crime of obstructing a public officer to include obstructing firefighters and fire department personnel; and amending Section 12A.16.010 of the Seattle Municipal Code.

Summary and Background of the Legislation: This legislation would amend Seattle Municipal Code (SMC) 12A.16.010 (Obstructing a Public Officer) to clarify that the same legal protection from obstruction applies to Seattle Police Department officers engaged in incident response or crime investigation and Seattle Fire Department personnel engaged in incident response or monitoring. “Obstruction” here refers to such intentional activities, on the part of a person not involved in the response, as physical interference with the responder and refusal to leave a scene after having been directed to do so by a public officer.

This clarification would be provided by two changes to existing SMC:

- The description of activities that may result in a charge of obstructing a public officer would be expanded to include specific reference to SFD response – i.e., “fire department emergency response.” Currently the description of these activities has an enforcement focus (e.g., “investigation, search, or arrest”) and does not explicitly apply to SFD emergency response.
- The definition of “public officer” would be expanded such that it encompasses SFD first responders and other SFD personnel who may monitor that response. Currently the definition is only clearly applicable to SFD firefighters in the Fire Marshal’s Office, who have an enforcement purview but who are not first responders.

These changes would provide the basis for SPD to develop policies around the establishment and enforcement of obstruction zones during SFD fire and medical response, essentially creating a perimeter that, if breached, would allow SPD to charge the violator with obstruction of a public officer.

The legislation specifies that protection from obstructions would only apply while SFD personnel are performing their official duties on behalf of the City.

2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project? ___ Yes X No

If yes, please fill out the table below and attach a new (if creating a project) or marked-up (if amending) CIP Page to the Council Bill. Please include the spending plan as part of the attached CIP Page. If no, please delete the table.

3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation amend the Adopted Budget?

Yes No

If there are no changes to appropriations, revenues, or positions, please delete the table below.

Does the legislation have other financial impacts to The City of Seattle that are not reflected in the above, including direct or indirect, short-term or long-term costs?

No. This legislation has no financial impact.

Are there financial costs or other impacts of *not* implementing the legislation?

By clarifying that the protections of SMC 12A.16.010 apply to SFD personnel, the legislation provides a clear path to the prosecution of an individual whose actions conflict with the SMC, for instance by interfering with an SFD paramedic who is providing first aid. Absent such clarification, such prosecution may be more difficult.

4. OTHER IMPLICATIONS

a. Does this legislation affect any departments besides the originating department?

The legislation was drafted by the Law Department with the consent and input of SFD. It will primarily affect SFD. It will also affect SPD in that (a) operationalizing the legislation's expansion of statutory authority will require collaboration between the two departments; and (b) it is possible that this expansion will result in increased arrests, by SPD officers, for the crime of obstruction of a public officer.

b. Is a public hearing required for this legislation?

No

c. Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required for this legislation?

No

d. Does this legislation affect a piece of property?

No

e. Please describe any perceived implication for the principles of the Race and Social Justice Initiative. Does this legislation impact vulnerable or historically disadvantaged communities? What is the Language Access plan for any communications to the public?

The legislation extends the crime of obstruction of a public officer to SFD personnel. To the extent that the amended statute is enforced and there are increased arrests for the crime of obstruction, it is possible that the result will be an increase in the harm caused by a criminal legal system that disproportionately impacts vulnerable communities and communities of

color. Such increase could include the perpetuation of poverty through this system’s fines and fees and its negative impact on an individual’s ability to find and maintain stable employment, housing, or ongoing supportive connections to community.

The legislation reflects language in Ordinance 125313, which was passed by the Council in 2017. That ordinance recognized the right of members of the public to observe and record SPD response and acknowledged that such actions are consistent with “the public’s right to hold government officials accountable.” Research has also shown that a sole charge of obstruction of a public officer (and similar statutes, such as resisting or delaying a public officer) have historically been used to suppress and penalize people of color. Ordinance 125313 described a set of detrimental behaviors, on the part of a member of the public, that would need to be present for an arresting officer to justify a charge of obstruction of an SPD officer – in other words, it imposed a clear and universal standard for this charge, ensuring that it could not be made at an officer’s discretion. Mirroring that descriptive language in this legislation imposes the same standard for a charge of obstruction of SFD personnel.

f. Climate Change Implications

1. Emissions: Is this legislation likely to increase or decrease carbon emissions in a material way?

No

2. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle’s resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.

No

g. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program’s desired goal(s)?

The legislation does not include a new initiative or major programmatic expansion.

Summary Attachments (if any):