



Legislation Text

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CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

AN ORDINANCE requiring that certain uniformed peace officers do not cover with a mourning band the serial number that is engraved on their badge; amending Section 3.28.130 of the Seattle Municipal Code; declaring an emergency; and establishing an immediate effective date; all by a 3/4 vote of the City Council.

WHEREAS, the City of Seattle has a history of promoting trust and cooperation in the interactions of its citizens with the police; and

WHEREAS, anonymous actions by individual uniformed peace officers interfere with and damage this trust and cooperation and harm the integrity of the City's police department; and

WHEREAS, the Seattle City Council passed on September 25, 2000 legislation that requires police officers to wear unobscured name tags that display an officer's first initial and last name; and

WHEREAS, law enforcement officers commonly cover the middle of their badge with a black band, known as a mourning band, to honor officers lost while serving their community; and

WHEREAS, the mourning band will often cover the badge's serial number, which can be used by a citizen to identify an officer; and

WHEREAS, officer name tags are not always visible to citizens that are interacting with officers in crowds such as those that are present at protests and other large events; and

WHEREAS, citizens that have participated in the rallies and demonstrations protesting the murder of George Floyd have indicated that they have been unable to identify officers because they could not see a name tag and that the officer's badge serial number was covered with a mourning band; and

WHEREAS, the City Council overwhelmingly supports the police tradition of using a mourning band to commemorate fallen officers, but also acknowledges that mourning bands are currently preventing citizens from identifying officer badge numbers;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The City Council finds and declares that:

A. On Monday, May 25, 2020 in Minneapolis, Minnesota an African American resident, George Floyd, was killed during an arrest.

B. On Friday, May 29, 2020 Seattle citizens held multiple rallies and demonstrations to protest police brutality. While most protests were peaceful, some protesters caused property damage to storefronts. Seattle Police Department officers used pepper spray and flash bang devices to disperse the crowds. The Office of Police Accountability received a complaint of an officer on Friday punching a person on the ground who was being arrested.

C. On Saturday, May 30, 2020 the Seattle Emergency Operations Center activated to support response in coordination with multiple city departments for several scheduled marches and rallies throughout Saturday evening. While the majority of people demonstrated peacefully, there were incidents of burning, looting, and vandalism of multiple vehicles and businesses into the evening hours. In response to these acts, Mayor Durkan issued an emergency order imposing a curfew at 5 p.m. Mayor Durkan also proclaimed in an order issued at 4.58 p.m. that a civil emergency existed in the City of Seattle. Seattle police officers blocked off streets and used pepper spray and flash bang devices to disperse crowds. The Office of Police Accountability received complaints of a pepper spraying of a young girl and placing of a knee on the neck area of two people who had been arrested.

D. On Sunday, May 31, 2020, Mayor Durkan imposed a 5 p.m. curfew. A largely peaceful demonstration marched that evening between downtown Seattle and the Capitol Hill area, while police later

deployed flash bang grenades to disperse people they said had begun to throw rocks and bottles at officers. Demonstrators reported being pepper sprayed when they got close to police lines and said that officers with bicycles pushed people to move back. The Office of Professional Accountability received a complaint of an officer on Sunday punching a person on the ground who was being arrested.

E. On Monday, June 1, 2020 amid a continuing evening curfew, demonstrations continued and remained mostly peaceful throughout the afternoon and into the evening as groups called for racial justice and police accountability in gatherings across the city. At 9 p.m. in Capitol Hill, the Seattle Police Department declared a riot and used tear gas and flash bang devices on crowds near the department's East Precinct.

F. On Tuesday, June 2, 2020 amid a continuing evening curfew, protests remained peaceful until 11:30 p.m., when police used tear gas and flash bang devices in the Capitol Hill area while also clearing an intersection at 11th Avenue and Pine Street, where protesters and police had earlier stood for hours, separated by barricades.

G. On Wednesday, June 3, 2020 the City Council Public Safety and Human Services Committee held a special meeting to hear from City leaders and from a panel of citizens that had been involved in the protests over the preceding days. The Director of the Seattle Office of Police Accountability indicated that over 15,000 police misconduct complaints had been received by his office. Members of the citizen panel indicated that they could not always identify officers because they could not see the name tags and because the badge serial numbers were covered with a mourning band. Amid peaceful protests outside of City Hall, Mayor Durkan lifted the curfew in Seattle, allowing demonstrations to continue into the evening.

H. This ordinance is necessary to become effective immediately to preserve public peace and safety. Keeping officers' badge numbers visible in additional protests on behalf of George Floyd will ensure that protesters are able to identify officers when name tags are not visible.

Section 2. Section 3.28.130 of the Seattle Municipal Code, enacted by Ordinance 120096, is amended as follows:

3.28.130 Certain uniformed Seattle Police Department peace officers required to wear identification and orally identify themselves((-))

A. Every Seattle Police Department peace officer shall, when wearing a Seattle Police Department uniform, also wear a Seattle Police Department authorized and issued badge, name tag or similar identification device bearing that officer's first initial and last name in legible block print of at least 24-point typeface. This requirement shall apply whether or not such officer is on duty.

B. No Seattle Police Department peace officer required to wear a badge, name tag, or similar identification device pursuant to ((~~Subsection~~)) subsection 3.28.130.A ((~~herein~~)) shall alter or obscure such badge, name tag, or device. This requirement shall not apply to a mourning insignia worn on a Seattle Police Department badge, provided that the mourning insignia is not worn over the serial number that is engraved on the badge.

C. All badges, name tags, or similar identification devices required pursuant to ((~~Subsection~~)) subsection 3.28.130.A ((~~herein~~)) shall be worn on the outermost layer of the Seattle Police Department peace officer's uniform, in the upper-front torso area. The outermost layer of such officer's uniform must also identify the name of the officer's law-enforcement agency.

D. In situations where it is reasonably foreseeable that a Seattle Police Department peace officer required to wear a badge, name tag, or similar identification device pursuant to ((~~Subsection~~)) subsection 3.28.130.A ((~~of this section~~)) may remove the outermost layer of the officer's uniform, then that officer also shall wear such a badge, name tag, or device in the required location on any underlying layer of ((~~his or her~~)) the uniform that may become the outermost layer.

E. When required to wear a badge, name tag, or similar identification device pursuant to ((~~Subsection~~)) subsection 3.28.130.A ((~~herein~~)) and, upon request for identification by a member of the public, a Seattle Police Department peace officer shall clearly and audibly state ((~~his or her~~)) the officer's name to the requesting person. The requirements of this ((~~Subsection~~)) subsection 3.28.130.E shall not apply when the officer

reasonably believes that such identification would endanger the life or physical safety of the officer or another person, jeopardize a law enforcement investigation, or hinder a law enforcement function.

F. For purposes of this Section 3.28.130, "uniform" is defined to include, in addition to its normal meaning, any law enforcement agency issued or approved coat, jacket, sweater, jumpsuit, or protective suit that may be worn as an outer layer of clothing or in conjunction with a uniform, but shall not include civilian attire worn by plain-clothes or undercover officers.

G. For purposes of this Section 3.28.130, "peace officer" includes a general authority Washington peace officer as defined in RCW 10.93.020, or a specially commissioned Washington peace officer as defined in RCW 10.93.020.

H. This Section 3.28.130 shall not be construed to prohibit the Seattle Police Department from implementing or enforcing any policy, procedure, or rule that is not inconsistent ~~((herewith))~~ with this Section 3.28.130.

I. Nothing in this Section 3.28.130 ~~((or elsewhere in CB 113332))~~ shall be construed to affect the authority of any peace officer to enforce the traffic, criminal or other laws in the City of Seattle, pursuant to ~~((RCW Ch.))~~ chapter 10.93 RCW or otherwise, or to affect the lawfulness of an otherwise lawful act by any such peace officer.

Section 3. The Seattle Police Department shall implement the requirements of Section 2 of this ordinance immediately.

Section 4. The Seattle City Council requests the Seattle Police Department to work with all other law enforcement agencies whose peace officers reasonably may be anticipated to enforce traffic or criminal laws in Seattle pursuant to chapter 10.93 RCW to develop a policy that would require those peace officers, when enforcing those laws, to conform with requirements concerning badges, identification devices, departmental identification on uniforms, and oral identification that are consistent with Seattle Municipal Code Section 3.28.130. The Seattle Police Department is requested to report to the Seattle City Council with a proposal for

the policy by January 2021.

Section 5. Based on the findings of fact set forth in Section 1 of this ordinance, the Council finds and declares that this ordinance is a public emergency ordinance, which shall take effect immediately and is necessary for the protection of the public health, safety, and welfare.

Section 6. By reason of the findings set out in Section 1, and the emergency that is hereby declared to exist, this ordinance shall become effective immediately upon its passage by a 3/4 vote of the City Council and its approval by the Mayor, as provided by Article 4, subsection 1.I of the Charter of the City.

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)