



Legislation Text

File #: CB 120549, Version: 3

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

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.

WHEREAS, the Seattle Fire Department (SFD) employs almost 1200 personnel, including over 900 uniformed personnel of which over 200 respond daily to emergencies across Seattle; and

WHEREAS, all SFD Firefighters are also certified Emergency Medical Technicians, and over 60 of these Firefighters have completed rigorous specialized training and serve the department as Firefighter/Paramedics; and

WHEREAS, SFD delivered 92,233 service responses in 2021 and 106,453 in 2022, including emergency fire suppression, rescue, and medical response; and

WHEREAS, SFD response exposes SFD personnel to such hazards as structural fires, vehicle fires, explosions, electrical hazards, chemical hazards, structural collapse, and infectious disease; and

WHEREAS, the additional risk to SFD personnel of intentional interference by a member of the public, also known as obstruction, is not tolerable given the life-or-death nature of the services they perform and monitor to protect the public; and

WHEREAS, the Seattle Municipal Code provides protection from obstruction to police officers and to certain other City employees who are carrying out their duties to protect the public; and

WHEREAS, the City wishes to extend this protection to SFD personnel; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 12A.16.010 of the Seattle Municipal Code, last amended by Ordinance 117158, is amended as follows:

12A.16.010 Obstructing a public officer

A. A person is guilty of obstructing a public officer if, with knowledge that the person obstructed is a public officer, he or she:

1. Intentionally and physically interferes with a public officer; or

2. Intentionally hinders or delays a public officer by disobeying an order to stop given by such officer; or

3. Intentionally refuses to cease an activity or behavior that creates a risk of injury to any person when ordered to do so by a public officer; or

4. Intentionally destroys, conceals, or alters or attempts to destroy, conceal, or alter any material that he or she knows the public officer is attempting to obtain, secure, or preserve during an investigation, search, or arrest; or

5. Intentionally refuses to leave the scene of an investigation of a crime while an investigation is in progress after being requested to leave by a public officer~~((-))~~ ; or

6. Intentionally refuses to leave the scene of a fire department emergency response while it is in progress after being requested to leave by a public officer when the person's conduct or presence hinders, delays, or compromises legitimate fire department actions or rescue efforts; threatens the safety of fire department personnel or members of the public; or attempts to incite others to violence by intentionally advocating or directing imminent violence toward a specific person or group, when it is likely that such advocacy or direction will imminently result in actual violence toward that person or group.

B. Hindering, delaying, or compromising one's own medical treatment shall not be the basis for a charge under this Section 12A.16.010, when such treatment was being provided by fire department personnel.

~~((B))~~ C. No person shall be convicted of violating this Section 12A.16.010 if the ~~((Judge determines,~~

~~with respect to the person charged with violating this Section 12A.16.010, that the~~) public officer was not acting lawfully in a governmental fashion.

D. No person shall be convicted of violating this Section 12A.16.010 if the person was obstructing their own medical treatment, when such treatment was being provided by fire department personnel.

~~((C))~~ E. For purposes of this Section 12A.16.010, a "public officer" means those individuals responsible for the enforcement of the provisions of the Seattle Municipal Code, including provisions related to fire, building, zoning, and life and safety codes; those individuals empowered to make arrests for offenses under the Seattle Municipal Code; ~~((or))~~ those individuals responsible for the enforcement of the federal or state criminal laws; or a firefighter or other employee of a fire department who was performing his or her official duties at the time of the obstruction.

~~((D))~~ F. Obstructing a public officer is a gross misdemeanor.

Section 2. The Seattle Police Department shall report for one year to the City Council on the locations, disposition, and demographic information of individuals arrested under Seattle Municipal Code 12A.16.010, when arrested for obstructing fire department personnel in the performance of their official duties or when obstruction occurs at the scene of a fire department emergency response pursuant to subsection 12A.16.010.A.6. Reporting shall occur on at least a quarterly basis to the Chair and membership of the Committee with oversight of public safety, beginning no later than September 2023.

Section 3. The Seattle Police Department (SPD) and Seattle Fire Department (SFD) are requested to develop a joint inter-departmental operational policy, or update an appropriate existing policy, to establish common terminology; unified de-escalation processes; and other processes, procedures, and protocols for the on-scene enforcement of Seattle Municipal Code Section 12A.16.010, as amended. This policy shall ensure that any and all enforcement of Section 12A.16.010 is, when safe and feasible, provided with deference to SFD commanders who have arrived or who are arriving upon a fire department emergency scene, and may include:

A. A request for SPD personnel to remain off-site in a stand-by mode until specifically requested by

SFD commanders; and

B. A requirement for SPD personnel to consult with SFD personnel before engaging with any subjects that are present on a fire department emergency scene.

Nothing in this policy shall supersede a department's Charter authority or responsibility to directly and timely deliver fire, medical, or public safety services. The Council recognizes that the development of new on-scene protocols, while discretionary to SFD and SPD management, may result in a need for collective bargaining with represented employees.

The Executive should provide a draft copy of the policy to the Public Safety and Human Services Committee Chair, and the Central Staff Director by August 31, 2023.

Section 4. The Seattle Police Department (SPD) is requested to update its policy manual to include amendments made to Seattle Municipal Code Section 12A.16.010, including the provision that exempts from conviction those persons who are attempting to obstruct their own medical treatment, when such treatment is being provided by fire department personnel. SPD should include in this update instructions to officers not to arrest persons who are attempting to obstruct their own medical care under Section 12A.16.010.

Section 5. The Seattle Police Department (SPD) and Seattle Fire Department (SFD) are requested to complete a Racial Equity Toolkit (RET) analysis of the impacts of this legislation.

The Executive should provide written updates on the status of this work, with a current estimate of when it will be completed, to the Public Safety and Human Services Committee Chair and the Central Staff Director. The first such update is requested 30 days after the effective date of this legislation. Subsequent updates are requested by the first working days of the month in September, January, April, and July, until the RET is completed. The Executive should also provide the completed RET analysis to the same parties.

Section 6. Consistent with the Council's interest in understanding the potentially disparate impact to vulnerable populations of the amendments made to Section 12A.16.010, SPD and SFD are requested to report on the degree to which they collect data on whether those who are arrested for obstruction of SFD personnel are

or may be experiencing mental or behavioral health crisis at the time of such arrest and whether such reporting could be expanded. That report should include the specific data dimensions that each department currently collects related to Council interest and recommendations for data dimensions not currently collected that would support a more comprehensive future analysis of this potentially disparate impact.

This report would be due to the Public Safety and Human Services Committee Chair and the Central Staff Director by August 31, 2023.

Section 7. 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 _____, 2023, and signed by me in open session in authentication of its passage this _____ day of _____, 2023.

President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2023.

Bruce A. Harrell, Mayor

Filed by me this _____ day of _____, 2023.

Anne Frantilla, Interim City Clerk

(Seal)

Attachments (if any):