

ORDINANCE No. 118877

Law Department

COUNCIL BILL No. 112024

The City of

AN ORDINANCE relating to warrants checks; authorizing a peace officer who has detained a person based on probable cause to believe the person has committed a crime, violation or infraction to conduct a check for outstanding warrants for the person; and amending Section 11.59.090 and Section 12A.02.140 of the Seattle Municipal Code.

OK

Honorable President:

Your Committee on _____

to which was referred the within Code report that we have considered the

COMPTROLLER FILE No. _____

Introduced: DEC - 8 1997	By: <u>NOLAND</u>
Referred: DEC - 8 1997	To: PUBLIC SAFETY COMMITTEE
Referred:	To:
Referred:	To:
Reported: DEC 15 1997 DEC	Second Reading: DEC 15 1997
Third Reading: DEC 15 1997	Signed: DEC 15 1997
Presented to Mayor:	Approved: DEC 22 1997
Returned to City Clerk: DEC 23 1997	Published: <u>Full 4pg</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Passed 30

Full Co

Ex used:

DEC

Department

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported
and Adopted

by President:

Committee on

was referred the within Council Bill No.

that we have considered the same and respectfully recommend that the same:

ed 30

Full Council Vote 8-0

Record: CUC



Committee Chair

ORDINANCE 118877

AN ORDINANCE relating to warrants checks; authorizing a peace officer who has detained a person based on probable cause to believe the person has committed a crime, violation or infraction to conduct a check for outstanding warrants for the person; and amending Section 11.59.090 and Section 12A.02.140 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. **Legislative findings.**

The City Council finds that authorizing a Seattle police officer to check for outstanding warrants on a person whom the officer has detained, based on probable cause to believe the person has committed a crime, violation or infraction, is necessary to protect the safety of the officer and the public, increases the likelihood that fugitives will be arrested and aids in confirming an individual's true identity. The time needed to verify a person's identity, including the time needed to check for outstanding warrants, is relatively brief and is an insubstantial intrusion on the person's liberty.

Section 2. Section 11.59.090 of the Seattle Municipal Code (Ordinance 108200 section 2 (11.59.090), as last amended by Ordinance 115040 section 4), is further amended as follows:

11.59.090 Duty to obey peace officer - Traffic infraction - Authority to detain and check for warrants.

A. Any person requested or signaled to stop by a peace officer for a traffic infraction has a duty to stop.

B. Whenever any person is stopped for a traffic infraction, the officer may detain that person for

a reasonable period of time necessary to identify the person and check for outstanding warrants and, if applicable, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

C. Any person requested to identify himself to a peace officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself, give his or her current address, and sign an acknowledgment of receipt of the notice of infraction. (RCW 46.61.021)

Section 3. Section 12A.02.140 of the Seattle Municipal Code (Ordinance 102843 section 12A.01.140, as last amended by Ordinance 107309 section 1) is further amended to read as follows:

12A.02.140 Arrest-Citations - Authority to detain and check for warrants.

A. As used in this section, "crime" has the meaning specified in Section 12A.02.060.

B. A peace officer may arrest a person without a warrant if the officer has probable cause to believe that such person has committed a crime.

C. Whenever a person is arrested under subsection B, the arresting officer, or any other authorized peace officer, may serve upon the arrested person a citation and notice to appear in municipal court, in lieu of continued custody, as provided by the Rules of Courts of Limited Jurisdiction.

D. Whenever a peace officer has probable cause to believe that a person has committed a crime, violation or infraction under any ordinance of the City, the officer may detain such person for a reasonable period of time necessary to identify the person and check for outstanding warrants.

E. ~~((D-))~~ Whenever a peace officer has probable cause to believe that a person has committed a violation as defined in Section 12A.02.060, the officer ~~((he))~~ will issue such person a citation and notice

to appear in municipal court in the same manner as provided by the Rules of Courts of Limited

Jurisdiction unless:

1. The officer ((He)) is unable to reasonably ascertain the actor's identity; or
2. The officer ((He)) reasonably believes that the identification is not accurate, in either of which cases the person may be arrested.

E. ((E-)) Upon an arrest as provided in subsection E ((D)), such person may be held only to be photographed, administratively searched and fingerprinted, and must be released immediately upon identification.

G. ((F-)) If a person violates his or her promise to appear in court given in accordance with subsections C or E ((D)), a warrant may be issued for his or her arrest and bail may be set.

Section 4. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

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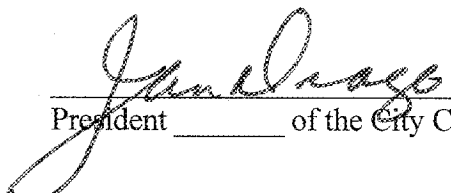
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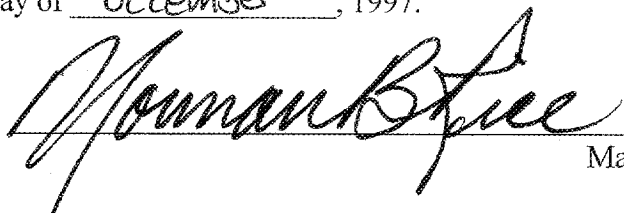
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Passed by the City Council the 15 day of December, 1997, and signed by me in open session in authentication of its passage this 15 day of December, 1997.



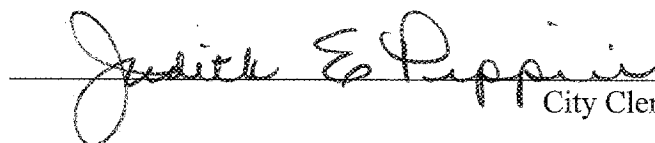
President _____ of the City Council

Approved by me this 20 day of December, 1997.



Mayor

Filed by me this 23 day of December, 1997.



City Clerk

(Seal)



City of Seattle

Norman B. Rice, Mayor

Seattle Police Department
Norm Stamper, Chief of Police

November 25th, 1997

Honorable Jane Noland, Chair
Public Safety Committee
Seattle City Council

VIA OMP


Dear Councilmember Noland:

We request the City Council's approval of the attached ordinance. This proposed ordinance is designed to allow a police officer who has lawfully detained a pedestrian or motorist to determine whether there is an outstanding warrant for the person. The Supreme Court, in *State v. Rife*, 133 Wn.2d 140 (1997), decided that the applicable state statute, RCW 46.61.021, did not authorize a police officer to check for warrants when a person is stopped for a traffic infraction. The Legislature recently amended this statute to provide explicit authority to conduct a warrants check when a person is stopped for a traffic infraction. The corresponding provision of the Seattle Municipal Code, SMC 11.59.090, likewise should be amended.

The proposed ordinance goes further by authorizing a warrants check when a person is stopped for a non-traffic infraction. The same concerns for the safety of the officer, the need to arrest fugitives, and the need to confirm a person's true identity also apply to a situation involving a non-traffic infraction.

If you or other Councilmembers or your staff have any questions regarding this legislation, please contact Dan Fleissner at 4-5758 or Marian Merkel at 4-5148. Thank you for considering this request.

Sincerely,


Norm Stamper
Chief of Police

NS/HDF

Attachments

cc: A/C Jim Deschane, Chief of Staff
A/C Harv Ferguson, Operations
Marian Merkel, Finance and Planning
Dan Fleissner, Community Policing
Peter Harris, OMP
Mark Sidran, Law Department
Ted Inkley, Law Department
Richard Green, Law Department

Seattle Police Department, 610 Third Avenue, Seattle, WA 98104-1886

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Call (206) 233-7203 at least two weeks in advance.



RECEIVED

NOV 25 1997

JANE NOLAND
COUNCILMEMBER

ORDINANCE

TITLE
ONLY

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3 AN ORDINANCE relating to warrants checks; authorizing a peace officer who has detained a person
4 based on probable cause to believe the person has committed a crime, violation or infraction to
5 conduct a check for outstanding warrants for the person; and amending Section 11.59.090 and
6 Section 12A.02.140 of the Seattle Municipal Code.

7 BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

8 Section 1. **Legislative findings.**

9 The City Council finds that authorizing a Seattle police officer to check for outstanding warrants
10 on a person whom the officer has detained, based on probable cause to believe the person has committed
11 a crime, violation or infraction, is necessary to protect the safety of the officer and the public, increases
12 the likelihood that fugitives will be arrested and aids in confirming an individual's true identity. The
13 time needed to verify a person's identity, including the time needed to check for outstanding warrants, is
14 relatively brief and is an insubstantial intrusion on the person's liberty.

15 Section 2. Section 11.59.090 of the Seattle Municipal Code (Ordinance 108200 section 2
16 (11.59.090), as last amended by Ordinance 115040 section 4), is further amended as follows:

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18 **11.59.090 Duty to obey peace officer - Traffic infraction - Authority to detain and check for
warrants.**

19 A. Any person requested or signaled to stop by a peace officer for a traffic infraction has a duty
20 to stop.

21 B. Whenever any person is stopped for a traffic infraction, the officer may detain that person for
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23
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a reasonable period of time necessary to identify the person and check for outstanding warrants and, if applicable, check the status of the person's license, insurance identification card, and the vehicle's registration, and complete and issue a notice of traffic infraction.

C. Any person requested to identify himself to a peace officer pursuant to an investigation of a traffic infraction has a duty to identify himself or herself, give his or her current address, and sign an acknowledgment of receipt of the notice of infraction. (RCW 46.61.021)

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D. Whenever a peace officer has probable cause to believe that a person has committed a crime, violation or infraction under any ordinance of the City, the officer may detain such person for a reasonable period of time necessary to identify the person and check for outstanding warrants.

E. ((D.)) Whenever a peace officer has probable cause to believe that a person has committed a violation as defined in Section 12A.02.060, the officer ((he)) will issue such person a citation and notice

to appear in municipal court in the same manner as provided by the Rules of Courts of Limited

Jurisdiction unless:

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Passed by the City Council the _____ day of _____, 1997, and signed by me in open session in authentication of its passage this _____ day of _____, 1997.

President _____ of the City Council

Approved by me this _____ day of _____, 1997.

Mayor

Filed by me this _____ day of _____, 1997.

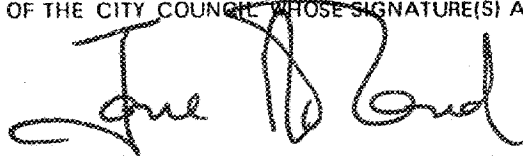
City Clerk

(Seal)

TIME AND DATE STAMP

SPONSORSHIP

THE ATTACHED DOCUMENT IS SPONSORED FOR FILING WITH THE CITY COUNCIL BY
THE MEMBER(S) OF THE CITY COUNCIL WHOSE SIGNATURE(S) ARE SHOWN BELOW:



_____	_____
_____	_____
_____	_____
_____	_____

FOR CITY COUNCIL PRESIDENT USE ONLY

COMMITTEE(S) REFERRED TO: _____

PRESIDENT'S SIGNATURE

STATE OF WASHINGTON - KING COUNTY

88336
City of Seattle, City Clerk

—ss.

No. ORDINANCE IN

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORD 118877

was published on

01/08/98

The amount of the fee charged for the foregoing publication is the sum of \$, which amount has been paid in full.

Subscribed and sworn to before me on

01/08/98

Notary Public for the State of Washington,
residing in Seattle

City of Seattle

ORDINANCE 118877

AN ORDINANCE relating to warrants checks, authorizing a peace officer who has detained a person based on probable cause to believe the person has committed a crime, violation or infraction to conduct a check for outstanding warrants for the person; and amending Section 11.59.090 and Section 12A.02.140 of the Seattle Municipal Code.

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Supply, Inc. v. Lawm Tech
Thompson, Western Surety
McCafferty
98-2-00042-2 Command
Shirley V Lucas v Michael
Real Estate Michael T. Jeff
Capital Corp v Colleen Cr
Dennis Finney
98-2-00401-1 Dom Vic
Stevens v Fresno Francisco
98-2-00416-9 Unlaw De
Warren, Mary L Warren v
Carol Sabotke
Filed December
97-2-32006-2 Unlaw Det
Lins, Lori Collins v Chri
Linda Mills Raymond Jay V
97-2-32008-9 Unlaw
Realty Svcs Inc dba Fai
Apts v Jas Force, Lena F
Loeffler
97-2-32010-1 Tort Mtr
Stam v Ford Motor Co.
McKinney
97-2-32011-9 Med Mal
Anderson, Howard S Ande
Bigos, Gaston Deyssin, Pa
Craig E. Kassner
Filed December
97-2-31859-9 Dom V
Hamilton v Louise Alphonse
97-2-32012-7 Command P
Co v Associated Drywall
icam Ins Co, Karen Lee Ker
97-2-32013-5 Collection
istance Inc v Donna S V
Time
97-2-32029-1 Unlaw B
Mtg Inc v Theodore A. N
West, Lance B Olsen
97-2-32030-5 Tort-Cibe
v Lanphere Enterprises of
dba Renton Honda, Robt G
Co Inc v Alvin R Chambl
97-2-32031-3 Command
City Htg Cok Stuart John S
97-2-32032-1 Collectio
dba Turner Const Co v
maann, Stuart John Sinsheir
Brian Zinn
97-2-32033-2