



SEATTLE CITY COUNCIL

Legislative Summary

CB 118761

Record No.: CB 118761

Type: Ordinance (Ord)

Status: Passed

Version: 2

Ord. no: Ord 125313

In Control: City Clerk

File Created: 07/26/2016

Final Action: 06/01/2017

Title: AN ORDINANCE relating to a public safety bill of rights for the Seattle public; renumbering Subchapter VI as Subchapter V and creating a new Subchapter VI in Chapter 3.28 of the Seattle Municipal Code.

Date

Notes:

Filed with City Clerk:

Mayor's Signature:

Sponsors: Herbold

Vetoed by Mayor:

Veto Overridden:

Veto Sustained:

Attachments:

Drafter: patrick.wigren@seattle.gov

Filing Requirements/Dept Action:

History of Legislative File

Legal Notice Published:

Yes

No

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Clerk	07/27/2016	sent for review	Council President's Office			
	Action Text: The Council Bill (CB) was sent for review. to the Council President's Office						
	Notes:						
1	Council President's Office	08/04/2016	sent for review	Gender Equity, Safe Communities, and New Americans Committee			
	Action Text: The Council Bill (CB) was sent for review. to the Gender Equity, Safe Communities, and New Americans Committee						
	Notes:						
1	Full Council	08/15/2016	referred	Gender Equity, Safe Communities, and New Americans Committee			
	Action Text: The Council Bill (CB) was referred. to the Gender Equity, Safe Communities, and New Americans Committee						

Notes:

1 Gender Equity, Safe 08/17/2016 discussed
Communities, and New
Americans Committee

Action Text: The Council Bill (CB) was discussed.

Notes:

1 Gender Equity, Safe 02/22/2017
Communities, and New
Americans Committee

Action Text: The item was not heard in committee and will be rescheduled.

Notes: No Action

1 Gender Equity, Safe 05/10/2017 pass as amended
Communities, and New
Americans Committee

Pass

Action Text: The Committee recommends that Full Council pass as amended the Council Bill (CB).

Notes:

In Favor: 4 Chair González , Vice Chair Burgess, Member Bagshaw, Herbold

Opposed: 0

2 Full Council 05/22/2017 passed

Pass

Action Text: The Council Bill (CB) was passed by the following vote, and the President signed the Bill:

In Favor: 8 Councilmember Bagshaw, Councilmember Burgess, Councilmember
González , Councilmember Herbold, Councilmember Johnson,
Councilmember Juarez, Councilmember O'Brien, Councilmember Sawant

Opposed: 0

2 City Clerk 05/24/2017 submitted for Mayor
Mayor's signature

2 Mayor 06/01/2017 Signed

2 Mayor 06/01/2017 returned City Clerk

2 City Clerk 06/01/2017 attested by City
Clerk

Action Text: The Ordinance (Ord) was attested by City Clerk.

Notes:

CITY OF SEATTLE

ORDINANCE 125313

COUNCIL BILL 118761

AN ORDINANCE relating to a public safety bill of rights for the Seattle public; renumbering Subchapter VI as Subchapter V and creating a new Subchapter VI in Chapter 3.28 of the Seattle Municipal Code.

WHEREAS, the Seattle Police Department (SPD) policy since 2008, which recognizes the right of members of the public to observe and record police performing their duties in a public place, can be enhanced, strengthened, and made permanent through codification in the Seattle Municipal Code; and

WHEREAS, the rights of public observers, which courts have recognized as flowing from the First Amendment, and various state constitutional rights that favor government transparency and protect the public's right to hold government officials accountable, transcend police policy; and

WHEREAS, the U.S. Supreme Court in *Houston v. Hill*, 482 U.S. 451, 461 (1987) recognized that "the First Amendment protects a significant amount of verbal criticism and challenge directed at police officers"; and

WHEREAS, the need for stronger protections for public observers was evident in the 2011 arrest of a person in Seattle for exercising their right to observe the police in *State v. E.J.J.*, 183 Wn.2d 497, 354 P.3d 815 (2015) and in past incidents identified by SPD's Office of Professional Accountability Auditor of obstruction charges against observers and those filing complaints with SPD's Office of Professional Accountability; and

WHEREAS, officer in-car video or body cameras are not always present and turned on at each public interaction for various reasons, including officer discretion not to record in certain

1 sensitive situations and Department policy based on City law not to record in most
2 instances where individuals are exercising rights of free speech, assembly and worship,
3 and the recordings by members of the public provide a unique perspective that captures
4 additional details of an event, making recordings by the public potentially of great value;
5 and

6 WHEREAS, the value of video and audio recordings by the public is keenly evident from the
7 recordings in 2016 of the deaths of Philando Castile in Minnesota; Alton Sterling in
8 Baton Rouge, Louisiana; and law enforcement officers in Dallas and Baton Rouge; and

9 WHEREAS, other states such as California, Colorado, and Oregon have passed legislation
10 protecting the right of members of the public to observe and record police activity; NOW,

11 THEREFORE,

12 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

13 Section 1. Subchapter VI of Chapter 3.28 of the Seattle Municipal Code, which includes
14 Sections 3.28.500, 3.28.510, 3.28.520, 3.28.530, and 3.28.540, is renumbered Subchapter V as
15 follows:

16 **Subchapter ((VI)) V Reserve Police Officers**

17 Section 2. A new Subchapter VI is added to Chapter 3.28 of the Seattle Municipal Code
18 as follows:

19 **Subchapter VI Public Observers' Bill of Rights**

20 **3.28.600 Purpose**

21 This Subchapter VI codifies the right of members of the public to hold police accountable
22 through observation and express themselves without fear of retaliation, within the bounds

1 permitted by law. Officers should assume that the general public is observing and possibly
2 recording their activities at all times, and respect the public's constitutional rights in that regard.

3 **3.28.610 Public observation, recording, or expression in the vicinity of police actions**

4 A. A person not involved in an incident may remain in the vicinity of any stop, detention,
5 or arrest occurring in a public place, and observe or record activity and express themselves,
6 including making comments critical of an officer's actions, so long as the person's conduct and
7 presence are otherwise lawful. The person's conduct and presence must not: hinder, delay, or
8 compromise legitimate police actions or rescue efforts; threaten the safety of the officers or
9 members of the public; or attempt to incite others to violence. These conditions on the conduct
10 do not prohibit conduct that creates a slight inconvenience for an officer, such as minor delay
11 caused by escorting the person to a nearby location.

12 B. No employee of the Seattle Police Department nor an agent thereof shall prevent a
13 person from engaging in an action or actions protected by this Section 3.28.610.

14 C. No employee of the Seattle Police Department nor an agent thereof shall use physical
15 force for the purpose of punishing or retaliating against a person engaging in an action or actions
16 protected by this Section 3.28.610.

17 D. When an officer is using less-lethal tools in the presence of persons observing or
18 recording police activity, the officer shall seek to minimize harm to non-targeted persons.

19 **3.28.620 Notification to OPA**

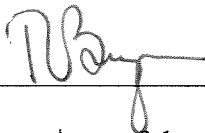
20 If a person files a claim under Chapter 5.24 relating to any conduct set forth in Section
21 3.28.610, the Department of Finance and Administrative Services shall, within 14 days of its
22 receipt of the claim, provide an electronic copy of the claim to the Director of the Office of
23 Professional Accountability, or its successor entity, and to the Chief of Police.

1 Section 3. Nothing in this ordinance is intended to create a basis for any private cause
2 of action beyond legal remedies already available.


3 Section 4. The provisions of this ordinance are declared to be separate and severable.
4 The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this
5 ordinance, or the invalidity of its application to any person or circumstance, does not affect the
6 validity of the remainder of this ordinance, or the validity of its application to other persons or
7 circumstances.

1 Section 5. This ordinance shall take effect and be in force 30 days after its approval by
2 the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it
3 shall take effect as provided by Seattle Municipal Code Section 1.04.020.

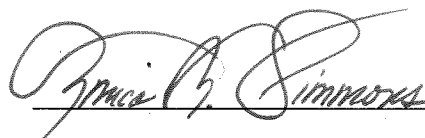
4 Passed by the City Council the 22nd day of MAY, 2017,
5 and signed by me in open session in authentication of its passage this 22nd day of
6 MAY, 2017.

7
8 
9 President pro tem of the City Council

10
11 Approved by me this 1st day of June, 2017.

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13 
14 Edward B. Murray, Mayor

15
16 Filed by me this 1st day of June, 2017.

17
18 
19 Monica Martinez Simmons, City Clerk

20
21 (Seal)

STATE OF WASHINGTON -- KING COUNTY

--SS.

350890

No.

CITY OF SEATTLE, CLERKS OFFICE

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.

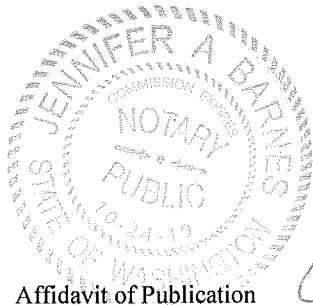
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:125313-314,316-318

was published on

06/14/17

The amount of the fee charged for the foregoing publication is the sum of \$88.28 which amount has been paid in full.

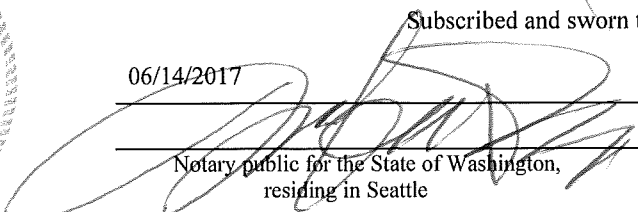


Affidavit of Publication



Subscribed and sworn to before me on

06/14/2017



Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

The full text of the following legislation, passed by the City Council on May 22, 2017, and published below by title only, will be mailed upon request, or can be accessed at <http://seattle.legistar.com>. For information on upcoming meetings of the Seattle City Council, please visit <http://www.seattle.gov/council/calendar>.

Ordinance 125313

Council Bill 118761

AN ORDINANCE relating to a public safety bill of rights for the Seattle public; renumbering Subchapter VI as Subchapter V and creating a new Subchapter VI in Chapter 3.28 of the Seattle Municipal Code.

Ordinance 125314

Council Bill 118908

AN ORDINANCE amending Ordinance 125207, which adopted the 2017 Budget, creating and revising budget control levels, modifying positions, and changing appropriations to various departments and budget control levels; all by a 3/4 vote of the City Council.

Ordinance 125316

Council Bill 118972

AN ORDINANCE relating to City employment, commonly referred to as the First Quarter 2017 Employment Ordinance; designating positions as exempt from Civil Service status; amending Sections 4.20.315 and 4.20.320 of the Seattle Municipal Code; and ratifying and confirming certain prior acts; all by a 2/3 vote of the City Council.

Ordinance 125317

Council Bill 118978

AN ORDINANCE appropriating money to pay certain audited claims and ordering the payment thereof.

Ordinance 125318

Council Bill 118977

AN ORDINANCE relating to the 2017 Budget; amending Ordinance 125207, which adopted the 2017 Budget, including the 2017-2022 Capital Improvement Program (CIP); and creating nonexempt positions.

Date of publication in the Seattle Daily Journal of Commerce, June 14, 2017.

6/14(350890)