

Amends Criminal Code by adding a new Section entitled "Unlawful Interference with a Police Dog or Horse".

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Ordinance No. 109190

AN ORDINANCE relating to the Seattle Criminal Code (Ordinance 102843), adding a new Section 12A.20.070, "Unlawful Interference with a Police Dog or Horse."

7-2-80 PS65-pass

COMPTROLLER
FILE NUMBER

Council Bill No. 101377

INTRODUCED: MAY 27 1980	EXECUTIVE REQUEST
REFERRED: MAY 27 1980	TO: PUB. SAFETY & JUSTICE
REFERRED:	
REFERRED:	
REPORTED: JUL 7 1980	SECOND READING: JUL 7 1980
THIRD READING: JUL 7 1980	SIGNED: JUL 7 1980
PRESENTED TO MAYOR: JUL 8 1980	APPROVED: JUL 11 1980
RETD. TO CITY CLERK: JUL 11 1980	PUBLISHED:
VETOED BY MAYOR:	VETO PUBLISHED:
PASSED OVER VETO:	VETO SUSTAINED:

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ORDINANCE 109190

AN ORDINANCE relating to the Seattle Criminal Code (Ordinance 102843), adding a new Section 12A.20.070, "Unlawful Interference with a Police Dog or Horse."

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Criminal Code (Ordinance 102843) is amended by adding thereto a new section 12A.20.070 as follows:

Section 12A.20.070. Unlawful Interference with a Police Dog or Horse. It is unlawful for a person knowingly to grab, harass, strike, injure, or attempt to injure, or to hold a collar, harness or saddle of, any dog or horse used by a police department for police work, or to interfere with such dog or horse while it is being used in the performance of a police duty or function.

Section 2. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or application thereof to any person or circumstance, is held invalid by any court of competent jurisdiction, such decision shall not affect the validity, applicability, or effectiveness of the remaining portions of this ordinance, and to this end the provisions of this ordinance are declared to be severable.

(To be used for all Ordinances except Emergency.)

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 7 day of July, 1980
and signed by me in open session in authentication of its passage this 7 day of July, 1980
President of the City Council.

Approved by me this 11 day of July, 1980
Mayor.

Filed by me this 11 day of July, 1980

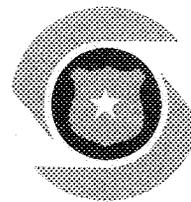
Attest: Jim Hill
City Comptroller and City Clerk.

(SEAL)

Published By G.C. Geisert
Deputy Clerk.

Seattle Police Department

Patrick S. Fitzsimons, Chief of Police
Charles Royer, Mayor



June 2, 1980

The Honorable Charles Royer
Mayor, City of Seattle

Dear Mayor Royer:

The Seattle Police Department has for a number of years successfully utilized horses and dogs to assist in accomplishing its mission. At the time this Department researched the feasibility of utilizing these animals in its work, it was learned from other agencies experienced in these areas that it would be most appropriate to have available municipal legislation against harassing, interfering, injuring or otherwise hampering these animals as they perform the functions for which they are trained at the direction of their officer-handlers. We did not seek such legislation upon the advice of the then Corporation Counsel, he feeling existing animal-directed ordinances were sufficient and appropriate. Experience has shown, however, the existing ordinances do not effectively address abuse of our police animals. This inability to prosecute offenders effectively has come about primarily because of the evolution of case law.

Within the past months we have been experiencing an increasing number of incidents in which individuals have attempted to hinder, injure or kill our animals--most often as they were being applied as extensions of our officers. These actions have taken many forms: from exciting and distracting the animals, to utilizing weapons to attempt to inflict serious or fatal injury. Prosecutorial attempts have been unsuccessful generally because existing ordinances do not specifically address animals being used in the performance of a police duty and/or function.

At the urging of the City Attorney and with his cooperation as well as that of this Department's Legal Advisor and the administrator and supervisors of our Mounted Patrol and K-9 Units, a proposed ordinance satisfactory to all has been compiled.

I am respectfully requesting your support and that of the City Council in the passage of this ordinance. My office stands ready to assist the effort in any way possible for my subordinates and I am convinced of the necessity of this legislation.

Yours truly,

Patrick S. Fitzsimons
PATRICK S. FITZSIMONS
Chief of Police

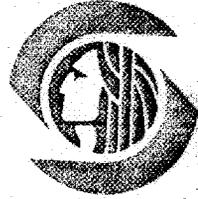
HLS/d

Proposed ordinance attached.
An equal employment opportunity - affirmative action employer.

Your City, Seattle

Executive Department-Office of Management and Budget

Casey Jones, Director
Charles Royer, Mayor



COPY OF WITHIN RECEIVED

MAR 24 1980

The Honorable Douglas Jewett
City Attorney
City of Seattle

Douglas N. Jewett
CITY ATTORNEY

Dear Mr. Jewett:

The Mayor is proposing to the City Council that the enclosed legislation be adopted.

REQUESTING
DEPARTMENT: Police Department

SUBJECT: Unlawful interference with Police horses/dogs.

Pursuant to the City Council's S.O.P. 100-014, the Executive Department is forwarding this request for legislation directly to your office for review and drafting.

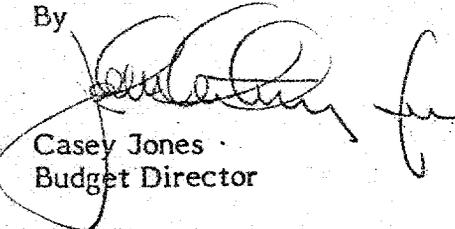
After reviewing this request and drafting appropriate legislation:

- (X) File the legislation with the City Clerk for formal introduction to the City Council as an Executive Request.
- () Do not file with City Council but return the proposed legislation to OMB for our review. Return to _____.

Sincerely,

Charles Royer
Mayor

By



Casey Jones
Budget Director

CJ/ml/ac

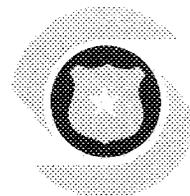
Enclosure

cc: Chief of Police

REC'D OMB MAR 19 1980

Seattle Police Department

Patrick S. Fitzsimons, Chief of Police
Charles Royer, Mayor



March 12, 1980

The Honorable Sam Smith, Chairperson
Public Safety and Justice Committee
Seattle City Council

VIA: Mayor's Office
and OMB

Reference: Proposed Ordinance -
Unlawful Interference with Police Horses/Dogs

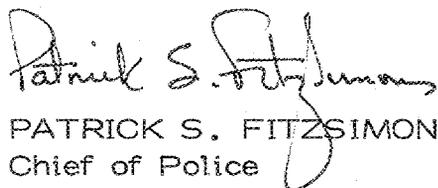
Dear Councilman Smith:

On occasion, individuals have tried to injure or interfere with the use of Seattle Police dogs or horses. At the present time, an ordinance prohibiting such acts does not exist.

I ask the City Council to consider passing an ordinance making these acts unlawful. A draft ordinance to that effect is attached.

Other cities and counties, including Bellevue, Tukwila, and King County, have enacted similar ordinances. I believe that Seattle needs an ordinance to protect these animals that are so helpful to us.

Very truly yours,


PATRICK S. FITZSIMONS
Chief of Police

GEP:mk

Enclosure - Draft ordinance

DRAFT

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ORDINANCE _____

AN ORDINANCE relating to the Seattle Criminal Code (Ordinance 102843), adding a new Section 12A, ____ . ____ "Unlawful Interference with a Police Dog or Horse."

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Criminal Code (Ordinance 102843) is amended by adding thereto a new section 12A, ____ . ____ to read as follows:

Section 12A. ____ . ____ Unlawful Interference with a Police Dog or Horse. It is unlawful for a person knowingly to harass, strike, injure, or attempt to injure any dog or horse used by a police department for police work, or to interfere with such dog or horse while it is being used in the performance of a police duty or function.

June 20, 1980

Patrick S. Fitzsimons
Chief of Police
610 Third Avenue
Seattle, Washington 98104

Dear Chief Fitzsimons:

This is to advise you that the Public Safety and Justice Committee will consider Council Bill 101377, an ordinance relating to the Seattle Criminal Code (Ordinance 102843), adding a new Section 12A.20.070 Unlawful Interference with a Police Dog or Horse. The meeting will be held at 9:30 a.m., Wednesday, July 2, 1980, in the Council Chambers, 1101 Seattle Municipal Building.

You and/or your representatives are invited to be present and participate.

Sincerely,

FLORENCE HARRELL, Legislative Assistant
Public Safety and Justice Committee

FHkcc

cc: All Councilmembers

The City of Seattle--Legislative Department

MR. PRESIDENT:

Your Committee on

Public Safety & Justice

Date Reported
and Adopted

JUL 7 - 1980

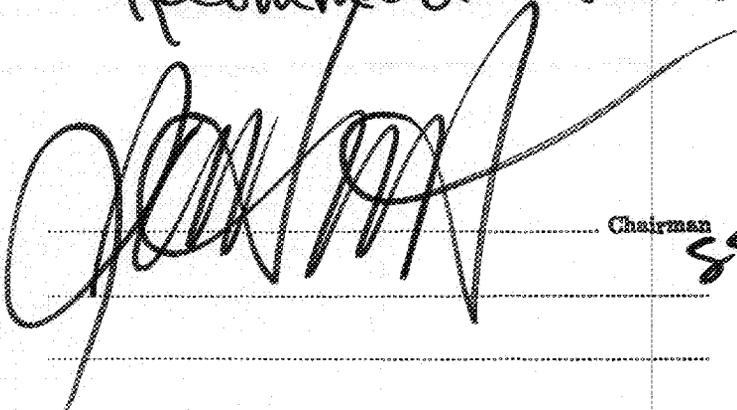
to which was referred

C.B. 101377

Amends Criminal Code by adding a new Section entitled "Unlawful Interference with a Police Dog or Horse".

Relating to the Seattle Criminal Code (Ordinance 102843), adding a new Section 12A.20.070, "Unlawful Interference with a Police Dog or Horse."

Recommends that same do pass.



Chairman

ss.

Chairman

Committee

Committee

Affidavit of Publication

ORDINANCE ISSUED

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BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

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Section 12A.20.070. UNLAWFUL INTERFERENCE WITH A POLICE DOG OR HORSE. It is unlawful for a person knowingly to grab, harass, strike, injure, or attempt to injure, or to hold a collar, harness or saddle of any dog or horse used by a police department for police work, or to interfere with such dog or horse while it is being used in the performance of a police duty or function.

Section 2. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or application thereof to any person or circumstance, is held invalid by any court of competent jurisdiction, such decision shall not affect the validity, applicability, or enforceability of the remaining portions of this ordinance, and to this end the provisions of this ordinance are declared to be severable.

Section 3. This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 7th day of July, 1980, and signed by me in open session in authentication of its passage this 7th day of July, 1980.

PAUL KRAABEL,
President of the City Council.

Approved by me this 11th day of July, 1980.

CHARLES MOYER,
Mayor.

* Filed by me this 11th day of July, 1980.

Attest: TIM HILL,
City Comptroller and
City Clerk.

(Seal) By: G. C. GEISERT,
Deputy Clerk.

Publication ordered by TIM HILL, Comptroller and City Clerk.

Date of official publication in the Daily Journal of Commerce, Seattle, July 16, 1980. (C-396)

STATE OF WASHINGTON KING COUNTY—SS.

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

Ordinance No., 109190

was published on July 16, 1980

Subscribed and sworn to before me on

July 16, 1980

Notary Public for the State of Washington,
residing in Seattle.