

Ordinance No. 119797

Council Bill No. 113002

AN ORDINANCE relating to the Seattle Fire Department, amending SMC Chapter 10.28, adding a new Subchapter IV (Sections 10.28.300 and 10.28.310) requiring the Fire Department to provide law enforcement agencies with access to Fire Department medical incident reports under certain circumstances.

The City of Seattle  
Council Bill/Ordinance

PBT 12/1/99

12-6-99 P1011

CF No. \_\_\_\_\_

Date Introduced:	<u>NOV - 8 1999</u>	
Date 1st Referred:	<u>NOV - 8 1999</u>	To: (committee) <u>Public Safety, Health &amp; Technology Committee</u>
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	<u>12-6-99</u>	Full Council Vote: <u>9-0</u>
Date Presented to Mayor:	<u>12-7-99</u>	Date Approved: <u>12/13/99</u>
Date Returned to City Clerk:	<u>12/14/99</u>	Date Published: <u>2/97</u> T.O. <input checked="" type="checkbox"/> P.T. <input checked="" type="checkbox"/>
Date Voted by Mayor:		Date Veto Published:
Date Passed Over Veto:		Veto Sustained:

This file is complete and ready

*Law Department*

Law Dept. Review

# The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: PODLODOWSKI  
Councilmember

## Committee Action:

PHIT 12/1/99      TMP (JC/MP)      3-0 00 PASS  
12-6-99 Full Council Passed 9-0

This file is complete and ready for presentation to Full Council.      Committee: \_\_\_\_\_  
(initials)

*Law Department*

Law Dept. Review

OMP  
Review

  
City Clerk  
Review

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ORDINANCE 119797

1  
2 AN ORDINANCE relating to the Seattle Fire Department, amending SMC Chapter 10.28, adding a new  
3 Subchapter IV (Sections 10.28.300 and 10.28.310) requiring the Fire Department to provide law  
4 enforcement agencies with access to Fire Department medical incident reports under certain  
5 circumstances.

6 WHEREAS, the mission of the Seattle Fire Department includes the provision of emergency medical  
7 services to reduce and prevent suffering and loss of life; and

8 WHEREAS, Fire Department personnel prepare medical incident reports as a part of their response to  
9 medical incidents;

10 WHEREAS the ability of law enforcement agencies to investigate and successfully prosecute violent  
11 crimes and crimes involving the use or the threatened use of weapons would be enhanced if such  
12 law enforcement agencies had timely access to Seattle Fire Department emergency medical  
13 incident reports, particularly if the incident in question may have involved physical violence or  
14 the use or threatened use of a weapon;

15 WHEREAS, Fire Department medical incident reports may contain health care information, as defined  
16 in RCW Chapter 70.02, Medical Records-Health Care Information Access and Disclosure;

17 AND WHEREAS, RCW 70.02.050(2)(b) provides that a health care provider may provide copies of  
18 records containing health care information to federal, state, or local law enforcement authorities  
19 to the extent required by law;

20 NOW THEREFORE,

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

22 Section 1. SMC Chapter 10.28 is amended by adding a new subchapter as follows:

23 **Subchapter IV Seattle Fire Department Medical Incident Reports**

24 **SMC 10.28.300 Seattle Fire Department Medical Incident Reports -  
Access by Law Enforcement Agencies Required.**

The Seattle Fire Department shall provide law enforcement agencies with access to Fire  
Department emergency medical incident reports requested by such agencies pursuant to this subchapter. A  
law enforcement agency may request: 1) specified reports relating to incidents to which the law  
enforcement agency responded or which it is investigating; or, 2) categories of reports, as provided in  
guidelines or protocols approved by the law enforcement agency and the Fire Department. Such protocols



1 or guidelines may request categories of reports relating to incidents in which, based on the content of the  
2 report, it appears that physical violence, the use of a weapon, or the threatened use of a weapon may have  
3 occurred related to the incident described in the report. In addition to access to written reports, access may  
4 include electronic access to electronic copies of reports. For purposes of this subchapter, law enforcement  
5 agencies include, but are not limited to, the Seattle Police Department and the Criminal Division of the  
6 Seattle Law Department.

7 **SMC 10.28.310 Policies and Procedures Controlling Acquisition, Maintenance, Retention,  
8 and Dissemination of Health Care Information Required.**

9 The Fire Department and any law enforcement agency requesting access to medical incident reports  
10 pursuant to this subchapter shall, before providing or obtaining such access, develop policies and  
11 procedures, as contemplated in RCW 70.02.050(3), controlling the acquisition, maintenance, retention, and  
12 dissemination of health care information provided or obtained pursuant to this subchapter.

13 Section 2. This ordinance shall take effect and be in force thirty (30) days from and after its  
14 approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after  
15 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

16 Passed by the City Council the 6<sup>th</sup> day of December, 1999, and signed by me in open  
17 session in authentication of its passage this 6<sup>th</sup> day of December, 1999.

18 [Signature]  
President of the City Council

19 Approved by me this 13<sup>th</sup> day of December, 1999.

20 [Signature]  
Mayor

21 Filed by me this 14<sup>th</sup> day of December, 1999.

22 [Signature]  
23 City Clerk

24 (Seal)



October 27, 1999

COPY RECEIVED  
99 NOV -2 AM 8:50  
SEATTLE CITY ATTORNEY

The Honorable Sue Donaldson, President  
The Seattle City Council  
600 Fourth Avenue  
11<sup>th</sup> Floor Municipal Building  
Seattle, Washington 98104-1873

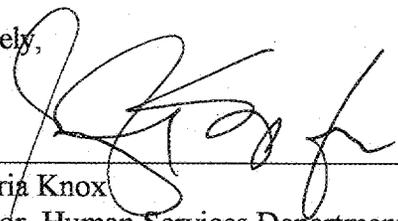
Dear Council President Donaldson:

Over the past several years there has been increased emphasis by the entire City on response to violent crime, especially in the area of Domestic Violence. Part of the law enforcement and prosecution efforts have included requests for records which can enhance prosecution, especially when the victim of the violent crime is not available or chooses not to participate in the prosecution of the offender. Within the City, Fire Department staff are frequently first responders to tend to the injured, and the reports they generate can be very useful to law enforcement and prosecutors in developing, assessing and proceeding with cases.

This ordinance would clarify the ability of Fire, Police and prosecution, and other law enforcement agencies, to share these reports containing medical information with appropriate procedural and statutory safeguards. Within the framework of RCW 70.02.050(2)(b), providing authority for the sharing of records containing health care information, the Fire Department would be able to easily and lawfully share information involving physical violence, the use or threatened use of a weapon, or if a law enforcement agency responded to the same incident.

This ordinance was developed after consultation with SPD, SFD, Dr. Copass at Harborview, The Seattle Domestic Violence Council, and numerous folks in the DV and prosecution communities.

Sincerely,



Venerria Knox  
Director, Human Services Department

*C.S. Knox* CHIEF OF STAFF

*Joe* Norm Stamper  
Chief of Police

  
Chief James Sewell  
Fire Chief

TIME  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:

*TMP*

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**FOR CITY COUNCIL PRESIDENT USE ONLY**

COMMITTEE(S) REFERRED TO:

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\_\_\_\_\_  
PRESIDENT'S SIGNATURE

# City of Seattle

## ORDINANCE 119797

AN ORDINANCE relating to the Seattle Fire Department, amending SMC Chapter 10.28, adding a new Subchapter IV (Sections 10.28.300 and 10.28.310) requiring the Fire Department to provide law enforcement agencies with access to Fire Department medical incident reports under certain circumstances.

WHEREAS, the mission of the Seattle Fire Department includes the provision of emergency medical services to reduce and prevent suffering and loss of life; and

WHEREAS, Fire Department personnel prepare medical incident reports as a part of their response to medical incidents;

WHEREAS, the ability of law enforcement agencies to investigate and successfully prosecute violent crimes and crimes involving the use or the threatened use of weapons would be enhanced if such law enforcement agencies had timely access to Seattle Fire Department emergency medical incident reports, particularly if the incident in question may have involved physical violence or the use or threatened use of a weapon;

WHEREAS, Fire Department medical incident reports may contain health care information, as defined in RCW Chapter 70.02, Medical Records-Health Care Information Access and Disclosure;

AND WHEREAS, RCW 70.02.050(2)(b) provides that a health care provider may provide copies of records containing health care information to federal, state, or local law enforcement authorities to the extent required by law;

NOW THEREFORE,  
BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. SMC Chapter 10.28 is amended by adding a new subchapter as follows:

### SUBCHAPTER IV SEATTLE FIRE DEPARTMENT MEDICAL INCIDENT REPORTS

#### SMC 10.28.300 SEATTLE FIRE DEPARTMENT MEDICAL INCIDENT REPORTS -- ACCESS BY LAW ENFORCEMENT AGENCIES REQUIRED

The Seattle Fire Department shall provide law enforcement agencies with access to Fire Department emergency medical incident reports requested by such agencies pursuant to this subchapter. A law enforcement agency may request: 1) specified reports relating to incidents to which the law enforcement agency responded or which it is investigating, or, 2) categories of reports, as provided in guidelines or protocols approved by the law enforcement agency and the Fire Department. Such protocols or guidelines may request categories of reports relating to incidents in which, based on the content of the report, it appears that

physical violence, the use of a weapon, or the threatened use of a weapon may have occurred related to the incident described in the report. In addition to access to written reports, access may include electronic access to electronic copies of reports. For purposes of this subchapter, law enforcement agencies include, but are not limited to, the Seattle Police Department and the Criminal Division of the Seattle Law Department.

#### SMC 10.28.310 POLICIES AND PROCEDURES CONTROLLING ACQUISITION, MAINTENANCE, RETENTION, AND DISSEMINATION OF HEALTH CARE INFORMATION REQUIRED

The Fire Department and any law enforcement agency requesting access to medical incident reports pursuant to this subchapter shall, before providing or obtaining such access, develop policies and procedures, as contemplated in RCW 70.02.050(3), controlling the acquisition, maintenance, retention, and dissemination of health care information provided or obtained pursuant to this subchapter.

Section 2. 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.

Passed by the City Council the 6th day of December, 1999, and signed by me in open session in authentication of its passage this 6th day of December, 1999.

SUE DONALDSON,  
President of the City Council.  
Approved by me this 13th day of December, 1999.

PAUL SCHELL,  
Mayor.  
Filed by me this 14th day of December, 1999.

(Seal) JUDITH E. PIPPIN,  
City Clerk.  
Publication ordered by JUDITH PIPPIN,  
City Clerk.