

Tell city council to reject CB 120549

Full Council Meeting starts 2:00 pm on Tuesday, May 9th

Summary

CB 120549 increases criminalization by creating a new criminal statute. There will be massive racial disparities in how the Seattle Police Department (SPD) enforces this new statute because there are massive racial disparities in everything SPD does. The new statute would allow SPD to establish and enforce a perimeter (“obstruction zone”) around Seattle Fire Department (SFD) responders. People within that zone could be arrested and charged with “obstructing a public officer,” an act that includes not just physical interference, but also “refusal to leave a scene after having been directed to do so by a public officer.”

Arguments against CB 120549

- **Firefighters are not aligned on this bill.** A recent [op-ed](https://publicola.com/2023/05/05/as-a-firefighter-i-oppose-criminalizing-interference-with-seattle-fire-department-personnel/) by firefighter, researcher, and Seattle resident LéTania Severe includes the following: “[F]irefighters are often called to intervene because of bigger system failures. ... And yet the proposed legislation does absolutely nothing to address any of the underlying reasons that trigger the need for an emergency response. ... This bill does not deter anything. Instead it will make things worse by criminalizing behavior that can be better mitigated by addressing root causes. ... [I]t’s never too late to reallocate funding from our bloated punishment budgets (police, courts, and prosecutors) toward making firefighter jobs and our community safer. If the City Council cares about firefighter safety and community safety, they will vote NO on the current obstruction bill, and fund community response instead.”
<https://publicola.com/2023/05/05/as-a-firefighter-i-oppose-criminalizing-interference-with-seattle-fire-department-personnel/>
- **“[A] sole charge of obstruction of a public officer (and similar statutes, such as resisting or delaying a public officer) have historically been used to suppress and penalize people of color.”** That’s from City Council’s own [summary and fiscal note](#) on the bill. Council members and SFD are trying to justify intentionally worsening racial disparities in the criminal legal system by claiming that there are racial disparities in who SFD assists. This is War on Drugs thinking: attempting to address racial disparities by expanding the criminal code has only magnified disparate impacts and cycles of poverty and criminalization, especially for BIPOC community members. Regardless of whether there are disparities in who SFD assists (SFD has not provided any data to support this claim), those disparities are not an excuse to disproportionately arrest BIPOC community members. It’s still racism.
- **This would increase SPD contact with the public NOT decrease it:** Some council members are claiming creating a new criminal statute would somehow decrease how often SPD responds to calls with SFD. This is absurd. SFD does not have the power to

enforce criminal statutes, meaning SPD will be relied on to carry out enforcement. Local 27 President Kenny Stuart specified that SFD would not be the ones enforcing these “obstruction zones” meaning SPD would be doing it. The moment an “obstruction zone” is created, it becomes something for SPD to enforce.

- **This would be a major expansion of criminalization:** Currently, “obstruction” laws only apply to public employees with the power to make arrests or enforce laws. SFD first responders do not have those powers. By expanding obstruction laws to include SFD, council would move obstruction from being based on a specific job function to an arbitrary list of job titles that council feels are “worthy” of it.
- **This would be an additional tool to criminalize protests:** With the pretense of providing medical response, SFD could set up near any protest, and then SPD could threaten to arrest everyone who does not leave an arbitrarily-determined zone. They could make arrests according to their own discretion, targeting gender non-conforming folks, people of color, and anti-cop protestors. SPD promises they would not arrest people for just yelling at SFD, but there is no reason to believe SPD. They have lied many times in the past. A few examples:
 - SPD thought it was a good idea to publicly tell people that a heavily armed group of Proud Boys were heading to Capitol Hill to assault protesters and anyone in the area
 - SPD claims it is too short staffed to investigate sex crimes when the reality is they spend their time investigating a poor person for having a “crisp pair of jeans” <https://twitter.com/CourtWatchSMC/status/1646183615016075264>
 - SPD claims it only goes after big time, cartel level drug traffickers when they primarily arrest small time dealers <https://twitter.com/DivestSPD/status/1648151664665452544>
- **This would be redundant criminalization:** Assaulting SFD is already a crime, stealing from SFD is already a crime, and SPD (who would enforce this) already arrest people for disorderly conduct and obstruction. According to a [Central Staff memo](#), SPD provided some data on obstruction charges over the last 15 months which showed that 85% of arrests for obstruction included additional charges. Obstruction is almost entirely used as an additional charge when SPD is arresting someone for something else.
- **A vast number of incidents reported by SFD were interactions with the patient:** SFD, SPD, and the City Attorney’s office have said this bill is not intended to apply to patients receiving or refusing care, but the bill does not specifically exclude patients. SPD could arrest a patient for refusing care or not being cooperative enough and the City Attorney could decide to prosecute. There is no reason to leave this up to the discretion of SPD and the City Attorney.
- **The way to increase safety for SFD, and all of Seattle, is to meet people’s basic needs:** Increased access to things like housing, medical care (including mental health), harm reduction supplies (including fentanyl test strips), food access, and violence interruption programs will improve the health of the community, making everyone safer and reducing calls for SFD.
- **This legislation comes 3 months after SPD killed Jaahnavi Kandula while responding to a call with SFD:** Collaboration between the SPD and SFD is not

unequivocally a good thing. The city should be working to decrease SPD contact with the community instead of increasing it.

Be a fighter with us

Sign up for public comment

Tuesday 5/9 at 2 pm

- Sign up to speak remotely <http://www.seattle.gov/council/committees/public-comment>
- Show up to City Hall in person

Email and/or call city council

Did you already email your CMs, and did you receive a line-by-line reply from CM Herbold?

If so, use this template for a line-by-line response to CM Herbold's defense of the legislation:

☰ An email counter-response to CM Herbold's email defending CB 120549 ("Obstructing a P...

If not, just use the template below:

Emails: lisa.herbold@seattle.gov, andrew.lewis@seattle.gov, teresa.mosqueda@seattle.gov, alex.pedersen@seattle.gov, sara.nelson@seattle.gov, dan.strauss@seattle.gov, tammy.morales@seattle.gov, debora.juarez@seattle.gov, kshama.sawant@seattle.gov

Council Member	Phone	Twitter Handle	IG
Lisa Herbold	206-684-8801	@Lisa_Herbold	@d1forlisa
Tammy Morales	206-684-8802	@CMTammyMorales	@cmtammymorales
Kshama Sawant	206-684-8803	@cmkshama	@cm.kshama
Alex Pedersen	206-684-8804	n/a	@d4alexpetersen
Debora Juarez	206-684-8805	@D5Juarez	n/a
Dan Strauss	206-684-8806	@CMDanStrauss	@cmdanstrauss
Andrew Lewis	206-684-8807	@LewisforSeattle	@cmandrewjlewis
Teresa Mosqueda	206-684-8808	@CMTMosqueda	@cmtmosqueda
Sara Nelson	206-684-8809	@CMSaraNelson	@fremontbrewing

Subject:

Say NO to CB 120549 – Obstructing a Public Officer

Body:

Dear Seattle Council members,

I am writing to ask you to reject CB 120549, which would create a new criminal statute for obstructing Seattle Fire Department (SFD) responders.

Safety comes from investing in community and meeting people's basic needs. This legislation does none of that. Instead, this bill would deepen racial disparities in the criminal legal system and increase the number of events to which SPD responds. For these reasons, firefighters are not aligned on the bill, with some advocating for funding to be redirected to the community: "[i]f the City Council cares about firefighter safety and community safety, they will vote NO on the current obstruction bill, and fund community response instead."

<https://publicola.com/2023/05/05/as-a-firefighter-i-oppose-criminalizing-interference-with-seattle-fire-department-personnel/>

I ask that you reject this legislation, on a number of grounds:

- **[copy arguments from above that you feel strongly about and/or think will impact council members]**

Invest in community. Do not expand Seattle's criminal code. Reject CB 120549.

Sincerely,

[Your name and district]

Links to source documents

- [Bill on council website](#)
- [April 25 Public Safety and Human Services Committee agenda](#)
- [Summary and fiscal note \(pdf\)](#)

Legislation title

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.