



City of Tacoma

City Council Action Memorandum

TO: Elizabeth Pauli, City Manager
FROM: Chris Bacha, City Attorney, City Attorney's Office; Keith A. Echterling, Deputy City Attorney, City Attorney's Office.
COPY: City Council and City Clerk
SUBJECT: Request for Amendment to Chapter 8.17 TMC – False Reports of Crime.
DATE: March 26, 2024

SUMMARY AND PURPOSE:

An ordinance amending Chapter 8.17 of the Municipal Code, relating to False Reports of Crime, to adopt by reference the state law of False Reporting at RCW 9A.84.040, as set forth in the attached Exhibit A.

BACKGROUND:

This Department's Recommendation is Based On: the need to modernize the Municipal Code, TMC 8.17.010 and harmonize the City's false reporting provision with State law to effectively capture criminal conduct that otherwise may be inadequately addressed by the City of Tacoma. TMC 8.17.010 was created by Ordinance Number 11551 Section 1, passed July 6, 1938, and has not been amended or updated since. TMC 8.17.010 prohibits false reports or representations to police that a person has suffered financial or property loss due to robbery, assault, holdup, larceny or burglary. However, the ordinance does not capture the gravamen of the offense of knowingly misusing 911 to generate an emergency response by making a false report. And while TMC 8.17.015 Obstructing a public servant can potentially apply in certain factual circumstances, it lacks clarity in effective application for these types of circumstances. RCW 9A.84.040 is more expansive than the City's current code provisions and would augment the City's current law enforcement tools.

The Community Vitality and Safety Committee considered this proposal on December 14, 2023, where the Committee voted to forward this on to the full City Council for consideration.

COMMUNITY ENGAGEMENT/ CUSTOMER RESEARCH:

This proposal seeks to amend Chapter 8.17 of the Municipal Code, which would apply uniformly throughout the City of Tacoma.

2025 STRATEGIC PRIORITIES:

Equity and Accessibility: *(Mandatory)*

This legislation is intended to deter misuse of 911 which negatively impacts availability of resources to respond to calls for service throughout the City of Tacoma.

Livability: *Equity Index Score:* Moderate Opportunity

Increase positive public perception of safety and overall quality of life.

Explain how your legislation will affect the selected indicator(s).

Adopting RCW 9A.84.040 will help strengthen the ability to take effective law enforcement actions in instances of criminal misuse of 911, will modernize and harmonize the Municipal Code with state law, and provide an additional prosecutorial tool. This legislation will help to ensure 911 and emergency services remain available to



respond to emergencies and will provide accountability for those who criminally impact these vital public services.

ALTERNATIVES:

Presumably, your recommendation is not the only potential course of action; please discuss other alternatives or actions that City Council or staff could take. Please use table below.

| Alternative(s) | Positive Impact(s) | Negative Impact(s) |
|--|---|--|
| 1. Maintain current Municipal Code provisions. | Maintenance of status quo would require no adaptive changes at Prosecution. | Not adopting the state law as proposed potentially impacts the ability to effectively prosecute and hold accountable those who criminally make false reports, which can impact emergency services and potentially jeopardize community safety. |

EVALUATION AND FOLLOW UP:

If directed, Staff could provide statistics regarding how many offenders are prosecuted pursuant to this proposal on a yearly basis or as otherwise requested.

STAFF/SPONSOR RECOMMENDATION:

The City Attorney’s Office recommends adopting an ordinance to amend TMC 8.17.010, titled Unlawful to make false crime report, by adopting by reference the state law of False Reporting at RCW 9A.84.040, as set forth in the attached Exhibit A. Staff recommends that Council adopt by reference RCW 9A.84.040 to ensure criminal conduct can be appropriately prosecuted within the City of Tacoma. RCW 9A.84.040 will help to address the knowing misuse of 911 where a person knowingly initiates a false report knowing that it will likely cause certain evacuations, public inconvenience or alarm, or an emergency response, but does not sweep within its scope those who contact law enforcement to report, or in connection with the report of, unlawful conduct. Additionally, staff recommends updating TMC 8.17.020 which contains what would be the remaining penalty provision applicable to Obstructing a public servant under TMC 8.17.015 as set forth in the attached Exhibit “A”.

FISCAL IMPACT:

The only fiscal impact is that generally associated with the prosecution of criminal offenses.

Are there financial costs or other impacts of not implementing the legislation?

No

Will the legislation have an ongoing/recurring fiscal impact?

No

Will the legislation change the City’s FTE/personnel counts?

No

ATTACHMENTS:

- Exhibit “A” Chapter 8.17 False Reports of Crime