



**TO:** Elizabeth Pauli, City Manager  
**FROM:** William C. Fosbre, City Attorney, City Attorney's Office; Keith A. Echterling, Deputy City Attorney, City Attorney's Office.  
**COPY:** Community Vitality and Safety Committee  
**PRESENTER:** Keith A. Echterling, City Attorney's Office  
**SUBJECT:** Proposal to Amend Chapter 8.17 TMC – False Reports of Crime  
**DATE:** December 14, 2023

**PRESENTATION TYPE:**

Please select the type of presentation you will be making to the Council Committee.  
Request for Ordinance

**SUMMARY:**

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. The City of Tacoma currently prohibits making false reports of crime under TMC 8.17.010. However, this law was passed July 6, 1938, has not been updated since then, and is not as expansive or useful as the corollary state law at RCW 9A.84.040. And while TMC 8.17.015, Obstructing a public servant, is potentially available depending on the particular facts and circumstances, it does not always clearly or adequately cover the knowing misuse of 911.

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 for the purpose of, or in connection with, reporting unlawful conduct. Additionally, language updates to the penalty applicability provision, and terms thereof, of TMC 8.17.020 are needed.

**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. RCW 9A.84.040 is more expansive than the City's current code provisions and would augment the City's current law enforcement tools.

**ISSUE:**

The City Attorney's Office recommends updating the Tacoma Municipal Code and adopting by reference RCW 9A.84.040, as set forth in the attached Exhibit A.



**ALTERNATIVES:**

Council could elect to maintain the TMC in its current form. This is not the recommended approach because maintaining the status quo will not adequately provide sufficient prosecutorial coverage for otherwise criminal acts.

**FISCAL IMPACT:**

If directed, Staff could provide statistics regarding how many offenders are prosecuted pursuant to this proposal on a yearly basis or as otherwise requested. The only fiscal impact is that generally associated with the prosecution of criminal offenses.

**RECOMMENDATION:**

Updating the TMC and 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. Staff recommends that this Committee vote to pass this recommendation on to the full City Council for consideration and approval.



## EXHIBIT "A"

### CHAPTER 8.17 FALSE REPORTS OF CRIME

#### Sections:

8.17.010 ~~Unlawful to make false crime report~~ False Reporting.

8.17.015 Obstructing a public servant.

8.17.020 Violation – Penalty.

#### **8.17.010 ~~Unlawful to make false crime report~~ False Reporting.**

~~It is unlawful for any person to knowingly falsely report or represent to any police officer that he or she has suffered the loss of any money or property as the result of robbery, assault, holdup, larceny or burglary RCW 9A.84.040 as now enacted or hereinafter amended, is hereby adopted by reference as if fully set forth herein, including penalties; except that conduct constituting a felony, as determined by the prosecutor, is excluded.~~

(Ord. 11551 § 1; passed Jul. 6, 1938)

#### **8.17.015 Obstructing a public servant.**

A. A person shall be guilty of a gross misdemeanor if he or she knowingly:

1. Files false criminal charges against another person or makes any false or misleading material statement to a public servant in the discharge of his or her official duties, or
2. Hinders, delays, or obstructs any law enforcement officer in the discharge of his or her official powers or duties.

B. For the purposes of this section, a law enforcement officer is a City of Tacoma police officer, Fire Department official, animal control officer, park patrol officer, warrant officer, bailiff, Pierce County Sheriff or deputy sheriff, Washington State Patrol Officer, or other law enforcement officer as defined in RCW 9A.76.020.

C. "Material statement" means a written or oral statement reasonably likely to be relied upon by a public servant in the discharge of his or her official powers or duties.

D. "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a council member, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function.

(Ord. 27671 Ex. A; passed Dec. 11, 2007; Ord. 23410 § 1; passed Jun. 11, 1985; Ord. 23373 § 4; passed Apr. 9, 1985)

#### **8.17.020 Violation – Penalty.**

Any person violating the provisions of Section ~~8.17.010 or~~ 8.17.015 hereof shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be punished by a fine in any sum not



| exceeding \$-5,000.00 or by imprisonment~~ed~~ for a term not exceeding 364 days~~one year~~, or by both such fine and imprisonment.

(Ord. 27671 Ex. A; passed Dec. 11, 2007: Ord. 24055 § 1; passed Apr. 5, 1988: Ord. 23373 § 5; passed Apr. 9, 1985: Ord. 22600 § 18; passed Dec. 29, 1981: Ord. 11551 § 2; passed Jul. 6, 1938)