

3.

**Minutes from 10-08-2020
meeting**



Public Safety and Justice Council Committee Meeting Minutes

Thursday, October 10, 2019
6:00 PM
Riverton Room

Members:	Present:	Absent:	Commence:	6:01PM
			Adjourn:	7:17PM
Pam Fernald, Chair	X			
Mayor Erin Sitterley	X			
Stanley Tombs	X			

Staff Coordinator: Joe Hodgson/Asst. Chief
 Other Council Members Present: Deputy Mayor Clyde Hill
 Other Staff Present: Cindy Corsilles, Steve Pilcher
 Guest Speaker: Det. Sgt. Bob Lurry, Eva Cunio/KCSO Civil Unit

1. Call to Order	Chair Fernald called the meeting to order at 6:01PM
2. Public Comment	<u>Comment:</u> No public comment.
3. Review of 9/12/19 Minutes	<u>X</u> Approval Committee approved the meeting minutes as written.
4. Update on Code Compliance Process, Draft Policy and Enforcement Prioritization	<u>X</u> Discussion – Cindy Corsilles gave a brief overview of a Draft Code Enforcement Policy, explaining the “purpose” which was to provide guidelines for prioritizing code enforcement issues, the investigation and enforcement of City regulations and ordinances, Prosecution and recovery of costs. Steve Pilcher talked of the voluntary compliance agreement and the processes they currently practice. Stan pointed out that the policy doesn’t differentiate between developed and undeveloped property, referring specifically to vegetation management. Discussion / Questions followed. Committee to review and provide feedback on the draft Policy and respond to Cindy and Steve regarding prioritizing code compliance issues.
5. Discussion LE/Resident Responsibilities Regarding Squatters	<u>X</u> Discussion – Joe gave an overview on squatters and the issues that it presents for property owners. He explained that lease agreements cause problems when the lease is in one name and someone else is living there, which is a civil violation when the other person enters legally. Joe introduced Det. Sgt. Lurry and Eva Cunio with the King County Sheriff’s Office Civil Unit. They gave an overview on what services the Civil Unit provides and presented the process involved with evictions. Pam asked if they refer services to people. Sgt. Lurry

	<p>said they do and refer to the Housing Justice Project. The Civil Unit is also aware that evictions can contribute to the homeless problem.</p> <p>Discussion / Questions followed.</p>
6. Future Meeting Topics	Drug Use Issue at local business restrooms near Light Rail.
	<p><i>Next Meeting: Thursday, November 14, 2019 6:00PM – 7:30PM</i></p> <p>Potential topics for next meeting: TBD</p>
Adjourn	Chair Fernald adjourned the meeting at 7:17PM

5.

Vehicle Trespass Ordinance

- a. Proposed ordinance**
- b. PowerPoint**

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of SeaTac, Washington adding a new Chapter 8.05.760 to the SeaTac Municipal Code related to Vehicle Trespass

WHEREAS, vehicle theft and vehicle prowl cases have recently been increasing in King County; and

WHEREAS, due to the volume of these types of cases, it is becoming increasingly challenging for King County to prosecute these offenders and

WHEREAS, despite the King County Sheriff Department's considerable efforts to bring these offenders to justice, an increasing number of them are not prosecuted and not punished adequately and

WHEREAS, a significant increase in vehicle theft and vehicle prowl cases have been occurring in the City of SeaTac; and

WHEREAS, adopting this Ordinance making vehicle trespass a misdemeanor crime would allow the City to more effectively deter and prosecute unlawful entry and/or unlawful attempts to enter into vehicles;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SEATAC, WASHINGTON, DO ORDAIN as follows:

Section 1. A new Chapter 8.05.760 entitled "Vehicle Trespass" is hereby added to the SeaTac Municipal Code to read as follows:

Chapter 8.05.760 Vehicle Trespass

Sections:

- 8.05.760 Definitions
- 8.05.770 Vehicle Trespass Prohibited
- 8.05.780 Penalty

8.05.760 Definitions.

The following definitions are applicable to this Chapter:

- A. The word “enter” shall include the entrance of the person, or the insertion of any part of his or her body, or any instrument or weapon held in his or her hand.
- B. A person “enters” or attempts to enter, or remains unlawfully in or upon a vehicle when he or she is not licensed, invited, or otherwise privileged to so enter or remain.
- C. “Vehicle” adopts the meaning contained within RCW 46.04.670.

8.05.770 Vehicle Trespass Prohibited.

A person is guilty of vehicle trespass if he or she knowingly enters, or attempts to enter, or remains unlawfully in a vehicle belonging to another.

8.05.780 Penalty for Violations.

Violation of any of the provisions of this Chapter is a misdemeanor, punishable by a fine of not more than one thousand dollars (\$1,000) or by imprisonment not to exceed ninety (90) days, or by both such fine and imprisonment.

This Ordinance shall be in full force and effect five (5) days after passage and publication as required by law.

ADOPTED this _____ day of _____, 2021 and signed in authentication thereof on this _____ day of _____, 2021.

CITY OF SEATAC

Erin Sitterley, Mayor

ATTEST:

Kristina Gregg, City Clerk

APPROVED AS TO FORM:

Mary E. Mirante Bartolo, City Attorney

[Effective Date: _____]

[Vehicle Trespass]



Vehicle Trespass

Public Safety & Justice
Committee

January 14, 2021



PRESENTATION OVERVIEW

PURPOSE OF PRESENTATION

To propose an Ordinance for Vehicle Trespass.

WHY IS THIS ISSUE IMPORTANT?

This issue is important to residents, businesses, and individuals experiencing stolen vehicles within the City of SeaTac. It would provide law enforcement an additional tool to enforce the laws associated with possession of stolen motor vehicles and illegally being in someone else's vehicle. The current legal standard for possessing a stolen motor vehicle requires that the suspect has actual knowledge that the vehicle is stolen- mere possession isn't enough.



Possession of Stolen Vehicle

- RCW 9a.56.068
 - Possession of Stolen Vehicle
 - (1) A person is guilty of possession of a stolen vehicle if he or she possess [possesses] a stolen motor vehicle.
 - (2) Possession of a stolen motor vehicle is a class B felony.



RCW Definition of Possessing

- RCW 9a.56.140
 - Possessing Stolen Property-Definition
 - (1) "Possessing stolen property" means knowingly to receive, retain, possess, conceal, or dispose of stolen property knowing that it has been stolen and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto.
 - (2) The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of possessing stolen property.
 - (3) When a person has in his or her possession, or under his or her control, stolen access devices issued in the names of two or more persons, or ten or more stolen merchandise pallets, or ten or more stolen beverage crates, or a combination of ten or more stolen merchandise pallets and beverage crates, as defined under RCW [9A.56.010](#), he or she is presumed to know that they are stolen.
 - (4) The presumption in subsection (3) of this section is rebuttable by evidence raising a reasonable inference that the possession of such stolen access devices, merchandise pallets, or beverage crates was without knowledge that they were stolen.
 - (5) In any prosecution for possessing stolen property, it is a sufficient defense that the property was merchandise pallets that were received by a pallet recycler or repairer in the ordinary course of its business.



KCPAO Filing Standard

- King County Prosecuting Attorney's (KCPAO) Filing and Disposition Standards (FADS)
 - Section 16: Auto Theft and Vehicle-Related Property Offense
 - EVIDENTIARY SUFFICIENCY
 - Car theft cases will be filed if sufficient admissible evidence exists that, when considered with the most plausible, reasonably foreseeable defense that could be raised under the evidence, would justify conviction by a reasonable and objective fact-finder.



Example of a Declined Case

- A victim had their vehicle stolen from their driveway. The vehicle was located at a local hotel fully engulfed in flames. Video evidence showed two females running from the vehicle. The suspect was located and arrested. She admitted to driving the vehicle but said she didn't know it was stolen. She said a friend was going to pay her to watch the vehicle. She was charged with possession of a stolen motor vehicle.



Example of a Declined Case

- Decline from KCPAO:

Thank you for your work on this case. At this time, I am declining to file charges on this case. For the charge of Possession of a Stolen Vehicle, the State is required to prove that the defendant “knew” that the vehicle was stolen beyond a reasonable doubt. Knowledge, as you know, in PSV cases can be proven using a number of different facts like the defendant using a shaved key, obvious ignition damage, or incriminating statements. Here, there are no facts to support that the defendant knew that the vehicle was stolen. If you are able to identify who was using the victim’s credit cards to make fraudulent purchases, I would be happy to review a case for those charges.

- Since the case was declined the suspect was not charged for possessing the stolen vehicle.



Knowledge

Examples of what people say caught in stolen vehicles:

- “My buddy let me borrow it.”
- “I have the keys.”
- “I didn’t know it was stolen.”

Without physical evidence of a punched ignition, steering column torn apart or blatantly obvious shaved keys KCPAO will not charge for possession of stolen motor vehicle due to the lack of “knowledge”.



What we don't see



What we do see



WHAT IS *Vehicle Trespass?*



Description of Proposed Ordinance

- Adds a new chapter, 8.05, to the SeaTac Municipal Code (SMC) related to Vehicle Trespassing.
- Violation is a misdemeanor (maximum penalty is 90 days jail and/or \$1,000 fine).
- Court is authorized to impose community service in lieu of fines.



What are other local jurisdictions doing?

- City of Burien passed a vehicle trespass ordinance in 2012, which is also a simple misdemeanor.
- City of Kent passed a vehicle trespass ordinance in 2016, which is also a simple misdemeanor.
- City of Renton passed a vehicle trespass ordinance in 2017, which is also a simple misdemeanor.
- City of Auburn passed a vehicle trespass ordinance in 2017, which is also a simple misdemeanor.
- City of Tukwila passed a vehicle trespass ordinance in 2017, which is also a simple misdemeanor.

