



Public Safety/Emergency Management (PSEM)  
Agenda  
June 3, 2021  
4:00-4:50pm

City Council Committee Members: Bangs, Mahoney and Martinelli  
Police Chief Ken Thomas

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1. Call to Order, Chair Bangs
  - a. Roll Call
2. Approval of the Minutes:  
May 6, 2021
3. Body Camera Beta Test Update
  - a. Chief Thomas
4. Street Racing Ordinance Update
  - a. Tim George
5. Questions/Concerns
6. Adjourn



Public Safety/Emergency Management (PSEM)  
Minutes  
May 6, 2021  
4:00-4:50pm via Zoom

Committee Members Present: Chair Bangs, Mahoney, and Martinelli

City Staff Present: City Manager Michael Matthias; Police Chief Ken Thomas; Finance Director Beth Anne Wroe, Deputy Finance Director Jeff Friend; Councilmember JC Harris; Harbormaster Scott Wilkins; City Attorney Tim George; Planning & Land Services Manager Denise Lathrop; Assistant Chief Mark Couey; Emergency Manager Shannon Kirchberg; Office Administrator/Executive Assistant to Police Chief Kathy Berrens; Assistant City Attorney Matthew Hutchins

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1. Call to Order/Roll Call
  - a. Councilmembers Bangs, Mahoney, Martinelli present
2. Consideration of April 8, 2021 PSEM minutes
  - a. Motion made to approve minutes by Councilmember Mahoney, seconded by Martinelli, motion passed
3. Crime Analysis: Assistant Chief Couey
  - a. April Statistics Presented
  - b. Councilmember Mahoney asked if there was a category for catalytic converters, AC Couey responded they would be considered in the theft category.
4. Street Racing Update: Chief Ken Thomas
  - a. Chief has discussed with City Attorney Tim George options on street racing ordinances. The Chief and City Attorney want direction from the committee and then make a recommendation.

- b. Discussion continued and City Attorney Tim George will bring a draft to the committee in June as requested.
  
- 5. Emergency Management Update: Shannon Kirchberg
  - a. Power Point Presentation given and sent to committee members.
  
- 6. Questions/Concerns
  - a. Councilmember Mahoney mentioned his appreciation of the comprehensive reports given.
  
- 7. Adjourn
  - a. Motion made by Councilmember Martinelli and seconded by Councilmember Mahoney, Motion passed, adjourned 4:48pm

DRAFT ORDINANCE NO. 21-024

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to public safety, defining and prohibiting attendance at unlawful racing events, and adding a new chapter to Title 10 DMMC entitled *Unlawful Race Attendance*.

**WHEREAS**, unsanctioned street racing has created public safety issues in South King County for decades, and

**WHEREAS**, street racing events frequently occur at night, draw large crowds, and pose danger to both drivers and spectators, as well as the general public, and

**WHEREAS**, the crowds at illegal street racing events are often accompanied by violent crime, property damage, and large quantities of refuse left behind, and

**WHEREAS**, South King County cities have adopted ordinances to outlaw attendance at racing events to address the dangers and the costs of crowds attending unlawful race events, and

**WHEREAS**, these unlawful race attendance ordinances have been effective tools to reduce the incidence of illegal street racing and the attendance at race events, and

**WHEREAS**, organizers of street racing tend to be adaptable and well-connected through social media, which allows for frequent changes to practices in response to law enforcement efforts, and

**WHEREAS**, such adapting practices include finding new areas for staging and holding racing events where racers may expect less scrutiny from law enforcement, and

**WHEREAS**, the expanding footprint of illegal street racing makes it necessary that law enforcement in the City of Des Moines have appropriate tools to address the costs of crowds gathering at street racing events, and

**WHEREAS**, enactment of an illegal street racing ordinance is necessary and proper to protect the public health, safety and the environment; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. Definitions.**

As used in this section, unless the context or subject matter clearly requires otherwise, the words or phrases defined in this section shall have the indicated meanings throughout this chapter.

(1) "Prior offense" means a conviction or committed finding for a violation of this chapter or an equivalent ordinance of a municipality of the State of Washington to Section 2 of this Ordinance.

(2) "Public place" means an area, whether publicly or privately owned, generally open to the public and includes, without limitation, the doorways and entrances to buildings or dwellings and the grounds enclosing them, streets, sidewalks, bridges, alleys, plazas, parks, driveways, and parking lots.

(3) "Unlawful race event" means an event wherein persons willfully compare or contest relative speeds by operation of one or more motor vehicles or wherein persons willfully demonstrate, exhibit, or compare speed, maneuverability, or the power of one or more motor vehicles, in a straight or curved direction, in a circular direction, around corners, or in circles in an activity commonly referred to as "drifting," or by breaking traction.

**Sec. 2. Unlawful race attendance - Prohibited.**

(1) It is unlawful for any person to be present in an area where an unlawful race event is occurring, has occurred or is about to occur:

(a) who has actual or constructive knowledge that an unlawful race event is occurring, has occurred, or is about to occur, and

(b) is present with the intent to observe, support, encourage, or participate in the unlawful race event.

(2) The circumstances which may be considered in determining whether a violation of subsection (1) of this section has occurred shall include, but not be limited to:

(a) The person is associating with persons racing in an unlawful race event;

(b) The person, by admission, is in attendance of an unlawful race event with the intent to observe, support, encourage, or participate in the unlawful race event;

(c) Statements of other persons who are shown to be in knowing attendance at an unlawful race event which provide evidence that the person intends to observe, support, encourage, or participate in an unlawful race event;

(d) The person takes flight upon the appearance of a police officer;

(e) The person either operates or is a passenger in a vehicle which is driven in such a manner as to show evidence of an attempt to take flight upon the appearance of a police officer;

(f) The person's conduct demonstrates that he or she is acting as a lookout;

(g) The person possesses, on his or her person or in his or her vehicle, equipment such as a two-way radio or scanner that can be used to alert race participants to law enforcement;

(h) The area where the person is present is known to the arresting officer(s) as an area frequently used for unlawful race events;

(i) Persons present have no reasonable alternative purpose for congregating in a public area at the time the unlawful race event is occurring, is about to occur, or which occurred;

(j) The person has within the past two years been convicted in any court within this state of any violation involving racing, unlawful race attendance, reckless driving associated with racing, or trespass associated with race activity; and

(k) The person is currently subject to an order issued by a court within this state restricting the person's attendance at unlawful racing events or presence in an area designated as a "No Racing Zone" which was issued in connection with an allegation of racing, unlawful race attendance, reckless driving associated with racing, or trespass associated with race activity.

(3) A violation of this section by a person who has no prior offense is a class 3 civil infraction.

(4) A violation of this section by a person who has one or more prior offense is a misdemeanor.

**Sec. 3. Stay Out of Areas of Racing (SOAR) Orders - Issuance.**

(1) The municipal court may issue a SOAR order to any person criminally charged with unlawful race attendance or to any person charged with racing, reckless driving, or trespass where the Court finds a nexus with unlawful race activity as a condition of pre-trial release, sentence, or deferred sentence.

(2) A SOAR order:

(a) Shall prohibit the person subject to the order from attending an unlawful race event as defined by this chapter,

(b) May prohibit the person subject to the order from entering a defined geographic area or areas where unlawful racing activity has been shown to occur, which may include the area where the person was alleged to have been present during the charged offense,

(c) May include any other crime-related conditions the court shall find appropriate, and

(d) Shall bear the statement: "Violation of this order is a criminal offense under section 4 of this ordinance and will subject the violator to arrest.

(3) A person is deemed to have notice of the SOAR order when:

(a) The signature of the person prohibited in the order is affixed to the bottom of the order, acknowledging receipt of the order; or

(b) The order otherwise indicates that either the person or the person's attorney appeared before the court.

**Sec. 4. Stay Out of Areas of Racing (SOAR) Orders - Violation.**

(1) Violation of an order issued under section 3 of this ordinance shall be a misdemeanor.

(2) A police officer having probable cause to believe that a person subject to an order issued under section 3 of this ordinance is violating or failing to comply with any requirement or restriction imposed by the court shall have the authority to arrest the person without a warrant.

**Sec. 5. Codification.** Sections 1 through 4 of this Ordinance shall be codified as a new chapter in Title 9 DMMC, entitled *Unlawful Race Attendance*.

**Sec. 6. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec. 7. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this \_\_\_\_ day of \_\_\_\_\_, 2021 and signed in authentication thereof this \_\_\_\_ day of \_\_\_\_\_, 2021.

Ordinance No. \_\_\_\_  
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M A Y O R

APPROVED AS TO FORM:

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City Attorney

ATTEST:

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City Clerk

Published: \_\_\_\_\_

Effective Date: \_\_\_\_\_