



City of Seattle

Seattle Police Department

March 16, 2018

MEMORANDUM

To: Councilmember Lorena Gonzalez, Chair
Gender Equity, Safe Communities, and New Americans Committee

Councilmember Lisa Herbold, District 1

From: Brian Maxey, Chief Operating Officer
Seattle Police Department

Subject: SLI 207-1-A-2 - SPD Enforcement of Vehicle Noise and Cruising on Alki.

Historically, the City of Seattle has experienced ongoing issues with select vehicle noise and cruising. Vehicle noise issues have been geographically driven and focused primarily on Alki with some additional areas Downtown. Cruising has typically been an Alki issue. The Seattle Police Department (SPD) has worked to address these issues. However, existing ordinances, technology, and operational prioritization have combined to make effective enforcement difficult. These topics were discussed during the City's 2018 budget process. As a result, the City Council crafted a Statement of Legislative Intent (SLI) 207-1-A-2 which examines these issues. This four-part SLI requests a report that looks at historical enforcement challenges, current department strategies for addressing the issues, potential future solutions, and the applicability of leveraging solutions in other areas of the City. This memorandum serves as the department's response.

Historical Enforcement Challenges

SPD has historically provided extra patrol officers in areas of higher concentration of people and vehicles during periods of high volume. Noise and cruising issues come up every summer in the Alki neighborhood and SPD's priority is to keep the public safe and to protect property. The department has policed the behavior of the crowd at Alki, not specifically the noise created by the crowd. As the police cannot cite a crowd for the noise it creates, police officers have searched for individual people or vehicles that created noise over a certain decibel level. When there is a large group of people or vehicles congregated together, it can be quite difficult to identify specific people or vehicles to cite. Previous attempts to quell loud noise or cruising in the neighborhood have included adding extra officers and citing everyone for every infraction observed. Unfortunately, because SPD ends up citing many Alki residents, this is not the best approach to address the issue in the long run – enforcement is only one tool, and as discussed below, is a blunt one in this case.

Vehicle Noise

The noise control ordinance - Seattle Municipal Code (SMC) 25.08 - was created to minimize exposure to the physiological and psychological dangers of excessive noise and to protect, promote and preserve the public health, safety and welfare of the residents of the City. While this sounds like something that should be easily accomplished, as written, the ordinance is cumbersome for

SPD to enforce. First, the ordinance requires that the initial complainant is not a police officer. This negates the ability for on-view enforcement. Second, the sound must be recorded by a noise meter to show that the noise (usually a loud muffler on a motorcycle or loud music from an enhanced stereo system) is above a certain decibel range for a period of time. Noise meters also require proof of calibration. Currently, police officers do not carry noise meters. The time component – even if officers had noise meters – would make it difficult to enforce given other law enforcement priorities. Public Health does have noise meters.

SPD has cited for noise under SMC 11.84.080. This ordinance pertains to the existence of and working order of mufflers on motor vehicles operated on a City street or alley. It mirrors the Revised Code of Washington (RCW) 46.37.390(1). The challenge with enforcing this ordinance is the vagueness surrounding the language. A vehicle must be making “excessive or unusual noise” for an officer to issue a citation. SPD usually opts for the second component of the ordinance that disallows muffler alterations with cut-outs, the bypassing of mufflers, or devices other than DOT approved mufflers. The challenge here is the need to inspect a muffler and locate the valid DOT stamp. Additionally, there are after-market mufflers that do meet the requirement but may not be labeled as such.

Anti-Cruising

The cruising ordinance (SMC 11.69) was written to prevent traffic congestion areas resulting from cruising that significantly interferes with the passage of vehicles being driven to and from locations within the area. It has been difficult for SPD to cite vehicles using the cruising ordinance. A “traffic congestion area” may be declared by the Chief of Police when all five (5) conditions have been met: 1) vehicle speed has slowed to less than one-half of the posted speed limit, 2) vehicles being driven to and from locations within the area are significantly interfered with, 3) buses are substantially delayed 4) congestion would prevent or delay emergency vehicles from responding and 5) congestion is caused in whole or part by cruising.

In addition, a police officer must see the same vehicle more than one (1) time in the same direction in the traffic congestion area within four (4) hours and track that vehicle to show that it is repeating a loop and not heading to a specific destination. Alki is a popular area in the summer – with many vehicles – and it becomes difficult to track a specific vehicle. Furthermore, if the driver and passenger switch places, officers cannot cite the vehicle. It is extremely difficult to track whether the same person is driving a specific vehicle over a four-hour period. It is also difficult to differentiate between a resident who may have done three separate trips to run errands and a cruiser when the traffic is very heavy.

Progress Report of Current SPD Strategies

As noted above, enforcement efforts have been challenging. The department does appreciate that this is an important issue for several areas within the City. SPD has a Micro Community Policing Plan (MCP) for Alki. While the highest priority identified was property crime, it also identified crowd behavior and noise levels during the summer months as a community priority. In terms of official complaints, between 2013 and 2017, this area averaged just over 125 noise complaints per year. So far this year, the same area recorded 10 calls for service related to noise complaints. As one might expect, the calls spike in the spring and summer – with July recording the highest number of call in each year except 2013 – before tapering off in the early fall.

SPD has employed data analysis, specialized enforcement, and patrol emphasis in an attempt to address these community priorities. SPD wants to ensure that it puts its resources to the best use

to address community concerns and provide for public safety. Since 2014, the department has used an average of nearly 500 hours of emphasis patrol activities related to Alki. Additionally, since 2014 there has been a steady increase in officer-generated activities – rising from 1,695 individual events in 2014 to a high of 3,011 in 2017. These range from premise checks, to parking issues, to park and traffic activities.

Notwithstanding the above activity level, the department has only issued 153 citations for all types of noise issues (SMC 25.08) since 2013 and only one citation related to cruising during the same time period. This highlights the difficulty with using the existing legislative tools. However, the mere presence of officers can often alleviate most crowd-based issues. The residual benefits of emphasis patrols and enhanced officer presence would not be visible in these types of enforcement statistics. SPD will continue to conduct emphasis patrols, premise checks and specialized enforcement activities in the Alki neighborhood in response to vehicle and crowd noise, cruising issues, and other community concerns.

Identification of Possible Solutions

This Council action also asks the department for assistance with potential solutions to these issues. Specifically, it asks SPD to explore how other agencies address noise control and cruising, look at emerging technological solutions, and offer possible SMC changes that could make enforcement more feasible for the department and the City. The following sections address each of these areas.

Other Jurisdictions

Seattle is not unique in having noise issues, but the Alki neighborhood provides a unique set of circumstances with the mixture of residential, commercial and recreational spaces in a limited geographic area. At the state level, the Washington State Patrol (WSP) only enforces vehicle noise as it relates to mufflers and compression brakes. Like SPD, WSP has a difficult time enforcing and requires a calibrated noise measuring device. The cities of Bellevue and Kirkland have ordinances related to vehicle noise that prohibit sound from any motor vehicle or watercraft or the operating or playing of any audio equipment mounted on or within a motor vehicle to be audible more than 50 to 75 feet from the source. Bellevue limits their enforcement efforts to noise related to nightlife activities associated with area bars and does not regularly deal with vehicle noise. The City of Kirkland redid its downtown area and since that time has not had a need to conduct any consistent vehicle noise enforcement. The King County Sheriff's Office is in the middle of an audit being conducted by the King County Auditor's office into the effectiveness of their responses to and use of the King County Noise Ordinance. They will share the results with SPD upon the completion of the audit expected by the end of June.

Cruising issues along Lake Washington Boulevard in the 1990s were addressed with posted signs in the area identifying it as a no cruising zone. Violations of cruising or loud stereos were either a misdemeanor or fine would be imposed. For Kirkland, this issue was also curbed with the redevelopment of their downtown.

Technology Solutions

SPD does not have an easy technological solution to the vehicle noise and anti-cruising enforcement issues. Officers do not have noise meters. Even if this technology were enhanced and officers were equipped with them, the meters would still require ongoing calibration and officers would continue to struggle to isolate specific problem vehicles for testing. In a recent meeting with a community member concerning vehicle noise on Alki, the individual shared an emerging technology that could impact the enforcement of vehicle noise. The option utilizes an approach

similar to that of automated speed zone cameras. As described, it uses air pressure generated from changes in noise levels to detect excessive noise. Pads or readers on the roadway identify the source vehicle and that vehicle's license plate is read similar to the existing red light traffic enforcement process.

Should it operate correctly and be validated and accepted, it could operationally function as the automated camera enforcement program does. It would issue the vehicle owner a citation. This concept is early in development, but presents an interesting and innovative approach to the issue of excessive vehicle noise. Such a solution would have to be vetted against both the process and the spirit of the surveillance ordinance, as well as community and city priorities.

Ordinance Options

The department identified several limitations with existing City ordinances. There are some possible adjustments to the legislation that could improve SPD's ability to enforce. For example, the existing anti-cruising legislation requires an officer to view a vehicle more than one (1) time within four (4) hours. That is a small number of times over many hours. It makes more sense to have the observation for cruising to be something like two (2) times over the course of one (1) hour, a shorter time span for an officer to observe a vehicle during their shift. It also requires all five provisions of 11.69.020 to be in place for the area to be considered a "traffic congestion area." Allowing for some combination of criterion rather than all five (5) conditions and a requirement for better signage related to cruising could assist with enforcement efforts.

None of the possible solutions have been developed beyond the conceptual level described above. As a result, the department has not done any costing analysis on any of the suggestions in this section. Similar to the actual impact on the noise issue, the budgetary and staffing implications are unknown.

Applying Successful Approaches to Other Areas

Noise issues are often unique to the characteristics of a given area. The Alki vehicle and crowd noise issues are the result of the physical environment, the volume of people and vehicles, and the fact that most are present due to favorable weather and a great outdoor venue. Vehicle noise that reverberates through the downtown area is likely the result of vehicle noise echoing off the buildings in a canyon-like manner.

Changes to the relevant ordinances that positively impact the department's ability to enforce noise and cruising standards at Alki and Downtown would also likely make it possible to apply enforcement to other areas of the City that have similar issues. Similarly, if emerging technology solutions are mobile and have moderate set up and calibration requirements, one or more could be implemented to other areas of the City such as the Fauntleroy and Belltown neighborhoods. The key issue to portability is finding the ordinance language, technology, and SPD resource and prioritization combination to appropriately address this issue - one of many issues the department addresses each day.

If you have any questions or would like any additional information on any of the department's efforts that are discussed in this memorandum, please call me at (206) 684-0764.

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