

ORDINANCE NO. C _____

An ordinance relating to reality-based police show program filming; enacting a new chapter 10.56 to the Spokane Municipal Code.

NOW, THEREFORE, the City of Spokane does ordain:

Section 1. That there is enacted a new chapter 10.56 of the Spokane Municipal Code to read as follows:

Chapter 10.56 Reality-Based Police Shows

Section 10.56.005 Legislative Findings

The City of Spokane finds that reality-based police shows often over-represent incidents of violent crime, over-represent minorities and people of color as perpetrators of crime, misrepresent people suffering from mental illness as perpetrators of crime, and over-represent the number of crimes that get resolved.

Section 10.56.010 Definitions

- A. "Broadcast" means to communicate or transmit any content, including audio or video programming, to recipients over a communication network.
- B. "Consent" means a knowing, voluntary, and informed written waiver indicating the willingness of a person shown in video captured by a reality-based police show and obtained prior to the broadcast of such video. A person who is mentally incapacitated as defined in this chapter is incapable of providing the consent required by this chapter.
- C. "Footage" means any raw, unedited material filmed or recorded by a film or video camera.
- D. "Mentally incapacitated" means any condition existing at the time the reality-based police show footage was filmed which prevents a person from understanding the nature or consequences of consenting to the broadcasting or distribution of this footage whether that condition is produced by illness, defect, the influence of a substance or from some other cause.
- E. "Reality-Based Police Show" means any nationally televised or nationally distributed digital program that temporarily embeds camera crews with police personnel for the purpose of documenting and publishing police interactions with people within the city of Spokane, regardless of whether the police personnel are Spokane Police Department or Spokane County Sheriff's Department personnel.

Section 10.56.020 Business Registration Required

All businesses engaging in filming, developing, publishing, producing, or distributing reality-based police shows featuring footage filmed within the city of Spokane or filmed

while embedded with police personnel shall obtain a business registration pursuant to chapter 08.10, SMC.

Section 10.56.030 Consent Required

- A. Reality-based police shows shall not publish, produce, broadcast, distribute or make publicly available any footage of any person within the city of Spokane without first receiving written consent from all persons in the footage.
- B. Mentally incapacitated individuals are, for purposes of this chapter, incapable of providing the consent required.

Section 10.56.040 Interaction with City of Spokane Employees

- A. While “embedded” and participating in police business, all reality-based police show participants shall obey the commands and directions of all Spokane Police Department and City of Spokane employees.
- B. All City of Spokane employees shall have the option of refusing to participate in the filming of reality-based police shows. No City of Spokane employee shall participate in the filming of reality-based police shows without obtaining the prior written approval of the Chief of Police or the City Administrator.

Section 10.56.050 Opportunity for Review

- A. All reality-based police show footage which is captured within the city of Spokane shall be made available to the City of Spokane immediately upon request.
- B. The Spokane Police Department shall review all reality-based police show footage which is to be made publicly available prior to broadcast to ensure accuracy, compliance with Spokane Police Department policies and procedures, protection of the public trust, and compliance with this chapter.
- C. The City of Spokane reserves the right to remove, revise, or prevent any content from being broadcast by a reality-based police show.

Section 10.56.060 Insurance Required

- A. All entities engaging in the development, production, filming, or distribution of reality-based police shows in the City of Spokane shall provide to the City of Spokane Certificate(s) of Insurance (“COI”) as evidence of General Liability coverage in the amount not less than \$1,000,000 (one million dollars) for each occurrence.
- B. The City of Spokane shall be named as an additional insured on the entity engaging in reality-based police shows, which shall be up to a minimum of \$1,000,000 (one million dollars).

C. The insurance of the entity engaging in reality-based police show filming shall be the primary insurance with respect to the City of Spokane, Spokane Police Department, and City of Spokane employees.

Section 10.56.070 Severability

If any court of law determines that any particular provision of this chapter is void or of no legal effect, the offending provision(s) shall be deemed struck from this chapter and the remainder of the chapter shall continue in force unaffected.

PASSED by the City Council on _____.

Council President

Attest:

Approved as to form:

City Clerk

Assistant City Attorney

Mayor

Date

Effective Date