

“Safe and Welcome in Spokane” FAQ

In 2018, the Spokane City Council enacted Ordinance C35681, codified in Section 12.05.050 of the Spokane Municipal Code (SMC), which established provisions to restrict warrantless entry of federal immigration officials onto City property. This ordinance primarily impacted the Intermodal Station due to the increase in warrantless searches that resulted in the ***State of Washington v. Greyhound Lines, Inc., No. 20-2-01236-32 (Spokane Cnty. Sup. Ct., consent decree filed Sept. 26, 2021)***. However, Ordinance C35681 did not extend to public rights of way or anticipate ticketed events on public rights of way.

While we seek to expand streets events, federal immigration officials continue to detain and arrest local individuals whom they deem to be unlawfully in the country. It is time for the Spokane City Council to take action to live up to our city motto: “In Spokane, we all belong.”

What’s the difference between “nonpublic” and “private?”

For the purposes of this document, there is no difference. Events and areas that meet the criteria for being nonpublic can be thought of simply as private events and areas.

What kind of events does this ordinance apply to?

Any event which meets the criteria for a nonpublic area designation and for which the permit holder requested a nonpublic designation. The permit holder would request this designation during the [application process for a permitted special event](#).

A nonpublic area includes a public right of way for which public access is temporarily restricted with a permitted special event.

The criteria for the nonpublic area designation are:

The permitted special event may be granted a nonpublic designation if the following criteria are met:

1. the boundaries of the event must be clearly defined with signage or barriers;
2. participants must be required to receive express permission from the permit holder or their designee to enter; and
3. the event organizer must indicate that the event is private in the permit application.

Play Streets and Block Parties may apply for a special events permit pursuant to [SMC 16A.84.090](#) and could receive a nonpublic designation if the above criteria are met.

How will the City enforce this ordinance?

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In order to be enforceable as a “nonpublic” area, an event needs to have met the requires for a nonpublic designation as set forth above including, but not limited to, having clear boundaries with signage and/or barriers. The permit holder for the event would have the authority to control access to the event. Issues regarding access by a federal law enforcement agency would be between the permit holder and the agency. SMC 12.05.070 creates a private right of action for an aggrieved party to seek judicial relief for a violation of this ordinance. This empowers people to seek justice and holds violators accountable.

Can Spokane Police Department (SPD) stop federal agents from coming into our event?

No. SPD has no authority to take action against the federal agency officers.

As noted in a recent SPD Training Bulletin authored by Police Chief Kevin Hall, SPD officers are directed to not interfere with federal immigration enforcement action, but instead document the incident:

“Once SPD officers determine any incident is a federal immigration enforcement action, they should not interfere with federal law enforcement efforts.”

“[Officers shall] Complete a police report documenting all allegations of criminal behavior, witness statements, and if possible, federal supervisors name and contact information”

Again, while the Police Department cannot directly act against the federal agency officers, SMC 12.05.070 does create a private right of action for an aggrieved party to seek judicial relief for a violation of Chapter 12.05 SMC.

Does this ordinance still apply to park land?

No, this ordinance applies to permitted special events on public right of ways.

Would this apply to something as big as Bloomsday? Tacos y Tequila?

Events such as Bloomsday and Tacos y Tequila are generally open to the public where spectators do not need express permission to attend. Such events as currently operated would most likely not meet the nonpublic designation criteria unless event organizers made the decision to alter their events in accordance with “Safe and Welcome in Spokane.” Whether a special event is granted a nonpublic designation will be reflected on the special events permit pursuant to the City’s determination that the event meets the criteria in SMC 12.05.060.

In order for these events or any event that wishes to apply for a nonpublic designation as a special permitted event, the permit requestor must meet the designation requirements set forth above. Those requirements include boundaries through signage

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or barriers and express permission from the permit holder or their designee to enter a nonpublic area or event.

Is a permit holder still subject to regulatory enforcement efforts by state and local agencies?

Yes. SMC 12.05.070 B provides that state, county and local law enforcement agencies are not prevented from enforcing applicable laws. For example, a special events permit holder with a liquor license will still be subject to enforcement action by the state Liquor Control Board pursuant to the liquor license. It is the intent of the City of Spokane to protect and ensure the Fourth Amendment rights afforded to all people under the United States Constitution and in accordance with all state and federal laws.