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City Attorney: SPD reforms under way

Sixteen months after a federal civil rights investigation found an unconstitutional use of excessive force by police officers and indicators of biased policing, reform of the Seattle Police Department is fully under way.

Despite what federal monitor Merrick Bobb called “some rough seas” when he reported to U.S. District Judge James L. Robart at a status conference on March 12, “the ship has arrived safely.” By that, Bobb referred to the “serious and substantial negotiations” among myself, Mayor Mike McGinn, Chief John Diaz and key City Council members before the City agreed on a monitoring plan proposed by Bobb’s team. After Judge Robart also approved the first-year plan that day, I noted, “We have a judge who is on top of the reform process, and we have a monitor who has an approved plan for the first year, and so this is all about rolling up our sleeves at the City and getting to work.”

The plan’s three goals are to 1) establish deadlines for developing the policies and training outlined in the settlement agreement previously reached by the City and the U.S. Department of Justice; 2) adopt outcome measures and assessments of those policies and trainings; and 3) create a schedule for the monitor to issue compliance reports.

As “indicators of success,” the monitor will watch for the addition of full-time, fully trained sergeants; the training of all officers in crisis intervention; and use of force reporting procedures that are tracked, properly classified and thoroughly investigated.

In lauding the progress to date, Judge Robart cited as “significant milestones” the settlement agreement, Bobb’s appointment, the creation of the first-year monitoring plan and the appointment of a Community Police Commission (CPC).

I agree with the monitor that the CPC’s efforts will be critical to success. Beyond engaging the community in these reform efforts, the commission has been tasked with leading the City in areas of police-data collection, policy review involving use of force and bias-free policing and reviewing the structure of SPD’s Office of Professional Accountability (OPA).

I was a member, then chair, of SPD’s civilian review board (OPARB) before I became City Attorney in 2010. Helping SPD improve its level of professionalism is of singular importance to me, whether it is achieved through supervising the defense of police action cases or serving as the City’s legal representative in the pending litigation.

STORY CONTINUED ON PAGE 4

Holmes shares Washington state's I-502 model with international conference aimed at legalizing marijuana

Prohibition as a preventive strategy failed to control marijuana. With the passage of Initiative 502 last fall, Washington is developing a control model to regulate and tax the production, distribution, sale and consumption of marijuana. The marijuana prohibition model sought to address public health and safety concerns, including consumption by minors, driving while under the influence, and the sale of marijuana by gangs. I-502 seeks to address these exact problems but the approach is significantly different. Other states and nations are looking to Washington as a model for change towards a more effective drug control system.

City Attorney Pete Holmes was a chief sponsor of the I-502 campaign. Last month, he was a keynote speaker at the International Conference for Legalization of Hemp in Copenhagen, Denmark. In his speech, Holmes emphasized that I-502 was not a campaign by hippies to free pot. To the surprise of many conference attendees, the supporters and key strategists behind I-502 included former U.S. attorneys and judges, law enforcement personnel and other current politicians. I-502 was a carefully thought-out plan to transition over the course of a year from prohibition to full legalization without endangering public health and safety.

Washington's approach to legalizing marijuana is a control model, similar to the one used to regulate alcohol. Through taxation and regulation, the state's new marijuana laws will attempt to strengthen public safety where prohibition failed to do so. In Copenhagen, Holmes participated in a panel discussion with the other three keynote speakers and members of the Copenhagen City Council who oppose legalization.

The transition from prohibition to legalization is extremely difficult and complicated. Medical marijuana laws broke ground towards legalization but remain a legally ambiguous area. In the United States, the main issue is the discrepancy between federal and state law. Though marijuana is legal under some states' medical marijuana laws, federal law prohibits the growing and distribution of marijuana, which creates many enforcement and regulation issues.

The issue arises in the Netherlands for the Amsterdam coffee shops. A common misconception is that marijuana is legal in the Netherlands; in fact it is illegal to sell marijuana in coffee shops, but it is universally tolerated. And while marijuana sales in coffee shops are tolerated, the distribution systems that supply those coffee shops are not. Since there is no legal source for buying marijuana, coffee shops are forced to buy marijuana from gangs, including Europe's version of the Hells Angels. The same problem arises for Christiana, a commune on an old military base within the Copenhagen city limits that sells all forms of marijuana products and is strictly self-regulated. Only those over 18 with valid identification can purchase marijuana, and the sale of any drugs besides marijuana is prohibited. Christiana officials say this is a backdoor problem -- they cannot purchase their marijuana supply legally and can be prosecuted for doing so illegally while their own sales are tolerated.

A major question voiced both in Copenhagen and in Washington state is whether and how the federal government will respond. It's hoped the federal government will take a similar stance as with medical marijuana. In a 2009 memorandum, Deputy Attorney General David Ogden wrote that, in general, federal resources would not be spent to prosecute individuals who are in clear and unambiguous compliance with existing state medical marijuana laws.

The debate boils down to the basic principle from civics that any police power exercised by the government is by consent of the governed, and 55.7% of voters in Washington approved I-502, showing that people no longer support prohibition and are ready for change to more sensible regulatory policies.

Youth mentors find real life at the City Attorney's Office

It is usually under the worst circumstances that the average person comes into contact with the criminal justice system, either as a victim or a defendant. Most people avoid interacting with the legal system if at all possible. As a consequence, the common conception of judges and lawyers are stereotypical caricatures that lack human elements.



On March 6, 21 Youth Ambassadors visited the City Attorney's Office to gain a first-hand understanding of the vast breadth of issues that the Law Department deals with – and to personalize the civil servants who handle them. The Ambassadors, from Cleveland and Nathan Hale High Schools, serve as peer counselors for truant classmates. Under Washington law, a truancy petition is filed in juvenile court for any student who accumulates seven unexcused absences in a month or 10 total absences in a school year.

Youth Ambassadors work with these students to fulfill their petition requirement to find out the underlying reasons for their truancy. Whatever the cause turns out to be, the Ambassadors try to help them work through the difficulties through weekly meetings and peer counseling. The aim of the Ambassadors is to provide support, friendship and a positive role model of a similar age so that the mentee comes to school consistently and avoids further encounters with juvenile court.



The March visit allowed the Ambassadors to see how the Law Department works up close and personal, which demystifies the legal system and gives a human face to the jobs like county deputy prosecutor and Seattle Municipal Court judge.



The Youth Ambassadors started their journey that day on the 16th floor of the Seattle Municipal Tower where they met their guide for the day, Craig Sims, chief of the Law Department's Criminal Division. After a brief orientation, City Attorney Pete Holmes spoke to the group about his life, how he became a lawyer and eventually the City's chief legal agent, and finally what it means to be the City Attorney. From there, the group walked a couple of blocks to the King County Courthouse to meet with Deputy Prosecutors Hugh Barber and Jason A. Ritterer for a discussion of how the criminal justice system works. Private practice lawyer J.D. Smith joined the Youth Ambassadors for lunch in City Hall to talk about his life and work.

Capping off the day were speakers from the Seattle Police Department, Deputy Chief Nicholas Metz and Lt. Carmen Best, of the Community Outreach Unit. Metz and Best spoke about the police force and some of its outreach programs as well as their own careers. Each presentation contributed to an overall portrait of the Law Department through personal narratives and concise explanations, replacing any stereotypical notions with tangible realities.

Sims asked each speaker after their presentation to give the Ambassadors some words of wisdom for the future. These words of wisdom ranged from the advocacy of giving back to the community through social service to that, in order to succeed in life, you must have a wish bone, a work bone, and a funny bone. After lunch, the Ambassadors broke up into small groups to discuss the advice they'd been given. Each group consolidated the advice into a compact message that they in turn shared with the rest of the Ambassadors to keep in mind as they move forward in their lives.



SPD REFORMS UNDER WAY: CONTINUED FROM PAGE 1

As I have told the mayor, privately and publicly, I will continue to work with all City officials to implement the monitoring plan effectively and accomplish meaningful police reform in accordance with the settlement agreement.

While recent public controversy has been framed as whether the Mayor's Office or the City Attorney's Office has the authority to decide the City's policy positions in litigation matters, in fact neither I nor my office has taken any policy position contrary to the mayor or SPD. We have served within the traditional role reserved to the City Attorney's Office, by seeking to exercise supervisory control over litigation strategies after due consultation with all appropriate elected and appointed officials.

While City officials may not always agree on effective strategies to advance the City's best interests, I remain committed to the job entrusted by voters to me as Seattle's chief legal officer. Far from seeking sole decision-making authority, my goal has been to make certain that all relevant decision makers of the City – including the City Council – are on board for meaningful lasting reform at SPD. Seattle deserves nothing less.

To watch the March 12 hearing before U.S. District Judge James Robart, click:
<http://www.uscourts.gov/Multimedia/Cameras/WesternDistrictofWashington.aspx>

City Attorney John Jay McGilvra



John McGilvra was the first attorney to live in Seattle, the second appointed City Attorney, as well as a real estate developer, railroad builder, and longtime foe of the railway giant Northern Pacific. In addition to his activities in Seattle, he served a term in the territorial legislature and spent time in Washington D.C., where he lobbied on behalf of the Washington territory against federal land grants to the railroads, which prevented settlers from accessing land.

As one of only a few attorneys in Seattle, McGilvra appeared as counsel for one of the two sides of nearly every case heard in Seattle. He was so familiar to other attorneys in the area that he was known as the father of the Seattle bar, and his close associations with future civic leaders such as Thomas Burke and Orange Jacobs meant that his influence in city affairs continued long after his short term as City Attorney.

Appointed to the post in 1876, McGilvra's biggest case for the City involved a 320-acre parcel of land known as the Maynard Donation, which sat at the heart of what is now downtown Seattle. The donation had a number of claimants, including Northern Pacific Railroad and a number of private citizens. McGilvra secured a favorable ruling from the local land office, but the other claimants appealed to the Secretary of the Interior, who ruled that no person could obtain a title to the eastern half of the donation that lay within city limits. While not an unequivocal victory for the City, this prevented Northern Pacific or a conglomeration of private landowners from securing exclusive title to valuable real estate, and ensured that the Maynard Donation would remain free for development by multiple groups, including the City.

In later life, McGilvra became something of a dean to the Seattle legal profession. His colleague and son-in-law, Thomas Burke, gained fame as the western counsel for Great Northern Railroad, while his protégé Orange Jacobs went on to become Seattle's corporation counsel, as well as a noted jurist. After his term, McGilvra continued to champion the City's development. In particular, he oversaw the growth of the Madison Park neighborhood, large parts of which he owned. The cable road he helped finance, now known as Madison Street, remains the only direct route from Madison Park's lakeshore to the downtown waterfront.

Seattle Neighborhood Group's next Landlord Training Workshop
will be held April 18 at the 2100 Building, 24th Avenue South, Seattle.
To register, visit:

<http://www.sngi.org/registration1.php>



In February **Criminal Division Chief Craig Sims** was awarded the **King County Bar Association Young Lawyers Mentor of the Year**. He was selected based on his “substantial contributions to the teaching and training of young lawyers.” Craig is photographed with James Williams of Perkins Coie (who also received an award).

Congratulations!

EVENTS

4/5/13 — Pete attends the Solid Ground Building Community luncheon at the Westin Hotel. The keynote speaker is Paul Tough, author of “How Children Succeed.” <http://www.solid-ground.org>

4/6/13 — Pete and City Attorney Office staff will be available to talk to constituents at the City Hall Open House from 10 a.m. to 2 p.m. For more on the Open House, go to <http://www.seattle.gov/openhouse2013/>

4/16/13 — Pete will be Ross Reynolds’ guest on KUOW’s The Conversation in the noon hour. Listen live at www.kuow.org

4/24/13-4/26/13 — Pete will attend the spring conference of the Washington State Association of Municipal Attorneys in Cle Elum. <http://www.wsama.org/conference.htm>

5/8/13 — CeaseFire holds its annual luncheon at the Washington Athletic Club. <http://www.washingtonceasefire.org/>

5/29/13 — Pete attends Forterra’s 18th annual awards breakfast from 7:30 to 9 a.m. at the Washington State Convention Center. www.forterra.org/events/AwardsBreakfast2013

LINKS TO NEWS STORIES:

2/22/13 Judge rejects lawsuit challenging Seattle arena deal -- A Washington state judge rejected a lawsuit Friday aimed at undoing a deal to build a new professional basketball and hockey arena in Seattle - a key part of plans to bring the NBA back to town. (KOMO)
<http://www.komonews.com/news/local/Judge-hears-arguments-over-plans-for-Seattle-arena-192574401.html>

2/27/13 Holmes tells McGinn he won't step aside in police-reform talks -- The decision by City Attorney Pete Holmes to reject the mayor's request that he step aside in police-reform negotiations plunged the city into a leadership clash at a crucial time. (Seattle Times) http://seattletimes.com/html/localnews/2020449543_mcginnholmesxml.html

3/1/13 City officials declare South Lake Union club as 'chronic nuisance' -- After unsuccessful attempts in trying to get a South Lake Union nightclub to clean up its act, Seattle city leaders are now taking legal steps against it. (KIROTV)
<http://www.kirotv.com/news/news/city-officials-declare-south-lake-union-club-chron/nWfDN/>

3/7/13 Two Seattle cops charged with DUI in an off-duty incident -- Two Seattle police officers were charged by the City Attorney's Office on Thursday with the misdemeanor driving under the influence stemming from a Dec. 17 incident that occurred while they were off-duty. (Seattle Times)
http://seattletimes.com/html/localnews/2020510174_duichargexml.html

3/10/13 McGinn, Holmes still split on their roles -- McGinn and Holmes chose a politically sensitive time to engage in a public battle over who speaks for the city in the ongoing police reform plan. And the mayor says he's aware he may pay a price. (Seattle Times) http://seattletimes.com/html/localnews/2020522213_dojpoliticsxml.html

3/13/13 Federal judge approves SPD reform plan, but chastises city -- A federal judge on Tuesday approved a [first-year blueprint](#) for reforming the Seattle Police Department, praising the work creating the plan but issuing a blunt warning to the city that he has not been happy with political infighting that cluttered the negotiations. (Seattle Times) http://seattletimes.com/html/localnews/2020543230_monitorrobartxml.html

3/13/13 Danes importing pot advice from Pete Holmes -- Copenhagen is looking at legalizing cannabis, as they call it, and Seattle City Attorney Pete Holmes will be traveling to the Danish city to offer advice. (Seattle Times) <http://blogs.seattletimes.com/politicsnorthwest/2013/03/13/danes-importing-pot-advice-from-pete-holmes/>

3/14/13 Seattle downplays likelihood of sending pot to Copenhagen -- Seattle city official has poured cold water on Copenhagen's idea of importing cannabis from the US. (The Copenhagen Post) <http://cphpost.dk/local/seattle-downplays-likelihood-sending-pot-copenhagen>

3/18/13 The City Attorney's Sneaky Smart Plan to Kill the Union-Backed Police Reform Lawsuit -- City Attorney Pete Holmes' office filed a motion today seeking to bump a lawsuit filed by local police unions, which could stymie Seattle's efforts at police reform, from superior court to federal district court. (The Stranger) <http://slog.thestranger.com/slog/archives/2013/03/18/the-city-attorneys-sneaky-smart-plan-to-kill-the-union-backed-police-reform-lawsuit>

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To view the 2011 annual report,
please click here:
[http://www.seattle.gov/law/docs/
AnnualReport_latest.pdf](http://www.seattle.gov/law/docs/AnnualReport_latest.pdf)

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The Seattle City Attorney's Office is committed to providing the City of Seattle with the highest caliber legal advice to help protect the health, safety, welfare, and civil rights of all.

The City Attorney's Office has four divisions:

The Civil Division represents the City in lawsuits and advises City officials as they develop programs, projects, policies, and legislation. The sections within the Civil Division include torts (claims), governmental affairs, land use, environmental protection, labor and employment, and contracts/utilities.

The Criminal Division represents the City in prosecuting traffic infractions, misdemeanors, and gross misdemeanors in Seattle Municipal Court. The types of cases prosecuted by the Criminal Division include driving under the influence, traffic infractions, domestic violence, theft, assault, and trespassing.

The Administration Division staff provide budgeting, accounting, human resource, clerical and information technology services for the City Attorney's Office.

The Precinct Liaison Division assigns an assistant city attorney as a liaison to each of the City's five police precincts as another way of addressing public safety and neighborhood livability problems.

How to apply for an internship/externship in the Civil and Criminal Divisions: [http://
www.seattle.gov/law/volunteer_program/](http://www.seattle.gov/law/volunteer_program/)



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