

# E-NEWSLETTER

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ISSUE: 14

## Honoring DV's first responders



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*Pictured left to right: Assistant City Prosecutor Andrew Tsoming, Interim Police Chief Jim Pugel, Victim Support Team Advocate Katrina Heinz-Query, Officer Victor Minor, Parking Enforcement Officer Yakuoba Diagona and Criminal Division Chief Craig Sims.*

Before a verdict is announced, before a jury begins deliberating, before a woman testifies against her alleged abuser, before a prosecutor reviews a police report – first there is the contact between a frightened, hurting woman and the police officer who responds to a 911 call.

On Nov. 15, prosecutors and victim advocates in the Domestic Violence Unit in the City Attorney's Office presented their annual awards to their police partners, who are the face of the criminal justice response to domestic violence. The recipients are mostly patrol officers but one was a detective, another was a

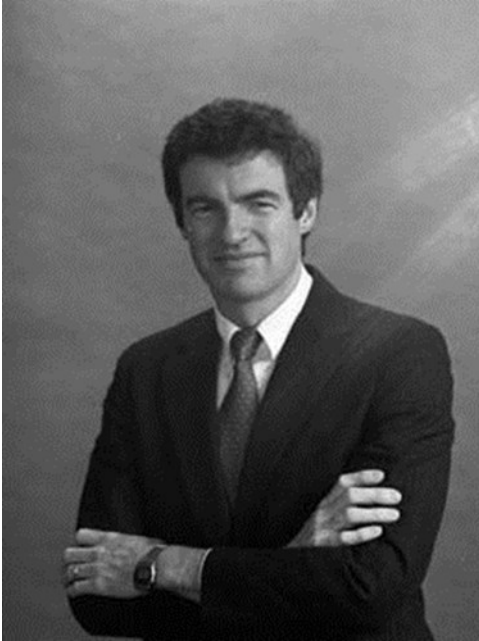
victim support team advocate and a third was a parking enforcement officer. Not every award was bestowed because the 911 call had led to a conviction, or even a charge; that was not how the recognition for excellent police work was measured.

Take Detective Jeffrey Spong, for example. As Assistant City Attorney Jenna Robert explained, she received this particular case from Spong “wrapped in a bow.” It was an assault by a teacher on a special needs student. “Detectives are on a hunt to find out who, if anyone, saw something and if they will talk to law enforcement.” In this case, Spong not only had to interview the student but several of his fellow students in the class when the assault occurred. Despite the “great care” that Spong takes with all his cases – “the reports are impeccable” – Robert said, the verdict was not guilty. (The teacher was fired, however.)

Officer Benjamin Schmitt's excellent report, follow-up and trial testimony did lead to a guilty verdict and sentence of 600 days in jail, a remarkable period of time for misdemeanor charges. What was particularly notable is the length Schmitt went to persuade the Somali victim, who had been repeatedly harassed by a man who used to live in her building, to engage with the American criminal justice system.

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## City Attorney Douglas N. Jewett



In 1977, Doug Jewett became the first non-incumbent or incumbent-supported candidate to win an election for city attorney since James Bradford lost his office to Hugh Caldwell in 1916. Part of a wave of “outsider” candidates elected to city office beginning in the late 1960s, Jewett was critical of what he saw as the tendency of his predecessors to exercise policy judgment independent of the council and mayor’s office, as opposed to providing the best legal advice they could in view of their client’s policy goals. In Jewett’s view, this hampered effective policy implementation by the city’s political leadership.

Jewett’s first task was to reorganize the Law Department according to recommendations made to his predecessor, John P. Harris. The reforms, which broke the Law Department down into five divisions based on practice area, were necessary given the increasing complexity and specialization of municipal law. In Jewett’s opinion, separating the advisory roles of the Land Use, Advisory, and Utilities Divisions from the trial-focused work of the Criminal and

Litigation Divisions would lead lawyers to be involved at an earlier stage of the city’s decision-making process. This, in turn, would lead other city departments to make fewer legal errors, saving the city the need to defend as many cases in court.

In 1982, Jewett ran as a Republican against longtime Senator Henry M. Jackson. He lost the election by a landslide, and returned to Seattle where he continued serving as city attorney. In city elections, he was unopposed for leadership of the Law Department, and in 1989, he filed to run for mayor after Charlie Royer’s departure. He ran against city councilmember Norm Rice, and lost again.

Jewett’s most substantial legacy was the opening of the city attorney’s office to a wider pool of potential candidates. Before his election, every previous head of the department during the 20<sup>th</sup> century had served as an assistant corporation counsel. In the wake of Jewett’s tenure, more city attorneys have been elected from outside the office than within it, and incumbency has proven to be less of a benefit to candidates than it has been in the past.

Seattle’s city attorney is now a notable public figure in city life, involved in the city’s decision-making to a degree unheard of before Jewett took office. This is largely due to the structural reforms of 1977, which encouraged the department’s lawyers to provide legal advice on city policies early in the process and gave the department substantial advisory power. Jewett’s greater public visibility, fueled in part by his ambition for higher office, made the legacy of this avowedly impartial attorney one which highlighted the department’s political, as well as its legal role.

## Council Passes Bill Adding Misdemeanors to City Criminal Code

SEATTLE – Council adopted Council Bill 117918 that codifies numerous state laws into Seattle’s criminal code. The ordinance allows the City Attorney to charge these crimes as misdemeanors under Seattle Municipal Code (SMC). The crimes to be charged by the City Attorney in Municipal Court include, but are not limited to, disarming a law enforcement officer (sec. 33), paying an employee less than minimum wage (sec. 41 and 42), operating a watercraft with a THC concentration of 5.00 (sec. 43 and 45), the sale or purchase of food stamps (sec. 39 and 40), and assault with sexual motivation (sec. 5).

Roughly 30 Revised Code of Washington (RCW) crimes are being added to the SMC. Among the others are unlawful imprisonment, possession of another person’s identification, communication with a minor for immoral purposes and possessing a firearm or other weapon at a school, jail, court, mental health facility, tavern or airport.

The impetus for the legislation stems from a Washington Supreme Court decision (*Auburn v. Gauntt*, 2013), which held that the City Attorney did not have the authority to prosecute state crimes in Seattle Municipal Court. The City Attorney had previously prosecuted some of these crimes in Municipal Court because King County had appointed Assistant City Attorneys as Special Deputy King County Prosecuting Attorneys. The county discontinued that process.

“This is a great opportunity for City Council to help guide SPD law enforcement priorities, by emphasizing local concerns from the broader statewide criminal code,” said [City Attorney Pete Holmes](#). These are already crimes under state law. The Council must adopt these crimes into the City code to be able to prosecute them. “These two ordinances are important to align Seattle’s criminal and traffic code with state law,” said [Councilmember Bruce Harrell](#), chair of the Council’s Public Safety, Civil Rights and Technology Committee. “By adopting these crimes into the City code, we can prosecute them more effectively.”

The ordinance will take effect 30 days after it is signed by the Executive.

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Four SPD employees were lauded for their efforts on a 911 call and follow-up that didn’t result in a charge, at the victim’s request. Assistant City Attorney Andrew Tsoming recalled that initially he was going to decline to file, as the report noted there had been no follow-up contact with the victim. While the woman, a French woman who’d been in the country only a little while, did not want to have her husband prosecuted for, among other things, not allowing her to eat for several days, she did speak of her gratitude to SPD in an [official statement](#). Her thanks, and an award, went to Officers Victor Minor and John Girtch, Parking Enforcement Officer Yakuoba Diagona and Victim Support Team Advocate Katrina Heinz-Query.

Finally, the award for the best-written police report was given to Officer Gregory Drury. “People who receive this award are the ones who take you there,” said Assistant City Attorney Lorna Sylvester, who credited Drury’s methodical and thorough report for helping her understand exactly what the victim had experienced during her ordeal. The notation of the size difference between abuser and victim – 6’10” and 290 lbs. v. 5’4” and 125 lbs. – was just the kind of detail that makes a report compelling.

Sitting with officers at the awards ceremony was Interim Police Chief Jim Pugel, who recently signaled a renewed department emphasis on misdemeanor cases. Speaking at the event’s conclusion, “With the barrage of bad news that’s out there in the media,” he said it was gratifying “to see how good the department is.”

### Survey Finds Significant Link Between Chronic Health Conditions and Domestic Violence

<http://newscenter.verizon.com/corporate/news-articles/2013/11-14-link-between-chronic-health-and-domestic-violence/>

- \* 44% of women said they have experience abusive behavior from a partner.
- \* 70% of respondents reported having a chronic condition, including lower back pain (26%) high blood pressure (26%), migraines and chronic headaches (24%) or difficulty sleeping (23%).
- \* 81% of women who said they have experienced abuse have a chronic illness versus 62% of women who said they have never experienced abuse.
- \* 92% of respondents said it is very or somewhat important for doctors and nurses to ask about DV during an exam.
- \* Only 24% of respondents said they have ever been asked during an exam if they have experienced abusive behaviors.

## Run—Hide—Fight

It happened first at the University of Texas-Austin, where a former Marine shot and killed 17 people and wounded 32 others from a tower on the afternoon of Aug. 1, 1966.

It happened most recently the morning of Sept. 16, 2013 when a former Seattle resident shot and killed a dozen people and wounded eight others in the Navy Yard near the Capitol in Washington, D.C.

Seattle's had its share: Café Racer, five killed in 2012; Jewish Federal of Greater Seattle, one killed and five wounded in 2006; the east Capitol Hill home, six killed and two wounded in 2006.

The earliest mass shootings in America prompted the development of SWAT teams to contain and negotiate, which usually didn't succeed in ending the carnage. Now law enforcement is taught to shoot to kill.

To avoid becoming a victim, you too have a responsibility: In the random chance that an "active shooter" will come to your workplace or a mall, you need to be prepared. Ahead of time – like right after you read this article – figure out where your nearest exit is. Your best chance of staying alive is to run.

If you can't, then hide. If you can't, then fight.

"Be aware of your surroundings," City Security Director John Fowler says when he teaches the "active shooter" class for City workers. "You will have personal decisions to make."

Encourage others to leave with you but if they balk, keep going. Leave everything behind but your cell phone. When you're in a safe place, call 911.

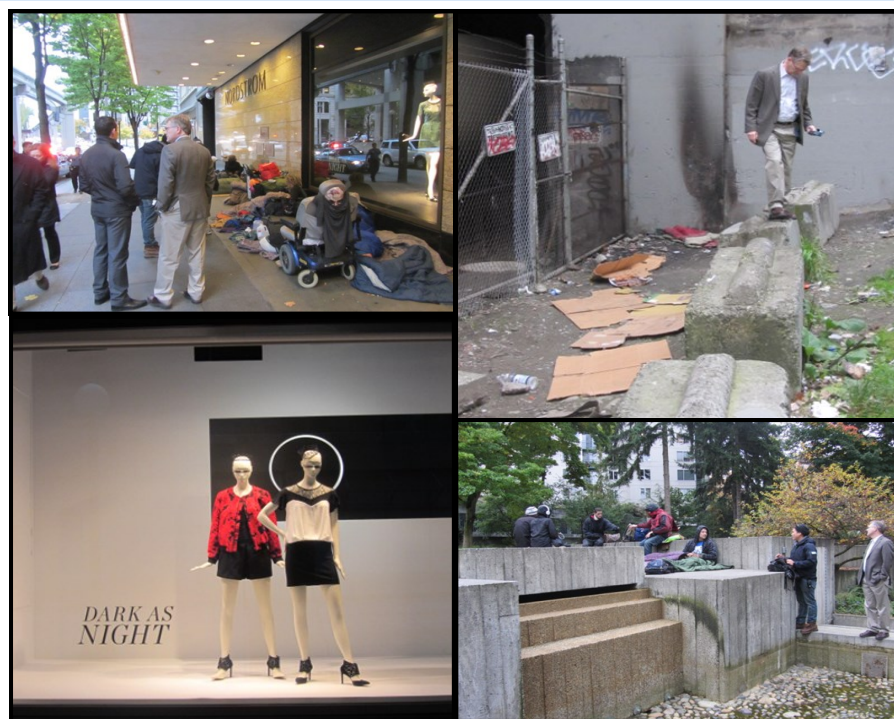
If you can't run, hide. Lock the door if you can. Turn out the lights. Silence your cell phone. Stay out of view.

As a third resort, improvise with co-workers a way to take down the shooter. If you hear him coming down a hallway toward your closed door but you think he can open it, get behind the door. If he tries to come in, strike him with a chair, a fire extinguisher or whatever else will deter him – even momentarily.

These suggestions apply to any place where people are in immediate danger. City Hall, of fairly new vintage, is well-secured and protected. The central monitoring unit is in a remote location on L2; its banks of cameras monitor the public areas and hallways – but not private offices or bathrooms. Fowler and his team have the ability to "lock down" City Hall in an emergency, though that's been done just once, when Occupy Seattle activists got out of bounds.

If or when a shooting begins at City Hall or SMT, first responders will come from SPD headquarters and most likely the Metro police force and King County Sheriff's Office.





One fall morning, Pete toured some of downtown's homeless encampments as people were rising for the day. His tour guide was an outreach coordinator for the Metropolitan Improvement District, which is run by Downtown Seattle Association. The Nordstrom's awning on 5th Avenue is a prime camping spot because it affords protection from the elements. Other sites shown are near the train tracks on the waterfront and Freeway Park.

The SCAO is redesigning its website and is conducting a survey about what information it should make available online. The goal of our website is to help make the legal system more accessible, connect people with public legal services and other resources, and increase the public's understanding of our work. The survey is composed of 10 questions, and will only take a few minutes. We appreciate your participation.

<https://www.surveymonkey.com/s/seattle-city-attorney-website-survey>

## EVENTS

**12/6/13** Pete and Chief of Staff Darby DuComb attend the Urban League of Metropolitan Seattle breakfast at the Westin Hotel from 7 to 10 a.m. <http://www.urbanleague.org/>

**12/9/13** Pete will participate in a special meeting of the Sunshine (Public Records Exemptions Accountability) Committee Meeting from 9 a.m. to 1 p.m. in the John A. Cherberg Building in Olympia. <http://www.atg.wa.gov/opengovernment/sunshine.aspx>

**12/11/13** Pete will testify before the City Council's Housing, Human Services, Health and Culture Committee in favor of the proposed ordinance to make smoking marijuana in public an infraction payable by a fine in the City. His testimony will be carried live on the Seattle Channel. [www.seattlechannel.org](http://www.seattlechannel.org)

**1/6/13** Pete will be sworn in for his second term as City Attorney at 2 p.m. in City Council chambers. Also taking the oath of office will be Mayor Ed Murray and council members. A public reception will follow at 2:45 p.m. in the Bertha Knight Landes room.

**1/7/13** Pete will swear in assistant city attorneys from CAO's Civil and Criminal Divisions. The oaths of office will be taken in the Bertha Knight Landes room, followed by lunch, from noon to 1:30 p.m.

## LINKS TO NEWS STORIES:

**11/18/13 Washington State discovers that it's not so easy to create a legal marijuana economy --** Pete Holmes, the city attorney of Seattle, said state prosecutors stopped indicting people for marijuana possession, because local jurors found the prohibition so objectionable that they tended to acquit on principle. A few years ago, Holmes stopped prosecuting misdemeanor marijuana-possession cases. He then publicly endorsed I-502. (The New Yorker)

[http://www.newyorker.com/reporting/2013/11/18/131118fa\\_fact\\_keefer](http://www.newyorker.com/reporting/2013/11/18/131118fa_fact_keefer)

**11/6/13 The Face Behind the Law: Seattle City Attorney Peter Holmes Tells His 502 Story --** As we celebrate the one year anniversary of 502 being passed, Holmes shares his personal motivations and professional reasoning on 502, giving some behind-the-scenes insight as to why Seattle politicians took interest in legalizing cannabis. (Leafly)

<http://www.leafly.com/news/stories/the-face-behind-the-law-seattle-city-attorney-peter-holmes-tells>

**11/4/13 Books and bullets: New Seattle libraries policy locked and loaded --** Seattle city attorney Pete Holmes said he hopes someday the state will let cities create their own gun controls; however, he does not think the votes are there in Olympia right now. (KIRO)

<http://www.kirotv.com/news/news/books-and-bullets-new-seattle-library-policy-locke/nbgwk/>

**10/29/13 Neighbors plead with city to stop sex workers in Seattle --** City Attorney Pete Holmes thinks the city should go after pimps and johns more aggressively. "We would try to flip the ratio. The traditional ratio is typically two-thirds female prostituted people to one-third sex buyers. We wanted to use existing resources and flip that," said Holmes. (KIRO)

<http://www.kirotv.com/news/news/neighbors-plead-city-stop-sex-workers-seattle/nbcKC/>

**10/23/13 New misdemeanor charge filed against sex offender who fled Canada --** Authorities on Monday filed an additional charge — misdemeanor resisting arrest — against Michael Stanley, the sex offender who fled Canada. The Seattle City Attorney's Office filed the new charge nearly two weeks after his arrest. (Q13)

<http://q13fox.com/2013/11/04/new-misdemeanor-charge-filed-against-sex-offender-who-fled-canada/>

**10/16/13 SPD provided little data to back crime crackdown, records show --** Seattle police wanted City Attorney Pete Holmes to file criminal charges against low-level street offenders but did not provide detailed information to support the request. (Seattle Times)

[http://seattletimes.com/html/localnews/2022060434\\_spdlistxml.html](http://seattletimes.com/html/localnews/2022060434_spdlistxml.html)

**10/4/13 Holmes warns: Not enough retail pot shops --** Twenty-one retail marijuana outlets likely won't be enough to meet Seattle's demand for now-legal, taxed, and regulated recreational marijuana, Seattle City Attorney Pete Holmes says in a letter to the Washington State Liquor Control Board. (seattlepi.com)

<http://blog.seattlepi.com/marijuana/2013/10/04/holmes-warns-not-enough-retail-pot-shops/>

**10/3/13 Hookah lounges give city a headache --** Seattle police and city officials were poised to crack down on hookah lounges in June, but then they reversed course. Health officials then went ahead on their own, ordering lounges this week to stop allowing indoor smoking. (Seattle Times)

[http://seattletimes.com/html/localnews/2021960587\\_hookahloungesxml.html](http://seattletimes.com/html/localnews/2021960587_hookahloungesxml.html)

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To view the 2012 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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**COMMENTS AND SUGGESTIONS**

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[kimberly.mills@seattle.gov](mailto:kimberly.mills@seattle.gov).

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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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