



E - NEWSLETTER

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A day in the life of a Precinct Liaison: the case of the troublesome phone booth

A Community Police Team (CPT) officer raised an unusual legal issue last year with West Precinct Liaison Sumeer Singla. The officer had received phone calls from community members complaining that one particular phone booth was the source of criminal activity in their neighborhood. They reported hearing the phone ring and different individuals pick up the call, talk for a few seconds and hang up. Shortly after, so the story went, an apparent drug transaction occurred in front of the phone booth. Community members also said they observed people consuming drugs and using the phone booth as cover for their illicit activity.



Pictured from left Sumeer Singla (West Precinct), Jana Jorgensen (North Precinct), Melissa Chin (South and Southwest Precincts), and Matthew York (East Precinct).

The CPT officer identified the telecommunications service provider for the phone booth, but was unable to locate the actual owner. The City could not immediately remove the phone booth because it was not on City property. The Metropolitan Improvement District (MID) identified the building owner who leased the space for the booth but couldn't find any record of a contract or lease. No one knew how the booth got there, how long it had been there, and who owned it.

Singla reached out to his contacts at the Washington State Utilities and Transportation Commission (UTC), which regulates telecommunication service providers. The UTC staff person gave him information to contact the service provider and after leaving several messages, Singla got a call back. The service providers were more than happy to help the City resolve this situation, and facilitated contact with the booth owner, who called Singla within 24 hours.

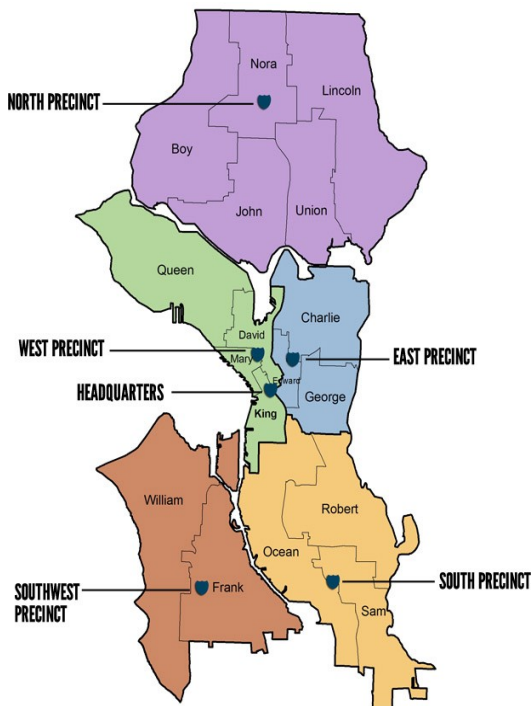
The owner was already aware of the issues surrounding his phone booth and agreed to work with the City. He wanted a few months to allow his contract with the service provider to expire, and promised not to renew the contract. He

Continued next page

assured Singla that he would only allow outgoing calls via a credit card and would block all incoming phone calls. However, the community later told Councilmember Tom Rasmussen that the owner had not limited the calls, and Rasmussen contacted Singla. The precinct liaison left several stern messages for the owner reminding him of his agreement with the City. About two days after the last message, Singla received an email from the MID director informing him that the phone booth had been removed.



An ex-drug house



Small victories such as this one usually go unnoticed in the larger scheme of City problems, but these types of victories tend to have the biggest impact on community perception. Neighbors were extremely happy with the outcome, and it took diligent efforts of everyone involved to achieve this result. It is clear that the community feels safer and more engaged in the civic process.

Singla's presence in the West Precinct is the result of the Council's agreement to fund City Attorney Pete Holmes' revitalized Precinct Liaison Program. At the beginning of 2012, four assistant city attorneys were selected to serve the five police precincts. The other liaisons are Jana Jorgensen in the North, Matthew York in the East, and Melissa Chin in the South and Southwest Precincts. Nightlife regulation, liquor licenses and marijuana regulation are just a few of the major challenges these liaisons face. They also work with the community to address any public safety concerns, coordinating efforts between communities and SPD.

The liaisons also work with neighborhoods to identify and get rid of chronic nuisance properties. A chronic nuisance property is a residence or business where frequent drug or gang-related activity, noise violations or serious crimes occur. Precinct Liaisons meet with security staff members, owners and bar staff of many bars and nightclubs to discuss the responsibilities and behaviors that are expected. These preventive measures have helped curb many of the problems that arise from noise, over consumption of alcohol, or serving minors. In the cases where infractions are occurring, Precinct Liaisons meet with business and property owners to solve their public safety issues before they became a serious problem.



The first session of the **Trial Advocacy Program** occurred Jan. 25 in the U.S. District Courtroom of Judge Richard Jones (4th from left). The program offers opportunities for civil and criminal attorneys to enhance legal advocacy skills in and out of the courtroom. High-profile lecturers will educate and critique the assistant city attorneys' skills during weekly classroom sessions.

CAO still evolving in its third century

The City Attorney is the chief legal advisor, litigator and municipal prosecutor for the City of Seattle, as well as head of the city's Law Department. Employing 90 attorneys and nearly as many staff, the Law Department gives legal advice on all aspects of city business while handling roughly 12,000 civil and criminal litigation matters every year. Due to the variety and scope of the Department's responsibilities, it is divided into four divisions: Civil, Criminal, Administration and Precinct Liaison. Each division has a director and supervisors.

The Law Department began small, in 1876. Legal advice was originally given by one person, who was appointed by the City Council as needs arose. Early city attorneys acted as advisors to the City and sometimes as criminal prosecutors, but in these early days there were few standing rules detailing how criminals should be prosecuted.

Between 1877 and 1883, the City Attorney remained an appointed official, though the scope of his work grew to include more civil proceedings as well as a more formalized role as prosecutor. In 1883, amendments to the City Charter stipulated that the City Attorney would be elected "in the manner provided for the election of mayor and councilmen," inaugurating the City Attorney's current status as an official responsible to the people of Seattle. For the next seven years, the City Attorney acted as an independent legal advisor to the City on the legal proceedings that the City had an interest in, as specified in the 1877 Charter that formally established the office.

Statehood in 1889 beget a new charter for the City in 1890. Article XV of this "Home Rule" Charter established an autonomous Law Department, as well as the office of Corporation Counsel. The Corporation Counsel, also elected by the people, was responsible for providing legal advice to the City, drafting various documents, and representing the City in all court proceedings "except criminal actions and actions on bail bonds." The City Attorney's role was reduced to criminal prosecutions, and though the City Attorney remained an elected official, the majority of his duties were assigned to the Corporation Counsel.

The 1892 amendments to the City Charter wrought substantial changes to the Law Department. The Corporation Counsel was granted the power to appoint the City Attorney as well as a "clerk or stenographer," and the Law Department received a third attorney in the form of an Assistant Corporation Counsel appointed by the City Council. These changes formalized the Corporation Counsel's role as head of the Law Department and chief legal advisor to the City, a position underscored in the amended text with language that grants the Corporation Counsel "full supervisory control of all litigation of the city." These changes were finally reinforced by the 1893 amendments, which gave the Corporation Counsel the power to appoint his assistant, as well as the City Attorney.

The 1890s also saw the publication of the first annual reports of the Law Department, detailing the general activities of the Corporation Counsel and his staff over a given year. Peppered with names familiar to anyone who has studied Seattle's early history, these reports reveal that Seattle's rapid growth led to numerous legal actions needed to authorize road-building and infrastructure work. Condemnation suits, made necessary by the chaotic and patchwork nature of Seattle's land ownership in the 19th century, were the most common type of legal work. By far the most complex of these condemnation suits concerned the Cedar River Watershed, with which city officials intended to supply Seattle with drinking water.

The turn of the century brought a greater degree of regularity to the Law Department's business. After an early zeal for charter revisions, city government's general shape and practices settled into a mold that would remain substantially unchanged while the geography and economy of Seattle underwent more rapid expansion. Corporation Counselors in that era reported a substantial increase in the Law Department's workload, mostly driven by this growth, but were not able to increase their number of employees due to charter restrictions. By the early 1920s, the Law Department had again expanded to include several more Assistant Corp-

oration Counselors, and by 1926 the charter reflected the fact that the Corporation Counsel had the authority to appoint "such assistant corporation counsel and employees as shall be provided by ordinance." Though the charter language eventually reverted to language that seemed to specify just one assistant in addition to the City Attorney, this had no effect on the actual number of attorneys employed by the Law Department, which remained constant at between eight and 10 Assistant Corporation Counselors for the next 20 years.

The stock market crash of 1929, as well as the subsequent depression and war, substantially changed the department. In 1930, Anton C. Van Soelen became corporation counsel, and it fell to him to preside over a 15-year period of severe budget austerity, while simultaneously providing legal advice on the local implementation of dozens of national programs as part of the New Deal. No notable changes in the structure or powers of the Law Department occurred, and it is likely none would have been possible given the rigid controls placed on the department's budget. During the 1930s and the first half of the 1940s, the department numbered roughly 10 lawyers and four staff.

In 1946, the charter was brought up to date with the reality of the Law Department: "The law department shall consist of a corporation counsel who shall appoint the assistant corporation counsel and city prosecutors, who may be removed at will." What arose, as documented in the annual reports, was a system whereby a "first assistant" Corporation Counsel acted as deputy, and a number of Assistant Corporation Counselors provided legal advice and representation to the City. The number of staff and assistants would increase throughout the next several decades.

The next major reorganization of the Law Department did not occur until the election of 1977, when Douglas N. Jewett defeated incumbent Corporation Counsel John P. Harris. This was the first time that an incumbent head of the Law Department had been beaten in an election since 1916. As a result of these reorganizations, the department was divided into five divisions, with three responsible for providing legal advice "in the formative stages of [city] projects," as well as a Criminal division responsible for prosecutions, and a Litigation division that handled torts." The Law Department still provides for criminal prosecutions, legal advice on policy and projects, and litigation, but the number of divisions changed and each division now had smaller, subsidiary departments headed by a supervising Assistant City Attorney.

In addition to the reorganization of the department in 1977, the offices of Corporation Counsel and City Attorney were merged, making the City Attorney the elected head of the Law Department, as well as chief prosecutor and legal advisor to the city.

The historical records show that as the City grows and becomes more complex, so does the Law Department and its legal work. Unlike most cities, Seattle is a full-service municipal corporation that provides power, water, sewage, garbage, police, fire, and an abundance of other services ranging from parks, roads, licensing and permitting to arts, human services, and neighborhood organizing. The department's work touches almost everything the City does, making it somewhat unique within the structure of city government. Where most of the departments are tasked with a certain area of city business, lawyers have to be both experts on the law, and knowledgeable enough about city policy to be able to provide useful and consistent advice to clients in every department and level of city government.

Also uniquely among the departments, Seattle's is the only one in the state whose chief is elected by the voters. The job of the City Attorney therefore involves being an advocate not just for city officials, but also for the needs of the public. When an attorney tries a case, he or she appears "for the City of Seattle," and in that spirit the department remains committed to giving the public the best possible legal representation.

(Editor's note: The next issue will feature John Jay McGilvra, who 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.)

City, PSE agree to split costs of Gas Works Park cleanup

After 22 years, the City and Puget Sound Energy have resolved how to complete the cleanup of Gas Works Park. PSE will do the work and pay 80% of the costs, with the City paying the rest. The City can now budget reliably for its share of the costs and both parties will spend less overall. The City has retained control over its interests in park purposes, the Harbor Patrol's use of the adjacent property, and City drainage lines and outfalls.

Over the next few years PSE will work with the Washington Department of Ecology and the U.S. Environmental Protection Agency to design and implement plans to remove and cap contaminated material in the lake adjacent to the park. Further work may also be done in a few upland park areas; however, the public's use of the park is not expected to be disrupted.

It took some creativity and willingness to step outside the usual attorney role to achieve the settlement. For two decades Assistant City Attorneys had prepared to fight PSE in court. That adversarial posture had to change so the two sides could develop a partnership. We are pleased and proud to have helped design a great outcome for the people of Seattle.



EVENTS

2/28/13 - CAO's Race and Social Justice Change Team sponsors a Black History Month potluck.

3/19/13 - Pete attends the State Sunshine 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>

3/21/13 - The Center for Children & Youth Justice's annual Norm Maleng Advocate for Youth Award breakfast will be held at 7:30 a.m. at the Seattle Sheraton Hotel. The Seattle Times and Reporter Sara Jean Green will receive the 2013 Maleng Award for their continuing and in-depth coverage of issues related to juvenile justice and child welfare, including child sex-trafficking and gang activity. <http://www.ccyj.org/news-events/>

3/27/13 - Pete will attend the Powerful Schools annual luncheon at 11:30 a.m. at the Westin. <http://powerfulschools.org/news-events/>

LINKS TO NEWS STORIES:

12/4/12 Jiggles Will Remain Shut Despite Strip Club Owner's Crafty Maneuvering, Court Rules — Bob Davis seemed to think he had outmaneuvered the city when in 2010 he turned a University District comedy club into a "gentleman's" establishment featuring nude dancers. While Davis' Jiggles was located near a school, despite a zoning ordinance that requires a buffer zone between such venues and facilities for kids, the crafty entrepreneur said he had a city license for the place that was procured before the ordinance went into effect. Not exactly. (SeattleWeekly) http://blogs.seattleweekly.com/dailyweekly/2012/12/jiggles_will_remain_shut_despi.php

12/4/12 State examiner rejects police-guild complaint about legal representation — A state examiner has rejected an unfair-labor-practice complaint filed by the Seattle Police Officers' Guild that challenged the City Attorney's decision to end a longstanding contract with a private law firm and handle in-house much of the defense of police officers who need legal representation. (Seattle Times) http://seattletimes.com/html/localnews/2019829409_copattorneys05m.html

12/7/12 City Inside/Out: Marijuana Legalization — Seattle City Attorney Pete Holmes, Employment Law Attorney Mike Subit and Teamsters Local 117 Staff Attorney Dan Swedlow discuss the implementation of I-502 with Seattle Channel's Brian Callahan. (Seattle Channel) <http://www.seattlechannel.org/videos/video.asp?ID=3061237>

12/12/12 Seattle's Veteran Treatment Court marks one-year anniversary — An alternative to prison for veterans caught on the wrong side of the law. Seattle's Veteran Treatment Court just passed its one year anniversary. It's a huge investment, not just in the amount of resources dedicated, but in the people it aims to help. How the program is still working to define success. (KING5) <http://www.king5.com/news/local/Seattles-Veteran-Treatment-Court-marks-one-year-anniversary-183282021.html>

1/7/13 Downtown drug dealers need more time behind bars, some Belltown merchants say — Small time drug dealing is a big time problem in the Belltown neighborhood of Seattle. But some say arrests made in the drug cases rarely see a courtroom. Now, there's a push to change that. (KCPQ) <http://q13fox.com/2013/01/07/downtown-drug-dealers-need-more-time-behind-bars-some-belltown-merchants-say/#d5tyYxgEU0rLwAqL.99>

2/1/13 SPD ruled not liable in 2005 slaying of high-school coach — The state Supreme Court unanimously finds Seattle police officers can't be held liable for failing to anticipate that a deranged man would kill with shotgun shells they didn't confiscate. (Seattle Times) http://seattletimes.com/html/localnews/2020260745_robb rulingxml.html

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please click here:
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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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