



E-NEWSLETTER

April 2014

ISSUE: 16

2014 shaping up as year of training toward meeting SPD reform goals

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The end of the first-year monitoring plan under the consent decree designed to reform the Seattle Police Department (SPD) slipped by last month without any of the headlines that accompanied the plan's launch.

While a host of new SPD policies were put in place in 2013 – shaped in large measure by attorneys in CAO's Civil Division – it can be argued that none will be more important to Seattleites than the Performance Mentoring Policy. It was hammered out by the City, the U.S. Department of Justice and Monitor Merrick Bobb, and approved last month by U.S. District Judge James L. Robart.

This policy, which replaces the department's existing Early Intervention System, goes to the heart of the federal government's concerns about individual officers who don't adhere to model policing practices, sometimes resulting in excessive uses of force.

"Its adoption is a key starting point for the SPD's proactive risk management strategy of identifying and correcting possible problematic behavior," Bobb said in recommending that the judge approve it.

"Early warning systems have, over the past 20 years, become key elements of police reform and are now commonplace in police departments large and small," Bobb wrote. "Generally, an early warning system makes use of triggers: Supervisors and managers are informed when officers under their supervision meet or exceed established thresholds across the various categories of data that an early warning system considers."

"For example, if an officer receives three or more complaints from the public in a 12-month period, the precinct is alerted and the supervisors and managers must consider whether the officer should be subject to a full-scale review and placement in a mentoring system."

The revised policy seeks to correct the deficiencies seen in SPD's existing system, Bobb said: "The EIS triggers were set too high," the interventions happened "far too long after the triggering incident," the EIS review by the supervisors "was often superficial at best," and, lastly, SPD "failed to track officers over time to see if the interventions had successfully addressed the concerning behavior that initially triggered the EIS."

Two of the most salient points of the just-approved policy are:

1. The employee will be provided "training/education; job performance feedback; other pathways to improve performance; consistent oversight and supervision, and a clear message to officers that the Department has resources available to assist officers in meeting expectations."
2. "All officers up to the executive level—including line officers, sergeants, lieutenants and captains—will be evaluated by the [Performance Review] Committee for failures of supervision."

Although more policies remain to be developed, approved and set into motion, the year 2013 was tagged "the year of policies" while 2014 is becoming the "year of training" in use of force, bias-free policing, stops and detentions and working with people in behavioral crisis. Not until SPD is "in compliance" with terms of the settlement agreement for two years can the City ask to be released from the judge's supervision.

SPD's Reform Milestones in 2013

March 12: U.S. District Judge James Robart approves Monitor Merrick Bobb's first-year plan.

http://www.seattlemonitor.com/uploads/Seattle_Monitoring_Plan_Final.pdf

March 18: The City Council confirms the appointment of members of the Community Police Commission.

<http://www.seattle.gov/html/citizen/policeCommission.htm>

April 26: Monitor files his first semiannual report.

http://www.seattlemonitor.com/uploads/Seattle_First_Semiannual_Report_Final.pdf

Dec. 13: Monitor files his second semiannual report. http://www.seattlemonitor.com/uploads/Second_Semiannual_Report.pdf

Dec. 17: Judge approves SPD's new use of force policies http://www.seattlemonitor.com/uploads/Use_of_Force_Policy.pdf.

Dec. 17: SPD submits to the monitor and Department of Justice (DOJ) the final draft of its policy on crisis intervention (regarding officers interacting with individuals in behavioral crisis).

Dec. 31: Monitor submits to judge the revised policies on bias-free policing and stops and detentions.

Dec. 31: SPD submits to monitor and DOJ the first draft of its training curricula on the new use of force policies.

Dec. 31: SPD submits a plan to monitor and DOJ that addresses the settlement agreement requirements regarding supervision (including unity of command and span of control).

FROM THE ARCHIVES

From the 1971 Annual Report (A.L. Newbould was corporation counsel)

Hsieh v. Civil Service Commission, 79 Wn.2d 529

"In this case a number of aliens who had been temporarily employed by the City as engineers challenged the validity of the Seattle Charter requirement that all applicants for admission to the classified civil service of the City be citizens of the United States. The Superior Court upheld the validity of this Charter provision but on appeal the State Supreme Court reversed, holding that "the citizenship restrictions...as applied in areas of general public employment, are invalid obstructions to the execution of the comprehensive federal scheme for immigration and naturalization" and therefore that the plaintiffs were entitled to take the civil service examinations."

Educate Yourself About Community Policing

South Seattle Community College and the Seattle Police Department are sponsoring a free 5-credit *Introduction to Community Policing* course. The course, which is being offered at South Seattle Community College, begins on April 7 and ends on June 21. Class will be held on Mondays and Wednesdays from 5:30 – 8:00 p.m. For more information about the course or to register, call 206-934-5835.



Successfully Navigating Cultural Issues in Domestic Violence Prosecution

Gebremichael Gebreselassie, along with a family friend and two small children, was visiting the Seattle home of his ex-wife and ex-mother-in-law (one of the children was Gebreselassie's 14-month-old son). After a disagreement over his son crying, Gebreselassie began yelling and swearing at the other adults in front of the children. His former mother-in-law told him to leave because of his rude behavior; he became very aggressive and charged at the mother-in-law. His ex-wife and the friend intervened and held him back while he threatened to kill the mother-in-law and attempted to punch her. After punching his ex-wife in the shoulder, he fled the residence.

They were all afraid of his threats because of his history of anger and violence. Seattle police officers responded and took a thorough report that included witness statements aided by the 911 Language Line. A detective determined that it would not be charged as a felony, because while the mother-in-law believed she was going to be assaulted, she did not believe the specific threat to kill.

Assistant City Attorney Jenna Robert was assigned the case because she handles all of the cases where the defendants' last names start with E through K. Because of her caseload, Robert is very experienced in prosecuting cases involving people from East African communities. She is adept at using interpreters and language resources in her communications with victims and witnesses, and she navigates the cultural issues that sometimes arise in these small, close-knit communities with sensitivity.

All the civilians involved spoke Tigrinya, one of the primary languages in Ethiopia. Robert charged Gebreselassie with one count of harassment and one count of assault. With the assistance of interpreters, the case went to trial less than two months after the incident. The ex-wife, ex-mother-in-law, the family friend, and one of the responding officers testified.

Robert appropriately used both leading questions and open-ended questions, as leading questions are allowed to some extent on direct examination when using an interpreter. This balanced questioning produced testimony that was efficient, compelling, and appropriately detailed. The witnesses also testified about some of Gebreselassie's history of violence that led to their fear when he was making threats. Their fear and concern reverberated through their testimony in spite of the need for translation.

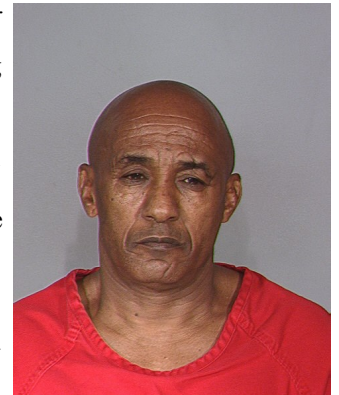
The jury quickly returned with a verdict of guilty on both counts. While the judge was in the jury room thanking the jurors and Robert was sitting at counsel table, two other prosecutors who were in the courtroom witnessed Gebreselassie turn around toward the victim and make a throat slashing motion. One of the Municipal Court marshals also saw this gesture. As he was being led out of the courtroom, Gebreselassie told the victim (in Tigrinya) that when he got out he was not going to leave her alone.

The prosecutor talked to the victim about reporting the incident, but the victim told her that she did not want to report it and get any more involved after having just been through the stressful ordeal of a trial. The interpreters were reluctant to be witnesses to a legal case. Two other city prosecutors, however, called the police and made reports about what they saw. When a Seattle police officer arrived to take a report, the victim changed her mind and gave a statement. This was a nice example of how a victim is sometimes more likely to cooperate with police when she sees other people standing up for her, and she knows a case will not rest completely on her shoulders.

Because of his actions after the trial, Gebreselassie was charged by the King County Prosecutor's Office with the felony crime of Intimidating a Former Witness and the misdemeanor crime Violation of a Domestic Violence Order. The second count was charged because there was a No Contact Order in effect, and the gesture and comment in court were "contact." In fact, those actions were precisely the kind of things a criminal No Contact Order is designed to discourage. In the felony case, the defendant's competency to stand trial was raised and county prosecutors litigated the issue with the help of psychiatric evaluations. All three prosecutors who were present for Gebreselassie's in-court threat were interviewed in preparation for the trial in King County Superior Court.

Sentencing was set over several times in Seattle Municipal Court because the issue of competency was being litigated on the other case. Another prosecutor was assigned to litigate the sentencing because Robert was now a witness on another case, so there was an indirect conflict. After over a year of litigation, the King County Superior Court determined that he was competent and the felony case was set for trial. Each time the case was set over in Seattle Municipal Court, Gebreselassie directed an angry outburst at the court or the attorneys. Gebreselassie eventually pleaded guilty in King County Superior Court, and sentencing went forward in Seattle Municipal Court.

At his sentencing in Seattle Municipal Court, the City recommended the maximum amount of jail time, which was about 600 days total. The City also asked for a five-year no contact order with the women. After sentencing, Gebreselassie shouted "This is my wife, not my girlfriend!" "Tomorrow I go! This is my wife!" When the court instructed him about the no-contact order, he shouted "I don't sign! I want out, I go to my wife!" When the judge warned him about his comments he said, "I don't care!"



Gebreselassie's booking photo

LINKS TO NEWS STORIES:

1/28/14 City sues over deals skirting rules on signs -- The city of Seattle is cracking down on sign companies trying to take advantage of a loophole in city rules. (Seattle Times)

http://seattletimes.com/html/localnews/2022771025_signviolationsxml.html

1/31/14 Demand for Denver pot could bring long lines in Seattle -- The first month of legal recreational marijuana sales in Colorado could hold lessons for Washington when sales begin later this year. (KIROTV)

<http://www.kirotv.com/news/news/high-demand-denver-pot-could-signal-long-lines-sea/nc8w7/>

2/4/14 Man gets 4 years for violating restraining order from jail -- Just a little more than three months after Seattle police increased the priority given to misdemeanor domestic-violence cases, the city has won a conviction and four-year sentence against a man who repeatedly violated a restraining order while behind bars. (Seattle Times)

http://seattletimes.com/html/localnews/2022830501_dvconvictionxml.html

2/6/14 16 identified as Seattle's most dangerous drivers -- Sixteen people, with nearly 40 outstanding warrants, have been identified by the city as Seattle's most dangerous DUI offenders. (KIROTV)

<http://www.kirotv.com/news/news/16-identified-seattles-most-dangerous-drivers/ndGHC/>

3/4/14 Seattle City Council rejects tax break for pot growers -- Marijuana growers who want to sell their products in Seattle will have to pay business license tax to the city. (KUOW)

<http://kuow.org/post/seattle-city-council-rejects-tax-break-pot-growers>

3/4/14 City wants notorious housing violator to pay \$3 million -- The Seattle City Attorney's Office said it will "get creative" to try and collect money owed from housing violations and court fees from 87-year-old Hugh Sisley. (KIROTV)

<http://www.kirotv.com/news/news/city-wants-notorious-housing-violator-pay-3-millio/nd5sx/>

EVENTS

4/4/14 Pete and other Seattle elected officials will tour the Cybercrime Center at the Microsoft campus.

4/24/14 Pete will facilitate the quarterly meeting of the Domestic Violence Prevention Council steering committee at City Hall.

4/25/14 At the Washington Leadership Institute, Pete will speak about "ethical leadership during a public campaign."

5/6/14 Pete will visit with members of the Ravenna-Bryant Community Association to discuss housing code violators. The meeting will be from 7 to 9 p.m. at the Ravenna Eckstein Community Center, 6535 Ravenna Ave NE.

5/20/14 Pete will attend the quarterly meeting of the Sunshine Committee at the Cherberg Building in Olympia.

5/28/14 Employees attend the State of the Office/Staff Appreciation luncheon from 11:30 a.m. to 1 p.m. in the Bertha Knight Landes Room at City Hall.

5/29/14 Pete will chair the Regional Safety Law and Justice Committee meeting from 7:30 to 9 a.m. in the Bertha Knight Landes room at City Hall.

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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)

COMMENTS AND SUGGESTIONS

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stories or comments on how
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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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