



E-NEWSLETTER

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It takes a village to keep up the neighborhood

Editor's note: The author, Brendan Brophy, is the assistant city attorney assigned to the North Precinct.

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In early July 2014, SPD Officer Dave Gordon came to me with a small problem that would later become enough of an issue to make the local news. A house at 1903 N. 137th St. in the Haller Lake area had been the subject of many complaints, including suspected drug activity, excessive garbage and constant traffic. The house was functioning as a temporary home for the tenant's friends and the yard – a temporary landfill.

I first checked with my usual contacts and learned that all of them had already visited the house at one time or another. The Department of Planning and Development (DPD) had completed some cursory inspections, the SPD Anti-Crime Team (ACT) team was watching the house carefully for drug activity, and the SPD Community Police Team (CPT) had contacted the residents of the home to warn them to get into compliance. Second, I had to determine the legal status of the residents. Were they trespassers? There was no indication that the home had been previously boarded or abandoned, so no, they were not. Were they legal tenants? Possibly, but in order to determine that, we had to find out who owned the property. Officer Gordon tracked down the owner, but that didn't solve the problem as the property itself was tied up in a bankruptcy declaration. What we finally determined was that, despite the legal proceedings, the owner had maintained legal ownership of the property. Unfortunately, this was news to her because she believed she gave up the house in the bankruptcy.

The owner had relocated to California and, because of her mistaken belief that she lost the property in bankruptcy, she had stopped monitoring it. The last action she took was to lease the home to the current tenant's brother. The current tenant had moved in with his brother shortly after it had been leased and helped share the cost of utilities. It was discovered that the tenant also took it upon himself to make some "improvements" to the property, which resulted in the barrage of complaints.

Based on this information, we determined that the current tenant (brother) was a legal tenant and he was subject to a month-to-month tenancy. He could only be removed from the home through the eviction process under the Residential Landlord Tenant Act (RCW 59.18).

Just as we were gathering this information, Haller Lake community residents held a meeting on July 9. At this meeting I explained the differences between tenants and trespassers and discussed why the property did not amount to a chronic nuisance property under Seattle Municipal Code 10.09. Surprisingly, everyone at the meeting, with their new understanding of the home's legal status, decided to take up a collection to assist the property owner in



hiring a landlord tenant attorney to file eviction proceedings against the occupants. On the spot, they managed to collect more than \$1,000. By mid-August, the owner of the home had hired an attorney, who was well into the eviction process. He had already served the required notices on the tenant and filed for eviction in court. However, many of the neighborhood residents were dissatisfied with the lengthy process and took their complaints to the media. Despite the discussions at our July meeting, the neighbors portrayed the situation as one where “squatters” took over the house and inexplicably gained legal protection. Understandably, these statements concerned several councilmembers, the mayor’s office, and even a state senator. Because of the community’s demands for immediate action, several governmental entities felt compelled to join an already complicated situation.



On Sept. 5, the final show cause hearing for the tenant’s eviction was held. The tenant failed to appear at the hearing, the order was issued, and the King County Sheriff posted notice the following day. Over the next week, I visited the home with officers and the home owner, verified that the tenants had not yet vacated, and developed a timeline with the sheriff’s detective assigned to execute the eviction. Additionally, I was the point person to keep the increasing number of



governmental agencies up to date on our progress and plans.

As eviction day grew closer it became evident that simply kicking the tenants out would not solve all the problems. Their mess still had to be cleaned up and it was clear that the tenants weren’t going to do it. One of our office’s land use attorneys, Tamera Van Ness, pushed DPD to issue a citation and expedite the abatement process. Once the citation was posted, the owner consented to a voluntary abatement. This cleared the City to have the property cleared immediately after the eviction.

In the weeks leading up to the eviction I worked closely with SPD to make sure all the pieces were in place. I maintained contact with the sheriff’s office to make sure all parties would be present as required. The owner, with neighborhood cooperation, secured a contractor to board up the doors and windows of the home. The owner and neighborhood volunteers would

clear out any “valuables” left behind by the tenant. CPT conferenced with the Conservation Corps to confirm they had the necessary tools, namely a large dumpster, standing by to clear the garbage off the property.

Finally, the day had arrived. On Sept. 18, we all headed out to the property for the 10 a.m. eviction. When we arrived, the Conservation Corps was ready to go with a large dumpster and a back hoe! This was important because as we quickly realized using a hand shovel to clear the garbage would have taken days. All we needed was the sheriff and the owner, who both arrived on schedule. The eviction went smoothly and the tenants left peacefully, despite the media’s attempts at encouraging confrontation. Once the tenants had left, the cleanup frenzy began and, by 3:00 p.m., the place was unrecognizable. Almost everything proceeded according to plan. The only issue remaining was a need for a second dumpster that we were told we just couldn’t have; that was easily remedied with calls from the North Precinct operations lieutenant and an assistant city attorney doing his best to sound intimidating. Overall, the day went smoothly, and the biggest reward was the neighbors’ gratitude that the tenants were gone and the property was clean.

Since the property is still in the process of being listed as a short sale and technically abandoned, I worked with the owner to draft and sign a trespass agreement. That gives SPD authority similar to that in the retail trespass program (<http://www.seattle.gov/law/precinct liaisons/seattletrespass.htm>). Between the neighbors’ vigilance and SPD’s ability to enforce trespassing with the owner’s permission, the home should remain secure until it is sold and demolished.



Ending the War on Drugs is a pivotal point in Washington history

Editor's note: Last month, Washington celebrated its 125th birthday as a state. Helping to mark the milestone were the Washington Capsule Keepers, a group of stewards of the state's time capsule. The repository is kept in the south portico of the state Capitol in a large green safe with 16 individual capsules to be filled every 25 years until 2389, the state's 500th birthday. Pete was asked to make a donation to the time capsule during the 125th festivities. Learn what he contributed, and why.



The era when Government actually believed that prohibition - enforced through the criminal justice system - was an appropriate response to drug use and addiction will no doubt be a distant memory when the Washington Centennial Time Capsule is opened in 2389. I am honored to contribute to the time capsule a small, contemporaneous token from the beginning of the end of the so-called War on Drugs. Initiative 502 succeeded in November 2012, in part, because of the best efforts of dedicated criminal defense attorneys such as the American Civil Liberties Union's Alison Holcomb (I-502's chief architect), legislators such as state Sen. Jeanne Kohl-Welles, social justice activists such as travel writer Rick Steves and prosecutors such as myself. Legalization, regulation and taxation of marijuana (cannabis) for adult recreational use is replacing the failed policy of outright prohibition. This campaign was decades in the making and won only after we had inflicted enormous harm on our own people, as documented in Michelle Alexander's groundbreaking work, [The New Jim Crow: Mass Incarceration in the Era of Colorblindness](#). And because the United States was (and still is, at this writing) the leading proponent of prohibition, we have exported these harms across the planet. Much like alcohol prohibition in the 1920s, however, Washington and Colorado have whittled away at the force of prohibition policy in the federal Controlled Substances Act. Now, nearly two years after voters overwhelmingly approved I-502, Washington is still cautiously constructing a legal supply system to replace the underground, illegal marijuana market. Come January, our Legislature will have a second chance at legitimizing the medical marijuana industry, ensuring that patients have safe access while strengthening I-502 to regulate both recreational and medical marijuana. Compared with Colorado - the other state to challenge federal prohibition at the polls in 2012 - Washington is going slower, but may end up with the best alternative to prohibition. Other states are watching to see which approach best suits their needs and goals, while our dysfunctional U.S. Congress continues to sit on the sidelines. With the environment warming, populations expanding and resource scarcity dominating the world stage, we humbly hope that our effort to force governments to abandon failed policies will succeed. We believe that we can treat all world citizens with equanimity and respect even as we strive to perpetuate our species.

Peter S. Holmes
Seattle City Attorney

[Bottling time: Next step in Washington's Time Capsule project is nigh](#)

[125th anniversary of Washington's statehood](#)

To hell and back: A survivor's story

Editor's Note: Ricci Gay tells her first-person story of being a victim of domestic violence who persevered, with the help of CAO's Domestic Violence Unit, to lead a much safer life now. Her ex-partner pleaded guilty in Seattle Municipal Court to domestic violence property destruction in August and received a suspended sentence with 5 days of work crew imposed (leaving 359 days in jail available to revoke if he violates his conditions). He is not allowed any contact with her for 5 years; he cannot commit any new criminal law violations and cannot possess weapons. He has to pay her \$3,954 restitution, do a mental health evaluation and follow any treatment recommendations. The court has the discretion to order him to do domestic violence batterers treatment and will be under its jurisdiction for 5 years. A resource for anyone experienced domestic violence is the Washington State Domestic Violence hotline at 1-800-562-6025.

My very first memories are like a stack of Polaroid pictures. The colors are hazy; none of the scenes are in themselves, a full memory. I remember speaking to my mother as a young adult, describing a chair by the door, a Christmas tree, the brick fireplace, a phone being slammed down, police coming to take my father away. Although surprised by my memories of that event, she colored in the lines, telling me that her husband, my father, broke her nose and she ran away with us and never looked back. We spent that Christmas in a home for battered women. I was three years old.

My childhood story is, unfortunately, not unusual. In fact there are many battered men, women and children in the world who suffer in silence every day. But those victims of domestic violence are ones that the general public understands. If I were to share the horrific stories of my grandmother being beat up by my alcoholic grandfather, the story of my mother's nose broken by her angry husband or even the sexual abuse of a childhood friend, most would agree that they too have experienced something similar or have stories of their own friends and family members who have suffered the same. However, I am here to talk about being a victim of another kind of domestic violence -- the kind that has no face.

I realize now that I have the perfect personality fit for sociopathic behavior as well as perpetrators. My eagerness to please, kind smile and trusting attitude help me make a lot of friends but also lead predators to my door. I was raised in a good Christian home with a loving stepfather who had a kind smile. I was the second oldest of eight children and a natural worker, so I was immediately entrusted with my younger siblings and responsibilities in the home. Because I found joy in serving others, I really didn't miss out on the social activities and events that most normal teenagers had. Since we were poor, we also didn't have much money for those things so I found solace in my church youth group and artistic endeavors. As a Midwestern believer, I was taught that my body belonged to Christ, and that I was to only give it to a man in marriage -- dating and such was a sin. In some ways, this sheltered life protected me from many of those earlier bad choices that one makes; however, I was definitely not prepared for the real world when I moved out on my own at 18.

I moved in with my grandparents several states away, to Seattle, in the summer of 1998. I had one friend who lived two doors down who I had spent summers with since I was a kid, swimming in her family pool. That summer, I remember looking up from the grass and her father was staring at me. I felt a bit self-conscious but I was always a chubby girl and not entirely comfortable being looked at in my bathing suit. I came by one day and found him in the garage. I asked when my friend would be home and he asked if I wanted to go for a ride in his new Mustang. I knew that he wouldn't even let his daughter drive it so I eagerly accepted and jumped in the passenger seat. As we drove around he asked me if he could ask me a question. Being the polite child that I was, I answered, of course. He asked me if I would have an affair with him. I panicked; I could feel bile rising in my throat. I couldn't breathe and I was trapped in this car. He stopped at this lake and tried holding my hand as we walked. I started skipping and acting like a child so that he promptly dropped my hand. As we returned to his house he asked if I was offended. I tried to convince him to try counseling or something with his wife and when we got to his house, his wife and daughter asked us how the ride was. That was the first time I realized that I had to live in a silent lie. I went home and sat in the bath crying, scrubbing my hand and body clean as if I had been raped by this 50-year-old man with alcohol on his breath. He did not punch me or rape me or even touch me other than holding my hand, yet to this day I cannot pass by that house without wanting to puke my guts out. I am the face of sexual violence.

Eventually, I chose a lifestyle path separate from the church. My nurturing heart fell in love with for a sexually abused man who cried in my arms and struggled with anger and seemed to soften to my touch. As I discovered my own sexuality with him I was also introduced to what the words, "I am just having a couple of beers to relax" meant.

He convinced me that he was not an alcoholic and that he was a changed man. It wasn't until I lost a close friend over the relationship that I was able to see what it was doing to me. I no longer lived the life I wanted to. I was coerced into breaking many boundaries that I would not normally have done. This is the face of emotional abuse.

I was drugged and raped by two men who took me from a club on my 29th birthday; I was still technically a virgin and was left behind by a "friend" who couldn't afford to pay the entrance fee. When I woke up the next morning I was in a rage and screamed that I was a virgin! As they ran out the door they yelled back, you aren't anymore! I didn't report it to the police because of my own feelings of shame and self-loathing. I chose to go to the club unsupervised, I chose to put my drink down, I chose to dress provocatively. This is the face of sexual abuse.

My next few "boyfriends" gave equal trade, love and companionship for sex. I didn't seem to take note of my boundaries being pushed so far; I didn't even recognize them anymore. One day a boyfriend choked me while pleasuring himself; his hand crept around my neck and his look was violent towards me. He loved making me answer the questions, "Who does this belong to?" "This belongs to me, right?" When I tried to break that relationship off he wouldn't stop calling me, showing up at my door with flowers and treats, texting me all hours of the night, trying to win me back and abuse me again. This is the face of domestic violence.

My last relationship started out very different. The "cool guy" acted like he really didn't care whether I called him. Then he jumped full in, telling me that he risked getting fired to spend New Year's Eve with me. He showed up in a tuxedo and swept me off my feet. His stories about being in the military and a sniper even didn't bother me too much at first. He knew my stance against weapons but he had a strong voice for gun education and I accepted his stories as truth. Within a month he was declaring love to me, telling my friends he wanted to marry me and asking permission for my hand from my family. He would say things "in confidence" about his work that he was under cover, that he did government contract work and such things that made me question his words every day.

When I ran a background check on him to stand up for what I believed were lies, nothing came up and he presented documentation for a few of the things that I had questioned. Manipulating my embarrassment, he made me feel shame for not trusting him and I rarely questioned his past again. I remember the time he told me that he killed over 35 people in war, and got teary-eyed talking about one of them being a child soldier. I cried over these lost souls and my tears fell on his face and I felt we had truly bonded in that moment. I again took on the role of savior and felt that he had entrusted me with his wounded heart. Within a few months more and more lies came out and it was hard to trace any truths to the words that he was saying. As he appeared more and more delusional, I requested some space, for him to move out. That night when I didn't come home for fear of retaliation he destroyed our home with his bare hands and smeared his own blood all over the place. He texted me his bloody hand saying, "Look, I bled for you." This is the face of emotional and manipulating abuse.

Recently, two friends, Lindy West and Ijeoma Oluo, started the Twitter campaign, I Believe You | It's Not Your Fault. As I read some of the stories of other women and their accounts with physical, sexual and emotional abuse, I began to feel really angry. In my own life, the only person who had seen justice for domestic violence was my ex-fiancé and that took 10 months of legal battles and the support of the prosecuting attorney's office. If I hadn't had their support and a court advocate, perhaps I wouldn't have gone all the way through to seeing justice. I am sure there are many more victims who just have to give up because they feel it is not worth the trouble. But most importantly, are you one of those who don't see the domestic violence that you are in right now?

I have found my voice after five long years. It is still too quiet at times and I make mistakes that do not always help us survivors claim back the rights to our bodies. But I keep trying. I keep my head held high. When someone pushes beyond my boundaries, I push back. It is time that we all join together and push back. You are not a victim; you are a survivor who has a story to tell. So tell your story, and tell it loud! Practice saying No loud and strong and teach our young ones to do the same. We are just one person amid a world of influence but our voice counts. And in the words of my friend, Lindy West, I Believe You- It's Not Your Fault.

LINKS TO NEWS STORIES :

11/21/14 – Seattle firefighters charged with hate crimes say victims were out to get them – Starkly different portraits were offered Thursday to the Seattle Municipal Court jury which will weigh assault and hate crime charges filed against fired firefighters Robert Howell and Scott Bullene, and friend Mia Jarvinen. (seattlepi.com) <http://www.seattlepi.com/local/article/Seattle-firefighters-charged-with-hate-crimes-5907642.php>

11/19/14 – Seattle gently reins in medical marijuana providers – Across Seattle are storefronts with green crosses out front – medical marijuana providers. Seattle has long been friendly to these businesses, but there's mounting friction between them and state-licensed stores as lawmakers sort out the state's new legal marijuana law. (KUOW) <http://kuow.org/post/seattle-gently-reins-medical-marijuana-providers>

11/19/14 – City cracks down on Belltown bar, citing safety issues – The city of Seattle says a Belltown bar and nightclub has a laundry list of violations, including lacking an automatic fire sprinkler system. (KIRO) <http://www.kirotv.com/news/news/city-cracks-down-belltown-bar-citing-safety-issues/nh93F/>

11/13/14 – Domestic violence first responder goes above and beyond – Domestic violence calls are some of the toughest police face. Emotions are usually running high and often there's a weapon in the mix. On Thursday in Seattle's City Hall, some domestic violence first responders will be honored for extraordinary service. David Sullivan is one of the responders. (KPLU) <http://kplu.org/post/domestic-violence-first-responder-goes-above-and-beyond>

11/13/14 – Seattle to toughen law against problem of wage theft – The city of Seattle is exploring how to more aggressively combat wage theft, after recent efforts haven't been successful. (Seattle Times) http://seattletimes.com/html/localnews/2025020404_wagetheftxml.html

11/4/14 – City resolves case of retired SPD officer accused of impersonating cop – A retired Seattle police officer charged with criminal impersonation for working at a construction site with lapsed credentials agreed Tuesday to perform 150 hours of community service and pay \$50 in restitution to a woman who complained he angrily grabbed and pulled her while crossing the street. (Seattle Times) <http://blogs.seattletimes.com/today/2014/11/retired-spd-officer-sentenced-for-impersonating-cop/>

EVENTS

12/4/14 – 12/8/14 – Pete attends the 2014 Local Progress National Convening in New York City. Local Progress is a network of hundreds of local elected officials from around the country committed to a strong economy, equal justice, livable cities, and effective government. Among this year's topics are economic justice, strong public education, sustainable cities, police reform, financial sector accountability, immigrant rights and affordable housing. Also attending from City Hall are Councilmembers Nick Licata and Mike O'Brien. <http://localprogress.org/event/the-2014-local-progress-national-convening/>

12/10/14 – Pete participates in a meeting of the Domestic Violence Prevention Council from 3:30 to 5 p.m. at City Hall.

12/11/14 – Pete will attend the Public Officials Reception hosted by the Seattle Metropolitan Chamber of Commerce from 5 to 7 p.m. at the skybridge of the Washington State Convention Center. <https://www.seattlechamber.com/home/events/events-detail/2014/12/12/default-calendar/public-officials-reception-2014>

12/12/14 – The Criminal Division's DUI Unit will honor SPD personnel who work in DUI enforcement from 11:30 to 12:30 p.m. in the Bertha Knight Landes Room at City Hall.

1/16/15 – Pete will speak at the City's Martin Luther King Jr. Day celebration from noon to 2 p.m. at City Hall.

1/28/15 – Pete and Attorney General Bob Ferguson will speak Jan. 28 on marijuana legalization from 6 p.m. to 8:45 p.m. at Seattle University.

**Trust us: We only
dress in costume on
Halloween.**

**At left, Pete in his
office. At right,
Chief of Staff
Darby DuComb.**



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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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