

E-NEWSLETTER

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New Civil Division section brings all civil enforcement under one umbrella

Oct. 1 marked the first day that the new Regulatory Enforcement and Economic Justice Section (REEJ) in CAO's Civil Division was fully staffed and operational.

"It's exciting to be part of REEJ because it involves the enforcement of new ordinances, including the regulatory marijuana licensing and labor standards ordinances, and provides for a new coordinated enforcement effort of our existing City Code." says Tamera Van Ness, REEJ director, who previously was a precinct liaison with the Seattle Police Department as well as a Land Use Section attorney.

Van Ness pursued the supervisory position because it allowed her to combine her expertise and skill sets from her previous positions to better serve the community. Her team is comprised of assistant city attorneys Stephanie Dikeakos and Cindi Williams, paralegal Debra Hernandez and legal assistant Ianne Santos.

REEJ is empowered to enforce new City regulations that apply to the licensing of state retail marijuana stores. Seattle is one of the first cities to pioneer legal marijuana licensing, and Van Ness looks forward to the new path that REEJ will pave for others to follow.

REEJ is "responsible for civil enforcement of City Codes, including civil rights, labor standards, housing, zoning and licensing regulations." REEJ is bringing everything that used to be scattered throughout several civil sections "under one umbrella, which will ensure consistent enforcement of regulatory matters," as Van Ness puts it. REEJ will continue to work closely with the other Civil Division Sections including Government Affairs and Land Use.

City Attorney Peter Holmes says he has wanted to implement REEJ as a section in CAO for several years. REEJ will ensure that issues that were originally handled via criminal procedures are now handled via civil regulatory procedures. Clear laws and guidelines are now being implemented to ensure a streamlined process. "Law is a servant for the people, and should be utilized as a safety feature for citizens," Holmes said, and REEJ has been put into place to guarantee that safety.

"Where we previously only had a hammer to deal with regulatory problems," says Holmes, "we will now be adding a new tool to our shed." Holmes wants this new section to be agile and specialized; it brings a new approach to matters that used to be handled solely by criminal law enforcement. "REEJ is going to be getting out of



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the silo, and I hope that it will encourage other law enforcement agencies to also get out of their silos,” Holmes said.

These regulatory issues also include minimum wage regulations and wage theft, and verifying that proper conditions exist in residential and business buildings. REEJ approaches regulatory issues not from a criminal perspective, but from a public health and safety perspective. Instead of pursuing people who do not comply with cited regulations through arrests or criminal action, REEJ can file lawsuits to enforce compliance. For example, if a landlord were to turn off the heating in his or her apartment/ housing complexes and the tenants were to come to the City Attorney’s Office, REEJ attorneys would be able to intervene because they would be regulating and protecting the citizens’ health. Van Ness emphasized that REEJ is a means to become “more aggressive in regulatory licensing in order to handle problem business establishments.” The section has given the office the opportunity to fully protect citizens from injustices and provide safer communities and welfare for all.

Demonstrating to jurors why patronizing a prostitute is a crime

As a prosecutor, whenever you take a case to trial, you have to identify your greatest weaknesses. What will the jurors potentially take issue with? In City v. Mekonnen, the biggest issue turned out to be potential jurors questioning why the crime of patronizing a prostitute is a crime in the first place.

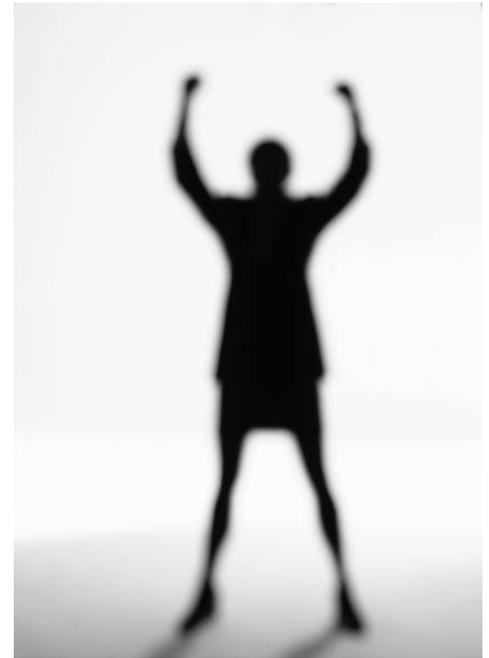
This summer, I was assigned a patronizing a prostitute case (now charged as Sexual Exploitation), where the suspect was caught soliciting who he thought was a prostitute for sex. The defendant was arrested during an SPD undercover operation set up to catch “johns,” or buyers of street-level prostitution. These operations involve an undercover officer posing as a prostitute conversing with people who approach him/her or catch his/her attention. Arrests are made when the suspect solicits or makes some sort of agreement with the undercover officer to pay for sexual activity.

During jury selection in my case, I started asking potential jurors what they thought of the crime – should Patronizing a Prostitute be a law; why or why not. The first responses made me hopeful. Just about every juror thought that human trafficking is wrong; the sex trade should be illegal. Children get kidnapped and sold into the sex trade. It’s a tragic fate for someone to be forced into. But then jurors started qualifying their answers, by mentioning that paying for sex between two consenting adults shouldn’t be illegal and in fact it isn’t in many parts of the world.

I quickly discovered a disconnect in jurors’ minds. It seemed that jurors saw two different scenarios in which sex for money is exchanged. The first being that the prostitute is a victim of human trafficking forced into this trade somewhere internationally. The second being that the prostitute is an adult woman in the United States who thought prostituting herself was a good way to make money.

The truth is, you really cannot know when, why or how the prostituted person entered the life by looking at

her, or him. You don't know if a pimp is behind the scenes, or at what age she or he started down the path. You don't know if that prostituted person has been domestically or internationally trafficked. In fact, it's more probable that the prostituted person became so not for purely capitalistic gain, but for emotional hardship, economic necessity, or other vulnerable or involuntary reasons. Studies show that on average, prostituted persons enter into prostitution between the ages of 12 and 16, they tend to have endured childhood sexual, physical or other abuse; that they continue to be the victim of violent crimes (including high rates of rape committed by buyers, pimps, and traffickers) and endure a higher risk of death as a result of homicide, suicide, drug and alcohol problems, and exposure to HIV and other communicable diseases. (See A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts at 9-15 (2012), available at <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>.)



Sex buyers don't distinguish between reasons a prostituted person entered the trade, and regardless of how one enters the trade, the risks appear to be the same once you're in it. These buyers are exploiting prostituted persons and maintaining the demand for prostitution (voluntary and involuntary) in the area.

Unfortunately, trying to convince a jury of this would take much more time than my typically allotted 20 minutes of jury selection time. Instead, I chose to hit home the point that jurors must accept the law as it is and only determine whether the defendant was guilty of the crime. That method seemed to work; the jury returned a verdict of guilty. But I'd hate to think that, as a result of this disconnect, any juror still walked away with a lack of understanding why the City pursues charges in these cases.

Thankfully, I think jurors will have an easier time understanding the importance of this crime when it's charged under its new name – Sexual Exploitation. In January of this year, the Seattle City Council passed a bill that amended the current patronizing a prostitute ordinance by changing the name of the crime to 'sexual exploitation.' I believe that this simple change will help frame the issue for jurors. The act no longer comes across as a consensual business transaction. It comes across as it is – a buyer choosing to exploit someone who is likely engaged in the activity out of necessity, not desire.

Why charge buyers with the crime? To reduce the demand for sexually exploited persons. Then, hopefully, the jurors will be able to focus on what they are truly there for, to determine whether or not the defendant is guilty of the crime charged.

Kerry Werner is a Rule 9 prosecutor who practices in Seattle Municipal Court.

Divining the demographics of jury pools



Judge Steven Rosen

At 9 a.m. every Tuesday, at the Seattle Municipal Court, something new is happening that has the potential to significantly alter the demographics of juror pools for the better. In order to impanel juries that are more representative of the state's population, judges and jury administrators are reading an announcement from Supreme Court Chief Justice Barbara Madsen.

“Thank you all for being here today, and for your willingness to serve in our system of justice. Today, you are going to be asked if you would be willing to fill out a demographic survey. While your response is optional, I am asking you to consider filling it out. The survey is anonymous, and by filling it out you will be helping us gather much needed data about the characteristics of the people who report to jury duty. We currently have little to no information on this very important topic. Thank you for your consideration.”

Judge Steven Rosen, who has been at the forefront of the drive to gather information on jury demographics, says he himself reads Chief Justice Madsen's statement to the jurors that come for jury orientation. The survey has been offered since Sept. 9.

Washington state lacks information regarding the demographics of juries. To stakeholders in the judicial system, it's intuitive that minorities are underrepresented in juror pools. “This could be because of a lack of trust in the system, socioeconomic status and financial hardship,” says Craig Sims, the Criminal Division Chief at the City Attorney's Office.

Judge Rosen also says, “We do not completely know why there is a lack of diversity within the juror pool or if there even is a lack of diversity in the first place.” Currently, the law only requires the jury source list to specify a jury member's name, date of birth, gender and county in which they reside.

This voluntary survey asks jury members not only their basic information but also their sexual orientation, their race and their ethnicity. Currently the Seattle Municipal Court is implementing the survey, and “around Washington the survey is being phased in. Every court listed on the survey should be conducting the survey by the end of the year,” says Judge Rosen.

Holmes a member of new law enforcement group

Reducing crime and incarceration rates simultaneously is the focus of a new national organization, Law Enforcement Leaders to Reduce Crime & Incarceration that includes City Attorney Pete Holmes as a founding member.

The group, which also counts as original members Seattle Police Chief Kathleen O'Toole and King County Prosecuting Attorney Dan Satterberg, unites more than 130 police chiefs, federal and state prosecutors, and attorneys general from all 50 states.

Members will lend support to changes in federal and state laws as well as practices to reduce incarceration rates, which are at a crisis point. The United States has just 5% of the world's population but 25% of its prisoners. Unnecessary incarceration not only wastes taxpayer dollars -- \$80 billion annually to imprison people -- but also harms local communities in a myriad of ways.

Learn more at the group's website, www.lawenforcementleaders.org

Ambitious goals for RSJI 2.0

The City Attorney's Office continues to lead the way in reducing racial disparities -- eliminating mandatory automatic deportations for documented immigrants, stopping the prosecution of people for driving while poor, legalizing marijuana, increasing awareness of institutional racism within the practice of law and community, taking on the challenges of juvenile detention, and supporting collaborative efforts to develop alternative courts such as mental health, veteran's and community court. We have also been instrumental in supporting the City's larger efforts to reduce racial disparities in contracting and purchasing, workforce policies and practices, planning and development, housing, and the criminal justice system.

Launched in 2001 by former Mayor Greg Nickels, the City's Race and Social Justice Initiative continues to develop. In 2009, the City Council passed Resolution 31164 directing departments to eliminate racial disparities and promote equity throughout our government. And in 2014, Mayor Ed Murray issued Executive Order 2014-02, which expanded the scope and reach of the City's commitment to achieve racial equity, placing special emphasis on education, equitable development and criminal justice. All CAO staff attend "Race: The Power of an Illusion" training, and soon all staff will be trained on the use of Racial Equity Tool Kits in developing office and public policies. To learn more about the Race and Social Justice Initiative, go to <http://www.seattle.gov/rsji/>.

To help carry out the work of the RSJI in the City Attorney's Office and support the overall effort of the City, we have a Race and Social Justice Change Team, with several new members from around the office. They are Julio Carranza (Contracts-Utilities), Andrea Scheele (Employment), Tami Becker Gomez (Employment), Belinda Moutray (Prosecution Support Team), Autumn Derrow (Torts), Tamara Stafford (Torts), Miriam Norman (Criminal Trial Team), Julie Huffman and Karen Irish (Criminal Domestic Violence Team). They join William Foster (Contracts-Utilities-Environmental Protection), Sara O'Connor-Kriss (Government Affairs), Suzanne Smith (Contracts-Utilities), Mindy Longanecker (Criminal Trial Team), Marc Mayo (Criminal Trial Team), Cindi Williams (Regulatory Enforcement and Economic Justice), Anne Vold (Employment), Elizabeth Delizo (Administration), Anne Molina-Sarinas (Administration), Angelica Mendoza (Civil Division) and Engel Lee (Contracts-Utilities). What a great team!

Julio Carranza was nominated and elected as our Change Team Lead. And right away, the Change Team organized itself into committees to address the work and focus on what is important to them. We now have five committees: **Volunteer/Team Building Committee** – William Foster and Sara O'Connor-Kriss, Co-Chairs, and Tami Becker Gomez is leading up a **Pro Bono Project** sub-committee; **Human Resource, Workplace Committee** – Andrea Scheele, Chair; **Education Committee** – Miriam Norman, Chair; **RSJI Book Club** – TBD, Chair; and **Racial Equity Tool Kit Committee** – Julio Carranza, Chair.

The committees are still in their formative state; so far the Law RSJI Committees have given themselves the following descriptions. The **Volunteer/Team Building Committee** organizes events for all staff that bring awareness to the initiative and promote office team building. The **Human Resource, Workplace Committee** follows through on RSJI Work Plan items related to Law Department office policies, hiring and job

classifications. The **Education Committee** develops speaker series, lunch and learns, and helps provide for the orientation of new RSJI Change Team members. The **RSJI Book Club** organizes book readings, movie outings, tours and other events as desired by the group. The **Tool Kit Committee** may perform tool kit analyses as desired by Law Department leadership and assist in educating Law employees on how to use Racial Equity Tool Kits. All employees are welcome to volunteer on a Law RSJI committee or participate in any of the Law RSJI activities without being a full Law RSJI Change Team member. Feel free to contact the Law RSJI Committee Chairs for more information about how to participate. We look forward to working with you in eliminating racial disparities and achieving racial equity and inclusiveness.

This year you can expect longer than usual response times for services, such as clearing roads or restoring power, during severe weather. Making a simple family plan and assembling an emergency kit can help minimize the impacts on you and your family. The following tips and resources can help.

Winter Weather Preparedness

Plan now to prevent disruptions!

WINTER WEATHER QUICK TIPS

DRESS FOR WINTER

HELP NEIGHBORS:

- Clear sidewalks
- Groceries, supplies

SDOT REMOVES ICE AND SNOW FROM MAJOR STREETS

KNOW SNOW ROUTE BUS SCHEDULE

OBHEY "STREET CLOSED" SIGNS

STREET CLOSED

CLEAR SIDEWALKS OF LEAVES, SNOW, AND ICE

TAKE THE BUS

CAR:

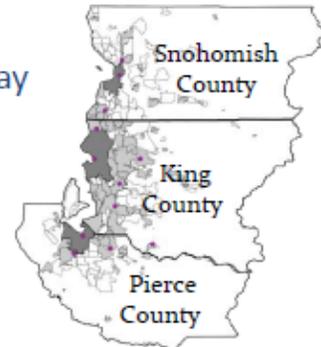
- Drive in snow only if necessary
- Clear the windows
- Have good tires; traction devices ready
- Drive slower
- Leave plenty of room between cars

SDOT
Seattle Department of Transportation

LISTEN TO WEATHER FORECASTS

Traveling During Cold Weather

It may be difficult for service providers, caregivers, or family to get to you. During a snow event you also may not have access to services like Community Transit's DART, King County Metro's Access, Pierce Transit's Shuttle or another neighborhood van services. It is important to plan ahead to make sure that **YOU** are ready for winter weather.



Make a Plan

- ✓ Make arrangements with service providers include in-home caregivers.
- ✓ Check-in with your neighbors, exchange phone numbers, if you're comfortable, ask them to check on you.
- ✓ Have plans to have snow or ice cleared.
- ✓ Go grocery shopping before the winter weather arrives, and make sure you have enough for your family and pets.
- ✓ Refill medications early, to keep at least a week's worth on-hand at all times.
- ✓ When leaving the house, pack a small emergency kit with essential medications, snacks, and water. Pack extra for a service animal if needed.
- ✓ If planning to use public transportation make a back-up plan in case travel conditions worsen.

Stay informed

- ✓ Check weather and road conditions before you leave.
- ✓ If you must travel, call your transportation service, trips may be limited based on medically necessity during severe winter weather.
- ✓ Not all routes may be available during inclement weather, sign-up for transit alerts to be in-the-know on the go:
 - ✓ Pierce County ALERT
 - ✓ King County Road Alert
 - ✓ King County Metro Transit Alerts
 - ✓ Snohomish County Rider Alert
 - ✓ WSDOT Call 511



EVENTS

- 12/1** Pete attends a holiday roundtable sponsored by the Center for Gun Responsibility at Fare Start.
- 12/2** Pete joins the Urban League of Metropolitan Seattle at its annual breakfast at the Westin Seattle.
- 12/3** Elected officials from around the area, including Pete, attend the annual Chamber of Commerce reception at the Washington State Convention Center.
- 12/17** Pete bids farewell to outgoing City Council members Nick Licata, Tom Rasmussen and Jean Godden in a reception at City Hall.

LINKS TO NEWS STORIES

11/22 Woman wrongly accused of ripping off Holocaust survivor wins \$100K from city -- The city of Seattle has settled a civil-rights claim against the Seattle Police Department and one of its detectives in a case where a woman was wrongly charged for stealing \$50,000 from a Holocaust survivor. (Seattle Times)
<http://www.seattletimes.com/seattle-news/crime/seattle-caregiver-wins-settlement-over-botched-theft-case/>

11/15 Judge: Hostility toward Seattle police whistleblower surprising -- King County Judge North cleared the way for Sgt. Ella Elias to take her claims to King County jury as two of her former commanders -- Capt. David Proudfoot and Lt. Steve Strand -- are poised to sue as well. They claim they were attacked for trying to protect Elias, and the department. (seattlepi.com)
<http://www.seattlepi.com/local/crime/article/Judge-Hostility-toward-Seattle-police-6634530.php>

10/28 Man charged for Seattle drone crash that knocked woman out -- City Attorney Pete Holmes has charged a man with reckless endangerment after his drone crashed during the Seattle Pride Parade in June and knocked a woman unconscious. (KING5)
<http://www.king5.com/story/news/local/seattle/2015/10/28/man-charged-seattle-drone-crash-knocked-woman-out/74744150/>

10/5 Seattle City Council authorizes acquisition of land for small park -- Seattle moved one step closer to creating a new pocket park in the Roosevelt neighborhood Monday as the City Council gave authorization for the acquisition of property owned by Hugh and Martha Sisley. (Seattle Times)
<http://www.seattletimes.com/seattle-news/politics/seattle-city-council-authorizes-acquisition-of-land-for-small-park/>

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[http://www.seattle.gov/
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COMMENTS AND SUGGESTIONS

If you have suggestions for stories or comments on how we can make this newsletter better, please email 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/cityattorney/about-us/careers>



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