

E-NEWSLETTER

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Equipping businesses to thwart trafficking

Mar Brettmann used to work in higher education. Her research, related to human rights, familiarized her with the terrors of human trafficking. But, learning about the topic was not enough. "I wanted to create the kind of change I was asking my students to make," Brettmann said. In 2011, Brettmann was invited to a strategy group with human trafficking experts in the region. The findings of this group were clear: Businesses needed to be involved in prevention efforts. To fulfill this need, Businesses Ending Slavery and Trafficking was formed and Brettmann became the executive director.

Businesses are involved with human trafficking, often unknowingly, in three primary ways. First, traffickers use business facilities and properties to commit crimes. For example, 63% of sex trafficking crimes prosecuted in King County between October 2008 and January 2012 happened in a hotel or motel. Second, traffickers use business products and services, such as airlines and banks, to facilitate trafficking. Third, employees of businesses solicit sex from trafficked people. Initial interview data from an ongoing study by the Organization of Prostitution Survivors shows that three of four prostitutes reported meeting clients on company properties. Another preliminary study found that 2 pm is the peak time at which people solicit sex online, suggesting that employees are using work time to set up the encounters.

On Sept. 29 BEST launched the BEST Employers Alliance, with support from Seattle City Attorney Pete Holmes and other elected officials. The alliance provides employers with information and resources to prevent trafficking within their business operations. Employers that join the alliance gain access to a network of other employers, advice on best practices, and specific policy recommendations. By implementing explicit policies around sex buying, employers can increase worker productivity and mitigate the legal and reputational risks that abound when employees solicit sex from trafficked persons. To join the alliance, executive leadership must support the mission of ending human trafficking, complete a self-assessment, and commit to working with BEST to advance prevention efforts. BEST's mission is to "align and equip leaders to use the power of business to prevent human trafficking." Its biggest obstacle is the lack of awareness around sex and labor trafficking. Another challenge is attitudes. "Prostitution is often viewed as a victimless crime," said Brettmann. "It is not a victimless crime." BEST helps businesses understand how they are impacted by trafficking and what they can do. For example, through its Inhospitable to Human Trafficking program, it trains hoteliers on how to observe and report human trafficking. An evaluation of the Inhospitable to Human Trafficking program by researchers at the University of Washington School of Social Work showed significant positive changes in the attitudes, knowledge, and behavior of participants.



Mar Brettmann

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City Asserts its Authority to Tax Firearms, Ammunition

The \$25 per firearm tax on retailers enacted to mitigate the costs of gun violence in Seattle is “a proper and lawful exercise” of the City’s authority as granted by the Washington Constitution and Legislature, the City declared in rebutting a lawsuit filed by the NRA, among other gun rights groups, and several individuals. “The Ordinance does not limit any person’s right to purchase, sell, acquire, transfer, discharge, or transport firearms or ammunition,” the City said in its answer to *Watson v. City of Seattle*.



Prepping for a TV interview with Pete on the gun tax suit are Frank Cordell and William Abrams, outside counsel.

“This is where Seattle draws the line,” City Attorney Pete Holmes said as assistant City attorneys, aided by national and local counsel working pro bono, entered their appearances in the case Wednesday in King County Superior Court. “The NRA doesn’t get to come into our City and tell our elected officials that they lack the authority in Washington state to tax businesses that sell a product that, when misused, so dearly costs our constituents, most of them young people.”

In a Seattle summer marred by random gunfire, the City Council unanimously approved, and Mayor Ed Murray signed, the ordinance that, come January, will levy a \$25 tax on businesses for each firearm sold at retail within City limits to provide a sustained local revenue source for research and prevention programs. In addition, the City will impose a 2-cent tax for every round of .22 caliber ammunition sold and a 5-cent tax for every other round of ammunition sold. A companion ordinance mandates that lost or stolen firearms be reported to the Seattle Police Department.

“With Congress under the NRA’s thumb, even after mass shootings in such innocuous places as elementary schools and movie theaters,” Holmes said, “cities and counties are asserting their right to find inventive, legal ways to alleviate the physical and emotional results of the violence.” A \$25 gun tax on retailers in Cook County, Illinois, is being collected, and the revenues placed in escrow, while a lawsuit plays out in trial court. “Gun-fueled tragedies like Sandy Hook, where 20 children and six school staff were slaughtered, ironically result in a stampede to buy even more weapons,” said Holmes, a founding member of Prosecutors Against Gun Violence. “It’s a pattern seen over and over again, apparently out of the misplaced fear that government would step in to curtail gun sales.”

“This City acted to control its own destiny,” Holmes said of the ordinance authored by Council President Tim Burgess.

Burgess, after meeting this week with lawyers from the prominent national and international firm, Steptoe & Johnson LLP who are working with City attorneys pro bono, said, “This is a strong legal team to defend the city’s gun violence tax, a common sense step designed to reduce gun violence in Seattle. This tax will allow the City to provide broad-based public benefits related to gun violence. The time is long overdue for the gun industry to stop obstructing and instead take positive steps to address the harm their products cause.”

In June 2013 Seattle became the first U.S. city to provide local government funding for basic gun safety research. The following year the Harborview Injury Prevention and Research Center in Seattle delivered a [report on the predictors and consequences of firearm violence in King County](#) that found that individuals hospitalized for a firearm injury are 30 times more likely to be re-hospitalized for another firearm injury than people admitted to the hospital for non-injury reasons.

Steptoe's local counsel is Gordon Tilden Thomas & Cordell. The two firms' pro bono work for the City debunks the accusation by Chris Cox, executive director of NRA's Institute for Legislative Action, that, "It's a shame to see such a waste of public resources on issues the courts have already ruled to be unconstitutional." The team from Steptoe, which has a rich history of working without compensation on issues such as civil rights, civil liberties and child trafficking, is directed by William F. Abrams, head of the firm's Palo Alto, CA, office and a consulting professor at Stanford University. Joining Abrams from Steptoe are Laurie Edelstein, Sarah Jackel and David Kwasniewski.

Abrams said, "Seattle has the right to mitigate the costs of gun violence, which exceeded \$12 million at Harborview alone last year, by taxing those who engage in the sale of firearms and ammunition in the City. This tax addresses a public health crisis that imposes a huge financial burden on the City – it does not regulate the sale or use of firearms."

City receives \$3.48 million owed by the Sisleys



Land Use attorney Patrick Downs with a check

The City Attorney's Office has received \$3.48 million to satisfy the penalties owed on four properties owned by slumlords Hugh and Martha Sisley whose housing code violations have plagued the Roosevelt neighborhood for decades.

Two checks cover four separate judgments levied in King County Superior Court on multiple lawsuits brought by the City on behalf of the City's Department of Planning and Development. Attorneys for the Sisleys fought the City at every judicial level in the state, from Seattle Municipal Court to King County Superior Court to the Washington Court of Appeals to the Washington Supreme Court.

"Our success in bringing this long-term scofflaw in compliance with municipal laws will be used with other property owners who flout City codes," City Attorney Pete Holmes said. "We adjusted our enforcement strategy to break the Sisleys' economic model and show that the rules apply to everyone. All corners of City government came together to not only bring the Sisley properties into compliance but also to try to make up for past harms."

The City has been litigating with the Sisleys over the penalties since 2008, continuing through this year. The Roosevelt Development Group (RDG) provided the funding to pay the penalties. The City does not know what agreement for repayment has been entered into between RDG, and the Sisleys and their daughter Karen Jandacka.

The promise and pitfalls of using social media in the courtroom



Social networking sites are now a staple in maintaining communications. According to Pew Research Center, in January 2014 networking sites were being used by 74% of adults who were online. While these sites are a great way to stay in touch with friends and relatives, many people forget about their lack of privacy. With the massive amounts of data posted, it's no surprise some of the information has found its way into courtrooms as evidence. Photos and videos, admissions of guilt, threats and harassment – all are

ripe material for prosecutors when individuals post proof or knowledge of a crime.

If the material showing the criminal behavior (say, a screen shot) is handed to the prosecutor by a victim, there is no need to seek a warrant for it. This is the easiest and most commonly used method. While the type of access granted under a warrant varies across the country, King County has a template that specifies the type of access granted to attorneys if a judge signs off on it. The warrant allows the attorneys to gain information from an individual's social media site by a third-party service provider.

While the City Attorney's Office use of social media sites has been minimal so far, some Criminal Division prosecutors have used this resource successfully. The cases include vandalism, violations of a court order, harassment and threats. In one vandalism case, the defendant posted images to her Instagram account that provided evidence of her involvement in the crime. The case is currently pending. In a harassment case a victim was sent a link, via email, to a YouTube video containing a threatening message. Another case involved evidence posted on Facebook that an individual had violated his court-ordered home-monitor restriction.

Social media sites can also help in stalking and intimidation cases. Victim Advocate Supervisor Julie Huffman explains that, while the advocates occasionally receive reports of intimidation, it's happening more often than is being reported. Huffman attributes some of this to the lack of confidentiality they can provide to protect these victims.

Huffman says the majority of instances in which social media comes into play are of harassing, embarrassing and intimidating victims. Most violators tend to be savvy when using social media and don't leave evidence -- or at least definitive evidence -- of a crime. Even in the examples above most can't easily be traced. While it does happen, admissions and photographic evidence of guilt are rare. As Huffman explained, many victims see how easy it looks on TV to use evidence and trace the origins, but in reality it isn't that way. Warrants are typically only issued in felony cases.

A related issue is the safety of victims. Huffman urges caution -- not only through your own posts, but posts made by friends who tag you. These public posts can make it easy for someone who is tracking or stalking you. Some women may hope that staying online to catch their aggressors posting something that can be used

as proof or track their hostility or whereabouts; it's unlikely they will ever acquire something useful enough in prosecution. Instead Huffman says she encourages victims to do whatever gives them greater peace of mind.

The biggest problem in using social media as evidence is the labor required and time constraints. Assistant City Attorney Joe Everett, who did training for other prosecutors recently, admits the division hasn't had a lot of cases that have taken advantage of the resource. If evidence is found, the prosecution must prove the individual posted the material. This can be done by subpoenaing witnesses who testify to characteristics of the message that are unique to the individual. Prosecutors may also get a warrant for the device to see the log-in dates and times. This process is what makes using social media so difficult. Once evidence is obtained it becomes another matter to prove the individual in question actually wrote it.

Another issue that the use of social media as evidence creates is privacy. Individuals who have their social networking sites set on private believe they are entitled to privacy. However, several federal courts have deemed the use of social media sites is to share information regardless if it is a limited few or open to the public, so users are not entitled to privacy. This could be changing. Everett noted that the federal Stored Communications Act was created before Congress could fully consider the scope of what was to come. Snail mail is private due to its physical nature, but it isn't implausible to believe that email and other technological networks are entitled to privacy. After all, email is password protected and most phones require a passcode to enter: Why wouldn't these systems be guaranteed some form of privacy? Everett thinks the courts will catch up to new ways of communication and guarantee certain privacies that people believe they are entitled to.



Seattle Neighborhood Group is offering FREE crime prevention presentations to the Seattle community! Find out where and when at <http://www.sngi.org/welcome/index.php>

Race and Social Justice Initiative Volunteer Event



Susan Williams and Tami Becker Gomez working on the hill



Xuan Le choosing tools



A group of 15 employees from the City Attorney's Office led by Government Affairs attorney Sara O'Connor-Kriss pitched in to help beautify El Centro de la Raza on Sept. 18. Our volunteers worked from 9 a.m.-3p.m. at Beacon Hill's El Centro, which "works to raise awareness with the general public, government, and business organizations about the needs of the Latino community in the United States." The volunteer event showed CAO's support for the Seattle RSJI (Race and Social Justice Initiative), which is the City's commitment to eliminate racial disparities and achieve racial equity in Seattle.

The work party was enhanced by numerous other organizations, including the Bill and Melinda Gates Foundation, Microsoft and Starbucks. Of the roughly hundred people who volunteered at El Centro, the CAO employees weeded and trimmed the hills on the edge of the property. Theresa Wagner, Senior Assistant City Attorney in Environmental Protection Section, said, "This fun service project builds community in our office as well as on Beacon Hill. It is a way to take a step out of your comfort zone to join at El Centro." As Susan Williams, a Government Affairs paralegal, finished the morning shift, she reflected, "Though exhausted, it was fun and satisfying to help out with this work." Between the morning and afternoon shifts, the volunteers sat together to feast on enchiladas, rice and beans.

Our volunteers were:
Sara O'Connor-Kriss
Lisë Kim
Miriam E. Norman
Theresa Wagner
Stephen Karbowski
Marisa Johnson
Vanessa M. Haralson
Hazel Haralson
Tami Becker Gomez
Xuan Le
Molly M. Daily
Rebecca Keith
Susan Williams
Zahraa Wilkinson



Molly Daily, left, and Sara O'Connor-Kriss, weeded on the El Centro hill

EVENTS

10/6 – Pete will participate in the 80th annual conference of the International Municipal Lawyers Association in Las Vegas, where he will present on the impacts of police body cameras on community policing, prosecution and personal privacy rights.

10/8 – At City Council, Pete will talk with councilmembers about the 2016 budget for CAO.

10/20 – Pete will attend the state Sunshine Committee meeting in Olympia.

11/19 – Pete will participate in the celebration of Seattle Community Court's 10th anniversary at Seattle Municipal Court.

LINKS TO NEWS STORIES

9/25 Appeals court won't stop Seattle's \$15 wage for franchises -- A federal appeals court decided Friday it will not stand in the way of a provision of Seattle's new \$15 minimum wage law that treats franchises like large businesses. (Associated Press)

<http://www.komonews.com/news/local/Federal-appeals-court-wont-stop-Seattle-15-minimum-wage-329567331.html>

8/20 City receives \$3.48 million in penalties from 'slumlords' in Roosevelt neighborhood -- The Seattle City Attorney's Office this week received \$3.48 million to pay penalties for multiple housing code violations by Roosevelt neighborhood property owners Hugh and Martha Sisley, described by the city's legal office as "slumlords." (seattlepi.com)

<http://blog.seattlepi.com/seattlepolitics/2015/08/20/city-receives-3-48-million-in-penalties-from-slumlords-in-roosevelt-neighborhood/>

8/24 - NRA sues over Seattle's adoption of 'gun violence tax' -- Three gun rights groups, including the National Rifle Association, sued the city of Seattle on Monday over its adoption of a so-called "gun violence tax," a tax on firearms and ammunition designed to help offset the financial toll of gun violence. (Associated Press) [http://](http://www.huffingtonpost.com/huff-wires/20150824/us--seattle-gun-violence-tax/)

www.huffingtonpost.com/huff-wires/20150824/us--seattle-gun-violence-tax/

8/26 Seattle's crackdown on hookah bars not about race when public safety at stake -- A MEANINGFUL debate over the future of hookah bars in Seattle should not be overshadowed by some claims that the city's crackdown unfairly targets the East African community. The goal should be to protect public safety and ensure laws are being followed — and enforced equitably. (Seattle Times) <http://www.seattletimes.com/opinion/editorials/seattles-crackdown-on-hookah-bars-not-about-race-when-public-safety-at-stake/>

9/1 Minimum wage law unfair to franchisees, appeals court told -- The International Franchise Association, in oral arguments before a federal appeals court panel Tuesday, again contended that Seattle's minimum wage law unfairly discriminates against local franchisees. (Seattle Times) <http://www.seattletimes.com/business/franchises-want-more-time-to-pay-seattle-15-minimum-wage/>

9/10 Seattle city attorney stands behind gun tax -- Faced with a lawsuit, Seattle's City Attorney Pete Holmes is standing behind a new tax on guns and ammo. "We feel confident that the council did its homework with input from our office," Holmes said. "We think we've crafted a solid, defensible ordinance." (KING5)

<http://www.king5.com/story/news/local/seattle/2015/09/10/seattle-city-attorney-stands-behind-gun-tax/72035924/>

To my constituents:

By now – five years after we inaugurated the E-Newsletter – you are familiar with our obligations to Seattle residents: the City Attorney's Office (CAO) represents the City in litigation, provides legal advice to City officials and protects the public health, safety and welfare of the community by prosecuting violations of City ordinances.

Now that Mayor Ed Murray has delivered his proposed \$5.1 **billion** budget for 2016 to the City Council, I welcome this opportunity to explain how our office plans to allocate our roughly \$22 **million** slice of the pie, and make special note of some of our achievements this year.

The proposed budget increases are modest:

- * \$550,000 in pay raises for those Civil Division attorneys who are significantly below market, which will bring them to within 4% of the 2014 market study for government attorneys.
- * One more attorney to prosecute contested infractions (tickets) in Seattle Municipal Court, a change necessitated by the court adding contested calendars.
- * One more attorney and one senior paralegal to meet demands of the Alaskan Way Viaduct/ Seawall projects, which are now over-budget and behind schedule.

One of the most dramatic changes in CAO this year was the creation of the Regulatory Enforcement and Economic Justice Section, which was accomplished *without* extra cost to taxpayers. Drawing on the wealth of existing talent across the four divisions, we tapped a senior Land Use attorney to supervise the team of two assistant attorneys, a paralegal and a legal assistant. Collectively, they are responsible for civil enforcement of City codes, including civil rights, labor standards, housing, zoning and licensing regulations.

Another major change was the consolidation of all four CAO divisions in Columbia Center, a physical and technical feat of no small measure that was done on time and under budget. Terms of our new lease included a Tenant Improvement Allowance, which provided funding to remodel the new space. According to the lease, the City can any unused portion of the allowance toward future rent payments, as long as the amount falls below the maximum allowed. CAO is well under the limit and, in 2016, the City will save over \$300,000 in rent payments. As a bonus to other City departments, the 20th-floor Conference Center here is being used for meetings with clients, arbitrations of employee discipline and even small seminars.

As the Council begins its deep dive into budget documents – preparing for a final vote before Thanksgiving – I encourage you to take part in the process by contacting members, watching deliberations on Seattle Channel or speaking out at public budget hearings (at 5:30 p.m. on Oct. 6 and at 5:30 p.m. on Oct. 20).

I will address the Council on CAO's behalf at 2:45 p.m. Oct. 8. While I am pleased to present a balanced and efficient budget, I hope to educate members on the newest and serious challenges this office faces – from the pressures of staffing the AWW/Seawall Project, to responding to ever more litigation arising out of the state's Public Records Act, to prosecuting criminal cases on a timely basis despite budget constraints.



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To view the SCAO's annual
reports, please click here:

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COMMENTS AND SUGGESTIONS

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stories or comments on how
we can make this newsletter
better, please email
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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](http://www.seattle.gov/cityattorney/about-us/careers)



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