

# E-NEWSLETTER

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## Ten years on, Community Court is going strong



Removing graffiti as community service

Seattle opened the pilot Community Court in March 2005, the first such court in the state and the 26<sup>th</sup> in the nation. 2015 marked the 10-year anniversary and the second full year of “Community Court 2.0,” the new and improved version. The court aims to provide an alternative path from the traditional criminal justice approach for people charged with “quality of life” crimes (theft, criminal trespass, prostitution, etc.). With the goal of restorative justice, people accepted into Community Court

give back to society by participating in community service projects, like assisting at a local food bank or cleaning up graffiti. At first, finding service sites for Community Court defendants was a big challenge. Now the court has over 15 partners, and the community work provides a great deal of benefits to those local organizations.

A Community Court report from 2010 reveals that nearly 60% of participants are homeless, 65% are chemically dependent, and 82% are unemployed. When a homeless person is charged with trespass for sleeping in a park, or theft because they took food without paying when they were hungry, the City opts not to treat these chronic offenders traditionally – jail. Seattle Municipal Court also established a resource center where Community Court participants can avail themselves of services they need to address their underlying problems.

In Community Court 2.0, a probation counselor conducts an extensive needs assessment for each defendant that identifies areas that defendants could benefit from Community Court. Probation counselors might also require more frequent meetings so defendants in the program can talk about problems they are having. Some of the social service options offered by probation in Community Court 2.0 are:

- Self-awareness classes
- Chemical dependency and mental health treatment assistance
- General Education Degree (GED) classes
- Employment/resume assistance
- Library assistance, including computer resources and library cards
- Housing assistance
- Assistance in accessing the state Department of Social and Health Services

In November 2015, Betty McNeely, Probation Director, and the Court Resource Center Team were nominated and won the SMA (Seattle Management Association) award in Public Service.

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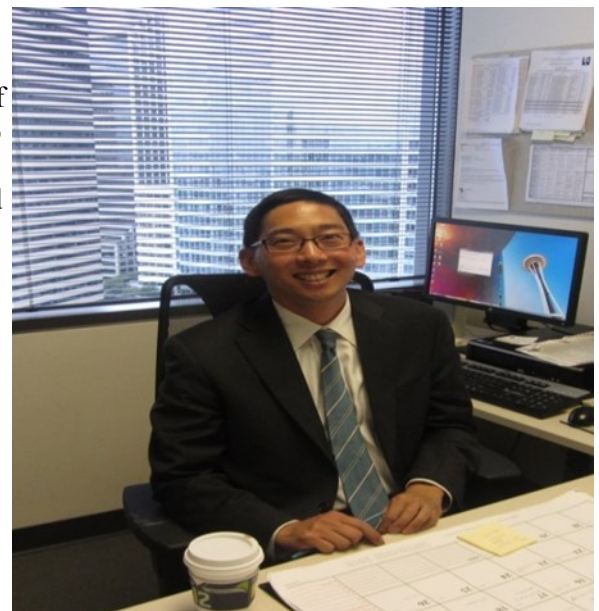
Judge Gregory in his office

“The needs assessment gives me a tool to require social services linkages that directly address their own individual needs,” said Municipal Court Judge Willie Gregory. With a goal to see what’s available, receive help and become enabled to make positive choices, each defendant must make an in-person contact with their recommended social services. Failure to complete their community service hours results in sanctions, which may include jail.

“Community Court really gives these defendants a way to refocus on themselves,” says Dan Okada, Assistant City Prosecutor at the Seattle City Attorney’s Office. As opposed to mainstream courts, Community Court is more collaborative. Okada wants these defendants to graduate from the program, complete their community service hours and use all

available resources. “It is really like sort of mental health model, where we are trying to work together with the defense team. And the court just reached a good result. A lot of people just got on the wrong path. They need some resources, structures and then help them straighten things up. Community Court is different than what you see from other courts. It is really a different focus.”

A worthy innovation is a novel way to address prostitution cases. “Reports from Seattle Police Department (SPD) showed that sellers of sex are mainly poor women with few alternatives, who are forced into prostitution by a history of chemical dependency and poverty,” said Okada. “The City believes the buyers of sex are the real offenders and therefore changed the way that prostitution law is enforced.” Under the new guidelines, all prostituted persons are allowed to have their charges dismissed upon graduating from Community Court. Prostituted persons entering Community Court must attend a four-session Sex Industry Worker’s Class, complete an HIV test, and make social service contacts as determined by a probation counselor.



Prosecutor Okada in his office

Throughout 2014, Community Court participants contributed over 5,000 hours of community service at local non-profit partners in Seattle, including new ones in 2014 like Marra Farms and graffiti abatement. Marra Farms is in the South Park neighborhood of Seattle. It is a four-acre urban farm, in which Community Court participants help

grow fresh organic produce for food banks and local residents.



When Community Court began, its slogan was “a non-traditional approach to solving traditional problems.” Community Court strives to seek the balance between holding people accountable for their actions and providing resources to help them get back on the right track.

## City seeks to hold Monsanto accountable for PCBs



Reporters digging into the Monsanto complaint

The City of Seattle is suing three “Monsanto” corporations to make them pay to remove cancer-causing chemical compounds known as PCBs (polychlorinated biphenyls) from the City’s drainage system and the Duwamish River. Monsanto was the sole producer of PCBs in the United States from 1935 to 1979.

PCBs -- found globally in bays, oceans, rivers, streams, oil and air – are an equal opportunity toxic that destroys populations of fish, birds and other animal life as well as harming human immune, reproductive, nervous and endocrine systems.

At issue in the complaint filed Jan. 25 in U.S. District Court in Seattle is PCB contamination in 20,000 acres that drain to the Lower Duwamish, a federal Superfund site, and in areas that drain to the East Waterway adjacent to Harbor Island, a separate federal Superfund site. PCBs were detected in “82 percent of samples of sediment in drainage pipes” and in “73 percent of samples collected from catch basins in street right-of-ways” in Lower Duwamish drainage basins.

Under a consent decree issued by the U.S. Environmental Protection Agency and the Washington Department of Ecology, the City will build a storm water treatment plant adjacent to the Lower Duwamish that is designed to remove PCBs from storm water – at an estimated cost of nearly \$27 million.

“Long after the dangers of PCBs were widely known, Monsanto continued its practice of protecting its business interests at our expense,” City Attorney Pete Holmes said. “The City intends to hold Monsanto accountable for the damage its product wreaked on our environment.”

“Seattle residents, waterways and wildlife, all deserve protection from harmful toxins like those used by Monsanto,” Mayor Ed Murray said. “We are taking action to recover the significant costs of cleaning up after Monsanto and to make clear that Seattle will stand up against contamination that threatens our environment.”

The director of Seattle Public Utilities, Ray Hoffman, said: “PCBs are dangerous, known to cause cancer and other health concerns. This lawsuit seeks to hold the polluter accountable to our community.”

Seattle becomes the sixth major American municipality to sue Monsanto, joining San Jose, Oakland, Berkeley, San Diego and Spokane.

<http://www.seattle.gov/news/detail.asp?ID=15465>

<http://www.seattlechannel.org/explore-videos?videoid=x61439>

## A prosecutorial duty to guarantee a fair trial

*“Society wins not only when the guilty are convicted but when criminal trials are fair; our system of the administration of justice suffers when any accused is treated unfairly.” – Brady v. Maryland, U.S. Supreme Court, 1963*

No matter what crime a defendant is accused of, everyone in the United States has the fundamental right to a fair trial. When evidence that could be used to acquit a defendant is not disclosed, society as a whole loses.

Writing for the high court in the landmark *Brady* decision, Justice William Brennan said that withholding exculpatory evidence violated a defendant’s 14th Amendment rights under the Due Process Clause. As a result, prosecutors are legally obligated to present any evidence that may be used to benefit the defendant, including findings of dishonesty by police officers.

The Brady List is a compilation primarily of police officers. An officer may be placed on the list for multiple reasons, though the primary one is dishonesty. If an officer is found to be dishonest, disciplinary proceedings occur within his or her police department. "Once there is a sustained finding, the officer is immediately placed on the Brady List," says Richard Greene, head of the Brady committee in the Criminal Division of the Seattle City Attorney's Office.

Officers can appeal their case to the Public Safety Civil Service Commission; if the appeal fails, officers can turn to King County Superior Court. If the board or court rules in the officer's favor, the original decision is reversed and the officer's name is removed. However, when an officer is convicted of a crime, his or her name will remain on the Brady List indefinitely. When officers receive deferred sentences, their names remain on the list only until the charges are dismissed once the probation period ends.

In Seattle the Brady List is divided into three categories -- officers who have been dishonest (by altering police reports or giving false testimony, for example); officers who have been charged or convicted, or when the officers are found to have racially profiled people. The last category is relatively new to Seattle's list.

Though the list is predominantly made up of police officers, it is not exclusive to them. Employees of toxicology labs or fingerprint analysis experts could be listed, if they were found to have skewed or hid evidence.

When a 'Brady Cop' is called to testify against a defendant the prosecution discloses this information "as soon as the case is set for trial," Greene explained. Due to the prosecution's obligation to divulge this information, the Brady List is not subject to collective bargaining by Seattle's two police unions.

Most SPD officers on the Brady list are not cited for dishonesty but because of charges not directly related to the case at hand. For example, the officer could have been convicted of DUI. In that case, being on the list might not have an impact on the case playing out in court.

When an officer is listed because of a dishonesty finding, the defense can attempt to impeach any testimony the officer gives. The first question is always whether the act of dishonesty is admissible. Whether the defense succeeds depends on the jurors and whether they believe that the officer's testimony is credible and how they weigh the level of dishonesty. For example, if an officer has previously lied about his time sheet and the case is about domestic violence, the testimony would more than likely be found irrelevant and admissible within the context of the case.

Prosecutor Greene notes that "many officers on the Brady List end up resigning" because of appearances. Depending on the severity of the officer's offense, he or she also may be terminated by SPD.

In Seattle, 16 officers are currently on the Brady List, compared with a total of 1,389 officers, from recruits up to the chief of police.

## **Making Seattle's past accessible today**

The City Attorney's Office and City Clerk partners with Municipal Code Corporation (or Municode) to codify ordinances and host the resulting municipal code online. As part of that partnership, a project is under way to electronically scan historical ordinances that we do not have an electronic copy of today, and post those ordinances on the City Clerk's website and with Municode.

These historical paper ordinances are housed at the Washington State Archives in Bellevue, but they cannot be removed from the Archives easily. Our scanning consultant installed a scanner at the Washington State Archives for the duration of the project, and a few hours every day have access to the boxes of ordinances so they can be scanned on site. Then, in its effort to provide a consistent and informative experience for the online researcher, regardless of what year or codified ordinance they are researching, the scanned ordinance will be posted to the City Clerk's website (a "discovery" page), and a link from Municode to an original scanned ordinance at the City Clerk's website is launched at Municode. Thus, while researching Seattle's code at Municode, one is delivered to the City Clerk's website, where even more pages provide the user with a rich set of resources to explore the legislative process, fiscal notes, related City Council bills and

resolutions, the municipal archives, and other details of the legislative process.

Archived and codified ordinances number close to 4,000 dated from 1891 to late 2006 alone. In the last six months, nearly 2,000 ordinances dating to mid-1984 have been scanned, putting us about halfway through the project.

Each decade we venture further into the past with this scanning project, there are fewer ordinances to scan, and the quality of the materials degrades, slowing down the progress of our consultant. However, the project should be completed in 2016, and every ordinance from Seattle's past will be available online at the click of a button.



**Neighbor Appreciation Day** is Seattle's traditional day to reach out to neighbors, create new friends, and express thanks to those who help make your neighborhood a great place to live. It is now in its 22nd year.

### History

The celebration began in 1995 when Phinney Ridge activist Judith Wood suggested that the city of Seattle designate "a special day to celebrate the goodness in those around us and to reach out and strengthen our bonds to each other." Mayor Norm Rice responded by proclaiming the Saturday before Valentine's Day as Neighbor Appreciation Day. The observance has occurred every year since.

### How to participate

This day is celebrated across Seattle by groups of neighbors, organizations, City departments, or simply neighbor to neighbor. People organize block parties, potluck dinners, or work parties to recognize caring neighbors as well as get to know each other. Or they simply invite their neighbor for coffee.

### Share stories of great neighbors

You can also participate by sharing a story of a neighbor you want to recognize. Use **#neighborday** and share the story on our Facebook, Twitter, or Instagram.

### Here are a few fun activities you can enjoy

- ◆ Several **Seattle Fire Stations** are hosting open houses. Check our website to learn which ones.
- ◆ Take your neighbor to a **Seattle University Redhawks for FREE** on Feb. 12. Visit To get your tickets, visit <http://bit.ly/NEIGHBORDAY> and use promo code NEIGHBORDAY.
- ◆ Several **Seattle Parks Pools and Community Centers** are celebrating with parties and free activities. Visit our events calendar to learn which ones.

### Visit us at [seattle.gov/neighborhoods/neighborday](http://seattle.gov/neighborhoods/neighborday)

Our website has resources and ideas to help community members celebrate:

- ◆ Ideas for planning a neighborhood activity such as a block party, potluck, or work party.
- ◆ A flyer template to use to publicize your neighborhood event
- ◆ A calendar of events to search for activities or to post your own neighborhood event

[Seattle.gov/neighborhood/neighborday](http://seattle.gov/neighborhood/neighborday)



Strengthening Seattle by  
Actively Engaging All Communities

## Holmes announces appointment of Criminal Division Chief

City Attorney Pete Holmes has appointed Kelly L. Harris, a seasoned Seattle prosecutor, as the new Criminal Division Chief. Harris succeeds Craig Sims, who left CAO in December for private practice.

Harris received his B.A. and J.D. from UCLA. He is a 22-year prosecutor, starting in 1994 as a deputy prosecuting attorney in the King County Prosecuting Attorney's Office. In 2002, he joined the U.S. Attorney's Office for the Western District of Washington. As Executive Assistant U.S. Attorney, Harris handled a variety of cases involving civil rights, counterterrorism, and criminal enterprises. In 2009, Harris left Seattle for the "other" Washington and has been serving with the U.S. Department of Justice's National Security Division as a trial attorney in the counterterrorism section.

"Kelly comes to us with glowing recommendations and utmost respect among his colleagues," City Attorney Pete Holmes said. "In his application, Kelly said, 'I am compelled to return to my true calling of leading a team of lawyers and staff to revolutionize the way a prosecutor's office serves the community.' "

Holmes added, "I have great confidence he will bring sound judgment, effective leadership, and years of valuable perspective on criminal prosecution to the division." Harris' first official day in the office will be March 9.

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## City Attorney celebrates his new clients



From left to right, Councilmembers Sally Bagshaw, Rob Johnson, Kshama Sawant, Lorena Gonzalez, Mike O'Brien, Debora Juarez, Bruce Harrell, Lisa Herbold and Tim Burgess — with their chief attorney, Pete Holmes.

## EVENTS

- 02/16** Sunshine Committee Meeting in Olympia - 9:00 AM to 1:00 PM
- 02/26** 2016 Goldmark Award Civil Legal Aid Luncheon - At the Seattle Sheraton from Noon to 1:30 PM
- 03/10** CCYJ Breakfast: Annual Norm Maleng Advocate for Youth Award Breakfast - At the Seattle Sheraton from 7:30 to 8:45 AM
- 03/29** Breakfast with Champions - At the Seattle Sheraton from 7:30 to 8:45 AM  
\*Registration required for some events

## LINKS TO NEWS STORIES

**01/06 Want Fewer Murders? Tax Guns and Ammo** -- A novel approach to curbing gun crimes in Seattle looks to sidestep legal battles with the NRA. (The Daily Beast)

<http://www.thedailybeast.com/articles/2016/01/07/want-fewer-murders-tax-guns-and-ammo.html>

**01/06 Will Open-Records Gadfly's 6,000 Requests Shed Sunlight on City Government, or Slam the Shutters?** – If you've heard of Tim Clemans, you probably know him as a transparency watchdog. (The C is for Crank)

<http://thecisforcrank.com/2016/01/06/830/>

**01/08 Cities give in to notorious records requester** – He was known as the reclusive computer programmer who forced the Seattle Police department to be more transparent. Now Tim Clemans is using the state's Public Records Act to take on every city in King county. (KING5)

<http://www.king5.com/story/news/local/2016/01/07/cities-give-notorious-records-requester/78442010/>

**01/22 Seattle Seeks Legal Marijuana Delivery Alternatives** -- Seattle officials say the city's 24 marijuana delivery businesses are illegal and now outnumber its 19 licensed stores. To combat the problem, Seattle officials are pledging a crackdown as well as a new legal delivery option. (KUOW)

<http://kuow.org/post/seattle-seeks-legal-marijuana-delivery-alternatives>

**01/23 Pot (bill) brings lawmakers, Seattle together** -- Before heading home for the weekend Friday, state lawmakers had time to squeeze in a public hearing for one more bill. (CrossCut)

<http://crosscut.com/2016/01/pot-brings-lawmakers-seattle-together/>

**01/26 Seattle seeks millions from Monsanto to clean up PCBs from Duwamish** -- In a complaint filed in federal court, Seattle becomes the sixth Western city to sue Monsanto. (Seattle Times)

<http://www.seattletimes.com/seattle-news/environment/seattle-sues-monsanto-seeking-millions-to-clean-up-pcb-from-duwamish/>

**01/27 City sues Monsanto over PCBs but firm says it's not responsible** -- Seattle is suing Monsanto for what's likely millions of dollars to pay for removal of cancer-causing PCB's from Seattle's drainage system and the Duwamish River, now being cleaned up as a federal Superfund site. (Seattle PI)

<http://www.seattlepi.com/local/environment/article/City-sues-Monsanto-over-PCBs-Not-responsible-6785453.php>

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

[http://www.seattle.gov/  
cityattorney/news/reports](http://www.seattle.gov/cityattorney/news/reports)

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](mailto: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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