

Seattle City Attorney

Annual Report 2016



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STATEMENT FROM THE CITY ATTORNEY

Comedian John Oliver labeled 2016 the “worst f---ing year” seven weeks before it ended, with Donald Trump’s electoral victory. The election stumped most pollsters and devastated fellow progressives backing Hillary Clinton, who had hoped for a continuation of President Barack Obama’s enlightened policies. My worst fears about a Trump Administration continue unabated in 2017—but for crucial judicial interventions that reaffirm my faith in the Rule of Law. An election Clinton “won” by over three million votes, however, demonstrates how Seattle remains vulnerable to a rural/urban divide in both national and state politics. As I write this introduction during the final year of my second term, it’s important to avoid endless hand-wringing and recall 2016’s achievements closer to home.

As City Attorney, I have continued to push this full-service exceptional municipal law firm to ever greater levels of performance. We are proud to be innovative counsel to perhaps the most progressive city in the country—plus the 18th largest, and one of the fastest growing. Despite these challenges, we continue to deliver efficient, competitive legal services with a budget and staffing that barely keeps pace with the City’s overall budget. The diversity of our office also reflects the faces of greater Seattle. Even while acclimating to our new home in Columbia Center, we stayed ever focused on the work at hand, operating more cohesively, and chalking up an impressive list of accomplishments for 2016.

Addressing Homelessness

Construction cranes continued to rise above the Emerald City throughout 2016, and so did the concerns of Seattleites regarding rapid change amid worsening economic inequality—evidenced by a growing homelessness crisis, fueled in part by a desperate opioid epidemic. Since I first took office in January 2010, over 100,000 more people now call Seattle home, despite housing costs that have soared past even pre-Great Recession levels. I am proud of our Civil Division’s legal support for Mayor Ed Murray’s Housing Affordability & Livability Agenda, which complements my fundamental policy objective: To address homelessness, the opioid epidemic and mental health issues with sound public health solutions, rather than the criminal justice system.

The importance of the City Attorney’s role as misdemeanor prosecutor in refocusing our approaches to our unsheltered populations—notwithstanding my lack of jurisdiction over drug crimes—cannot be overstated. Before my first term in office, Seattle very much adhered to the status quo and effectively criminalized poverty, mental illness and addiction. Our state Legislature long ago recognized that quality of life issues such as urinating in public and public inebriation should remain civil infractions, but when such tickets are ignored there is pressure to issue an arrest warrant for the misdemeanor crime of failure to respond. Previously, we did little in outreach or attempts to identify the underlying causes of an



Pete Holmes

STATEMENT FROM THE CITY ATTORNEY *continued*



Pete administers the oath of office to new Civil and Criminal Division attorneys and prosecutors

individual's "incivility." Pushback from our office clarified that the City Attorney would no longer enable such short-sighted, expensive and ineffective law enforcement tactics, forcing the City to take a comprehensive look at public health strategies instead of business as usual, which amounted to little more than simply "calling a cop."

Law Enforcement Assisted Diversion, or LEAD, was launched during my first term. As we continue to build upon and expand this and other public health-centered solutions as our first response to livability challenges, the criminal justice system is finally being positioned in its more appropriate backup role. We are looking more holistically at the arc of an individual's descent into mental illness and addiction, emphasizing the "Sequential Intercept Model" and employing restorative justice techniques. LEAD presents an early intervention opportunity as an alternative to booking someone into the King County Jail; in 2016, we sought and obtained King County funding for a dedicated prosecutor to better track and coordinate with LEAD participants in the Seattle Municipal Court.

Beyond LEAD, my office has demonstrated success with pre-charging diversion programs that avoid the lifelong burden youthful offenders might face with a criminal charge on their records. We also work with the courts to make sure that solutions are imposed post-conviction when they will achieve better outcomes than traditional criminal penalties such as incarceration, including use of the Mental Health Court. This fundamental policy transition takes time to coordinate and identify necessary resources, but the longer-term prospects promise a stronger, safer community with a much better return on our investments.

Many constituents are surprised to learn that the City Attorney's Office has no jurisdiction over any drug crimes—all constituting felonies—or over juvenile offenders under the age of 18 (with limited exceptions such as minors in possession of alcohol or DUIs). All such offenses are within the exclusive felony jurisdiction of the King County Prosecuting Attorney. I am proud of our efforts to coordinate criminal charging policies with our County colleagues, especially regarding youthful offenders and domestic violence cases.

Criminal Division Reorganization

2016 marked the first anniversary in office for our new Criminal Division Chief, Kelly Harris. It also saw the launch of a restructured prosecution team that not only complements our quality of life charging policies, it has laid the groundwork for a new pre-filing diversion program recently funded by Seattle City Council. Harris is also implementing our new Proportionate Sentencing Policy, putting into practice that cornerstone of criminal justice that the "punishment should fit the crime," coupled with prompt consequences when sanctions are ignored. We are further working with the Municipal Court to dramatically reduce our pre-trial jail populations by limiting or eliminating money bail requests. Finally, in 2016 Harris was instrumental, along with Domestic Violence Supervisor Chris Anderson, in coordinating with multiple law enforcement agencies and courts to set the stage for our break-through Firearm Surrender Program. We will soon have a reliable method to enforce firearm surrender orders, whether issued in criminal domestic violence prosecutions, as part of civil protection orders, or under the new Extreme Risk Protection Act, passed by voters in 2016. Reducing the lethality rates, especially for women in domestic violence situations, is within our grasp.

Black Lives Matter

Tragic officer-involved shootings continue to haunt Seattle's efforts to reform our police department and build trust with communities of color. My office played a key role in addressing Washington's outlier state statute that protects police officers in using force resulting in a civilian death, which requires prosecutors to meet the practically impossible burden of proving that an officer acted with malice and in bad faith.

Criminal Chief Harris spent many hours on the Joint Legislative Task Force on the Use of Deadly Force in Community Policing. He helped craft a proposed

STATEMENT FROM THE CITY ATTORNEY *continued*



Pete appeared on a Seattle Channel show on police accountability legislation

amendment that would eliminate malice as an element and define good faith in practical terms. Unfortunately, the Legislature declined to enact the Task Force's proposed changes, and Initiative 873 (which I also endorsed) failed to obtain enough signatures to make it to the ballot. Our commitment to bringing Washington law in line with prevailing laws in other states remains strong.

SPD & the Federal Consent Decree

SPD remains the City Attorney's Office's largest consumer of legal services. Lawyers on our Police Action Team, within the Civil Division's Tort Section, continue to defend officers accused of violating a plaintiff's civil rights under 42 USC § 1983, as we have ever since I terminated the expensive, decades-long contract with a single private law firm for these services in 2010. In the process, we have both saved millions of dollars in legal fees while gaining immense knowledge and insights how to better manage a modern, urban police department.

Some of these same Assistant City Attorneys stood at the ready when the U.S. Department of Justice announced its findings in December 2011 of a "pattern

or practice" of excessive force by SPD, leading to the federal Consent Decree the following year, also negotiated by CAO lawyers. 2016 represented the fourth year of SPD's ongoing reform effort, demonstrating outstanding progress in such key areas as the reduction in use of force overall, vastly improved training and response to individuals in crisis, and improved community relations. I personally report at periodic status conferences on SPD's reform progress to presiding U.S. District Judge James Robart.

Our inhouse lawyers were similarly instrumental in helping craft legislation overhauling Seattle's police accountability system—first submitting comprehensive legislation for review by the federal court in October—that led to final passage by City Council in 2017. Key components include a new Office of the Inspector General (OIG), both replacing the former OPA Auditor and gradually assuming the duties of the federal court monitor; a permanent Community Police Commission (CPC) replacing the OPA Review Board; and a strengthened, civilianized Office of Police Accountability (OPA). Though imperfect, this new legislation represents

an impressive structure, including some of the latest thinking on how to ensure effective, accountable, constitutional policing.

Unfortunately, collective bargaining with Seattle's two police unions—the Seattle Police Management Association (SPMA), whose members include commissioned captains and lieutenants, and the larger Seattle Police Officers Guild (SPOG), whose members include officers and sergeants—were ultimately disappointing, a stark counterpoint to the City's reform progress under the Consent Decree. Initially, Seattle's Labor Relations Team, supported by our Civil Division's Employment Law Section, successfully negotiated a comprehensive tentative agreement with SPOG that embraced the contemplated police reforms, only to be rejected by union members after the cynical leak of management descriptions of contract terms. That same leak led to the removal of SPOG's leadership, prompting me to investigate that, while failing to identify the leak source, demonstrated my insistence that the City abide by its confidential bargaining obligations to our City unions.

Progress to negotiate new agreements with both SPOG and SPMA were unsuccessful in 2016. Litigation challenging reforms and management decisions brought by the unions and individual members has increased—demonstrating that more work lies ahead if Seattle is to achieve lasting, meaningful change in the culture of policing. My personal commitment to seeing these reforms through to termination of the Consent Decree has taken on an even greater sense of urgency this year with the ascendancy of the Trump Administration and the Sessions' Justice Department's demonstrated antipathy toward federally-monitored police reforms.

Continuing Progress on Marijuana Reform

The Civil Division's Regulatory Enforcement & Economic Justice Section (REEJ) hit the ground running in 2015; last year, its first full year in operation,

STATEMENT FROM THE CITY ATTORNEY *continued*



It's tradition for Marcia Ventura to bring her 5th graders at Maple Elementary School to visit Pete, here on the City Hall Plaza.

demonstrated the need for this innovative approach to governing in a modern, dense urban environment. REEJ was central to completing the transition to a single regulatory system in Seattle for both medical and adult use marijuana under Initiative 502, closing the last of the unlicensed, unregulated, and untaxed marijuana dispensaries, with little or no direct police action.

REEJ is by no means limited to enforcing Seattle's marijuana rules. In many commercial settings, City code compliance inspectors and analysts from other departments—the Department of Construction & Inspections (DCI); Financial & Administrative Services (FAS) (business licenses and taxes, taxis and TNC regulations); the Office of Labor Standards (OLS); the Rental Housing Inspections team, to name a few—team up with REEJ lawyers to find innovative approaches to gaining regulatory compliance. Enforcing Seattle Municipal Code (SMC) regulatory licenses not only for marijuana businesses but also nightclubs, massage parlors, strip clubs and others under Title 6 allows for more targeted enforcement, tailored to the impact of any activity. REEJ is key to implementing the many

wage-earner and renter protections created in recent years by City Council and the Mayor. Recall, too, that REEJ was launched with no new City resources, simply by recruiting assistant city attorneys and support staff with experience and enthusiasm for code enforcement. Regulatory enforcement is truly the answer to more of today's urban challenges.

Holding Monsanto Accountable

For years, our Civil Division's Environmental Section, headed by Senior Assistant City Attorney Laura Wishik, has provided legal guidance for City staff working on the Duwamish River cleanup project, a half-billion dollar, a 30-year undertaking directed by the U.S. Environmental Protection Agency. EPA identified over 300 entities as PRPs ("Potentially Responsible Parties") under the Comprehensive Environmental Reclamation & Liability Act, 42 USC 9601, et. seq. ("CERCLA") for polluting the industrial waterway. PRPs that have actively participated in the cleanup include The Boeing Co., King County, and the Port of Seattle. Wishik now leads a legal team representing the City in an allocation process to determine which parties should pay for the cleanup.

Polychlorinated biphenyls (PCBs) are the most widespread and toxic of the pollutants in the Duwamish. The waterway is a food source for many indigent and immigrant families who fish from its shores, but, due to PCBs, the Health Department warns against eating fish that spend their lives in the waterway.

In the United States, PCBs were manufactured throughout much of the last century by a single company, known as Monsanto. Huge volumes were produced long after Monsanto knew that PCBs were both highly toxic and persistent, years before Congress finally banned production in 1979. PCBs are now present throughout the planet, from the highest mountains to the deepest parts of the oceans, and in the tissues of every living organism. I highly recommend reading *Biocidal: Confronting the Poisonous Legacy of PCBs*, by Theodore M. Dracos, a former Seattle Weekly reporter, for more information.

PCBs are found in our streets and in our drainage systems. Seattle Public Utilities is spending millions to look for them and keep them out of our pipes so they will not add to the PCBs already in the Lower Duwamish.

STATEMENT FROM THE CITY ATTORNEY *continued*

Once PCBs get into our pipes, treating storm water to remove them becomes very costly.

It's not right that Seattle taxpayers and ratepayers should be forced to bear the expense of addressing a pollutant that generated tremendous profits for Monsanto. It's not right that Seattle residents cannot eat the fish and shellfish they catch in the waterway and cannot swim and recreate on the shore without being exposed to PCBs. That's why I directed a lawsuit to be filed in the federal district court in Seattle to recover the costs, in *City of Seattle v. Monsanto Corporation*. The lawsuit has been vigorously defended by lawyers from Monsanto but our team of litigators, headed by Wishik, continues to prevail as we head toward a trial date. Some theories we have advanced against Monsanto are proving useful in investigating other potential recovery actions, such as claims against distributors and manufacturers of opioids, who have created an epidemic proving devastating to the quality of life in Seattle.

Other Key Civil Division Litigation Victories

\$15 Minimum Wage.

Seattle's groundbreaking \$15 minimum wage ordinance was successfully defended by Civil Division Chief Greg Narver against a challenge in the U.S. District Court for the Western District of Washington through the U.S. Circuit Court of Appeals for the Ninth Circuit. (Now that plaintiffs have abandoned further appeals, REEJ lawyers are already actively enforcing the ordinance's graduated introduction of the new higher minimum wage across the board in Seattle.)

Gun Violence Tax.

When the National Rifle Association (NRA) challenged Seattle's innovative new tax on guns and ammunition to fund academic research into the causes of ways to reduce gun violence, our lawyers partnered with Steptoe & Johnson to defend

the ordinance in the King County Superior Court. Following a direct appeal to the Washington Supreme Court, news arrived just as this report was being completed that the new city ordinance has been vindicated in an 8-1 decision! I am grateful not only to our own excellent Assistant City Attorney Kent Meyer, but for the pro bono assistance of Bill Abrams and his brilliant lawyers at Steptoe & Johnson.

Sisleyville

In 2015, notorious slumlord Hugh Sisley finally paid off in full his \$3.48 million tab for decades of disregard not only for Seattle laws but his Roosevelt community neighbors. We finally brought successful conclusion to extensive legal battles ranging from the Seattle Municipal Court through the King County Superior Court to the Court of Appeals and the Washington Supreme Court.

In 2016, however, Sisley challenged our successful condemnation of some former Sisley problem property for rededication as park facilities for Roosevelt neighborhood residents. Our lawyers are in the Washington Court of Appeals, where Sisley is challenging the City's public use and necessity designation.

Alaskan Way Viaduct Replacement Project and Seawall Replacement Project

During 2016, the tunnel boring machine, Bertha, restarted tunneling, safely tunneled underneath the Alaskan Way Viaduct, and made substantial progress towards its northern portal near Thomas Street. On the Seawall Project, work continued on the replacement of the aging seawall and related improvements to the waterfront. Our lawyers worked with project staff and utilities to ensure the City's interests were protected, and, on the Seawall Project, assisted the project team in addressing the accumulated cost allocation issues so the City and its contractor could focus on the successful completion of the project in mid-2017.

Conclusion

Should the voters decide to return me to a third term as your City Attorney, I will be serving with my *third* Mayor with a City Council with over half of its members still serving in their first terms. Seattle faces all the challenges of every other large American city, and we do so with only limited federal and state support. Despite the changes in leadership ahead, I am confident that we will continue to make progress, and the City Attorney's Office stands ready to stay on course to a better Seattle for all.



Seattle City Attorney

PRECINCT LIAISONS DIVISION



Westlake Park



South Lake Union Wooden Boat Center



West Precinct

West Precinct is exploding in growth. It encompasses the Downtown Business District, Waterfront, International District, Pioneer Square,

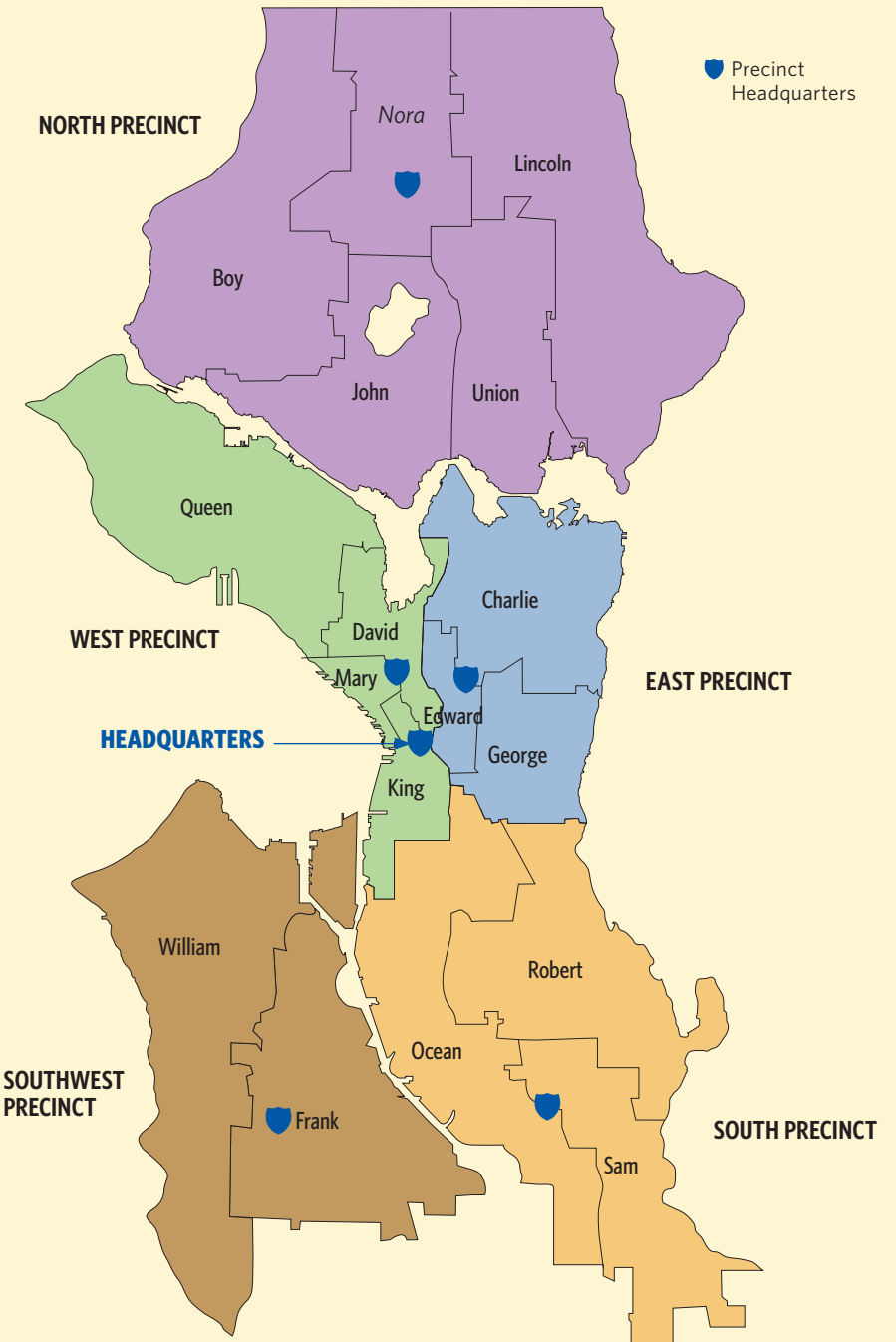
Belltown, Queen Anne, West Edge, SoDo, Westlake, Eastlake, Seattle Center, Denny Triangle, Magnolia and South Lake Union. Besides providing real-time legal advice to Seattle Police Department (SPD) officers, Precinct Liaison Attorney **Dave Lavelle** assists with concerns related to liquor licensing, homelessness, incivility, demonstrations and behavior in public parks.

In 2016, Lavelle represented the Law Department on the Mayor's Public Safety Task Force for the China/International District. In this role, he participated in meetings as a resource for the community. Because of this task

force, the community generated a report of recommendations to the City to improve public safety.

At Pete's direction the CAO continued to support and work with the Center City Initiative (CCI) Multi-Disciplinary Team (MDT) through the West Precinct Liaison office. In this capacity, Lavelle attended meetings regularly to coordinate efforts and holistically address service gaps and service planning for individuals who chronically affect downtown neighborhoods.

Besides working in the community, Lavelle responded to dozens of questions from Councilmembers, SPD, the Parks and Recreation Department, Finance and Administrative Services, and the Mayor's Office on a broad range of legal and policy issues. In coordinating responses, the entire network of attorneys at the CAO become engaged. Issues of law from land use to constitutional law and any field of law between are carefully researched



PRECINCT LIAISONS DIVISION *continued*



Pioneer Square – 15th anniversary of pergola resoration



9400 block Rainier Avenue South

and evaluated by attorneys specializing in the particular field of question.

To promote a safe, vibrant and evolving nightlife throughout Seattle, Lavelle participated in the cross department Joint Enforcement Team (JET). As legal counsel for the Joint Enforcement Team, the Seattle City Attorney's goal is to advance the public health, safety, and welfare of the community by working collaboratively and equitably with business owners, community members, and other departments within the City and King County. To further this goal, attorneys from the Precinct Liaison Division, including Lavelle representing West Precinct, work proactively with CAO's Criminal and Civil Divisions, public and private organizations, and the community to solve neighborhood problems, improve public safety, and enhance the quality of life of community members. This involves the review, processing, and, if necessary, objection to all license applications sent to the City from the Washington State Liquor and Cannabis Board (WSLCB).

In 2016, Lavelle worked with JET to address a problematic nightclub venue in West Precinct. This location had generated hundreds of police calls in a few years. When early intervention with the owners failed to remedy the problems, the City—citing public safety issues—filed an objection to the renewal of the liquor license. Ultimately, the WSLCB and courts agreed with the City's position and the liquor license was revoked.

West Precinct continues to be the epicenter of free speech activity for the entire City with over 300 demonstrations taking place each year. Whether a demonstration is a dozen people or 10,000 the overall goal of ensuring the safety of all participants and non-participants remains the same. To staff many of these demonstrations, Lavelle, working with other CAO attorneys, was present and available to the Seattle Police Operations Center for any necessary legal support. Despite the number of demonstrations, and with the collaborative efforts of multiple departments,

there were comparatively few emergency incidents while the rights to free speech were ensured.



South Precinct

In **Matthew York's** third year in the South Precinct (and fifth year as a liaison), he continued working with SPD and other

Seattle agencies to improve public safety and the quality of life for those living in South Seattle.

York helped address multiple nuisance properties. Five residential houses experiencing criminal activity due to squatters were corrected using the new Vacant Property Trespass Program that York introduced to the South Precinct. He ensured that patrol officers were trained, and he worked with the Community Police Team (CPT) to find the property owners and have them sign up for the program. While this program will not work for every problem squatter location, it succeeded often in the South Precinct.

There were also noise nuisance issues with Monastery and Andrews Bay Moorage. Collaborating with CPT and the Asian Community Liaison, York helped bring the Monastery into a more acceptable level of compliance with the neighborhood. Noise has also been an issue with boats staying overnight in Andrews Bay Moorage. While the problem remained at the end of 2016, York worked closely with Harbor Patrol and the Criminal Division to develop protocol for summer 2017. There has also been communication with many city agencies to work to apply park rules to the moorage, which would allow exclusion by law enforcement.

The 9400 block of Rainier Avenue experienced a great deal of turmoil in 2016 caused by unlicensed marijuana stores. Multiple shootings and general nuisance activity made that neighborhood less than accepting of a new marijuana businesses. A marijuana retail store attempted to gain a license for this stretch of Rainier and the neighborhood

PRECINCT LIAISONS DIVISION *continued*



Speed bumps on Beach Drive SW by Constellation Park



Homeless tiny houses on Market in Ballard



Dorothy Day House, a residence for homeless women

immediately contacted York. In looking at the location, helped by CPT, York saw there was a “daycare” located next door to the location. Unfortunately, this location had let its daycare license expire so it did not qualify under the statute. Doing further research, York made the argument that the location qualified under a “recreation center.” A written objection was entered and the business withdrew its application and moved elsewhere in Seattle. This, combined with closing all illegal marijuana storefronts, shows significant progress in creating a sustainable legal marijuana industry.

Some very specific issues required working with the precinct officers to create a better response. The identification of non-traffic infraction violators, signature gatherers at grocery stores, homeless encampment engagement, and bringing hookah establishments into compliance were a few issues where SPD relied heavily on York. This cooperation continues to be pivotal to successful and legal public safety enforcement in the South Precinct.

Southwest Precinct

Matthew York also covered the Southwest Precinct. SPD has identified several problem locations associated with criminal activity, general nuisance, and rampant code violations. York contacted the property owner in many and made some progress with many of them. The complicated dynamic of ownership and responsibility for the property makes solutions in these areas scarce. In cooperation with the Seattle Department of Construction and Inspection (SDCI) and with much help from the Regulatory Enforcement and Economic Justice Section of the Civil Division, several properties were cleaned up for the first time in years. Other locations were convinced to sign up for the trespass program and squatters were removed.

One problem house was tied to a bar where the owner was allegedly selling illegal narcotics. York worked closely with the narcotics unit and the Joint Enforcement Team to not only serve a

warrant on the restaurant but also the house where the owner lived. The bar is now closed with a suspended liquor license due to the quick action of the Washington State Liquor and Cannabis Board. This was a good example of multiple agencies working closely together to solve two issues.

The Southwest Precinct is also well known to have some chronic traffic issues due to its beautiful beaches and wonderful retail and restaurants. Drag racing on Beach Drive is no longer as attractive as it once was. York, the Seattle Department of Transportation (SDOT) and SPD worked diligently over the last few years to install speed bumps. With no small contribution from the residents of Beach Drive, speed bumps now lay in the path of high-speed traffic there. The Alki area also has historically been swamped with heavy traffic on beautiful summer days. York and SPD continue communicating with SDOT to enforce or re-write the cruising ordinance. This work continued into 2017.



North Precinct

In 2016, the numbers of homeless individuals living out of vehicles and RVs increased across the City, including in the Ballard area. Many

were trying to live without access to necessary utilities, garbage disposal and social services. The community’s growing frustration with crime, garbage and lack of parking increased the tension between the community and the vehicle inhabitants. To address the tension, the Mayor’s Office, assisted by SPD and the North Precinct Liaison Attorney, established a safe parking lot near the old Yankee Diner in Ballard. The goal was to provide a safe place for vehicle inhabitants to park their RVs while having access to water, power and social services.

Brendan Brophy, CAO’s liaison attorney in North, assisted SPD in identifying those vehicles that, while parking illegally, could best take advantage of the

PRECINCT LIAISONS DIVISION *continued*



Motels on Aurora



Powell Barnett Park on Martin Luther King Jr. Way

safe parking. Some criteria required that the inhabitants be free of outstanding warrants and would abide by all laws, including no drug possession. Once the initial evaluation was made, all vehicles were contacted, offered services, and then, if eligible, offered a spot in the safe lot. From the time the lot opened in late February through its closing in August, almost 40 vehicles took advantage of the safe parking and services provided by the city. Of those, all were connected with social workers and five entered either temporary or permanent housing.

Also in 2016, the City Attorney's Office used the Chronic Nuisance Ordinance to assist several motels along the Aurora Avenue North corridor become better neighbors. Seattle Municipal Code, section 10.09, is intended to require those properties that are a source of specific criminal activity, to correct the behavior that contributes to the criminal activity. Some of the qualifying activity includes prostitution, drug use, assaults and other, felony level crimes.

In the North Precinct, Brophy monitors many properties for chronic nuisance activity. The ordinance, SMC 10.09, was enacted in 2010 to provide the City with a mechanism to address problematic properties by identifying them as chronic nuisances and entering into a correction agreement with owners to abate continued crime.

Under SMC 10.09.030 the chief of police may declare a property a Chronic Nuisance when three or more nuisance activities occur within 60 days or seven or more nuisance activities within a year on that property. Nuisance Activities are defined as: Most serious offenses (any violent felony or felony with a deadly weapon), any drug-related activities, criminal conduct such as assault, fighting, prostitution, weapons violations, and gang activity.

Once a property is declared a nuisance the property owner must contract with the City and agree to take specific actions to correct the nuisance activities within a specific time.

Should the owner not agree or not follow through with the terms, the City will begin a court action and the property owner may face significant financial penalties, loss of business license or any other lawful remedies.

One area where the ordinance is commonly used is along the Aurora Avenue. In 2016, the North Precinct Liaison worked directly with three motels to help correct nuisance activity and help them become better neighbors.



East Precinct

The East Precinct welcomed **Nyjat Rose-Akins** as its Liaison Attorney in May 2016. Rose-Akins has been a part of the City Attorney's Office since 2010 and was excited to join the East Precinct to share her criminal law experience to better serve the precinct residents and business owners. Although she joined the unit mid-year she worked on multiple East Precinct specific initiatives.

Rose-Akins held trainings for East Precinct patrol officers to address the increasing homeless population sleeping and living in public parks. The park rules were not being followed and community members were complaining about the inability to use the parks for outdoor activity because of large amounts of trash and or sleeping individuals. Rose-Akins worked with officers to ensure they had the tools to enforce the Trespass in the Parks program so the parks could be better enjoyed by all during the spring and summer months.

Besides working with officers in the precinct, Rose-Akins also attended many monthly community meetings. The information gathered at these community meetings is an essential part of the City Attorney's Office commitment and continued collaboration with neighborhood partners. Through these meetings, Rose-Akins learns about issues that are most important to a specific neighborhood; one such example is when she worked with the First Hill Improvement District.

PRECINCT LIAISONS DIVISION *continued*



Rendering for Whole Foods and new development on First Hill



Derelict properties



Illegal narcotics

The First Hill community was very concerned with all the building construction in the neighborhood and wanted to make sure that a developer's proposed promise of open public space could not be taken away later. Through research and multiple communications with other City departments, Rose-Akins provided an answer within the Seattle Municipal Code and the master use permit issued by the City to the building developer.

Rose-Akins works closely with several neighborhood communities to make sure that City Attorney's Office and SPD understand the specific needs and concerns facing that neighborhood. One main issue that many East Precinct residents have voiced concerns about at these community meetings is the growing number of vacant buildings. Residents had been reporting an increase in large piles of garbage accumulating around these vacant properties. Rose-Akins worked with inspectors from the Department of Construction and Inspection to determine if the properties

were vacant. Inspectors found many transient individuals living in unsafe conditions. She collaborated with SPD, the Mayor's office and multiple other city departments to demolish dangerous vacant buildings. Rose-Akins is a member of a vacant building taskforce to address this problem in the East Precinct.

In 2016, the East Precinct saw another year of increased nightlife activity. As part of overall efforts to support businesses Rose-Akins went out with Joint Enforcement Task Force (JET) a few times and supported the nightlife public safety meetings. These meetings allowed nightlife management, security and SPD to share concerns and work together on nightlife activity.

Through this collaborative effort, Rose-Akins, Precinct Command staff, the director of City Office of Economic Development, JET, and club owners, were able to quickly address some serious public safety concerns and violent activity around and in a popular venue. After informing the owners of the violent

activity stemming from their establishment the venue partners agreed to close the nightclub before the expiration of their lease agreement.



High-Risk Victims/ Narcotics

Unlike the other liaison attorneys, **Heidi Sargent** is not geographically restricted. That's because her title,

Narcotics and High-Risk Liaison, takes her all over Seattle.

In 2016 Sargent worked on addressing prostitution-related crimes in the City through several approaches. She worked with SPD on major initiatives to arrest and charge sex buyers for the crime of Sexual Exploitation, formerly known as Patronizing a Prostitute. SPD saw the most successful operation in 2016, resulting in 204 arrests over eight days.

Sargent also worked in coordination with the King County Prosecutor's

Office, other City departments and various non-governmental agencies, including service providers and anti-trafficking groups. In coordination, several diverse efforts to end crime related to commercial sexual exploitation in our City were launched, while addressing related criminal activity. Sargent also got tougher penalties for the crime of Sexual Exploitation, while working to remove legislative barriers that inhibit exit from prostitution.

In addition, Sargent worked on addressing narcotics-related crime, and other felonies, including Commercial Sexual Exploitation of a Minor through the state's forfeiture laws. She also worked on seizure cases involving major illegal narcotics manufacturing and sales operations, generating hundreds of thousands of dollars to assist in law enforcement's efforts to combat crime in the City.

CIVIL DIVISION



The Civil Division of the City Attorney's Office is the City's law firm. Daily, the 60-plus division lawyers provide legal advice and representation on a wide range of issues, from constitutional law to affordable housing, from police reform to environmental cleanups,

from collective bargaining rights to bond financing. As the City's in-house law firm, the Civil Division provides high-quality legal advice and litigation services without the high price tag of a private law firm.¹

¹ Civil Division assistant city attorneys and paralegals logged 132,696 hours in 2016. Assuming a blended rate of \$249 per hour, the cost of outside counsel for that time would be \$33,041,304. Given that personnel in the Civil Division cost the City about \$109 per hour

on average (including overhead and benefits), the City's in-house law firm saved the City over \$18.5 million in legal fees in 2016.



City Hall



North Transfer Station in Wallingford

Civil Division attorneys also recover money for the City in taxes, damages and enforcement penalties. In 2016, the Division's collections attorney recovered \$688,601 owed to the City. Division attorneys represented the City's Finance & Administrative Services Department in disputed tax assessments resulting in the collection of over \$3.1 million in disputed taxes. And the Regulatory Enforcement and Economic Justice Section obtained over \$1.2 million in judgments, and collected \$242,922 in penalties and fees for civil code violations.

The Civil Division is divided into seven sections, each dedicated to a key area of legal responsibility for the City. The sections are Contracts and Utilities; Employment; Environmental Protection; Government Affairs; Land Use; Regulatory Enforcement and Economic Justice; and Torts. A representative sampling of the cases and projects handled by each section in 2016 follows.

CONTRACTS AND UTILITIES

The Contracts and Utilities Section consists of 12.5 attorneys—one of whom is shared equally with the Environmental Protection Section, three paralegals and two legal assistants. The section provides legal advice, handles litigation, drafts agreements and legislation for all City departments in support of a wide variety of capital projects, real property transactions, purchasing,

and intellectual property matters that help the City carry on its business operations. This section also provides advice to the City's own electric, water, drainage and solid waste utilities—Seattle City Light (SCL) and Seattle Public Utilities (SPU). Clients frequently draw upon the practical and business experience of section lawyers as well as the particularized knowledge of the utilities lawyers to support the complex operations of the City, its utilities and any resulting litigation.

REPRESENTATIVE PROJECTS AND CONTRACTS

Annexation

Section attorneys advised City leaders on the annexation of two small areas of unincorporated King County that lie along the west bank of the lower Duwamish, namely the "triangle" and the "sliver on the river."

As discussed in the Precinct Liaison Section, annexation will reinforce the need to restore a fifth precinct liaison in order to provide one full-time Assistant City Attorney to the expanding Southwest Precinct. Historically carved from the South Precinct, the two precincts have shared a single liaison since the Great Recession. Annexation will further build the case for two separate liaisons.

Bonds and Debt Financing

Section attorneys worked with the Department of Finance and Administrative Services (FAS) and outside

bond counsel to issue approximately \$650 million worth of new money and refunding general obligation and revenue bonds for the City in 2016. Section attorneys also assisted FAS with a competitive procurement for bond counsel services and to defease bonds related to the sale of the Pacific Place Garage. Section attorneys also assisted SPU with state revolving fund loans.

Cable Franchises

Section attorneys advised the Seattle Information Technology Department in negotiating and finalizing a settlement agreement with Wave Division I (Wave), under which Wave agreed to deploy Wi-Fi service in a specified underserved Seattle area. Wave deployed the Wi-Fi 33 system in a low-income area in lieu of paying disputed liquidated damages that the City had assessed for failure to meet customer service standards. Section attorneys also advised on issues that have arisen in the implementation of the City's recently renewed cable franchise with Comcast, and the City's new cable franchise with CenturyLink.

CAISO Energy Imbalance Market

Section attorneys advised City Light as it considered joining the California Independent System Operator's energy imbalance market. An energy imbalance market appears to have a strong potential for benefitting City Light by not only creating new counterparties in

CIVIL DIVISION *continued*



Myrtle Edwards Park and Seattle Art Museum Sculpture Park



Pronto Bike Share

the within hour market, but also preserving existing transactions that might otherwise move to the California Independent System Operator's energy imbalance market. Section attorneys helped City Light negotiate an Implementation Agreement with the CAISO as the initial step towards entering the market.

Donation from Harriet S. Bullitt

Section attorneys assisted the Seattle Public Library with Harriet S. Bullitt's donation to the library of her complete 20-volume edition of Edward Curtis' documentary of Native American culture, entitled *The North American Indian*. Curtis' collection is both culturally significant and extremely rare. This was a major addition to the library and to the cultural resources of the City.

Incident Command Activations

Section attorneys worked with SPU during an activated incident command structure to manage a potential water quality issue involving lead.

Interdepartmental Team for Telecommunications and Pole Attachment Issues

Early in 2016, the City convened an Interdepartmental Team to address challenges caused by the increasing demand from the telecommunications industry seeking access to City assets and the City's desire to support

the region's expanding telecommunications systems. These challenges are complex and affect many City departments, as the City struggles to balance the competing needs for the use of limited and valuable right of way and City assets, while also maintaining public safety, upholding the law, providing equitable access and preserving community aesthetics. Advice from section attorneys helped to create a coordinated and focused approach aimed at further identifying and resolving these challenges.

Joint Use of Seattle City Light Poles

Section attorneys continued to advise City Light regarding requests for wire attachments on poles jointly owned by the City and other entities. Section attorneys also advised City Light regarding wireless attachment requests, which requests are becoming much more frequent with technological advances such as "small cell" facilities, "distributed antenna systems" systems, and other next generation wireless technologies. Wireless attachment applications have at least quadrupled over the last year. The telecommunications industry continues to challenge the City's rules and requirements for placing infrastructure on City poles, and section attorneys advise City Light as it works to accommodate this need while also protecting its poles, meeting safety requirements and limiting its liability.

MUNI/PUD Attorneys' CLE Chairs

Section attorneys chaired 2 full-day CLE programs for a voluntary group of municipal and public utility district attorneys throughout the state.

Myrtle Edwards Park Agreement with the Seattle Art Museum

The City has had an Operation and Maintenance Agreement with the Seattle Art Museum (SAM) since 2006 for SAM to provide various services relating to the embayment (indentation in the shoreline) located within Myrtle Edwards Park, and along a portion of Alaskan Way Boulevard. Through negotiations with SAM, and with the approval of the City Council by ordinance, this agreement was amended to provide SAM with the authority to enforce City park rules and regulations governing public conduct in the Embayment area and along the affected area of Alaskan Way Boulevard. Section attorneys assisted the Department of Parks and Recreation with the negotiations, amendment and ordinance.

Pronto Bike Share Project

Section attorneys continued to assist the Department of Transportation (SDOT) with this project throughout the year and into 2017, when the project was terminated.



Viaduct replacement program



Marine mattresses help create shallow water habitat near seawall

Rainwise Rebate Program

Section attorneys advised SPU on this rebate program for several years, which provides rebates to property owners who agree to install rain barrels or raingardens to reduce the flow of stormwater into the utility's sewer system.

Trust Water Right Donation

Under a comprehensive settlement agreement with the Muckleshoot Tribe relating to the Cedar River water right claim, the City agreed to donate a portion of its water right into the State Trust Water Right program. Section attorneys provided advice to SPU on this transaction, carefully navigating Ecology's program and process for acceptance of the water right donation.

Utility Discount Program

Section attorneys assisted a number of City departments in completing code changes and a Memorandum of Understanding with the Seattle Housing Authority that allowed approximately 10,000 more low-income utility customers to be auto-enrolled into the Utility Discount Program.

Alaskan Way Viaduct Replacement Program

Section attorneys continued to advise City Light and SPU on issues regarding the protection and relocation of their facilities, and other issues involved with implementing the City's contracts with the Washington

State Department of Transportation (WSDOT) for the Alaskan Way Viaduct Replacement Program. In 2016, this work focused on advising the utilities about WSDOT's contractual financial obligations for WSDOT's Bored Tunnel Project; assisting the utilities in attempting to resolve disputes with WSDOT; and strategizing with the utilities on how to best protect City infrastructure from impacts of the current Bored Tunnel Project as well as WSDOT's upcoming Viaduct Demolition Project.

Elliott Bay Seawall Replacement Project

The City's \$410 million Elliott Bay Seawall Replacement Project commenced construction in late 2013 under complex contracts developed with section attorneys in a lead role. This project includes significant utility reconstruction work and coordination. The project proximity to the state's project requires close coordination with the state on its tunnel project and ferry operations at the Colman Dock, and section attorneys were heavily involved in those issues. During 2016, section lawyers worked with SDOT to negotiate a comprehensive settlement with its contractor, Mortenson Manson Joint Venture. The settlement resolved hundreds of disputes, totaling more than \$43 million in claims. This included resolving a significant claim by a subcontractor arising from the failure of a sheet pile containment

wall, and numerous delay and impact claims. The settlement helped the City avoid expensive and time-consuming litigation, and set the stage for the successful completion of the project.

Real Estate Acquisitions

Section attorneys have worked with the City's Office of the Waterfront on real estate and real property rights acquisitions necessary to construct the Waterfront Project improvements and construction of the new roadway to serve the Waterfront area.

Wholesale Water Supply Contracts

Section attorneys assisted SPU to negotiate and implement various agreements with wholesale customers, including updates to wheeling charges, a meter study, conservation partnerships, and coordination protocols.

Other Work

Section attorneys worked with SPU and the Port of Seattle in negotiating a multi-faceted interlocal agreement in response to the Port's creation of a new stormwater utility. The agreement between the City and port included a comprehensive financial settlement, allocation of intertwined infrastructure ownership, a dispute resolution process and a detailed indemnity clause to protect the City's interests.

REPRESENTATIVE LITIGATION

City Light Safety Citation Appeals

Section attorneys successfully resolved two City Light safety citations, including reductions of fines and dismissal of penalties, after filing appeals with the Board of Industrial Insurance Appeals.

Condemnation

Section attorneys instituted condemnation actions for real property acquisitions in 2016.

Sound Transit v. the City

Section attorneys defended multiple condemnation actions brought by Sound Transit attempting to condemn all interests in portions of City Light's 100-mile electric transmission corridor running from its Skagit hydroelectric projects in Skagit and Whatcom counties down to City Light's Maple Valley substation. The issue of whether Sound Transit has the authority to condemn municipal property is currently on appeal.

The City v. WSDOT and STP

Section attorneys have filed a lawsuit against WSDOT and its contractor Seattle Tunnel Partners (STP) for damage to SPU water mains in Western Avenue, between Yesler Way and Madison Avenue, and elsewhere in Pioneer Square. Because of the damage, the water main in Western Avenue had to be replaced.

EMPLOYMENT

The 10 attorneys in the Employment Section help the City's executives, managers and human resources professionals navigate the complicated matrix of employment laws, collective bargaining agreements, civil service regulations and City policies that apply to nearly 13,000 City employees.

Section attorneys also defend the City (and sometimes its employees) in court, before administrative agencies, in arbitration and in mediation. As

counselors, they help their clients comply with the laws and contract obligations. As litigators, they stand behind their clients, advocating for the City's best interests.

Advice

An employee has alerted management to incidents that may constitute sexual harassment—who should investigate? How? And what about the counter-allegations of discrimination? A City department is reviewing its salary structure for possible correlation to gender bias—what are the pitfalls? An employee complains of assault, and the alleged assailant says it was a joke—just a “birthday spanking.” What happens next? What are the City's obligations and options?

Employment Section attorneys consider such questions daily. The attorneys strive to provide solid, pragmatic legal advice that allows City operations to proceed efficiently and fairly. The Employment Section attorneys monitor developments in diverse aspects of employment, labor, and workers' compensation law. The attorneys call upon their expertise on such topics as the Americans with Disabilities Act, the Washington Law Against Discrimination, wage and hour laws, personnel rules, workers' compensation statutes, and the Washington and U.S. Constitutions.

In 2016, section attorneys continued to assist the Seattle Police Department (SPD) implement and manage its disciplinary system through an employment attorney and legal assistant located within the department. Employment attorneys helped HR units deal with complicated disability-accommodation issues and advised managers as they sought to improve employee performance. They provided highly specialized and technical advice on management of workers' compensation cases. They also continued to engage with elected officials, advocates and City employees to enhance the City's work in local labor-standards regulation.

Litigation

Employment Section attorneys represent the City in federal and state courts—from the initial response to lawsuits, through extensive discovery, in motion practice, through trial and all appeals. The attorneys provide the same service in administrative forums, including the Public Employment Relations Commission, both of Seattle's Civil Service Commissions, in arbitration, and in any other arena that employees or unions might press their claims.

2016 presented the Employment Section with a number of time-intensive jury trials, in addition to its typical administrative caseload. Following are a few examples of the section's 2016 cases:

Jury Trial: Employee sues for disability discrimination; City prevails at trial

A SPU employee failed a fit-for-duty drug test and received a 30-day, last-chance suspension. A short time later, the City facilitated a transfer of the employee to SDOT as a disability accommodation. Soon SDOT suspected that the employee might be impaired at work and directed her to submit to another fit-for-duty exam. Although stories differed regarding the precise circumstances, the employee never took the test, and SDOT terminated her.

An Employment Section attorney represented the City before a jury in King County Superior Court, with the assistance of outside counsel and in-house support staff. Following weeks of testimony, cross-examination, evidentiary battles and motions practice, the jury deliberated. The City's case was compelling, as indicated by the short deliberation period (around three hours). The jury ruled in favor of the City on every issue.

Jury Trial: Seven employees sue for discrimination; City prevails at trial

SPU conducted an internal investigation into its customer-service unit to determine whether account

CIVIL DIVISION *continued*

representatives had modified their own utility accounts (water, sewer and electricity) or the accounts of family members. Some employees had engaged in this improper behavior, and SPU implemented varying degrees of discipline, based on culpability and harm. Seven employees responded by suing in King County Superior Court, alleging that SPU's investigation and discipline were motivated by invidious race discrimination and by retaliation for the employees' signatures on a petition. The City hired a law firm to defend the case along with a section attorney and paralegal.

The jury trial spanned nearly four weeks in the summer of 2016. The seven plaintiffs testified on their own behalf. The City presented numerous witnesses to show that the SPU initiated and conducted the investigation for good business reasons in accordance with the utility's mission responsibly to serve the public. Further, the individual disciplinary decisions were made according to objective factors, and varying outcomes stemmed from varying circumstances. An employee who received a financial benefit from the transactions, for example, received much more severe discipline than an employee who merely made non-financial changes to their utility accounts (such as an address change). In the end, the jury ruled for the City on all counts brought by all plaintiffs. The case is now on appeal.

Workers' Compensation

During 2016, the Workers' Compensation practice group continued to process a high volume of cases. Some cases are routine, involving such disputes as disagreement over the cause of medical problems (was it work-related or not?). Other workers' comp cases are more complex and unique. In one, the City obtained a ruling from the state Labor and Industries Department that an employee had engaged in workers' compensation fraud. The Employment Section's goal is to help the City's workers' compensation unit fulfill its primary mission, which is to

ensure that employees get the benefits to which they are entitled, while at that same time, responsibly protecting the City's resources from invalid claims.

Alternative Dispute Resolution

Employment attorneys frequently assist City clients in mediation efforts with employees, both prior to and during litigation. In one case, for example, a library employee sued in federal court, claiming that she had not been promoted because her age, race, gender and disability. She also contended that the library had failed to accommodate her disability. The library's defenses to the claims were solid. Nevertheless, during the litigation process, it became apparent that the employee's and the City's interests would best be served by compromise. The City worked with a mediator and reached an agreement that terminated the lawsuit. The employee decided not to return to work, and the City provided a reasonable amount in settlement.

Training

Employment attorneys have continued to lead and assist with training for other City employees. These training sessions occur through the City's Department of Human Resources or directly through individual departments. Employment attorneys take an active role in helping plan and develop training programs.

ENVIRONMENTAL PROTECTION

The City began an unprecedented environmental case against Monsanto in 2016. From the mid-1930s to the late 1970s, Monsanto was the only commercial manufacturer of polychlorinated biphenyls (PCBs) in the United States. PCBs were used in electrical equipment to prevent explosions and fires. They also were used in caulk, paint for striping highways, and everything from jewelry to insecticides. Just a few years after beginning production of PCBs, Monsanto's own documents show the company knew PCBs were toxic. By the 1960s the

company knew that PCBs were leaching and vaporizing out of many products and ending up in rivers and bays, where they were contaminating fish and shellfish. PCBs have been linked to many illnesses in people and wildlife.

The City's goal is to have Monsanto pay for addressing PCB contamination instead of the residents and businesses in Seattle. The case is set for trial in 2019 before Judge Robert Lasnik, a federal judge in Seattle.

Another major project for the Environmental Protection Section is the ongoing "allocation" process for the Lower Duwamish Superfund Site. The allocation is a voluntary, confidential process involving the City and other parties that EPA considers "potentially responsible" for contamination in the waterway. When an allocation is successful, some parties agree to implement the cleanup that EPA has selected while others "cash out" by paying money into a fund for the cleanup. This kind of process is usually faster and less expensive than having parties sue each other.

Daily, the 3.5 section attorneys answer questions on topics such as: Who should pay for cleaning up a spill in a City street? How can the City protect itself from buying property that turns out to be contaminated? What is required by the City's permits for its drainage and combined sewer systems? They review new environmental regulations and explain them to the people who must comply with them. Environmental law is always evolving, making the section's work both challenging and rewarding.

GOVERNMENT AFFAIRS

The City faces numerous legal challenges related to the powers and duties of local government, such as free speech, the release of public records, the power to tax, the ethical behavior of public officials, the conduct of elections and the regulation of business.



Seattle taxis, Uber

These attorneys provide legal advice and litigate cases concerning a wealth of issues, including requests for government records; the regulation of taxis, transportation network companies, and drones; drafting laws concerning discrimination, minimum wage, and protecting workers against wage theft; and the collection of business taxes and debts owed to the City. Below is a small sampling of the work they performed in 2016.

MUNICIPAL ISSUES

Transportation Network Companies

Government Affairs attorneys assist in drafting legislation and defending lawsuits to ensure safety and fairness in the for-hire vehicle industry, which includes taxis, limousines and now the sector of the new “gig economy” involving network transportation companies like Uber and Lyft.

Collective bargaining lawsuit

Section attorneys successfully defended the first challenge to Seattle’s new ordinance that requires transportation network companies like Uber and Lyft to collectively bargain with their drivers. The U.S. Chamber of Commerce brought the lawsuit but did not show that any of its members were affected by Seattle’s law, nor could it show that its claim was ripe when certain requirements of the ordinance had not

yet taken effect. As a result, U.S. District Judge Robert Lasnik dismissed the lawsuit.

Release of TNC information

Section attorneys successfully defended the public’s right of access to records provided by Lyft and Uber to the City. Transportation network companies like Lyft and Uber are required to provide certain information under City law. Both Lyft and Uber sought to prevent the City from disclosing records to an individual who had requested them as public records. After a contentious trial, the judge ruled that although some pieces of information in the records were trade secrets, others were not, and could be publicly disclosed.

Civil Rights

The Government Affairs Section assists in protecting vulnerable populations from discrimination in housing, employment and public accommodation, and assists in helping the City Council and Mayor in passing laws that protect the rights of workers to receive fair wages, compensation and working conditions.

Reasonable accommodation for a victim of domestic abuse

A Government Affairs attorney successfully obtained rulings from the Seattle Hearing Examiner and the King County Superior Court that the Seattle Housing

Authority (SHA) wrongfully denied a Section 8 recipient of a reasonable accommodation. SHA has appealed and the section continues to defend the case.

Civil Rights legislation

Government Affairs attorneys assisted the City Council and Mayor in drafting City ordinances that protect vulnerable and protected populations and that protect workers’ rights to receive fair compensation and to protect them against discrimination. This includes:

- **Secure scheduling** - Section attorneys assisted in drafting an ordinance that provides workers with the right to have predictable work schedules and appropriate compensation when asked to work outside of or beyond the notice required under the ordinance.
- **Open Housing ordinance** - Section attorneys assisted in drafting an Open Housing ordinance that prohibits landlords from rejecting tenant applicants based on income source.
- **Ban on Conversion Therapy** - Section attorneys assisted in drafting an ordinance that prohibits practices or treatments that seek to change an individual’s sexual orientation or gender identity.
- **Comprehensive penalties for violating labor standards** - Section attorneys assisted in drafting an ordinance that provides a comprehensive set of

CIVIL DIVISION *continued*

standards and civil penalties for enforcing Seattle's laws on minimum wage, paid sick and safe time, the use of criminal history in employment decisions, and wage theft.

Public Records

Litigation

Government Affairs Attorneys worked on numerous litigation matters regarding the Washington Public Records Act. This includes numerous third-party trade secret cases in federal and state court in which attorneys worked to ensure that the City was compliant with its responsibilities to provide disclosable records regarding City contracts and to protect documents that are exempt from disclosure.

Government Affairs attorneys also defended appeals of previous court rulings in the City's favor, including a case where a court ruled that the City substantially complied with numerous vexing public records requests by a City employee seeking to support her related employment discrimination case against the City, and a case in which the trial court ruled that the City properly struck a balance in releasing redacted videos of the fatal shooting that occurred at Seattle Pacific University in 2014.

Section attorneys also successfully defended three cases against one requestor of public records:

- a case in which the City provided numerous and voluminous records to the requestor who claimed that the City Attorney's Office wrongfully withheld non-existent records that would have supported a false claim that the City Attorney used City resources to speak at Seattle Hempfest in favor of a citizen's initiative to legalize recreational marijuana;
- a case in which the City substantially complied with the requestor's request for records concerning

an audit commissioned by the City Council of the Mortgage Electronic Registration System.

- A case in which the requestor wrongfully accused the City of colluding with the victims of the Seattle Pacific University shooting in obtaining a court order delaying the release of the redacted videos.

Gov QA

Government Affairs attorneys also assisted in the implementation of the Gov QA public records system, which now offers a web-based portal that streamlines the public records process, allowing members of the public to submit their requests online, and to track online the progress of their requests.

Taxes

Government Affairs attorneys defend against all challenges to the assessment of taxes on persons who do business in the city.

Firearms and Ammunition Tax

In 2015, Government Affairs attorneys assisted in drafting an ordinance imposing a business tax of \$25 for every firearm sold and \$0.05 for every round of ammunition sold. The National Rifle Association and others sued the City. Section attorneys defended the lawsuit and, in December 2015, obtained a ruling from the King County Superior Court defeating the NRA's challenge. The NRA appealed and the City's attorneys continue to defend on appeal. The case is pending before the Washington Supreme Court.

Collections

Collections Unit

This unit of the Government Affairs Section collects debts owed to the City by taking debtors to court. In 2016, it assisted the City in collecting \$688,601.14, by sending demand letters, filing lawsuits, entering and extending judgments, and negotiating settlements.

LAND USE

The Land Use Section helps City elected officials and staff plan for growth and development, adopt development regulations (from zoning, building, and electrical codes to critical areas protections and historic preservation), decide applications for land use permits, build City facilities and public infrastructure, and fund low-income housing projects. The section's eight lawyers and two staff members assist their clients through advice and litigation in venues from the City Hearing Examiner, to the Washington Supreme Court, to federal courts.

Advancing City goals

The section continues to advance the City's Housing Affordability and Livability Agenda (or HALA) on many fronts. Section attorneys shepherded framework legislation and supporting findings to the City Council to adopt mandatory housing affordability programs, crafted "upzoning" ordinances and environmental review documents to implement those programs, and reconciled new affordable housing legislation with existing ordinances.

Seattle benefits tangibly from the section's work to secure affordable housing funding. Developments across the City—comprising hundreds of units—exist or are in the works in part because of the section's efforts in 2016 involving complex funding laws, from low-income housing and new markets tax credits to Section 108 loans and State Housing Finance Commission bond financing.

Section attorneys advised Council members on a range of proposals to protect tenants from unfair rental practices, and helped City officials craft lawful homeless encampment policies.

Section attorneys continue to assist the City's Waterfront Office and other departments realize a once-in-a-generation opportunity to shape a prominent part of the City's urban core from Pioneer Square to Belltown after the removal of the Alaskan Way Viaduct

CIVIL DIVISION *continued*

and replacement of the Elliott Bay Seawall. The section's work in 2016 focused on the issuance of the draft and final environmental review for the project, and defending challenges to that review.

Defending City actions

As allowed by state law, Seattle does not require public notice for every land use permit application or decision the City makes. A group upset by that sued the City in federal court, claiming a due process violation and seeking damages and a change in City law. Section attorneys defeated the claim in the trial court and then again before the Ninth U.S. Circuit Court of Appeals.

On another legal front, the University of Washington believes it does not have to comply with local land use laws and has asserted that its Board of Regents has full control over University property. Concerned the City might apply its landmarks preservation law to the campus, UW sued the City to try to prove the City lacks authority to impose its landmarks and other land use laws. Section attorneys are now before the Washington State Court of Appeals to defend the City's authority.

The City's Just Cause Eviction Ordinance protects tenants by allowing landlords to evict only for certain "just causes," among them that the owner or the owner's family intends to occupy the unit. When one Seattle landlord invoked that cause to evict a tenant, a tenant objected on the grounds that the landlord's intent was a sham. But the trial court and Washington Court of Appeals ruled the tenant had no right under the City ordinance to challenge the landlord's cause. When the case came before the Washington Supreme Court, section attorneys submitted a "friend of the court" brief to explain how the lower courts misread the City ordinance. Citing the City's brief, the Supreme Court ruled in favor of the tenant and reversed the lower courts.

REGULATORY ENFORCEMENT AND ECONOMIC JUSTICE

The Regulatory Enforcement and Economic Justice (REEJ) Section was created in 2015 to centralize civil enforcement of all City regulations and to collaborate with other City Departments on overlapping public safety issues. REEJ is staffed by five attorneys, one paralegal and one legal assistant. REEJ primarily litigates cases referred from the Department of Construction and Inspection (SDCI), Office of Labor Standards (OLS), Office of Civil Rights (OCR), FAS, SDOT, Fire Department and Department of Neighborhoods. REEJ attorneys also provide advice related to code enforcement and review ordinances containing enforcement provisions. In addition to enforcement work and interdepartmental collaboration, REEJ attorneys represent the Seattle Police Department when officers seize and forfeit property from drug traffickers. The REEJ director supervises the Precinct Liaison Program.

The cases referred from SDCI involve violations of the Housing, Building, Shoreline, Land Use, ECA and Technical Codes (Grading, Electrical, Plumbing, etc.). REEJ attorneys are currently litigating 50 SDCI cases and in 2016 obtained judgments in the amount of \$1,231,093.

REEJ is responsible for providing advice to OLS and enforcing the minimum wage, paid sick and safe time, wage theft and scheduling ordinances. REEJ is currently litigating eight OLS cases and has obtained judgments and/or settlements in five cases.

OCR relies on REEJ for advice and enforcement of the housing, employment and public accommodation discrimination ordinances. In 2016, SOCR referred 16 discrimination cases to REEJ, and eight have been resolved. Resolution usually includes payment of penalties, damages to the injured party and anti-discrimination

training. With the 2016 enactment of a new housing discrimination ordinance that provides additional anti-discrimination protections for renters, the REEJ workload is expected to significantly increase in 2017.

REEJ also provides advice to FAS and represents FAS at all legal proceedings involving violations of City marijuana regulations, TNC/limo/taxi regulations, and business licensing regulations. REEJ attorneys also represent FAS when decisions to deny or revoke permits are appealed and animal control dangerous animal determinations are contested.

In addition to providing enforcement advice and representation, REEJ has played an integral role in the Vacant Building Workgroup and the Code Compliance Team. Both are interdepartmental teams focusing on solving problems impacting the public and specific neighborhoods.

As 2016 ended, REEJ responsibilities expanded to include SPD narcotics forfeiture work. REEJ is currently litigating 33 civil narcotics forfeiture cases on behalf of SPD. REEJ also took over supervision of the Precinct Liaison Program, which is composed of four attorneys assigned to specific precincts.

TORTS

The Torts Section defends the City against lawsuits brought by plaintiffs who allege the City caused personal injury or property damage and seek money damages. The section also defends individually named employees where the facts in the suit arise out of the employee's course and scope of employment. Besides defending lawsuits, the section takes a lead role in pursuing large damage claims on behalf of the City for damages due to the negligence of one or more persons or entities. The section also pursues insurance companies when they fail to accept the City's tenders of defense. The section has 12 attorneys, 3 paralegals and 3 legal assistants.

CIVIL DIVISION *continued*

The section opened 82 new cases and 37 project files in 2016. The number of new cases is higher than in the previous several years (2012 through 2015), during which the number varied between 60 and 74. However, one significant incident (the Ride the Ducks collision on the Aurora Bridge) led to the filing of multiple lawsuits with multiple plaintiffs (3 lawsuits filed in 2015 and 19 in 2016). If that incident were treated as one new case, the total opened in 2016 would be at the low end of the range during recent years.

The City, including the City Attorney's Office, continues to focus attention on loss prevention efforts. The Torts Section has also increased its risk management practice in recent years. The section is frequently involved with assessment of claims filed against the City and with general assessments of risk. Those efforts appear to have helped reduce the overall number of lawsuits against the City.

Risk Management

The Torts Section works extensively with operating departments and with the City's Risk Manager on liability issues. The section focuses much of its attention for risk management purposes on the operating departments that are most frequently involved in litigation due to the nature of their work. Those departments have historically included, and continue to include, the Police Department, the Department of Transportation, Seattle Public Utilities, Parks and City Light. The section also provides direct training to operating departments on risk management techniques and approaches. While this advisory work requires significant effort, it appears to reduce lawsuits and liability exposure, not just in terms of settlements or judgments but in overall litigation costs.

Personal Injury and Property Damage Litigation

The section's cases typically involve matters ranging from relatively minor and resolved injuries to allegations

of wrongful death and catastrophic injury cases. The section also handles property damage cases. In cases handled during 2016, the underlying facts included allegations of injuries resulting from negligent road design, sidewalk trip and falls, automobile accidents, bicycle accidents, premises liability, negligent supervision of a Municipal Court probationer, and various allegations against police officers such as excessive force and false arrest. Property damage cases included allegations of violation of Washington's call-before-you-dig law, surface water flooding, sewer backups and landslides. One police action case was tried to a jury during 2016, and one road design case was tried to a jury.

Cases/Appeals/Projects of Interest

Reynoldson v. City

This case involves allegations that the City is in violation of the Americans with Disabilities Act. Plaintiffs allege that the City has insufficient numbers of curb ramps on its sidewalks. This case is pending at the trial court.

Sher Kung claim

This fatal bicycle/truck collision involving allegations against the City of negligent road design was resolved at the claim stage (prior to a lawsuit being filed) with extensive involvement by the section attorneys.

Quintanilla v. City

This lawsuit arising out of a bicycle/truck collision included allegations of negligent road design against the City. The case was tried to a jury during 2016 and resulted in a verdict in which the City, the bicyclist and the truck driver were each found to be partially at fault.

Lawsuits arising out of the Ride the Duck collision on the Aurora Bridge

Many injuries and several deaths resulted from the tragic accident between a Ride the Duck vehicle and a motor coach containing college students. Most of the

lawsuits, in addition to suing Ride the Duck Seattle and Ride the Duck International, also include allegations against the state and the City for negligent road design. Discovery is under way in these lawsuits.

Hor v. City

The *Hor* case was tried to a jury during 2013 and resulted in a complete defense verdict for the City and a verdict of over \$17 million against the speeding driver. This case involves a claim that the City negligently conducted a police pursuit of a speeding vehicle that crashed into a wall, leaving the passenger injured. In 2015, the Court of Appeals affirmed the jury's verdict in favor of the City, and the plaintiff's petition for review was denied by the Washington Supreme Court.

Sluys v. Seattle

The plaintiff slipped and fell on a utility vault cover in this case and alleged City negligence caused the fall. The case was dismissed by the trial court. The case is pending on appeal.

Advice

Besides the section's risk management work described above, the section routinely advises other Law Department sections and City departments on numerous issues. In 2016 the section worked on several significant issues including: the Triad Civic Square Project; homelessness; unauthorized tree cutting; underground utility damage; and assorted insurance issues.

Insurance Coverage Tenders

One of the City's primary risk management tools is its additional insured status under insurance policies issued to the City's contractors, concessionaires, vendors, permittees and those who hold events on City rights-of-way under street use permits. In 2016, the section's attorneys aggressively asserted the City's interests in insurance coverage often in the face of denial or delay.

CIVIL DIVISION *continued*



Disaster Planning and Emergency Operations Center Legal Support

Section attorneys provide legal support to SPD's Emergency Management Section. They help staff the City's Emergency Operations Center, provide legal support during emergencies and participate in training activities throughout the year.

Police Action Litigation

Most of the police professional litigation continues to be handled in-house, with a small percentage of cases being handled by outside counsel mostly due to conflict situations. During 2016, 9 police action cases and 8 projects were opened. Of those new cases, all were assigned in-house.

The decision to bring police action work in-house continues to prove successful. In 2016, our Police Action Team obtained multiple dismissals and advantageous settlements. Eight cases were closed without payment and in two other cases the claims against the City of Seattle were dismissed with prejudice. Six cases were settled for amounts ranging from \$16,000 to \$195,000, for a total of \$431,621.92. The City also paid the *Wingate* judgment of \$325,000 (described below).

To avoid potential conflicts, the office continues to retain outside counsel to handle inquests into officer-involved

incidents. During 2016 outside counsel handled one inquest into a shooting death. The inquest did not result in any materially adverse findings against officers.

Police Action Cases of Interest

Wingate

The *Wingate* case was tried to a jury during 2016 by outside counsel. The plaintiff claimed an SPD officer violated his constitutional rights during an encounter in which the officer arrested him for obstruction. Prior to the trial, the District Court granted the City's motion for summary judgment, finding that the plaintiff could not prove that the City was vicariously liable for the defendant officer's conduct as a matter of law. After a jury trial, the jury returned a verdict in favor of the plaintiff in the amount of \$325,000. Plaintiff had sought \$750,000 in compensatory damages and additional punitive damages. The City decided not to appeal from this verdict.

Appeals of Interest in Police Action Cases

Morales

The *Morales* case arose out of an arrest on May Day 2012. Plaintiff claimed that excessive force was used against her during May Day 2012 and that she was falsely arrested. This case was tried to a jury in federal court. The jury found for defendants on all claims but one and awarded \$0 on that one claim. The court then changed the award

to \$1 in nominal damages (since an award of nominal damages must follow from the one claim found in favor of plaintiff) and then awarded attorney's fees to the plaintiff. The City's appeal to the Ninth Circuit is pending.

Mahoney

In the *Mahoney* case, SPD employees challenged the department's comprehensive use of force policy on the grounds that it violated their constitutional rights under the 2nd, 4th and 14th Amendments. Defendants moved to dismiss this matter before U.S. District Judge Marsha J. Pechman, and defendants' motion was granted in its entirety and the case was dismissed with prejudice on Oct. 17, 2014. Plaintiffs appealed that decision to the Ninth Circuit, and that appeal will be heard in May 2017.

Consent Decree

Attorneys on the Police Action Team continued to work with SPD and the City at-large to implement the consent decree between the City and the U.S. Department of Justice. In 2016 this work included drafting and reviewing policies, developing SPD training on a variety of topics, representing the City in meetings with the court-appointed monitoring team and DOJ, articulating the City's position at court conferences, and participating in the assessments of various elements of SPD which resulted in findings of initial compliance. Police action attorneys continue to attend most meetings



on DOJ-related issues, Use of Force Review Board sessions, and Force Investigation Team reviews of serious incidents such as officer-involved shootings. The Police Action Team also continues to work with the department to implement data systems and analytical measures to track the extent to which policy reform materializes into improved practices and stronger relationships with the community, particularly regarding stops and detentions and persons in crisis. Finally, the Police Action Team was involved in the drafting of legislation to reform the City's police accountability systems. This legislation will be considered by the City Council in 2017.

Other Police Work

Police Action attorneys are tasked with reviewing, revising and drafting ordinances relating to the criminal justice system, police reform and accountability, and civil rights. The team also regularly provides advice to the Mayor's Office, the City Council, the Seattle Municipal Court, and a number of executive departments.

Attorneys on the Police Action Team have taken the lead in providing legal advice to the Office of Emergency Management (OEM). They acted as first responders in a host of emergency scenarios, including May Day and various protests, providing real-time legal assistance and expertise. The team continues to work

closely with the Mayor's Office in drafting emergency orders and proclamations, and provide risk assessments when requested.

Team attorneys regularly attend local police advisors' meetings that bring regional attorneys together to discuss issues in law enforcement. They also attend local and national law enforcement conferences.

CRIMINAL DIVISION



The Criminal Division welcomed a new chief in 2016. Here is Kelly Harris' report:

In 2016, the Criminal Division of the Seattle City Attorney's Office experienced significant growth and exciting change. I have had the honor and privilege of being selected by City Attorney Pete Holmes to lead this awesome division, and given by him the autonomy and flexibility to restructure the division to reflect

our shared vision. The Criminal Division strives to bring cases through our system faster and more efficiently, but with creativity, fairness and compassion. This was the goal of the reorganization our division embarked upon in the summer of 2016, and after a few adjustments along the way, the changes have taken hold and been embraced by our entire staff and the even sometimes skeptical Municipal Court bench.

CRIMINAL DIVISION *continued*



Pete addresses a gathering at Seattle Municipal Court.

We have combined our once bifurcated trial unit into one, established a robust Filing/Early Plea unit, adjusted our Specialty Court unit to keep up with changes ushered in by the Municipal Court, and our Domestic Violence Unit has grown into a progressive and innovative force. While we have only had a few months to examine if the reorganization is a complete success, we have received rave reviews of our reorganization from our SMC judges, the defense bar, and the leadership of the Seattle Police Department.

The changes in the division haven't been all about business. We have built a spirit of camaraderie and collegiality among our staff. For Staff Appreciation Day our division had the first annual miniature golf tournament, which turned out to be a smashing success, and the envy of everyone in the City Attorney's Office. The division, always finding fun in competition, had a pumpkin carving contest and a gingerbread house building contest, which by popular

demand, will also become annual events. And while the rain cancelled our bubble soccer plans, we plan to make that outing an annual event as well.

Significant challenges and progressive new initiatives face us in 2017. Our Pre-Filing Diversion and Restorative Justice Projects, largely focused on keeping Seattle's young adults moving forward in life unencumbered by the aftermath of poor youthful decisions, received City Council funding. Now the hard work of structuring the program is ahead. The Domestic Violence Unit has taken on the daunting task of establishing a DV Firearms Surrender program. This long-needed program, aimed at ensuring that violent offenders abide by court orders to remove all firearms from their residences, will not only be impactful in Seattle Municipal Court, but in the larger King County community as well, and is critical to public safety. From attorneys to support staff, unit supervisors to line City prosecutors, the division



Kelly Harris

is reenergized, full of talent and potential, ready to tackle 2017 with enthusiasm and an eye toward pursuing justice with empathy, creativity, and impartiality. The foundation for these ambitious programs was laid by what we accomplished in 2016. So, let's look back and examine in more detail our exciting and eventful year.

ADMINISTRATION

Volunteer Program

The City Attorney's Office has a long history of providing opportunities for volunteers and student interns to learn more about the legal process and criminal justice system. Students work side-by-side with prosecutors to learn the basics of case preparation, filing and trial work. During 2016, the Criminal Division had a total of 35 volunteers who provided more than 9,500 service hours. Of the 35 volunteers, 11 were male and 24 were female.

CRIMINAL DIVISION *continued*

Criminal Division Administrative Changes

Under the new leadership of Criminal Division Chief Kelly Harris, the division was restructured in June.

As part of the restructure, an Early Plea/Filing Unit (EPU) was created; EPU prosecutors in the office are assigned a portion of the alphabet and handle those defendants' cases. The goal of the EPU is to increase the capacity for the division to file cases, give special attention to the cases that require it, and effectively and efficiently negotiate non-domestic violence cases before they appear on the pre-trial calendar. The Trial Team Unit (TTU) was created to handle all related pre-trial calendars, motions and trials where a plea was not agreed upon between defense and the EPU prosecutor before the pre-trial stage. The division's Domestic Violence Unit (DVU) differs from the EPU and TTU; DVU prosecutors handle their alphabet-assigned domestic violence case after it is filed by the EPU all the way through disposition, including negotiations. Additionally, DVU prosecutors work closely with the unit's victim advocates to ensure the victim's voice is heard during the criminal justice process. The Specialty Court Unit (SCU) is responsible for handling

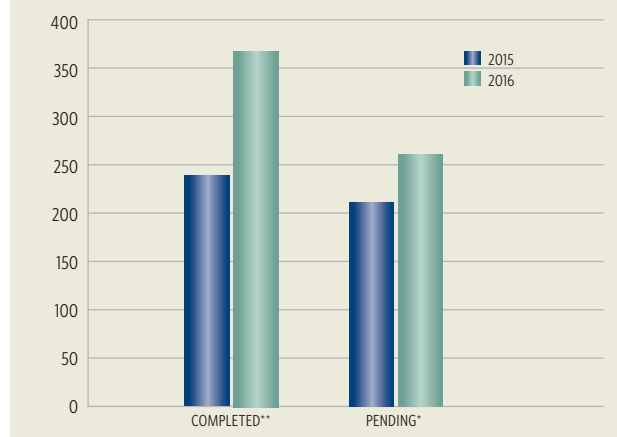
all specialty court calendars, including infraction prosecution, at Seattle Municipal Court. For the cases that resolve in SMC, the Appellate Unit was created to supervise all appellate work done by TTU and DVU trial prosecutors. The creation of the Appellate Unit allows prosecutors to perfect their writing skills, provides invaluable training, and allows for self-examination on how they conducted a direct or cross examination, prepared and argued jury instructions, or gave a closing argument.

Administrative staff assist all prosecutors in the office and are assigned a portion of the alphabet or a particular case-type.

Criminal Division Statistics

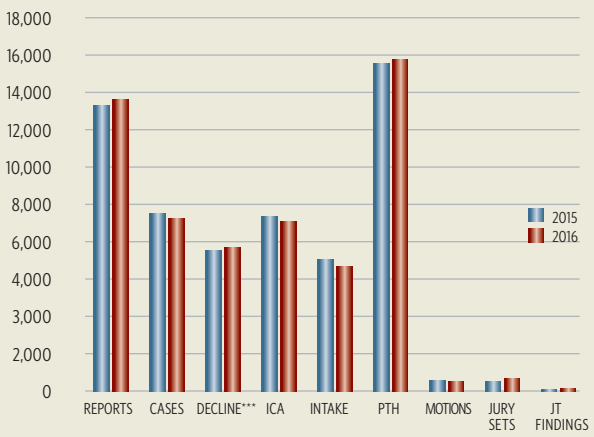
In 2016 the Criminal Division received 13,451 reports from SPD for consideration of criminal charges. Of those reports, 7,239 cases were filed in SMC. Breaking down those numbers, the division received 3,448 domestic violence (DV) reports and filed DV charges on 1,237 cases, and received 1,037 DUI reports and filed on 1,073. (Note: Some reports may have been received in 2015 but not filed until 2016).

CRIMINAL - 2016 AVERAGE DAYS TO DISPOSITION



*Pending dispo = start date of PT, DP, SOC and DC.
** Sunset Warrants processed during Q1 and Q2 2016.

CRIMINAL OVERALL 2016



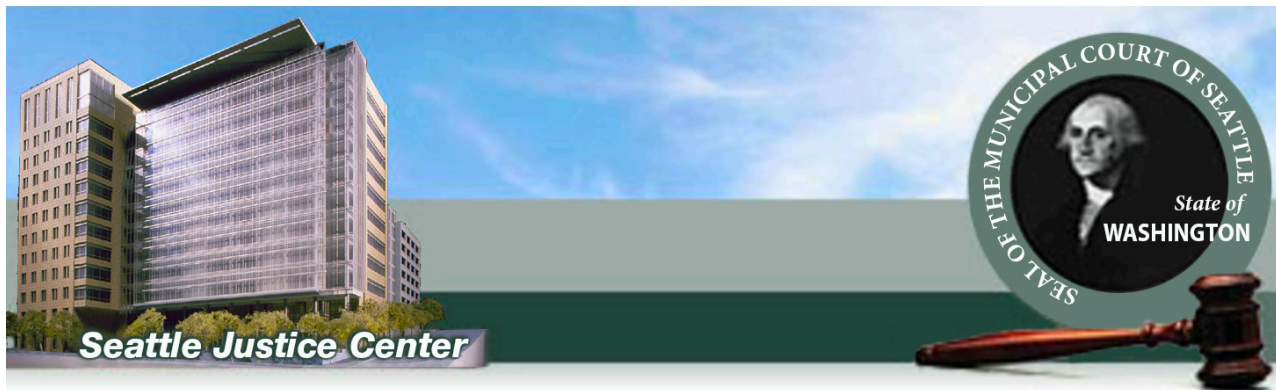
***DAMION data clean-up of reports in SPR status occurred during Q2 2016.

CRIMINAL DIVISION OVERALL: 2016	2015 compared to 2016**
2015 Reports Rec'd	13,224
2016 Reports Rec'd	13,451
Diff 2016-2015	227
% Change	2%
2015 Cases Filed	7,444
2016 Cases Filed	7,239
DIFF 2016-2015	(205)
% Change	-3%
2015 Reports Declined	5,567
2016 Reports Declined***	5,710
DIFF 2016-2015	143
% Change	3%
2015 % Reports Received were Declined	42%
2016 % Reports Received were Declined	42%
2015 Avg # Days from Date Rec'd to Dispo	240
2016 Avg # Days From Date Rec'd to Dispo**	368
2015 In Custody Arrg.	7,098
2016 In Custody Arrg.	6,852
DIFF 2016-2015	(246)
% Change	-3%
2015 Total # Bookings	4,908
2016 Total # Bookings	6,370
DIFF 2016-2015	1,462
% Change	30%
2015 Total Booked w/Case Declined at ICA	931
2016 Total Booked w/Case Declined at ICA	1,425
DIFF 2016-2015	494
% Change	53%
2015 % Total Booked w/Case Declined	19%
2016 % Total Booked w/Case Declined	22%
2015 Intake	5,128
2016 Intake	4,298
DIFF 2016-2015	(830)
% Change	-16%
2015 Motion Setting	760
2016 Motion Settings	698
DIFF 2016-2015	(62)
% Change	-8%
2015 PTH Setting	15,317
2016 PTH Setting	15,740
DIFF 2016-2015	423
% Change	3%
2015 Jury Trial Settings	821
2016 Jury Trial Settings	976
DIFF 2016-2015	155
% Change	19%
2015 Jury Trials with Finding	113
2016 Jury Trials with Finding	103
DIFF 2016-2015	(10)
% Change	-9%

**Sunset Warrants processed during Q1 and Q2 2016.

*** DAMION data clean-up of reports in SPR status occurred during Q2 2016.

CRIMINAL DIVISION *continued*



Early Plea Unit (Epu)

In early June, 2016, as part of a reorganization of the Criminal Division, the Early Plea Unit (EPU) commenced operations. The purpose of the EPU is to dedicate sufficient prosecutor resources towards the filing and negotiation of cases, with an eye towards the quick and efficient (i.e., early) resolution of as many cases as possible, thereby reducing and the division's trial load.

The EPU, supervised by Kevin Kilpatrick, is made up of seven full-time prosecutors and one part-time prosecutor. The EPU took over responsibility for the review and filing of all reports, and the negotiation of all non-domestic violence cases, up to the point they are set for trial. Once a case is set for trial, all responsibility for the case passes to the prosecutors of the Trial Team Unit (TTU). The EPU is also responsible for all In-Custody filings and staffing the jail arraignment calendar.

In order to cover the significant number of cases received, each prosecutor on the EPU is assigned primary responsibility for an alphabetic range of defendant's last names. The breakdown is as follows:

A; B-C; D-G; H-K; L-N; O-R; S; T-Z

The alpha load is slightly different for each team member, some carrying heavier loads, and some lighter,

depending upon their other duties. The part-time prosecutor carries no alpha load, but is responsible for most filing of retail theft cases. EPU prosecutors receive new reports virtually every day, and organize and review the cases to prioritize filings. Reports received include, but are by no means limited to; Assaults, Harassments, DUIs, Thefts, Hit and Runs, Trespass cases, Licensing cases, and Domestic Violence cases.

At approximately the same time the division was being reorganized and the EPU formed, the Criminal Division began doing most filings electronically. EPU prosecutors learned how to review cases, prepare pleadings, generate witness notes, request more information from SPD officers, request discovery, ask paralegals to follow-up with witnesses and other evidence, and redact reports in a nearly paperless environment. When a filing decision is made, only then is a physical paper file created, where notes, reports and discovery are added.

In addition to filing responsibilities, EPU prosecutors are also tasked with negotiating all non-Domestic Violence cases. Negotiations are undertaken by EPU prosecutors, who tend to have a fair amount of trial and prosecutorial experience, with an eye towards resolving cases sooner rather than later by engaging defense in discussion about the merits and attributes of cases. Defense still needs to

engage by contacting the assigned prosecutor, but having done so, the goal is to resolve the case prior to trial whenever possible, and without setting the case for trial.

The City Attorney's Office implemented a "proportional" sentencing scheme that seeks to reduce incarceration except when the facts of the defendant's history truly merit it. Additionally, the office sought to extend jurisdiction over cases only where treatment, restitution, or victim protection called for longer jurisdiction. In all other cases, the office's goals were to bring cases to quicker, more certain conclusions, while still protecting the public and holding criminals accountable.

EPU prosecutors have set up "business hours" to make availability clear, but most communication is via phone or email. EPU prosecutors always make good-faith attempts to respond as quickly as possible to defense inquiries about resolving cases. Moreover, the EPU prosecutors make sure that there are sentencing recommendations in all cases, so that anyone handling the case is aware of what the City is asking for. EPU prosecutors do not handle the cases in court themselves, but do make use of pretrial memos, file notes, or emails, to clearly convey to the in-court prosecutor the status of the case, the recommendation, and any other information helpful to the TTU prosecutor.

CRIMINAL DIVISION *continued*



Clothes collected for the court's resource center

The EPU, and the Criminal Division, have made great strides in establishing a new system to review, file and negotiate incoming SPD reports. In 2017, EPU and division leadership will continue to examine ways to make the review, filing and negotiation of each case faster, more efficient, and more effective in resolving cases short of going to trial.

Trial Team Unit (TTU)

At the heart of the Criminal Division are the prosecutors who handle cases once they are set for trial. These dedicated women and men are responsible for handling pre-trial motions, all aspects of the jury trial, and appeals stemming from convictions. In 2016, the cases handled by the trial team ranged from charges of Driving under the Influence, Attempted Forgery, Assault, Theft, and Sexual Exploitation.

The TTU, supervised by Dan Okada, underwent a change this year with the reconfiguration of the division, replacing the previous two teams of prosecutors with one consolidated team, and establishing a new Lead Attorney position. Lead Attorney Lorna Staten Sylvester focuses on developing the trial skills of interns and

new prosecutors, while also handling complex or particularly concerning cases in the office. The wealth of trial experience that the Lead Attorney provides greatly enhances the Unit's ability to deliver a consistent level of professionalism from its prosecutors. This streamlined Unit allows the office to have increased efficiency in case assignments while providing greater verticality in prosecutions.

With trials scheduled in Seattle Municipal Court in 49-50 weeks out of the year, the trial team staffs, at a minimum, four prosecutors a week to handle the high volume of SMC. The standard schedule for a trial attorney is two weeks in trial followed by two weeks out of trial. The out-weeks consist of trial preparation for the coming weeks, coverage of pre-trial and review hearings, and an extensive amount of motions practice for upcoming trials. In a change from years past, and in an effort to develop better rounded prosecutors, TTU members also began handling all the appeals from cases they have tried. Though the schedule is demanding, the TTU works hard to ensure that each case is handled with the highest degree of professionalism and to see that justice is served.

DOMESTIC VIOLENCE UNIT

Change seemed to be the theme of 2016, not only in the Criminal Division with the new Criminal Chief and restructure, but also in the Domestic Violence Unit (DVU). In addition to the changes inherent in the re-organization the unit hired a new Supervising Attorney, Christopher Anderson. Chris brings experience from private practice as well as 10 years at the King County Prosecutor's Office and has exhibited passion for mentoring attorneys and tireless advocacy for victim safety and offender accountability. Chris supervises the four attorneys in the DVU as well as the Victim Advocate Supervisor, who oversees nine victim advocates and an administrative assistant.

“When he was finally arrested, I was afraid, confused, heartbroken and overwhelmed . . . the day you reached out and took this case on, things changed completely.”

CRIMINAL DIVISION *continued*

The DVU reviews over 3,000 reports of intimate partner and family violence each year, and files charges on about one third of the incidents. Victim advocates contact victims to do safety planning and gather a victim's input regarding the impact prosecution would have on his or her situation. It is the prosecutor's decision whether to prosecute based on public and victim safety and the Assistant City Attorneys take that responsibility very seriously. Prosecutors and advocates work together closely to ensure that the goals of victim safety and offender accountability are balanced throughout the process.

Impacts of the Restructure

The DVU really showed its strength this year as members adjusted to the changes in leadership and division organization. Historically the DVU has prided itself on vertical prosecution, known to be a best practice for domestic violence cases. Vertical prosecution allows one prosecutor to manage each case from pre-filing to sentencing in order to provide continuity in the management of each case, and the ability for a victim to connect with one prosecutor and maintain that relationship throughout the entire case. The restructure considered the importance of this continuity in that the DVU handles each case vertically from filing on. However, the EPU now handles the filing of all DV cases. This has allowed the division to move to a more efficient structure while still maintaining many of the benefits of the vertical best practice. Both EPU and DVU prosecutors are assigned cases based on the letter of the defendant's last name which allows staff, advocates and law enforcement to know exactly who they should contact regarding each case.

With the EPU taking on the filing duties, the DVU has moved from a five-prosecutor unit to a four-prosecutor unit. The prosecutor that transferred out was the STOP (Specially Targeted Offender Program) and elder crimes prosecutor, as that prosecutor had a lower caseload by design. The DVU is working through the City's Criminal

Justice Committee to apply for federal grant funding to try to replace this position with a High-Risk Coordinator. In the meantime, each advocate and prosecutor are working together to prioritize the high-risk cases as they always have.

The benefits of the re-organization have been significant. DVU prosecutors have more time in the office to prepare their cases for trial, and the new leadership has encouraged prosecutors to adopt an early triage strategy to identify high risk cases and pool Unit resources to prepare those cases for trial, including increased prosecutor contact with witnesses and victims. The team has been better prepared and had higher success at those trials. During the time period from the second quarter through the end of the year (after implementation of new trial strategies), the rate of trial success almost doubled from the same time period the year prior, and the team has tried 27% more cases this year than last, with one fewer attorney. It cannot be overlooked that, although policies and procedures have changed, much of this success is due to the hard work, dedication and advocacy of the seasoned prosecutors in the DVU, Krystle Curley and Joe Everett. Overall, this translates to better outcomes for public and victim safety and higher morale.

The victim advocates, led by Victim Advocate Supervisor Julie Huffman, used the restructure as an opportunity to re-evaluate which cases would receive advocacy services. The advocates wanted to ensure their services were provided to the victims who needed it most and who had the greatest safety and emotional needs. The result is that the DVU now also handles all cases involving Stalking and Assault with Sexual Motivation charges, regardless of the relationship between the parties. To accommodate the addition of this caseload, cases involving siblings or extended family members are now reviewed to determine the need for advocacy and specialized prosecution, rather than being immediately accepted into the DVU. Advocacy services are

“I hit the jackpot when you took on this case and my future is bright. You taught me that this is not my shame nor am I weak. There is more work to do but thanks to you, I am well-equipped to move forward.”

CRIMINAL DIVISION *continued*

therefore provided to the cases that present the highest lethality factors (stalking and intimate partner domestic violence), as well as to the victims that are likely to be the most emotionally affected by the crime (victims of assaults with sexual motivation).

Early Access to Critical Evidence

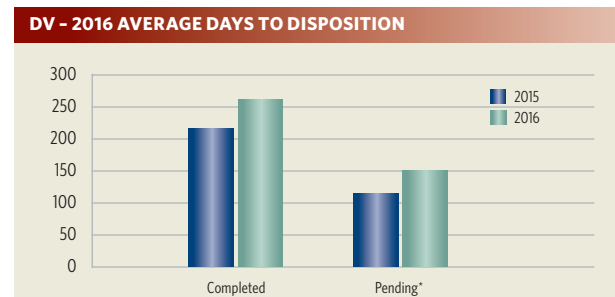
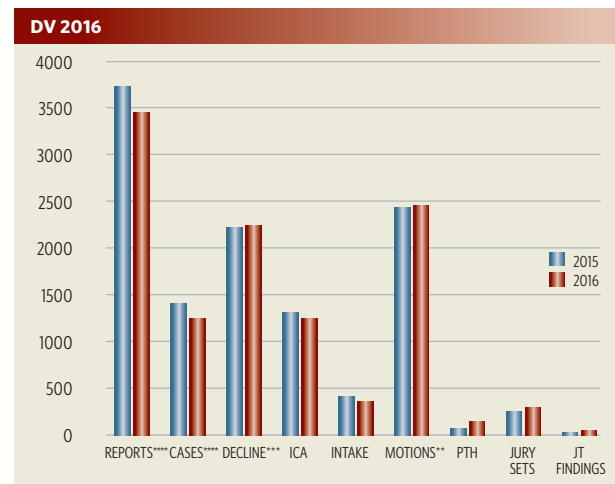
Domestic violence is a crime that most often happens with no other witness than the victim, who is often reluctant to prosecute for many complicated reasons. Approximately 75% of domestic violence victims refuse to cooperate.¹ For that reason, the evidence available on a domestic violence case can be critical to the prosecutor knowing whether there is enough to move forward with charges. Often the 911 recording is the most dispositive piece of evidence. Historically, SPD would take 90 days to send the prosecutor the requested 911 recording. As a result, the DVU was unable to accurately assess the viability of its cases for three months. For perspective, in King County District Court,² 911 recordings are received in less than one week. In Bellevue, it is less than 24 hours.³ Victims in Seattle cases would have to wait to hear what the outcome of their police report would be, and cases sometimes went forward for months before finding that the evidence was lacking. After several months of diagnosing the issue the DVU got necessary parties together to implement changes in how 911 evidence requests are prioritized. Domestic violence 911 requests now receive higher priority, therefore resolving an outstanding issue the office had struggled with for years. The unit currently receives prioritized 911 calls in less than 30 days.

¹ Brady Henderson & Tyson Stanek, Esq., Domestic Violence: from the Crime Scene to the Courtroom, Oklahoma Coalition against Domestic Violence & Sexual Assault, 2008.

² Per David Martin, Chair of the Domestic Violence Unit of the King County Prosecutor's Office

³ Brie Hopkins, Lead Domestic Violence Prosecutor—City of Bellevue

Another critical piece of evidence is the in-car video. When an officer pulls up to a scene he or she initiates a recording from the police car that shows what is happening in the backseat of the car and in front of the car. Often, this camera is used to take victim statements. Gone are the days when the DVU would receive a five- or seven-page police report complete with a written statement from the victim included. In 2016 a prosecutor could receive a 25-75-page police report and still have to request the victim's statement because most often it is audio or video (in-car video) recorded. These requests have often taken 60 days to receive. However,



* Pending dispo = start date of PT, DP, SOC and DC.

DV UNIT 2016	2015 compared to 2016**
2015 Reports Rec'd	3,734
2016 Reports Rec'd	3,448
Diff 2016-2015	(286)
% Change	-8%
2015 Cases Filed	1,398
2016 Cases Filed	1,237
DIFF 2016-2015	(161)
% Change	-12%
2015 Reports Declined	2,245
2016 Reports Declined***	2,254
DIFF 2016-2015	9
% Change	0%
2015 % Reports Received were Declined	60%
2016 % Reports Received were Declined	65%
2015 Avg # Days from Date Rec'd to Dispo	216
2016 Avg # Days From Date Rec'd to Dispo	265
2015 In Custody Arrg	1,327
2016 In Custody Arrg	1,268
DIFF 2016-2015	(59)
% Change	-4%
2015 Total # Bookings	1,506
2016 Total # Bookings	1,572
DIFF 2016-2015	66
% Change	4%
2015 Total Booked w/Case Declined at ICA	494
2016 Total Booked w/Case Declined at ICA	544
DIFF 2016-2015	50
% Change	10%
2015 % Total Booked w/Case Declined	33%
2016 % Total Booked w/Case Declined	35%
2015 Intake	408
2016 Intake	359
DIFF 2016-2015	(49)
% Change	-12%
2015 Motion Setting**	137
2016 Motion Settings	155
DIFF 2016-2015	18
% Change	13%
2015 PTH Setting	2,856
2016 PTH Setting	2,896
DIFF 2016-2015	40
% Change	1%
2015 Jury Trial Settings	292
2016 Jury Trial Settings	323
DIFF 2016-2015	31
% Change	11%
2015 Jury Trials with Finding	26
2016 Jury Trials with Finding	33
DIFF 2016-2015	7
% Change	27%

** Beginning May 2015, motions to lift NCO's are tracked in MCIS.

*** DAMION data clean-up of reports in SPR status occurred during Q2 2016.

**** Criminal Division Re-org occurred June 2016. Some "roommates" reports are no longer handled by DVU and therefore not reflected in these stats.



Everytown for Gun Safety

along with negotiating quicker 911 call turn-arounds, DV prosecutors now also have quicker access to in-car video victim statements.

A final key piece of information that has previously been difficult to access is protection order petitions. For several years the DVU has been requesting access to King County protection order information with little success. Yet protection order information often gives an advocate and prosecutor vital historical information regarding prior acts of domestic violence, both reported and unreported. It can often mean the difference between keeping someone in jail and having to release them. Currently prosecutors must request copies of protection orders through the King County records division, which can take 24 hours or longer. Starting in 2017, the DVU will be able to access that protection order information through an agreement with King County and a VPN network connection.

Stalking the Stalker: The Use of GPS Monitoring for Offenders

The DVU takes stalking very seriously, particularly in intimate partner cases. According to the Stalking Resource Center, 76% of victims who were murdered by an intimate partner were previously stalked by that same individual. In 2016 prosecutor Krystle Curley

received a case with several significant risk factors: prior threats to kill the victim, obsessive stalking behavior, prior violence, access to weapons, drug and alcohol consumption, and recent separation. The suspect was in custody but was likely to be able to make bail, so Krystle requested the court order GPS monitoring to ensure the court and the victim would be notified if he came near her. This case became a test case for the court and the prosecutor's office on best practices for GPS monitoring. The court had never worked on a case where a GPS violation should be reported to a private party. Therefore, both the court and the GPS monitoring service had to change their practices to ensure the victim received the information critical to her safety. The advocate in this case was the key to ensuring victim safety was kept in the forefront and safety information was communicated to the victim.

Shortly after his release from jail, the defendant drove near the victim's house, which was specifically prohibited by the court orders. The GPS tracked his violation. The defendant argued that he was on his way to a job and presented the court with an online ad for the job he was responding to. Prosecutor Jeff Kaatz subpoenaed the online site for the records pertaining to that ad and determined that it was created *after* the violation

occurred and that it was created from an electronic address that originated from the same location where the defendant was at that same time. This defendant pleaded guilty as charged.

Training

The DVU took advantage of federal grant funding through the City's Human Services Department to send four prosecutors and six advocates to trainings in San Diego, Santa Fe, Albuquerque, Boise and Austin. These national trainings developed the unit's expertise in stalking, strangulation, evidence-based prosecution, risk assessment actuarial tools and victim advocacy.

Seattle Police Department Adopts "B-Safer" Domestic Violence Risk Assessment Tool

The DVU worked with SPD in the selection of a risk assessment tool for domestic violence cases. This two-page assessment will be used by officers at the scene to gather information from victims regarding their situation. That information will be summarized in an assessment by the officer as to whether the incident is low, medium or high risk. The DVU will receive this information with the police report referral, and can then prioritize cases based on the information in the risk assessment. The advocate will have more information when reaching out to that victim and safety planning, and the prosecutor will have more information when requesting bail or making a sentencing recommendation. Several advocates and prosecutors attended trainings on risk assessment tools in San Diego and Santa Fe in preparation for this implementation. Chris Anderson also attended the Police Department's training on the B-Safer risk assessment tool.

Implementing Firearms Surrender Laws

Domestic abusers pose a much higher risk to their partners when there is a gun in the house. According to a [2014 report by Everytown for Gun Safety](#), more than half of all women murdered with guns in America are killed by partners or family members. People with

CRIMINAL DIVISION *continued*

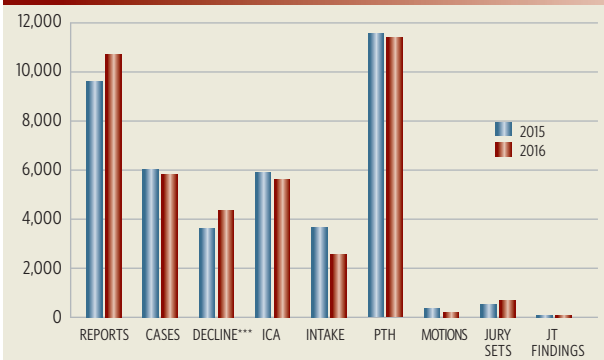
a history of domestic violence are five times more likely to murder their partner if a gun is in the house. Recognizing that restricting an abuser's access to firearms reduces the risk of lethality, domestic violence offenders are routinely asked to surrender firearms in either civil or criminal courts. In 2014 the Legislature enacted RCW 9.41.800, mandating that courts must order the respondent to surrender firearms when protection orders are issued. In 2015, the Legislature enacted "Sheena's Law," requiring law enforcement to notify family members when a firearm previously surrendered will be returned to the respondent, or an authorized representative. In 2016, Initiative 1491 was passed, allowing family members and law enforcement to petition courts for removal of firearms from those who pose a risk of harm to themselves or others.

However, implementation of these laws has been challenging. While the authority to require firearm surrender is clear, the complexity and multi-systemic nature of implementation, along with the lack of a single point of accountability has made maximizing the effective use of these laws challenging. King County is comprised of 39 individual police departments, so a regional effort is ambitious yet necessary. Representatives from King County Superior and District Court, King County Prosecutor and Sheriff's Office, Seattle Municipal Court, Seattle Police, Alliance for Gun Responsibility, the State Coalition Against DV and the Coalition Ending Gender-Based Violence along with the Clyde Hill Police Department met twice weekly over 2016. Chris Anderson represented the City Attorney's Office. His advocacy on this issue within the City Attorney's Office and Pete Holmes' commitment to reducing lethality in domestic violence cases propelled the issue to the City Council's attention. Councilmember Sally Bagshaw took the lead in getting funding from the Seattle City Council for implementing a county-wide strategy for firearms surrender. The City

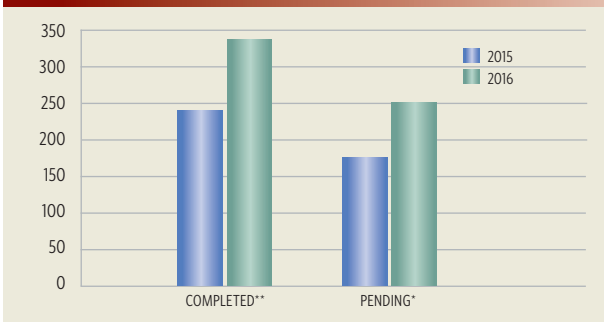
Council is currently considering funding in its supplemental budget for two additional positions, an in-court coordinator and a high-risk firearms prosecutor, to enforce compliance with firearm surrender orders and to facilitate the surrender of firearms.

The DVU and the City Attorney's Office will be working closely with the new Program Manager to implement the recommendations made over the past year by the dedicated members of the firearms committee and make good use of the investment made by the City Council on behalf of victims of domestic violence. The additional positions of court coordinator and high risk firearms prosecutor, if funded, will be supervised by the DVU.

CRIMINAL NON-TRAFFIC 2016 (includes DV)



CRIMINAL NON-TRAFFIC 2016 (includes DV)



*Pending dispo = start date of PTD, DP, SOC and DC
 ** Sunset Warrants processed during Q1 and Q2 2016.

CRIMINAL NON-TRAFFIC 2016 (includes DV)	2015 compared to 2016
2015 Reports Rec'd	9,614
2016 Reports Rec'd	10,686
Diff 2016-2015	1,072
% Change	11%
2015 Cases Filed	6,063
2016 Cases Filed	5,752
DIFF 2016-2015	(311)
% Change	-5%
2015 Reports Declined	3,614
2016 Reports Declined***	4,368
DIFF 2016-2015	754
% Change	21%
2015 % Reports Received were Declined	38%
2016 % Reports Received were Declined	41%
2015 Avg. # Days From Date Rec'd to Dispo	234
2016 Avg. # Days From Date Rec'd to Dispo	332
2015 In Custody Arrg.	5,815
2016 In Custody Arrg.	5,574
DIFF 2016-2015	(241)
% Change	-4%
2015 Total # Bookings	4,327
2016 Total # Bookings	5,540
DIFF 2016-2015	1,213
% Change	28%
2015 Total Booked w/Case Declined at ICA	868
2016 Total Booked w/Case Declined at ICA	1,281
DIFF 2016-2015	413
% Change	48%
2015 Total Booked w/Case Declined	20%
2016 Total Booked w/Case Declined	23%
2015 Intake	3,472
2016 Intake	2,577
DIFF 2016-2015	895
% Change	-26%
2015 Motion Setting	377
2016 Motion Settings	357
DIFF 2016-2015	(20)
% Change	-5%
2015 PTH Setting	11,356
2016 PTH Setting	11,107
DIFF 2016-2015	(249)
% Change	-2%
2015 Jury Trial Settings	655
2016 Jury Trial Settings	748
DIFF 2016-2015	93
% Change	14%
2015 Jury Trials with Finding	77
2016 Jury Trials with Finding	71
DIFF 2016-2015	(6)
% Change	-8%

*** DAMION data clean-up of reports in SPR status occurred during Q2 2016.
 Many of these declines were test and duplicate entries as a result of automatic data exchanges via the SeaJIS bus from SPD and SMC.

CRIMINAL DIVISION *continued*

SPECIALTY COURT UNIT (SCU)

Mental Health Court (MHC)

Seattle Municipal Court completed its 17th year in operation to improve public safety, reduce jail use and interaction with the criminal justice system for persons with mental illness, and connect participating defendants to mental health services. MHC is a voluntary program in which defendants must be willing and competent to comply with conditions set out by the court. The City Attorney's Office is an integral part of the MHC Team consisting of a judge, prosecuting and defense attorneys, probation counselors and mental health professionals.

MHC can be an effective tool in assisting mentally ill defendants to stay on medications and stay engaged with community mental health services. In 2016, the CAO revised its sentencing recommendation standards to encourage more defendants to consider MHC as an option. Where appropriate, depending on the nature of the offense and the defendant's criminal history, the CAO began offering more dispositional continuances and deferred sentences. In some cases, it offered a shorter jurisdiction, or an offer to shorten jurisdiction if the defendant continued to maintain compliance with probation.

MHC also continues to resolve all competency issues. When a defendant is found incompetent to stand trial because of mental disease or defect, the City cannot proceed with the criminal charges. Some cases qualify for the defendants to be transferred to the state hospital for medications. In most cases, however, the charges are dismissed. To ensure the safety of both the community and defendant, defendants are referred to mental health professionals to determine whether civil commitment is appropriate prior to release.

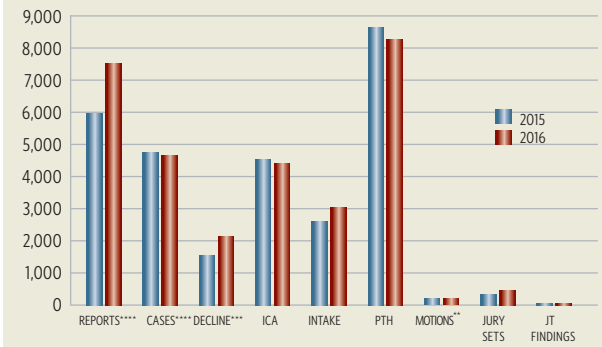
Veterans Treatment Court (VTC)

Seattle VTC began serving eligible veterans in September 2011. It was created to serve the needs of

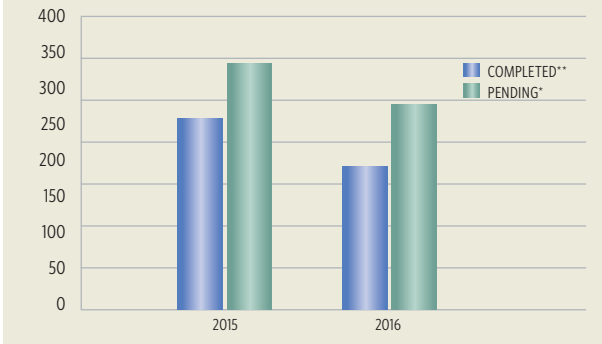
veterans negatively impacted by their military service. It is a voluntary, court-monitored, therapeutic treatment program that balances the mental health and/or substance abuse needs of veteran defendants with the need for public safety. It was created through the collaborative efforts of our office, Associated Counsel for the Accused, the state Department of Veteran Affairs, the U.S. Department of Veteran Affairs, King County Department of Community and Human Services and the Seattle Municipal Court. Seattle VTC was the first at a municipal level in the state.

VTC operates differently than traditional courts. Following the MHC model, veteran defendants must attend treatment, maintain abstinence from alcohol and

CRIMINAL NON-TRAFFIC 2016 (excludes DV)



CRIMINAL NON-TRAFFIC 2016 (excludes DV)



*Pending dispo = start date of PTD, DP, SOC and DC

CRIMINAL NON-TRAFFIC 2016 (excludes DV)	2016 compared to 2015
2015 Reports Rec'd	5,940
2016 Reports Rec'd ****	7,349
Diff 2016-2015	1,409
% Change	24%
2015 Cases Filed	4,666
2016 Cases Filed ****	4,515
DIFF 2016-2015	(151)
% Change	-3%
2015 Reports Declined	1,399
2016 Reports Declined***	2,202
DIFF 2016-2015	803
% Change	57%
2015 % Reports Received were Declined	24%
2016 % Reports Received were Declined	30%
2015 Avg. # Days From Date Rec'd to Dispo	272
2016 Avg. # Days From Date Rec'd to Dispo**	341
2015 In Custody Arrg.	4,488
2016 In Custody Arrg.	4,307
DIFF 2016-2015	(181)
% Change	-4%
2015 Total # Bookings	4,081
2016 Total # Bookings	5,078
DIFF 2016-2015	997
% Change	24%
2015 Total Booked w/Case Declined at ICA	383
2016 Total Booked w/Case Declined at ICA	827
DIFF 2016-2015	444
% Change	116%
2015 Total Booked w/Case Declined	9%
2016 Total Booked w/Case Declined	16%
2015 Intake	3,064
2016 Intake	2,218
DIFF 2016-2015	(846)
% Change	-28%
2015 Motion Setting	240
2016 Motion Settings	202
DIFF 2016-2015	(38)
% Change	-16%
2015 PTH Setting	8,500
2016 PTH Setting	8,211
DIFF 2016-2015	(289)
% Change	-3%
2015 Jury Trial Settings	364
2016 Jury Trial Settings**	426
DIFF 2016-2015	62
% Change	17%
2015 Jury Trials with Finding	51
2016 Jury Trials with Finding	38
DIFF 2016-2015	(13)
% Change	-25%

**Sunset Warrants processed during Q1 and Q2 2016.

***DAMIION data clean-up of reports in SPR status occurred during Q2 2016. Many of these declines were test and duplicate entries as a result of automatic data exchanges via the SealIS bus from SPD and SMC.

****Criminal Division Re-org occurred June 2016. Some "roommates" reports are no longer handled by DVJU and therefore reflected in these stats.

CRIMINAL DIVISION *continued*

non-prescribed drugs, and attend frequent court reviews. Graduated sanctions are employed to encourage compliance, with termination from the program as the last resort. The most significant difference from a traditional court is the cohort effect achieved by having veterans assemble as a group for the hearings. Rather than leaving court when their hearing is finished, veterans must stay for the entire calendar so they observe the struggles and accomplishments of their fellow veteran defendants.

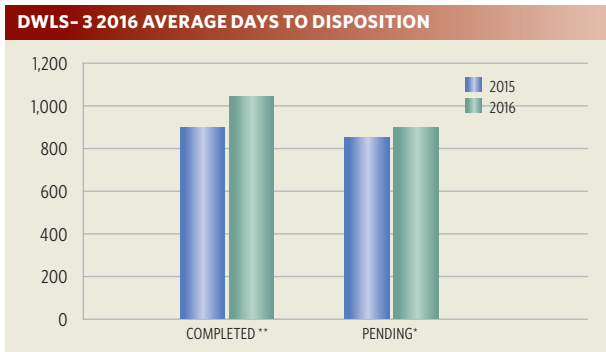
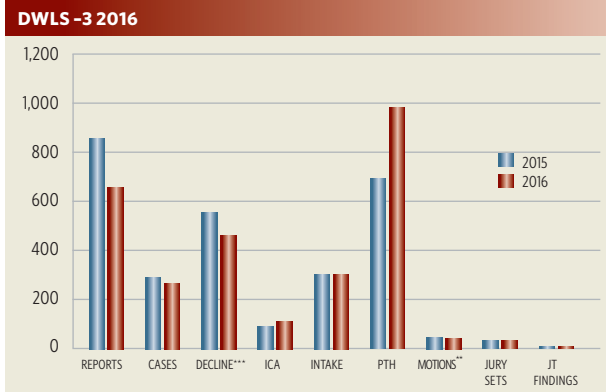
The VTC team includes an Assistant City Prosecutor, a defense attorney, a Court Clinician from Sound Mental Health, two Veteran Justice Outreach Social Workers from the VA, a representative from the Washington Department of Veteran Affairs, two SMC probation counselors, and the SMC judge. With the exception of the judge, the VTC team meets regularly to discuss each veteran defendant to be sure all expectations of the court and individual needs are being met. The team then appears together before the VTC judge to make a record of the veteran defendants' progress. Often, VTC reviews are positive and the team can focus on incremental accomplishments, rather than compliance issues, as one would expect in a traditional court. In 2016, VTC instituted the "Honor Bowl" in which defendants who are in 100% compliance are invited to draw a card from a bowl to receive rewards such as snacks, movie tickets, or a round of applause. While the awards are relatively small, the Honor Bowl helps to publicly highlight a defendant's hard work to remain in compliance.

Community Court

Seattle Municipal Court's Community Court marked its 11th year in operation. It began as a partnership between the Seattle City Attorney's Office, the Associated Counsel for the Accused (now part of the King County Office of Public Defense) and Seattle Municipal Court. At its founding, the focus of the court was to address the problem of repeat offenders who were

committing "quality of life" type of criminal offenses (e.g. Theft, Criminal Trespass, Prostitution). Over the years, Community Court went through major changes in both structure and personnel. A special program was created for prostituted persons and protocols were developed for dealing with participants who are also in King County Drug Court.

In 2016, Community Court formed two new partnerships to assist with the operation of the court, as well as aid its participants. One of the new programs was the North Helpline Food Bank and Emergency Services Center. This agency provided an indoor site for community service and offered access to services. It took SMC



* Pending dispo = start date of PTD, DP, SOC and DC

DWLS-3 2016	2015 compared to 2016**
2015 Reports Rec'd	834
2016 Reports Rec'd	650
Diff 2016-2015	(184)
% Change	-22%
2015 Cases Filed	292
2016 Cases Filed	269
DIFF 2016-2015	(23)
% Change	-11%
2015 Reports Declined	531
2016 Reports Declined ***	429
DIFF 2016-2015	(102)
% Change	-19%
2015 % Reports Received were Declined	64%
2016 % Reports Received were Declined	66%
2015 Avg. # Days From Date Rec'd to Dispo	905
2016 Avg. # Days From Date Rec'd to Dispo **	1,020
2015 In Custody Arrg.	83
2016 In Custody Arrg.	109
DIFF 2016-2015	26
% Change	31%
2015 Total # Bookings	77
2016 Total # Bookings	80
DIFF 2016-2015	3
% Change	4%
2015 Total Booked w/Case Declined at ICA	14
2016 Total Booked w/Case Declined at ICA	27
DIFF 2016-2015	13
% Change	93%
2015 Total Booked w/Case Declined	18%
2016 Total Booked w/Case Declined	34%
2015 Intake	314
2016 Intake	310
DIFF 2016-2015	(4)
% Change	-1%
2015 Motion Setting	36
2016 Motion Settings	37
DIFF 2016-2015	1
% Change	-1%
2015 PTH Setting	683
2016 PTH Setting	984
DIFF 2016-2015	301
% Change	44%
2015 Jury Trial Settings	31
2016 Jury Trial Settings**	37
DIFF 2016-2015	6
% Change	19%
2015 Jury Trials with Finding	2
2016 Jury Trials with Finding	4
DIFF 2016-2015	2
% Change	0%

**Sunset Warrants processed during Q1 and Q2 2016.

** DAMION data clean-up of reports in SPR status occurred during Q2 2016.

Many of these declines were test and duplicate entries as a result of automatic data exchanges via the SealJS bus from SPD and SMC.

CRIMINAL DIVISION *continued*

five years and the help of longtime community service partner, Chuck Dickey from the Lions Club, to establish this partnership in Lake City. The other new partnership was formed with Redeeming Soles. This agency partnered with SMC to provide a monthly donation of shoes for distribution to clients of the Court Resource Center.

In 2016 there were a total of 646 offers into Community Court with 265 participants who opted into the program. The success rate was 57% (151 graduations). The number of homeless participants served through Community Court was 197 (based on housing contact alone).

Law Enforcement Assisted Diversion (LEAD)

The CAO continues to play a key role in the LEAD program. Generally, the program allows certain drug or prostitution crimes to be diverted from criminal charges at the discretion of the arresting officer when the suspect agrees to engage in social services such as chemical dependency or mental health treatment. The CAO attends twice monthly staffing meetings in which referral decisions and program participant progress is reviewed. The collaborative sharing of information is invaluable in assisting the CAO in the most appropriate way to handle subsequent offenses committed by those already engaged in LEAD.

Infractions Unit

In 2016, the Infractions Unit implemented a designated phone line for witnesses to contact the City Attorney's Office and a pre-subpoena offer protocol, both of which seem to be working well. The unit continued work on ongoing issues with automatic camera tickets and the issue of certain SDOT signs providing drivers with sufficient notice of incurring a traffic infraction. One of the more involved infractions cases this year involved a truckload of frozen crab spilling on the viaduct. It went to a contested hearing and the City prevailed.

Other SCU Matters

The SCU continues to work with other city departments in reviewing incident reports for less common charges in municipal court. In 2016 the unit worked closely with Animal Control to review and file cases for neglect and cruelty, and negligent control of animals. The unit also worked with the Code Compliance and Consumer Protection unit of Finance and Administrative Services to review cases for criminal charges when business owners repeatedly failed to comply with business license and tax requirements.

DRIVING UNDER THE INFLUENCE (DUI) UNIT

2016 was spent focusing on training and educating about the dangers of impaired drivers and the best ways to combat impaired driving. In combination with SPD and other leading experts across the state, DUI specialists Meagan Westphal and Miriam Norman successfully trained officers and prosecutors to better detect and prosecute impaired drivers. Impaired driving by alcohol, drugs, or a combination of drugs, represents a significant danger to the lives of the residents of Seattle, to their property, and to everyone traveling on the City's roads.

2016 brought new legal precedent regarding the constitutionality of the Implied Consent Warnings,⁴ including a U.S. Supreme Court decision⁵ holding that the Fourth Amendment is not violated by breath testing. This decision was followed by a Washington Supreme Court decision⁶ that held if a defendant refused the breath test, it may be used as evidence of guilt in trial. The DUI Unit trained and educated City prosecutors about the myriad of changes to DUI legal precedent.

⁴ The implied consent warnings are warnings given to every driver arrested for DUI which advise them of the consequences of refusing or providing a breath sample.

⁵ Birchfield v. North Dakota, ___ U.S. ___, 136 S. Ct 2160, 2174, 195 L. Ed. 2d 560 (2016).

⁶ Decided on December 22, 2016: State v. Baird, ___ Wn.2d ___, ____ P.2d ____ (2016).

DUI 2016	2015 compared to 2016
2015 Reports Rec'd	950
2016 Reports Rec'd	1,037
Diff 2016-2015	87
% Change	9%
2015 Cases Filed	956
2016 Cases Filed	1,073
DIFF 2016-2015	117
% Change	12%
2015 Reports Declined	17
2016 Reports Declined**	56
DIFF 2016-2015	39
% Change	229%
2015 % Reports Received were Declined	2%
2016 % Reports Received were Declined	5%
2015 Avg # Days from Date Rec'd to Dispo this Qtr	487
2016 Avg # Days From Date Rec'd to Dispo this Qtr	525
2015 In Custody Arrg	301
2016 In Custody Arrg	351
DIFF 2016-2015	50
% Change	17%
2015 Total # Bookings this Qtr	326
2016 Total # Bookings this Qtr	467
DIFF 2016-2015	141
% Change	43%
2015 Total Booked w/Case Declined at ICA	7
2016 Total Booked w/Case Declined at ICA	8
DIFF 2016-2015	1
% Change	14%
2015 % Total Booked w/Case Declined	2%
2016 % Total Booked w/Case Declined	2%
2015 Intake	902
2016 Intake	997
DIFF 2016-2015	95
% Change	11%
2015 Motion Setting	411
2016 Motion Settings	347
DIFF 2016-2015	(64)
% Change	-16%
2015 PTH Setting	3,346
2016 PTH Setting	3,610
DIFF 2016-2015	264
% Change	8%
2015 Jury Trial Settings	152
2016 Jury Trial Settings	204
DIFF 2016-2015	52
% Change	34%
2015 Jury Trials with Finding	32
2016 Jury Trials with Finding	28
DIFF 2016-2015	(4)
% Change	-13%

** DAMION data clean-up of reports in SPR status occurred during Q2 2016. Many of these declines were test and duplicate entries as a result of automatic data exchanges via the SeaJIS bus from SPD and SMC.

CRIMINAL DIVISION *continued*

2016 also delivered changes to the law regarding who can draw forensic blood. In 2015, the DUI Unit was the first prosecutor's office in the state to identify a problem with the statute. It made it more difficult for prosecutors to prove a technician was qualified to draw forensic blood. In 2016, the unit collaborated with other stakeholders to draft a legislative change, which fixed the statute.

The unit has seen an increase in poly-drug DUIs. Poly-drug DUIs are cases where the defendant has two or more drugs in his/her system that independently affect his/her ability to drive a motor vehicle safely. With legal recreational marijuana use, we have seen an increase in poly-drug DUIs in the form of marijuana and other drugs.

Poly-drug DUIs can be difficult cases. When there is a per se level, which there is for alcohol (BAC of .08) and marijuana (5 ng/mL), they are especially challenging. The challenge arises due to the *additive effect*. Because of the additive effect, low levels of drugs that independently may not impair⁷ an individual, may impair an individual more when combined with another drug, even at low levels. For example, a blood alcohol concentration of .04 and a marijuana level of 2 ng/mL of THC are both respectively below the per se level for each drug. However, when a person ingests lower levels of both of these drugs, the additive effect of those drugs mimics impairment of someone above the per se level for either of those drugs, respectively. As neither is above the per se level, this case would be prosecuted under the "affected by" prong of the DUI code. Juries tend to struggle with convicting defendants when they hear that the per se prong is not met. The unit hopes to continue educating officers and prosecutors on the nuances of these types of cases, and to educate the public on the dangers of combining drugs and driving a vehicle so poly-drug cases may be successfully prosecuted.

⁷ This is very dependent on tolerance to the drug as well.

⁸ Spice may be sold at smoke shops, convenience stores, novelty shops, etc.

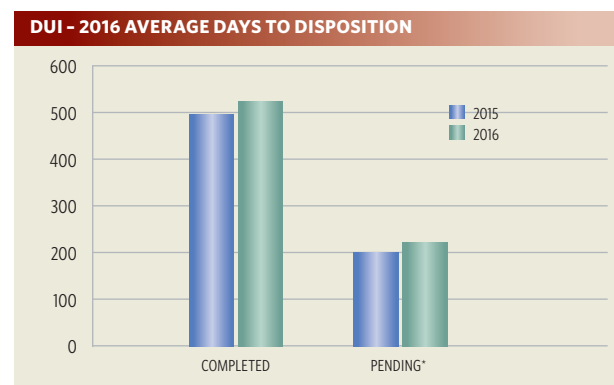
⁹ However, there are procedures in place to adopt testing that will detect the marker in the near future.

The DUI Unit also began to see a rise in the use of designer drugs (also called synthetic drugs) like Spice. Spice is a synthetic cannabinoid created by taking green leafy vegetable matter and spraying it with a psychoactive chemical compound. Many users of Spice may use it because they believe it cannot be detected in a typical drug screen and/or because they believe it is safer than marijuana as it is easier to acquire⁸. There are challenges inherent in prosecuting synthetic drug cases as the blood testing currently used by the Washington State Patrol Toxicology Lab may not detect these synthetic drugs.⁹ Our cases may initially seem strong with facts that appear to show a very impaired person, but then a blood draw result with "nothing detected" arrives and the case becomes more challenging.

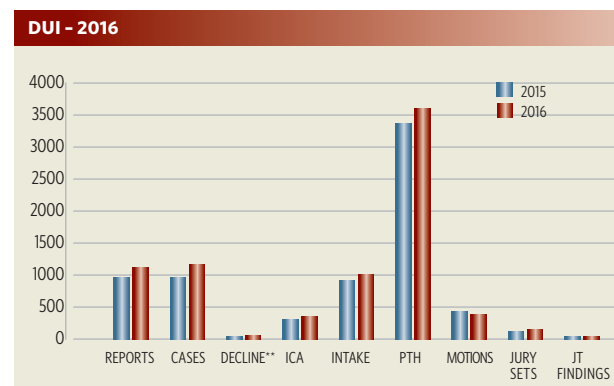
The challenges exist in the current limitations of our blood testing as well as in the lack of education and knowledge about Spice. Spice is currently categorized as a cannabinoid, as is marijuana. However, depending on the chemical compound used by the individual and the amount ingested, the signs and symptoms for an individual unsafe to drive based on Spice consumption can vary widely. Due to the novelty of Spice, more research is needed. Officers, prosecutors, and the public also need to be educated further. The unit hopes to continue educating officers and prosecutors on the nuances of these types of cases, and to educate the public on the dangers of using designer/synthetic drugs and driving a vehicle.

DUI TRAINING

The unit is engaged in community outreach related to the danger of impaired driving as well as training of prosecutors on DUI and traffic related matters. Miriam Norman presented at the Washington Traffic Educator's Symposium and trained at the SCAO's DUI Boot Camp. She also presented on a variety of issues at a state-wide level. She conducted trainings to educate prosecutors at both the Washington Association



*Pending dispo = start date of PT, DP, SOC and DC



CRIMINAL DIVISION *continued*

of Prosecuting Attorney's District Court Training and at the Washington State Association of Municipal Attorneys training. The Washington State Traffic Safety Resource Prosecutors also specifically invited the DUI Unit to teach at several trainings for fellow prosecutors and for officers.

The unit continues to train officers on DUI and traffic related matters. In combination with SPD, the unit holds a regular training on writing search warrants. This training is effective, highly reviewed, and officers leave the training entirely capable of drafting a search warrant in an impaired driving case. It has made the search warrant process much easier to navigate.

In 2016, the unit taught a brand-new class for SPD focused on DUI trial and testimony. Officers are more likely to be subpoenaed for trials or motions on DUI cases than other type of case, but many officers are wary of the courtroom. This training was designed to help dispel some of that fear. It was a well-received, highly rated class, and the unit hopes to teach it again in the future.

The unit also held several in-office trainings for prosecutors. One training brought in Forensic Scientist Brian Capron to discuss Spice. Another was a "Wet Lab" training where volunteers were dosed with alcohol to known breath alcohol levels, and trained officers then completed the field sobriety tests on these individuals without knowing the volunteer's level. The prosecutors in attendance could see the effects of alcohol, see the field sobriety tests done correctly on possibly impaired individuals, and see whether an officer was successfully able to determine an impaired person from a non-impaired person, using the field sobriety tests. Yet another training for City prosecutors included a half-day boot camp on DUIs, where speakers from across the state stopped by to educate and train.

The unit has prepared a variety of other trainings for both officers and attorneys including: Marijuana and

Driving, Cocaine and Driving, Heroin and Driving, MDMA/Ecstasy and Driving, and Methamphetamine/Amphetamines and Driving. Meagan Westphal and Miriam Norman plan to train on a variety of impaired driving topics in 2017, with one class already slated for February.

High-Profile DUI Cases

The DUI Unit assisted with prosecution on several high-risk offenders who had multiple prior DUIs and posed a danger to society. In addition, Miriam Norman handled several revocation hearings for defendants who violated either his/her deferred prosecution program or violated probation by getting another DUI.

In one of these cases, the defendant violated the deferred prosecution program by committing a 5th DUI within 10 years (a felony charge of DUI). Due to the severity of punishment the defendant was facing, and the fact that he made a misrepresentation to enter into this SMC deferred prosecution program (he had already gotten a deferred prosecution and a defendant is only entitled to one in a lifetime), he had an interest in fighting against the revocation of the deferred prosecution. After extensive briefing and a full day of testimony and argument, the court decided that the defendant misrepresented his history when he entered into the deferred prosecution, and due to his misrepresentation the court would not unlawfully enrich him by undoing the deferred prosecution. The court revoked the defendant's deferred prosecution and imposed a substantial sentence.

These cases remind us of the importance of prosecuting all DUI offenders—each DUI that is prosecuted is potentially preventing future harm to our City and its residents.

APPELLATE UNIT

The Appellate Unit argued 58 appeals and writs in 2016, which was a 77% increase from 2015. Another 13 cases were resolved without argument. The unit also presented training to Criminal Division prosecutors

regarding writing a RALJ appeal and the case law concerning peremptory juror challenges based on race, nationality or gender.

PUBLIC RECORDS REQUESTS

The City Attorney's Office is committed to open government and compliance with its obligations under the Washington Public Records Act, RCW 42.56, and related laws. The City Attorney's Office accordingly strives to respond in a timely and professional manner to all requests for records from the public.

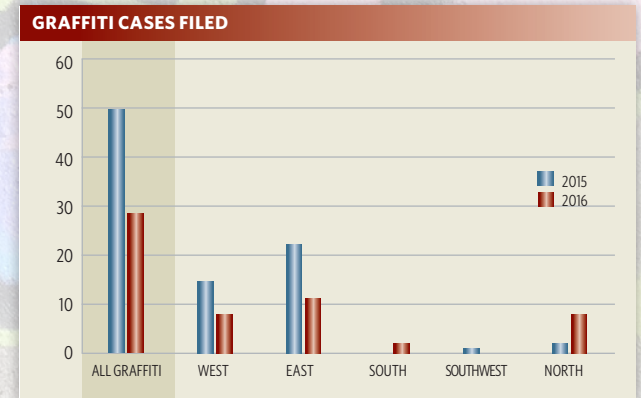
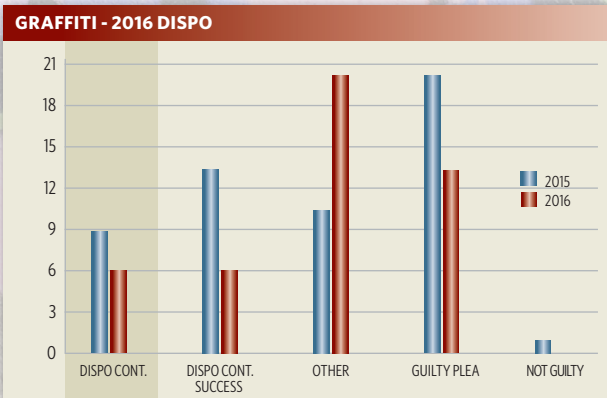
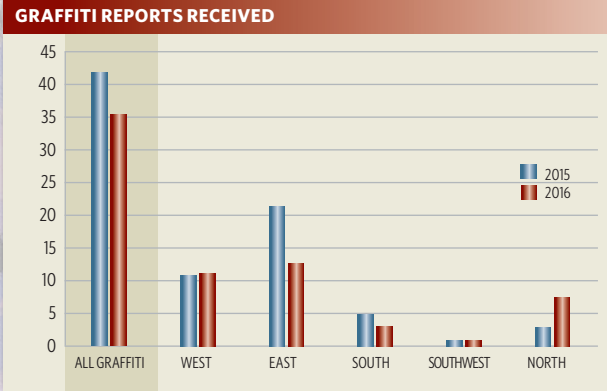
The Criminal Division handled 45 public records requests in 2016. These requests were received from suspects, victims, attorneys, and members of the press. The majority of requests were related to a specific incident or police report, but some were more far-ranging, in-depth, or time-consuming. The division received a number of requests from the media that related to matters that were, or became, very high-profile in Seattle, or elsewhere.

CONCLUSION

The dedicated, hardworking attorneys and staff in our Criminal Division accomplished a great deal in 2016. Despite being understaffed during various portions of the year, and an increased workload brought on by an increase in SPD case referrals, the division not only persevered but prevailed in 2016. New initiatives were established, major changes were weathered, and uncertainty was overcome. As we move into 2017, ushering in a period of stability and advancement, I am confident that we will accomplish even more this year. As chief, I am very proud of what we have done, what we plan to do, and am honored to lead this dynamic group of professionals.

CRIMINAL DIVISION *continued*

GRAFFITI REPORTS 2016	2015 compared to 2016**
2015 Reports Rec'd	41
2016 Reports Rec'd **	35
Diff 2016-2015	(6)
% Change	-15%
2015 West Reports Rec'd	11
2016 West Reports Rec'd	11
DIFF 2016-2015	0
% Change	0%
2015 East Reports Rec'd	21
2016 East Reports Rec'd	13
DIFF 2016-2015	(8)
% Change	-38%
2015 South Reports Rec'd	5
2016 South Reports Rec'd	3
DIFF 2016-2015	(2)
% Change	-40%
2015 Southwest Cases Rec'd	1
2016 Southwest Cases Rec'd	1
DIFF 2016-2015	0
% Change	0%
2015 North Reports Rec'd	3
2016 North Reports Rec'd	7
DIFF 2016-2015	4
% Change	133%
2015 Cases Filed	48
2016 Cases Filed	28
DIFF 2016-2015	(20)
% Change	-42%
2015 West Cases Filed	14
2016 West Cases Filed	7
DIFF 2016-2015	(7)
% Change	-50%
2015 East Cases Filed	22
2016 East Cases Filed	11
DIFF 2016-2015	(11)
% Change	-50%
2015 South Cases Filed	9
2016 South Cases Filed	2
DIFF 2016-2015	(7)
% Change	-78%
2015 Southwest Cases Filed	1
2016 Southwest Cases Filed	0
DIFF 2016-2015	1
% Change	-100%
2015 North Cases Filed	2
2016 North Cases Filed	8
DIFF 2016-2015	6
% Change	300%



CRIMINAL DIVISION *continued*

10-Year Comparison Criminal Division Cases Received/Filed

YEAR	TOTAL REPORTS RECEIVED	TOTAL CASES FILED	DV REC'D	DV FILED	CRIMINAL NON-TRAFFIC W/DV REC'D	CRIMINAL NON-TRAFFIC W/ DV FILED	CRIMINAL NON-TRAFFIC EX DV REC'D	CRIMINAL NON-TRAFFIC EX DV FILED	CRIMINAL TRAFFIC REC'D	CRIMINAL TRAFFIC FILED	DUI REC'D	DUI FILED	DWLS 3 REC'D	DWLS 3 FILED
2006	20,503	15,143	3,500	1,771	13,181	9,880	N/A	N/A	5,799	5,472	1,295	1,211	3,227	3,171
2007	19,749	15,168	3,542	1,861	10,877	9,013	N/A	N/A	6,453	6,346	1,150	1,168	4,072	4,042
2008	18,096	13,713	2,972	1,584	10,213	7,944	N/A	N/A	6,065	5,904	1,022	990	4,049	4,015
2009	19,122	14,883	3,218	1,606	12,282	8,585	N/A	N/A	6,779	6,426	1,282	1,226	4,401	4,284
2010	19,184	13,421	3,302	1,366	12,375	7,667	N/A	N/A	6,766	5,882	1,292	1,207	4,245	3,789
2011	15,476	9,345	3,254	1,394	11,471	6,951	N/A	N/A	3,683	2,489	1,504	1,498	1,479	522
2012	15,305	8,170	3,512	1,185	12,206	6,182	N/A	N/A	2,966	2,087	1,277	1,249	1,012	370
2013	13,953	7,818	3,299	1,154	10,860	5,993	N/A	N/A	2,730	1,932	1,118	1,030	932	419
2014	12,175	7,142	3,527	1,273	8,931	5,601	5,504	4,329	2,061	1,658	958	977	644	329
2015	13,224	7,444	3,734	1,398	9,614	6,063	5,940	4,666	2,211	1,551	950	956	834	292
2016	13,451	7,239	3,448	1,237	10,686	5,752	7,349	4,515	2,147	1,625	1,037	1,073	650	269
% Change 2015-2016	2%	-3%	-8%	-12%	11%	-5%	24%	-3%	-3%	5%	9%	12%	-22%	-8%
% Change 2006-2016	-34%	-52%	-1%	-30%	-19%	-42%	n/a	n/a	-63%	-70%	-20%	-11%	-80%	-92%

*Auto decline filter was activated during a portion of 2014

Year	ALL Reports Received	ALL Cases Filed	% of Reports Filed
2006	20,503	15,143	74%
2007	19,749	15,168	77%
2008	18,096	13,713	76%
2009	19,122	14,883	78%
2010	19,184	13,421	70%
2011	15,476	9,345	60%
2012	15,305	8,170	53%
2013	13,953	7,818	56%
2014	12,175	7,142	59%
2015	13,224	7,444	56%
2016	13,451	7,239	54%

Year	DV Reports Received	DV Cases Filed	% of Reports Filed
2006	3,500	1,771	51%
2007	3,542	1,861	53%
2008	2,972	1,584	53%
2009	3,218	1,606	50%
2010	3,302	1,366	41%
2011	3,254	1,394	43%
2012	3,512	1,185	34%
2013	3,299	1,154	35%
2014	3,527	1,273	36%
2015	3,734	1,398	37%
2016	3,448	1,237	36%

Year	Non-Traffic W/DV Reports Received	W/DV Cases Filed	% of Reports Filed
2006	13,181	9,880	75%
2007	10,877	9,013	83%
2008	10,213	7,944	78%
2009	12,282	8,585	70%
2010	12,375	7,667	62%
2011	11,471	6,951	61%
2012	12,206	6,182	51%
2013	10,860	5,993	55%
2014*	8,931	5,601	63%
2015	9,614	6,063	63%
2016	10,686	5,752	54%

CRIMINAL DIVISION *continued*

Year	Criminal Traffic Reports Received	Criminal Traffic Cases Filed	% of Reports Filed
2006	5,799	5,472	94%
2007	6,453	6,346	98%
2008	6,065	5,904	97%
2009	6,779	6,426	95%
2010	6,766	5,882	87%
2011	3,683	2,489	68%
2012	2,966	2,087	70%
2013	2,730	1,932	71%
2014*	2,061	1,658	80%
2015	2,211	1,551	94%
2016	2,147	1,625	76%

Year	Criminal Non-Traffic Ex DV Reports Received	Criminal Non-Traffic Ex DV Cases Filed	% of Reports Filed
2014	5,504	4,329	79%
2015	5,940	4,666	79%
2016	7,349	4,515	61%

Year	DWLS 3 Reports Received	DWLS 3 Cases Filed	% of Reports Filed
2006	3,227	3,171	98%
2007	4,072	4,042	99%
2008	4,049	4,015	99%
2009	4,401	4,284	97%
2010	4,245	3,789	89%
2011	1,479	522	35%
2012	1,012	370	37%
2013	932	419	45%
2014	644	329	51%
2015	834	292	35%
2016	650	269	41%

Year	DUI Reports Received	DUI Cases Filed	% of Reports Filed
2006	1,295	1,211	94%
2007	1,150	1,168	102%
2008	1,022	990	97%
2009	1,282	1,226	96%
2010	1,292	1,207	93%
2011	1,504	1,498	100%
2012	1,277	1,249	98%
2013	1,118	1,030	92%
2014	958	977	102%
2015	950	956	101%
2016	1,037	1,073	103%

ADMINISTRATION DIVISION



Contracts & Utilities Attorney Stephen Karbowski wheels children's holiday gifts to the 20th floor elevator in Columbia Center.

The Administration Division provides executive leadership, communications and operational support for the 180-employee department as well as numerous interns and volunteers. The division is comprised of the City Attorney, his immediate staff and the Accounting, Human Resources and Information Technology sections.

In keeping with Pete's commitment to ensuring the office is transparent and accessible to the people of Seattle, the office continued to produce and circulate a bi-monthly electronic newsletter for the public (*E-Newsletter*). The newsletter is intended to update the public on new legislation, current events, significant cases and news links. In addition to the *E-Newsletter*, the

Administration staff also prepared a bi-monthly internal employee newsletter, *In Brief*.

Budget

The Administration Division was instrumental in helping the office achieve its budget goals in 2016. As part of the budget process, the department added:

- Two paralegals to assist with the growing number of public records requests;
- Two attorneys assigned to the Regulatory Enforcement and Economic Justice section;
- Three positions to support the Alaskan Way Viaduct, Seawall Replacement, and the Duwamish Allocation projects; and

- One prosecutor in the Criminal Division to address increased workload for contested infractions and DUIs.

The three-person accounting staff provided ongoing review and management of the 2016 operating budget and support for the development of the 2017-2018 budget. In addition, the accounting team participated in lengthy planning sessions for the Summit Re-Implementation Project, an update to the City's accounting system and processes scheduled to launch in January 2018. The Administration team also responded to numerous requests for supplemental information during the Mayor's and City Council's budget review processes.

ADMINISTRATION *continued*



Administration Division Director Dana Anderson urges accountant Rithy Lim to help himself to treats on staff appreciation day.

HUMAN RESOURCES

Human Resources staff continued its commitment to the City's Race and Social Justice Initiative in 2016. To broaden our recruiting efforts and attract a diverse applicant pool, job announcements for attorney and paralegal positions were posted with local minority bar associations.

The safety, security and well-being of the staff remains one of our top priorities. Administration organized emergency preparedness trainings as well as notified employees of numerous other City-sponsored trainings and wellness events.

VOLUNTEER AND EXTERNSHIP PROGRAMS

The City Attorney's Office has a long history of providing opportunities for volunteers and student externs to learn more about the legal process and criminal justice system. The Criminal Division program offers opportunities to both undergraduate and law students, while the Civil Division program is designed only for law students.

Criminal Division program. Participants learn about the criminal justice system while combining classroom

knowledge with on-the-job training. Law students work side by side with prosecutors to learn the basics of case preparation, filing and trial work. During 2016, the Criminal Division had a total of 35 volunteers who provided more than 9,500 service hours. Of the 35 volunteers, 11 were male and 24 were female.

Civil Division program. The Civil Division externship program hosted 13 volunteer legal externs (five male and eight female) in 2016. Law students conducted legal research, wrote briefs, observed court proceedings, and assisted attorneys with a variety of employment, land use, regulatory enforcement, and torts cases in 2016.

INFORMATION TECHNOLOGY

On a daily basis, the department's IT staff supports 210 desktop computers, 17 laptops and four department-specific servers for staff in Columbia Center, Seattle Municipal Court, Seattle Police Department headquarters, and five Seattle police precincts. In addition, the IT team works collaboratively with the senior planning and management staff in the Seattle Information Technology (SIT) department to implement improvements to City-wide data systems and security.

City-wide projects. In 2016, the City moved its entire data center in the Seattle Municipal Tower to a new state-of-the-art facility. Each of the Law Department's servers was transferred to the new data center over the summer, requiring precise planning for all Law Department and SIT teams involved to ensure minimal business interruption. All moves were completed without significant delays or issues, resulting in a major technological accomplishment for the department and the City.

Department-wide projects. As part of an effort to adopt Microsoft's Office 365 program, we started 2016 by updating the entire department to Office 2013. This migration involved training and reprogramming several sub-systems dependent on applications such as Word and Excel. The second phase is an upgrade to Office 2016, planned for early 2017.

Civil Division

In 2015, we began the process of assessing possible replacements of our in-house civil case management system called OnTrack. After determining the requirements, we solicited bids through an RFP process and eventually went live with the new application in

ADMINISTRATION *continued*



CAO employees volunteered their painting skills at the Ballard Boys & Girls Club.

September 2016. The project was a huge success, resulting in a new case tracking system with all our historical records successfully migrated. The department's IT team played a critical role in server configuration and data mapping to migrate all information to the new application.

Starting in 2015, we also began the search for a replacement of our legal document management system called Summation. After determining our requirements, we posted a second RFP, seeking an application which could effectively organize, edit, and produce documents related to civil litigation and projects. In a coordinated effort requiring server support from the City's central IT staff, the Law Department's IT team configured servers and managed huge amounts of necessary storage. We went live with the new application in July 2016.

Criminal Division. In 2015, the Criminal Division implemented a new system to electronically archive criminal case data for easy access and efficient administration of

retention rules. But the problem was all documents had to be manually archived. In 2016, the IT team completed the second phase of this project, auto-archiving these items. This resulted in significant time savings for support staff and a quick return on investment in the system.

PUBLIC RECORDS REQUESTS

Throughout the year, the Administration team facilitated responses to 156 Public Records Act requests received by the City Attorney. Also, assistant city attorneys provided extensive legal advice and compliance training regarding public disclosure requests to our employees, staff from other City departments, the Mayor's Office and the City Council.

Seattle City Attorney Annual Report 2016

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