



E-NEWSLETTER

June 2014

ISSUE: 17

Supporting the child victims of domestic violence

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As our office's child victim advocate, it is Karen Irish's responsibility to support and assist children who are victims of misdemeanor crimes. Throughout her 25 years in the Criminal Division, she has helped countless victims and their families find stable ground after episodes of domestic violence have thrown them into turmoil.

In every case she handles, Irish seeks to understand not only the content – the facts of the case – but also the context of what happened. How old is the victim? How is the offender (defendant) related to the victim? Are the victim and the defendant still living in the same house? Has this type of behavior happened before?

The police incident report offers a snapshot of the situation, but does not show the entire picture. Irish has to look beyond the four corners of that document to find the real people who are affected. In order to gather additional information, Irish may review prior criminal records and call the Child Protective Services caseworker, a school counselor or teacher, a neighbor, or a police detective. She gathers as much background information as she can before reaching out to the victim, not only because she wants to be informed, but also because often these are dramatic experiences for victims. The more Irish knows ahead of time, the better she can advocate for those who may be suffering.

As is true with all victim advocates in the City Attorney's Office, Irish's first duty – always – is to support the victim. When she contacts the victim and their family, she listens to their story and asks how they feel about the case being a criminal matter. This input can help the assistant city attorney, or prosecutor, to make an informed decision about the case. Irish helps families connect with resources they may need, including housing, counseling or the nearest food bank.

Her next focus is to educate them on the criminal justice system. Most victims and their families are overwhelmed by the different processes of the system, and Irish is there to inform them of their rights and what they can expect next. If a case goes to trial, she works with the prosecuting attorneys to arrange interviews of the victim, including interviews with the defense attorney. She prepares the victim for court (explaining the role of each person in the courtroom as well court procedures) and accompanies them and their families to court hearings.



**Karen Irish, Domestic Violence
Advocate for the Seattle City
Attorney's Office—Criminal
Division**

Advocate continues to support victims after criminal proceedings end

As a child victim advocate, Irish must understand the needs and wants of the victim so she can effectively advocate for them. This can be challenging, especially if they are very young. A six-year-old usually doesn't have a personal cell phone Irish can call, let alone the maturity or courage to tell her how badly they may have been hurt by their own parent. Navigating the system and protecting the victim starts the moment she opens a case, and continues as she works with the prosecutors to ensure the victim's best interest. While Irish's job is to keep the victim's best interests at heart, that role can conflict with the prosecutor's goal. The main role of the prosecutor is to hold defendants accountable. There are times when holding the defendant accountable may mean asking the victim to do something she or he does not want to do, such as requiring that he or she relive a very difficult time and be subject to questioning in an open court. Irish must create strong relationships with the victims and the prosecutors in order to have difficult conversations about what the criminal system can and cannot do. She works hard to coordinate with Child Protective Services, community resources, the prosecutor and the family to find the best outcome for everyone involved, with the victim's and family's needs always her first priority.

Irish does establish close relationships with many families, and remains available to them even after the criminal proceedings are over. It's not unusual for her to get calls years later from family members needing resources or just wanting to update her on their progress. Recently, she received a call from a young man whose younger brother was a victim of abuse by their father. The case went to trial over a year ago. The brothers are living together and do not have contact with the father. The older brother asked her to help them gain access to a driver's license and passport for the younger brother that the father was refusing to relinquish. She made a referral for the boys to obtain free legal services to assist them.

Last year Irish received a police report for an incident in which a family friend had assaulted a 15-year-old boy. Two boys were playing, and a 15-year-old injured an 11-year-old. The younger boy's father, the defendant, was furious and punched the 15-year-old in the face. The photos showed a severely bloody nose and bruised face. The victim's mother was very upset about the assault and was supportive throughout the prosecution of this case, though she could be difficult to track down. After numerous hearings that attempted to settle the case, it was set for a jury trial. Our witnesses included the 15-year-old boy, his mother and the 11-year-old. The challenges began on the first day of trial. The mother, who sadly was a chronic drug abuser, was in bad shape. The 15-year-old victim clammed up and paced outside the courtroom, waiting for his turn to testify. The 11-year-old boy had changed his story and was now defending his father's actions.

Things were looking grim. The victim's grandmother came for support and Irish spent time talking with her. Irish was able to offer support and resources to the grandmother, who was desperately trying to hold this family together. The victim and his mother rallied to testify when it was their turn. At the end of a long day, however, we learned that the victim was going to have to come back again for rebuttal testimony (testimony in response to the defendant's testimony). Irish knew he was scheduled to leave for a summer backpack trip with one of the few positive mentors in his life. The prosecutor had to have the victim's rebuttal testimony in order to be successful, but the backpack trip left at 8:00 a.m. the next day. After several phone calls, Irish arranged for the mentor to wait, van full of kids, until the victim finished his testimony. It was a successful day in court when the jury returned with a guilty verdict and the judge ordered drug and alcohol treatment for the defendant, as well as a No Contact Order with the victim.

Although this case was a success for our office, sometimes, for numerous reasons, defendants are found not guilty. The challenge then becomes helping the family deal with the disappointment and fear that result when the outcome does NOT feel like justice. For advocates this means additional safety planning, community resources or just emotional support. Most victims simply want to be believed and supported. Believing and supporting victims is the essence of a victim advocate's job.

Correcting an Historical Legal Wrong: Removal of a Racially Restrictive Covenant From a City of Seattle Property Deed

On May 17, 2013, King County Superior Court Judge Pro Tem Henry Judson signed an “Order Granting Petition for In Rem Declaratory Judgment Striking Discriminatory Provision from Title” for a City of Seattle property held by Seattle City Light since 1954. The property served as a substation for power distribution to City Light customers in parts of unincorporated King County and Burien. The property had stood vacant since it became surplus to City Light’s utility needs once the substation was decommissioned in the 1990s. When City Light decided to sell the property in 2012, a title report revealed the existence of a racially restrictive covenant on a 1929 Warranty Deed to the property from the “South Seattle Land Company” as Grantor to a “Mrs. G.C. Jacobsen” as Grantee. When City Light purchased the property in 1954 from King Runnels and Verna M. Runnels, the Statutory Warranty Deed for the property did not include the repugnant language of the 1929 deed, which in part read:

“No part of said property hereby conveyed shall ever be used or occupied by any person of Ethiopian, Malay or any Asiatic race, and the party of the second part, his heirs, personal representatives or assigns, shall never place any such person in the possession or occupancy of said property or any part thereof, nor permit the said property or any part thereof, nor permit the said property or any part thereof, ever to be used or occupied by any such person, excepting only employees in the domestic service on the premises of persons qualified hereunder as occupants and uses and residing on the premises.”

Under RCW 49.60.224(1), this deed provision was void and against public policy. RCW 49.60.227 provides that a land owner may cause a provision that is void by reason of RCW 49.60.224 to be stricken from the public records:

RCW 49.60.224

Real property contract provisions restricting conveyance, encumbrance, occupancy, or use to persons of particular race, disability, etc., void — Unfair practice.

(1) Every provision in a written instrument relating to real property which purports to forbid or restrict the conveyance, encumbrance, occupancy, or lease thereof to individuals of a specified race, creed, color, sex, national origin, sexual orientation, families with children status, honorably discharged veteran or military status, or with any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled, and every condition, restriction, or prohibition, including a right of entry or possibility of reverter, which directly or indirectly limits the use or occupancy of real property on the basis of race, creed, color, sex, national origin, sexual orientation, families with children status, honorably discharged veteran or military status, or the presence of any sensory, mental, or physical disability or the use of a trained dog guide or service animal by a person who is blind, deaf, or physically disabled is void.

(2) It is an unfair practice to insert in a written instrument relating to real property a provision that is void under this section or to honor or attempt to honor such a provision in the chain of title.

[2007 c 187 § 15; 2006 c 4 § 16; 1997 c 271 § 16; 1993 c 69 § 8; 1979 c 127 § 10; 1969 ex.s. c 167 § 6.]

Real Estate Services staff of City Light discovered the repugnant language and contacted the Law Department for guidance on this issue to see if could be removed from the public record, thus taking the language off title completely for future title reports on the property. The Law Department recognized that under Washington law the repugnant language could be stricken from the 1929 Warranty Deed from the South Seattle Land Company to Mrs. G.C. Jacobsen, and then searched court records to see if a similar court order under RCW 49.60.227 had ever been issued before in King County. Being unable to find a previous similar order, the Law Department drafted a “Petition for In Rem Declaratory Judgment Striking Discriminatory Provision From Title for Lot Sixteen (16) of Block Eight (8) Division One (1) Beverly Park Addition,” and filed it with a Proposed Order granting the Petition in King County Superior Court on May 15, 2013.

Just two days later, on May 17, 2013, the Order was granted by the court, striking the void deed provision from the public records forever, and eliminating said provision from title to property.

The documents drafted and filed by the City Attorney’s Office can now serve as an example for future similar petitions to strike such repugnant and discriminatory historical language from title to other properties both within King County and around our state.

FROM THE ARCHIVES

From the 1954 Annual Report (A.C. Van Soelen was corporation counsel)

City v. Nelson

“Defendant appealed from a conviction in traffic court of driving while under the influence of liquor and reckless driving. Defendant, representing himself, testified that he is a machinist and is working on his master’s degree in literature at the University of Washington. His explanation for striking an auto parked at the curb was that he was unacquainted with the automatic gear shift on the auto he was borrowing, with the result that instead of getting the auto into reverse gear, while attempting to park it, he got it into low gear, ramming the parked auto forward over the curb and a distance of 30 feet beyond. By way of illustrating the frailty of the human mind, with the inference that the officer who conducted the Harger drunkometer test erred in his calculations, he had a fellow machinist testify as to errors he made in his trade with respect to minute calculations. The Court and jury were amused at the perseverance if not imagination of the defendant, and justice prevailed to the extent of defendant’s being found guilty of reckless driving; the jury found defendant not guilty of drunken driving, however.”

LINKS TO NEWS STORIES :

5/6/14 Seattle looks to collect millions in back fines from landlord – A local landlord owes millions of dollars in fines for housing violations, but legal challenges have kept the city from collecting. Now the time to pay up may be drawing near. (KOMO4)

<http://www.komonews.com/news/local/Seattle-looks-to-collect-millions-in-back-fines-from-landlord-258215331.html>

4/17/14 Seattle still struggling with ‘nuisance’ night clubs – A four-year old nightlife initiative isn't achieving its goals, with Club Volume – the model club – now considered a "chronic nuisance property" by SPD.

<http://www.king5.com/news/investigators/Seattle-still-struggling-with-nuisance-night-clubs-255725401.html>

4/10/14 Union drops appeal over firing of Seattle detective in DUI case – The Seattle Police Officers’ Guild has dropped its appeal in the firing of a detective charged with driving drunk in a city-owned vehicle filled with liquor, guns and ammunition. (Seattle Times)

http://seattletimes.com/html/localnews/2023350016_appealdroppedxml.html

4/1/14 City settles suit over police actions at Columbia City party -- Seattle police have settled a lawsuit filed after a melee broke out at a Columbia City housewarming party where an officer used a garden shovel as a weapon. (Seattle Times)

http://seattletimes.com/html/localnews/2023278776_spdsettlement1xml.html

EVENTS

6/3/14 – Pete meets with members of the San Francisco Sentencing Commission who are travelling here to learn about the Law Enforcement Assisted Diversion Project. <http://leadkingcounty.org/about/>

6/4/14 – Pete takes part in a discussion sponsored by the Bainbridge Graduate Institute around the question of sustainability, both social justice and environmental issues, within this emerging marijuana market. <http://bgi.pinchot.edu/>

6/6—6/7/14 – At a Denver meeting of the International Municipal Lawyers Association, Pete will be discussing the transition from illegal marijuana to medical marijuana to retail marijuana. <http://www.imla.org/>

7/19/14 – Pete attends the Refuse to Abuse 5K at Safeco Field in support of a team of Criminal Division staffers. The event benefits the Washington State Coalition Against Domestic Violence.

7/24/14 – Pete participates in the quarterly meeting of the Domestic Violence Prevention Council.



Ahead of the opening of the first retail pot stores, Pete appeared last month on a Seattle Channel program about I-502 progress since voters approved legalization in 2012.

<http://www.seattlechannel.org/videos/video.asp?ID=3061412>

It wasn't technically still Black History Month but no matter: Seattle legend Carver Gayton has CAO employees spellbound one March noontime with his tales of growing up as an African-American in an overwhelmingly white city. Gayton's storied life has included stints as a football player and coach at the University of Washington, an FBI agent who integrated the Kansas City field office, a Boeing executive, commissioner of Washington State Department of Employment Security, and the first director of Seattle's Northwest African American History Museum.



Several young people related to Criminal Division prosecutors and staff enjoyed a day at the SCAO learning about local government. The group began their day with a tour of City Hall, followed by a visit to Seattle Police Department Headquarters and the Marshall Room at Seattle Municipal Court.

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To view the 2012 annual report,
please click here:

[http://www.seattle.gov/law/docs/
AnnualReport_latest.pdf](http://www.seattle.gov/law/docs/AnnualReport_latest.pdf)

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The Seattle City Attorney's Office is committed to providing the City of Seattle with the highest caliber legal advice to help protect the health, safety, welfare, and civil rights of all.

The City Attorney's Office has four divisions:

The Civil Division represents the City in lawsuits and advises City officials as they develop programs, projects, policies, and legislation. The sections within the Civil Division include torts (claims), governmental affairs, land use, environmental protection, labor and employment, and contracts/utilities.

The Criminal Division represents the City in prosecuting traffic infractions, misdemeanors, and gross misdemeanors in Seattle Municipal Court. The types of cases prosecuted by the Criminal Division include driving under the influence, traffic infractions, domestic violence, theft, assault, and trespassing.

The Administration Division staff provide budgeting, accounting, human resource, clerical and information technology services for the City Attorney's Office.

The Precinct Liaison Division assigns an assistant city attorney as a liaison to each of the City's five police precincts as another way of addressing public safety and neighborhood livability problems.

How to apply for an internship/externship in the Civil and Criminal Divisions: [http://
www.seattle.gov/law/volunteer_program/](http://www.seattle.gov/law/volunteer_program/)



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