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E-NEWSLETTER

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ISSUE: 13

What's up with downtown?

*"So go downtown
Things will be great when you're downtown
No finer place for sure, downtown
Everything's waiting for you"*

Petula Clark, 1965
<http://www.youtube.com/watch?v=abOzcixNJ30>

Tourism is a billion-dollar industry in Seattle. Unfortunately, many of the comings and goings of tourists, as well as Seattle residents and workers, are being marred by incidents arising from chronic homelessness. The challenge for Seattle is to strike a fine balance between accommodating business and tourism interests and providing aid to those in need.



City of Portland toilet

Recognizing that coordination is key to effectively dealing with downtown issues, the City Attorney's Office (CAO) is taking a pragmatic and thoughtful approach. The office is working closely with the Mayor's Office, City Council, the Seattle Police Department and the Human Services Department on a strategy to ensure the welfare of homeless individuals while also providing relief for businesses.

Many homeless people can be helped through social services and outreach programs, such as Law Enforcement Assisted Diversion (LEAD). <http://leadkingcounty.org/>

Some individuals, however, consistently refuse aid and continue being a disruptive influence in the community. In many cases, though these individuals have been cited for civil infractions such as public drinking or urination, violating the City's sit/lie ordinance or pedestrian interference, their behavior hasn't changed. Only a handful of them cause most of the public safety problems with their aggressive and unwelcome behavior, and they must be held accountable for their actions to ensure a safe and vibrant city.

Jay Morris aka Jeffrey Morin offers the first successful example of the new strategy. Morin frequented the waterfront, and numerous business owners complained that his aggressive and territorial behavior was driving away customers and tourists. Morin had been cited many times for sitting or lying on the sidewalk, as he surrounded himself with his possessions and dog Moose. None of the citations caused him to alter his behavior. Representatives of the City Attorney's Office, SPD and HSD all reached out to Morin multiple times to try to help him and change his behavior.

None of these efforts resolved the issue. Finally, the CAO filed a Failure to Respond (FTR) misdemeanor for ignoring the civil infractions, and Seattle Municipal Court issued a warrant for Morin's arrest. Morin is no longer causing problems on the waterfront. (In a twist to the saga, a SPD sergeant simultaneously discovered Morin had failed to register as a sex offender; he is now in the King County Jail awaiting prosecution for that felony.)

In the past few years, the CAO has not pursued criminal charges for FTR to civil infractions because it effectively criminalizes poverty – the homeless cycle in and out of jail, with no change in their behavior and at great cost to taxpayers. Now FTRs will be pursued in the rare cases when all other options are exhausted, the City Attorney has pledged.

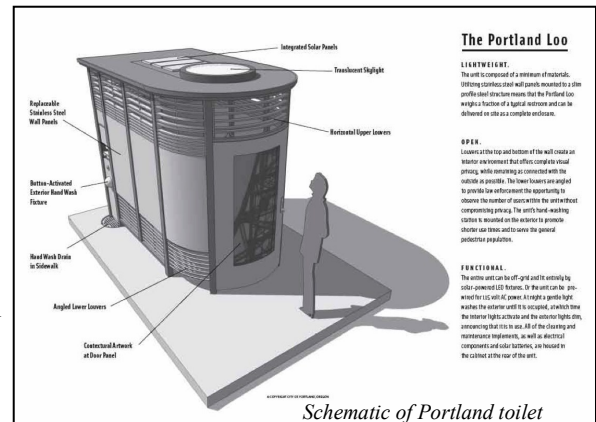
What's up with downtown?

City Attorney Addresses Council's Public Safety, Civil Rights & Technology Committee

Sept. 4, 2013

Thank you for the opportunity to engage in this important conversation regarding public safety in Downtown Seattle, Councilman Harrell. I'm here today with my Criminal Division Chief, Craig Sims. Craig and I and the entire Law Department are committed to addressing these serious issues and finding lasting, effective solutions. We have new tools and the outlook is positive.

The troublesome behavior downtown runs the gamut from uncivil "PIPs & DIPs" — peeing and drinking in public — to dangerous criminal conduct such as the recent shooting of a Metro bus driver. It is critical that anyone seeking true solutions first understands the difference between civil infractions -- such as public urination (punishable by a ticket imposing a small monetary fine) -- and outright criminal conduct, for which immediate arrest is warranted. While incivility is disgusting and unacceptable, often criminal conduct is the actual complaint — including panhandling that is so aggressive that victims feel objectively threatened with physical harm.



Second, it is important to understand the further distinction between criminal conduct that constitutes a misdemeanor and that which constitutes a felony. While I prosecute the former when the conduct occurs within City limits, Seattle felonies are prosecuted by King County Prosecutor Dan Satterberg. Both felonies and misdemeanors, however, are subject to immediate enforcement by SPD when they occur within City limits, referred to county or city prosecutors as appropriate. Only police officers can make these arrests, and only police officers can issue tickets for these civil infractions. A 2012 decision by the Washington Supreme Court, moreover, limits my jurisdiction to misdemeanors in the Seattle Municipal Code — I cannot prosecute any misdemeanors under the Revised Code of Washington. (This is why we have prepared an extensive ordinance for Council's consideration, to incorporate many RCW misdemeanors into the SMC.) Despite these challenges, Mr. Satterberg and I work hard to coordinate our efforts to ensure public safety.

One misdemeanor that is within my jurisdiction is the Failure to Respond to a civil infraction. In other words, an individual is arrested, jailed and prosecuted — not for urinating in public - but for failing to pay the \$27 fine or appear in court to contest it. Like many municipalities, Seattle has learned many hard lessons attempting to leverage a civil infraction into this "crime" in the hope of curtailing downtown incivility. We've almost always failed to achieve the goal, but always consumed lots of taxpayer resources. It is true that jailing a homeless, alcoholic or mentally ill person will get him off downtown streets for several days or weeks. When he is released, however, he will still not have shelter, be cured of his addiction or be mentally competent. And the offensive conduct will likely occur again, and again, and again. This endless cycle of recidivism is well known by participants in the Center City Initiative, who recognize that we cannot "arrest our way out of this problem."

This is not to say we must tolerate such conduct; fortunately, we now have other tools at our disposal — including LEAD and the Crisis Solutions Center (CSC), operated by the Downtown Emergency Services Center. As we have made clear in our work with these agencies, and especially with SPD, where a Failure to Respond (FTR) warrant will provide the necessary "teeth" to get an individual into needed services, we will seek such relief. Aside from the much publicized and nonconforming request for 28 such warrants late last month (see my Aug. 19 letter to Chief Pugel, attached), we have honored two such requests from SPD in the last two years, and will continue to collaborate with this process to leverage participants into LEAD and CSC as appropriate. In the meantime, collaboration is the key operative word, and it is important that we not backslide into old and ineffective responses. Thank you.

Related documents:

[Drilling down on West Precinct crime](#)

Frank talk from the City Attorney: "FTR proceedings seldom improve our urban quality of life, except for the very short time the subjects may be incarcerated at great expense to taxpayers." http://www.seattle.gov/law/news/Holmes_Pugel_8_20_13.pdf

"City Attorney: More than a list of names needed to clean up Seattle streets"

<http://mynorthwest.com/11/2338837/City-Attorney-More-than-a-list-of-names-needed-to-clean-up-Seattle-streets>

Corporation Counsel Anton C. Van Soelen



Photo Courtesy of the Anton C. Van Soelen collection at the University of Washington.

Anton Van Soelen assumed office in 1930, after the resignation of Corporation Counsel Thomas Kennedy. Before being appointed by the City Council, he worked in the office as a clerk, and then as an assistant corporation counsel, making him familiar with the organization that he had inherited. He was subsequently elected unopposed in 1932.

Van Soelen assumed leadership of a department in crisis. City government was slow to respond in any meaningful way to the Great Depression of 1929 that had now led to significant hardship for the population, and it was not until 1933 that the department's budget was nearly halved, from \$130,000 in 1930 to \$76,156.40, due to falling tax revenue. As a result, Van Soelen and his assistants cut their salaries by up to 30 percent rather than shrink the department.

With Franklin D. Roosevelt's election in 1932 and the subsequent inauguration of the New Deal, Seattle began to apply for the various forms of federal aid then available. The Law Department was called upon to provide legal advice for an enormous number of new projects in diverse fields, all of them financed by federal money and requiring a great deal of legal negotiation with the federal government to implement.

The dramatic cut to salaries, as well as the substantial increase in the business of the Law Department, led to what was very nearly a morale crisis among the employees. This was cured by a minor budget increase in 1937, but the continued economic instability as well as the outbreak of World War II meant that the Law Department could not count on major budget increases for many years. The end of the war brought an increase in public dollars, and in 1946 the department was finally placed on firmer financial footing, its budget exceeding \$100,000 for the first time since 1931. After prompting from Van Soelen, the Council raised the salaries authorized for assistant corporation counsels to compete with the private sector and thereby attract better lawyers.

With a larger budget and higher salaries, the Law Department was able to increase its staff, something Van Soelen had long believed necessary. He continued in his post for 18 more years before resigning in 1963; he recommended his senior assistant corporation counsel, A. L. Newbould, to succeed him. The department he passed on was one which Van Soelen had largely created; he managed it during the crises of the 1930s, World War II, and the economic prosperity of the 1950s and early '60s. Though it appears he made no major reforms or policies, his decades of work on behalf of Seattle transformed the City and earn him recognition as Seattle's longest serving corporation counsel.

Walking the Talk

Four times a year the department's Race and Social Justice Initiative volunteers spend a work day out in the community as cooks, cleaners, and gardeners or whatever helpful roles are needed by non-profits. The beneficiary on Sept. 20 was Julia's Place, an emergency night shelter for homeless families with children.

The team deep-cleaned the facility, from refrigerator to floors to bathrooms and the kitchen. Volunteers also sanitized the kids' toys, organized books, and in the case of City Attorney Pete Holmes, climbed onto the roof to clean the gutters.

Previous teams worked at the Compass Center with Operation Sack Lunch and El Centro de la Raza. The volunteers have also sponsored donation drives for Jubilee Women's Center and Youthcare.



A Seward Park saga ends; neighbors rejoice

Last month the City Attorney's Office celebrated the sale of the Sharon Stone house in the Seward Park area, for which our client, SPD, received a check for \$15,000. Assistant City Attorney Beth Gappert and SPD began working on this project three years ago. Stone settled the real property forfeiture case a year ago and put the house on the market. Since then Gappert worked with Stone's grandson, the buyers and several other lienholders to clear all the outstanding liens. For more on the story, see Page 13 of the 2012 Annual Report.

http://www.seattle.gov/law/docs/AnnualReport_latest.pdf

LINKS TO NEWS STORIES:

9/9/13 [State panel upholds Seattle City Attorney's police-representation plan](#). A three-member state commission has affirmed a decision that the Seattle City Attorney's Office acted properly when it ended a longstanding contract with a private law firm and instead opted to handle inhouse much of the defense of police officers who need legal representation. (*Seattle Times*)

9/9/13 [Court rules against longshore union in Sonics arena case](#). The city of Seattle and King County did not "stack the deck" in favor of building a sports and entertainment arena in Seattle's Sodo area, the State Court of Appeals ruled on Monday. (*Puget Sound Business Journal*)

8/23/13 [Analysis: The Real Story Behind the 'Feud' Between Pete Holmes and SPD](#). Focusing on the finger pointing plays better when it comes to generating buzz, moving papers and garnering page-views. (*Seattle Weekly*)

8/12/13 [As drug czar exits, does U.S. really need a new one?](#) The departure of U.S. drug czar Gil Kerlikowske, the ex-Seattle police chief who never yielded on the question of legalizing pot, prompts suggestions that the office has become irrelevant. (*Seattle Times*)

8/9/13 [City pays \\$1.75 million to settle lawsuit over violent SPD arrest](#). In the same week it paid out one of the largest monetary settlements in Seattle history, the City continues to insist its police officers did nothing wrong during a violent arrest that left a man brain damaged. (*KOMOTV*)

EVENTS

10/1/13 — Pete will participate in the second annual graduation at **Seattle Veterans Treatment Court**, which is a cooperative venture among prosecutors, public defenders, the VA, the Seattle Municipal Court and the veterans/defendants. The ceremony will take place from 3:30 to 4:30 p.m.

10/9/13 to 10/11/13 — Pete will be a presenter at the **Washington State Association of Municipal Attorneys** (WSAMA) Fall Conference in Walla Walla. His topic will be Initiative 502's implementation, particularly how it is impacting the City. Also attending WSAMA will be Deputy Chief of Staff John Schochet and Land Use Section Director Roger Wynne. <http://wsama.org/>

10/16/13 — At the **Mayor's Service Awards**, from 2 to 3 p.m. in Bertha Knight Landes Room at City Hall, Pete will help present 20-year service awards to two Criminal Division employees, Paige Gates and Kevin Kilpatrick.

10/22/13 to 10/26/13 — Pete has multiple roles at the **International Drug Policy Reform Conference** in Denver. Besides being a panelist, he will accept – on behalf of the I-502 prime sponsors – an award from the Drug Policy Alliance for the successful passage of the statewide initiative to legalize, regulate and tax recreational marijuana. <http://www.drugpolicy.org/events/2013-international-drug-policy-reform-conference>

11/5/13 — The state **Sunshine Committee** meets from 9 a.m. to 1 p.m. in the John A. Cherberg Bldg., in Olympia. <http://www.atg.wa.gov/opengovernment/sunshine.aspx>

SEP 28TH 2013 THROUGH JAN 5TH 2014



CHALLENGE YOUR PERSPECTIVE.

Pacific Science Center's new exhibit raises profound questions about the U.S. concept of race. In conjunction with this exhibit, join us for free Group Workshops and a Speaker Series.

THE EXHIBIT

Using interactive maps, historical artifacts, computer simulations of gene flows, compelling photographs and multimedia presentations, *RACE: Are We So Different?* challenges how we think about race and human variation and reveals the reality—and unreality—of race. It probes how racism has impacted every social institution, and shaped our country's history.

Free on the first Monday of each month (Oct.–Dec.) for the first 800 people, from 5–8 p.m.

For more information on Group Workshops and the Speaker Series visit seattle.gov/rsji.



RACE is a Project of American Anthropological Association.
Funded by Ford Foundation & National Science Foundation.

GROUP WORKSHOPS

What does "racial equity" mean? How can we take action to achieve greater equity?

Businesses, non-profits, PTSAs, faith-based organizations, neighborhood associations, government agencies, youth groups and other groups from the community are invited to participate in free Group Workshops at Pacific Science Center or your place of gathering. Each Group Workshop includes a 75-minute pre-exhibit session and a two-hour post-exhibit session. These experiences are designed for groups to use the exhibit to expand and apply their understanding of racial equity in their own groups and communities. RSJI staff and our trained facilitators will work with your group to tailor the workshop experience to your particular needs and goals. All groups will be provided with resources and next steps to make on-going commitments to work to end racial inequity.

Group Workshops are free to groups who experience the exhibit. Pacific Science Center is committed to making the RACE exhibit experience affordable for everyone who would like to engage with it. Discounted group admission rates are available to all groups of 10 or more who make advanced reservations. If you are concerned that your workshop group will not be able to cover the cost of admission, please contact Diana Falchuk at the Race and Social Justice Initiative to discuss ways that we can make your group's participation possible: diana.falchuk@seattle.gov or (206) 684-5282.

SPEAKER SERIES

The Speaker Series presents international, national and local leaders in racial equity.

- **Tuesday, October 1, 7 p.m.** at Pacific Science Center – Kick-off event featuring John Powell, author, international civil rights scholar and current Executive Director of the Haas Institute for a Fair and Inclusive Society and UCLA Berkeley.
- **Monday, October 7, 7 p.m.** at Pacific Science Center – *Broken on All Sides* film viewing and panel discussion with local leaders in racial equity in criminal justice. *Broken on All Sides* examines racial inequities in the American criminal justice system through the lens of Philadelphia. Complete your experience with the RACE exhibit. From 5-8 p.m., the first 800 people who visit the exhibit will see it for free. This event is a lead-in to the Seattle Social Justice Film Festival, running Oct. 10–13: socialjusticefilmfestival.org.
- A third event will be announced later in the fall.

All Speaker Series events are free and open to the public.

A donation of \$5 or old eyeglasses, dictionaries or postage stamps is requested for the film viewing and discussion, to benefit Books to Prisoners.

For more information on Group Workshops and the Speaker Series visit seattle.gov/rsji.

Group Workshops and the Speaker Series are sponsored by the following City of Seattle Departments – Office of Arts & Culture, Department of Transportation, Department of Neighborhoods, City Attorney's Office, Human Services Department/Youth and Family Empowerment Division, Seattle Public Library and Seattle Center – as well as the Seattle Social Justice Film Festival, Non-Profit Anti-Racism Coalition, Center for Ethical Leadership, Social Justice Fund, City of Federal Way Diversity Commission, Federal Way Public Schools, City of Redmond/Old Redmond Schoolhouse Community Center, Snohomish County, Seattle Times, University of Washington Department of Communication and Seattle Metro Chamber of Commerce.

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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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