



E-NEWSLETTER

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Hacking for the public good

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After Ferguson, Mo., erupted over a grand jury's decision not to indict the police officer who fatally shot an unarmed black man, law enforcement agencies across the country began adopting body cameras. While most agencies are just beginning to address how to balance transparency and privacy in relation to police video, the Seattle Police Department is on the leading edge of the issue.

SPD currently has than 1.6 million in-car videos – 314,000 hours of footage spanning 360 terabytes of disk space -- and it launched a pilot body-cam program in December. All of these videos are subject to disclosure under Washington's broad public records law, with only limited exemptions for law enforcement and privacy concerns. Reviewing, redacting and releasing video is an expensive, time-consuming and labor-intensive process. Technicians must review each video for exempt content, and then blur faces frame by frame or edit out audio. It may take an hour or more to redact a three-minute video.

Because no technological solution appears to exist, SPD kicked off a Video-to-Public project during the summer of 2014 in hopes of spurring industry solutions to implement a video management program for providing efficient, cost-effective access to police video on a broad scale. The need for a solution took on new urgency when Tim Clemans, a Seattle area software programmer, submitted multiple public disclosure requests to SPD and police departments across the state. He sought the broadest possible access to all police videos and



related records. Departments estimated that responding to Clemans' requests would take decades, and some police agencies decided to forego body-cams rather than be burdened with responding to such broad disclosure requests.

SPD Chief Operating Officer Mike Wagers took an unusual approach to the problem. He met with Clemans and the "SPD Hackathon" grew out of that meeting. SPD posted a sample



video and challenged anyone interested in attending the Hackathon to work on developing redaction software that would remove identifying information from the video while leaving the recording in its original format.

More than 80 people attended the Dec. 19 Hackathon, including Clemans and other techies, plus public officials, police officers, students and representatives from companies like Evidence.com, Amazon and Microsoft. The Hackathon didn't produce a new technology that will solve all the problems, but it highlighted the issues and will spark future innovation.

More importantly, the Hackathon brought together people with different points of view to focus on police video. Public disclosure advocates want SPD to automatically release all its video online. At the same time, privacy advocates are concerned about the impact this will have on the subjects of those videos. The Hackathon provided a unique opportunity to discuss the issues and to work cooperatively to address them. SPD anticipates that the policy it develops will be a model for the nation.



The Seattle City Attorney's Office is involved in the Video to Public project and Assistant City Attorney Mary Perry spoke at the Hackathon. She explained that the Washington Public Records Act requires SPD to disclose almost all video upon request unless it is part of an open case currently under investigation, or, in the case of in-car video, related to active litigation. Generally, SPD may only redact identifying information if a specific statutory exemption applies, such as exemptions for the identity of a minor or of victims or witnesses who are at risk or who have requested nondisclosure.

Agencies like SPD are generating videos at a rate faster than they can process and provide them in response to disclosure requests. The Public Records Act bars agencies from denying a request because it is "overly broad" and doesn't allow processing cost

recovery. This has created a dilemma for SPD and other Washington law enforcement agencies. One way to address this dilemma emerging from the Hackathon is a two-prong approach that would focus on general transparency on the one hand and Public Records Act request responses on the other. To ensure general transparency, Hackathon participants urged SPD to pro-actively release most, if not all, videos to the public with all identities redacted. Meanwhile, they urged SPD to continue to press for solutions for processing and redacting video that comply with strict Public Records Act requirements.

The Hackathon was not an isolated event. It is part of an ongoing effort by SPD to work with the community to not only "hack" solutions for redacting videos for public disclosure requests but to give SPD unparalleled transparency -- while not invading individual privacy or impairing law enforcement efforts.

SPD has posted notes from the Hackathon on the SPD Blotter at <http://spdblotter.seattle.gov/2015/01/05/a-dazzling-bodycam-video-and-notes-from-our-hackathon/>

Editor's note: Mary Perry is an assistant city attorney in the Civil Division.

Jury Duty: Behind the scenes and inside the “box”

On Sept. 10, 2014, I reported for jury duty at King County Superior Court. On Oct. 10, I was the foreperson handing up the verdict after a four-week civil trial. It was a personal injury case; an electrician had been walking on a security grid ceiling at the Washington State Penitentiary when the ceiling gave way. If you're curious as to what a security ceiling looks like, look up. Most ceilings in offices and courts are visually similar to the grid system used at the penitentiary. The ceiling was not supposed to be walked on and the electrician was severely injured in the fall. The plaintiff was suing the companies that built and designed the ceiling. Unfortunately for the plaintiff, the defendants were not to blame for the electrician deciding to walk on the ceiling.

Four weeks prior to handing up the verdict, I came into jury duty with the kind of knowledge that a fledgling attorney has about what goes on in the deliberation room—limited and based on what other attorneys had told me. My experience confirmed that to avoid talking about the case jurors will talk about the weather, sports, their children, their jobs, and what everyone in the courtroom is wearing. We definitely noticed when almost all of the male attorneys were wearing matching blue, button-up shirts.

In large part, those four weeks were an exercise in patience and concentration. Listening to hours of testimony days on end reminded me of being in law school. I'd show up, listen, take notes, rinse and repeat. I have heard that jurors' attention spans usually last around 20 minutes. My attention span was far longer when the evidence was on point or interesting and noticeably less when attorneys and witnesses went off on tangents, were redundant, or were patronizing. For example, one attorney spent an excessive amount of time trying to make sure that we all knew that if a metal T-bar in the security ceiling wasn't supported at both ends, it would fall down out of the ceiling. In other words, it was a lesson on gravity.

On the other hand, there were a lot of things that I liked that the attorneys did. Remaining calm, taking the high road, and using the judge's ability to control the courtroom all went on my list of things that made an attorney likeable and credible. While most of those are rather self-explanatory the last one came into play when attorneys were dealing with a difficult witness on cross examination. Going back and forth with this witness trying to get an answer made it look like the attorney had lost control and wasn't prepared to handle such a witness. However, asking the judge to “instruct the witness to answer the question” put the witness in the position of cooperating or going against the judge's order. As someone who showed up to jury duty and then complied with all the rules associated with it, I did not appreciate witnesses who didn't comply with the judge's orders.

For me as a juror, the best thing an attorney could do would be to leave me with the impression that they were presenting me with the truth—both the good and the bad—and that they trusted me to make the right decision based on the evidence and the law (of course, this “right decision” would *just so happen* to be in their favor). Now that the trial is over and I'm settled in back at the office, I just have to keep working on being the type of attorney that I would have liked to watch as a juror and never forget what it feels like being inside the jury box.

Editor's note: Danielle Malcolm is an assistant city attorney in the Criminal Division.

Medical marijuana industry must be brought under state control

City Attorney Pete Holmes, a prime sponsor of Initiative 502, has issued an urgent request to the Legislature and a warning to illegal profiteers of the unregulated medical marijuana system in the City of Seattle.

In his 20-page road map for state, county and municipal officials, Holmes noted that the production and distribution of marijuana without an I-502 license constitutes a felony under state and federal law, declaring that “We cannot go back, and we can no longer delay: commercial marijuana activities outside state licensing and regulation must cease.”

“Current exploitation of Washington’s medical marijuana law for commercial purposes...undermines public safety, consumer health, and the successful and consistent regulation of those who wish to engage in marijuana-related business activities. MUCA (Medical Use of Cannabis Act) must be revisited at the state level in light of I-502,” Holmes said, advocating a single blended system.

For Seattle, where out-of-bounds medical marijuana dispensaries have undercut the I-502 retailers, Holmes recommends curtailing the unlicensed, illegal marijuana commerce through coordinated civil and criminal enforcement, with a reasonable grace period for operators desiring to transition to the state regulated system.

While praising the Washington State Liquor Control Board’s “cautious and careful” implementation of I-502, Holmes:

- Says the continued tolerance of unlicensed, unregulated commercial marijuana businesses under the auspices of MUCA jeopardizes state-federal cooperation on marijuana law enforcement.
- Explains why the state should consider sharing marijuana tax revenues with local jurisdictions.
- Suggests legislation for consideration by the Seattle City Council that would license and regulate a new type of business called “marijuana use lounges.” The lounges would allow vaporizing or eating marijuana edibles by those 21 and older under certain conditions.

The memo <http://www.seattle.gov/law/newsdetail.asp?ID=14794&dept=9>

Seattle Neighborhood Group offers FREE crime prevention presentations

These presentations are informative and hands-on. They vary in length, from 30 to 60 minutes, depending on the need. Brochures are available in many languages and interpretation services can be requested. A very brief Crime Prevention site assessment can be provided if requested. After the presentation, a follow-up crime prevention memo will be distributed. Seattle Neighborhood Group presents at community meetings, events, multi-family buildings, neighborhoods and schools.

<http://www.sngi.org/welcome/index.php>



At right, Officer Harris stands between Chief O'Toole and City Attorney Holmes.

Recently retired SPD Officer Ed Harris was presented the first annual Joselito Barber Memorial Award in recognition of his professional life dedicated to getting impaired drivers off the streets. In attendance on Dec. 12 was the father of the fallen officer, who died eight years ago when his patrol car was struck by a driver high on drugs and alcohol. Numerous other SPD personnel were honored at the ceremony led by DUI Unit Co-Leads Miriam Norman and Meagan Westphal. Both City Attorney Pete Holmes and Police Chief Kathleen O'Toole attended the event, which KIROTV Reporter Deborah Horne emceed.



LINKS TO NEWS STORIES :

1/15/15 Editorial: Seattle City Council takes good step to deter prostitution - The Seattle City Council took the right step this week to protect victims of sexual exploitation, but increased penalties against buyers must be carefully considered. (Seattle Times) http://seattletimes.com/html/editorials/2025463957_seattlecitycouncilsexualexploitationreplaceprostitutioncrimeedit.html

1/5/15 City Attorney Pete Holmes: 'Clearly commercial' medical pot shops not legal - Seattle City Attorney Pete Holmes pushed the Legislature to fold medical marijuana into the state's recreational system in a wide-ranging policy memo Monday. (Seattle Times) <http://blogs.seattletimes.com/pot/2015/01/05/city-attorney-pete-holmes-offers-his-path-forward-for-pot-policy/>

12/10/14 Ex-Seattle firefighters, woman acquitted of assaulting homeless men -- A Seattle Municipal Court jury has acquitted two former firefighters and a woman of assaulting several homeless men during a confrontation in March in Occidental Park. (Seattle Times) <http://blogs.seattletimes.com/today/2014/12/deliberations-begin-in-trial-of-ex-seattle-firefighters-accused-of-assault/>

12/11/14 Judge tosses out lawsuit against Seattle police overseer -- A federal judge has dismissed a lawsuit brought by a Seattle man who claimed the city's police oversight office pushed for prosecution after he complained about police brutality. (seattlepi.com) <http://www.seattlepi.com/local/article/Judge-tosses-out-lawsuit-against-Seattle-police-5947879.php>

12/17/14 What Cleveland officials could learn from Seattle about consent decree negotiations -- "If you decide you want to go to war, you'll be going to war with the largest law firm in the world," Seattle City Attorney Pete Holmes said. (Cleveland.com) http://www.cleveland.com/metro/index.ssf/2014/12/what_cleveland_officials_could.html

EVENTS

2/3/15 Pete will participate in the State Sunshine Committee meeting from 9 a.m. to 1 p.m. at the Cherberg Building in Olympia.

2/18/15 CAO will celebrate Black History Month at City Hall with a soul food potluck and address by Dr. Quintard Taylor Jr., the Scott and Dorothy Bullitt Professor of American History at the University of Washington and acclaimed author on African-American history.

2/20/15 Pete will attend the Public Interest Law Association dinner and auction at Husky Union Building.

2/26/15 The East Precinct Advisory Council will host Pete from 6:30 to 8 p.m. at Seattle University's Chardin Hall, Room 142, 1020 E. Jefferson St.

3/11/15 Pete will participate in a roundtable marking the 20th anniversary of the Violence Against Women Act. The Seattle Domestic Violence Prevention Council will host the event from 3 to 5 p.m. at City Hall.

3/20/15 Pete will attend the Citizen University Annual Conference at 6:30 p.m. at Fisher Pavilion at Seattle Center. <http://www.citizenuniversity.us/conference/>

3/26/15 Pete will speak to a Seattle University Law School class on law and open government.

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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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