



ANNUAL REPORT | 2021  
SEATTLE CITY ATTORNEY'S OFFICE

PETE HOLMES | SEATTLE CITY ATTORNEY

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## A MESSAGE FROM THE SEATTLE CITY ATTORNEY

In closing out 12 years of public service as your City Attorney, I'm filled with gratitude and pride. Gratitude to the people of Seattle for trusting me with the honor and the responsibility of serving. Gratitude to the community with whom we have partnered to bring about seismic change. And gratitude to the dedicated servant leaders of the City Attorney's Office who advocate every day for the public good in the midst of a global pandemic. I am proud of the great strides we've made over three terms:

- De-escalated the War on Drugs via prosecutorial discretion and I-502
- Ended private defense of police lawsuits and embraced reform under the federal Consent Decree
- Partnered to launch LEAD and similar arrest/prosecution diversion programs
- Created a Regional Firearms Unit to reduce gun violence
- Consolidated CAO's formerly scattered operations into professional office space
- Reversed judicial precedents that limited City Council's ability to address housing needs
- Defended innovative revenue measures



We've also accomplished a lot since the August 2021 Primary. We've worked with City Council to create a victim compensation fund; to expand our pre-filing diversion program, which has had great crime-reducing success; and to hire more Assistant City Attorneys to defend the flood of civil litigation facing the City after last year's protests – at much lower cost than outside counsel. We moved to dismiss scores of stale prostitution and DWLS3 warrants that threaten the criminal legal system's post-pandemic recovery. We've partnered on post-Blake decision drug policy, furthered decriminalization of therapeutic psychedelics and joined as amici in litigation to green light injection safehouses.

There are significant challenges ahead—particularly for one who is entering public service and managing a 200-person municipal law office for the first time:

- Reduced King County Jail capacity is reserved for the most dangerous offenders—not misdemeanants struggling to survive in an increasingly inequitable economy. Restoration and rehabilitation supports are critical so that misdemeanors do not escalate to felonies.
- Seattle Municipal Court still operates at 75% pre-pandemic capacity, and there is a backlog of over 4,000 unreviewed misdemeanor that backed up over the pandemic. And more than 25% of our Assistant City Prosecutor positions are vacant as of December 2021.
- Washington ranks dead last in progressive revenue sources. Mental health issues contribute to crime and homelessness – and we rank 47th among the 50 States in mental health care facilities.

(cont.)

## A MESSAGE FROM THE SEATTLE CITY ATTORNEY

To my successor, I offer several insights from my past three terms in office:

- Get invested in diversion and immediately start building bridges with community organizations. You need their wisdom, buy-in and support to address major challenges.
- Build strong ties with City Council as well as Executive Departments. To earn trust as their legal advisor and confidant, you must set aside personal agendas and provide the best, nonideological advice possible.
- Exercise principled discretion grounded in data. You will be criticized from both ends of the political spectrum and from the press. Meet those criticisms with data, don't be bullied, and stand firm in your beliefs.
- Establish credibility and a healthy workplace culture. You cannot succeed without a committed, motivated team. Lead in integrity by your example, and invest the time it takes to manage personnel issues, allocate/budget limited resources, and set internal office policy.



Photo credit: Joshua Trijillo, Seattle PI

Seattle should give the new City Attorney-elect a chance. Hopes that homelessness and petty crime will fade hinge largely on the pandemic's eventual end and the success of President Biden's "Build Back Better" initiative, Governor Inslee's \$800 million+ housing initiative, and JumpStart tax revenues—not on a King County Jail already operating at full capacity. She needs your support to foster a safer city that cares, rehabilitates those who need help, and holds accountable those who don't.

As for me, I'm looking forward to taking a break and finally being able to sleep in. After 12 years of responding to new issues or crises, and with little-to-no down time, I plan to spend so much time with my patient wife that she'll soon beg me to go find a job. Besides the Seahawks, Mariners, Sounders and Storm, I'll root for the Seattle Kraken with quiet delight about the work Team CAO accomplished in securing the fairest and best stadium financing deal in the Country.

Thank you, Seattle!

Pete Holmes  
Seattle City Attorney (2010 - 2021)

# GOVERNMENT AFFAIRS

The Government Affairs Section advises on a variety of local government laws such as municipal finance and budgeting, initiatives and charter issues, legislation drafting, public disclosure and inter/intra-governmental relations. The Section represents the City in litigating constitutional and complex litigation, along with police civil rights matters. Government Affairs also litigates and advises on tax issues.

## JUMPSTART PAYROLL EXCISE TAX

The logo for JumpStart Seattle, featuring the text "JumpStart Seattle" in white on a dark blue background, which is set against a red background.

As the COVID-induced recession only deepened existing inequalities, the City Council adopted a Jumpstart payroll expense tax to help house the unsheltered and prevent people from losing their homes in the first place. The Seattle Metropolitan Chamber of Commerce challenged the ordinance at King County Superior Court, but the judge resoundingly dismissed the case with prejudice thanks to smart lawyering. The Chamber appealed the decision to the Div. 1 Court of Appeals, which will consider the appeal in 2022. If ultimately upheld, the law will aid the less fortunate and help us all 'build back better.'

## RENTAL HOUSING INSPECTIONS



Thanks to the work of the Government Affairs team, the Division 1 Court of Appeals rejected a challenge to the City's Rental Registration & Inspection Program, in which all residential landlords, to maintain a business license, must arrange public or private inspections of their rental units at least once every ten years. The program was established in 2014 to help see that all rental housing in Seattle is safe and meets basic housing maintenance requirements. The plaintiffs argued that the City's ordinance and the City's requirements for inspectors, including training, were unconstitutional, but the judges found the arguments unpersuasive.

## HEALTH CARE FOR HOTEL WORKERS



The 9th Circuit Court of Appeals upheld Seattle's ordinance to improve access to health care for workers at hotels, one of Seattle's progressive labor standards meant to protect the safety and well-being of workers in Seattle. The law requires hotel employers and ancillary hotel businesses to include employees in their health benefit plans or make fixed, wage-like payments to their employees for the purpose of improving their access to health care. A trade group challenged the law in federal court, suggesting the measure was preempted by federal retirement law (ERISA), but the 9th Circuit rejected their arguments.

# CONTRACTS & UTILITIES

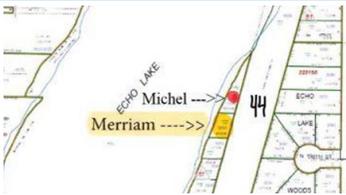
When a City Department pursues capital projects, property transactions, or purchasing agreements, the Contracts & Utilities Section steps in to draft agreements and legislation, provide legal advice, enforce contracts, and handle any resulting litigation. The Section further provides general counsel services to the City's electric, water, wastewater and solid waste utilities.

## WATERFRONT REDEVELOPMENT LID



The Contracts and Utilities Section provided help on the Waterfront Local Improvement District (LID), so downtown property owners pay to help fund the costs of waterfront redevelopment public improvements that directly benefit their property. The LID reached a final approved status in 2021, and at \$160M, it is the largest LID ever created in the US. Section attorneys, working with outside counsel, have worked for many years shepherding this LID to completion. Although there are still approximately 20 appeals related to specific properties, the LID was successfully completed with the City Council's adoption of Ordinance 126374.

## ADVERSE POSSESSION VICTORY



The Contracts and Utilities Section defended the City from lawsuits by private property owners who attempted to convert large sections of a City Light transmission corridor from public to private land via adverse possession. A Contract and Utilities Section attorney briefed and argued the case before the Washington Court of Appeals, and convinced the court that all land held by municipalities is protected from adverse possession so long as there is any direct or indirect benefit to the public. This victory replaced the prior "governmental vs. proprietary" land test, and it will prevent the loss of public municipal lands by adverse possession throughout Washington.

## CREATING AFFORDABLE HOUSING



Section attorneys supported the Office of Housing in a record-breaking year of investments. According to a recent press release, "The Office of Housing's affordable rental housing investments in 2021 mark a historic single-year investment of \$143 million, over 20% increase from prior record year." This included over 30 loan closings, which section attorneys advised in developing and will help house those in need.

# REGULATORY ENFORCEMENT & ECONOMIC JUSTICE

The Regulatory Enforcement and Economic Justice (REEJ) Section enforces City Codes, including civil rights, labor standards, housing, zoning and licensing regulations. REEJ enforces abatement actions, and pursues collection actions on delinquent accounts owed to the City. REEJ also provides civil rights advice to City departments.

## HAZARD PAY FOR GROCERY WORKERS



In collaboration with attorneys from the Government Affairs Section, REEJ attorneys successfully defended the City's Grocery Employees Hazard Pay ordinance, which requires large grocers to provide hazard pay to their workers during the COVID-19 pandemic. Associations representing grocery businesses challenged the ordinance in federal court, alleging that it was unconstitutional and preempted by federal law. The District Court granted the City's motion to dismiss plaintiffs' complaint. Plaintiffs appealed the decision but subsequently dismissed their appeal, resulting in a final decision in favor of the City and its frontline grocery workers.

## WAGE THEFT ENFORCEMENT



Employers must pay all compensation owed on a regular pay day and give employees written information about their job and pay.

A construction company hired two workers for a small apartment project. After completing the work, the workers were never paid. The Office of Labor Standards (OLS) investigated and found that Seattle's Wage Theft Ordinance had been violated. OLS ordered the company to pay the back wages, interest, and liquidated damages, and civil penalties. The company appealed to the Seattle Hearing Examiner and the case went to trial via Zoom. The Hearing Examiner affirmed OLS's position, and the workers were awarded \$1,958.04 in back wages, interest and liquidated damages, and penalized the employer \$1,092.14 in civil penalties. The company eventually paid the workers, and both workers expressed sincere appreciation for the efforts of OLS and the City Attorney's Office.

## PROBLEM PROPERTY ENFORCEMENT



Squatters moved into a vacant property with a long history of outdoor junk storage and violations dating back to 2005. There were over 25 complaints made to SDCI about junk storage at the property that included garbage, vehicles, RV's, needles, vehicle parts, and rats. Neighbors complained about burning trash and other odors as well. During 2020 and 2021, there were a significant number of police calls to the house and at least one shooting. Repeated inspections showed the outside yards deteriorating further. In early 2021, the CAO attorneys filed a lawsuit for penalties and for an order of abatement. Shortly before the trial date, there was a fire at the property and the occupants left. SDCI issued an Emergency Order of the Director to Close and was able to secure the now-vacant building. The City negotiated an order of abatement, civil penalties, and reimbursement for the cleanup done by the City.

# TORTS

The Torts Section pursues large claims on behalf of the City for damages due to the negligence of others. The Section also defends the City against lawsuits brought by plaintiffs who allege the City or its employees caused personal injury or property damage. Attorneys advise and train City departments on liability issues and risk management, meant to reduce lawsuits and liability exposure.

## CITY LIGHT METERS SETTLEMENT



**Seattle City Light**

The Torts Section helped resolve a lawsuit claiming Seattle City Light improperly billed some of its customers based upon an estimated usage of electricity. The City agreed to a \$3.5 million settlement, pending court approval, which will be largely paid to current and former City Light customers. The funds are expected to be distributed in 2022, and Torts attorneys will continue to advise until the matter ultimately concludes.

## LYNCH v CITY OF SEATTLE



After a Seattle firefighter sustained on-the-job injuries when responding to an electrical fire at the Woodland Park Zoo, he received owed benefits under the State's Worker Compensation program, but also sued the City for negligence and sought additional compensation. Following a multi-week jury trial, in which his counsel asked the jury to award him millions of dollars, the jurors unanimously concluded the City was not at fault for the firefighter's injuries. The City's defense was handled in-house as one of the few trials held during pandemic.

## PUBLIC SEWER COMPENSATION



The Torts section assisted Seattle Public Utilities and Seattle City Light in recovery matters involving damage to underground City infrastructure. For example, in two separate instances, private construction excavators either inadvertently pumped concrete or drove underground pin piles through Seattle Public Utilities sewer lines and Seattle City Light duct banks. Torts attorneys recovered over \$1.2 million in damages regarding these matters towards the cost of restoring the damaged infrastructure for SPU and SCL.

# ENVIRONMENTAL PROTECTION

The Environmental Protection Section provides legal counsel on a full range of environmental issues, including Superfund cleanups, water resources, recovery actions, the Endangered Species Act, and long-term policy development.

## MONSANTO PCB CONTAMINATION



The City of Seattle sued Monsanto in 2016 for manufacturing PCBs that contaminate the Lower Duwamish Waterway and continue to get into the City's drainage system. The case is now set for trial in federal court in September 2022. The City is seeking money from Monsanto to abate the nuisance caused by its PCBs. Abatement will include some of the costs of removing PCB-contaminated sediment from the Lower Duwamish, costs to reduce the PCBs that are getting into the drainage system, and costs to mitigate the harm caused by the PCBs. Due to PCB contamination, the Washington Department of Health has advised that it is not safe to eat any fish or shellfish that reside in the Lower Duwamish. Salmon are generally safe, however, because they spend little time in the contaminated area.

## CONTAMINATION IN SOIL AND WATER



In an urban area, there is frequently some contamination in soil and groundwater. Section attorneys help the City's staff determine what investigation should be done when they are considering buying or selling property, or when a property owner is doing a cleanup on private property and contamination is also suspected to be in the adjacent street. Section attorneys also help enforce the City's Stormwater and Side Sewer Codes. Those codes regulate connections from private property to the City's sewers and storm drains and require property owners to take steps to prevent pollutants from entering the public system.

## SUPERFUND SITES



For 21 years, the City of Seattle has been investigating pollution in the Lower Duwamish Waterway, removing and capping contamination in some areas, and is now developing the design for the overall remedy selected by EPA. The City has shared the costs of these efforts with the Port of Seattle, King County and The Boeing Company. As the time for constructing the EPA-selected remedy draws near, the City is looking to other entities that released contamination to the Lower Duwamish to pay a fair share of the costs. Section attorneys represent the City in an intensive "allocation" process that is an alternative to lawsuits.

# LAND USE

The Land Use Section provides legal counsel and litigates on issues including zoning, planning, growth management, code enforcement, the state Environmental Policy Act, low-income housing development, preservation of historic properties, and acquisition of public property for open space, parks, and other public facilities.

## DEFENDING RENTER PROTECTIONS



In seeking to support housing stability, our local policymakers adopted several laws to aid renters: a six-month eviction defense after the current COVID-19 eviction moratorium ends; an ordinance allowing a three to six-month repayment plan of overdue rent after the COVID-19 state of emergency ends; and a winter eviction ban. The Rental Housing Association challenged the three laws at King County Superior Court, but CAO attorneys led by our Land Use Section mobilized and saw all three measures upheld as lawful. Our attorneys are now working to preserve that victory on appeal.

## FAIR CHANCE HOUSING

### FAIR CHANCE HOUSING

The Land Use Section led a successful defense of Seattle's Fair Chance Housing Law, which bars most landlords from denying housing to applicants or taking other actions against tenants because of their criminal history. The City Council adopted the law in 2017, which the Pacific Legal Foundation challenged, claiming it violated landlords' constitutional rights to free speech and substantive due process. Federal Judge Coughenour rejected their claims. Following the decision, City Attorney Holmes said, "A criminal conviction should not be a lifelong sentence to living on the streets." The plaintiffs appealed the decision to the 9th Circuit.

## STORMWATER CODE UPDATE



A Land Use Section attorney advised in the development of regulations that scored victories for the environment while navigating complex federal and state law. The Stormwater Code governs how rain that becomes stormwater runoff flows off streets, buildings, and parking lots. That runoff carries contaminants to creeks, lakes, bays, rivers, and other waterways. In updating the Stormwater Code, the City met requirements from the Department of Ecology, serving Seattle's waterways.

# EMPLOYMENT

The Employment Section helps navigate employment laws, collective bargaining agreements, civil service regulations and City policies that apply to over 13,000 City employees. Section attorneys also defend the City (and sometimes its employees), advise departments, and litigate when necessary.

## COVID AND THE WORKPLACE



Employment Section attorneys collectively advised on all aspects regarding COVID-19 and the workplace, including the City's Vaccine Mandate, Alternative Work Arrangements policies and guidelines, and return to office policies and procedures. The pandemic brought new and unprecedented challenges to City policymakers, and attorneys in the Employment Section navigated a shifting legal landscape in federal, state, and local laws.

## EMPLOYMENT DISCRIMINATION



In the Employment Section's first live trial since the pandemic, which was hosted at Meydenbauer Center in Bellevue due to the facility's spaciousness to allow for proper social distancing, an employment section attorney handled a case involving an individual bringing a variety of discrimination claims, including wrongful termination. The jury returned a verdict in favor of the City on 6 of the 7 causes of action, and the City settled the remaining cause of action for \$88,000, a fraction of the City's exposure in that case.

## OVERTURNING ARBITRATION



An SPD officer was terminated from City employment after he punched a handcuffed suspect in the face while she was seated in the back of a patrol car, fracturing her skull. The officer challenged the termination, and an arbitrator reinstated his employment. After an Employment Section attorney argued the arbitrator's reinstatement decision was so lenient that it violated the public policy against excessive use of force in policing at King County Superior Court, the officer appealed. Again, the City prevailed at the Court of Appeals, and the Washington State Supreme Court declined to reconsider the decision, leaving the officer terminated from employment at the Seattle Police Department.

# AMICUS CURIAE BRIEFS

The City Attorney is empowered to weigh-in on lawsuits nationwide that affect Seattleites, even when the City is not a party in a case. Outside parties can submit Amicus Curiae briefs (“friend of the court” briefs) to provide judges a different perspective as they contemplate cases of significance. In the recent biennium, the City Attorney has signed the City of Seattle onto Amicus Curiae briefs in numerous cases in 2021, including:

## AMICUS CURIAE BRIEFS



Opposing changes to appeal processes in Immigration Courts proposed in the final months in the Trump Administration (Centro Legal de la Raza v. Office of Immigration Review)

Supporting Community Health Engagement Locations (a.k.a. Supervised Consumption Sites) - (United States v. Safehouse)

Supporting municipalities’ authority to impose eviction moratoria during the pandemic (Apartment Assoc. of L.A. County v Los Angeles)

Opposing Mississippi’s state law banning abortion after 15 weeks (Dobbs v. Jackson Women’s Health Organization)

Supporting New York’s law requiring concealed handgun permit petitioners show “proper cause” for their license (New York State Rifle & Pistol Assoc. v. Bruen)

Supporting immigrants legally residing under temporary protected status to apply for permanent resident status through a green card (Sanchez v. Mayorkas)

Opposing the Trump Administration’s change to the “public charge” rule for immigrants residing in the United States (New York v. DHS)

Supporting a New York Residential Harassment Law prohibiting landlords from threatening a tenant impacted by COVID-19 (Melendez v. City of New York)

Supporting the Deferred Action for Childhood Arrival (DACA) program to protect Dreamers (Texas v. US)

# REVIEW & FILING

The Review & Filing Unit (RFU) determines whether there is enough evidence in a case for a jury to return a guilty verdict so that it can be filed with the courts for all non-domestic violence cases. RFU has an eye towards the quick and efficient (i.e., early) resolution of as many cases as possible, thereby reducing the number of cases needed for trial.

Sworn trained Assistant City Prosecutors review all misdemeanor-level reports referred by the Seattle Police Department. Filers work to determine whether there is sufficient evidence to charge the offense, whether a Seattle jury would find a defendant guilty beyond a reasonable doubt, which charges are appropriate, and sets the City's initial sentencing recommendation. RFU also handles all non-DV arraignment hearings.

## THIS DOCUMENT WILL BE UPDATED WITH 2021 DATA IN 2022

In 2020 the Criminal Division received 10,227 reports from SPD for consideration of criminal charges. Of those reports, 5,212 cases were filed in Seattle Municipal Court (SMC).

Breaking down those numbers, the division received 2,941 domestic violence (DV) reports and filed DV charges on 978 cases, and received 972 DUI reports and filed charges on 872 cases. (Note: Some reports may have been received in 2019 but not filed until 2020).

The COVID-19 pandemic led to scaled back operations at Seattle Municipal Court, resulting in fewer cases considered than in previous years.

80% of all cases declined in 2020 were for the following four reasons:

- 25% - Insufficient Proof
- 30% - Lack of Victim Participation
- 20% - Unlikely to Prevail at Trial
- 5% - DWLS3 ("Driving While Poor")

Other Decline rationales include: Sent to Diversion Program or LEAD, Sent case to County Prosecutor to charge as a felony; Erroneous Report; Used in plea bargain

2020 Reports Received	10227
2021 Reports Received	TBD
% Change (2020 to 2021)	TBD
2020 Cases Filed	5212
2021 Cases Filed	TBD
% Change (2020 to 2021)	TBD
2020 % Reports Received were Declined	60%
2021 % Reports Received were Declined	TBD
2020 Avg. # Days From Date Rec'd to Disposition	479
2021 Avg. # Days From Date Rec'd to Disposition	TBD
2020 Jury Trial Settings	433
2021 Jury Trial Settings	TBD
% Change (2020 to 2021)	TBD
2020 Jury Trials with Finding	38
2021 Jury Trials with Finding	TBD
% Change	TBD

# TRIAL TEAM

The Trial Team is made up of 11 prosecutors who handle all the trials set in Seattle Municipal Court not assigned to the Domestic Violence Unit. The team prosecutes criminal traffic cases, persons crimes, property crimes, and other offenses. TTU prosecutors also negotiate cases at pre-trial hearings, respond to defense motions and probation violations, and address defense appeals from criminal convictions.

## TRIAL TEAM WORK DURING COVID-19



After the pandemic put jury trials on pause in 2020, Seattle Municipal Court began scaling up operations in 2021. The year concluded with the court still operating at 75% pre-pandemic capacity, with hopes for a return to 100% capacity in 2022 if public health conditions permit. Prosecutors continued to appear remotely except in motions hearings and at trial. After the Criminal Division experienced pronounced staff attrition following the August primary election, TTU had to triage cases set for trial, prioritizing public safety offenses like DUIs, Assaults, and Harassments. The team worked diligently through the considerable backlog of cases wrought by the pandemic. Prosecutors continue to enjoy the paperless prosecution system in which they are no longer required to cart boxes of paper criminal case files to the courthouse. Attorneys can now participate in most court hearings without hard copy files thanks to the creative work of an internal workgroup who quickly established new protocols at the outset of the pandemic in 2020.

## REGIONAL FIREARMS ENFORCEMENT



The Regional Domestic Violence Firearms Enforcement Unit is dedicated to enforcing Court Orders to surrender firearms issued out of domestic violence protection orders, extreme risk protection orders and criminal no-contact orders. The goal is to ensure immediate surrender of firearms, concealed pistol licenses and other deadly weapons through swift and certain enforcement of firearms laws. New since 2020, families can petition for Extreme Risk Protection Orders online.

The Unit is responsible for proactively assisting with the service of court orders, immediate removal of firearms based on those orders to reduce risk, and for criminally charging those who fail to comply or who otherwise possess firearms unlawfully. Partnering with the King County Prosecuting Attorney's Office, Seattle Police Department, and the King County Sheriff's Office, harm reduction is the foundation of the Unit's work.

# DOMESTIC VIOLENCE

Prosecutors and Victim Advocates in the Domestic Violence Unit work together to address gender-based violence in Seattle by holding abusers accountable and providing victims/survivors with information, support, and resources. The DV Unit manages misdemeanor cases involving intimate partner violence, family violence, elder abuse, stalking, and child abuse/neglect.

## DV UNIT PROSECUTORS



Intimate partner and family violence cases continued to increase in severity in 2021 as a significant portion of Seattle's population continued to isolate in their homes while facing the financial and emotional strain of the pandemic. CAO found office resources stretched to the limit as those of our partners were reduced, leaving critical follow-up investigations to our prosecutors. Victims were more reliant upon our Victim Advocates for support as community non-profit agencies cut staff, which led to long wait times for victims to access counseling, support groups, or community advocacy. 2021 highlighted the importance of the multi-disciplinary or "coordinated community response" that is critical to addressing domestic violence effectively. The DV unit continues to work closely with our system- and community-based partners to meet the needs where we can.

The unit continues to implement a risk-based approach prioritizing resources for the highest risk cases such as violent assaults, assaults with sexual motivation, stalking, and cyberstalking. The DV Unit Prosecutors and Advocates have worked tirelessly to triage resources toward those who pose the most harm, and to keep victims of domestic violence safe by holding offenders accountable through intervention.

For several years now the DV unit has partnered with the Seattle Municipal Court and the Mayor's Office in the creation of the Domestic Violence Intervention Program (DVIP). Started in 2018 as a pilot program, the program is now fully functioning. This year we were thrilled to partner with the Mayor's Office in a grant proposal that was awarded! DVIP will receive Office of Violence Against Women funding for the next three years, allowing the program to expand. Also awarded was research funding to the University of Omaha who we are partnering with to measure the effectiveness of this intervention. CAO has been an integral part of including victim's voices in that research by surveying partners of DVIP participants. We are proud to be looking not only at recidivism but also to those most impacted by violence, the families, to help us evaluate and improve this intervention.

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## VICTIM ADVOCATES



Victim Advocates connected with survivors of domestic violence who are increasingly at risk due to the isolation and economic uncertainty brought by the pandemic. As processes changed, Advocates pivoted to ensure they provided accurate information. They cheered changes that increased access for victims, such as King County's online petition for protection orders, Seattle Police electronic order service, and Seattle Municipal Court's virtual hearings. Throughout remote operations, the DV team built bridges and found solutions to maintain their mission of safety and accountability.

The 8 Victim Advocates in the domestic violence unit work closely with prosecutors to respond to over 3,000 reports of intimate partner violence, family and child violence, stalking (regardless of relationship) and sexual assault (regardless of relationship). Advocates' calls were essential for intervention as victims found themselves further restricted from family, friends, and community supports. Victim Advocates offer safety planning and resources, and gather input regarding the impact prosecution would have on a victim. If charges are filed, Advocates explain the court process and encourage a victim's voice to be heard throughout the pendency of the case, which can be anywhere from 2 months to 2 years. Prosecutors and Advocates work together closely to ensure that the goals of victim safety and offender accountability are balanced throughout the process.

This year DVU implemented a pre-filing diversion program that has been in the planning stages for years. We partnered with Gay City to develop a public health focused intervention for young people (age 18-24) accused of family violence. CAO Advocates reach out on cases that are eligible to discuss the option with the victims, and work with our pre-filing diversion prosecutors to refer appropriate cases to the community in lieu of criminal charges. This year marked our first few cohorts through that program and we look forward to further developing and expanding the program in 2022.

# SPECIALTY COURTS

The Specialty Courts Unit handles cases routed to Mental Health Court, Veterans Treatment Court, Pre-Filing Diversion, LEAD, LINC, and the Infraction program. These courts operate in collaboration with other agencies including the King County Prosecutor's Office, Western State Hospital, King County Crisis and Commitments, the Department of Veterans Affairs, defense agencies and the Seattle Municipal Court.

## COMMUNITY COURT



As the community seeks alternatives to traditional prosecution for lower-level misdemeanor offenses, Community Court opened for business in summer 2020 after years of planning, despite the pandemic. Unlike in an adversarial traditional prosecution, in Community Court the prosecutor, defense counsel, probation, and the court all work in concert to achieve success for the individual and provide accountability for the community without the need for a jail cell. The Court conducts individualized assessments and develops treatment recommendations that take each defendant's specific needs into consideration. Additionally, all defendants will be required to complete community service. Upon completion of the defendant's obligations, the case will be dismissed with prejudice. The City Attorney's Office is a proud partner in this restorative, non-punitive approach to achieving a safer, more just Seattle.

## LEAD DIVERSION



The Seattle City Attorney's Office maintains a strong commitment to its partnership with the LEAD Program. The Law Enforcement Assisted Diversion (LEAD) program provides an opportunity for the community to refer for services, and for police officers to divert individuals engaging in low-level criminal activity that stems from unmet behavioral health needs or poverty to a trauma-informed intensive case management program, instead of jail and prosecution. Once enrolled in the program, CAO and other community partners work with case managers to ensure all contact with LEAD clients going forward, including new offenses, are coordinated to maximize the opportunity for the client to achieve behavioral change and reduce their impact on our community.

2020 saw an explosion of growth for LEAD, and a name change that more accurately reflects the goals of the program. REACH doubled their LEAD case management and leadership teams to better serve the almost 1000 enrolled clients. With re-allocated LEAD funding, the LEAD project management team at the Public Defender Association (PDA) created Co-LEAD, which utilizes a hotel lodging outreach approach. A second CAO prosecutorial liaison was added to support LEAD/Co-LEAD clients. All filing decisions, negotiations, and Seattle Municipal Court hearings for LEAD/Co-LEAD clients are coordinated by the CAO liaisons.

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## PRE-FILING DIVERSION



The Seattle City Attorney's Office in partnership with a community non-profit organization, CHOOSE 180, began offering a Pre-Filing Diversion opportunity for 18-24-year-olds beginning in 2017. Pre-Filing Diversion offers young people the opportunity to participate in the program instead of being processed through the traditional criminal legal system. Those participants who complete the workshop will not have criminal charges filed and instead be supported with case management for housing, employment support, domestic violence resources and referrals for mental health and chemical dependency. This restorative practice approach aims to steer young people down a path of personal responsibility and redemption rather than into criminal charges with lifelong collateral consequences.

In response to the pandemic, CHOOSE 180 continues to offer virtual one on one workshops with direct engagement between a CHOOSE 180 staff member and a young adult. In response to a request from the City Attorney, the Seattle City Council added funding in the 2022 City budget to create a misdemeanor pre-filing diversion program for older adults that mirrors the massive success of the CHOOSE 180 diversion program for 18-24-year-olds, which has shown a 92% non-recidivism rate for program participants since 2017.

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## ANIMAL ABUSE / DV CONNECTION



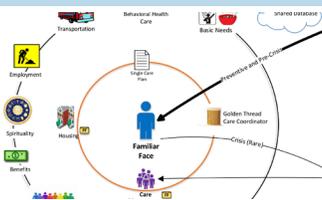
The City Attorney's Office established an internal team dedicated to addressing the nexus between animal abuse and domestic violence, recognizing that 67% of animal cruelty perpetrators in Seattle have criminal domestic violence history. CAO engaged with both SPD officers and Animal Shelter Investigators to help them recognize the correlation and identify signals of abuse. DV and animal cruelty are crimes that thrive in isolation, so the increase in animal abuse search warrants during the pandemic is no surprise.

## DRIVING WHILE POOR DIVERSION



The Seattle City Attorney's Office, in collaboration with the Finance and Administrative Services Division, in partnership with the community non-profit, Legacy of Leadership, Equality and Organizing (LELO), began offering a Pre-Filing Diversion opportunity for Driving While License Suspended Charges in the third degree (DWLS 3) in 2018. LELO offers participants individualized support to restore their driver's license. In 2020, the City Attorney further expanded his use of prosecutorial discretion, citing the racially disproportionate effect that DWLS 3 has on historically marginalized communities and the program has evolved into a voluntary opportunity. That voluntary path continued in 2021.

## FAMILIAR FACES INITIATIVE



The CAO LEAD prosecutorial liaisons coordinate criminal legal system involvement for the King County-run Familiar Faces Initiative. The "Vital" program provides comprehensive and integrated services to adults identified by their high utilization of the King County Jail who are experiencing behavioral health challenges, need an intensive level of community-based support, and may be experiencing homelessness.

# SPECIALTY COURTS

The Specialty Courts Unit handles cases routed to Mental Health Court, Veterans Treatment Court, Pre-Filing Diversion, LEAD, LINC, and the Infraction program. These courts operate in collaboration with other agencies including the King County Prosecutor's Office, Western State Hospital, King County Crisis and Commitments, the Department of Veterans Affairs, defense agencies and the Seattle Municipal Court.

## MENTAL HEALTH COURT



Seattle Mental Health Court (MHC) works 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 can be an effective tool in assisting defendants with behavioral health issues to stay on medications and stay engaged with community 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 Mental Health Court also continues to resolve all competency issues. When a Court-appointed forensic psychologist determines a defendant is incompetent to stand trial because of their behavior health issues, the City cannot constitutionally proceed with the criminal charges. Some cases qualify for the defendants to be transferred to Western State Hospital for inpatient treatment. To ensure the safety of both the community and defendant, defendants are referred to mental health professionals at the State-run Involuntary Treatment Act Court to determine whether civil commitment is appropriate prior to release.

## LINC LEGAL COMPETENCY



The City Attorney's Office dedicates a prosecutorial liaison to the King County-run Legal Intervention & Network of Care (LINC) program to address needs of individuals who have a history of or are at risk of cycling through legal competency services. The LINC program provides short term intensive case management to adults with behavioral health conditions who have been booked into jail and have a history of legal mental health competency being raised.

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## VETERANS TREATMENT COURT



Seattle Veterans Treatment Court (VTC) 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 the veteran defendants with the need for public safety.

VTC operates differently than traditional courts. Following the mental health court model, veteran defendants must attend treatment, maintain abstinence from alcohol and 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 hearing. Rather than leaving court when their hearings are finished, veterans must stay for the entire calendar, so they observe the struggles and accomplishments of their fellow veteran defendants.

## INFRACTIONS TEAM



The Infractions Unit represents the City of Seattle at contested infraction hearings, including speeding through school zones or red-light camera violations. Throughout 2021, all infractions hearings were successfully conducted 100% remotely, while using the paperless file system that was implemented in 2020. The team also trained and supervised two Rule 9 interns fully remotely. Throughout the year, the backlog for general traffic and animal control infraction cases has been reduced to roughly 50 cases, which does not include tickets from the lower West Seattle bridge traffic cameras that SDOT implemented this year. The backlog on lower bridge tickets is around 300 cases, primarily from defendants who have multiple pending tickets. The Infractions Team and SMC are currently strategizing how best to address the camera ticket backlog early next year.

# ADMINISTRATION

The Administration Division provides executive leadership, communications and operational support for the 200-employee department as well as numerous interns and volunteers. The division is comprised of the City Attorney, his immediate staff and the Budget and Finance, Human Resources, Facilities and Front Desk, a Business Process Coordinator, and Information Technology Sections.

## BUDGET & FINANCE



The Administration Division was instrumental in helping the office achieve its budget goals in the City's 2022 Budget. The department added multiple new positions to address a variety of needs:

- Five new Assistant Civil Attorneys: Contracts and Utilities, Employment, Government Affairs (x2), and Torts
- Two new positions to help with eDiscovery work in the Civil Division
- Permanent funding for the office's HR Manager and a Personnel Specialist
- Funds to upgrade the Criminal Case Management System

Plus, Council added positions so pre-filing diversion efforts in the Criminal Division will be fully staffed, including a new pre-filing diversion program for adults age 25+. The Council imposed a budget proviso so that money dedicated to LEAD or pre-filing diversion work cannot be used for any other office purpose.

The Council also added funding to create a public Victim Compensation Fund, which will make crime victims whole if a defendant cannot afford to pay restitution (victims are currently paid back less than 50% of the time after a judge orders restitution be paid). Rollout about the Compensation Fund will occur in 2022.

## HUMAN RESOURCES



The Human Resource Section of Administration facilitates hiring processes, oversees the management of annual performance evaluations, personnel leave benefits, and the hundreds of transactional entries for human resource information management.

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## FACILITIES & FRONT DESK



This small section is responsible for all office and facilities coordination and staffing the public reception area which is open from 8:00am to 5:00pm Monday through Friday except on City holidays. Our Office Coordinator enters hundreds of work orders annually to keep our office environment running smoothly in addition to coordinating badging, emergency operations training, and office orientations for new employees and volunteers. In 2021, the front desk staff continued to rotationally work in office to maintain critical in-person tasks to keep the office operational.

## INFORMATION TECHNOLOGY



Daily, the department's IT staff supports staff desktop computers, laptops and department-specific servers for staff in Columbia Center, Seattle Municipal Court, Seattle Police Department headquarters and five Seattle police precincts, as well as the servers that support our document management system. In addition, the IT team works collaboratively with the senior planning and management staff in the Seattle Information Technology Department (ITD) to implement improvements to City-wide data systems and security.