

# E - NEWSLETTER

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## Rewriting the prostitution narrative

Prostitution has been called “the world’s oldest profession,” as though it were a fact of life and nothing that law enforcement does can meaningfully reduce prostitution in our cities. At the Seattle City Attorney’s office we disagree, and, along with our colleagues at the Seattle Police Department (SPD), have changed the way that prostitution law is enforced. For the first time, we are actively focusing on investigating and prosecuting the buyers of sex, whom we believe are the real offenders.

In May, City Attorney Pete Holmes traveled to Boston to speak at Demand Abolition’s Colloquium on policing and prosecuting prostitution in the United States. While there, he and other national leaders discussed ways to eliminate demand for commercial sex by targeting buyers of sex, rather than prostituted people who sell it.

Information gathered by SPD shows that sellers of sex are predominantly poor women with few alternatives; they are lured or forced into “the life” by a history of sexual abuse, substance addiction and severe poverty. Further, statistics gathered by the SPD between 2006 and 2010 estimate that 90% of the prostituted people on Seattle streets are controlled by a pimp. These pimps exert control through violence and threats of force, or by convincing drug-addicted people to sell their bodies in return for ready access to illicit substances. In the vast majority of cases, prostituted people no longer own their own lives, and are victims of pimps, buyers and circumstance. Even in light of all this information, 60% of prosecutions in prostitution-related cases have been against prostituted people, 40% against pimps and buyers. At the Demand Abolition conference, Pete committed to flipping those figures around.

Studies referenced by the police and our office also show that focusing on the buyers in this way will have an effect on the rate at which men (comprising nearly all purchasers of sex) engage the services of prostituted people.

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Buyers benefit from anonymity, according to a study by Peter Qualliotine, the facilitator of the Municipal Court John School. His studies suggest that most sex buyers would be deterred by some form of public disclosure of their activities, such as mandatory registration on the sex offenders' database. He suggests that 93% of sex buyers would be deterred by fines up to \$2,000, and 87% would be deterred by jail sentences of up to three weeks.

The City Attorney's Office has updated its sentencing recommendations to reflect these findings. As part of new sentencing guidelines, first-time buyers of sex are required to attend John School, a program that educates buyers of sex about the conditions inflicted upon prostituted people and the harm of their own actions to the community at large. In addition, collective fines of around \$1,300 are routinely levied. Finally, as a condition of sentencing, convicted buyers must not be subsequently found buying sex, and will be issued orders to avoid certain areas of the City designated as "areas of prostitution" by the court. Repeat offenders will face incarceration for 10 to 60 days for second offenses and 30 to 180 days for third offenses.

In SPD Det. Bill Guyer's class at John School, he brings to bear his experiences working directly with prostituted people. "The approach I take is speaking from personal experience," he said, "interviewing victims, their families, suspects and witnesses. What I present is the truth." Asked about the content of his presentations, Guyer answered, "I speak on the role of the pimps and the power they have in controlling [prostituted people]. The johns see only one side of the prostitution world and I attempt to show them the nightmare these women are living each and every day." He says that response from those he educates has been mainly positive, and that graduates of the program usually choose to "change their lives, help others."

Another aspect of this campaign is the changing attitudes toward prostitution enforcement, both in the City Attorney's Office and in the police department. SPD's Vice Unit was recently renamed the Vice and High Risk Victims Unit, recognizing and emphasizing the ways in which prostituted people are victims. Most prosecutions will be targeted at pimps and buyers, rather than at prostituted people.

This doesn't mean the police will not arrest prostituted people. Arrests are a tool for the police, since prostituted people can be uncomfortable voluntarily cooperating with them. Because they often believe themselves to be responsible for their situation and do not want to admit they are often no longer in control of their own lives, prostituted people tend to respond more favorably to police intervention when the alternative is jail time.

SPD's goal, however, is to assist prostituted people in changing their situation. Whenever possible, prostituted people are referred to counseling and community service. These victims are provided with resources like YouthCare, an emergency housing, counseling, and employment training center for young people in the Seattle area, or Mary's Place, a drop-in day center for homeless women.

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In Boston, Pete and SPD Sgt. Ryan Long spoke of the value of forming relationships with prostituted people. Arrests, while often a frightening experience for victims of prostitution, can serve to get them away from their pimps for a night, and allow them to take advantage of the City's resources for helping at-risk women, children and men. Eventually, the City hopes prostituted people will accept social services, break from their profession, and provide police with information that will lead to the arrests of pimps and buyers.

To fulfill this hope, SPD is crafting strategies for enforcement that target buyers. Instead of sting operations to round up prostituted people, police are working to build relationships with them in order to go after the real victimizers. Not only does this place more emphasis on arresting buyers, it also increases police officer safety by reducing the number of risky undercover operations. Speaking of the need for this program, Guyer said, "We can have all the cool evidence from phones, computers, emails, hotel records and even legal tools to use for our cases, but if we fail at the basic level of the victim, then the entire case crumbles." We anticipate that as the police and the City Attorney's Office build stronger relationships and get used to new operational strategies, we will see an increase in buyer arrests as well as safer communities.

In addition to new policing strategies, we are focusing our efforts on jury education. Juries often and incorrectly see prostitution as a "victimless" crime between two consenting adults, when in fact it is one that victimizes prostituted people. Assistant City Attorney Beth Gappert, our Vice and High Risk Victims Liaison, characterized prostitution this way: "The minute a prostituted person sells sex, she loses the ability to say 'no.' For the period of time that she's around a buyer, the buyer believes that he owns her. Buying sex is a form of slavery." Her comments reflect information that the police department has gathered, which shows that prostituted people almost never enter the world of prostitution if they have other viable options. Moreover, anecdotally all of the adult women working the streets began as children, meaning that at the time they began work many of them were legally unable to consent to sexual activity.

Guyer spoke of the importance of collaboration in combating prostitution in Seattle. "The more I work as a team with my unit, with the prosecutors, with advocate groups, with victims and their families, the higher my chance of winning a case becomes." His philosophy is emblematic of our partnership with SPD and the courts, as well as of the outreach that we do to victims of prostitution. And by educating buyers as well as juries, we believe that Seattle can take serious, revolutionary steps in abolishing the buying and selling of sex on our streets.

## Mediation paves the way for Northgate vote redevelopment agreement

It's not very common for property owners and advocates for affordable housing to see eye to eye, especially when it comes to plans to turn an existing housing block that the *Seattle Times* notes is home to "many low-income and immigrant families" into a dense, high-amenity new development. But that's just what happened in the middle of July, after the City Attorney's Office recommended that our client, the Department of Planning and Development (DPD), enter into mediation with the other concerned groups over the redevelopment of the Northgate Apartments.

The Northgate Apartments, an eight-acre development of 207 units, sits between a Target store and I-5. It is a valuable property, and the owners are interested in developing a hotel, office buildings and retail space. They hope to take advantage of the fact that the site is just a 10-minute walk from the Northgate Transit Center, which will soon host a light-rail station. The owners, the Mullally family, are excited about taking advantage of the new transit opportunities provided by the City, but their plans raised concerns with neighborhood groups and affordable housing advocates.

These advocates are worried about the overall loss of affordable housing in Seattle, pointing to figures that say new development provides only one affordable housing unit for every 10 bulldozed. They saw the potential redevelopment of the Northgate Apartments as yet another instance of losing affordable housing.

The owners seek Council approval of the first step in the redevelopment process, a rezone of the property from midrise multifamily to neighborhood commercial, which would allow the owners to construct the kind of mixed-use office, commercial and residential area they have been planning. In March, DPD formally recommended Council approval of the rezone along with certain conditions, including the requirement that three to five percent of each building's floor area be devoted to affordable housing.

Housing advocates objected, saying that that amount was too little to satisfy the needs of the retail workers who live in the neighborhood, or might want to relocate there. The Displacement Coalition and the Maple Leaf Community Council, neighborhood groups concerned with the housing needs of lower-income families, filed appeals of DPD's recommendation with the City Hearing Examiner, who makes the final recommendation to the Council. The property owners also appealed, contesting the three-to-five percent condition recommended by DPD.

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Because DPD is a City department, the City Attorney's Office's Land Use Section often represents it in examiner proceedings. As an alternative to what might have developed into protracted litigation over the rezone, the CAO and DPD recommended that the parties enter into mediation. Mediators Alan Alhadef and Courtney Kaylor facilitated meetings throughout June and early July.

Though the parties' appeals might have suggested they were initially far apart, talks got off to a smooth start. On behalf of the MLCC, President David Miller spoke well of the Mullally family in a joint statement issued on July 6: "They've been excellent community members, ensuring the units currently on the site are well maintained and affordable. It was clear from our very first day across the table this was a property owner interested in doing the right thing." Speaking for the family, John Mullally thanked the other parties to the talks for their cooperation as well, and said that the family has "always believed in the value of affordable housing."

This spirit of cooperation made the talks an eventual success. The parties produced an agreement by which 66 of the first 660 housing units built would be pegged at a rent of 50 percent of median income in the area, with certain provisions to expand affordable housing another 10 percent for later housing units, at a somewhat higher rent that still fell below the median income. At the CAO, we were pleased with a result that was acceptable to all parties, and neatly balanced the competing interests of the owners and housing advocates.

It's not every day that our office sees such amicable results, so when we are able to find a creative solution that is acceptable to everyone, we're especially happy. In this case, entering mediation positions the City and the other parties to avoid the cost and uncertainty of a lawsuit, while still giving everyone something to be proud of as they walked away from the negotiating table.

As with any zoning proposal, the agreement will go to the City Council for consideration. The next step will be for each party to provide testimony to the Council. Unlike in many cases though, the parties will speak with a united voice and provide one recommendation. While the Council will have the final say, we congratulate the parties, as well as the mediators they worked with, on a job well done.

Click on this link to view a map of the Northgate area:

<http://maps.google.com/maps?hl=en&ll=47.709843,-122.326686&spn=0.003691,0.004801&sll=47.709812,-122.327603&sspn=0.003691,0.006845&t=h&z=18>

## BIG WIN!

After battling slumlords Hugh and Martha Sisley for more than two years, CAO has two solid judgments to execute. Seattle Municipal Court has reinstated two judgments against Hugh and Martha Sisley for housing code violations at 6515 16<sup>th</sup> Ave NE (\$247,400) and 6317 15<sup>th</sup> Ave NE (\$368,000).

After separate trials in August and September 2009, SMC issued these judgments. The Sisleys appealed the cases to King County Superior Court (RALJ Court). The RALJ Court ruled in favor of the City on all matters



Housing code violations at Sisley rental houses

except the penalty amount (claiming the City did not have jurisdiction to issue judgments greater than the district court limit of \$75,000).

The Sisleys requested the Court of Appeals review the RALJ decision, except for the penalty issue. The Court of Appeals denied review. The Sisleys then requested Supreme Court review, which was also denied. The RALJ decision became the final appellate decision on these matters.

During this same time period, the City requested the Court of Appeals review the portion of the RALJ decision that limited Municipal Court's ability to issue judgments greater than the amount permitted by district courts. The Court of Appeals issued a published opinion ruling in favor of the City and reversing the RALJ Court. The Sisleys requested Supreme Court review of the Court of Appeals opinion. That request was denied.

The cases were mandated back to SMC for reinstatement of the original judgments. Prior to reinstatement, the Sisleys filed a motion in SMC to reduce the penalties. Now SMC has denied the motion to reduce penalties and signed orders reinstating the judgments.



Housing code violations at Sisley rental houses

### Learn a little more about Pete (Page 63)

[http://www.wsba.org/News-and-Events/Publications-Newsletters-Brochures/~media/Files/News\\_Events/Publications/Bar%20News/2012%20Full%20Issues/201206JuneBarNews.ashx](http://www.wsba.org/News-and-Events/Publications-Newsletters-Brochures/~media/Files/News_Events/Publications/Bar%20News/2012%20Full%20Issues/201206JuneBarNews.ashx)

### Stay informed on: Preventing Gun Violence

<http://www.seattle.gov/law/newsreleases.asp>

## EVENTS

8/7/12

Pete will visit several neighborhoods as Seattleites join in the **2012 National Night Out Against Crime**, which is designed to heighten crime prevention awareness, increase neighborhood support in anti-crime efforts, and unite our communities.

<http://www.seattle.gov/police/nightout/default.htm>

## LINKS TO NEWS STORIES:

7/16/12 - City attorney rebukes McGinn's DOJ strategy -- In a sharply worded letter to Mayor Mike McGinn, City Attorney Pete Holmes has warned that McGinn's legal strategy in negotiating police reforms with the Department of Justice has put the city on the verge of a civil-rights lawsuit that could have dire consequences. (Seattle Times)

[http://seattletimes.nwsourc.com/html/localnews/2018702880\\_dojletter13m.html](http://seattletimes.nwsourc.com/html/localnews/2018702880_dojletter13m.html)

7/11/12 - Seattle joins challenge to federal Defense of Marriage Law -- Calling it unfair as well as financially burdensome, the city of Seattle, seven other U.S. cities and dozens of corporations - including Microsoft and Starbucks - signed a friend-of-the-court brief Tuesday challenging the federal law that limits the definition of marriage to a one-man, one-woman union. (Seattle Times) [http://seattletimes.nwsourc.com/html/localnews/2018653732\\_doma11.html](http://seattletimes.nwsourc.com/html/localnews/2018653732_doma11.html)

6/27/12 - SPD lawsuit over racial slur settled for \$150K -- A civil-rights lawsuit stemming from a Seattle police officer's threat to beat the "Mexican piss" out of a Latino man during a robbery investigation in 2010 has been settled for \$150,000. (Seattle Times)

[http://seattletimes.nwsourc.com/html/localnews/2018541588\\_monetti28m.html](http://seattletimes.nwsourc.com/html/localnews/2018541588_monetti28m.html)

6/25/12 - [Former Aurora motel owner who battled city sentenced.](#) - Dean Inman, who co-owned several troubled Aurora Avenue North motels that city leaders described as havens for drug activity and other crimes, was sentenced Friday to a Department of Corrections work crew. (*seattlepi.com*)

6/2/2012 - [Would Washington state courts uphold stricter gun laws?](#) - Despite our state's constitutional protection of gun ownership, our state's judiciary would likely uphold strict controls on the "who, how and when" of concealed handguns and other dangerous weapons. (*Seattle Times*)

6/1/2012 - [Seattle Weighs Gun Control Options.](#) - City Attorney Pete Holmes is researching gun control proposals that could withstand a court challenge. (*KUOW*)

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With more than 90 lawyers, the City's Law Department is one of the largest law offices in Seattle and is the third largest public law office in the state.

The City Attorney's Office is made up of three 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.

**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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