



Seattle City Council

December 16th, 2016

Pete Holmes, Seattle City Attorney
701 5th Ave #2050,
Seattle, WA 98104

Dear City Attorney Holmes:

Council recently allocated \$407,778 of the General Subfund in 2017 for pre-filing diversion services, with the majority of those funds directed to the City Attorney's Office (LAW). As part of that allocation, Council stated:

All departments are expected to work on and implement a pre-filing diversion program in a coordinated and integrated manner to ensure effective use of resources and monitor expected outcomes. LAW is expected to report back to Council periodically, but the first report should occur by January 15 to the Committee on Gender Equity, Safe Communities, & New Americans (GESCNA) regarding how LAW is planning and implementing this program in an integrated and coordinated manner.

As the program planning process gets underway, we are writing to clarify the expectations for the reports back to Council, and to outline a series of questions that should be addressed in the next few months, in partnership with relevant public agencies and community members. Our expectation is that these questions are answered to the satisfaction of these many stakeholders before program implementation, and by modeling the use of peacemaking circles to identify and resolve differences in opinion. These questions include:

Overarching Questions

- What does "diversion" mean?
- How will this program balance the potential need for institutional oversight with the intention to create a community-based system?
- What lessons can we learn from other pre-filing diversion programs?
 - What training will be required of the practitioners and consultants?

Ownership of the Program

- Who in your department will be the primary point of contact for the City Council?
- Who in your department have you identified as the primary person(s) responsible for the program's effectiveness?
- As a result of this pre-filing diversion services allocation, have new hiring decisions been made?

Selecting and Assigning Cases

- How will cases appropriate for diversion be identified?

- Who will be able to make that determination, and at what stage in the process?
- What criteria will be used? Will there be an analysis of assigning the appropriate diversion process that is appropriate to the potential charge?
- How will diversion practitioners or consultants be assigned?
 - What is the role for community in that process?
 - How can we ensure that cases are referred to culturally relevant practitioners?

Supporting Participants and Process

- What support systems will exist for those referred to the diversion programs, after their obligation is completed? How would participants get connected to that support?
- What happens if someone does not complete the diversion program?
- How will we ensure that all participants' constitutional rights are protected during the program? How will we ensure their privacy is protected?
- Can the City provide spaces and other logistical support for RJ circles to be conducted?

Evaluation

- How will we ensure that we are not duplicating the efforts of other established diversion programs?
- What is the anticipated method of evaluating the efficacy of the program?
 - How can we ensure that programs are on track to reduce disparities in arrest and prosecution?

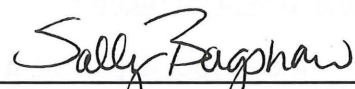
At the first report back in January, Council expects that LAW will present a plan to reach consensus on these questions, and any others that arise, among the stakeholders in this process. This plan should include the list of stakeholders to be consulted, which Council expects to represent the communities most impacted by the criminal justice system in Seattle, in addition to Seattle Municipal Court, other relevant City departments, County agencies, and nonprofits. The plan should also include a Racial Equity Toolkit analysis that forms the basis of the answers to the questions above.

Thank you for your consideration.

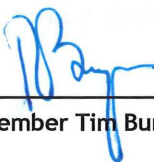
Sincerely,



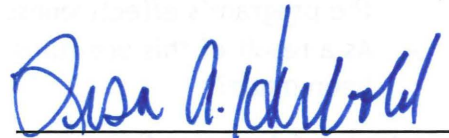
Council President Bruce Harrell



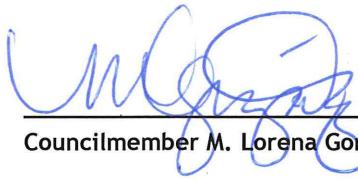
Councilmember Sally Bagshaw



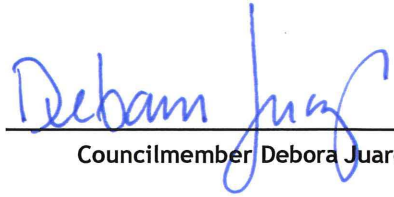
Councilmember Tim Burgess



Councilmember Lisa Herbold



Councilmember M. Lorena González



Councilmember Debora Juarez

Councilmember Kshama Sawant



Councilmember Rob Johnson



Councilmember Mike O'Brien