



City of Seattle



October 21, 2020

Dear Mayor and Councilmembers,

We join the Seattle Human Rights Commission in calling for the immediate resignation of Mayor Jenny Durkan for failing to uphold and protect the human rights of the people of Seattle.

We do not take this call lightly and have come to it after months of deliberation. Our initial discussions on this topic occurred in July, during which we as a Commission decided to table the decision on whether to call for Mayor Durkan's resignation and to instead try to engage with the Mayor's Office on the topic of police violence and accountability. Our attempts over the past four months to engage and demand accountability from both the Mayor's Office and the Seattle Police Department were met with insufficient response, despite numerous overtures¹ to the Mayor's Office requesting data and information. Indeed, the most robust engagement we've had from the Mayor's Office was only after voting on writing this letter was put on our meeting agenda. On October 15, 2020, Deputy Mayor Shefali Ranganathan sent us a letter with a detailed rebuttal of the Human Rights Commission's statement calling on Mayor Durkan to resign and then attended our monthly full commission meeting that evening. Crisis management cannot be viewed as a substitution for authentic engagement.

Apart from a lack of engagement by the Mayor's Office with our commission, we have also not seen meaningful accountability or engagement between the Mayor's Office and the people of Seattle on issues of police violence, the epidemic of homelessness, and on equitable and just budgeting processes. We have also heard repeatedly from our community that Mayor Durkan's resignation is necessary for Seattle to begin to address the human rights violations that have occurred in our city during her tenure. When we posted about the Human Rights Commission's letter, for example, 28 individuals (nearly all LGBTQ+ identifying) commented to ask that we follow suit, including a survivor of well documented anti-protester violence earlier this summer. There were no comments counter to this, and this was significantly higher engagement than is on most of our posts. In other requests for feedback to pass on directly to the mayor, we had multiple requests asking us to push for a 50% reduction in the SPD budget. Additionally, we have had public comment during our meetings requesting that we engage in this topic and ask for the Mayor's resignation. Until the Washington State Supreme Court ruled that it could not proceed, in addition to calls for resignation Mayor Durkan was facing a Recall petition signed by

¹ Including our public statement on May 31, 2020, copied here: <http://www.seattle.gov/Documents/Departments/SeattleLGBTCommission/documents/SLGBTQC%20Letter.pdf>

more than 16,000 people. The Supreme Court did not dispute the underlying facts of the Recall effort, only ruling that these facts did not rise to the legal standard for a Recall election.²

While there has been a diversity of opinion within our commission, including but not limited to concern that taking such action effectively ends engagement efforts, a majority of commissioners (6-5-1) now join our community in calling for Mayor Durkan's resignation based on dereliction of duty in addressing harm caused in the following areas.

Police violence and accountability

The issue of police violence and bias has been raised in Seattle for years. In 2012, the U.S. Department of Justice (DOJ) issued a consent decree for the Seattle Police Department (SPD) for excessive use of force. The consent decree was initiated following the murder by Seattle police of Indigenous wood carver John T. Williams, whose carving knife was used to justify the use of force³. In 2017, SPD killed Charleena Lyles in her home after she called for help following a burglary⁴. No charges were filed in either case. Charleena Lyles' family have been amongst those calling for Mayor Durkan's resignation, citing the Mayor's commitment to police reforms and lack of meaningful action on that commitment while in office. In 2019, federal Judge James Robart found SPD to be partially out of compliance with the consent decree due to insufficient improvements to addressing officer accountability through SPD's contract with the Seattle Police Officer's Guild (SPOG)⁵. Judge Robart's ruling came after a Seattle police officer's firing was overruled based on SPOG intervention, despite the fact that the officer had used excessive force by punching a Black woman in the face while she was handcuffed in a police car⁶.

In 2020, after the murder of George Floyd and subsequent protests standing up for Black lives, SPD repeatedly used excessive force and chemical weapons against protesters, bystanders, members of the media, and more, including the use of tear gas and chemical crowd control agents in densely populated neighborhoods. Despite court injunctions against SPD to halt the use of chemical weapons, SPD has continued to deploy them against protesters. Multiple

² Chief Justice Debra L. Stephens, "In Re the Matter of the Recall Charges Against City of Seattle Mayor, Jenny Durkan, Appellant/Cross-Respondent," (No. 98897-8), Oct 8, 2020.

<https://www.documentcloud.org/documents/7223642-Durkan-recall-order-Supreme-Court.html>

³ Lynda V. Mapes, "10 years ago a police officer shot woodcarver John T. Williams. The grief reverberates today," *The Seattle Times*, August 30, 2020,

<https://www.seattletimes.com/seattle-news/10-years-ago-a-police-officer-shot-woodcarver-john-t-williams-the-grief-reverberates-today/>

⁴ Ted Land, "Cries for reform increase 3 years after Seattle police killed Charleena Lyles," *KING 5*, June 18, 2020,

<https://www.king5.com/article/news/three-years-after-charleena-lyles-death-increasing-cries-for-police-reform/281-c114cf1b-2b13-49ae-ae03-0c7bac528471>

⁵ Mike Carter and Steve Miletich, "Federal judge finds Seattle partly out of compliance with police-reform deal - a major blow to the city," *The Seattle Times*, May 15, 2019,

<https://www.seattletimes.com/seattle-news/federal-judge-finds-seattle-partially-out-of-compliance-with-police-reform-agreement-dealing-major-blow-to-the-city/>

⁶ Robert Faturechi, "The Obama Justice Department Had a Plan to Hold Police Accountable for Abuses. The Trump DOJ Has Undermined It," *ProPublica*, September 29, 2020,

<https://www.propublica.org/article/the-obama-justice-department-had-a-plan-to-hold-police-accountable-for-abuses-the-trump-doj-has-undermined-it>

members of our Commission live in Capitol Hill and reported that the levels of tear gas had risen to the point where they experienced the effects of tear gas in their homes. As reported by KUOW, this has potentially had bizarre and potentially adverse effects on the reproductive health of those who live in the neighborhood and/or who were in attendance at the protest. One transmasculine individual had menstruation induced for the first time in the three years since his medical transition after repeated exposure to tear gas at the protests.⁷ Given the long history of reproductive violence against the LGBTQ+ and Black populations, that this happened repeatedly in the traditionally LGBTQ+ neighborhood of Seattle at a series of protests for Black lives is particularly egregious.

The Mayor's Office has responded to criticisms about SPD by saying that the Mayor abides by a chain of command which gives the Police Chief authority over use of force, rather than the Mayor's Office - statements that were repeated both in a letter from and in person by Deputy Mayor Shefali Ranganathan to our commission on October 15, 2020. However, under the Seattle Municipal Code, the Mayor's Office has broad authority to reprimand or remove the Police Chief if they have been in dereliction of their authority (Article VI, Section II). As defined by the Charter of the City of Seattle, the Mayor also can take full or partial control of the police force in the case of an emergency, provided the Mayor issues a proclamation to that effect (Article V, Section II). In such circumstances, it is the duty of the Chief of Police to execute the orders of the Mayor. Despite the Mayor's continued assertions that the Chief of Police is responsible for oversight of SPD, it is clear that the Office of Mayor has the right and obligation to intervene when necessary. Mayor Durkan exercised her executive authority multiple times in June 2020 by repeatedly instituting citywide curfews by executive order, which would have constituted an emergency. Additionally, in the first few weeks after George Floyd's murder, Mayor Durkan continued to reiterate the City's request to the DOJ to initiate the process which would lift the consent decree, despite clear evidence that excessive use of police force continued to be an issue in Seattle⁸ and that the compliance issue of the previous year had not been meaningfully resolved. Following the first weekend of protests in Seattle in the wake of George Floyd's murder, the Seattle Office of Police Accountability received 14,000 complaints regarding excessive use of force, including a widely reported incident in which a child was pepper sprayed in the face⁹.

Despite overwhelming calls from the community and Black leaders to cut the SPD budget by at least 50% in both 2020 and for future years, Mayor Durkan has repeatedly objected to *meaningful* reductions in SPD's budget. The Mayor's initial budget adjustment for 2020 cut

⁷ Liz Brazile, "Reports of bizarre menstrual cycles emerge after tear gas exposure from Seattle protests" KUOW, September 4, 2020, <https://www.kuow.org/stories/protesters-report-bizarre-periods-after-tear-gas-exposure-but-connection-remains-a-mystery>

⁸ David Kroman, "Debate over policing in Seattle continues after years of federal oversight," *Crosscut*, June 2, 2020, <https://crosscut.com/2020/06/debate-over-policing-seattle-continues-after-years-federal-oversight>

⁹ Allison Sundell, "14,000 complaints lodged about Seattle police response to protests," *KING 5*, June 3, 2020, <https://www.king5.com/article/news/local/seattle/seattle-police-george-floyd-protests-complaints/281-61729aa7-59bc-47b7-aba9-7e9028b2daac>

SPD's budget by only \$20 million - less than 5% of the \$409 million SPD had been allocated for the year¹⁰. These cuts were made because of budget rebalancing due to the COVID-19 pandemic, not in response to Black Lives Matter protests. It is worth noting that many City departments were asked to cut their budgets by greater percentages - including the Office for Civil Rights (who administers the City's Race and Social Justice Initiative), which was asked to cut 7% of its \$7 million annual budget¹¹. When Seattle City Council added an additional \$3 million to the SPD cuts in their revised 2020 budget, Mayor Durkan vetoed the revised budget.

Furthermore, Mayor Durkan's current proposed budget for 2021, which includes funding for 1,400 positions for the police department, effectively *increases* the size of police force, given that due to attrition of police officers, SPD currently has 1,367 officers and recruits¹². At the same time, the Mayor's 2021 budget cuts \$30 million dedicated to combating displacement and advancing equity through the Equity Fund¹³. All in all, the Mayor's office has fought to maintain SPD funding while cutting or reallocating funds devoted to racial equity efforts.

Houselessness

During the 2020 COVID-19 pandemic, the Center for Disease Control and Prevention issued guidance on serving those living unsheltered. This guidance clearly states that "if individual housing options are not available, allow people who are living unsheltered or in encampments to remain where they are" because "clearing encampments can cause people to disperse throughout the community and break connections with service providers. This increases the potential for infectious disease spread"¹⁴. Despite this guidance and the lack of suitable individual housing options, Mayor Durkan has allowed encampment sweeps to continue by using broad language to designate encampments as "obstructions". Previous attempts by this Commission to engage with the Mayor's Office on the harm by the sweeps (even prior to

¹⁰ Daniel Beekman, "Seattle City Council could make deeper cuts to Police Department budget than proposed by Mayor Jenny Durkan," *The Seattle Times*, July 7, 2020, <https://www.seattletimes.com/seattle-news/politics/seattle-city-council-could-make-deeper-cuts-to-police-department-budget-than-proposed-by-mayor-jenny-durkan/>

¹¹ Seattle City Council Bill 119825, September 22, 2020, <http://seattle.legistar.com/View.ashx?M=F&ID=8807894&GUID=FBDFE860-2A46-463D-B15B-32169C70-C23A>

¹² David Kroman, "Ahead of Seattle Police layoffs, officers are leaving on their own," *Crosscut*, October 16, 2020, <https://crosscut.com/news/2020/10/ahead-seattle-police-layoffs-officers-are-leaving-their-own>

¹³ Daniel Beekman, "Durkan's budget plans include elimination of \$30 million equity fund", *The Seattle Times*, October 18, 2020, <https://www.seattletimes.com/seattle-news/seattle-mayor-jenny-durkans-budget-plans-include-elimination-of-30-million-equity-fund>

¹⁴ Center for Disease Control and Prevention (2020, August 6), Interim Guidance on Unsheltered Homelessness and Coronavirus 2019 (COVID 19) for Homeless Service Professionals and Local Officials.

Retrieved from:
<https://www.cdc.gov/coronavirus/2019-ncov/community/homeless-shelters/unsheltered-homelessness.html>

COVID-19) have largely gone unanswered, including our most recent letter on encampment removal policy dated July 23, 2019.¹⁵

These impacts are disproportionately felt by Black residents of Seattle. According to the 2020 Seattle/King County Point in Time Count, 7% of the region's overall population identifies themselves as Black or African American. However, 25% of those experiencing homelessness identify as Black or African American. In the same count, 18% of homeless adults and 27% of unaccompanied youth and young adults identified themselves as LGBTQIA+. 71% of people experiencing homelessness in King County reside in Seattle. 47% of people experiencing homelessness are unsheltered and at increased risk of displacement during sweeps and harm, injury or illness resulting from SPD's use of chemical agents¹⁶. Once in shelter or housing programs, Black and African American individuals and other People of Color are more likely to experience punitive engagement and eviction or exit from services back into homelessness.

Mayor Durkan's administration has not only continued to remove encampments throughout the pandemic, but has also stymied efforts to fund accessible, low barrier new housing. Mayor Durkan opposed to efforts to institute a payroll tax in Seattle through the Jumpstart legislation, which directed funds towards affordable housing and COVID-19 relief¹⁷. In Deputy Mayor Shefali Ranganathan's letter to our commission, she responded to the Human Rights Commission's criticisms about Mayor Durkan's opposition to a Seattle payroll tax by noting that the mayor supports a regional payroll tax instituted by the state. Mayor Durkan's opposition to and veto of the Jumpstart spending plan undermines that commitment, particularly given that Mayor Durkan's role is to serve as the executive for Seattle and not as a lobbyist in Olympia. Ultimately, Mayor Durkan's opposition to the Jumpstart legislation disempowered the process taken to get there, which included months of work from Black communities, Indigenous communities, other communities of color, labor, and many more to find a way to fund affordable housing.

Equitable budgeting

In addition to the Mayor's lack of divestment from SPD and opposition to Seattle's payroll tax efforts, Mayor Durkan has repeatedly undermined the budget proposals supported by Black communities. Mayor Durkan's 2021 budget includes \$100 million pledged for investments in BIPOC (Black, Indigenous, and People of Color) communities, despite an earlier pledge committing funding specifically for *Black* communities. This investment will also come not from

¹⁵ A copy of our letter is available here:

http://www.seattle.gov/Documents/Departments/SeattleLGBTCommission/documents/LGBTQC%20Letter%20re_%20Encampment%20Sweeps.pdf

¹⁶ Vega Nguyen Research. (2020). *2020 Count Us In: Seattle/King County Point-in-Time Count of Individuals Experiencing Homelessness*. All Home.

https://regionalhomelessnesssystem.org/wp-content/uploads/2020/07/Count-Us-In-2020-Final_7.29.2020.pdf

¹⁷ Chris Daniels, "Irresponsible": Seattle mayor slams proposed payroll tax that's promising to provide stimulus checks" *King 5 News*, April 23, 2020,

<https://www.msn.com/en-us/money/markets/irresponsible-seattle-mayor-slams-proposed-payroll-tax-that-s-promising-to-provide-stimulus-checks/ar-BB134oSy>

reductions in SPD's budget, but instead from Jumpstart funds that have already been allocated for affordable housing, equitable development, Green New Deal investments, and more.

Black community leaders and Black-led organizations have come out strongly against the Mayor's proposal. Over 70 organizations, including King County Equity Now, Decriminalize Seattle, Choose 180, Climate Justice for Black Lives, and many others have signed onto a statement working towards a solidarity budget, which specifies that using Jumpstart funds for these investments amounts to pitting vulnerable communities against each other, and opposes the "Mayor-driven taskforce with hand-picked, appointed members, as it does not reflect a community-designed and driven democratic process"¹⁸. Sean Goode of Choose 180 has attested that after he was invited to be a member, he declined because he did not believe the task force would serve the Black community¹⁹; at least 18 other leaders also declined to be part of the task force²⁰, including representatives from King County Equity Now and Decriminalize Seattle²¹. The Mayoral task force has not employed other City resources to ensure that it will be representative of the community's needs - for example, we have no evidence that a Racial Equity Toolkit²² was completed for the development of the task force.

It is with a heavy heart that we call for Mayor Durkan's resignation. Mayor Durkan is Seattle's first out lesbian mayor and only the second woman to hold that office. We believe that LGBTQ+ people and women, along with Black people and others targeted by white supremacy, belong at all levels of local and federal government. Such representation is important. However, that representation must involve work to protect our community members from very real harm and violence that has been leveraged against Black and brown LGBTQ+ people. Mayor Durkan's actions in office have not only failed to create meaningful change for our community, but have indeed undermined other efforts within Seattle to create a more just future.

Sincerely,

Seattle LGBTQ Commission

¹⁸ "Towards a Solidarity Budget: A Statement of Joint Principles for the 2021 Seattle City Budget Process," accessed October 17, 2020,

<https://docs.google.com/document/d/1cmi91IQ78xqjUVWsEA8DQWdjtpi2DLkE9uP8aNIq48c/>

¹⁹ Sean Goode, "Opinion: Beware the Bootleg Rolex (A Response to Mayor Durkan's \$100 Million Proposal for BIPOC Communities)," *South Seattle Emerald*, September 27, 2020,

<https://southseattleemerald.com/2020/09/27/beware-the-bootleg-rolex-a-response-to-mayor-durkans-100-million-proposal-for-bipoc-communities/>

²⁰ Paul Kiefer, "Mayor Announces Membership of New Equitable Communities, Task Force, Faces Criticism from Social Justice Activists," *Publicola*, October 14, 2020,

<https://publicola.com/2020/10/14/mayor-announces-membership-of-new-equitable-communities-task-force-faces-criticism-from-blm-leaders/>

²¹ Verbal statement from Deputy Mayor Shefali Ranganathan at Seattle LGBTQ Commission meeting on October 15, 2020.

²² City of Seattle, "Racial Equity Toolkit," accessed October 17, 2020,

<https://www.seattle.gov/civilrights/what-we-do/race-and-social-justice-initiative/racial-equity-toolkit>