

E-NEWSLETTER

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After a rugged re-election campaign in which he trounced his opponent with nearly 75% of the votes, City Attorney Pete Holmes is full of ideas for his third four-year term.

What's on his to-do list is improving the internal operations in the office, establishing a strong relationship with new Mayor Jenny Durkan and working toward an end of the federal consent decree that has held sway over the Seattle Police Department since 2012.

"It's not only about what do I want to accomplish for the City of Seattle but what I want to do for this office," Holmes said. "The City Attorney's

Office has been lacking in proper care and feeding for decades. The biggest challenge is that there's not natural constituency for the office when it comes to budgeting or lobbying, and consequently, one of the biggest problems I have is going through a separately elected official's budget office to present a proposal to another separately elected entity, the City Council, and trying to get what I need to run this office."

Holmes believes the City Attorney's Office must be adequately supported for it to work well as counsel to the Mayor, City Council and all City departments. In terms of budgeting for the next year, Holmes said, it's especially hard because he has to predict the number of times the City will be sued and how much money will be needed to underwrite the defense, either with staff attorneys or outside counsel. "It is a classic example that the office has insufficient resources so we have to go to outside counsel, which is more expensive, in order to provide legal services that the City requires."

"Jenny and I have several years of a professional relationship under our belt already and we respect each other greatly," Holmes said. "Technically, we were opposing counsel [on the consent decree] but because of the nature of the undertaking, it is really an effort with two levels of government, trying to reach the same end -- the reform of the Seattle Police Department (SPD) so that the citizens enjoy constitutional policing while being kept safe."

Additionally, Holmes said, Durkan, who formerly was the U.S. Attorney here, saw the difficulties over police reform that he faced in his first term with then-Mayor Mike McGinn. The mayor is the chief executive officer of the City while the City Attorney is the chief legal officer, with sole supervisory control over all litigation.

“Jenny had a first-class seat to that clash being worked out,” Holmes said. “I believe that Jenny saw how I approached that difficult time, and that I want very hard to work with the mayor and I don’t enjoy clashing with the mayor. There’s a reason I am separately elected in the state of Washington because the City wanted the chief legal officer to be an independent separate check on the legal issues confronting the City. I will always try to achieve consensus where I can, but at the of the day, when I have to make a call about a litigation decision, I make the call and I own it. That also means I take full responsibility for my call -- good and bad.”

Moving forward, Holmes said he wants to transition toward a paperless system in the Criminal Division, which prosecutes misdemeanors in Seattle Municipal Court, and to re-organize the office’s newest civil section, Regulatory Enforcement and Economic Justice (REEJ).

In just a few years, Holmes said, REEJ has been “phenomenally successful” in building code enforcement and in shutting down the 130-plus unregulated, unlicensed and untaxed medical marijuana facilities – without arrest or criminal prosecution.

REEJ partners with several City departments to encourage, through voluntary compliance, businesses and individuals to comply with new City ordinances, such as the \$15 an hour minimum wage, and rental laws. If compliance isn’t forthcoming, REEJ can start regulatory enforcement action. The last resort is criminal proceedings.

“REEJ uses the appropriate remedies to gain compliance,” Holmes said. “The idea is that REEJ is the appropriate level of enforcement that gets better compliance at a lower cost to the City.”

Regarding police reform, Holmes has been very public about his concern that constitutional policing will not endure without safeguards for the public in the collective bargaining agreements with the two police unions, the Seattle Police Management Association (SPMA) and Seattle Police Officers Guild (SPOG). The City has requested that U.S. District Judge James Robart determine that SPD is in “full and effective compliance” with the consent decree.

“Assuming that Judge Robart agrees, which he hasn’t yet, that the SPD have attained ‘full and effective compliance’ then as the consent decree is currently drafted, there will be a two-year maintenance period before we can exit the consent decree,” Holmes said. “You have to prove that you [SPD] really changed by holding it for two years.”

“We are still some distance away from forming a contract with SPOG and, in some ways, that’s the more important one because it’s the larger union,” Holmes explained. The SPMA contract is signed, sealed and in force.

“Overall, I will work overtime to the best of my ability to achieve consensus,” Holmes said. “To convince my fellow electeds that the course I am choosing is the right one and when I can’t, I will own the decision and try my best to reach the right decision for the people of Seattle.”



Pete speaks at a City Hall press conference in support of new Mayor Jenny Durkan, who took office after the November vote was certified.



Firearm Surrender Program launches as regional effort

In a country where women lose their lives daily at the hands of domestic abusers wielding firearms, the Seattle City Attorney's Office (CAO) has taken the lead in developing a revolutionary measure to stem the bloodshed.

The measure – taking firearms from the abusers under court order – responds to common-sense state laws that had no enforcement mechanisms. It fell to CAO to, literally, take the law in its own hands and follow through.

Now, not only will women in Seattle be safer, but so will domestic violence victims in King County, as a regional firearm surrender program has been launched.



Officer Sean Hamlin & Sgt. Dorothy Kim accept a certificate of appreciation from DV Unit Supervisor Christopher Anderson at the SCAO award breakfast in December.

“We are dedicated to holding abusers accountable, but also doing whatever we can to keep victims safe,” said Chris Anderson, CAO’s Domestic Violence Unit director. “Removing firearms from abusers is a groundbreaking step in the right direction and we’re excited to tackle this critical body of work.”

CAO has 10 victim advocates on staff, more than any jurisdiction in the state, Anderson said. “The advocates proactively reach out to over 3,000 victims of domestic violence a year to connect them to services, to help them with protection orders, housing and safety planning to keep victims safe.”

Washington voters and lawmakers responded to the lethality of firearms and domestic violence after gathering statistics from the Washington State Department of Public Policy’s study in 2014 that found that domestic violence is the single greatest predictor of criminal acts and the single greatest predictor of violent crime.

According to that study, “In the last 25 years, more intimate partner homicides have been committed with firearms than all other means combined. The likelihood that a woman will be murdered by her intimate partner increases by 500% if there is a fire-arm in the home.”

On July 1, 2017, CAO began a pilot project dedicated to removing firearms from domestic violence abus-

ers who had been served with protection orders. The pilot was staffed by CAO's Criminal Division, a King County prosecutor and Seattle police officers.

"The county was an essential partner and critical in bringing awareness to these issues of enforcement and ultimately convincing the County Executive to fund these positions," Anderson said. "The funding initially came from the City of Seattle and, as the program showed considerable success, it gained credibility with the County Executive and budget requests were proposed."

In the first three and a half months, the number of guns recovered quadrupled from nine firearms to 36 firearms per month. In January, with the county's contribution of \$650,000, a fully staffed regional unit will begin operating.

The first time SPD officers seized weapons came after a year and a half of meetings by a multijurisdictional work group chaired by former Seattle Municipal Court Judge Anne Levinson.

"We cobbled together a few volunteers and two SPD officers and I staffed the March 29 firearms compliance calendar in King County Superior Court," Anderson explained.

"The court sets a hearing to ensure respondents surrender their firearms, but very few show up and most are not truthful regarding their possession of firearms," Anderson said. "After the hearing we investigated the individuals who appeared on the March 29 calendar by calling victims and witnesses. With the assistance of SPD, in six days we recovered four firearms and executed a search warrant and recovered another seven for a total of 11 firearms. Every person we recovered firearms from had testified under oath that they did not possess firearms. We recovered 20% of all the firearms recovered in 2015 in six days."

The success on May 29 convinced the Seattle City Council to fund the initial firearms positions.

The Seattle/King County regional staff that formally begins operation in January, Anderson said, will be comprised of four SPD officers, an SPD sergeant, two King County Sheriff's Office deputies, three prosecutors, two court coordinators, a court order problem solver and a paralegal.

Firearm owners often cite the Second Amendment when arguing against gun restrictions.

"Restrictions of the 2nd Amendment are constitutional if there is a 'compelling state interest'," Anderson said. "The high-risk that firearms pose to victims of domestic violence and the recidivism rates of DV abusers is sufficient to meet that burden. 54% of intimate partner homicides are committed by defendants previously prohibited from possessing firearms."



What's New in CAO's 2018 budget

City Council passed the 2018 budget prior to Thanksgiving. Here is what that means for the City Attorney's Office next year:

- Additional funding for the DV Firearms Forfeiture Program in the Criminal Division. This includes one Program Manager position and funding to track and report the source of a gun used in a crime. Earlier this year, we added one Paralegal position and one Assistant City Prosecutor to this Regional Task Force.
- Funding for an additional Assistant City Attorney for Police Action work in Torts. We are thrilled that Josh Johnson accepted this permanent position in the Civil Division.
- Increase one new Assistant Paralegal position in the Criminal Division from part-time to full-time in order to support the Pre-Filing Diversion and LEAD programs. We will be filling this position in 2018.
- One additional Precinct Liaison position, bringing the total to five. Congratulations to Andrew Tsoming and Cherie Getchell who were selected to fill the new position and one vacancy.
- Some salary adjustment funds for the Civil Division Budget Control Level.
- Funding to upgrade the Criminal Division's case management system, DAMION, with a web-based version called JWorks. This project will begin in 2018 and be managed by Seattle IT.
- Continued funding in Administration to support CAO's work on the Citywide Summit Re-Implementation Project.

2018 COLA/AWI: Based on the contract with most City unions, the 2018 Annual Wage Increase (AWI) will be 2.75%. Historically, non-represented employees receive the same or equivalent AWI. The increase is effective December 27, 2017.

City Attorney charges Pasco man with crashing drone on Space Needle last New Year's Eve

11/08/2017

The 20-year-old man who told Space Needle security that he had crashed his drone on the roof, while the 2016 New Year's Eve fireworks display was being set up, is due in Seattle Municipal Court on Nov. 22 to answer to the charge of reckless endangerment.

The gross misdemeanor charge filed by CAO's Criminal Division against Cole Kelly carries a potential sentence of up to 364 days in jail and up to a \$5,000 fine.

This is the second time CAO has charged reckless endangerment in a case in which the operator mishandled a drone, causing serious damage. In January this year a jury convicted an Oak Harbor man for his illegal operation of a drone at the Gay Pride Parade in 2015, in which a woman suffered a concussion.

The Seattle Municipal Code defines the charge this way: "A person is guilty of reckless endangerment when he recklessly engages in conduct which creates a substantial risk of death or serious bodily injury to another person."

It is alleged in the current case that, when found, "One of the drone's spinning blades was dangerously near wiring from one of the [pyrotechnics] boxes, one motor was well wrapped up in the strap, one blade had shattered, and the drone itself was kicking around threatening the wiring of the pyrotechnic devices."

Also, it is alleged that Cole Kelley violated FAA rules, including the prohibition of flying above 400 feet in altitude.

[SPDReport](#)

[KelleyComplaint](#)



Judge upholds Democracy Vouchers program

11/03/2017

Five days before Seattle's Democracy Vouchers are to play a role in a general election for the first time, a trial court judge has validated the legality of the program adopted by voters as Initiative 122 two years ago.

In dismissing the challenge brought by Mark Elster and Sarah Pynchon, King County Superior Court Judge Beth Andrus wrote, "The City has articulated a reasonable justification for the Democracy Voucher Program. It seeks an increase in voter participation in the electoral process. This goal was recognized by the Buckley Court to be 'goals vital to a self-governing people.' The Democracy Voucher Program is a viewpoint neutral method for achieving this goal."

The initiative authorized the funding of a voucher program through the imposition of an additional property tax imposed in years 2016 through 2025. The proceeds of this tax may be used only to fund the Democracy Voucher Program.

For Tuesday's general, the vouchers were available to be used in two City Council races and the contest for City Attorney. Because incumbent City Attorney Pete Holmes chose to participate in the program as a candidate for re-election, he was screened from the litigation.

The City's case was handled by Assistant City Attorney Michael Ryan, who said, "We are pleased with the Court's decision to uphold this important program, which fosters public participation in the electoral process."

City Attorney files suit over skate park damages to Duck Island in Green Lake

11/01/2017

A Seattle skate shop and 20 John and Jane Does who allegedly damaged Green Lake's Duck Island by covertly building a skate park there are the target of a civil suit filed today by the City Attorney's Office.

Named as the leading defendant is the shop, 35th North, the only skate shop in the City that was asked by Transworld Skateboarding Magazine to enter a contest to build a new skate park or add on to an existing one. The video submitted to the contest by 35th North, the suit states, showed Jane and John Does building the concrete, bowl-shaped structure on the island, which is designated an environmentally critical area.

The skate park orchestrated by 35th North was designated a contest winner but was later disqualified. The City, which expects to identify the other defendants by name as the litigation progresses, is still calculating potential damages and penalties, and expects the total sought at trial to be in the low six figures.

The restoration of Duck Island will include weed removal, storm water and erosion control, litter removal and planting of new vegetation and brush.

"As stewards of Seattle's public parkland," Parks Superintendent Jesús Aguirre said, "we were saddened to see the misuse and destruction of Duck Island. We are thankful to our partners in the City Attorney's Office for seeking to hold those responsible accountable for damage created."

[Duck Island complaint](#)

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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, contracts/utilities, and regulatory enforcement and economic justice.

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/cityattorney/about-us/
careers](http://www.seattle.gov/cityattorney/about-us/careers)



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