



Department of
PUBLIC DEFENSE

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Dear Members of the Seattle City Council and City Attorney Holmes,

As the world watched Minneapolis police officers, including Derek Chauvin, murder George Floyd, the connection between our criminal legal system and centuries of violent oppression of Black people was, once again, laid bare. Police act with such impunity because the criminal legal system — including prosecutors and courts — legitimizes and supports their actions. As more people become aware of this longstanding reality, more people join in the demand to defund police. However, in order to stop the systematic and violent oppression of Black and Brown people, we must not only defund police, we must also defund the system that criminalizes poverty and legitimizes police violence. This means divesting from a criminal legal system that is racist, ineffective, and expensive, and recognizing that a community-led response is the best way to secure the health and safety of the community. Right now, Seattle has the opportunity to do just that.

We call on the City Attorney's Office to exercise its discretion to stop prosecuting most misdemeanor offenses and on the Mayor and City Council to immediately defund the prosecution of those offenses and reduce Seattle Municipal Court's probation department. The money saved from these reforms must then be reinvested in our communities. For the individuals who continue to be charged with crimes in Seattle Municipal Court, the Court should become a leader in restorative justice responses in the community to help communities heal rather than further traumatize through the use of destructive incarceration.

The City Attorney's Office must stop prosecuting most misdemeanors, and the City Council must immediately defund the prosecution and processing of most misdemeanors.

We applaud the decision by the City Attorney’s Office to divert protest-related obstruction charges. We ask the City Attorney’s Office to do this with all obstruction charges — protest-related or not. Multiple studies have shown SPD’s use of obstruction charges masks their use of excessive force against BIPOC.¹ Likewise, the City Attorney’s Office must exercise its discretion to stop prosecuting most misdemeanor offenses, many of which are crimes of poverty, including theft, criminal trespass, trespass in parks, harassment, and assaults without significant injury. The Council should recapture these wasted resources, which perpetuate a harmful and racist system, and dedicate them to community-based supports and to meeting basic needs.

This reform will significantly reduce the number of individuals charged with crimes in SMC (and the amount of funding needed for the cases that remain in the immediate future). In 2019, SMC processed 6,589 cases that included allegations such as stealing (often food or clothing), disobeying commands from law enforcement, and misdemeanor assaults and misdemeanor harassment (which, by definition, do not involve serious bodily harm). These cases resulted in more than 30,000 hearings, almost 5,000 of which were to address bench warrants. In 2017, SMC cases accounted for 63,000 nights in jail. SMC’s budget is more than \$30 million, which does not include the cost for City Attorneys and defense counsel. Despite the huge cost of aggressive policing and prosecution of individuals, many of whom are experiencing poverty, our most vulnerable populations remain in need of housing and supports.

Reduce the probation department. The City Council should significantly reduce Seattle Municipal Court’s probation department. Last year, the City Council allocated over \$5 million to SMC’s probation department. There is no evidence that probation lowers recidivism. This is no surprise, given that the probation department does not find or fund housing, treatment, or jobs.

Better serve harmed individuals. The City should transfer resources from the criminal legal system — including those saved from the recommendations above — to a restitution fund administered by a community organization that can work to make victims financially whole while aiding our community members who are in need. This will allow the City to acknowledge that a criminal legal system punishment (whether it

¹ The Department of Justice’s Investigation of the Seattle Police cited a connection between arrests for only obstruction and excessive use of force, citing Office of Police Accountability concerns about the same issue. U.S. Department of Justice, *Investigation of the Seattle Police Department* 28 (2011); see also Eric Nalder, Lewis Kamb, and Daniel Lathrop, *Anti-Crime Team has a Tough Reputation -- Maybe too Tough*, Seattle Post Intelligencer, <https://www.seattlepi.com/news/article/Anti-Crime-Team-has-a-tough-reputation-maybe-1265874.php> (last visited June 19, 2020).

be incarceration, probation, or a conviction) is extremely damaging, while providing the support that all impacted community members need.

The massive savings from these reforms should be reinvested in community-led supports. The City should pilot restorative justice approaches to domestic violence, which are more effective than criminal responses, combined with efforts to economically empower victims to enable them to ensure their own safety. Likewise, the City should invest savings into public health measures that would reduce the incidence of DUI.

Our proposed reforms will put the City in position to renegotiate its jail contract with King County, since fewer individuals will be needlessly and harmfully incarcerated due to misdemeanor offenses. The current contract costs the City \$18 million a year and runs through 2030. Again, this money should be reinvested in badly needed community resources and supports that, unlike our current legal system, have proven to be effective in responding to behavioral health needs and improving community health and wellbeing.

The Seattle community's call for immediate, profound change is loud, righteous, and undeniable. The proposals in this letter constitute important first steps toward the transformative, community-led change we need.

Sincerely,

King County Department of Public Defense

Decriminalize Seattle

COVID-19 Mutual Aid Network

Community Passageways

Creative Justice

CHOOSE 180

United Better Thinking

ACLU of Washington



Freedom Project

Northwest Immigrant Rights Project

Northwest Community Bail Fund

La Resistencia

Columbia Legal Services

Washington Defender Association

