



SPD North Precinct Advisory Council

Expanding Communication between the Police and Community

MONTHLY MEETING MINUTES

October 6, 2021

Recorded by Nancy Rauhauser

Please share this information with your neighbors, neighborhood organizations and business organizations.

The monthly NPAC meeting began at 7:03 p.m. with Andrea Perr presiding.

Topics covered:

1. Special Presentation Speaker: Monisha Harrell, Deputy Monitor for SPD's DOJ Consent Decree
 - a. The consent decree between Seattle and U.S. Department of Justice resulted from a complaint and subsequent investigation of excessive use of force by SPD.
 - i. Signed in 2012, it outlines very specific requirements that SPD agreed to implement and institutionalize, and calls for monitoring the process of compliance.
 - ii. Decree has "the goal of ensuring that police services are delivered to the people of Seattle in a manner that fully complies with the Constitution and laws of the United States, effectively ensures public and officer safety, and promotes public confidence."
 - iii. City leaders agreed improvements could be made and chose this path instead of going to court.
 - iv. Going into 10 years is not unusual; six is considered fast.
 - v. While the goals were set in 2012, some have moved a bit, as there is acknowledgement that new issues need addressing, like responses to protests, such as were seen after the George Floyd murder.
 - vi. In 2018 Seattle was in compliance and went into the 2-year sustainment phase, but in 2019 Judge Robart ruled it fell out of compliance over a SPOG (police union) action that compromised accountability. Current union contract negotiations are being watched closely. Collective bargaining is fine - for safety, wages, etc, but police accountability can't be bargained away.
 - vii. Ending it will mean compliance is met, but doesn't mean there's no more work to do by SPD to keep improving. Ending means SPD oversight is returned to the people, who will now have tools and processes to do it. End goal is to empower the public to bring transparency and accountability to SPD, a public safety system that works for everyone.
 - viii. Cost - monitoring a consent decree is expensive for the city, taking

funds that could be used elsewhere to further progress.

- ix. Monitor / consent decree doesn't tell Seattle how to allocate budget for public safety and can't tell it what to do or not to do, like defund the police, unless it is not constitutional.
 - 1. It can weigh in if something is not just or fair, or not equitable.
 - 2. The decree works at the system policy level, not for everyday operations or individual incidents. For instance, SPD response time to 911 calls isn't a consent decree issue.
 - 3. But, monitors are very concerned about defunding the police if it could hamper SPD staying in compliance with the decree.
 - x. Monisha became a deputy monitor when the prior team stepped down in 2020.
 - 1. Monisha's prior public safety work includes
 - a. Board chair of Equal Rights Washington and former Community Police Commission commissioner.
 - b. Equal Rights Washington sponsored WA initiative 940, Police Training and Criminal Liability in Cases of Deadly Force Measure
 - c. Also helped bring 10 police accountability bills to the WA legislature in 2021.
 - xi. Monisha invites the public to reach out to the monitors to let them know what you need.
- 2. Crime Prevention Coordinator: vacant
 - a. The CPC website still says to contact Sgt. Martin.Welte@seattle.gov with North Precinct crime prevention questions.
 - 3. City Attorney's Office (CAO): Meagan Westphal and King County Prosecuting Attorney's Office (KCPAO): Danika Adams
 - a. Because of the race for City Attorney, people may be interested to understand how filings work currently, such as the interaction between CAO and KCPAO, and how/when felonies are refiled as misdemeanors. Danika made the presentation. Below are the questions submitted to them and their notes::
- 1. **Q1: Felonies being pled down to misdemeanors** – Due to the overall backlog in King County Court and the general political trend toward reducing charges, it's been reported that many felonies are being pled down to misdemeanors. Many voters aren't privy to what this means from a practical standpoint.
 - 1. When this happens, are the cases still handled by county prosecutors? Or is it bumped down to municipal court and prosecutorial decisions are overseen by city attorneys?
 - 2. Roughly how many cases fall into this gray area? What kinds of cases?
 - 3. What are some categories or outcomes that CAO & KCPAO are finding the most challenging to resolve from a caseload standpoint and/or because prosecutorial strategies (and related supportive services) are in such a state of political flux?

How Felony crimes become Misdemeanor charges

- Categories of crimes that can be considered for (Original or Expedited) Misdemeanor filing
 - Property crimes (Theft, Malicious Mischief, Burglary, Identity Theft, other financial crimes), Drug crimes, Certain crimes with DV designation
 - See KCPAO [Filing and Disposition Standards](#) (FADS) for a full list and standards applied in each category
- Original Misdemeanors (aka “Felony Declines”)
 - Cases that meet the statute for a Felony, but do not satisfy the KCPAO FADS
 - Referred to CAO for Misdemeanor filing
 - Handled by CAO in Seattle Municipal Court
- Expedited Misdemeanors
 - Filed by KCPAO as “Expedited” Misdemeanor (attempted class-C Felony) charge
 - Handled by KCPAO in KC District Ct
 - Resolved by plea OR re-filed as Felony charge in KC Superior Ct
- Original Felonies
 - Filed by KCPAO as Felony charge
 - Handled by KCPAO in KC Superior Court
 - Resolved by plea to Misdemeanor OR by conviction of lesser charge at trial

For statistics, see the KCPAO [Criminal Division Data Dashboard](#). KC declined and sent to CAO about 35/month in 2019, and, due partially to the court backlog, about 60/month in 2021.

For both PAO and CAO, the most significant challenge to resolving cases right now is the COVID-19-induced backlog of cases waiting to be filed, and pending cases needing to be resolved or tried.

2. **Q2: Alternative courts and diversion programs** – Efforts to decriminalize poverty and behavioral health are leading to many alternate criminal justice pathways, but voters are fairly low-information when it comes to understanding the range of options, beyond political buzzwords.
 1. Briefly describe some key differences between Community Court, Mental Health Court, and LEAD or other diversion/non-court programs.
 2. Do non-court programs like LEAD not offer any public recordkeeping on specific people and incidents compared to other “court”-based programs? One candidate seems to be wanting to greatly reduce/abolish prosecution and keep people out of any “court” system but *does that indicate that the public would not have disclosure about decision-making on these cases because specific records are not made public if they are handled by organizations outside of the courts?*

The key difference is that therapeutic courts and community courts require a criminal court case in order for someone to enter the program – see [Seattle Specialized Courts](#) and [King County Therapeutic Courts](#). Because of this, they carry the possibility of court-ordered sanctions for non-compliance. LEAD and other diversion programs do not require a criminal case, and work outside of the criminal court system – see e.g. [LEAD](#), [AMP](#), [Choose 180](#), among others. These

programs are tied to an individual receiving services, instead of a case.

Public Disclosure laws apply to governmental agencies, like the courts, KCPAO/CAO, and public service providers. Most of the records they have are disclosable to the public, unless there is a specific confidentiality provision that allows non-disclosure. This applies to therapeutic and community courts as well.

Private agencies and organizations that provide services in LEAD and other diversion programs do not have the same public disclosure mandates, and some have even stronger confidentiality limitations (like HIPAA). However they can—and do—provide aggregated or masked data to allow their outcomes to be independently studied.

3. **Q3: Gun Violence** -- Candidates are describing quite different approaches to “misdemeanors” and it’s unclear to voters what kinds of weapons charges fall into this category.
 1. Please clarify what types of charges with guns or other weapons are misdemeanors.
 2. How would City Attorney and County Prosecutor staff currently describe prosecutorial strategies to reduce and prevent gun violence for things like threats with weapons that aren’t actually discharged, etc? (How are these cases currently handled?)

There are quite a few charges that are “misdemeanor weapons charges.” The list of charges related to guns that can be filed by the CAO is found under SMC 12.14 (e.g. aiming or discharging a firearm, unlawful use of a weapon to intimidate, unlawful use of weapons, failure to register as a firearms offender, unlawful carrying of a pistol, unlawful possession of a loaded rifle in a vehicle, possession of dangerous weapon on school facility, weapons prohibited in certain public spaces, unlawful delivery of pistol by dealer, unlawful delivery of firearm by dealer, unlawful sales by dealer, unlawful sale or transfer of firearm, altering identifying marks on firearms, dangerous exhibition), and there are additional charges related to other weapons. The misdemeanor weapons charges that can be filed by the KCPAO includes: brandishing (RCW 9.41.270), concealed carry violation (particularly where a gun is unsecured in a vehicle) (RCW 9.41.050), and possession of a pistol or semi-automatic rifle by a person between 18-21 (RCW 9.41.240).

In the felony system, most of the weapons cases the KCPAO files fall into certain categories (setting aside homicides). If a gun is used in the commission of an offense, we can file Robbery 1, Burglary 1, and firearm enhancements, as appropriate. If a gun is pointed at someone, even if it is not fired, this could be filed as Assault 2. In cases where a gun is only displayed or referred to, but where there is an accompanying threat to kill and reasonable fear, we can file Felony Harassment. Lastly, overarching all of these is the possibility that the suspect is prohibited from possessing the firearm, which is a separately chargeable offense of Unlawful Possession of a Firearm. If none of these categories apply, the KCPAO would be likely to refer the charge to be filed as an “Original” misdemeanor (see above).

The [Regional Domestic Violence Firearms Enforcement Unit](#) (RDVFEU) works collaboratively with a multi-disciplinary team to intervene prior to gun violence occurring. RDVFEU brings together folks from the KCPAO, CAO, SPD, KCSO, and other law enforcement agencies, all focused on points of intervention to disrupt and de-escalate firearm violence. They are tasked

with following up on court orders when a defendant/respondent is prohibited from possessing firearms, and work to ensure that the individual has surrendered all known firearms.

Regional Domestic Violence Firearms Enforcement Unit is also responsible for critically important Extreme Risk Protection Order (ERPO) work, in cases of threats of violence (mass violence, workplace violence, school threats etc.), and threats of self-harm. An ERPO is a civil court order that is designed to temporarily prohibit someone's access to firearms when they are exhibiting violence to self or others. It also can serve as a substitute for misdemeanor charges of unlawful discharge of a firearm, reckless/brandishing a firearm, etc. In WA, LE and family members can file petitions for ERPOs. Please email ERPO@kingcounty.gov if you have questions or want additional follow up.

4. Business - none

5. North Precinct Update: Captain Brian Stampfl

- a. Sometimes on social media you hear people say the police don't care, they don't respond, and they aren't even taking crime reports anymore. But in reality, 911, non-emergency calls, and on-line reporting are all the same as before. Property crime is still important to SPD, responding to calls is still important. And the priority system for dispatching officers still puts violent crimes as priority 1 and in-progress crimes as priority 2. Burglaries and car thefts are important, but they are lower in priority for responses, which is why it sometimes takes hours for an officer to be freed up from higher priority calls to respond. SPD is still taking reports and still making arrests. Social media can amplify concerns and spread misinformation.
- b. Catalytic converter thefts from vehicles have been high in the last 12-18 months in Seattle and the nation. Metals in them that convert toxic gases into harmless ones like steam are very expensive. Thieves cut them off cars with an electric saw and make a lot of money selling them. Prius cars are specially targeted because the metals aren't used up as fast as in purely gas-run cars. You can get a metal guard installed to help protect yours. Parking in a garage instead of on the street also is a deterrent. SPD has work groups in communication about this problem and arrests have been made.
- c. Everspring Motel on Aurora & 82nd, shut down by the city for illegal activities in it, has been repaired and the new owner has complied with all conditions and inspections, and it recently reopened. The agreement with the city gives Seattle the ability to shut it down again if problems develop.
- d. Hearing lots of complaints about encampments at Green Lake, Woodland Park, Ballard Commons, North Acres, Northlake Way. City Council is familiar with them and say they'll be addressed around mid-November when 400 beds become available and can be offered to the campers. The city's purple trash bag program will include helping to clean up the encampments. SPD is not allowed to be involved in encampment moving or cleaning.

6. Open Forum/Questions

- a. October 12th Chief Diaz will do a walk around starting at the Crown Hill Safeway.

- b. The news report about an AR-15 gun at Ingraham High School was inflated. The facts: a kid in a car brandished a gun as it drove by the school. No shots fired, no injuries. The license plate number was taken and SPD is following up.
- c. The Crisis Response Team tracks crisis calls. Many calls are for the same people. The team knows a lot by name. They work with their caseworkers and the courts to try to help them. Taking them to the hospital after responding to calls is a temporary solution - they get released quickly.
- d. SPD is aware of the Home Depot encampment. Large amounts of theft at HD are connected to the encampment. City is trying to respond, but it doesn't want to move people unless there are beds available to offer them. Your voice is important - do report problems. It can help to get a lot of people to report the same issue, to get attention. Try these city contacts for problems there (but for in-progress criminal activity call 911):
 - i. Homeless Encampment Issues: Human Services Department Director of Outreach Homelessness@seattle.gov
 - ii. Homeless Encampments on Public Right of Ways, Sidewalks, Planting Strips or Green Belts: Seattle Department of Transportation.
<http://www.seattle.gov/transportation/permits-and-services/report-a-problem>
- e. Deadline for SPD personnel to show proof of vaccination is October 18. SPD knows some officers won't take it, but doesn't know how many. May have to release them while SPD is already short-staffed. Command staff are preparing a worst-case scenario.

7. Next Meeting: Wednesday, November 3, 2021, 7:00 pm.

Meeting adjourned at 8:35 p.m.