SEATTLE CITY COUNCIL

June 8, 2020

City Attorney Pete Holmes
701 Fifth Avenue, Ste. 2050
Seattle, WA 98104

Re: City of Seattle lawsuit against King County inquest reforms

Dear City Attorney Holmes:

We write to ask you to withdraw the City of Seattle's Petition for Writ of Prohibition, Writ of Review, and Complaint for Declaratory Relief against King County Executive Dow Constantine and Inquest Administrator Michael Spearman, challenging the inquest reforms put into place by Executive Constantine in 2019.

During a public Community Police Commission discussion with Mayor Durkan on Wednesday, June 3, the Mayor stated that she had no awareness of this litigation seeking to block the inquest reforms, and that it was your decision to proceed in this fashion. We now understand that the Mayor may have been misinformed when she said she was unaware of the litigation, and that the balance of her remarks only reflect that the City Charter assigns full supervisory control over all the litigation of the City to you. While acknowledging that the Council's President and Public Safety Committee Chair have also been briefed about the litigation, the undersigned City Councilmembers now write to ask that you take action to withdraw from this litigation.

As you know, the Community Police Commission strongly backs the inquest reforms adopted by Executive Constantine. For many years, the inquest system operated functionally to legitimize and immunize all deaths in police custody. Families of those killed, many observers and even the King County Prosecutor concluded that this was because the narrow focus of the proceeding and murkiness about the function of the inquest verdict led to an overly narrow focus on whether officers subjectively felt afraid for their lives, which invariably was the conclusion, seemingly justifying all shootings. This tended to obscure other important questions including whether the fear was objectively justified, whether the killing was avoidable, and whether it flowed from training and policy, or rather, contravened policy.

The Executive convened a distinguished and balanced panel to lead a community-wide conversation about possible reforms to the inquest process, which took several months and involved affected families, many concerned King County residents, and solicited input from police agencies and lawyers for police unions. That process ultimately culminated in a package of reforms that found widespread approval from a coalition of community organizations, a police union, and the inquest reform panel. Critically from our perspective, the Community Police Commission was among the organizations endorsing the carefully constructed package of changes.

Many pending inquests had been paused from December 2017 through early 2019 while the reforms were developed and adopted. As a result, deaths in custody of SPD officers going back to Damarius Butts and

Charleena Lyles in 2017 are still awaiting inquests. We understand that it is the City Attorney's position that a rule change, said to be beyond the process developed by the panel, days before the first inquest, prompted the City of Seattle and eight other municipalities, along with several of the affected families, to file petitions challenging the reformed inquest process. This had the result of further delaying those long-awaited inquests, compounding the trauma and harm to the involved families, as well as withholding the potential benefit to SPD and officers of having the facts in those cases fully developed in public.

We further understand that you are engaging the County to attempt to resolve these issues and restart the inquest process. We nonetheless request that you immediately withdraw this litigation brought on behalf of the City of Seattle.

Sincerely,

_____ _____
Council President M. Lorena González   Councilmember Lisa Herbold

_____ _____
Councilmember Debora Juarez   Councilmember Andrew J. Lewis

_____ _____
Councilmember Tammy J. Morales   Councilmember Teresa Mosqueda

_____ _____
Councilmember Alex Pedersen   Councilmember Kshama Sawant

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Councilmember Dan Strauss

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