

Honorable Mayor Jenny Durkan and Honorable Seattle City Council,

The Seattle Human Rights Commission has asked me to forward on to you the below letter.

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October 7, 2020

Sent by Email

To: Mayor Jenny Durkan (jenny.durkan@seattle.gov) and the Seattle City Council (council@seattle.gov)

As the world navigates a pandemic and comes to grip with new ways of living and being, the importance of empathetic and progressive leadership is being highlighted at all levels and has dire implications for people of all walks and stages of life – especially the most vulnerable among us. Seattle has long heralded itself as a bastion of progressive thoughts, ideas, and actions – conceived by its people and codified by its elected officials.

Seattle's failure in its commitment to be a Human Rights City rests in the actions (and inaction) of our elected leaders. By her actions and selective inaction, Mayor Jenny Durkan has shown us what leadership means to her and what she thinks of the people of Seattle. The negative impact of inaction will take generations to unwind. As representatives for all communities in the City of Seattle, it is our duty to advise and amplify.

Thus, the Human Rights Commission for the City of Seattle is seeking the immediate resignation of Mayor Jenny Durkan for willful violation of duty pursuant to Article V, Section 10 of the Seattle City Charter^[1].

Mayor Durkan has failed to uphold her duty to serve and protect the rights of Seattle citizens in the following ways:

Violations of Constitutional and Human Rights

Police Brutality

- Mayor Durkan has repeatedly authorized the use of police violence and tools of military force against peaceful demonstrators, civilian bystanders, legal observers and members of the media during Black Lives Matter protests and related police brutality protests of this spring and summer^[2].
- Mayor Durkan has repeatedly allowed the Seattle Police Department (SPD) to use chemical weapons against demonstrators in densely populated neighborhoods, which will have lasting health impacts on demonstrators and bystanders. *Tear gas and other chemical crowd control agents are so toxic that they are currently banned for use in warfare.*
- In a public statement dated June 5, 2020, Mayor Durkan acknowledged the harm caused to civilians by the use of tear gas inside neighborhood corridors and declared a 30-day moratorium on its use against protestors, which was immediately violated by Seattle Police only 3 days later, to no reprimand or acknowledgement from the Executive. *Failure to enforce the tear gas moratorium, after admitting knowledge of the excessive harm being caused to civilians, is a willful violation of duty that can only be construed as intentional.*
- Mayor Durkan has objected to proposed reductions in SPD's budget and objected to immediate

proposed actions that would force the department to respond to its harms to the community and implement systemic changes. She has also vetoed attempts by the legislative branch to pass revenue measures that would work towards this goal.

Homelessness

- Mayor Durkan has failed to adequately address Seattle's growing homelessness crisis is in violation of the civil and constitutional rights of the unhoused, and in opposition to the United Nations Charter on Human Rights^[3].
 - Housing is a human right that is being actively denied to thousands of Seattle citizens under the Mayor's neglect.
 - According to the 2019 general street count from All Home, 11,199 people were experiencing homelessness on January 25th, 2019. Approximately 47% of these individuals were unsheltered, meaning that they were "sleeping on the streets, on public transit, in abandoned buildings, public facilities, storage structures, vehicles, encampments, or any other place unfit for human habitation."^[4]
 - Approximately 78% were single adults or members of adult households with no children. Approximately 21% were part of a family that included at least one adult and one child.
 - Most of the individuals experiencing homelessness were people of color.
 - Approximately 4.8% of the general population living in the Seattle-Tacoma-Bellevue region identified as lesbian, gay, bisexual, or transgender, according to a 2015 Gallup U.S. Daily survey. However, 34% of the unaccompanied youth and young adults under 25 and 20% of the homeless in the region in 2019 identified as LGBTQ+.
 - Many individuals experiencing homelessness identified as living with at least one health condition (64%). Additionally, 37% reported that they were living with a health condition that was disabling, meaning that it may prevent them from holding employment or taking care of themselves. Only 6.4% of the King County population under 65 years of age is estimated to be living with a disability, which means that people with disabilities are disproportionately represented among people experiencing homelessness.
 - 24% reported job loss as the primary reason for their current period of homelessness.
 - Risk factors for homelessness include the cost of living, tax policy, childcare, zoning laws, eviction, domestic violence, incarceration & re-entry and mental health. The City Council and Mayor have levers that can positively impact each of these factors.
 - The McKinsey study of 2018^[5] found that Seattle's homelessness crisis is the direct result of the growing wage gap between the very wealthy and the very poor, with specific emphasis on its relationship to the affordability of housing.
 - The study notes that *"the rise in homelessness cannot be explained by population growth or rising poverty, as there has been little of the former, and the latter has fallen. **The study shows that the real cause lies in how homelessness has risen in line with the fair-market rent (FMR)...[sic] The result is a dearth of affordable housing and hence rising homelessness.**"*
 - McKinsey estimates that Seattle's homelessness crisis is expected to cost the city \$1.1 billion in extra policing, lost tourism revenue, and emergency room services for the unhoused. The same study finds that to adequately fund a successful homelessness mitigation strategy, the city would need to only spend a fraction of the current cost – just \$360-\$410 million to create enough sustainable housing and plug the hole created by our regressive tax structure and inflated rental markets.
- In light of these facts, Mayor Durkan has failed to pass a single progressive revenue measure, has repeatedly rejected and maligned attempts by the legislative branch to pass additional revenue measures, and has otherwise neglected her duty to effectively manage the crisis at her door that threatens the lives of 11,000 Seattle residents every day.
 - Mayor Durkan knows both the cost required to address the problem, and that the cost of doing nothing is significantly greater and has chosen not to act.
 - As an elected official in a Human Rights City, refusing to act on issues that one has committed to addressing (on the campaign trail) is false advertising at best and is definitely an abdication of responsibilities at worst. In either case, it is a demonstration of not being able or willing to fulfill the responsibilities of the job. Viewing this through the lens of an employer (the public) and employee

(the Mayor), if an arbitrary employee (the Mayor) refuses to do the job they were hired for, should they remain in the job?

Economic Prosperity and Protection

Income Inequality

- Mayor Durkan has refused to find and fund progressive revenue streams promised in her campaign for Mayor. This leaves Seattle with a widening inequality crisis that studies show are responsible for economic instability and turmoil in the region, increased homelessness, poor health outcomes, worsening infrastructure, and barriers to success for lower-middle income residents who comprise a majority of working families in the region.
 - By failing to fulfill the promises of her bid for office, Durkan has *willfully obstructed the rights of Seattle citizens to receive elected representation that supports their health, wellbeing, and ability to thrive.*

City Governance

Failure to lead

- Mayor Durkan has repeatedly refused to adopt a city budget despite receiving multiple balanced budget drafts from Council, in clear violation of her legal duty as Executive.
- Mayor Durkan has obstructed the ability of the Council to govern.
 - Mayor Durkan has repeatedly vetoed approved legislation from Council despite overwhelming support from the public and the legislative branch, which has obfuscated even basic progress on behalf of Seattle governance.
- Mayor Durkan has refused to consider common sense police reform despite overwhelming evidence that the federal consent decree has not meaningfully changed SPD's reliance on excessive force toward civilians, in violation of her duty to uphold the rule of law. Seattle's Office of Police Accountability, in their response to the City Council's Crowd Control Weapons Ordinance Ban^[6], expressed that they are "concerned by the sheer amount of force used by SPD over the last two months".

As the Commission charged with amplifying the human rights concerns of the Seattle community and providing the City's leadership with recommendations on improving the rights of all the people of Seattle, it is our duty to speak up and speak out for our least privileged community members and not to be complicit in the harm done to them by City leadership.

Given this, it is our belief that we cannot wait until November of 2021 to remove Mayor Durkan from office and replace her with a servant-leader who will uphold their duty to protect the rights of all citizens, to hold their humanity above all else, and to live up to Seattle's designation as a Human Rights city.

We call on Mayor Durkan to immediately resign, and in the absence of her resignation, we call on the City Council to begin removal proceedings for willful violation of duty according to the points previously presented.

Sincerely,

The Seattle Human Rights Commission

[1] The Charter of The City of Seattle. Adopted at the General Election March 12, 1946. Amended through November 5, 2013. Retrieved on October 2, 2020. https://library.municode.com/wa/seattle/codes/municipal_code?nodeId=THCHSE_ARTVEXDE_S10REMA

[2] Shaun Scott. "Durkan, Seattle police and the undermining of civil liberties". July 15, 2020. <https://crosscut.com/2020/07/durkan-seattle-police-and-undermining-civil-liberties>

[3] United Nation Declaration of Human Rights, <https://www.un.org/en/universal-declaration-human-rights/>

[4] All Home. Seattle/King County Point-In-Time Count of Persons Experiencing Homelessness. <http://allhomekc.org/wp-content/uploads/2019/09/KING-9.5-v2.pdf>

[5] <https://www.mckinsey.com/featured-insights/future-of-cities/the-economics-of-homelessness-in-seattle-and-king-county>

[6] Andrew Myerberg (Director, Seattle Office of Police Accountability). Response to City Council Crowd Control Weapons Ordinance Ban. August 15, 2020. <https://www.seattle.gov/Documents/Departments/OPA/Special-Reports/OPA-Response-to-Council-CCW-Ordinance-081520.pdf>