



Seattle
City Attorney's Office

Ann Davison, City Attorney

April 27, 2022

VIA EMAIL

The Honorable Willie Gregory
The Honorable Faye Chess
The Honorable Andrea Chin
The Honorable Anita Crawford-Willis
The Honorable Adam Eisenberg
The Honorable Catherine McDowall
The Honorable Damon Shadid
Seattle Municipal Court
600 Fifth Avenue
Seattle, WA 98124

RE: Community Court

Dear Seattle Municipal Court Judges,

For the last several weeks, my office has been negotiating with Judge Shadid and the Department of Public Defense to address a significant challenge with Community Court: namely that, under its current design, many individuals who repeatedly commit serious crimes or have dozens of police referrals are automatically sent to Community Court even though data shows that this type of intervention fails to address their activity or deter them from reoffending. Simply stated, this version of Community Court (with its "release-first model," voluntary referrals to services, and limited accountability mechanisms) is the wrong place for those committing repeat, high-impact criminal activity – individuals who meet the "High Utilizer" criteria defined by my office.

I am writing to you today because these negotiations with Judge Shadid have come to an impasse. My office requested that the Community Court agreement signed by my predecessor in 2019 be modified to exclude the High Utilizer criteria and to clarify how many chances individuals get to have their cases referred to Community Court. Unfortunately, in the Community Court Steering Committee meeting last Friday, Judge Shadid insisted that he would not agree to exclude those meeting the High Utilizer criteria from Community Court and would potentially refuse to oversee Community Court if his fellow judges agreed to the changes that I have requested. At this juncture, I am formally requesting that the full Seattle Municipal Court consider this important modification of the 2019 Community Court agreement.

I want to state firmly for the record that I am in favor of preserving Community Court. Community Court can be a valuable tool for individuals charged with low-level crimes and who have less frequent involvement with the criminal justice system. It allows their cases to be resolved with relatively minimal obligations, while avoiding incarceration. Community Court also importantly relieves significant pressure on the Seattle Municipal Court's calendar of cases. Throughout our negotiations with Judge Shadid and the Department of Public Defense, my office has repeatedly emphasized our desire to preserve Community Court. However, for it to be successful – and to ensure that we are being good stewards of public dollars – we must reserve its use for appropriate cases and individuals.

The 2019 Community Court agreement expanded the number of eligible cases and eligible defendants dramatically. In this current version of Community Court, all cases filed by the City Attorney's Office for 22 different misdemeanor crimes are automatically routed to Community Court. That includes all theft, trespass, obstruction, property destruction, and car prowler cases, among others. In total, those crimes represent 55 percent of the Seattle Police non-traffic/non-domestic violence referrals to the City Attorney's Office. In other words, the majority of non-DV/non-DUI misdemeanor criminal activity in the city of Seattle is currently routed to Community Court.

Importantly, the 2019 Community Court agreement also eliminated any eligibility restrictions based on past criminal history. That means that many individuals with very serious felony histories or dozens of prior misdemeanor cases have been admitted to Community Court where the main obligations are completing a life skills class or meeting with service providers.

Our analysis shows that Community Court is not an effective tool for individuals engaged in high-frequency criminal activity. For example, 59 individuals who meet our office's High Utilizer criteria represent about 15 percent of the cases referred through Community Court since this version of the court began. Only three had "graduated" Community Court on any cases, and those successes were principally the result of services provided by other organizations not connected to Community Court. Of the three that graduated, two reoffended with new charges in a relatively short amount of time. In terms of community safety, that translates to a success rate of under two percent for those meeting the High Utilizer criteria. In the meantime, many of our community's most challenging individuals involved in daily criminal activity were continually cycled through Community Court regardless of their failure to comply with prior Community Court obligations. That is unacceptable to victims and the community at large, and demonstrates a failure to offer a meaningful intervention for those individuals.

Our understanding is that Judge Shadid does not dispute that Community Court is not a good fit for individuals meeting the High Utilizer criteria. On Friday, however, he proposed additional negotiations to continue to try and keep the High Utilizer population in Community Court. I do not believe that Community Court is the appropriate model or venue for these individuals. And, after over two years of poor results for this population, I

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believe the time for continuing negotiations around keeping individuals that meet the High Utilizer criteria in Community Court is over. My office is now stepping up to address this challenge with real urgency while at the same time trying to preserve Community Court out of recognition for the effort that has been invested there.

In support of those efforts, my request is that the full Seattle Municipal Court consider these common-sense modifications and help to find a path to preserve Community Court for appropriate individuals and cases.

Thank you for your urgent attention to this matter.

Sincerely,

/s/ Ann Davison
Seattle City Attorney

Cc: Anita Khandelwal
King County Public Defender

