

PUBLIC DEFENDER ASSOCIATION
RACIAL DISPARITY PROJECT · DEATH PENALTY ASSISTANCE CENTER

May 21, 2015

Dear Mr. Williams:

We write to applaud the Parks Department for eliminating the use of parks bans for individuals who do not pose a threat to public safety. This sends the message that all people, regardless of race or class, are welcome in Seattle's parks as long as they follow the Parks Code of Conduct. We also write to recommend that the Parks Department take a similar approach on the issue of smoking in the parks and create designated smoking zones, which would ensure that all members of our community can enjoy the City's parks while protecting non-smoking parks users from second-hand smoke.

In 2012, after extensive collaboration with the Public Defender Association, the Parks Department stopped implementing an ordinance that permitted the banning of individuals who violated Parks rules. Under the ordinance, if a person had violated a Parks rule and been banned, that person could be arrested merely for being in the park, even if she was engaged in lawful behavior. Bans were issued disproportionately to people of color and people who were homeless.

The Parks Department recognized that this practice sent the message that banned individuals were problems, rather than particular behaviors. The Department piloted a behavior-based model, where individuals who violated Parks rules were notified of the rules. If they failed to follow those rules again, they could be arrested for trespass. Otherwise, they were left in peace to enjoy the park. We understand that the Parks Department intends to use this model permanently and we applaud its commitment to making the parks available to the entirety of our community.

Given the Parks Department's commitment to making parks available to the entire community, we propose the City explore an alternative to the proposed rule banning smoking in parks. According to the National Coalition on Homelessness, between 70% and 80% of adults who are homeless smoke tobacco, compared with only 20% of adults in the general population. Adopting a complete ban on smoking would exclude most of Seattle's homeless population from the parks.

We propose that the City explore the creation of designated smoking zones. We further propose that any revenue generated by enforcing the smoking rule in smoke-free areas be used to fund smoking cessation services for the poor. We believe that this will allow the City to reap the potential benefits of limiting smoking while not imposing hardship on the poor.

We believe that the City can designate smoking zones in parks that are pleasant and adequate to the needs of smokers. Smoking areas would include seating similar to the seating available in non-smoking areas so that individuals who smoke would have the same ability to enjoy the park as non-smokers. Smoking outside of these zones would be prohibited so that non-smokers who wish to avoid second-hand smoke will be able to do so. This compromise would enable families that include smokers to enjoy a park, while keeping areas like playgrounds smoke-free. In addition, this compromise would permit individuals who are homeless to continue enjoying the City's parks.

Smoking presents significant health concerns for individuals who are homeless. Smoking exacerbates the medical conditions of individuals who are homeless and who suffer from exposure to the cold and from poor nutrition and hygiene. Most people who are homeless do not have health insurance to cover their care and are unable to stop smoking, at least in part because they cannot pay for treatment. The City should use revenue generated from enforcing the smoking ban to pay for smoking cessation programs for indigent or homeless people.

We believe our proposal is one that both sides of the debate may be able to agree on. It is one that is consistent with the Parks Department's commitment to ensuring that Seattle's parks are healthy and safe for all of Seattle's citizens.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa Dugaard', with a stylized flourish at the end.

Lisa Dugaard
Policy Director
Public Defender Association