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Jenny A. Durkan, Mayor  
Mariko Lockhart, Director

**Date:** July 28, 2020  
**To:** Councilmember Lisa Herbold, Chair of Public Safety and Human Services Committee  
**From:** Mariko Lockhart, Director, Seattle Office for Civil Rights  
**Subject:** **COVID-19 Community Mitigation and the Criminal Legal System**

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This proposal is a response to [City Council’s Budget Action Item CJ 4C1](#) from the 2020 Adopted Budget. The green sheet appropriates \$170,000 from the General Fund to SOCR for criminal legal system outreach and engagement pending ordinance and briefing to “the chair of the committee with jurisdiction over public safety a plan for how the money will be spent for this purpose.”<sup>1</sup>

### Funding Origins

In 2019, Mayor Durkan created and convened a “High Barrier Working Group” that included leadership from various City departments, including Seattle Municipal Court (SMC), the Seattle Police Department (SPD), and the City Attorney’s Office (CAO) alongside Public Health experts. The working group’s purpose was to identify and address the needs of 500 individuals who have frequent encounters with SPD, SMC, King County Jail, and hospital systems. This population was identified as the high barrier population in reference to the barriers that they encountered in accessing and utilizing housing, medical, and other services. These barriers subsequently contributed to their engagement with the criminal legal system.

In the 2020 Proposed Budget, \$170,000 was designated for the implementation of a probation pilot program for High Barrier individuals, as a recommendation from the “High Barrier Working Group” convened by the Mayor’s Office. The probation pilot, which would expand the probation department, was one of four proposals brought forth by the Mayor’s Office. The proposals are 1) Expanded probation; 2) Repurposing of the West Wing of King County Jail into emergency shelter; 3) A rapid reentry connector that directs people who have been in jail for less than 48 hours to existing housing, shelter, and treatment; and 4) Case conferencing between law enforcement and case managers<sup>2</sup>.

In CBA CJ-4-C-1, City Council voted to allocate the \$170,000 instead for the following purposes:

- \$140,000 designated for the following:
  - o [CJ-2-B-2](#)

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<sup>1</sup> CJ 4 C1

<sup>2</sup> <https://durkan.seattle.gov/2019/09/members-of-regions-high-barrier-individuals-working-group-announce-new-pilot-programs-to-focus-on-individuals-cycling-through-the-criminal-justice-system-in-seattle-and-king-county/>



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- An analysis of the case conferencing pilot for High Barrier individuals conducted by the Mayor’s Office, the City Attorney’s Office, the Criminal Justice Equity Team and communities most impacted by the criminal legal system.
- [CJ-3-A-2](#)
  - “An analysis and detailed implementation plan in conjunction with CJET, KCJ and impacted communities on the viability of the rapid reentry program utilizing recommendations from the Seattle Reentry Workgroup recommendations, a description of unintended consequences and plans to mitigate them, proposed metrics of success, a racial equity analysis, and an analysis of how to reduce jail populations that are being held at KCJ for under 72 hours.”
- [CJ-21-A-2](#)
  - “The Office of Economic Development (OED) and the Office for Civil Rights (OCR) work with formally incarcerated community members to develop a plan that supports small businesses owned by those with criminal histories. This support could include identifying and facilitating connections with business consultants, technical assistance to secure financing and navigating regulations, and grants for seed money to establish new businesses.
- \$30, 000 designated for community engagement sessions related to Criminal Legal System Realignment led by SOCR and the Legislative Department

### **A proposal for reallocation of funds in light of COVID 19 pandemic and community demands**

SOCR proposes that the funding described in CBA CJ-4-C-1 be reallocated. Due to the changes in City priorities and economic realities, SOCR has decided to repurpose these funds to providing direct financial support to these organizations rather than carry out the analysis requested. SOCR proposes funding community-led organizations who are at the frontlines of mitigating the impacts of COVID 19 on High Barrier, houseless, Black Indigenous People of Color (BIPOC) communities. SOCR is requesting that the money be allocated to community engagement for community mitigation of the COVID-19 pandemic, specifically to support disproportionately impacted and vulnerable populations. These communities include BIPOC communities, undocumented individuals, medically vulnerable elders, individuals with substance use and houseless populations. Community Mitigation is a set of actions a community can take to reduce the spread of transmission.

In light of recent Black Lives Matter-related community organizing that places an emphasis on the reallocation of funds away from the criminal legal system into an investment in community generated programs and services, it is crucial that the voices of impacted communities are supported and centered in any policies related to the criminal legal system. SOCR further recommends that the criminal legal system realignment conversations headed by SOCR and the Legislative Department include community-generated, participatory discussions on policies generated by the Mayor’s Office that relate to the criminal legal system, such as the rapid reentry connector, case conferencing and expanded probation



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proposals. As described in Part C of this proposal, the infrastructure established in these community engagement sessions includes dialogue between a cohort of community members and institutional stakeholders such as the Seattle Municipal Court, the City Attorney's Office and the Mayor's Office with a racial equity lens.

This funding allocation is under a proviso pending Seattle City Council Public Safety Committee's approval of this proposal.

**The breakdown of funding in this proposal is as follows:**

- A) \$60,000 for Community Mitigation of COVID-19 impacts on houseless communities that are a part of the population identified by the High Barrier Working Group.
- B) \$80,000 for Expanding Economic Opportunities for formerly incarcerated communities working group in collaboration with OED.
- C) \$30,000 for Community Engagement with regards to COVID-19 related changes in the Criminal Legal System done in collaboration with Seattle City Council Central Staff.

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**A) Community Mitigation of COVID-19 impacts on houseless and "high barrier" communities**

Prior to COVID-19, the high barrier population was often associated with housing insecurity and crimes of poverty, such as trespass, loitering, and theft. The High Barrier Working Group data shows this population is most frequently charged with crimes such as shoplifting and trespassing. Certain factors exacerbate the hardships that our high barrier communities experience that make them more vulnerable to COVID-19, for example:

- Outbreak of Hepatitis A among houseless populations in Ballard<sup>3</sup>
- Increase in COVID-19 cases among houseless populations in Seattle and King County shelters<sup>4</sup>
- Increase in Washington unemployment with a 105.9% increase from January 2020 to March 2020<sup>5</sup>
- COVID-19 as an additional stress factor layered over the existing trend of increased houselessness amongst elderly and medically vulnerable populations<sup>6</sup>

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<sup>3</sup> <https://apnews.com/58e00c1e4153f33b1c0a583f72512b8a>

<sup>4</sup> <https://www.seattletimes.com/seattle-news/homeless/first-homeless-coronavirus-death-announced-in-king-county-as-cases-skyrocket-among-shelter-populations/>

<sup>5</sup> <https://komonews.com/news/coronavirus/seattle-sees-biggest-unemployment-jump-in-us-from-coronavirus-study-finds>

<sup>6</sup> <https://www.seattletimes.com/seattle-news/homeless/seattles-aging-and-ill-homeless-population-in-shelters-is-particularly-vulnerable-to-coronavirus/>



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- Severe reduction in outreach services by social service organizations due to COVID-19 social distancing regulations

*Racial Disproportionality exacerbated by COVID-19 pandemic*

King County is an epicenter for COVID-19 in the country.<sup>7</sup> The County released demographic information of the population that has tested positive for COVID-19, with the caveat that this information is drawn only from 51% of all cases in the County<sup>8</sup>. The racial inequity that this pandemic exacerbates is alarming for communities of color, particularly for individuals of Latinx descent who represent 21.9% of King County's confirmed cases, but only make up 10% of King County's population; Native Hawaiian/Pacific Islanders represent 2.3% of cases, but only 0.8% of the population; and Blacks represent 10.1%, but only 6.4% of the population.<sup>9</sup> It is critical the City stays true to our shared racial equity mission and values and directly fund and support communities of color.

COVID-19 has intensified all of the existing race and class inequities among the various communities that call Seattle home. The well-being of communities that face houseless and/or are criminalized by Seattle's criminal legal system is central to our work and mission at SOCR. In an effort to address these emergent needs, SOCR is recommending this funding be reallocated to three grassroots small non-profit organizations and coalitions that can mitigate some of the hardships that communities of color are experiencing.

These following organizations share values that are consistent with public health practice in the era of COVID-19. These values include:

- Address the immediate challenges faced by houseless and criminalized communities;
- Responsive, small, and connected to communities impacted by medical racism; and
- Adhere to harm reduction principles.

According to the Harm Reduction Coalition, harm reduction is a set of practical strategies and ideas aimed at reducing negative consequences associated with drug use. Harm reduction is also a movement for social justice built on a belief in, and respect for, the rights of people who use drugs<sup>10</sup>. Some practical strategies include understanding drug use as a complex, multi-faceted phenomenon with a continuum of behaviors to address it. These behaviors range from severe abuse to total abstinence. The focus is

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<sup>7</sup> <https://www.kingcounty.gov/~media/depts/health/communicable-diseases/documents/C19/COVID-19-cases-race-ethnicity.ashx>

<sup>8</sup> <https://www.kingcounty.gov/~media/depts/health/communicable-diseases/documents/C19/COVID-19-cases-race-ethnicity.ashx>

<sup>9</sup> King County Public Health Data as of May 8, 2020 at 12 PM <https://www.kingcounty.gov/depts/health/covid-19/data/race-ethnicity.aspx>

<sup>10</sup> <https://harmreduction.org/about-us/principles-of-harm-reduction/>



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more on promotion of safety than the promotion of abstinence as the sole strategy. Furthermore, a central component of harm reduction is the call for non-judgmental, non-coercive provision of services and resources to individuals who use drugs and their communities to reduce harm<sup>11</sup>

**I) Hepatitis Education Project (HEP)**

Proposed amount: \$20,000

[HEP](#) is a small grassroots non-profit that was started in 1994 by a group of hepatitis patients and their medical providers with the intention of supporting and educating those who live with chronic hepatitis. HEP engages in educational workshops in correctional facilities, conducts needle exchange, operates a low barrier suboxone clinic, and provides hepatitis vaccinations in communities. They are knowledgeable on the set of conditions our houseless communities experience and through their outreach visits, have built relationships with houseless communities and individuals.

The Hepatitis A outbreak in Ballard encampments is a result of lack of hygiene facilities in various parts of Seattle. HEP's hepatitis A vaccination program is timely and necessary. Currently, HEP's outreach team, which includes medical providers and social workers, visit encampments once a week. With additional funding, HEP will be able to expand their programs and scale up the Hepatitis A vaccination program to at least twice per week. An increase in scale would likely allow them to visit more encampments as well. This allows them to see more clients and prevent the long-term debilitating effects of Hepatitis A from exacerbating the hardships among our houseless populations.

In 2019, HEP reached about 6,000 unique individuals between their testing/prevention, outreach, case management, suboxone clinic, and corrections work. The clients were predominantly located in South Seattle where 77% of clients they encounter had been homeless at some point in the previous 12 months.

**II) Green Light Project**

Proposed amount: \$20,000

The [Green Light Project](#) (GLP) is led by a grassroots coalition, the People of Color Sex Worker Organizing Project (POC SWOP). The group provides direct services through a harm reduction lens to those at the intersection of sex work and drug use on North Aurora. In 2019, GLP served 400 clients, 80% of whom identified as Black. GLP is a peer led effort that provides harm reduction supplies, cash assistance, housing assistance, and connects people with resources and information. They use a transformative and restorative justice approach to the community that they serve.

COVID-19 has impacted the communities that GLP serves, through a loss of stable income, an increase in housing instability, and a loss of shelter. This has led folks to take greater risks to earn money as well as exacerbated coping mechanisms, such as substance use. GLP has responded to this need by increasing

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<sup>11</sup> Ibid



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services across the board such as cash assistance for shelter, supplies of food and hygiene products, and harm reduction supplies. Their emergency efforts positively impact the health and well-being of community members, reduce and prevent the impact of COVID-19 outbreak on houseless communities, and serve often overlooked members of our local community.

According to the GLP, “funds towards GLP will go toward housing, in order to lower reentry and recidivism rates in the community. These funds would also be used for housing folks recently released and who are coming home to a diminished economy.”<sup>12</sup>

**III) People’s Harm Reduction Alliance (PHRA)**

Proposed amount: \$20,000

The [PHRA](#) is a grassroots coalition that emerged out of communities who experience substance use and recovery. They utilize a harm reduction framework and conduct low barrier suboxone clinics, syringe exchange, mental health assessments, HIV, STI and Hep C testing and vaccinations. While many service agencies have temporarily suspended their services, PHRA continues to be operating with their five staff and 100 volunteers. Their clientele consists of sex workers, individuals who are unstably housed, and substance users. In 2019, the organization had 19,000 encounters with clients. Operating out of the University District, the organization primarily serves individuals under the age of 21 and over the age of 50. The latter population fits the criteria for medically vulnerable individuals who may be disproportionately impacted by the COVID-19 pandemic. Funding to this small and effective organization will increase direct services for the communities that are disproportionately impacted by the pandemic.

SOCR recommends the funding is dedicated to these grassroots organizations: PHRA, HEP and GLP, that are doing meaningful work to flatten the curve and address the well-being of our houseless and often criminalized populations.

**B) Expanding Economic Opportunities for Formerly Incarcerated Communities Working Group**

Proposed amount: \$80,000

Under the SLI [CJ21A2](#), City Council tasked SOCR and the Office of Economic Development (OED) to work with formerly incarcerated community members to develop strategies around expanding economic opportunities and resources. This was a need that arose from the [Seattle Reentry Work Group recommendations](#). The purpose of this proposal is to implement this recommendation.

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<sup>12</sup> Conversation with Green Light Project dated May 1<sup>st</sup> 2020



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Formerly incarcerated small business owners are excluded from the Federal Payment Protection Plan Program, aimed at sustaining small businesses during the COVID-19 outbreak<sup>13</sup>. These systems-impacted communities once again face the burden of the pandemic disproportionately.

Due to discrimination against individuals living with criminal history, they are often funneled into work as independent contractors, contract and precarious workers, or small business owners - if they are able to generate sufficient capital. Recognizing that economic self-sufficiency is a key component of successful reentry, the City should invest in the well-being of our formerly incarcerated communities and their reentry processes. Supporting our most vulnerable communities in their ability to engage in the new COVID-19 economy is essential for the well-being of our entire city. Through a collaboration with OED, SOCR proposes the following:

- Five community engagement sessions with an advisory cohort of five formerly incarcerated individuals aimed at generating creative solutions in adapting to a COVID-19 economy and its impacts on formerly incarcerated individuals and communities. The convening activities will include:
  - Plan workshops involving skill shares and capacity building with formerly incarcerated business owners in the COVID-19 era economy. This includes developing online platforms and increasing web presence for successful business strategies. OED is currently conducting workshops related to these topics to a general audience. Workshops could include identifying and facilitating connections with business consultants, technical assistance to secure financing and navigating regulations, and applying for grants to seed the establishment of new businesses.
  - Identify existing programs that the City, including other departments, are operating that could benefit formerly incarcerated individuals and communities.
  - Create a plan for targeted outreach for formerly incarcerated communities.
  - Identify the barriers to economic sustainability and career-oriented jobs that formerly incarcerated are often excluded from.
  - Build upon existing policies that can expand opportunities for formerly incarcerated individuals. Develop ideas for future policy proposals that can support the economic sustainability of this target population.
  - Plan for community outreach and education toward this target population.
  - Create a plan for the use of \$75,000 to meet the above goals.

In summary, the \$80, 000 will be allocated to

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<sup>13</sup> <https://jije.org/2020/04/24/paycheck-protection-program-leaves-behind-formerly-incarcerated-business-owners/>



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- Compensation for 5 cohort members convening over five 2-hour sessions at \$100/hour
- \$75,000 for implementation of projects that the cohort proposes that meet the goals of the convening

The re-opening of Seattle's economy cannot leave behind our most vulnerable populations. Supporting individuals living with criminal history to thrive in this new COVID-19 landscape allows for a racially equitable and sustainable economy. Our well-being as a city is only as good as the most vulnerable amongst us.

### **C) Community Engagement with regards to COVID-19-related changes in the Criminal Legal System**

As a result of the COVID-19 pandemic, communities in Seattle have been severely impacted. This proposal focuses on the impacts on the criminal legal system and the communities that are often labelled "high barrier" or "prolific offenders." The criminal legal system has undergone some modifications during the COVID-19 crisis. This includes:

- Seattle Municipal Court reduced its pre-trial and post-conviction detentions by a significant number, with 160 motions for release conducted in April 2020.
- No new cases assigned to probation and the suspension of in-person probation reporting as of April 2020.
- Suspension of community service and work crews as of April 2020.

These are significant modifications that SMC has undergone in the attempt to reduce in-custody populations that can be susceptible to COVID-19 exposure in King County Jail, as well as to adhere to Governor Inslee's "Stay Home, Stay Safe" orders. Due to the urgency of the pandemic, these measures were conducted without community engagement or feedback and their impact is unknown. Community engagement should include the voices of formerly incarcerated individuals and directly impacted communities in order to better understand the racial equity impact of these changes.

Council's Green Sheet originally intended the \$30,000 to go toward the following:

"These [\$30,000] funds are intended to support the Council's criminal legal system alignment work to engage with stakeholders, including persons currently or formerly incarcerated and communities most impacted by the criminal legal system, and staff in relevant City departments, including the City Attorney's Office (CAO), Seattle Municipal Court (SMC), and the Criminal Justice Equity Team (CJET)."

SOCR and CJET in collaboration with City Council will engage stakeholders in assessing and evaluating the modifications that the Criminal Legal System has undergone in recent months, with the purpose of offering recommendations that can further the safety and well-being of impacted populations during: 1) the COVID-19 period; and 2) in preparation for a post-COVID-19 criminal legal system. This investment in





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community members through a 14-week engagement process allows for meaningful feedback of the criminal legal system.

SOCR and City Council will facilitate a 14 week-long working group involving seven directly impacted individuals that covers three phases. They are: 1) Orientation to the Criminal Legal System; 2) Reducing exposure to the Criminal Legal System; and 3) Institutional Engagement.

The \$30,000 budget will cover the following:

- Workgroup member compensation set at \$100/hour; 14 sessions with seven workgroup members with each session projected to last two hours: \$20,000 in compensation.
- Hiring of a consultant experienced in working with CLS impacted communities for meeting facilitation: \$10,000
- Estimated total: \$30,000

This is a timely period for the City to engage in comprehensive community engagement to ensure that vulnerable populations are not forgotten in the rush to recovery in the midst of the COVID 19 pandemic.

### **Conclusion**

The COVID-19 era is an unprecedented moment in global history, and most definitely in Seattle's history. We are now aware that this period will drastically change the way our society operates, with long term implications for the future of the City and our communities. When crisis hits in such an abrupt manner, we know that communities that have been encountering systemic inequities often end up being the most marginalized and impacted. These are often Black, Indigenous, and People of Color communities, in addition to poor communities, elders, and disabled communities. Unless there is intentional effort to address the specific needs of particular communities, with an emphasis on relationship building and community engagement, the inequities will perpetuate even more drastically into the COVID-19 era and beyond.

The City's commitment to addressing racial inequities can be best expressed in this moment by providing necessary support and resources. The impacts of this investment will be felt in the months and years to come.