



Wayne Barnett, Director
Seattle Ethics and Elections Commission
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Re: Request for Investigation

September 14, 2020

Mr. Barnett:

Black Lives Matter Seattle King County calls on the Seattle Ethics and Elections Commission to immediately, transparently, and aggressively investigate the below named public officials and their actions, insofar as any public official's conduct may have violated ethical requirements enforced by the EEC.¹

Black Lives Matter Seattle King County is a 501c4 non-partisan social welfare advocacy organization devoted to improving safety and public well-being for its constituents. The requested investigation is essential for the public's understanding of ongoing allegations of actual or perceived misconduct relating to specific acts by elected officials regarding police brutality, excessive force, and local defund efforts. That improved understanding will translate to more informed advocacy, community engagement and understanding of the public policy process for all residents, particularly the most disenfranchised.

For the good of public confidence and democratic order, the SEEC must determine facts, rumors, and boundaries when and where such conduct allegedly, actually, or appears to arise, to insure that (1) public officers and employees be independent, impartial, and responsible to the people; (2) that government decisions and policy be made in the proper channels of the governmental structure; (3) that public office not be used for personal gain; and that (4) the public have confidence in the integrity of its government.

Given that, the following incidents, questions, and sequence of events must be publicly investigated and accounted for in order for the public to understand if and where elected officials either (1) violated the values, spirit, or written word of the Code of Ethics, or (2) acted in the context of a conflicting personal or business interest, from the perspective of a reasonable person having knowledge of the relevant circumstances:

¹ See Code of Ethics, Seattle Mun. Code 4.16.010.



1. Whether members of the City Council² did question African American or other people or color employed within the City of Seattle about SPD response and actions towards protesters around the East Precinct from May 25, 2020-June 25, 2020, and;
 - a. Whether such questioning was done to gain information to provide equally to the public, and;
 - i. If so, by which means the information was shared with the public, or;
 - b. Whether such questioning was done to assess punitive or disciplinary action against the above described employees, and;
 - c. Whether taking such punitive or disciplinary action is within the scope of authority of the City Council³, and;
 - d. Whether any such employees subjected to alleged questioning by members of City Council were offered or provided union or other representation prior to questioning.

2. Whether members of the City Council⁴ did contact individuals they believed to be associated with the Black Lives Matter movement or organization on or about June 8, 2020, and;
 - a. Whether Councilmember Herbold misrepresented to individuals she believed to be associated with the Black Lives Matter movement or organization, how she had come to identify them individually, on or about June 8, and;
 - i. Whether such a misrepresentation was done to conceal the illegal or unethical accessing of confidential information about supposed BLM organizers, and;
 - ii. Whether such a misrepresentation was done to conceal the illegal or unethical solicitation or securement of otherwise confidential information, and;
 1. Whether such information was shared with others, including select members of the public.
 - iii. Whether such a misrepresentation was done in order to falsely implicate another City employee for providing otherwise confidential information, and;
 - iv. Whether such a misrepresentation was done in order to take punitive, discriminatory, or retaliatory action against anyone employed by the City of Seattle, and;
 - v. Whether Councilmember Herbold later misrepresented her discussions with individuals she identified as supposed BLM organizers in verbal or written communications with other Councilmembers or select members of the public on or after June 8-20, 2020, and on or after July 1, 2020.
 1. Whether such action is in violation of or gives the appearance of violating Section F; subsection 1 and 2 of 4.16.070.

² Including but not limited to Councilmembers Strauss, Herbold, Lewis, Mosqueda or Sawant

³ See Article VI The Charter of the City of Seattle

⁴ Including but not limited to Councilmember Herbold



3. Whether members of the City Council⁵ did fail to properly steward City resources to the benefit of all residents, when on or about June 9, 2020 Councilmember Sawant provided access to City Hall outside of operating hours and in defiance of a public health order to reduce the spread of COVID-19, and;
 - a. Whether such an action violated Wash. Rev. Code § 42.30.030, and;
 - b. Whether or not such action was a proper or responsible use of City resources, and;
 - c. Whether or not such action was designed and intended to serve the best interests of the whole of the City, and;
 - d. Whether the involved City Councilmembers violated the rights of the public in holding a meeting⁶ where direct action was taken in attempt to remove another government official, and;
 - e. Whether such action was coordinated with others outside of the Office of the City Council, and;
 - f. Whether or not such action would be considered appropriate by a reasonable person.
4. Whether any staff or elected official within the Office of Seattle City Council⁷ unlawfully or unethically⁸ sought to limit, discredit, or discount information provided to City Council from local and/or federal law enforcement agencies regarding out-of-state actors at Seattle protests and demonstrations, and the threat those actors posed to Seattle and the public, and;
 - a. Whether the council appropriately notified the public of the potential threat to their safety.
5. Whether the council acted for the benefit of public peace⁹ when engaging law enforcement outside the East Precinct June 5-11, 2020.
6. Whether communications¹⁰ from Councilmembers to Seattle law enforcement¹¹ arise to or give the appearance of violating The Charter of the City of Seattle¹².
7. Whether any staff or elected official within the Office of Seattle City Council including but not limited to Councilmembers Herbold, Sawant, and Mosqueda, unlawfully or unethically sought to limit, discredit, or discount information provided to City Council from local and/or state fire officials regarding hazards within, around, or under the East Precinct, and what threat such hazards could pose to public safety if the structural integrity of the building were jeopardized, and;
 - a. Whether the council appropriately notified the public of the potential threat to their safety.

⁵ Including but not limited to Councilmember Sawant

⁶ See AGO 1971 No. 33

⁷ Including but not limited to Councilmembers Herbold, Sawant, and Mosqueda

⁸ See Seattle Mun. Code 14.06.030

⁹ See Seattle Mun. Code 14.06.030

¹⁰ Including but not limited to text, phone, email, public statements or actions

¹¹ Including but not limited to June 5, 2020-June 11th 2020

¹² Article VI Sections 1, 4, 5, The Charter of the City of Seattle



8. Whether Councilmembers acted in accordance and within the proper channels and procedures of the government structure when proposing or taking action to realign the City budget disproportionately through cuts to the Seattle Police Department, and;
 - a. Whether Councilmembers made or should have made public disclosures of intent prior to doing so.
 - b. Whether notice was given to the public prior to the Council meeting¹³.

9. Whether Councilmembers sought written advice from the Commission on any appearance of impropriety or influence from selected outside actors, prior to proposing or taking action to re-align the City budget disproportionately through cuts to the Seattle Police Department.

10. Whether Councilmembers sought written advisement from the Commission on any appearance of discrimination or retaliation, prior to proposing or taking action to re-align the City budget disproportionately through cuts to the Seattle Police Department, and;
 - a. Whether Councilmembers made or should have made public disclosures of intent prior to doing so, and;
 - b. Whether notice was given to the public prior to the Council meeting¹⁴.

11. Whether Councilmembers acted in accordance and within the proper channels and procedures of the government structure when considering or taking action to potentially remove the Office of Police Accountability from its current department in order to re-align the budget, and;
 - a. Whether or not such action interferes with the Consent Decree and whether or not Councilmembers utilized all resources to secure a determination prior to any such proposals, and;
 - i. Whether the information was shared with the public or public comment was intentionally sought.

12. Whether Councilmembers sought written advice from the Commission on any appearance of impropriety or influence from selected outside actors, prior to potentially removing the Office of Police Accountability from its current department in order to re-align the budget.

¹³ See AGO 1971 No. 33

¹⁴ See AGO 1971 No. 33



While making no accusations, the issues outlined above are gravely concerning to Black Lives Matter Seattle King County. Seattle has an opportunity to lead by creating policies and committing resources to undoing decades of institutional racism. This investigation is essential for the community's understanding of government conduct—and it adds much needed transparency to the critical budget process that's underway.

The government works for the people. The people must understand what it's doing and why.

Correspondence regarding this request should be directed to the email address below.

Sincerely,

/e/ Livio De La Cruz

Livio De La Cruz

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