





Photo by: Quinn Russell Brown

Dear ACLU members,

Join me in reflecting on everything we have built together to protect and advance the civil rights and civil liberties of people in Washington state.

Under the weight of multiple pandemics that have made our work more essential than ever, we fought hard throughout 2021 – often for fundamental rights, the most basic of individual decency, autonomy, and freedom. Incursions on our basic freedoms are the most direct way of excluding people, of turning entire groups of people away from the promise of America.

This report highlights how we've been working in Washington to advocate for everyone's belonging over the past year.

We advocated for belonging at the ballot box, belonging in safe communities free of police violence, and belonging regardless of an individual's access to wealth. Indigenous peoples and practices belong. Whistleblowers belong. Transgender people belong. Black students belong. We all belong in communities free of surveillance and predictive policing. We all belong in communities where everyone can access health care, where hospital systems put patients first, and where drug use is seen as a health matter instead of a criminal one.

To ensure the belonging of all, our systems must change. Generations of Black, Indigenous, and people of color have long been excluded by systemic inequality – policies that directly and indirectly discriminate in jobs, education, housing, and policing. The ACLU believes we need systemic solutions to address systemic problems, so we launched Systemic Equality WA, coinciding with the national ACLU's campaign.

As we take in the year and celebrate a job well done, we know it never really is done. Thanks to you, the ACLU of Washington will keep fighting in community, for community, with any and every tool at our disposal. We will never stop working for the freedoms of all of us and the belonging of all of us.

May we all know that we belong.

In solidarity,

Michele Storms
Executive Director, ACLU of Washington

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TOGETHER, LET'S TAKE STOCK OF THE PAST YEAR'S HARD-FOUGHT PROGRESS:

Police officers in WA have killed nearly 120 people since 2019, the year I-940, which requires mental health and de-escalation training, passed. But following passage of the new policing bills this year, **we have seen a 62% decrease in police killings from prior years** – an unprecedented decline. These new laws would not have passed if not for the tireless work of impacted families in the Washington Coalition for Police Accountability (WCPA).

The families of more than 23 victims formed WCPA, centering the voices and strategies of impacted families. The coalition passed four of their five priority policing bills, three of which the ACLU-WA helped support. A new law restricts **when and how officers can use force** against members of the public and significantly limits their authority to use deadly force. Another law **prohibits certain hyper-aggressive police tactics** and equipment such as chokeholds and neck restraints, no-knock warrants, and military equipment, and puts significant restrictions on other dangerous tactics like vehicle pursuits, tear gas, and shooting at moving vehicles. Washington state law **no longer shields police from civil liability for hurting and killing people** by allowing them to simply claim that the injured or deceased individual was committing a felony at the time.

With WCPA, we partnered with Seattle's Saint Mark's Episcopal Cathedral to **project the names** of more than 30 people who were killed by police in Washington. projectingjustice.org

The City of Tacoma unlawfully concealed records related to the fatal police shooting of Lisa Earl's pregnant and unarmed daughter, a member of the Puyallup Tribe of Indians. We filed an amicus brief asserting the importance of holding law enforcement agencies accountable under the Public Records Act to **combat the insidious legacy of racism in policing practices**, particularly in deadly use-of-force incidents involving Native Americans. We partnered with the Confederated Tribes and Bands of the Yakama Nation, the Center for Indian Law and Policy, the Center for Civil and Human Rights, the Fred T. Korematsu Center for Law and Equality, Legal Voice, and Chief Seattle Club. (*Earl v. City of Tacoma*)

Washington became the only state to **require law enforcement to provide youth an attorney** who will articulate to them, before they are asked, what it means to waive their right to an attorney and to consent to a search. These expanded protections will help reduce false confessions and the disparate number of Black youth who waive their constitutional rights when encountering police.

We published a toolkit to help advocate for **School Resource Officer removal** from schools.

The United States agreed to pay our clients \$35,000 each in settlements after they were **racially profiled, wrongfully detained, and interrogated by U.S. Customs and Border Protection** agents in separate incidents at the Spokane Intermodal Center. (*Elshieky v. United States, Sosa Segura v. United States*)

We sued the Washington Department of Corrections to **protect the safety and privacy of transgender, non-binary, and intersex people** who are currently and formerly incarcerated. This case is active, though we received provisional class certification and a preliminary injunction, meaning that these records will not be released while we litigate the case. We are partnering with Disability Rights Washington; Munger, Tolles & Olson; and MacDonald, Hoague & Bayless. (*Does v. Washington DOC*)

With Indigenous civil rights lawyer Gabe Galanda, we successfully advocated to restore access to Inipi (sweat lodge) and other **traditional religious ceremonies for Indigenous inmates** in Washington prisons, following months of disproportionately applied COVID-19 restrictions.

Washington became the 21st state to automatically **restore the right to vote** to all citizens upon release from prison. Starting January 1, 2022, over 26,000 Washingtonians currently on community custody will have their voting rights restored and be able to register to vote and participate in our democracy.

With Terrell Marshall Law Group, we are suing to stop Pierce County from referring legal financial obligations (LFOs) – court-ordered fees, fines, and other expenses – to **private collections agencies** without meaningfully assessing a person's ability to pay. (*Lemmon v. Pierce County*)

Working with Foster Garvey, Summit Law Group, and impacted individuals, we successfully challenged the practice of debt-based license suspensions so around **100,000 Washingtonians may get their driver licenses back** and can fully participate in society regardless of their access to wealth. (*Pierce v. DOL*)

With Northwest Immigrant Rights Project, we filed a temporary restraining order on behalf of **immigrants detained at the Tacoma Northwest Detention Center** to reduce risk of COVID-19. So far, the court has not ordered releases, but some at-risk detainees have been released, conditions have been improved, and vaccinations made available to detainees. (*Avendaño v. Asher*)

A federal court blocked the City of Selah from enforcing multiple provisions of its municipal code after **city officials confiscated and destroyed signs and other messages** displayed in support of race equity, the Black Lives Matter movement, and police reform. The City of Selah has now incorporated the ACLU-WA's revisions to its code. We partnered with Perkins Coie. (*Selah Alliance for Equality, et al. v. City of Selah*)

Two Black students in the Spokane School District, 14-year-old twins, were asked to pick and clean cotton during a lesson which referenced slavery. Following a formal complaint from their mother and the ACLU-WA, an independent investigation concluded that the **lesson negatively impacted the students** and that the assistant principal had failed to immediately initiate a formal investigation. However, the district's response did not include adequate plans to address the findings and safely return the students to class, **so we are continuing advocacy**.

With the Transit Riders Union and the Seattle/King County Coalition on Homelessness, we successfully claimed that a proposed amendment to the Charter of the City of Seattle was an **illegal use of a local ballot initiative** and violated state laws that mandate how local governments make and carry out plans for addressing homelessness. Smith & Lowney represented plaintiffs.

The U.S. Supreme Court denied review of our case in which a Richland flower shop refused to arrange flowers for a same-sex couple, letting stand the 2017 Washington Supreme Court's unanimous ruling that **the Constitution does not grant a license to discriminate against LGBTQ+ people**. (*Ingersoll & Freed v. Arlene's Flowers, Inc.*)

On behalf of Justin Weatherall, a non-binary flight attendant based in Seattle, we called on Alaska Airlines to **end their gender-based flight attendant uniform policy**, which violates Washington state law.

We successfully passed the **Protecting Pregnant Patients Act**, working with allies and community members to prevent hospitals from interfering with a qualified healthcare practitioner's ability to provide care to a patient experiencing pregnancy complications whose life or health is at risk.

We sued on behalf of Dr. Ming Lin, a physician who was **fired after exposing inadequate COVID-19-related safety procedures** at St. Joseph's Medical Center in Bellingham. The trial court has now twice denied defense motions to throw out the case. We are working with Schroeter Goldmark & Bender. (*Lin v. Peace Health*)

We funded the Washington Immigrant Solidarity Network's **community health study** to find out what immigrant communities need regarding their access to healthcare. With community advocates and providers, we obtained two budget provisions: \$35 million for **health care services for uninsured and underinsured individuals, regardless of immigration status**, and authorization for government agencies to use funds to explore opportunities to facilitate enrollment of currently excluded populations in a state-funded health coverage program by 2024.

As part of the Tech Equity Coalition, we have advanced both moratoria and **bans on face surveillance technology** at state and local levels. King County, Washington's largest county, passed the nation's first multi-city ban on face surveillance, and the people of Bellingham voted to ban government use of facial recognition technology and **predictive policing tools**.

We held a virtual **Annual Celebration** with inspiration from John A. Powell, Michele Storms, Sonya Renee Taylor, Tomo Nakayama, and The Black Tones. Watch at aclu-wa.org/celebrate.

With the national ACLU, we hosted **Reparations, the Path Forward, and H.R. 40**, where Japanese and African American survivors, activists, and artists came together from across the country to discuss redress for Japanese interment and the path forward for reparations for Black Americans. Watch and learn more at aclu.org/reparations.

We held a three-part **Continuing Legal Education** series on why incorporating race equity matters in law practice.

We brought critical **Know Your Rights** information to high school students through our Civics Day program.

We held our first ever virtual **Lobby Week** where supporters representing 26 legislative districts worked in teams to attend virtual meetings with state representatives and senators to advocate for police reform. We led **Power Up advocacy trainings** throughout the year.

We sponsored KEXP's daylong **Indigenous Peoples' Day** programming. We continued our **virtual Flights & Rights** discussion series on topics from LGBTQ+ Pride to Indigenous Justice and drug policy reform.

NOW AND THROUGH 2022, TOGETHER LET'S:

Implement systemic solutions to address systemic problems under **Systemic Equality WA**. Through advocacy, legal action, and legislative work, we will continue to address the nation's long history of systemic inequality, discrimination, and racism.

aclu-wa.org/systemic-equality

Continue to **hold police accountable** for silencing critics with violence. We'll continue to demand systemic changes in policing and police officer discipline, advocating with the Washington Coalition for Police Accountability.

Launch a statewide ballot initiative to **decriminalize personal drug possession and use**, and to invest cannabis excise tax revenues into recovery and prevention strategies that reduce harm instead of compounding it. CommitToChangeWA.org

Work with the legislature to ban **all forms of solitary confinement**, and **reform sentencing**.

Address **Washington's housing crisis**, which is fueled by racist housing laws and practices and continued in part through the criminalization of poverty.

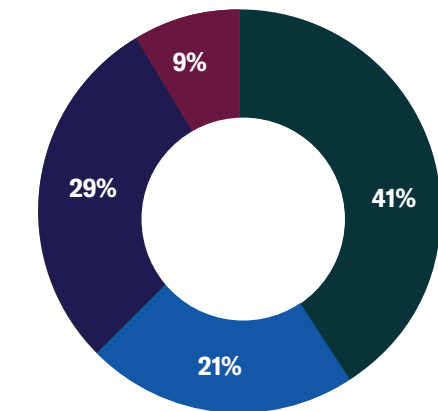
Work with communities to advance a **people-centric data privacy** bill that gives people meaningful power over their data.

Advocate for statewide legislation to **regulate automated decision-making systems**.

Work to **increase access to health care coverage** for undocumented individuals.

In response to **religious-secular health system consolidations**, work to increase government oversight and approval of health system consolidations to ensure communities are not left without access to reproductive care, gender affirming care, and end-of-life care.

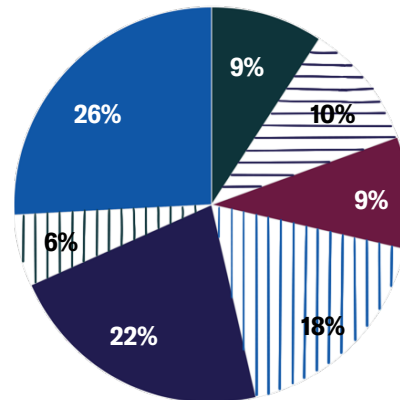
ACLU of Washington & Foundation 2020-2021 Combined Operating Budget



Support & Revenue

Annual Contributions	\$5,056,474
Bequests, Case Awards & Restricted Funds	\$2,659,353
Membership	\$3,565,457
Endowment Fund Income	\$1,061,423

Total Support & Revenue
\$12,347,707



Expenses

Policy Advocacy	\$1,074,904
Legal Department	\$1,192,027
Communications	\$1,059,490
Political Strategies	\$2,077,084
Management & General	\$2,565,581
Development	\$655,041
Strategic Funds Reserve	\$3,000,000

Total Expenses
\$11,624,127