

No. 85636-7-I

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COURT OF APPEALS OF THE STATE OF  
WASHINGTON, DIVISION I

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STEVE HORVATH,

Appellant/Plaintiff,

v.

DBIA SERVICES d.b.a. METROPOLITAN IMPROVEMENT  
DISTRICT,

Respondent/Defendant.

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AMICUS BRIEF OF AMERICAN CIVIL LIBERTIES  
UNION OF WASHINGTON FOUNDATION

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## **I. IDENTITY AND INTERESTS OF *AMICUS***

Per RAP 10.3(e), the identity and interests of *Amicus* are found in the accompanying motion for leave.

## **II. INTRODUCTION**

The Metropolitan Improvement District (MID) is a Parking and Business Improvement Area (BIA) established in 1999 according to City of Seattle Ordinance 119541 and RCW 35.87A. *See* CP 11; CP 403-456. As is with other BIAs, the legislature’s intent behind empowering the establishment of the MID is to “aid general economic development and neighborhood revitalization, and to facilitate the cooperation of merchants, businesses, and residential property owners which assists trade, economic viability, and livability.” RCW 35.87A.010. The MID and its programs are managed by the Downtown Seattle Association (DSA) and its management subsidiary, DBIA Services (DBIA). *See* CP 423, 72. Pursuant to the city ordinance, the MID, through its managers, is empowered to levy mandatory

annual assessment payments—effectively a tax—against property owners within the MID’s geographic boundaries. *See* CP 407. These assessment funds are then used to finance the MID’s programs that are mandated by the city ordinance, including programs that address “Safety Outreach and Hospitality, including Law Enforcement.” CP 406.

The DBIA—on behalf of its parent entity, the MID—contracted with the Seattle Police Department (SPD) for “emphasis patrols,” which are patrols conducted by SPD officers to “focus...on neighborhood hot spots” identified by the MID. CP 430; *see* CP 489. SPD emphasis patrols entail law enforcement officers acting at the direction of an authority to conduct “focused operations”—including increased officer visibility and law enforcement activities that are outside of SPD’s “regular operations”.<sup>1</sup>

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<sup>1</sup> *See, e.g.,* Kamaria Hightower, *Mayor Durkan, Chief Best, and City Departments Announce Pre-Summer Emphasis Program to*

Pursuant to the contract between the MID and SPD, the MID pays SPD to provide “off-duty” officers, who are compensated with overtime pay, to patrol areas of the MID’s designation for these emphasis patrols *See* CP 495, 497, 498. For instance, in 2022, the MID paid SPD around \$225,000 for emphasis patrols from “Stewart Street to Union Street along Third Avenue, including one-half block east of Third Avenue and one-half block west on Third Avenue on Stewart, Pine, Pike, and Union streets.” CP 498. Through this spending of public funds, collected through the annual assessment payments, the MID hopes to maintain a “heightened police presence” across its jurisdiction.<sup>2</sup> For the 2023-2024 fiscal year, the MID budgeted

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*Improve Public Safety & Address Maintenance Needs in Seven Neighborhoods Across Seattle*, OFFICE OF THE MAYOR (Apr. 30, 2019), <https://durkan.seattle.gov/2019/04/mayor-durkan-chief-best-and-city-departments-announce-pre-summer-emphasis-program-to-improve-public-safety-address-maintenance-needs-in-seven-neighborhoods-across-seattle/>.

<sup>2</sup> David Kroman, *Seattle Police had Increased Downtown Patrols by Thousands of Hours Before Last Week's Shooting*,

approximately \$2,000,000 for both SPD emphasis patrols and private security. *See* CP 149. At present, it is unclear how much of that money will be allocated to SPD. What is clear, however, is that the MID specifically directs SPD to its jurisdiction because of SPD’s ability to make arrests. *See* CP 503 (explaining the MID’s preference to use “private security versus SPD,” a MID program manager expressed a preference to use SPD and noted “private security ... does not have permission to arrest.”).

The contract between the MID and SPD states that SPD “shall not proceed with any Services incorporated in this Agreement until receipt of a notice to begin work by the DBIA[.]” CP 490. The notices from the MID’s managerial agent are called “Task Orders” and “contain a scope of work” that

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CROSSCUT (Jan. 27, 2020), <https://crosscut.com/2020/01/seattle-police-had-increased-downtown-patrols-thousands-hours-last-weeks-shooting>.

identifies the law enforcement actions the MID wants SPD to engage in. *Id.*

In 2021, Mr. Horvath submitted PRA requests to the MID and its agents, and received records that revealed the MID's use of public funds to pay SPD for law enforcement services. *See CP 382.* After this initial request, the MID refused to continue producing records pursuant to the PRA. *See CP 394.* Mr. Horvath sued the MID—through its agent, the DBIA—to compel it to comply with the Public Records Act (PRA), arguing that it is the functional equivalent of a public agency in part because it has agency over law enforcement, a core governmental function. *See CP 1-10.* The trial court ruled that the MID is not subject to the PRA because it was not the functional equivalent of a public agency. *See CP 734-746.* As a result, the public cannot access records in possession of the MID that document the MID's decision-making process regarding where and when to send SPD

officers to cite, detain, search, arrest, and incarcerate community members.

### **III. STATEMENT OF THE CASE**

Amicus adopts Mr. Horvath's Statement of the Case.

### **IV. ARGUMENT**

#### **A. Applying the Public Records Act to the Metropolitan Improvement District Is Necessary for Open Government and Law Enforcement Accountability in Accordance with the Purpose of the Public Records Act.**

The purpose of the PRA is to “assure that the public interest will be fully protected.” *Rental Hous. Ass’n of Puget Sound v. City of Des Moines*, 165 Wn.2d 525, 527, 199 P.3d 393 (2009). That assurance is obfuscated when entities like the MID can conceal law enforcement decisions away from the eyes of the public.

Public records requests made to law enforcement agencies are important tools for truth-finding, officer accountability, and

protecting the ethos of an open government.<sup>3</sup> Records pertaining to its law enforcement practices—including internal communications, orders given to officers, and policy directives—are routinely disclosed to the public through PRA

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<sup>3</sup> See Engrossed H.B. 2362, 2016 Reg. Sess. (Wash. 2016) (Passed bill amending the PRA, stating “The legislature finds that technological developments present opportunities for additional truth-finding, transparency, and accountability in interactions between law enforcement or corrections officers and the public.”); Glenn Stellmacher, *Derailing the Defund: How SPD Manipulated the Media Narrative Around the 2020 Protests*, REAL CHANGE (Jul. 19, 2023), <https://www.realchangenews.org/news/2023/07/19/derailing-defund-how-spd-manipulated-media-narrative-around-2020-protests> (“Exclusive SPD documents obtained via public records requests reveal internal deliberations and backroom dealings designed to craft a counternarrative”); Ansel Herz, *Video: Seattle Police Jail Elderly Military Veteran for “Walking in Seattle While Black”*, THE STRANGER (Jan. 28, 2015), <https://www.thestranger.com/news/2015/01/28/21563573/seattle-police-jailed-elderly-man-for-walking-in-seattle-while-black> (“The incident was caught on her vehicle's dash-cam video recording system and obtained by *The Stranger* through a public records request.”); Stacia Glenn, *Tacoma Will Pay More Than \$300k To End Public-Records Dispute Over Surveillance Device*, THE NEWS TRIBUNE (Oct. 5, 2021), <https://www.thenewstribune.com/news/local/article254788732.html>.

requests and are often the subject of great public interest.<sup>4</sup> In part due to the public’s demand for law enforcement transparency, SPD fields the most public records request of any public agency in Seattle and discloses records pursuant to thousands of requests under the PRA.<sup>5</sup>

Usually, emphasis patrols by law enforcement agencies are implemented at the behest of public officials, such as when the Seattle Mayor Bruce Harrell directed SPD to conduct emphasis patrols in particular neighborhoods in 2022.<sup>6</sup> The

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<sup>4</sup> See Isolde Raftery, *We Know Who Made the Call to Leave Seattle Police’s East Precinct Last Summer, Finally*, KUOW (Jul. 9, 2021), <https://www.kuow.org/stories/we-know-who-made-the-call-to-seattle-police-s-east-precinct-last-summer-finally> (investigative reporting on SPD’s actions during the 2020 Black Lives Matter protests based on “nearly two thousand pages of public records in the form of emails, texts, and instant messages”).

<sup>5</sup> See Rebecca Moss, *SPD Agrees to Improve Public Disclosure*, SEATTLE TIMES (Aug. 1, 2023), <https://www.seattletimes.com/seattle-news/times-watchdog/spd-agrees-to-improve-public-disclosure/>.

<sup>6</sup> See Dalton Day, *Mayor Harrell Announces ‘Hot Spot’ Patrol Crime Initiative, Push To Rewrite Local Gun Laws*,



Mayor's Office is, by definition, a public agency that is subject to the PRA. *See* RCW 42.56.020(1). Under those circumstances, the public has access to each government entity's respective decision-making that undergirded the deployment of emphasis patrols through the PRA. Given that emphasis patrols are often thought of as an extension of the controversial 'broken windows' theory on policing,<sup>7</sup> transparency can be a bulwark against racially biased policing.

In the case of the emphasis patrols ordered by the Mayor of Seattle in 2022, the public can submit a PRA request for records from the Mayor's Office that document the Mayor's decision-making process and intent behind the emphasis patrols

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MYNORTHWEST (Feb. 7, 2022), <https://mynorthwest.com/3339202/mayor-harrell-hot-spot-patrol-local-gun-laws/>.

<sup>7</sup> *See* Daniel Beekman, *Seattle Officials on Hot Seat Over Boosting Police Patrols in 7 Neighborhood*, SEATTLE TIMES (May 6, 2019), <https://www.seattletimes.com/seattle-news/politics/move-to-increase-police-patrols-in-7-seattle-neighborhoods-draws-varied-reactions/>.

he ordered. Documentation of the information that the Mayor relied upon to make his decision, email communications about the emphasis patrols sent within the Mayor's Office, and policy directives regarding the emphasis patrols are available to the public through the PRA. The nature of these records—in that they document the governmental and political process behind the actor's decision to use public funds and state authority—inherently implicates government accountability. These records and the information therein would not be in the possession of SPD, making even more important the public's ability to obtain records about the patrols specifically from the Mayor's Office through the PRA. Without PRA oversight over the actor exercising this power over law enforcement—here, the Mayor—the government would be able to shield this information, critical to law enforcement transparency, from the public scrutiny necessary for an open government.

That is exactly what the trial court's order enables here. Without access through the PRA, the public is kept in the dark about the decision-making process behind the emphasis patrols ordered by the MID even though such patrols deeply impact community members by pulling them into the criminal legal system.

The fact that the MID bankrolls SPD and uses that financial control to direct SPD to engage in emphasis patrols at the MID's direction is novel. The "Task Orders" used by the MID to order law enforcement services from SPD illustrate how records that the MID generates are critical to government and law enforcement accountability. The "scope of the work" stated by each Task Order provides SPD with the MID's directives as to which areas to patrol and for how long. *See, e.g.*, CP 495 ("The City will provide off-duty patrol officers to work on foot or bike from Denny Way to King Street and from the I-5 Freeway to the Waterfront on a weekly basis for a maximum of 3120 hours of

services.”). The MID surely possesses records that document the decision-making process its agents underwent to develop the Task Order—similar to the documents the Mayor generates when deciding when and where to direct SPD to engage in emphasis patrols—including records that show how and why they decided to issue the Task Order for that particular emphasis patrol. While SPD may retain a copy of the Task Order, it would not possess those records internal to the MID that document the MID’s process in deciding the “scope of the work” for the emphasis patrol. The MID’s records document what acts or behaviors the MID wanted SPD to address, and, perhaps, which people or groups it wanted SPD to target.

If these same emphasis patrols within the MID were ordered by a public agency, like the Mayor’s Office, the public would have access to the records that make this governmental process transparent. But here, without PRA oversight of the MID, the public cannot know what it otherwise would when the

Mayor exercises control over law enforcement officers in the same fashion. This is even though the SPD emphasis patrols bear the same consequences of the criminal legal system—citation, arrest, prosecution, incarceration, and punishment—regardless of whether they are ordered by a private entity, like the MID, or a state actor, like the Mayor.

Instead, the trial court’s ruling enables the MID to be an impenetrable wall that opaquely separates the public from its access to records that document how public funds are used to command a public law enforcement agency. *See Woodland Park Zoo v. Fortgang*, 187 Wn.2d 509, 526-533, 387 P.3d 699-703 (2017). The harm of the trial court’s decision is not contained to Mr. Horvath and the MID. If the PRA does not apply here, the details of the private deployment of law enforcement officers will be inaccessible to the public. Given that the purpose of the PRA is to “assure that the public interest will be fully protected,” *Rental Hous.*, 165 Wn.2d at 527, strong efforts are in order to

disincentivize law enforcement agencies from operating through private entities to evade public disclosure requirements. This is particularly true when considering SPD's history of resisting accountability and transparency mechanisms.<sup>8</sup> Ultimately,

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<sup>8</sup> See The Seattle Times Editorial Board, *SPD Inches Toward Greater Public Transparency*, SEATTLE TIMES (Aug. 6, 2023), <https://www.seattletimes.com/opinion/editorials/spd-inches-toward-greater-public-transparency/> (“Police continued dragging their feet releasing information to the public. Their trick was to combine requests, so that if someone who requested records in January came back in April with another request, the Police Department could use the new one to delay release of the original one. Sometimes it took months, even years, for reporters and other members of the public to access information to which they were entitled. Perhaps police hoped the passage of time and the preeminence of current affairs might soften any assessment of impropriety.”); Paul Kiefer, *New Audit Points to Shortcomings in How SPD Punishes Misconduct*, PUBLICOLA (Dec. 1, 2021), <https://publicola.com/2021/12/01/new-audit-points-to-shortcomings-in-how-spd-punishes-misconduct/> (Office of the Inspector General audit finds an “array of shortcomings” with SPD’s disciplinary system for officer misconduct); Daniel Beekman, *Seattle Police Faked Radio Chatter About Proud Boys as CHOP Formed in 2020, Investigation Finds*, SEATTLE TIMES (Jan. 5 2022), <https://www.seattletimes.com/seattle-news/politics/seattle-police-improperly-faked-radio-chatter-about-proud-boys-as-chop-formed-in-2020-investigation-finds/> (Office of Police

allowing the MID to exercise control over SPD without PRA oversight sets a dangerous precedent against open government.

**B. The Metropolitan Improvement District Exacts Agency Over Seattle Police Officers in Exchange for Money Paid for Their Services, and thus Satisfies the *Telford* Test**

Under the *Telford* test, courts look to four factors to determine whether the PRA applies to a private entity: (1) whether the entity performs a government function, (2) the extent to which the government funds the entity's activities, (3) the extent of government involvement in the entity's activities, and (4) whether the entity was created by the government. *Fortgang*, 187 Wn.2d at 518 (citing *Telford v. Thurston Cnty. Bd. of Comm'rs*, 95 Wn. App. 149, 162, 974 P.2d 886, 893 (1999)).

On balance, the first of the four factors tilts heavily in favor of finding that the PRA applies to the MID—particularly

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Accountability finds that SPD used an improper misinformation campaign during 2020 protests against police violence after the campaign was inadequately documented).

as it relates to the MID's relationship with SPD. After all, the power to patrol, investigate, detain, and arrest community members is intrinsically linked to the concept of sovereignty. As Justice Stevens of the United States Supreme Court put it: "[I]t is clear that the maintenance of a police force is a unique sovereign function, and the delegation of police power to a private party will entail state action." *Flagg Bros., Inc. v. Brooks*, 436 U.S. 149, 172 n.8 (1978) (Stevens, J., dissenting). The MID leadership is on record indicating that the entire reason they dedicate resources to bringing SPD officers, and not private security, to their jurisdiction is to make arrests. CP 503. Thus, the MID's ability to direct officer movements to effectuate emphasis patrols and eventual arrests constitute the performance of a government function.

When emphasis patrols spearheaded by then Seattle Mayor Jenny Durkan were launched in 2019, Seattle police officials told local prosecutors that emphasis patrols "could



result in more arrests.”<sup>9</sup> Often coupled with more arrests are the so-called “collateral consequences” of a criminal legal system that foster many inequities in our state. For instance, a recent University of Washington School of Public Health study found that involvement with the criminal legal system plays a large role in perpetuating the jail-to-homelessness pipeline.<sup>10</sup> Arrested individuals risk losing the ability to secure student loans for education, access public housing for dwelling, and even access

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<sup>9</sup> Amy Radil, *‘No battle brewing.’ Seattle Officials Pledge to Address Crime Together*, KUOW (May 8, 2019), <https://www.kuow.org/stories/no-battle-brewing-seattle-officials-pledge-to-address-crime-together>.

<sup>10</sup> Jessica Mogk, et al., *Court-Imposed Fines as a Feature of The Homelessness-Incarceration Nexus: A Cross-Sectional Study of the Relationship Between Legal Debt and Duration of Homelessness in Seattle, Washington, USA*, *Journal of Public Health*, Volume 42, Issue 2, June 2020, <https://doi.org/10.1093/pubmed/fdz062>; *see also*, Tanvi Misra, *The Homelessness Problem We Don’t Talk About*, BLOOMBERG, (Aug. 16, 2018), <https://www.bloomberg.com/news/articles/2018-08-16/the-jail-to-homelessness-pipeline>.

to their children and other family members.<sup>11</sup> Non-US citizens may face deportation or become ineligible to naturalize.<sup>12</sup> Given the immense liberty interest at stake, it is imperative for the PRA to apply to any and all entities that contribute to the criminal legal system—including the MID.

The remaining *Telford* factors also weigh, on balance, in favor of finding that the PRA applies to the MID. The second factor concerns the extent to which the government funds the entity's activities. Roughly 93% of the DBIA's funding is derived from ratepayer assessments, thus satisfying the second *Telford* factor. *See* CP 476. Finally, the fourth factor looks to whether a private entity was created by the government. Given that the City

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<sup>11</sup> Sarah B. Berson, *Beyond the Sentence – Understanding Collateral Consequences*, NIJ JOURNAL (May 2013), <https://www.ojp.gov/pdffiles1/nij/241927.pdf>.

<sup>12</sup> Gabriel J. Chin, *The New Civil Death: Rethinking Punishment in the Era of Mass Conviction*, 160 U. Pa. L. Rev. 1789, 1830 (2012).

of Seattle enacted legislation to form the MID in 1999,<sup>13</sup> the fourth Telford factor also weighs in favor of the applicability of the PRA. Because three of the four factors weigh in favor of a finding that the MID is the functional equivalent to a public agency regarding its ability to direct SPD's law enforcement activities, the PRA must be applicable to the MID for records relating to same.

**C. The Emphasis Patrols Ordered by the Metropolitan Improvement District Contribute to the Over-Policing of People of Color in Seattle.**

Exposing the mechanizations behind the MID and SPD's relationship is paramount because of the department's long history of biased policing against communities of color. For example, in 1955, the City's first ever attempt for a law enforcement accountability authority found that SPD acted in a

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<sup>13</sup> Seattle City Council Bills and Ordinances, Ordinance 119541, available at <http://www.clerk.ci.seattle.wa.us/search/ordinances/119541>.

pattern of racial discrimination against Black people.<sup>14</sup> Years later, in 1969, a Police Liaison Committee acknowledged the public's fear that Seattle's police "are empowered to be the judge, jury, and executioner of Black people," and found that law enforcement exhibited a pattern of "harshness towards Black people[.]"<sup>15</sup> The effects of SPD's racially-biased law enforcement practices compounded through the decades, leading 35 community organizations, including the ACLU-WA, to call for a federal investigation into SPD's numerous incidents of deadly and excessive use of force against people of color in 2011.<sup>16</sup> The Department of Justice's subsequent nine-month

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<sup>14</sup> Anne Frantilla, *Police Accountability in Seattle, 1955-2020*, SEATTLE.GOV,

<https://www.seattle.gov/documents/Departments/CityArchive/Exhibits/PoliceAccountabilityInSeattle.pdf>; Jennifer Taylor, *The 1965 Freedom Patrols & the Origins of Seattle's Police Accountability Movement*, University of Washington Seattle Civil Rights and Labor History Project (2006), [https://depts.washington.edu/civilr/freedom\\_patrols.htm](https://depts.washington.edu/civilr/freedom_patrols.htm).

<sup>15</sup> Frantilla, *supra*, note 15.

<sup>16</sup> *Id.*

investigation led to the imposition of SPD oversight under a consent decree after finding “serious concerns about biased policing” and “a pattern and practice of constitutional violations regarding the use of force that result from structural problems.”<sup>17</sup> Given these statistics, it should be clear to any objective observer in Washington state that “implicit, institutional, and unconscious biases, in addition to purposeful discrimination” lead to injustices against BIPOC in our criminal legal system. *State v. Sum*, 199 Wn.2d 627, 642–43, 511 P.3d 92, 103 (2022).

Data consistently corroborates that SPD engages in discriminatory policing against people of color in the present era. According to SPD data from 2015-2021, SPD officers stopped Black people over four times as often as white people and

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<sup>17</sup> U.S. Dep’t. of Just., Civ. Rts. Div., Investigation of the Seattle Police Dept., at 2 (Dec. 16, 2011), SEATTLE.GOV, [http://archives.seattle.gov/digital-collections/media/collectiveaccess/images/1/9/4/1/10046\\_ca\\_object\\_representations\\_media\\_194192\\_original.pdf](http://archives.seattle.gov/digital-collections/media/collectiveaccess/images/1/9/4/1/10046_ca_object_representations_media_194192_original.pdf).

Indigenous people almost six times as often as white people. *See Yim v. Cty. of Seattle*, 63 F.4th 783 (9th Cir. 2023). During these stops, people of color were searched at higher rates than white people despite being less likely to have been in possession of a weapon.<sup>18</sup> From 2015-2019, Black people were seven times more likely to be subjected to force by SPD officers than white people.<sup>19</sup> From 2019-2021, SPD exercised the most serious types of force, including officer shootings and firearm pointing, against Black people more often than white people.<sup>20</sup>

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<sup>18</sup> *See* Mike Carter, *Report: Seattle Police Stop Black People, Native Americans at Far Higher Rate Than White People*, SEATTLE TIMES (Jul. 26, 2021), <https://www.seattletimes.com/seattle-news/law-justice/report-black-people-and-native-americans-get-stopped-by-seattle-police-at-a-far-higher-rate-than-white-people/>.

<sup>19</sup> *Id.*

<sup>20</sup> Seattle Police Monitor, *Use of Force Preliminary Assessment*, at 4 (2022), SEATTLE POLICE MONITOR, [https://seattlepolicemonitor.org/sites/default/files/2022-04/Seattle\\_Police\\_Monitor\\_Use\\_of\\_Force\\_Preliminary\\_Assessment.pdf](https://seattlepolicemonitor.org/sites/default/files/2022-04/Seattle_Police_Monitor_Use_of_Force_Preliminary_Assessment.pdf).

These numbers illustrate just how harrowing the MID's desire to maintain a heightened police presence to downtown neighborhoods can be for the Black and Brown residents of Seattle. Take the Belltown neighborhood for example. As DSA president Jon Scholes recently stated, "Seattle's most important streets stretch from Seattle Center, to the county Courthouse, to the Pike Place Market."<sup>21</sup> Belltown connects Seattle Center, where one can find the Space Needle, to downtown attractions like Pike Place Market. The neighborhood falls under SPD's Western Precinct and is designated by SPD as Beat D1. According to 2020 Census Data, Belltown is under 9% Black.<sup>22</sup> For that same year, SPD reports that 93 of the 241 (38.6%)

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<sup>21</sup> Dalton Day, *Downtown Seattle Group Spends \$564,000 on Private Security, More to Come for 3rd Avenue*, MYNORTHWEST (Feb. 1, 2022), <https://my.northwest.com/3330849/downtown-seattle-spends-private-security-3rd-ave/>.

<sup>22</sup> Racial and Justice Initiative - Racial Demographics, SEATTLE.GOV, <https://www.seattle.gov/rsji/racial-equity-research/racial-demographics> (last visited Feb. 29, 2024).

people arrested in Belltown were Black.<sup>23</sup> On its face, this level of disproportionate law enforcement attention is worth additional scrutiny. Unfortunately, the full picture of what role the MID plays in facilitating the targeting of Black and Brown people in Belltown is currently shrouded in mystery and will remain so as long as they are able to escape accountability to the public through the PRA.

What remains clear, however, is the fact that the BIPOC community remains “subject to excessive police contacts, investigative seizures, and uses of force by law enforcement.” *Sum*, 199 Wn.2d at 651. These excessive police contacts are just one way to illustrate how “racialized policing” leads to the “devaluation and degradation of black lives.” Letter from Wash. State Sup. Ct. to Members of Judiciary & Legal Cmty., 2 (June

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<sup>23</sup> Seattle Police Department Arrest Dashboard, SEATTLE.GOV, <https://www.seattle.gov/police/information-and-data/data/arrest-dashboard> (last visited Feb. 28, 2024).



4, 2020), [<https://perma.cc/QNT4-H5P7>]. From the enslavement of Black people to the proliferation of Jim Crow laws, *de jure* subjugation of Black people in this country is simply a facet of the American experience that continues impact this nation. This subjugation did not disappear, but persists through *de facto* means. One of the ways it is rendered is through the over-policing of BIPOC communities and the weight of the criminal legal system. To fully address the harms of systemic racial injustice, our State Supreme Court accurately proscribed that the Judiciary strive for ways to “address the shameful legacy we inherit.” *Id.* To that end, the Court should illuminate what the MID hopes to keep in the dark: its role in a criminal legal system that disproportionately impacts communities of color throughout downtown Seattle.

## V. CONCLUSION

For the reasons stated above, Amicus asks this Court to reverse the trial court’s order.

This document contains 3,820 words per RAP  
18.17(c)(9), excluding the parts of the document exempted from  
the word count by RAP 18.17(c).

DATED this 1st day of March, 2024.

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## **CERTIFICATE OF SERVICE**

I Certify that on this 1st day of March, 2024, I caused a true and correct copy of this document to be served on all parties by electronically filing this document through the Washington State Appellate Courts Secure Portal.

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**March 01, 2024 - 2:08 PM**

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**Appellate Court Case Title:** Steve Horvath, App. v. DBIA Services dba Metropolitan Improvement District, Res.

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