
A BETTER NATION

2014-2015 ACLU OF WASHINGTON ANNUAL REPORT





LAND

of the

FREE?

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A BETTER NATION

The failings of our criminal justice system have exposed deep fault lines in our foundation of freedom, justice, and equal opportunity. It is no secret that the promise of freedom varies with skin color, justice comes with a price tag, and opportunity is only for some. **With 2.2 million Americans behind bars, can we really call this the Land of the Free?**

Racism and economic injustice permeate the criminal justice system. African Americans are dramatically more likely to be stopped by police, arrested, convicted, and receive harsher sentences than white Americans. And as we've seen too many times, police bias can be fatal. Further, exorbitant court fees and fines for low-level crimes make it nearly impossible for poor people to climb back out of the system, while those with money can literally buy back their freedom.

The ACLU is committed to undoing the intricate system of unfairness that leaves our communities less equal, less safe, and less free. The ACLU is employing all of its tools – on the ground, in the courts, in the legislature, in the headlines – in every corner of this country until it looks again like the Land of the Free.

We have a better nation in our sights. A nation where our prisons are not warehouses for people of color, people in poverty, and the mentally ill. Where women control their reproductive choices. Where all citizens can vote without barriers. A nation where technology supports individual rights and where data collection is not used against us. And where equal opportunity, due process and a fair path to citizenship are afforded to all people within our borders.

This annual report highlights some of the ACLU's vital work in Washington and around the country. **Thank you for standing with the ACLU to protect freedom and justice for all.**

Kathleen Taylor

Executive Director

Jean Robinson

President, Board of Directors

A VOICE

Poverty is not a crime. This year we saw a trend in city ordinances targeting the homeless and mentally ill. Three cities around Washington proposed “anti-trespassing” or “anti-panhandling” **laws that criminalize traits and behaviors often associated with homelessness such as “bathing, shaving, or washing clothes in a public bathroom” or even an unwanted “bodily odor or scent”** on public property. As our letter to the Burien City Council explained, not only did the ordinance undermine free speech and create vague expectations, it was designed to trap people already struggling:

“Homeless individuals who are slapped with criminal penalties under this ordinance will face additional barriers to finding employment and housing, while the city bears the costs of their arrest, prosecution, incarceration, and public defense. Instead of this heavy-handed and ineffective approach to the problem, the council should take steps to connect people with urgently needed services such as shelter, temporary housing, counseling for substance abuse and mental illness, and access to facilities for basic personal hygiene.”

While the big lawsuits make the newspapers, much of the ACLU-WA’s work is quiet, educational and collaborative. Often times we catch a troublesome law before it is implemented and can work with policymakers to make it right. **After our recommendations, all three cities – Burien, Everett, and Arlington – agreed to changes that would protect free speech and the constitutional rights of all citizens regardless of their personal circumstances.**





HUMAN RIGHTS

Standing up for the most vulnerable individuals is among the ACLU's paramount responsibilities. Washington's appalling lack of funding for mental health services has worsened treatment for those already suffering from mental illness and threatened their most basic human rights.

In 2014 the ACLU-WA and allies filed suit on behalf of mentally ill persons, some of whom had been held in jails for months before being charged with a crime and without treatment. Sadly, this is a common practice in **Washington where funding for mental health services is the very worst in the nation**, causing prolonged and unconstitutional waiting periods.

One of our clients was ordered to Western State Hospital for mental health evaluation and competency restoration before he could stand trial. **Waiting for treatment, he sat in a jail cell from July until October.** For nearly three months he was held without medication and often put in solitary confinement, deteriorating and suffering immeasurably.

In her ruling ordering the state to provide competency services within seven days, Judge Marsha Pechman wrote, **"The Constitution is a guarantee to all people, and is not dependent upon a price tag."** The win is a victory for some of the most vulnerable and voiceless members of our communities. The state cannot deny basic human rights to anyone.

HOLDING POLICE ACCOUNTABLE

Police are not solely responsible for the racial disparity in the criminal justice system, but they are the faces of a system that over-polices, over-incarcerates, and all too often kills men of color. Families are losing their sons, fathers, and brothers to under-trained and over-armed police officers, acting in a system that looks nothing like “justice.”

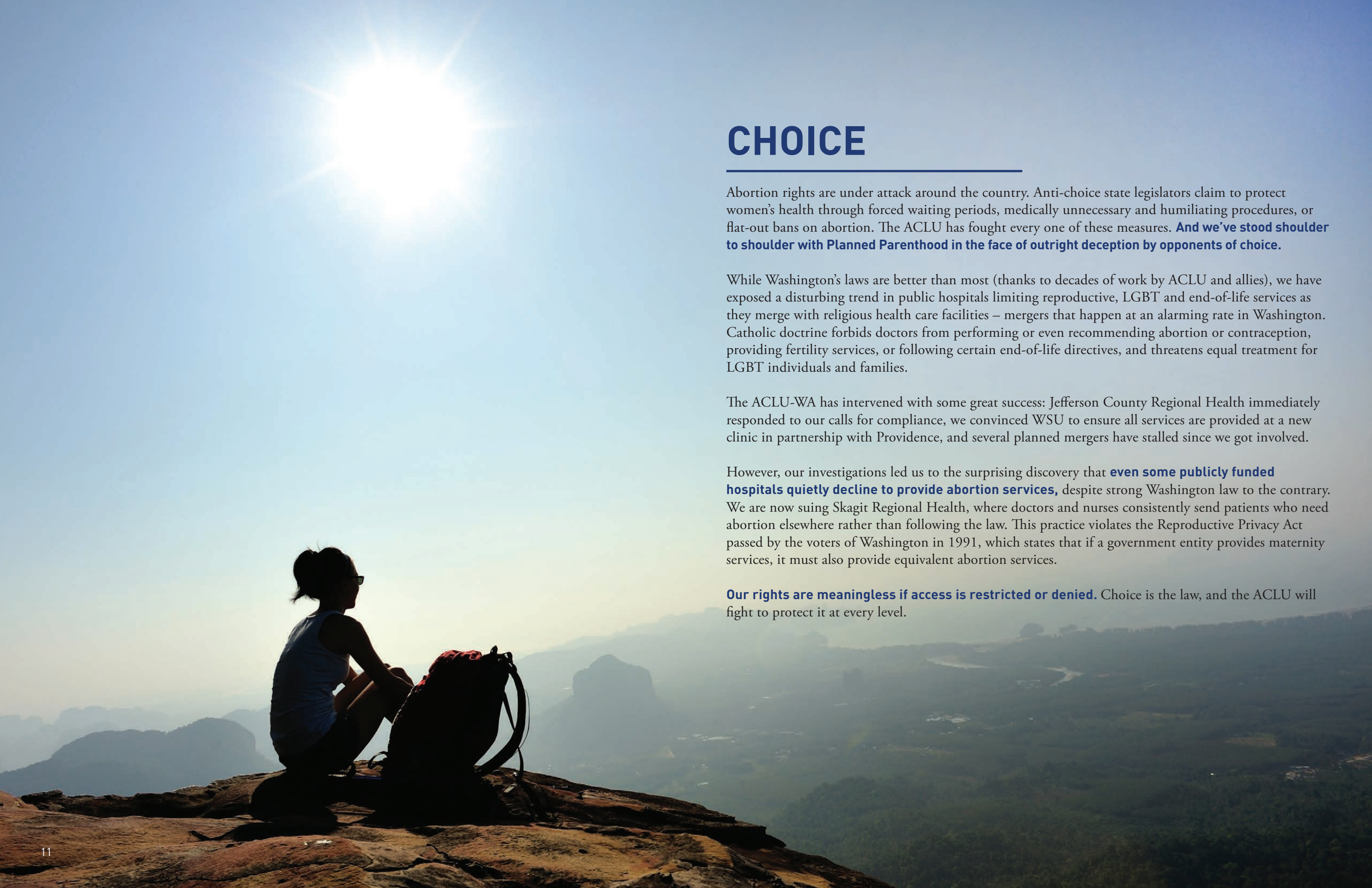
Numerous, interconnected civil rights issues hang in the balance. **The ACLU is fighting for racial justice, demanding transparency, calling for accountability, pressing for systemic reform, and working to give voice to those who speak out against unfairness.**

From Ferguson, Missouri to Pasco, Washington, the ACLU is on the ground, alongside grieving communities seeking justice. When several Pasco police officers shot and killed a Mexican man who had been throwing rocks, the ACLU joined the rally condemning the shooting. We called for crisis intervention services – not lethal force – to treat mentally distressed individuals. Then in the 2015 legislative session, we helped pass a bill that requires all new law enforcement officers to receive crisis intervention training – a step forward on a long path.

As for Pasco, having carefully analyzed its inadequate police department policies, we are issuing a detailed report and pressing for culture and policy change. **Officers should de-escalate situations, receive training on bias-free policing, and use guns only as a last resort to stop life-threatening danger.** Even perfectly lawful demonstrations against police violence have landed protestors in jail. Some peaceful demonstrators in Pasco faced absurd yet serious charges by police; we worked with public defenders and got the charges dramatically reduced.

In investigating the conduct of Seattle police at demonstrations, we objected strenuously upon finding documents referring to Black Lives Matter protestors as “terrorist” – the same word misused in the 1970s to describe the Latino community hub, El Centro de la Raza. **Enraged dissent is not terrorism; it is a call for change and we must protect it.**





CHOICE

Abortion rights are under attack around the country. Anti-choice state legislators claim to protect women's health through forced waiting periods, medically unnecessary and humiliating procedures, or flat-out bans on abortion. The ACLU has fought every one of these measures. **And we've stood shoulder to shoulder with Planned Parenthood in the face of outright deception by opponents of choice.**

While Washington's laws are better than most (thanks to decades of work by ACLU and allies), we have exposed a disturbing trend in public hospitals limiting reproductive, LGBT and end-of-life services as they merge with religious health care facilities – mergers that happen at an alarming rate in Washington. Catholic doctrine forbids doctors from performing or even recommending abortion or contraception, providing fertility services, or following certain end-of-life directives, and threatens equal treatment for LGBT individuals and families.

The ACLU-WA has intervened with some great success: Jefferson County Regional Health immediately responded to our calls for compliance, we convinced WSU to ensure all services are provided at a new clinic in partnership with Providence, and several planned mergers have stalled since we got involved.

However, our investigations led us to the surprising discovery that **even some publicly funded hospitals quietly decline to provide abortion services**, despite strong Washington law to the contrary. We are now suing Skagit Regional Health, where doctors and nurses consistently send patients who need abortion elsewhere rather than following the law. This practice violates the Reproductive Privacy Act passed by the voters of Washington in 1991, which states that if a government entity provides maternity services, it must also provide equivalent abortion services.

Our rights are meaningless if access is restricted or denied. Choice is the law, and the ACLU will fight to protect it at every level.

FREEDOM IS FREE

Over the past few years, the ACLU has been exposing a “Modern-Day Debtors’ Prison” within our court system. Known as LFOs, Legal Financial Obligations are fees and fines that judges can assign along with a criminal sentence. In Washington and elsewhere, county budgets have become reliant on LFOs, **and judges can impose hefty fines with 12% interest on those who commit low-level crimes.**

As we know, many low-level offenders are already struggling – financially, mentally, with addiction or homelessness. Paying a large fine – or any fine at all – is simply not possible. Yet, failure to pay can find them back in court, strapped with more fines and even jail time. This is a Modern-Day Debtors’ Prison. People without means are locked up for the “crime” of being poor while those who can pay go free. **The ACLU is pursuing systemic change to free thousands of people from this cycle of poverty and incarceration.**

We have made progress. Several courts have amended their LFO policies after we spelled out the problem and urged reform. This March, the Washington State Supreme Court ruled unanimously that judges must consider a defendant’s ability to pay when imposing LFOs, citing the ACLU-WA’s amicus brief in its ruling.

But it’s not enough. Benton County – one of the worst when it comes to overuse of LFOs – refused to change its practices. This October we filed a class-action lawsuit on behalf of those who can’t afford to pay their fines and fees. We are also pushing for further reforms through the state legislature. **Systemic change happens through strategic actions and perseverance.**



ACLU STATEWIDE



ARLINGTON

When Arlington passed an ordinance that banned panhandling virtually everywhere in the city, we persuaded the City Council to repeal unconstitutional provisions of the law.

OLYMPIA

The ACLU-WA has a highly effective advocacy program in our state legislature and is now urging lawmakers to abolish the death penalty and replace it with life in prison without possibility of release.

PASCO & TACOMA

In the wake of the fatal shooting by Pasco police of Antonio Zambrano-Montes, the ACLU-WA is issuing a report on police policies and practices in the city, with recommendations for reform. We've spoken out against the risks to privacy of Tacoma police's use of an invasive stingray surveillance device and successfully pushed for tough controls on stingrays in the state legislature.

PORT TOWNSEND & MOUNT VERNON

When Jefferson Healthcare received our letter pointing out that it does not comply with the state's abortion law, the CEO immediately set up a task force to address the issue. The hospital is now implementing a plan to provide pregnancy termination services. The ACLU is suing Skagit Regional Health in Mount Vernon, a public health district, over its refusal to provide abortions as required by law.

RICHLAND

When the ACLU-WA sued a florist who declined to sell wedding flowers to a gay couple, the judge agreed that refusing service based on sexual orientation is discriminatory and illegal.

SEATTLE & SPOKANE

The ACLU-WA sits on the Community Police Commission and has been a leader in the effort to improve civilian oversight of the Seattle Police Department. And we've been working with local allies to ensure meaningful police accountability and criminal justice reform in Spokane.

YAKIMA

After we won our voting rights suit in Yakima, new districts were drawn and a record number of Latino candidates ran for City Council. Now Yakima is poised to elect Latino City Council members for the first time!



PRIVACY

New technologies have vastly outpaced our privacy laws. **In the name of security, government secrecy has shrouded programs in the dark and pushed us closer to a surveillance society.** The ACLU has led the challenge to unconstitutional government surveillance. In 2013 Edward Snowden's disclosures about the NSA provided important evidence to help us convince judges, rattle lawmakers, and spark a greatly needed public debate.

Proof in hand, we won *ACLU v. Clapper* with the court unanimously agreeing that Section 215 of the PATRIOT Act did not authorize the secret collection of metadata for every phone call placed in the United States, every day. Shortly thereafter, Congress finally put Section 215 to rest entirely, allowing it to expire on June 1, 2015.

Washington state continues to be a leader on matters of technology and privacy. This year, we tackled a new surveillance device called a "stingray" – a small device that mimics a cell phone tower, allowing police officers to listen in on any cell phone call in its range (often from inside a patrol car).

Not only should local police not listen in on our private conversations, cell phone data is also an indicator of a person's location which, over time, reveals a great deal about that person's life. As one court noted: "A person who knows all of another's travels can deduce whether he is a weekly church goer, a heavy drinker, a regular at the gym, an unfaithful husband, an outpatient receiving medical treatment, an associate of particular individuals or political groups – and not just one such fact about a person, but all such facts."

With our work, Washington passed the first law in the nation restricting stingrays. Now, a judge must find probable cause and determine that use of a stingray is likely to find criminal activity, and **all data collected on those who are not the target of an investigation must be deleted.** Other states, and even the Department of Justice, are now following suit with new rules for the use of stingrays.

OUR MOST VULNERABLE

Arturo was 3 years old when he arrived at the border alone. **Although he is only a toddler, the government put Arturo into deportation proceedings on his own.** He had no one to help tell his story in court. No one to explain that he was born after his mother was raped at 15 years old, or that she fled to the U.S. to escape repeated rapes. Arturo was left in the care of an aunt until his mother was safe. She is now legally in the U.S. as a permanent resident and just wants her son. But instead of a happy reunion, 3-year-old Arturo's journey to join his mother found him in immigration court, alone.

Each year, thousands of children, most fleeing violence in their home country, arrive at our doorstep. In immigration courts across the country, these children face deportation hearings alone, with no legal representation. In a language they do not speak, against a professional prosecutor hired by our government, these children are asked to defend themselves.

We won't stand idly by. The ACLU and allies have filed a class action lawsuit in U.S. District court in Seattle, insisting that **all children in immigration court have legal representation to help make their case.**





VICTORY AND VIGILANCE

On June 26th the U.S. Supreme Court struck down state bans on marriage for same-sex couples. The ruling was a victory for freedom, equality, and love. We are so grateful for the many individual acts of courage that paved the way, including two ACLU-WA clients in particular – a gay couple who sought to marry in 1972 when doing so was considered radical. **Thanks to all the people who never stopped fighting, marriage equality is now the law of the land.**

The Supreme Court's decision came after a burst of victories for LGBT equality around the country, with many states tackling marriage equality and discrimination. These great strides echo ACLU's 1967 case *Loving v. Virginia* which legalized interracial marriage during the height of the civil rights movement. **It is truly an historic moment to relish.**

But with progress can come backlash. We have seen numerous acts of discrimination against LGBT individuals masquerading as religious freedom – and we won't let personal religious views trump our hard-won laws against discrimination.

This year the ACLU-WA won a lawsuit on behalf of a gay couple who was refused service by their local florist in Richland. When the couple asked for flower arrangements for their wedding, the florist told them her "relationship with Jesus Christ" wouldn't permit it.

At a flower shop, a pharmacy, or a lunch counter – discrimination is discrimination. The court agreed with us that refusing business to anyone based on their sexual orientation is against the law. The ACLU is involved in many cases around the country for gay and transgender people who deserve equal treatment and protection under the law.

TAKING ON CRIMINAL JUSTICE

Washington has often created the blueprints for progressive policy change. Pushing our corner of the envelope, we have the strongest state constitution when it comes to privacy, we've passed initiatives expanding the right to choose and the right to die with dignity, and we were the first to legalize, tax and regulate marijuana. Now we are exporting some of our most valuable resources when it comes to criminal justice reform nationwide – great minds with great passion. This year two Washingtonians with close ties to the ACLU-WA stepped into leadership positions with the national ACLU.



In addition to his 35 years as a criminal defense attorney, **Jeff Robinson** has held roles on the ACLU-WA board of directors and with the national ACLU's John Adams Project – providing legal defense to the detainees at Guantanamo Bay. This year, he brings his lifelong belief in fairness and the rule of law to a new role, leading the national ACLU Center for Justice. Robinson will be taking on the large-scale problems of the criminal justice system that have led the U.S. to imprison more people than any other country in the world.

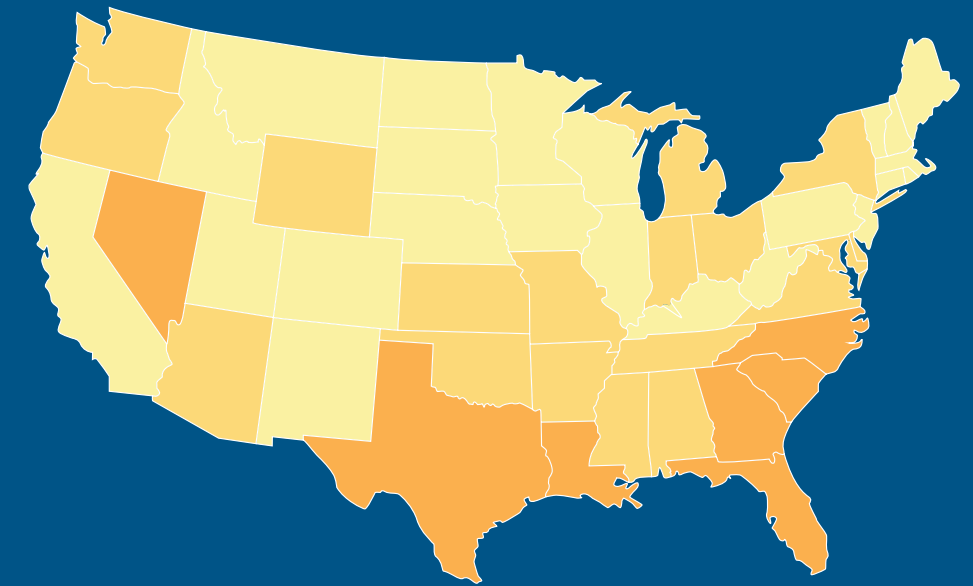


During her 12 years with the ACLU-WA, **Alison Holcomb** led numerous efforts to reform misguided policies and advance proactive measures, including authoring Initiative 502 and directing the campaign to approve it. Now she is taking on the rest of the country, one strategic reform at a time, through the Campaign for Smart Justice. The nationwide effort targets state-based solutions to our crisis of justice: ending the war on drugs, making sentences fit crimes, incentivizing smart practices, eliminating unnecessary incarceration, and investing in better alternatives.

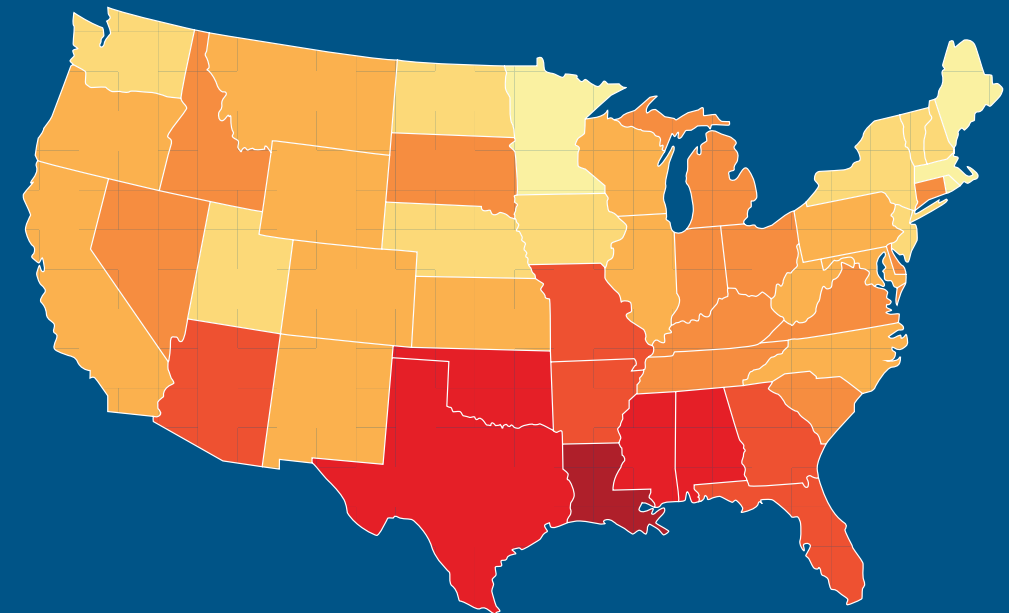
STATE BY STATE

Bad policies colored in this map, but bad policies can be changed with the right vision, strategy and leadership.

1980



2013



Incarceration rates per 100,000



*“Human progress is neither automatic nor inevitable...
Every step toward the goal of justice requires sacrifice,
suffering, and struggle; the tireless exertions and
passionate concern of dedicated individuals.”*

- Martin Luther King, Jr.

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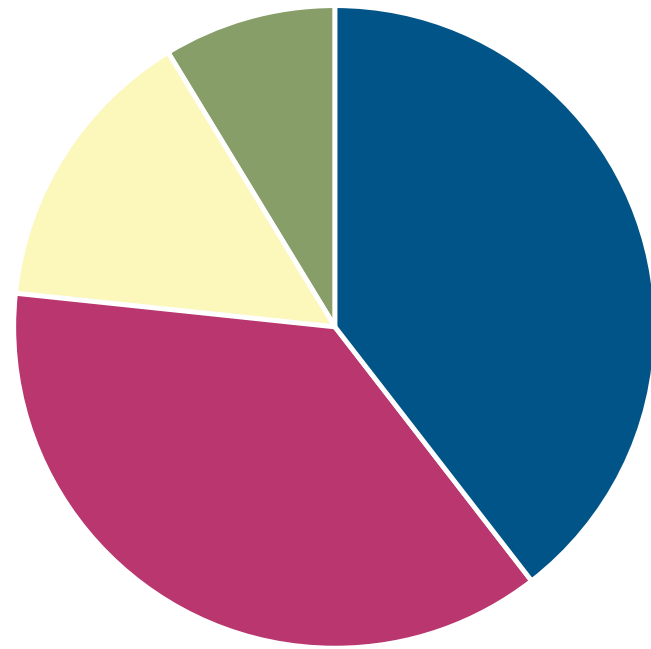
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GOLD

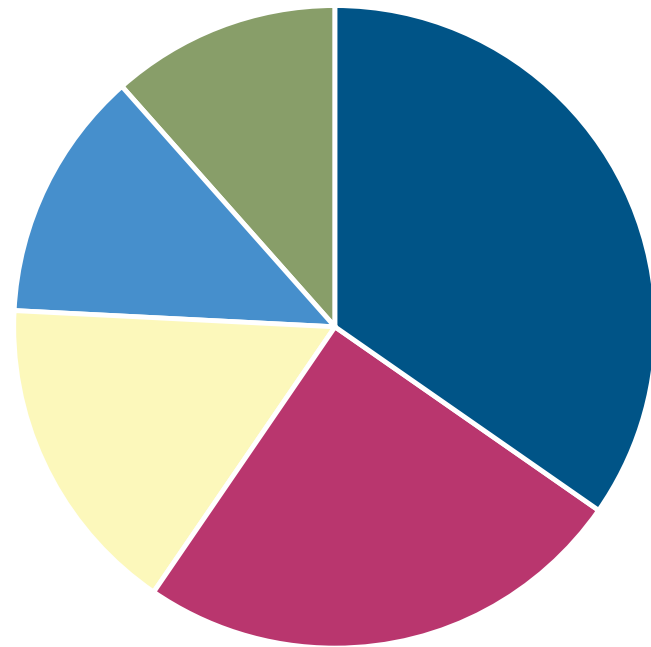
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- Total Support & Revenue \$3,930,832



- Policy Advocacy Program
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 - Legal Program
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