

# KING COUNTY PROSECUTING ATTORNEY'S OFFICE



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JUSTICE  
COMPASSION  
PROFESSIONALISM  
INTEGRITY  
LEADERSHIP

## **Prosecutorial Power, Anti-Racism and White Allies**

Remarks by Dan Satterberg, King County Prosecuting Attorney  
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Right now, our office is at a pivotal time in history. What's at stake is nothing less than the legitimacy of our authority. Our legitimacy does not come from the law books, it is earned by our actions and the respect we show to everyone we serve.

The legitimacy of our governmental power depends on the fair exercise of it. It also requires that the people we serve have a voice in how we wield our power. And we have to treat all people equally.

A good argument could be made that someone like me, with privilege and power, should shut up and listen to the truths of those impacted by racism. I know there are good arguments, because I have made them. But what compels me to address you, as the Leader of this office, and a 35-year veteran of this profession, is to urge you to help me make this moment count. The time we're in feels different. There is, as Dr. King said, "the urgency of now."

Some of the criminal matters handled through the traditional court system are handled that way because it's the only option, not an option with the strongest long-term outcome. To achieve that, we need to partner with the community and build the accountability that we today seek through the formal legal process.

My vision for reform of the criminal justice system has five parts, but one essential theme: We must share our power and our challenges with the King County communities we serve. Community involvement is essential to community justice, and there must be financial resources to build the infrastructures that do not exist today.

This is our time to help improve our office, and our Equity and Social Justice policy is the foundation.

Black Lives Matter. In fact, nothing else truly matters in America until Black Lives Matter.

I have listened to the stories shared by the courageous people in our office about the subtle and not-so-subtle racism they have endured here. It first broke my heart. Later, my heart was filled with gratitude for your willingness to tell the truth.

I am sorry. I must acknowledge the pain and trauma that many people of color, especially Black people, have endured over time as a part of being a member of this office. I apologize because I want your experience in this office to be welcoming and you to know how much I value each and every one of you.

I am grateful to the Equity and Social Justice Committee for having laid the groundwork for these essential conversations about race and justice, and our national history of racial injustice. I want to personally be a white ally in the battle against institutional, structural and legal racism. And I want our office to be a place that upholds anti-racist ideas and action. That's also why everyone's commitment to our Equity and Social Justice policy is so important.

In order for us, as Americans, to fulfill the promises made to all of our people, things have to change, and Black lives have to matter. This shouldn't be hard for white men my age to say out loud. No harder than, say, wearing a mask during a pandemic.

George Floyd. Breonna Taylor. Rayshard Brooks. Tamir Rice. Michael Brown. It's important to say the names of those murdered by government agents so they are remembered. And we have our own tragic incidents in King County.

Initiative 940 – overwhelmingly approved by voters statewide – allows us to prosecute cases that could not be brought with the way the law was previously written. All of us, especially my privileged white male cohort, need to step up.

As white allies, I believe we must first learn the true history of the United States that was absent from our education. We were taught that slavery was abolished. More accurately, the oppression simply evolved. The wealth generated by enslaved Americans for the benefit of the nation has never truly been repaid. Powerful white people – people who looked like me – did everything they could to deny democracy, equality and peace to Black people. I believe in reparations to Black people in this country, not just for slavery, but for the past 155 years of systemic oppression. I don't know all of the forms of reparations, but one of them has to be to repair the criminal legal system, prisons and jails.

These oppressions continue to evolve today. A recent New York Times article on wealth showed the wage gap between Black and white men is as large as it was in 1950. No substantive economic progress has been made since the Truman administration.

It's not the job of Black people to teach white allies about racism – we need to make the effort. James Baldwin, Ta-Nehisi Coates, Sherylin Iffil and other authors are a good starting point. As Ibram X. Kendi urges, the only way for white allies to undo racism is to consistently identify and describe it and then dismantle it.

We must re-examine police crowd control strategies and effectively address excessive use of force. But this moment is not only about needed police reforms. Inequalities in wealth, education and housing opportunities must be addressed. The way Covid-19 has disproportionately killed Black Americans and people of color is rooted in disparities and stark inequalities in health care.

Part of the oppression is rooted in the criminal justice system – laws that have contributed to Black men in Washington state becoming six times more likely to go to prison than white men. Victims of crime also are disproportionately poor and people of color. We have amazing victim advocates in our office. But the totality of services they're able to provide is not enough to show that we care about victims' suffering.

How can we as prosecutors help effectuate this change?

First, our office must be a place that shows our value in people of color. We must understand the power of our office and its impact on marginalized people of the criminal justice system. That understanding is rooted in our ESJ policy.

Next, we must work together to include willing members of our community who bring their lived experiences to the table. We must advocate for funding to build networks of trained credible messengers, and more holistic help for people in the justice system coping with behavioral health issues.

I believe reform of the criminal justice system is supported by five pillars. Prosecutors, and especially this office, can and should play a role in each. If we don't have the exclusive power to change, we can convene, and advocate for changes to the law and to funding. We must look at these changes through an anti-racist lens and ask: will our innovation make things better or worse?

1. **Divert and deflect.** Divert means sending a case to the community with a proven record of successful resolution as opposed to the traditional court system. Choose 180 was our first example. Deflect means we don't touch it at all, such as

not charging third-degree driving with a suspended license cases and some low-level drug use crimes that would lead to minor sentences with no treatment in jail.

2. **Build community-based health infrastructure for people with behavioral health issues, including substance use disorder.** The war on drugs has been a war on drug users, who are already among the most vulnerable and marginalized people in our community. We need to address the foundational behavioral health and substance abuse issues that are at the root of self-harm and recidivism. For more than a decade we have been a partner in the LEAD program, a community-based network of care. We need to do more for more people and treat Substance Use Disorder like the disease that it is.
3. **Criminal justice reform in the courts.** The third pillar encompasses all criminal procedure. This includes filing standards, bail, pre-trial detention alternatives, examining the trial penalty and plea process, re-examining sentences, enhancements, mandatory minimums, our Re-Sentencing Unit, clemency work and finally abolishing the death penalty. It is about exercising our power with humility, one of the key parts of our office mission statement.
4. **Prison Reform.** Start with the question: what do we hope to achieve through punishment and incarceration? Ideally, the goal of imprisonment would be “one and done.” Each of our efforts, and the Department of Corrections work that happens after a case leaves our office, must be focused on that outcome. How is a prison sentence serving the community and the allowing change and growth in the person who is incarcerated? We must look at cases individually to collectively determine what is most effective for the community, the person harmed and the individual who caused the harm.
5. **Reentry.** 8,000 people are released by the DOC each year, and we know that more than 98% of people in Washington prisons will be eventually be released after serving their sentence. What tools and behavioral skills can they develop to help their reentry, which follows the Legislature’s sentencing guidelines? Without stabilizing services to succeed – jobs, housing and a sense of community-connectedness – we can count on people returning to prison and the perpetuation of the cycle of victimization. We need to work together on services that lead to success, and that have accountability benchmarks to know our efforts are effective.

Face it: 2020 is a cataclysmic year, and we’re barely into July. A global pandemic, economic collapse, and failed leadership from the White House. George Floyd’s murder was a turning point. Things will not be as they were before all of this. They cannot be.

“Imagination is more important than knowledge,” Albert Einstein said, “for knowledge is limited, whereas imagination embraces the entire world, stimulating progress and giving birth to evolution.”

To learn from this moment and rise above it, we must use our collective imagination.

Imagine. You may say I’m a dreamer, but I’m not the only one.

Thank you.