



May 10, 2021

The Honorable Bob Ferguson
Attorney General of the State of Washington
P.O. Box 40100
Olympia, WA 98504-0100

Dear Attorney General Ferguson,

I am writing to formally request that the State Attorney General Office immediately open an investigation into the suspicious disappearance of large numbers of public records created by high ranking government officials in the City of Seattle.

On May 6, 2021, Seattle citizens learned that ten months of the Mayor's text messages had mysteriously vanished due to an "unknown technology issue."¹ We then further learned that the Mayor's legal counsel intentionally did not fulfill certain public records requests despite those requests being valid under the Washington Public Records Act. One day later, we also learn that Seattle Police Chief and Fire Chief also were missing text records on their City communication devices during this same period.² As you well know, these "missing" public records were from a particularly turbulent period in Seattle with massive protests over police violence - a time when the correspondence between the Chief of Police, Chief of Fire Department and Mayor would be particularly revealing, relevant and important.

Specifically during the period of the Mayor's missing texts, the following events occurred:

- Seattle Police Department (SPD) officers repeatedly used chemical agents against protestors even after a federal judge had ordered them to stop.
- Several people were shot and one person died in the "CHOP" which coincided with confusion and finger pointing about the appropriate emergency response from the City.
- SPD's East Precinct was summarily abandoned. To this day, no public official has taken responsibility for giving that order.
- 12,000 complaints were filed with the Office of Police Accountability over SPD's actions during the protests.

¹ <https://www.seattletimes.com/seattle-news/politics/public-records-requests-were-mishandled-after-seattle-mayors-texts-went-missing-whistleblower-investigation-finds/>.

² <https://www.seattletimes.com/seattle-news/politics/not-just-the-mayor-text-messages-of-seattle-police-and-fire-chiefs-from-june-2020-also-missing/>.

- Seattle was forced to end its attempt to be removed from control of the federal consent decree with the U.S. Department of Justice.

Seattle City government's actions during this time involve freedom of speech, assembly and association, excessive use of police force, civilian control of the police force, compliance with federal court orders, and actual injury to members of the public who were killed, shot and tear gassed during the time period the texts disappeared. This matter deals with the highest elected position in the City and top officials in City government and it cannot be treated as a matter to simply be resolved as a public disclosure act violation or as a discovery violation in civil court. Rather, this matter goes to the integrity of constitutional governance and requires a call for an investigation by the State agency with the greatest responsibility for ensuring such governance. Our citizens deserve transparency and accountability at all levels of government.

Public faith in government demands an investigation. Perhaps there genuinely was an "unknown technological issue" that simultaneously affected the Mayor, the Police Chief and the Fire Chief, in which case the City should immediately undertake a significant security assessment of those communication systems. Or, perhaps they conspired to destroy evidence and violate the law to cover up their actions and escape the unavoidable public scrutiny of incredibly divisive decisions. No matter the cause, a credible neutral third party investigation will help restore the public trust that has been badly damaged by these revelations. If there is no wrongdoing, Mayor Durkan, Police Chief, Fire Chief and, most importantly, the public should welcome an investigation to clear the air. If there has been wrongdoing, all Seattle citizens deserve to know the truth and to feel assured that there will be action taken to hold public officials accountable.

We must also stand with the two whistleblowers who bravely came forward at considerable personal and professional risk and willingly provided their personal names in the report. An investigation by the State AG's office will signal to these and all future whistleblowers that it is safe to come forward with the truth.

As we have seen with another recent scandal in the City of Seattle, there will be local political forces in Seattle that work to minimize or ignore the severity of these actions. Only a State agency with the credibility and authority of the State Attorney General's Office can ensure that the public interest will be protected. I urge you to take action.

Thank you for your prompt attention to this matter.

Sincerely,

Colleen Echohawk
Candidate for Seattle Mayor