

## **Formal Education**

**Tulane University Law School**, J.D., 1973 (New Orleans, Louisiana).

**Michigan State University**, B.A. English, 1967 (East Lansing, Michigan).

## **Other Accredited Education: 1977-2007**

**FBI National Academy** "short intensive course" for Police Legal Advisors: This course was a full one week (32 class hours) including a field trip to the Supreme Court especially designed for police legal advisors. I attended four different sessions over a sixteen year period while working as a police legal advisor. These in-resident programs were sponsored by the FBI National Academy and IACP in Quantico Virginia. Courses were CLE accredited by the University of Virginia and taught by resident instructors at the National Academy and guest professors from the University of Virginia. Attendees included attorneys nominated by local FBI Offices from police agencies throughout the United States. The seminars were designed to update attorneys nationally on police history, procedures, rules and legislation affecting the liability and practices of police agencies.

**International Association of Chiefs of Police (IACP)** Legal Officers Section: IACP conducted regular annual seminars for attorneys and chiefs of police. Seminars and courses were taught by law professors, police legal advisors, some police administration experts and other national experts on police legal matters. I taught some of these courses for the IACP on police practices, constitutional torts, criminal law procedure and personnel liability. The seminars were designed to update police attorneys nationally on police history, procedures, rules, updates in case law nationwide and federal legislation and local trends affecting the liability and personnel/labor practices of police agencies. CLE credit was approved by the WA State Bar Association.

## **Professional Experience with the Seattle Police Department:**

**January 1977-February 2009: Principal Police Legal Advisor, Seattle Police Department, Office of the Chief, Seattle Washington (now retired)**

For thirty-two (32) years I was employed by the City of Seattle, Seattle Police Department (SPD) as the principal Legal Advisor to six different Chiefs of Police.

The Seattle Police Department is one of the 50 major police departments of the United States with an annual budget of over 213 million dollars. SPD has a sworn staff of 1277 officers and 530 civilian staff. SPD handles over 806,000 calls for police service and dispatches almost 234,000 calls with a total response by officers (including traffic stops, on-view, precinct contacts) of at least 521,000 officer contacts per year.

As noted above, in 1977 when I first worked for SPD, I was the only civilian attorney employed by the Department who reported directly to the Chief. By the time that I retired in 2009 SPD added four other civilian staff members who are attorneys. This includes a legal advisor to the personnel division who specializes in labor law, the current personnel director, the department risk manager and the director of the Office of Professional Accountability. I also advised several sworn officers who are attorneys including one assistant chief, 6 sworn supervisors in the Internal Investigations Unit, several detectives, two patrol officers, two members of the Police Intelligence Unit and one staff member of the Training Division. My job as principal legal advisor was to advise them all, coordinate with them on legal matters and to work with them to develop training, legal advice and policy in order to insure that the legal counsel of SPD to all of its personnel was as consistent as possible. I also coordinated legal review of SPD issues with the King County Prosecuting Attorney and with the City Attorney's Office.

For the last several years working for the Chief, I met monthly with the City Attorney for the City of Seattle to insure, as much as possible, that the legal advice of the City and SPD was consistent. This insured that the needs of the Department for representation in complex matters and litigation were met and that the laws of the City were understood and followed to the benefit of the public. In addition I met regularly with Assistant City Attorneys to coordinate the defense of officers and SPD staff, and to meet SPD legal needs in the areas of contracts, personnel issues and discipline, public records, local and state legislation, criminal and civil discovery.

Several of the City Attorney's Community Prosecutors were housed in precinct offices of SPD (5 precincts)...I coordinated legal advice with each of them on Department-wide issues that affected the policy and delivery of police services throughout the City, such as enforcement of court orders that protect the community, SODA (Stay Out of Drug Areas) and SOAP (Stay Out of Areas of Prostitution) orders that relate to illegal drugs and prostitution, trespass orders and nuisance abatement orders. Other issues that I developed with the City Attorneys Office

included pedestrian interference, shoplifting, trespass admonishments, parade permits, potential conflicts with first amendment activities such as demonstrations and labor disputes, domestic violence protection orders, court ordered anti-harassment orders, unjust evictions/harassment under the City's tenant-landlord harassment ordinance, public nuisances, and drug enforcement nuisances and police stand-by for evictions and civil process under other circumstances.

I also helped to develop SPD's enforcement policy under Washington's Medical Marijuana law with the King County Prosecutor (now as amended by the state to establish "personal use" amounts). Our draft has been circulated statewide as a model policy for other agencies to use. I tried to make it consistent, at least locally, with the City of Seattle's recent Ordinance making minor use of marijuana the lowest priority of criminal enforcement by our officers, with recognition that it is still illegal to manufacture, transport and distribute illegal substances under federal law.

For almost two years I acted as the Chief's designated hearing examiner to provide hearing rights and relief to motorists whose cars were impounded under City ordinance and State laws when they were arrested for the crime of driving while license suspended (DWLS). A post-impoundment hearing was made available within a day or two of the vehicle impound. I conducted more than a thousand hearings for the initial enforcement period directly with the owner or driver of the vehicle. In many cases we were able to immediately release the vehicle based on affidavits without a hearing if the driver or person dependant on the vehicle was an innocent owner, requested a hardship release, or the driver on a first offense DWLS promised to pay their fines and obtain a valid license.

I also developed legal advice, policy and enforcement by officers with respect to unlawful camping, long-term parking violations, illegal dumping, unlawful noise, impoundment of vehicles, regulation of pawn shops, metal recycling, used goods dealers, return of property, abandoned property and civility ordinances.

During the World Trade Organization (WTO) meetings in Seattle (November-December 1999), we worked around-the-clock to support officers and staff from several police agencies from all over Western Washington who worked the crowd management issues. I worked to coordinate legal advice with the Assistant City Attorneys involved and the local courts, concerning the planning, demonstration management during the event and provided legal advice for the housing and management of over 500 arrestees for two days at the Sandpoint Naval facility, appeared in Superior Court to facilitate attorney access for arrestees at Sandpoint and address complaints. We wrote the after-action report which focused on "lessons learned", screened post-event claims and assisted with the discovery of records for several lawsuits that were filed, settled or tried in U.S. District. The benefit of lessons learned and a full accounting of what happened is still being used today by SPD to plan for major events and to facilitate lawful protests. Agencies throughout the United States have now learned from the work we did in Seattle before and after WTO.

Other major events that I staffed for legal support and after-action involved crowd control issues include Seattle's Mardi Gras celebrations dating back to the early eighties and one Mardi Gras in 2001 that involved an alcohol-fueled riot and injuries to by-standers. The 2001 Mardi Gras resulted in one claim settlement (the death of Kristopher Kime) and, in another case, we won a defense verdict for the City stemming from the same event. Claims alleging "failure to protect" by SPD were reviewed and the "lessons learned" allowed us to prevent injury in subsequent events.

As legal advisor I coordinated with outside legal counsel from the law firm of Stafford, Frey Cooper and other attorneys who represent officers and SPD sworn staff in defense of the City or in the defense of individually named officers. We also supported the "inquest process" when any officer was involved in the death of an arrestee or any person under their control. As a member of SPD's Force Options Research Group formed to explore less than lethal weapons and tactics alternatives, we gave legal advice to manage the introduction and risks of new technology such as the stun devices (Tasers are now fully deployed to all SPD patrol officers) and OC "teargas" spray made popular as an alternative to deadly force in the 1980's. We wrote the policy of SPD with respect to all less lethal devices...policy based on local experience and our research. Every application of the use of the Taser is now captured in a standard/mandatory use-of-force report which we developed in the early 1980's. Use of force reports are "industry standard" now in the State of Washington.

I routinely appeared in court to support the City Attorney's Office in their prosecution of misdemeanor cases. Our staff managed production of witnesses, records, statements, prepared affidavits and other discovery demands made on the Chief of Police and all investigative units of the Department. These demands included records requests and court orders made by the City and defendants. I appeared in court on behalf of the Chief to provide personnel records and disciplinary records of officers that are reviewed by courts in camera, depending on the nature of the criminal case.

Since "Brady" motions for officer disciplinary and personnel records during discovery in criminal cases are more and more common today than ever before, I helped to educate SPD (and now most other law enforcement agencies in Washington) about the need to comply with the requirements of *Brady v Maryland* when an officer's credibility is called into question. This discovery is based on relevant internal investigations of misconduct regarding untruthfulness, either during internal investigations or in their testimony in any hearing or court, state or federal. Failure to disclose can result in dismissal of past criminal cases where an officer testified and records are not produced. Failure to disclose relevant records can result in civil liability to agencies as well.

I routinely supported the King County Prosecutor's Office in its prosecution of criminal cases, especially in narcotics cases that involved confidential informants and confidential witnesses. Our staff managed and arranged the production of witnesses, records, statements, affidavits and other discovery demands made on the Chief of Police and all investigative units of the Department. Requests and court orders were made by the State and individual defendants and then supervised by the courts when appropriate. I personally appeared in court directly on behalf of the Chief, since all formal requests for records are directed to the Chief's Office.

For my entire career with SPD, I worked with staff and City personnel to develop state and local laws written to better serve the public and officers of the Seattle Police Department. We often testified before the Washington State Legislature on laws that affected law enforcement in the interest of victims, either representing the City of Seattle or the **Washington Association of Police Chiefs and Sheriffs** (WASPC). I was a member of WASPC's legislative committee for over thirty (30) years and testified on bills that I helped to write or develop during that period.

#### **Recognitions:**

Leo Poort has been formally recognized by the **Seattle Police Department** for outstanding service in support of all of SPD staff, sworn and civilian.

Leo has been recognized by the Legal Advisors Section of (WASPC) as the "**legal advisor to police legal advisors**" in Washington State.

On March 18, 2009 Leo Poort was awarded WASPC's **Shanahan-Deveny President's Award of Excellence** "in recognition of his strong commitment to leadership within the law enforcement profession".

**A sampling of legislation** that I worked on and testified on with the local and state legislators to develop or amend includes the following major pieces:

- **Seattle's Criminal Intelligence Ordinance:** (1979-1981) which restricts the investigative methods and the gathering of personal, political and religious information as a part of any criminal investigation. I worked for the Chief of Police for two years as part of a committee of more than a dozen persons. The committee included City Council members, Council staff, and local citizens, Lawyers Guild, the ACLU and staff of the City Attorney to write a 60 page ordinance. It features a civilian auditor who reviews sensitive criminal investigations and SPD authorizations are required to investigate persons and groups that may be involved in politics, community activities or religious groups who are protected by the first amendment in most of what they do.
- **Criminal History Privacy Act:** the protection of non-conviction records (mandated to be adopted by federal law which regulates access to FBI records of conviction nationally) Amendments allow access by victims to seek civil redress as needed.
- **Public Disclosure Law:** amendments allow protection of open investigations, criminal or disciplinary investigations. (WASPC priority)
- **Juvenile Justice Act:** the privacy of juvenile criminal history records (WASPC priority)
- **Uniform Controlled Substances Act:** amendments 1988 (during the "crack house" epidemic in Seattle) worked with Senator Phil Talmadge, Seattle and WASPC
- **Domestic Violence Act** amendments in 1985 to clarify the need for probable cause and to reduce risk of double arrests: both victim and primary aggressor. Worked with then Asst City Attorney Douglas Whaley and WASPC
- **Police Officer Involved Domestic Violence Act:** Senator Debbie Regala and WASPC Worked with an assistant chief of SPD prior to the Brame incident, then after the Brame incident drafted a model policy with other police legal advisors for the all law enforcement agencies in the state. This was a WASPC priority item.
- **Firearms and Dangerous Weapons RCW 9.41:** established forfeiture of weapons used in the commission of a felony and restrictions on carrying weapons if convicted of certain crimes or subject to

court orders of protection in DV cases or anti-harassment orders. These amendments were Seattle legislative priority items.

- **Drug Forfeiture Laws:** as a part of the Uniform Controlled Substances Act amendments regulating procedures for forfeiture, sale of property and disposition of proceeds and property seized by warrant or arrest under state laws. This was a WASPC priority item.
- **Sex Offender Registration Act:** I worked with SPD detectives and staff to develop the level I, II and level III classification (now used by the State) using public records to notify potential victims about convicted sex offenders who reside in Seattle. The notification and State mandatory registration system was successfully defended in its application by the Seattle City Attorney's Office. I worked with WASPC and State Senator Ida Ballasiotes, whose daughter was brutally murdered in Seattle by a convicted sex offender.
- **Civil Commitment of Dangerous Sex Offenders:** WASPC and WAPA (Washington Prosecutors Association) priority item
- **One Party Consent:** amendments to the Privacy Act to allow protection of police officers while working undercover to monitor live conversations for safety reasons. Seattle Police and WASPC priority item.
- **Health Records:** allows law enforcement access to emergency health care information under state law as would otherwise be restricted by HIPAA (RCW 70.02 Medical records – health care information access and disclosure - amended in 2006) WASPC priority item.

**Professional Experience continued:**

**May 2009-January 2009: Police Officer Certification Manager, Washington Criminal Justice Training Commission, Burien WA**

I was responsible for administering the investigation, determination of facts, finding of probable cause leading to the revocation of police officer credentials for cause under Washington State law. Coordinate hearings on appeal of any finding that any police officer or sheriff's deputy should have their CJTC certification revoked. Propose formal statement of findings on behalf of the Commission that lead to "decertification". Track the certification credentials of all law enforcement officers throughout the State of Washington. Educate local police departments and sheriffs in the process to insure that the certification process is followed to insure that serious local discipline that could lead to revocation of CJTC certification is reported.

**January 1974 – January 1977: Municipal Prosecutor, Office of the City Attorney Bellevue WA and Police Legal Advisor, Office of the Chief of Police, Bellevue WA**

I worked as a misdemeanor prosecutor for the City of Bellevue in the Bellevue District Court. I enforced criminal law violations and infractions of the Bellevue Municipal Code, including DUI cases, trespass, theft, domestic violence assaults, traffic infractions, sign code violations, other land use code violations and several ordinance appeals to the Superior Court. One criminal-ordinance appeal that I argued in King County Superior Court resulted in an early appearance before the Washington State Supreme Court. The issue I argued on appeal was on the facial constitutionality of Bellevue's loitering and prowling ordinance. The ordinance was adopted from the Model Penal Code and thought to be valid as written by the City of Bellevue. Although it lead to the demise of this ordinance in 1975, it clarified the standard required under the Supreme Court's standard to avoid the "vagueness an over-breadth" standard and is still good law today. This was a valuable lesson learned.

Using 50% of my time as an assistant to the City Attorney, I was the first dedicated police legal advisor to the Bellevue Police Department. In that role, I instructed and advised all officers and supervisors in new state laws and arrest, search and seizure, the laws affecting their interviews of suspects, line-ups, handling domestic violence cases and drafting search warrants in a variety of felony cases including narcotics cases. I also handled personnel cases that lead to the discipline of officers and civilian employees of the police department, civil service appeals and internal investigations. I advised the local LEOFF board for both police officer and firefighter disability retirements following months of disability leave. I coordinated issues with other law enforcement agencies and the King County Prosecuting Attorneys in felony matters. I wrote BPD policies and reviewed the practices of the Department for the City and managed the risks of police conduct in the practice of use of force and arrest, search and seizure that could potentially lead to civil liability. I worked to educate officers and write policy to avoid sanctions and liability under existing labor laws, discrimination laws and potential violations of Federal Civil Rights Act [Title 42 USC 1983 and Title 18 USC 241, 242]

**August 1973-December 1973: Legal Internship, Office of the Prosecuting Attorney, Snohomish County WA**

I prosecuted misdemeanor cases in Arlington District Court and Snohomish County District Court under supervision of Robert Schillberg (the elected prosecutor) and various other prosecutors on staff with the Office of the Prosecutor. I was admitted to the Washington State Bar in November 1973.

**1967-1970: High School English Teacher, Milan High School, Milan MI**

I taught Senior English and Literature, Creative Writing and one class of 9<sup>th</sup> Grade Language Arts.

I coached varsity baseball and football for three years.

I also taught classes (part-time) at the Milan Federal Correctional Prison which housed mostly younger federal offenders in Milan, MI including classes in high school English for credit and GED classes. These classes were taught both in the evening and during the summer.

**In-service Training (small sampling):**

- Police Liability and the Management of Police Discipline - Americans for Effective Law Enforcement
- Labor Relations and Negotiations - Federal Bureau of Investigation and Washington Association of Cities
- IACP/FBI Academy/LOS Short Course for Legal Advisors 1980
- National Law Institute University of Virginia (Quantico 1988)
- FBI National Law Institute University of Virginia (Quantico 1992)
- Investment in Excellence - The Pacific Institute
- Isolation and Quarantine Legal Issues Seminar - The University of Washington Law School and Medical School with local and state law enforcement.
- Washington Association of Campus Law Enforcement Administrators – presenter on criminal law and liability 1989
- Stress Recognition and Management for Law Enforcement Executives – staff instructor sponsored by the WA CJTC

**Law Enforcement and Professional Memberships:**

- International Association of Chiefs of Police (IACP) - Honorary Life Member
- Member of the Legal Officers Section of the IACP
- Member of the Major Cities Chiefs Police Legal Advisors Section
- Member of the Legislative Committee of IACP, which meets at annual conferences
- Member of the Washington Association of Municipal Attorneys
- Member of Seattle Police Department's Force Options Research Group
- Member of the Seattle Police Foundation, honored for outstanding lifetime service by the Department.

**Achievements (sampling):**

- Chair of the Police Legal Advisors Section of the Washington Association of Police Chiefs and Sheriffs [for at least 25 years]
- Featured Instructor with other police legal advisors, each fall and spring, at least 50 conferences over the last 25 years. This instruction is part of WASPC's Management Seminars on police practices and policy. It includes legal issues, personnel practices, civil liability, labor issues, recent case law each fall and new legislation each spring. Each legal presentation is at least 90 minutes where I and some other police legal advisors share our expertise and experience with over one hundred (100-200) police Chiefs, Sheriffs, the State Patrol and management of law enforcement agencies statewide.