



Department of Commerce

Criminal Penalty Fees

*Related to Sexual Exploitation Crimes
(Chapter 121, Laws of 2013)*

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Report to the Legislature
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Acknowledgements

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Table of Contents

Executive Summary.....	3
Introduction.....	5
Fee Assessments and Crime Rates	7
How Jurisdictions Reported Expending the Funds.....	13
Recommendations.....	19
Appendix A: Distribution of Criminal Penalty Fees.....	20
Appendix B: Courts with Convictions for Applicable Charges	21

Executive Summary

In 2013, the Washington State Legislature levied additional fees on Commercial Sexual Abuse of a Minor (CSAM) and other sexual exploitation crimes.¹ The fees are in addition to other criminal penalties, including statutory fines and/or jail time. Local jurisdictions retain the majority of the revenue from these fees to fund preventative efforts, services for victims, and law enforcement activities to reduce the commercial sale of sex. Judges may reduce some of the fees by up to two-thirds if the judge finds, on the record, that an offender does not have the ability to pay. Courts may not entirely waive any of the fees.

This report, for state fiscal year 2017 (SFY 2017), is the fourth annual report prepared by the Washington State Department of Commerce (Commerce) on the fee revenue and expenditures related to this set of crimes.

Key Findings

In SFY 2017:

- Law enforcement officers made 21 percent more arrests for sexual exploitation crimes compared to SFY 2016. The number of convictions increased by 17 percent.
- However, Washington state courts levied less penalty fees as a percentage of the possible total fee amount than compared to the previous three years – just 31 percent. This marks a sharp decrease from SFY 2016, in which judges assessed 57 percent of the total fee amount possible.
- If judges ordered offenders to pay the full fee amount for all crimes, potential revenue would total \$822,100. Instead, judges in superior, district, and municipal courts ordered \$252,642.
- Eighty-one courts in Washington handed down convictions for the crimes that bear the additional fee. Of these courts, fewer than half – 31 – levied the statutorily required fees. Of the 31 courts, 22 collected revenue towards payment of the fees. An additional five courts collected revenue but did not assess fees, which indicates the revenue was from offenders paying off fees levied in past years.
- Courts levied a total of \$252,642 and collected \$145,563. As in the prior three years, courts in King County both levied and collected the majority of the fees – 74 percent and 91 percent of the totals, respectively.
- Nine courts reported less than \$100 collected during SFY 2017, and therefore the report researchers did not survey them. Researchers surveyed the 18 jurisdictions that collected greater amounts through email and phone contacts to determine how cities and counties used the funds. Fifteen courts responded to the survey.

¹ Washington State Legislature, *ESHB 1291*, (2013), <http://app.leg.wa.gov/billsummary?BillNumber=1291&Year=2013>

Recommendations

In recent years, the public, media, law enforcement agencies, and the Legislature have paid increasing attention to sexual exploitation crimes. Law enforcement agencies and prosecutors are working diligently to combat trafficking and sexual exploitation, largely by conducting internet-based stings to intervene and interrupt CSAM and prostitution. However, courts are lagging behind these efforts when it comes to ordering defendants to pay the amounts required by statutes for these crimes.

While Commerce has no immediate policy recommendations for lawmakers to consider this year, we believe that further research and judicial outreach, as described below, will lead to a better understanding of gaps in the program's implementation that could lead to recommendations in a future report. The following policy recommendations are explained in further detail on page 19.

Research

More research is required to determine why judges are not ordering the penalty fees. The Administrative Office of the Courts (AOC) amends the fee schedules every year after the Legislature passes laws and amends criminal statutes. Research would reveal whether judges do not know about the fees, or whether they are choosing to forego levying the penalties, and if so, for what reasons.

Judicial Outreach

The results of the research effort described above should influence how AOC designs its outreach to judges. Once an outreach plan is developed, the AOC should contact judges in both superior courts and courts of limited jurisdiction to inform them about the requirements for the fees described in this report.

Introduction

In 2013, the Washington State Legislature passed ESHB 1291. The law, Chapter 121, Laws of 2013,² concerned prostitution and the commercial sexual abuse of minors, and directed Commerce to:

...prepare and submit an annual report to the legislature on the amount of revenue collected by local jurisdictions under RCW 9.68A.105, 9A.88.120, or 9A.88.140 and the expenditure of that revenue [RCW 43.280.100³].

The three statutes – 9.68A.105,⁴ 9A.88.120,⁵ and 9A.88.140⁶ – levy fees on convictions related to prostitution and the commercial sexual exploitation of children. The fees are in addition to other penalties, including statutory fines and/or jail time. The fees are also levied on an offender who has entered into a statutory or non-statutory diversion agreement as a result of an arrest for one of the applicable crimes. Table 1 lists the statutes, the additional penalty, and the crimes to which the penalty applies.

Statutes 9.68A.105, 9A.88.120, and 9A.88.140 describe how jurisdictions must use the revenue from the fees collected:

- Cities and counties must spend at least 50 percent of the revenue on prevention and rehabilitation services for victims. Prevention includes education programs for offenders, such as “john school,” which provides curriculum on the sexual exploitation of women, legal ramifications, and confronting and healing from sexual addiction. Rehabilitative services for victims includes mental health and substance abuse counseling, parenting skills, housing relief, education, vocational training, drop-in centers, and employment counseling.
- Jurisdictions may use up to 48 percent for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.
- Two percent of the revenue must be remitted quarterly to Commerce, together with a report detailing the fees assessed, the revenue received, and how that revenue was spent.

² Washington State Legislature, ESHB 1291, Chapter 121, Laws of 2013, (2013),

<http://lawfilesexext.leg.wa.gov/biennium/2013-14/Pdf/Bills/Session%20Laws/House/1291-S.SL.pdf>

³ Washington State Legislature, RCW 43.280.100, (2013), <https://app.leg.wa.gov/rcw/default.aspx?cite=43.280.100>

⁴ Washington State Legislature, RCW 9.68A.105, (1999, 2007, 2009, 2010, 2013, 2015),

<http://app.leg.wa.gov/RCW/default.aspx?cite=9.68A.105>

⁵ Washington State Legislature, RCW 9A.88.120, (1995, 2007, 2012, 2013, 2015),

<http://app.leg.wa.gov/RCW/default.aspx?cite=9A.88.120>

⁶ Washington State Legislature, RCW 9A.88.140, (1999, 2007, 2009, 2010, 2013, 2015),

<http://app.leg.wa.gov/RCW/default.aspx?cite=9A.88.140>

Judges may reduce some of the fees if the court finds, on the record, that the offender does not have the ability to pay the fee. In those cases, judges may only reduce the fee by up to two-thirds.

Courts may not make any reductions to the fees attached to vehicle impoundment. Impounding agencies collect these fees if a law enforcement officer impounds a vehicle that was used in the commission of a Commercial Sexual Abuse of a Minor (CSAM)- or prostitution-related crime, or if other conditions are met. The owner must pay the fee prior to redeeming their vehicle. If the defendant subsequently is found not guilty of the crime, they are entitled to a refund of the fee.

Table 1: Statutes Modified by Chapter 121, Laws of 2013

Statute	Additional Penalty Amount	Crimes to Which Penalty Applies
9.68A.105	\$5,000	9.68A.100 – Commercial sexual abuse of a minor (CSAM) 9.68A.101 – Promoting CSAM 9.68A.102 – Promoting travel for CSAM
9A.88.120	\$50	9A.88.010 – Indecent exposure
	\$50	9A.88.030 – Prostitution
	\$1,500 for first offense \$2,500 for second offense \$5,000 for third or greater offense	9A.88.090 – Permitting prostitution 9A.88.110 – Patronizing a prostitute
	\$3,000 for first offense \$6,000 for second offense \$10,000 for third or greater offense	9A.88.070 – Promoting prostitution in the first degree 9A.88.080 – Promoting prostitution in the second degree
9A.88.140	\$500	9A.88.140 – Vehicle impoundment fine for: 9A.88.110 – Patronizing a prostitute 9A.88.070 – Promoting prostitution in the first degree 9A.88.080 – Promoting prostitution in the second degree 9A.88.085 – Promoting travel for prostitution
	\$2,500	9A.88.140 – Vehicle impoundment fine for: 9.68A.100 – CSAM 9.68A.101 – Promoting CSAM 9.68A.102 – Promoting travel for CSAM

Fee Assessments and Crime Rates

In SFY 2017, 81 courts in Washington handed down convictions for the crimes that bear the additional penalty fee. Of these, 31 courts from 12 different counties levied the statutorily required fees.

This indicates that many courts in Washington are not assessing the fees, or are only levying a fraction of what they could. For instance, Snohomish County had 27 convictions for applicable charges, with \$17,200 in possible fees, but only \$117 imposed. Pierce County had 88 convictions for the covered crimes, a significant increase from 55 convictions in SFY 2016. The total possible fees were \$278,350, but judges only assessed \$33,021 – 12 percent. Even King County, which levies and collects more than the rest of the state combined, assessed only 51 percent of the total potential fees.

More than half (50 out of 81) of Washington state courts did not assess any fees for the applicable convictions. Overall, courts assessed just 31 percent of the total possible fee amount – \$145,563 out of a potential \$822,100. As in the previous three years, courts in King County both levied and collected the great majority of the fees. It is beyond the scope of this report to investigate why many courts are not imposing these fees.

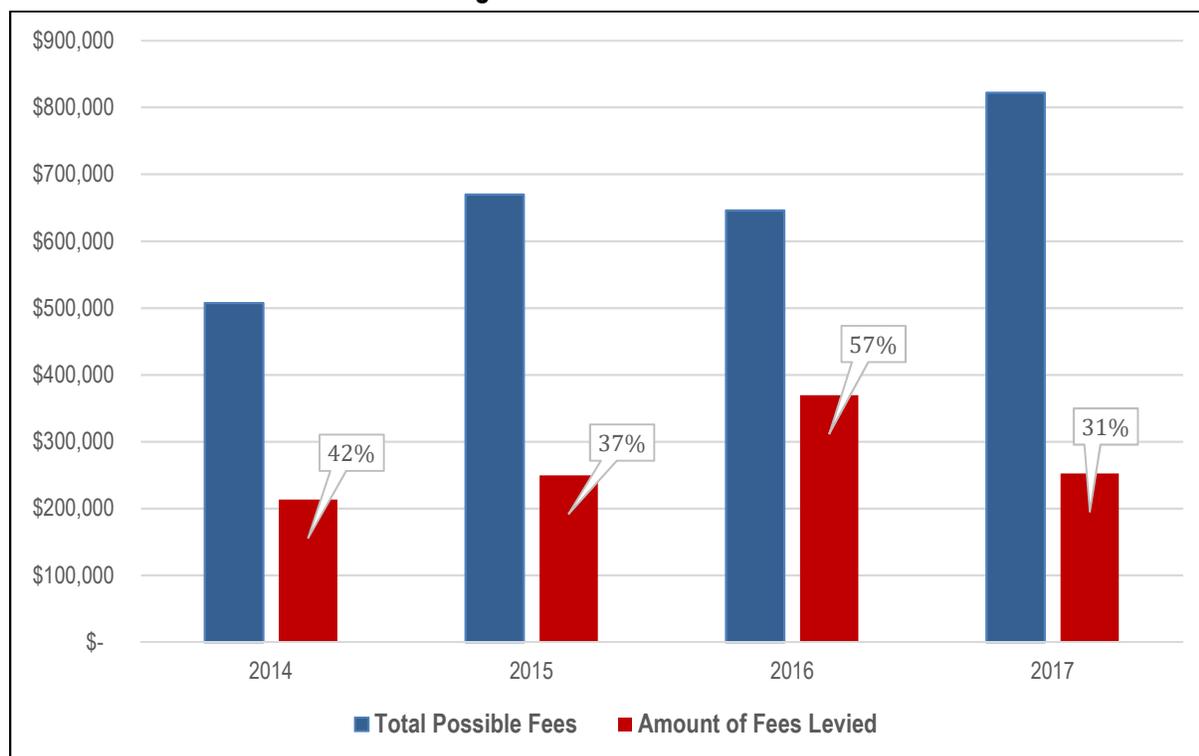
Table 2, on the following page, lists the number of arrests and convictions for the relevant crimes, the maximum possible amount of fees judges can assess for those crimes, the actual fees assessed, and the fees collected for each county in Washington. Appendix B contains a complete list of all courts that imposed convictions for the applicable crimes, and the amounts assessed and collected.

Table 2: Arrests, Convictions, and Fees by County – SFY 2017

County	Arrests for Applicable Charges	Convictions for Applicable Charges	Maximum Possible Fees	Fees Assessed	Fees Collected
Adams County	2	2	\$ 1,550	\$0	\$0
Asotin County	1	2	\$ 100	\$0	\$0
Benton County	21	16	\$ 10,700	\$0	\$0
Chelan County	9	0	\$0	\$3,000	\$371
Clallam County	10	3	\$ 150	\$0	\$0
Clark County	49	17	\$ 10,650	\$5,200	\$215
Columbia County	1	0	\$0	\$0	\$0
Cowlitz County	36	11	\$ 12,450	\$0	\$0
Douglas County	0	0	\$0	\$0	\$0
Ferry County	0	0	\$0	\$0	\$0
Franklin County	38	25	\$ 18,100	\$0	\$0
Garfield County	0	0	\$0	\$0	\$0
Grant County	10	4	\$ 3,150	\$0	\$0
Grays Harbor County	15	5	\$ 1,700	\$1,550	\$2,250
Island County	4	1	\$ 1,500	\$50	\$58
Jefferson County	8	2	\$ 100	\$0	\$9
King County	733	188	\$ 365,750	\$186,051	\$132,973
Kitsap County	39	34	\$ 62,400	\$12,683	\$3,291
Kittitas County	2	1	\$ 50	\$0	\$0
Klickitat County	2	0	\$0	\$0	\$0
Lewis County	8	5	\$ 250	\$0	\$0
Lincoln County	0	0	\$0	\$0	\$0
Mason County	1	2	\$ 6,050	\$0	\$0
Okanogan County	8	2	\$ 100	\$50	\$0
Pacific County	0	0	\$0	\$0	\$0
Pend Oreille County	1	0	\$0	\$0	\$0
Pierce County	133	88	\$ 278,350	\$33,021	\$4,331
San Juan County	0	1	\$ 50	\$0	\$0
Skagit County	37	4	\$ 200	\$0	\$0
Skamania County	1	1	\$ 50	\$20	\$0
Snohomish County	132	27	\$ 17,200	\$117	\$486
Spokane County	61	21	\$ 11,350	\$6,000	\$90
Stevens County	2	2	\$ 100	\$0	\$0
Thurston County	18	5	\$ 250	\$0	\$0
Wahkiakum County	0	0	\$0	\$0	\$0
Walla Walla County	8	0	\$0	\$0	\$0
Whatcom County	20	4	\$ 650	\$3,300	\$1,480
Whitman County	4	3	\$ 7,550	\$0	\$0
Yakima County	25	14	\$ 11,600	\$1,600	\$9
TOTAL	1439	490	\$ 822,100	\$252,642	\$145,563

The total amount of potential fees is determined by calculating the convictions for each crime category. The total possible amount increased in SFY 2017 to a total of \$822,100, reflecting that courts handed down more convictions for these crimes (490 verdicts compared to 418 in SFY 2016). However, courts levied less penalty fees as a percentage of the possible total fee amount than compared to the previous three years – just 31 percent. This marks a sharp decrease from SFY 2016, in which judges assessed 57 percent of the total fee amount possible. Table 3 illustrates the total amount of potential fees compared to the amount courts actually levied.

Table 3: Amounts Levied as a Percentage of Total Potential Fees



Background on Fees and Payments

Many individuals who have been convicted of crimes do not pay fees all at once, but instead enter into a payment plan with the court. As they pay off the fees, court clerks code them into the Judicial Information System (JIS) used by most courts in Washington. Therefore, revenue from fees can be greater during a given year than the amount of fees assessed, as offenders gradually pay off their penalties.

The Administrative Office of the Courts (AOC) is responsible for establishing new codes in JIS and informing courts about which codes to use. This state agency codes data in JIS to the fund

account, rather than to the statute applicable to the crime. As a result, it is not possible to separate the funds collected by the offense committed.

Once court clerks receive the revenue and allocate it to a code, the city or county treasurer is responsible for establishing an account for the monies. Some cities contract with their county to act as treasurer for the jurisdiction. Then, the jurisdiction must decide which department, office, or official is responsible for deciding how to spend the funds, allocating the amounts according to the guidance established by the Legislature, and ensuring that the quarterly reports are sent to Commerce.

The Washington State Patrol (WSP) maintains data by county on the number of arrests and convictions for all crimes in Washington. Some cities, notably Seattle, have a municipal code that is used for misdemeanor offenses and which effectively replaces the applicable state statute for that crime in the city's data system. Therefore, the researchers for this report obtained data on arrests, cases, and convictions for crimes committed within the city of Seattle from the Seattle Municipal Court.

Because the applicable crimes include both misdemeanors and felonies, the courts impacted include municipal and district courts (known as courts of limited jurisdiction, or CLJs), and superior courts, which hear serious felonies.

Certain courts, including the Seattle Municipal Court, do not utilize JIS. Additionally, some municipal courts contract with their county district court to collect fees on their behalf. For instance, King County District Court contracts with the cities of Beaux Arts, Bellevue, Burien, Carnation, Covington, Duvall, Kenmore, Redmond, Sammamish, Shoreline, Skykomish, and Woodinville. The information on fees collected and assessed by those cities is merged with the data for King County District Court.

Crime Rates

In SFY 2017, law enforcement officers made 21 percent more arrests for sexual exploitation crimes covered in this report, compared to SFY 2016. The number of convictions increased by 17 percent.

On the following page, Table 4 lists the number of arrests, cases, and convictions for these crimes. The table also includes the crime of trafficking, which carries an additional \$10,000 penalty fee. However, the fee for trafficking is not subject to the same dispersal as those specified under 9A.88.105, 9A.88.120, and 9A.88.140.

Table 4: Statewide Arrests and Convictions Per Crime – SFY 2017

Statute	Charge	Number of Arrests	Number of Convictions
9.68A.100	Commercial Sexual Abuse of a Minor (CSAM)	44	19
9.68A.101	Promoting Commercial Sexual Abuse of a Minor	16	2
9.68A.102	Promoting Travel for Commercial Sexual Abuse of a Minor	5	0
9.68A.103	Permitting Commercial Sexual Abuse of a Minor	19	0
9A. 40.100	Trafficking	36	3
9A.88.010	Indecent Exposure	578	223
9A.88.030	Prostitution	146	61
9A.88.070	Promoting Prostitution in the First Degree	21	10
9A.88.080	Promoting Prostitution in the Second Degree	53	81
9A.88.085	Promoting Travel for Prostitution (Vehicle Impoundment)	0	6
9A.88.090	Permitting Prostitution	1	7
9A.88.110	Patronizing a Prostitute	520	78
TOTAL		1439	490

Sources: The Washington State Patrol provided data on statewide arrests and convictions, and Seattle Municipal Court provided data on arrests and convictions within the city of Seattle.

The relatively high number of arrests for trafficking – 36 – compared to the low number of convictions suggests that many of these cases are instead prosecuted for the lesser charge of promoting prostitution. In addition, if an investigation reveals that the victim(s) was underage, the prosecutor may elect to press a felony charge of CSAM instead of a trafficking charge. Finally, an arrest made in one year can lead to a case that takes more than a year to prosecute and resolve, which explains why some charges have fewer arrests than convictions in SFY 2016.

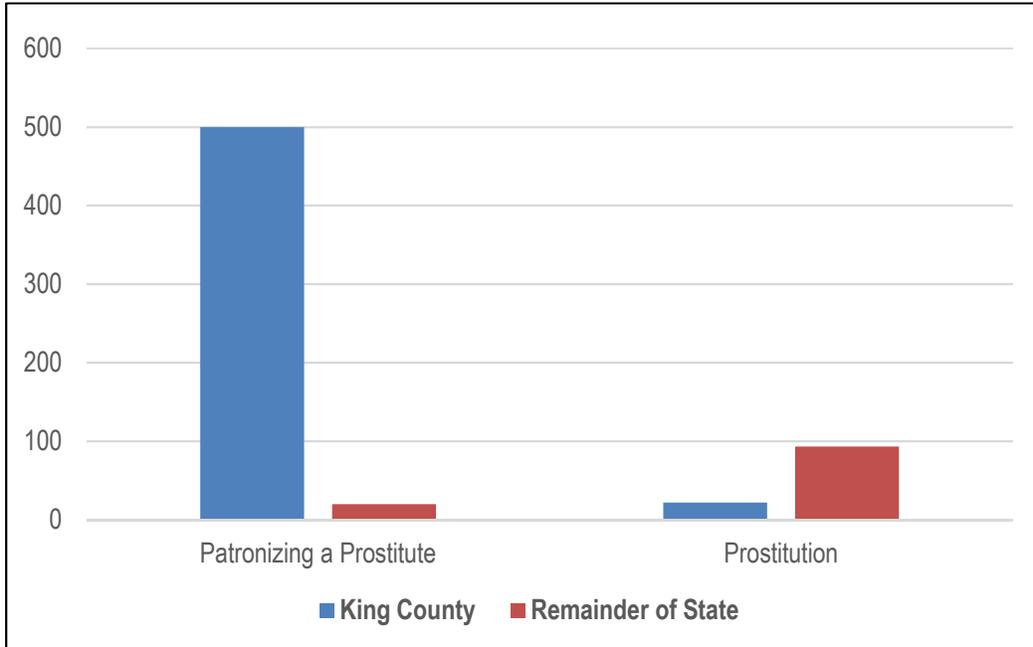
King County’s Approach to Prostitution

The majority of the arrests and convictions for the crime of patronizing a prostitute take place in King County. The city of Seattle, the King County Sheriff’s Department, and several other jurisdictions in King County have adopted a policy of actively pursuing the buyers of sex, from both adults and children. This approach, known as the Buyer Beware program, is discussed in further detail beginning on page 14.

As shown in Table 5, law enforcement agencies in King County were responsible for 87 percent of the arrests for patronizing a prostitute in the state. King County courts (including city municipal courts within the county) handed down 96 percent of the convictions for these

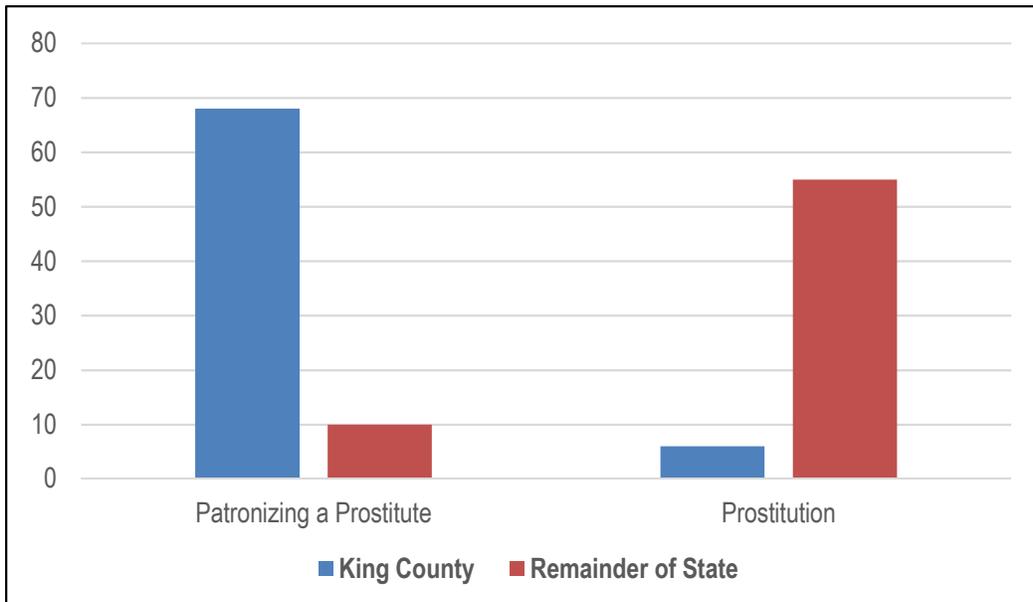
crimes (Table 6). In contrast, King County law enforcement agencies made 19 percent of the arrests for prostitution, and courts in that county handed down 10 percent of the convictions.

Table 5: Arrests for Patronization and Prostitution Crimes – SFY 2017



Sources: *The Washington State Patrol and Seattle Municipal Court.*

Table 6: Convictions for Patronization and Prostitution Crimes – SFY 2017



Sources: *The Washington State Patrol and Seattle Municipal Court.*

How Jurisdictions Reported Expending the Funds

In SFY 2017, 81 courts in Washington handed down convictions for the crimes that bear the additional fee. Of these courts, 31 levied the statutorily required fees. Of the 31 courts, 22 collected revenue towards payment of the fees. An additional five courts collected revenue but did not assess fees, which indicates the revenue was from offenders paying off fees levied in past years.

Nine courts reported less than \$100 collected during SFY 2017, and therefore they were not surveyed. Researchers surveyed the 18 jurisdictions that collected greater amounts through email and phone contacts to determine how cities and counties used the funds.

As in previous years, jurisdictions were provided with a chart (Appendix A) showing the relevant statutes and the statutory dispersal formula for the funds.

In most cases, it was necessary to speak with another department (for instance, the city or county treasurer, the police department, or the prosecutor's office) to learn whether the funds had been allocated, and if so, what they had been spent on.

Fifteen courts responded to the survey. The following information lists how each jurisdiction described expending the funds.

City of Bellevue

The City of Bellevue has not yet expended the funds.

City of Bellingham

Bellingham allocated 48 percent of the funds to the Bellingham Police Department for use by their Neighborhood Anti-Crime Team. In collaboration with area motels, the Police Department conducted "john stings" to enforce and reduce the commercial sale of sex. A john sting involves placing a fake advertisement online for commercial sex, and arresting the potential buyers when they arrive at the designated meeting spot and confirm they are there to pay for sex. Law enforcement referred the victims involved in these crimes to local services for prevention and intervention.

Bellingham allocated 50 percent of the funds to Domestic Violence Sexual Assault Services, an agency financially supported by the city. The agency's focus is on victim services, education, and counseling for victims of sexual assault.

Chelan County

Chelan County has not yet expended the funds.

City of Des Moines

Des Moines used its funds to purchase household and office items for the Genesis Project. The Genesis Project is a drop-in center that serves as a safe haven for women and girls who have been involved in commercial sexual exploitation and trafficking.

City of Federal Way

Federal Way allocated 50 percent of the funds for the Federal Way Coalition Against Trafficking. The coalition educates and engages the community to encourage each person to play a role in ending trafficking. The coalition sponsors guest speakers, such as Dr. Mar Brettmann, founder of Business Ending Slavery and Trafficking (BEST), at its community forums. The Federal Way Police Department uses 48 percent of the monies for efforts to reduce the sex trade. This work includes police stings to arrest the customers perpetuating prostitution.

Grays Harbor County

Grays Harbor County plans to disperse the funds to Beyond Survival, a sexual assault resource center that provides community education, counseling, and a 24-hour crisis phone line. The Grays Harbor County Sheriff's Department will also receive a portion of the funds.

City of Kent

Kent has taken a proactive, dedicated approach to combatting trafficking and commercial sexual exploitation through online and monthly hotel-based stings. The Kent Police Department uses half of the penalty fees to reduce the commercial sale of sex. The remainder is used for prevention and rehabilitative services for the victims of human trafficking.

During this reporting period, costs for john stings included overtime for the officers involved, hotel room costs, transportation for the victims, and meals for the officers and trafficking victims. The Police Department additionally established a dedicated computer workstation for the officers and detectives working on sting operations.

King County (District and Superior Courts)

In 2014, King County launched a new approach to reduce the demand for prostitution and change the attitudes and behaviors of men arrested for patronization. The Buyer Beware initiative is a partnership with eight police departments and city attorneys' offices across King County that are shifting their emphasis to pursue the buyers of commercial sex. The Organization for Prostitution Survivors and the King County Prosecuting Attorney's Office lead the initiative.

Buyer Beware brings together local prosecuting authorities with community service organizations and survivors to carry out a comprehensive strategy to reduce demand and facilitate exit from prostitution. Leaders of the initiative explain that past practice punished

prostituted people instead of those who caused the harm: the sex buyers. As a result, the cycle of prostitution-related crime and sex trafficking persisted and victims continued to be harmed.

According to the Buyer Beware program, prostituted people are typically coerced into prostitution between the ages of 12 and 15. They are controlled by pimps, experience multiple traumas, and face many barriers to escaping the life of prostitution. Therefore, the new model emphasizes the prosecution of sex buyers and connecting prostituted people to services. The goal is to reduce demand for commercial sex by 20 percent in two years. Program leaders assert that a reduction in demand will decrease harm to prostituted persons, reduce self-destructive behaviors of buyers, and curb sex trafficking.

Participating community organizations include Businesses Ending Slavery and Trafficking (BEST), Stolen Youth, and Seattle Against Slavery. Participating law enforcement agencies include the King County Sheriff's Office and the police departments of Seattle, Des Moines, Kent, Federal Way, Bellevue, and Renton.

Interventions of the Buyer Beware program include:

- Systematic law enforcement emphasis on arrests and prosecutions of sex buyers.
- Increased penalties to deter buyers.
- Referring sex buyers to "Stopping Sexual Exploitation," a comprehensive intervention program.
- Collection of fines to fund services for prostituted people.
- Reduce arrests and prosecutions of prostituted persons in favor of referral to services.
- Expansion of effective services to assist prostituted people in leaving the life.
- Forming an alliance of public and private employers committed to implementing policies and practices against sex buying.
- Engaging high school and college students on the harm of commercial sexual exploitation.
- Social media campaigns to engage young men on the harms of sex buying.
- Engaging a spectrum of community sectors, including public health, education, business, media and criminal justice to change cultural norms around buying sex.

City of Kirkland

Kirkland has not yet expended the funds.

Kitsap County

Kitsap County used the revenue from penalty fees to support the anti-trafficking activities of its Prosecutor's Office, as well as advocacy and outreach efforts.

The Kitsap County Prosecutor's Office Vice Unit handles all felony offenses involving human trafficking, drugs, and gang-related offenses. The felony human trafficking offenses prosecuted by this unit include human trafficking, promoting commercial sexual abuse of a minor,

promoting prostitution in the first and second degree, and violent felonies that occur during the commission of trafficking-related offenses. The Vice Unit also acts as a liaison between the Kitsap County Prosecutor's Office and the various drug and human trafficking enforcement agencies in Kitsap County.

In addition to the four attorneys in the Vice Unit, Kitsap County has a full-time investigator whose focus is criminal occurrences related to human trafficking, drugs, and gangs.

Kitsap County also supports advocacy services, which include emotional support for both underage and adult victims of human trafficking. Lastly, community outreach and education activities include providing technical assistance and training to community and faith-based organizations, government, law enforcement officials, and others.

Pierce County

Pierce County uses the fee revenue to augment its costs for the enforcement of commercial sex laws. The Sheriff's Department conducts internet child sexual predator stings, and has built and operates a web portal to identify individuals charged with sexual crimes. A portion of the funds are allocated to the Family Justice Center to reduce and prevent teen sexual violence.

City of SeaTac

SeaTac has not yet expended the funds.

City of Seattle

Seattle law enforcement officers made more than 81 percent of the arrests statewide for patronizing a prostitute (424 out of 520 arrests in SFY 2017). In comparison, the city has approximately 9 percent of the state's population. The high arrest rate is in part due to an expressed commitment from the Seattle Police Department (SPD) to focus law enforcement efforts on arresting the buyers of commercial sex, rather than those being prostituted.

Seattle splits the revenue from these fines between its Police and Human Services departments. In SFY 2017, SPD used the fine revenue for salaries and overtime for officers conducting CSAM sting operations. The SPD additionally used funds to buy laptop computers for officers to use while on stings.

During the last eight years, the city of Seattle has instituted a number of programs to: 1) prevent gender-based violence, 2) assist victims and survivors, and 3) curb commercial sexual exploitation. These programs, described below, are funded, in part, from the criminal penalty fines paid by those convicted of the crimes outlined in this report.

In 2009, Seattle Human Services funded YouthCare, a nonprofit homeless youth-focused organization to implement a pilot *Residential Recovery Program for Prostituted Youth*. The three-year pilot program, housed at a YouthCare facility, provided shelter/housing and wraparound services for youth identified as "being in the life." Although the findings from the

pilot resulted in the end of the residential portion of the program, the wraparound services portion remained and continues to be a successful partnership in providing victim services. The initial and current work of YouthCare is partially funded via criminal penalty fines.

Also in 2009, Human Services contracted with a consultant, Noel Gomez (co-founder of the Organization for Prostitution Survivors), to facilitate the “John School” for a Seattle Municipal Court-mandated sex buyers and a “Sex Industry Workers” class. These programs, each initially one-day long, are funded from fines levied on those convicted for patronizing a prostitute. The curriculum of the Sex Industry Workers class includes information about public health, domestic violence, sexual assault, chemical dependency, parenting support, and other resources supporting women who may be attempting to leave prostitution. The John School provides curriculum on the sexual exploitation of women, legal ramifications, and confronting and healing from sexual addiction.

In 2014, Seattle implemented an improved model for the Sex Industry Worker's class. Instead of a one-day class, the program now provides four, two-hour sessions held weekly. The classes, in the form of a discussion and support group, take place at a YWCA. Each week a guest speaker is invited to address the participants for the second half of the class to discuss a specific topic, including violence against women, safer sex, and resources to recover from chemical dependency.

Also in 2014, following three years of research, planning, and engagement with community stakeholders, the city of Seattle implemented the Coordinated Effort Against Sexual Exploitation (CEASE), a multi-agency effort to identify survivors of commercial sexual exploitation. CEASE aims to provide these women and men with “wraparound” services within 24 to 48 hours after they have been identified. The support services provided by CEASE are funded in part by fines collected from the buyers of commercial sex. These services include emergency and transitional housing, counseling, employment assistance, mental health services, and the option of money that clients can use to obtain safety, stability, and independence. The funding for CEASE has been leveraged with other fund sources, including monies for the victims of domestic violence and sexual assault.

In July 2015, the Mayor’s Office on Domestic Violence and Sexual Assault released funding for both commercial sexual exploitation (CSE) and gender-based violence prevention. The CSE funding was awarded to YouthCare as the lead agency to provide wraparound services for prostituted youth (18 and under), and the Organization for Prostitution Survivors Collaborative (with YWCA, Real Escape from the Sex Trade, and Aurora Commons) to provide services for adults (over 18). Human Services also funded Asian Counseling and Referral Services and Powerful Voices to provide gender-based violence prevention, which included awareness and prevention of commercial sexual exploitation.

Approximately \$500,000 is available for these services, which leverages monies from the CSAM penalty fees, the Prostituted Children Rescue Fund, and the Sex Industry Victims Funds.

City of Shoreline

Shoreline has not yet expended the funds.

City of Tukwila

Tukwila used the fees for its Police Department to participate in prostitution and CSAM stings. These activities included meetings with the FBI and other law enforcement agencies to plan for Operation Cross Country. This is an annual effort focused on combatting underage human trafficking. Tukwila was one of eight Washington cities to participate in the operation, which led to the recovery of five juveniles who were being sexually exploited.

Recommendations

In recent years, the public, law enforcement agencies, and the Legislature have paid increasing attention to sexual exploitation crimes. We have a greater understanding about how prevalent and insidious commercial sexual abuse of minors (CSAM) is in our communities. Moreover, many jurisdictions are beginning to target the buyers of commercial sex rather than those being exploited, as they recognize that these are not “victimless crimes.”

The higher number of arrests and convictions in SFY 2017 reflects this focus. Law enforcement agencies and prosecutors are working diligently to combat trafficking and sexual exploitation, largely by conducting internet-based stings to intervene and interrupt CSAM and prostitution.

However, courts are lagging behind these efforts when it comes to ordering defendants to pay the amounts required by statutes for these crimes. This year, the assessed penalty fees were just 31 percent of the potential total, a lower amount than that of the preceding three years.

While Commerce has no immediate policy recommendations for lawmakers to consider this year, we believe that further research and judicial outreach, as described below, will lead to a better understanding of gaps in the program’s implementation that could lead to recommendations in a future report.

Research

More research is required to determine why judges are not ordering the penalty fees. The Administrative Office of the Courts (AOC) amends the fee schedules every year after the Legislature passes laws and amends criminal statutes. Research would reveal whether judges do not know about the fees, or whether they are choosing to forego levying the penalties, and if so, for what reasons.

Judicial Outreach

The results of the research effort described above should influence how AOC designs its outreach to judges. Once an outreach plan is developed, the AOC should contact judges in both superior courts and courts of limited jurisdiction to inform them about the requirements for the fees described in this report.

Appendix A: Distribution of Criminal Penalty Fees

Trafficking, Prostitution, and Commercial Sexual Exploitation Crimes: Dispersal of Penalty Fines and Revenue from Seized Property under Washington State Statutes



Statute	Additional Penalty Amount	Statute Providing Additional Penalty	How Fines Must Be Used
9A.40.100 – Trafficking	\$10,000 (not deposited into PPIA)	9A.40.100	<p>Local Prevention Efforts and Victims' Services: At least 50 percent of the revenue must be spent on prevention, including education programs for offenders, such as job school, and rehabilitative services for victims, such as mental health and substance abuse counseling, parenting skills, training, housing relief, education, vocational training, drop-in centers, and employment counseling.</p> <p>Local Law Enforcement: Up to 48 percent must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws.</p> <p>Prostitution Prevention and Intervention Account (PPIA): Two percent of the revenue shall be remitted quarterly to the Dept. of Commerce, together with a report detailing the fines assessed, the revenue received, and how that revenue was spent. (Does not apply to 9A.40.100, Trafficking.)</p>
9.68A.100 – Commercial sexual abuse of a minor (CSAM)	\$5,000	9.68A.105	
9.68A.101 – Promoting CSAM	\$5,000 (all deposited to PPIA)	9.68A.106	
9.68A.102 – Promoting travel for CSAM	\$50		
9.68A.106 – internet advertisement related to CSAM	\$50		
9A.88.010 – Indecent exposure	\$1,500 for 1 st offense		
9A.88.030 – Prostitution	\$2,500 for 2 nd offense		
9A.88.090 – Permitting prostitution	\$5,000 for 3 rd or greater offense		
9A.88.110 – Patronizing a prostitute	\$3,000 for 1 st offense	9A.88.120	
9A.88.070 – Promoting prostitution in the 1 st degree	\$6,000 for 2 nd offense		
9A.88.080 – Promoting prostitution in the 2 nd degree	\$10,000 for 3 rd or greater offense		
9A.88.140 – Vehicle impoundment fine:			
9A.88.110 – Patronizing a prostitute	\$500	9A.88.140	
9A.88.070 – Promoting Prostitution in the 1 st degree			
9A.88.080 – Promoting Prostitution in the 2 nd degree			
9A.88.085 – Promoting travel for prostitution			
9A.88.140 – Vehicle impoundment fine:			
9.68A.100 – CSAM	\$2,500		
9.68A.101 – Promoting CSAM			
9.68A.102 – Promoting travel for CSAM			
Statute	How Proceeds Must Be Used (effective June 12, 2014)		
Proceeds from seized property:	<p>Dispersal of Proceeds from Seized Property: 90% shall be used by the seizing law enforcement agency for the expenses of the investigation and seizure. Remaining funds shall be used to enforce the provisions of 9A.88 RCW or 9.68A RCW.</p> <p>Prostitution Prevention and Intervention Account: By January 31st of each year, each seizing agency shall remit to the state treasurer 10% of the net proceeds of any property forfeited during the preceding calendar year. Money remitted shall be deposited in the Prostitution Prevention and Intervention Account, managed by the Dept. of Commerce.</p>		
9.68A.120 – Child pornography			
9.68A.100 – CSAM			
9.68A.101 – Promoting CSAM			
9A.88.070 – Promoting prostitution in the 1 st degree			

Appendix B: Courts with Convictions for Applicable Charges

Table 7: Courts with Convictions for Applicable Charges – SFY 2017

Court	County	Convictions for Applicable Charges	Fees Assessed	Fees Collected
Aberdeen Municipal Court	Grays Harbor County	2	\$50	-
Adams County District Court	Adams County	2	-	-
Asotin County District Court	Asotin County	1	-	-
Asotin County Superior Court	Asotin County	1	-	-
Bellingham Municipal Court	Whatcom County	2	-	\$1,480
Benton County District Court	Benton County	10	-	-
Benton County Superior Court	Benton County	6	-	-
Bothell Municipal Court	King County	2	-	-
Bremerton Municipal Court	Kitsap County	5	-	-
Burlington Municipal Court	Skagit County	2	-	-
Camas Municipal Court	Clark County	1	\$50	\$50
Centralia Municipal Court	Lewis County	2	-	-
Chelan County District Court	Chelan County	0	\$3,000	\$371
Clallam County District Court No. 1	Clallam County	3	-	-
Clark County District Court	Clark County	7	\$150	\$100
Clark County Superior Court	Clark County	9	\$5,000	\$65
Cowlitz County District Court	Cowlitz County	4	-	-
Cowlitz County Superior Court	Cowlitz County	7	-	-
Des Moines Municipal Court	King County	1	\$50	\$382
Edmonds Municipal Court	Snohomish County	4	\$117	-
Everett Municipal Court	Snohomish County	4	-	-
Evergreen District Court	Snohomish County	1	-	-
Federal Way Municipal Court	King County	8	\$4,650	\$8,058
Fife Municipal Court	Pierce County	1	\$50	-
Franklin County Superior Court	Franklin County	6	-	-
Grant County District Court	Grant County	3	-	-
Grant County Superior Court	Grant County	1	-	-
Grays Harbor County District Court	Grays Harbor County	2	\$1,500	\$2,250
Grays Harbor County Superior Court	Grays Harbor County	1	-	-
Island County District Court	Island County	1	\$50	\$58
Jefferson County District Court	Jefferson County	2	-	-
Jefferson County Superior Court	Jefferson County	0	-	\$9
Kent Municipal Court	King County	7	\$6,500	\$9,934
King County District Court*	King County	8	\$24,317	\$15,998

Court	County	Convictions for Applicable Charges	Fees Assessed	Fees Collected
King County Superior Court**	King County	82	\$34,834	\$16,701
Kirkland Municipal Court	King County	1	-	\$243
Kitsap County District Court	Kitsap County	11	\$4,683	\$3,210
Kitsap County Superior Court	Kitsap County	18	\$8,000	\$81
Kittitas County Superior Court	Kittitas County	1	-	-
Lakewood Municipal Court	Pierce County	3	-	-
Lewis County Superior Court	Lewis County	3	-	-
Lynnwood Municipal Court	Snohomish County	5	-	-
Marysville Municipal Court	Snohomish County	2	\$50	\$50
Mason County Superior Court	Mason County	1	-	-
Monroe Municipal Court	Snohomish County	1	-	-
Mount Vernon Municipal Court	Skagit County	1	-	-
Okanogan County District Court	Okanogan County	2	\$50	-
Olympia Municipal Court	Thurston County	1	-	-
Pasco Municipal Court	Franklin County	19	-	-
Pierce County District Court No. 1	Pierce County	7	-	-
Pierce County Superior Court	Pierce County	69	\$32,971	\$4,331
Puyallup Municipal Court	Pierce County	1	-	-
Renton Municipal Court	King County	7	\$50	-
San Juan County District Court	San Juan County	1	-	-
SeaTac Municipal Court	King County	4	\$2,150	\$2,513
Selah Municipal Court	Yakima County	1	-	-
Seattle Municipal Court	King County	68	\$103,750	\$74,394
Shelton Municipal Court	Mason County	1	-	-
Skagit County Superior Court	Skagit County	1	-	-
Snohomish County South District Court	Snohomish County	5	-	\$486
Snohomish County District Court Everett	Snohomish County	2	-	-
Snohomish County Superior Court	Snohomish County	3	-	-
Spokane County District Court	Spokane County	7	\$1,500	-
Spokane County Superior Court	Spokane County	5	\$4,500	\$90
Spokane Municipal Court	Spokane County	9	-	-
Stevens County Superior Court	Stevens County	2	-	-
Stevenson Municipal Court	Pierce County	1	\$20	-
Tacoma Municipal Court	Pierce County	7	-	-
Thurston County Superior Court	Thurston County	4	-	-
Tukwila Municipal Court	King County	0	\$9,700	\$4,700

Court	County	Convictions for Applicable Charges	Fees Assessed	Fees Collected
Whatcom County District Court	Whatcom County	0	\$3,300	-
Whatcom County Superior Court	Whatcom County	2	-	-
Whitman County District Court	Whitman County	1	-	-
Whitman County Superior Court	Whitman County	2	-	-
Yakima County District Court	Yakima County	1	-	-
Yakima County Superior Court	Yakima County	6	-	-
Yakima Municipal Court	Yakima County	6	\$1,600	\$9
TOTAL		490	\$252,642	\$145,563

Sources: The Washington State Patrol, AOC, King County Superior Court, and Seattle Municipal Court.

* King County District Court contracts with a number of other jurisdictions' courts and handles the fee collection on their behalf. Therefore, the amounts for King County District Court include those for Auburn, Bellevue, Redmond, Shoreline, and Woodinville municipal courts.

** In keeping with statutory requirements, King County Superior Court transfers the fees it collects back to the jurisdictions where the offense occurred. During this reporting period, King County Superior Court transferred fees to the cities of Bellevue, Kent, Renton, and Seattle.