

Criminal Penalty Fees Related to Sexual Exploitation Crimes



2020 REPORT PURSUANT TO RCW 43.280.100

**COMMUNITY SERVICES AND
HOUSING DIVISION**

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REPORT TO THE LEGISLATURE

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Executive Summary

Overview

In 2013, the Washington State Legislature passed [Chapter 121, Laws of 2013 \(ESHB 1291\)](#), which levied additional fees on the crime of commercial sexual abuse of a minor (CSAM) and other sexual exploitation crimes. The fees, ordered on persons convicted of crimes, are in addition to other criminal penalties, including statutory fines and jail time. Local jurisdictions retain most of the revenue from these fees to fund preventive 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 cannot pay. Courts may not entirely waive any of the fees.

The bill directed the Washington State Department of Commerce (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 43.280.100]."

The three statutes listed above levy fees on convictions related to prostitution and the commercial sexual exploitation of children. The specifics of these fees are discussed in more detail in Table 1: Statutes Modified by Chapter 121, Laws of 2013 (see page 4).

This report, for state fiscal year 2020, is the seventh annual report prepared by Commerce on the fee revenue and expenditures related to this set of crimes. See the Introduction for the full statutory requirement for this report.

Key Findings

In state fiscal year 2020:

- In total, courts assessed \$223,295 in fees, but the total amount of fees collected was only \$98,345.
- Law enforcement officers made 120 fewer arrests for sexual exploitation crimes compared to state fiscal year 2019. Also, there were 119 fewer convictions for such crimes compared to state fiscal year 2019.
- Just over half (51%) of the courts that handed down convictions for sexual exploitation crimes levied the required fees.
- On balance, Washington state courts levied 71% of the total amount of penalty fees possible for convictions of sexual exploitation crimes. However, most of the amounts levied were in King County. Excluding King County, Washington state courts levied only 5% of the total amount of penalty fees possible for convictions of sexual exploitation crimes.
- As in the prior six years, courts in King County both levied and collected most of the fees – 96% and 92% of the totals, respectively.

Conclusions

As in recent years, it does not appear that courts are ordering persons convicted of crimes to pay the amounts that statutes require for their crimes. It is beyond the scope of this report to investigate why many courts are not imposing these fees. Further research and judicial outreach could lead to a better understanding of why courts do not consistently levy the fees.

Introduction

Background on Revenue Collection

The three statutes listed under RCW 43.280.100 (RCW 9.68A.105, 9A.88.120, or 9A.88.140) 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 jail time. Courts levy the fees on persons convicted of crimes who have entered into a statutory or non-statutory diversion agreement¹ because of arrests 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% of the revenue on prevention and rehabilitation services for victims. Prevention includes education programs for persons convicted of crimes, such as "john school," which provides a curriculum on the sexual exploitation of women, legal ramifications, and confronting and healing from sexual addiction. Rehabilitative services for victims include 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% 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 it was spent.

Judges may reduce some of the fees if the court finds, on the record, that the offender cannot 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 used in the commission of a commercial sexual abuse of a minor (CSAM) crime or prostitution-related crime or if other conditions are met. The owner must pay the fee before redeeming the vehicle. Defendants found not guilty of crimes are entitled to a refund of the fee.

¹ RCW 9A.88.120 defines statutory or non-statutory agreement as an agreement under RCW 13.40.080 or any written agreement between a person accused of an offense and a court, county, or city prosecutor, whereby the person agrees to fulfill certain conditions in lieu of prosecution.

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

| Statute | Additional Penalty Amount | | Crimes to Which Penalty Applies | Amount by Which Penalty Can be Reduced |
|-----------|-----------------------------|----------|---|---|
| 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 | The court may not reduce, waive, or suspend the payment of all or part of the fee assessed unless it finds, on the record, that the adult offender cannot pay, in which case it may reduce the fee by an amount of up to two-thirds of the maximum allowable fee. |
| 9A.88.120 | \$50 | | 9A.88.010 – Indecent exposure | |
| | \$50 | | 9A.88.030 – Prostitution | |
| | 1st offense | \$1,500 | 9A.88.090 – Permitting prostitution 9A.88.110 – Patronizing a prostitute | |
| | 2nd offense | \$2,500 | | |
| | 3rd and subsequent offenses | \$5,000 | | |
| | 1st offense | \$3,000 | 9A.88.070 – Promoting prostitution in the first degree 9A.88.080 – Promoting prostitution in the second degree | |
| | 2nd offense | \$6,000 | | |
| | 3rd and subsequent offenses | \$10,000 | | |
| 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 | May not be waived or reduced |
| | \$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 state fiscal year 2020, 55 courts in Washington handed down convictions for the crimes that bear the additional penalty fee. Of these, 26 courts – just 47% of the total – levied the statutorily required fees. This discrepancy indicates that many Washington courts are not assessing the fees or are levying only a fraction of what they could.

- Kitsap County had 15 convictions for offenses ranging from indecent exposure to commercial sexual abuse of a minor (CSAM). If judges had levied all of the fees possible, it would have totaled \$13,600. However, only \$300 in fees were imposed on persons convicted of crimes.
- King County Superior Court, which levies and collects far more than most courts, assessed near the maximum possible amount of fees in state fiscal year 2020.
- Pierce County Superior Court had eight convictions for the crime of CSAM, each of which carries a \$5,000 fee. Given all convictions for Pierce County Superior Court, the maximum possible collection would be \$76,950. However, the court only levied \$5,000 in total for all cases in state fiscal year 2020.
- Franklin County Superior Court had two convictions for CSAM, for a total of \$10,000 in possible fees, but did not levy any amount at all.
- Spokane County Superior Court had two convictions of promoting prostitution in the second degree, a possible total of \$6,000, but levied only \$500.

Overall, courts assessed 71% of the total possible fee amount – \$223,395 out of a potential \$318,100. As in the previous six years, courts in King County both levied and collected most of the fees. Therefore, excluding King County, other Washington courts assessed 5% of the total possible fee amount - \$9,906 out of a potential \$189,600. It is beyond the scope of this report to investigate why many courts are not imposing these fees.

Table 2 lists the number of arrests and convictions for the relevant crimes, the maximum possible fees that could be assessed, the actual fees assessed and the fees collected for each county in Washington. The maximum possible fees Appendix B contains a complete list of all courts that imposed convictions for the applicable crimes, the amounts assessed, and the amounts collected.

Table 2: Arrests, Convictions and Fees by County - State Fiscal Year 2020

| County | Arrests for Applicable Charges | Convictions for Applicable Charges | Maximum Possible Fees | Fees Assessed | Fees Collected |
|----------|--------------------------------|------------------------------------|-----------------------|---------------|----------------|
| Asotin | 2 | 0 | \$0 | \$0 | \$0 |
| Benton | 12 | 0 | \$0 | \$0 | \$0 |
| Chelan | 4 | 0 | \$0 | \$1,500 | \$2,129 |
| Clallam | 12 | 0 | \$0 | \$0 | \$0 |
| Clark | 52 | 0 | \$0 | \$0 | \$469 |
| Columbia | 1 | 0 | \$0 | \$0 | \$0 |

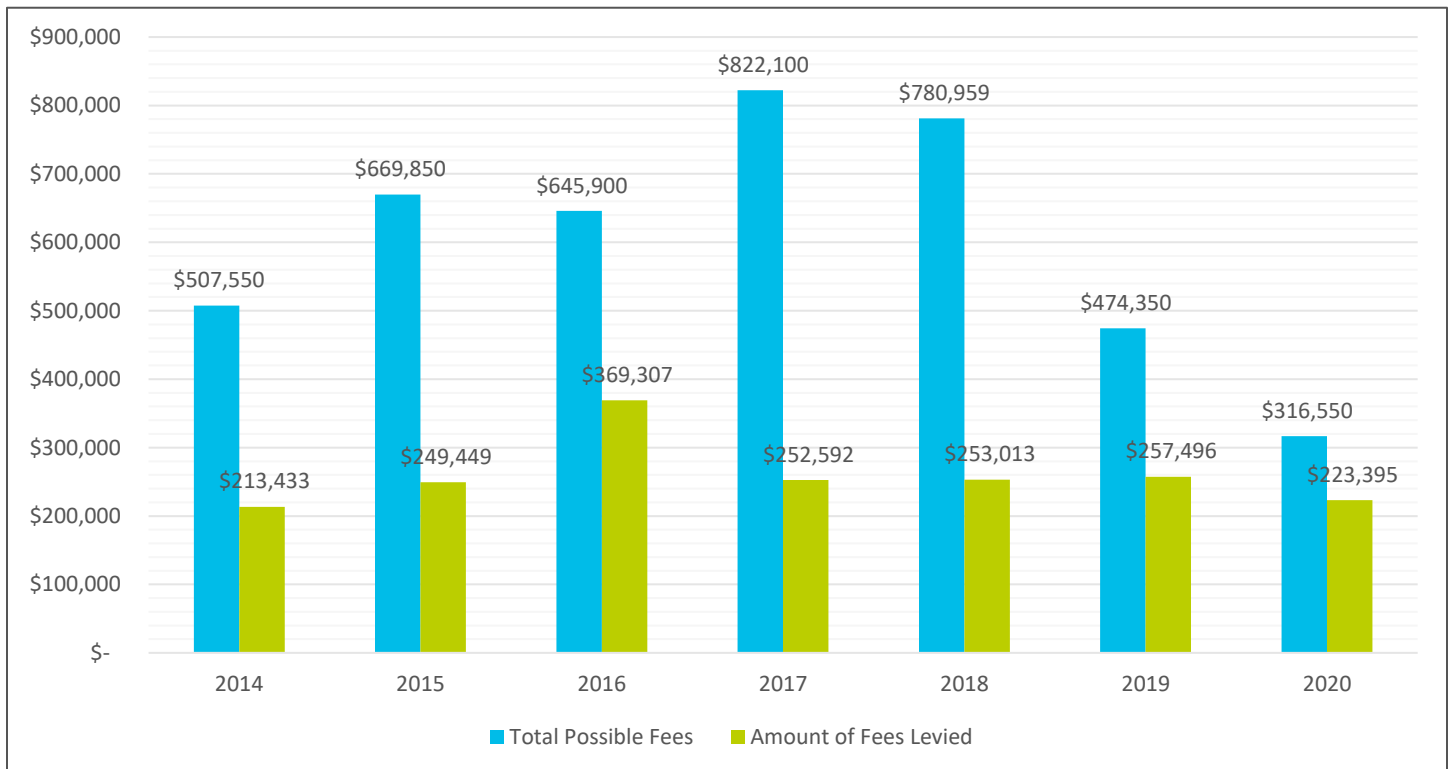
| County | Arrests for Applicable Charges | Convictions for Applicable Charges | Maximum Possible Fees | Fees Assessed | Fees Collected |
|--------------|--------------------------------|------------------------------------|-----------------------|---------------|----------------|
| Cowlitz | 22 | 0 | \$0 | \$0 | \$0 |
| Franklin | 17 | 4 | \$30,000 | \$0 | \$0 |
| Garfield | 0 | 1 | \$50 | \$0 | \$0 |
| Grant | 1 | 1 | \$50 | \$0 | \$0 |
| Grays Harbor | 25 | 2 | \$100 | \$1,517 | \$504 |
| Island | 3 | 1 | \$50 | \$0 | \$11 |
| Jefferson | 2 | 0 | \$0 | \$0 | \$0 |
| King | 403 | 87 | \$126,950 | \$213,389 | \$90,037 |
| Kitsap | 17 | 15 | \$13,600 | \$300 | \$239 |
| Kittitas | 4 | 2 | \$100 | \$0 | \$0 |
| Klickitat | 2 | 0 | \$0 | \$0 | \$0 |
| Lewis | 5 | 12 | \$600 | \$50 | \$0 |
| Mason | 2 | 1 | \$50 | \$0 | \$0 |
| Okanogan | 3 | 3 | \$150 | \$17 | \$15 |
| Pierce | 112 | 50 | \$117,800 | \$5,840 | \$4,138 |
| San Juan | 1 | 0 | \$0 | \$0 | \$0 |
| Skagit | 37 | 8 | \$8,300 | \$0 | \$0 |
| Skamania | 2 | 0 | \$0 | \$0 | \$0 |
| Snohomish | 87 | 16 | \$3,700 | \$33 | \$0 |
| Spokane | 92 | 13 | \$8,000 | \$500 | \$777 |
| Stevens | 0 | 1 | \$50 | \$0 | \$0 |
| Thurston | 32 | 7 | \$6,250 | \$20 | \$0 |
| Walla Walla | 6 | 1 | \$50 | \$0 | \$0 |

| County | Arrests for Applicable Charges | Convictions for Applicable Charges | Maximum Possible Fees | Fees Assessed | Fees Collected |
|--------------|--------------------------------|------------------------------------|-----------------------|------------------|-----------------|
| Whatcom | 18 | 5 | \$250 | \$0 | \$0 |
| Whitman | 0 | 0 | \$0 | \$0 | \$27 |
| Yakima | 35 | 9 | \$450 | \$130 | \$0 |
| TOTAL | 1011 | 239 | \$316,550 | \$223,295 | \$98,345 |

The total amount of potential fees is determined by calculating the convictions for each crime category. It is worth noting that, in certain jurisdictions, the fees assessed exceed the maximum possible fees because the maximum possible fees calculations only consider first offenses. Based on the courts' data, it is not known how many cases are second, third or greater offenses. Therefore, in instances where the fee assessed is greater than the maximum fee, we can assume some of the cases are second or more offenses. Also, in instances where the fees collected exceed the fees assessed, these fees are being collected on assessments from previous years.

Figure 1 illustrates the total amount of potential fees compared to the actual amount the courts levied.

Figure 1: Amounts Levied as a Percentage of Total Potential Fees



Sources: The Administrative Office of the Courts, Washington State Patrol, King County Superior Court, and Seattle Municipal Court.

Background on Fees and Payments

Many people convicted of crimes do not pay fees all at once but instead, enter into payment plans with the court. As they pay off the fees, court clerks code them into the Judicial Information System (JIS) and Odyssey system most courts in Washington use. Therefore, revenue from fees can be greater during a given year than the 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 Odyssey and informing courts about which codes to use. AOC codes data in these systems to the fund account, rather than 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 guidelines 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, use municipal codes for misdemeanor offenses that effectively replace the applicable state statute for that crime in the city's data system. Therefore, the researchers for this report obtained data from the Seattle Municipal Court on arrests, cases, and convictions for crimes committed within the city of Seattle.

Because the applicable crimes include both misdemeanors and felonies, the courts affected 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 use JIS or Odyssey. Additionally, some municipal courts contract with their county district courts to collect fees on their behalf. For instance, King County District Court contracts with 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 King County District Court data.

Crime Rates

In state fiscal year 2020, law enforcement officers made 12% fewer arrests for sexual exploitation crimes compared to state fiscal year 2019. There was a sharp decrease in the number of convictions between state fiscal year 2019 (358) and state fiscal year 2020 (239), resulting in a 33% decrease.

Table 3 lists the number of arrests, cases, and convictions for these crimes. The table also includes the crime of trafficking that carries an additional \$10,000 penalty fee. However, the fee for trafficking is not subject to the same dispersal as those specified under RCW 9.68A.105, RCW 9A.88.120, and RCW 9A.88.140.

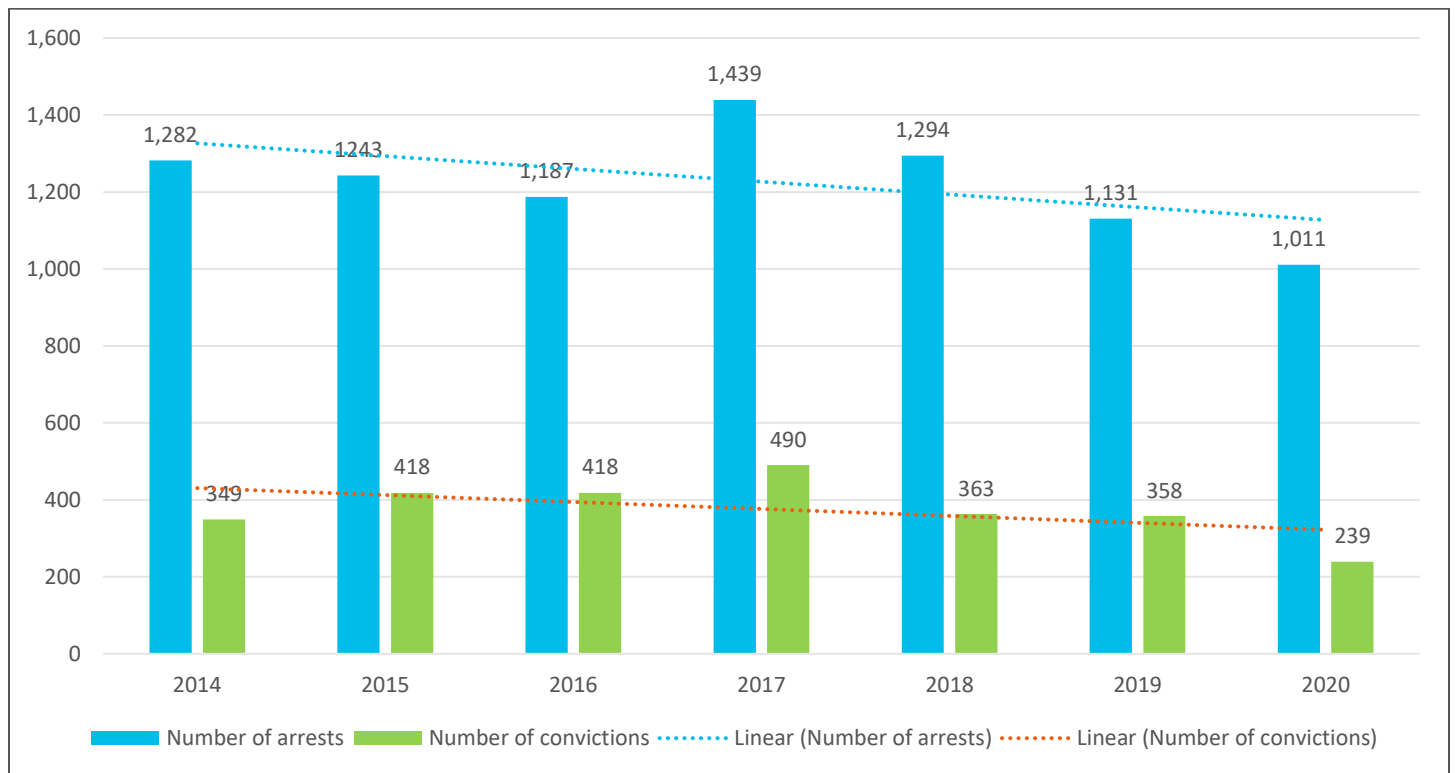
Table 3: Statewide Arrests and Convictions Per-Crime - State Fiscal Year 2020

| Statute | Charge | Number of Arrests | Number of Convictions |
|--------------|---|-------------------|-----------------------|
| 9.68A.100 | Commercial Sexual Abuse of a Minor (CSAM) | 74 | 15 |
| 9.68A.101 | Promoting Commercial Sexual Abuse of a Minor | 20 | 4 |
| 9.68A.102 | Promoting Travel for Commercial Sexual Abuse of a Minor | 16 | 0 |
| 9.68A.103 | Permitting Commercial Sexual Abuse of a Minor | 0 | 0 |
| 9A.40.100 | Trafficking | 32 | 7 |
| 9A.88.010 | Indecent Exposure | 524 | 143 |
| 9A.88.030 | Prostitution | 64 | 9 |
| 9A.88.070 | Promoting Prostitution in the First Degree | 21 | 9 |
| 9A.88.080 | Promoting Prostitution in the Second Degree | 27 | 27 |
| 9A.88.085 | Promoting Travel for Prostitution (Vehicle Impoundment) | 0 | 0 |
| 9A.88.090 | Permitting Prostitution | 0 | 3 |
| 9A.88.110 | Patronizing a Prostitute | 233 | 22 |
| Total | | 1,011 | 239 |

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

The relatively high number of arrests for trafficking – 32 – compared to the seven convictions suggests that many of these cases are instead prosecuted for the lesser charge of promoting prostitution. Also, 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, explaining why some charges have fewer arrests than convictions in state fiscal year 2020.

Figure 2: Statewide Totals of Arrests and Convictions - 2014 through 2020



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

How Jurisdictions Reported Expending the Funds

Overview

In state fiscal year 2020, 55 courts in Washington handed down convictions for the crimes that bear the additional fee. Of these courts, 28 (51%) levied the statutorily required fees. Twenty-two courts levied and collected revenue towards payment of the fees in state fiscal year 2020. An additional six courts collected revenue in 2020 but did not assess fees, which indicates the revenue was from persons convicted of crimes paying off fees levied in past years.

Thirteen courts reported \$100 or less collected during state fiscal year 2020 and were not surveyed. Researchers surveyed the 15 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 how they had been spent.

Of the 15 courts contacted, 13 responded to the survey. The following information lists how each jurisdiction described expending the funds.

Reports by Jurisdiction

Aberdeen Municipal Court

The city of Aberdeen has currently partnered with Beyond Survival in providing the organization slightly over \$300 in funds for a prostitution intervention that they will conduct in the future. The court administrator and a finance clerk will work together in distributing these funds.

Auburn Municipal Court

In Auburn, funds allocated to the police department are rolled into the general budget. Using general budget funds, the Auburn Special Investigation Unit completes various trainings and investigations with prostitution emphasis during the year and completes after-action reports.

Chelan County District Court

In the past, this funding was expended through funding school resource officers. In 2020, local police departments increased their school presence and assigned two school resource officers to dedicate most of their time in Wenatchee schools. The school resource officers spend a considerable amount of time on the prevention, training, and counseling of students and community members.

Des Moines Municipal Court

The Des Moines Municipal Court typically donates to the Genesis Project, a Seattle-based nonprofit organization that assists survivors of sex trafficking. The court usually donates several hundred dollars during October and November. It is unknown how the Des Moines Police Department spends its portion of these funds.

Federal Way Municipal Court

These funds are deposited into the city's general fund and directed to the Federal Way Police Department to assist in dealing with prostitution and trafficking crimes.

King County District Court

King County District Court assessed and collected revenue on behalf of King County and its partner cities, Auburn and Bellevue. Then, King County redistributes the appropriate funds back to its partner cities for the cities to spend. The use of funds by Auburn is described above, and Bellevue did not respond to surveying.

Kent Municipal Court

Kent Municipal Court allocated 50% of the \$30,000 in funds collected to Kent Youth and Family Services to fund a Commercially Sexually Exploited Children (CSEC) advocate. The police department spent 48% of the funds on sending officers and the CSEC advocate to the Western States Information Network Conference, overtime costs for officers working the prostitution/john stings, and costs of technology used in prostitution and trafficking-related operations.

Pierce County Superior Court

Pierce County used the criminal penalty fee funds to help fund enforcement of commercial sex laws through actions such as internet child sexual predator stings, a web portal to identify people charged with sexual crimes. The county also allocates some of these fee funds to the Family Justice Center to reduce and prevent teen sexual violence.

SeaTac Municipal Court

The court has not yet spent these funds and states that they are currently in its general fund balance.

Seattle Municipal Court

Of the \$5,000 collected in state fiscal year 2020, the Seattle Municipal Court allocated \$3,000 to the city's Prostitution Prevention Fund and \$2,000 to the Sex Industry Victim Fund.

Spokane County Superior Court

The Spokane County Superior Court could not provide information on how the funds from state fiscal year 2020 were spent. When writing this report, the Spokane Court is currently transferring to a new financial system, and the IT department is unable to fulfill a request for this information at this time.

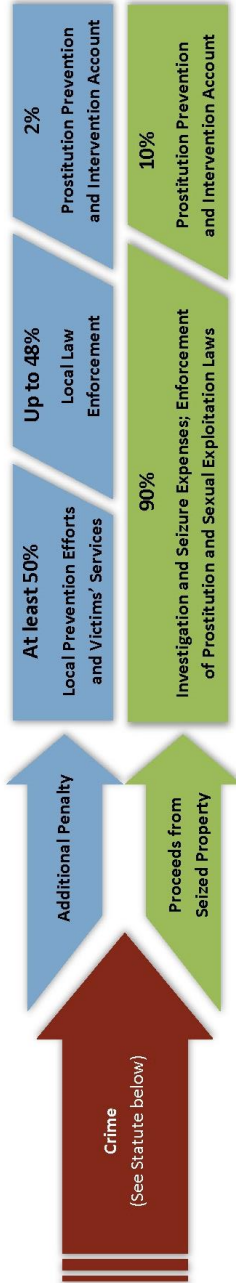
Tukwila Municipal Court

The Tukwila Municipal Court spent over \$20,000 of these funds for relevant police operations, including:

- Local undercover operations to identify and correct pre-prostitution actions
- Partnership with the Federal Bureau of Investigation to investigate the trafficking of minors
- John-targeted Regional Undercover Operation
- Local investigation into a Tukwila brothel
- In-person verification of registered sex offender/kidnapper address

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 | 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 John 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. |
| 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 | 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. |
| 9.68A.102 – Promoting travel for CSAM | \$50 | | |
| 9.68A.106 – Internet advertisement related to CSAM | \$50 | | 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.) |
| 9A.88.010 – Indecent exposure | \$1,500 for 1 st offense | | |
| 9A.88.030 – Prostitution | \$2,500 for 2 nd offense | | Prostitution Prevention and Intervention Account 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.) |
| 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.88.140 | Prostitution Prevention and Intervention Account 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.) |
| 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 | | Prostitution Prevention and Intervention Account 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.) |
| 9A.88.140 – Vehicle impoundment fine: | \$500 | | |
| 9A.88.110 – Patronizing a prostitute | \$2,500 | | Prostitution Prevention and Intervention Account 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.) |
| 9A.88.070 – Promoting Prostitution in the 1 st degree | \$500 | | |
| 9A.88.080 – Promoting Prostitution in the 2 nd degree | \$2,500 | | Prostitution Prevention and Intervention Account 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.) |
| 9A.88.085 – Promoting travel for prostitution | \$2,500 | | |
| 9A.88.140 – Vehicle impoundment fine: | \$2,500 | | Prostitution Prevention and Intervention Account 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.) |
| 9.68A.100 – CSAM | \$2,500 | | |
| 9.68A.101 – Promoting CSAM | \$2,500 | | Prostitution Prevention and Intervention Account 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.) |
| 9.68A.102 – Promoting travel for CSAM | \$2,500 | | |
| Statute | Additional Penalty Amount | Statute Providing Additional Penalty | How Fines Must Be Used |
| Proceeds from seized property: | Dispersal of Proceeds from Seized Property: | How Proceeds Must Be Used (effective June 12, 2014) | How Proceeds Must Be Used |
| 9.68A.120 – Child pornography | 90% shall be used by the seizing law enforcement agency for the expenses of the investigation and seizure. | | |
| 9.68A.100 – CSAM | Remaining funds shall be used to enforce the provisions of 9A.88 RCW or 9.68A RCW. | | |
| 9.68A.101 – Promoting CSAM | Prostitution Prevention and Intervention Account: | | |
| 9A.88.070 – Promoting prostitution in the 1 st degree | 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. | | |

Appendix B: Conviction and Fee Data by County

Table 4: Conviction, Fees Assessed and Fees Collected by Court

| Court | County | Convictions | Fees Assessed | Fees Collected |
|------------------------------------|--------------|-------------|---------------|----------------|
| ABERDEEN MUNICIPAL COURT | Grays Harbor | 1 | \$1,517 | \$504 |
| AUBURN MUNICIPAL COURT | King | 0 | \$3,100 | \$1,735 |
| BELLEVUE MUNICIPAL COURT | King | 0 | \$12,500 | \$4,840 |
| BELLINGHAM MUNICIPAL COURT | Whatcom | 4 | \$0 | \$0 |
| BOTHELL MUNICIPAL COURT | King | 1 | \$0 | \$0 |
| BREMERTON MUNICIPAL COURT | Kitsap | 1 | \$0 | \$0 |
| CENTRALIA MUNICIPAL COURT | Lewis | 8 | \$50 | \$0 |
| CHELAN COUNTY DISTRICT COURT | Chelan | 0 | \$1,500 | \$2,129 |
| CLARK COUNTY SUPERIOR COURT | Clark | 0 | \$0 | \$469 |
| DES MOINES MUNICIPAL COURT | King | 4 | \$20,050 | \$5,650 |
| ENUMCLAW MUNICIPAL COURT | King | 2 | \$0 | \$0 |
| EVERETT MUNICIPAL COURT | Snohomish | 3 | \$0 | \$0 |
| EVERGREEN DISTRICT COURT | Snohomish | 2 | \$0 | \$0 |
| FEDERAL WAY MUNICIPAL COURT | King | 1 | \$0 | \$1,653 |
| FIFE MUNICIPAL COURT | Pierce | 2 | \$0 | \$0 |
| FRANKLIN COUNTY SUPERIOR COURT | Franklin | 4 | \$0 | \$0 |
| GARFIELD COUNTY SUPERIOR COURT | Garfield | 1 | \$0 | \$0 |
| GRANT COUNTY DISTRICT COURT | Grant | 1 | \$0 | \$0 |
| GRAYS HARBOR COUNTY SUPERIOR COURT | Grays Harbor | 1 | \$0 | \$0 |
| ISLAND COUNTY DISTRICT COURT | Island | 1 | \$0 | \$11 |
| KENT MUNICIPAL COURT | King | 12 | \$62,800 | \$42,680 |

| Court | County | Convictions | Fees Assessed | Fees Collected |
|--------------------------------------|-----------|-------------|---------------|----------------|
| KING COUNTY DISTRICT COURT | King | 6 | \$100 | \$50 |
| KING COUNTY SUPERIOR COURT | King | 55 | \$109,339 | \$25,849 |
| KIRKLAND MUNICIPAL COURT | King | 1 | \$0 | \$0 |
| KITSAP COUNTY DISTRICT COURT | Kitsap | 6 | \$100 | \$39 |
| KITSAP COUNTY SUPERIOR COURT | Kitsap | 6 | \$100 | \$100 |
| LAKEWOOD MUNICIPAL COURT | Pierce | 5 | \$0 | \$0 |
| LEWIS COUNTY DISTRICT COURT | Lewis | 1 | \$0 | \$0 |
| LEWIS COUNTY SUPERIOR COURT | Lewis | 3 | \$0 | \$0 |
| LOWER KITTITAS COUNTY DISTRICT COURT | Kittitas | 2 | \$0 | \$0 |
| LYNNWOOD MUNICIPAL COURT | Snohomish | 4 | \$0 | \$0 |
| MARYSVILLE MUNICIPAL COURT | Snohomish | 3 | \$0 | \$0 |
| MASON COUNTY DISTRICT COURT | Mason | 1 | \$0 | \$0 |
| MOUNT VERNON MUNICIPAL COURT | Skagit | 3 | \$0 | \$0 |
| OKANOGAN COUNTY DISTRICT COURT | Okanogan | 3 | \$17 | \$15 |
| OLYMPIA MUNICIPAL COURT | Thurston | 2 | \$0 | \$0 |
| PIERCE COUNTY DISTRICT COURT NO 1 | Pierce | 5 | \$840 | \$0 |
| PIERCE COUNTY SHERIFFS OFFICE | Pierce | 1 | \$0 | \$0 |
| PIERCE COUNTY SUPERIOR COURT | Pierce | 33 | \$5,000 | \$4,138 |
| POULSBO MUNICIPAL COURT | Kitsap | 2 | \$100 | \$100 |
| PUYALLUP MUNICIPAL COURT | Pierce | 3 | \$0 | \$0 |
| RENTON MUNICIPAL COURT | King | 2 | \$0 | \$0 |
| SEATTLE MUNICIPAL COURT | King | 2 | \$5,000 | \$5,000 |
| SEATAC MUNICIPAL COURT | King | 0 | \$0 | \$430 |

| Court | County | Convictions | Fees Assessed | Fees Collected |
|---|-------------------------|-------------|------------------|-----------------|
| SKAGIT COUNTY DISTRICT COURT | Skagit | 1 | \$0 | \$0 |
| SKAGIT COUNTY SUPERIOR COURT | Skagit | 4 | \$0 | \$0 |
| SNOHOMISH COUNTY DISTRICT COURT | Snohomish | 1 | \$17 | \$0 |
| SNOHOMISH COUNTY DISTRICT COURT EVERETT | Snohomish | 1 | \$17 | \$0 |
| SNOHOMISH COUNTY SUPERIOR COURT | Snohomish | 2 | \$0 | \$0 |
| SPOKANE COUNTY DISTRICT COURT | Spokane | 4 | \$500 | \$50 |
| SPOKANE COUNTY SUPERIOR COURT | Spokane | 9 | \$0 | \$727 |
| STEVENS COUNTY DISTRICT COURT | Stevens | 1 | \$0 | \$0 |
| TACOMA MUNICIPAL COURT | Pierce | 1 | \$0 | \$0 |
| THURSTON COUNTY DISTRICT COURT | Thurston | 2 | \$20 | \$0 |
| THURSTON COUNTY SUPERIOR COURT | Thurston | 3 | \$0 | \$0 |
| TUKWILA MUNICIPAL COURT | King | 1 | \$500 | \$2,150 |
| WALLA WALLA COUNTY DISTRICT COURT | Walla Walla | 1 | \$0 | \$0 |
| WHATCOM COUNTY SUPERIOR COURT | Whatcom | 1 | \$0 | \$0 |
| WHITMAN COUNTY DISTRICT COURT | Whitman | 0 | \$0 | \$27 |
| YAKIMA COUNTY DISTRICT COURT | Yakima | 2 | \$0 | \$0 |
| YAKIMA MUNICIPAL COURT | Yakima | 7 | \$130 | \$0 |
| Total | 51 Jurisdictions | 239 | \$223,295 | \$98,345 |

Appendix C: King County's Approach

Most of the arrests and convictions for the crime of patronizing a prostitute (RCW 9A.88.110) and commercial sexual abuse of a minor (RCW 9.68A.100) take place in King County. Several law enforcement agencies in King County, including the city of Seattle, Kent, Bellevue, Des Moines, and Renton police departments, have policies to actively pursue those who buy sexual encounters from adults or children.

In 2014, King County launched a new approach to reduce the demand for prostitution by working to change the attitudes and behaviors of people arrested for patronization. Several law enforcement and prosecuting agencies within King County have changed their emphasis to pursue commercial sex buyers and the people who facilitate sex trafficking. This approach is based on the reality that past practices of arresting and prosecuting people in prostitution were not making the community any safer. Rather, punishing prostituted people resulted in the cycle of prostitution-related crime and sex trafficking persisting. Presently, law enforcement and prosecuting agencies are instead focusing on punishing those who seek out and facilitate the illegal interaction – the sex buyers, promoters, and traffickers.

Sex trafficking is a crime that disproportionately targets vulnerable youth across Washington state, including victims of child sexual abuse or youth in the foster care system. The crime disproportionately harms youth from marginalized racial backgrounds and sexual identities. Human traffickers and sex buyers exploit the vulnerabilities of youth by involving them in the sex trade. Across the U.S., the typical age of entry of youth being coerced into the sex trade is between 13 and 15 years old. In 2018, almost 200 youth between the ages of 11 and 24 were referred to services for youth experiencing commercial sexual exploitation in King County. Of those youth referred, 20% were between the ages of 11 and 14. These children and young adults experience repeated rapes, abuse, and other forms of violence at the hands of sex buyers and traffickers.

All through the process, these trafficking victims face many barriers to escaping the life of prostitution. Therefore, King County's approach emphasizes the prosecution of sex buyers and traffickers and connecting prostituted people to services. Program leaders assert that a reduction in demand will decrease harm to prostituted people, reduce buyers' self-destructive behaviors, and curb sex trafficking.

Over the past four years, the Ending Exploitation Collaborative (EEC) in King County marshaled a cross-sector transformation toward diverting sexual exploitation victims to services and holding sex buyers accountable. The EEC is a partnership of the Organization for Prostitution Survivors, the Washington State Attorney General's Office, the King County Prosecuting Attorney's Office, Seattle Against Slavery, Businesses Ending Slavery and Trafficking and the Center for Child and Youth Justice.

The EEC has changed norms and practices across sectors to confront the demand for commercial sex. For example, traffickers and sex buyers in King County are being arrested and prosecuted through pioneering approaches that have been recognized around the country. Following conviction, sex buyers in King County are required to complete an innovative and successful education program called "Stopping Sexual Exploitation." This program is based on social justice principles and personal transformation and is designed to help men understand their behavior and promote their own decisions not to buy sex. A significant portion of the buyer education program fees and the statutorily mandated fines assessed from buyers are directed to increase services that help victims of sex trafficking and sexual exploitation, including housing, treatment, and employment training.

The EEC also seeks to shift norms and practices by youth and adults through education and targeted interventions because of its belief that broader cultural and institutional norms influence the individual choice to buy sex. The EEC provides prevention education for youth in schools and adults at their places of work.

Because research indicates that 13% of calls to solicit sex originate from local businesses, and a peak time to solicit sex online is 2 p.m., employers have played an important role in educating employees and preventing illegal activity through the workplace.

Figures 3 and 4 illustrate how King County's arrests and convictions, respectively, compare to the numbers in the rest of the state.

Figure 3: Arrests for Patronization and Prostitution Crimes - SFY 2020

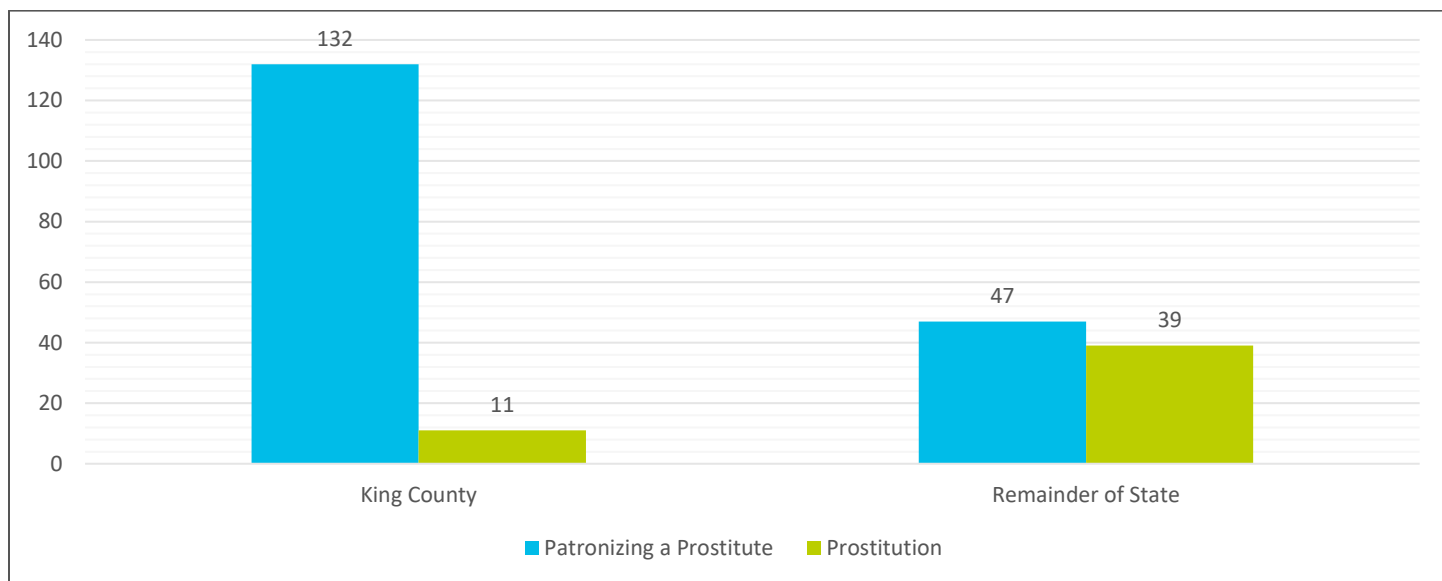


Figure 4: Convictions for Patronization and Prostitution Crimes - SFY 2020

