



**Department of Commerce**  
Innovation is in our nature.

## **Criminal Penalty Fines**

*Related to Prostitution and Commercial Sexual Abuse of Minors  
(Chapter 121, Laws of 2013)*

November 2014  
Report to the Legislature  
Brian Bonlender, Director

## Acknowledgements

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## Introduction

In 2013, the Washington State Legislature passed ESHB 1291. The law, Chapter 121, Laws of 2013, which relates to prostitution and the commercial sexual abuse of minors, directed the Department of 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 – 9.68A.105, 9A.88.120, and 9A.88.140 – levy additional fines onto convictions related to prostitution and the commercial sexual exploitation of children. The fines 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.

This report is the first annual report on the revenue and expenditures for fiscal year 2014.

**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

Of the fines collected by jurisdictions, Chapter 121, Laws of 2013 directs how the monies must be used.

- 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.
- 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.
- Two percent of the revenue shall be remitted quarterly to the Department of Commerce (Commerce), together with a report detailing the fines assessed, the revenue received, and how that revenue was spent.

## Methodology

Commerce's Office of Crime Victims Advocacy (OCVA) contracted with Commerce's Research Services to research and report on the fines collected and assessed during fiscal year 2014. Research Services' Alice Zillah, Research Policy Manager, staffs the Statewide Coordinating Committee on Sex Trafficking, also created by Chapter 121, Laws of 2013.

### **Outreach Efforts**

Beginning in spring 2014, Commerce focused efforts on distributing information about the requirements of the legislation to cities and counties.

As penalty fines are paid off, they are coded in the Judicial Information System (JIS) used by most courts in Washington. The Administrative Office of the Courts (AOC) establishes new codes in JIS and informs courts about which codes to use. Once the revenue is received and allocated 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. From there, the jurisdiction must decide which department, office or official is responsible for deciding how the funds should be spent, seeing that they are allocated according to the guidance established by the Legislature, and ensuring that the quarterly reports are sent to Commerce.

Initial investigation revealed that these processes were not consistent from one jurisdiction to the next, because of the differences in jurisdictions' sizes, governance, and degree of awareness about the requirements of the legislation. Therefore, Commerce utilized a variety of strategies to contact jurisdictions and help them understand their obligations in regards to the revenue.

Research Services developed a diagram of the statutes modified by Chapter 121, Laws of 2013, the crimes to which those statutes applied, and the uses for the fines collected (Appendix A). The diagram was distributed to statewide organizations representing local government, and the organizations were asked to share it with their members. For instance, one organization, the Association of Washington Cities, posted the diagram on its website and, through an online newsletter, invited members to familiarize themselves with the new requirements.

### **Court Data Request**

Starting in fall 2013, Research Services met with staff at the AOC to ensure that the fines were correctly coded in JIS, used by most courts in the state. 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 more serious crimes.

In July 2014, Research Services submitted a data dissemination request to AOC for fines assessed and collected during fiscal year 2014, by all courts. The information was provided shortly thereafter.

A research challenge emerged when it became clear that some jurisdictions were not listed in the data provided by the AOC. Certain courts, including the Seattle Municipal Court, do not utilize JIS. Therefore, it was necessary to contact those jurisdictions directly to obtain information on the fines assessed and collected. This effort was complicated by the fact that the AOC does not maintain a complete list of the courts across the state that do not use JIS and therefore would not appear in data sets provided by the agency. Additionally, some municipal courts contract with their county district court to collect fines 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 fines collected and assessed by those cities is conflated in the data for King County District Court.

### **Survey of Courts**

The data supplied by AOC indicated that 15 courts had assessed and/or collected the relevant fines. Seattle Municipal Court also assessed these fines, but was not represented in the data. Research Services sent an email to the court administrators of those courts, which read in part:

*The Department of Commerce is required to submit an annual report to the Legislature about criminal penalty fines collected by municipal, district and superior courts. These fines are levied on crimes related to prostitution and commercial sexual abuse of minors. RCW 43.280.100 (ESHB 1291, 2013) directs that:*

*(1) The Department of Commerce shall 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.*

*The first attached PDF, Criminal Penalty Fines for Trafficking, Prostitution and CSEC Crimes, illustrates the crimes that these penalties apply to and how the penalties are to be used. The second PDF, FY 2014 Fines-All Courts, was prepared by the Administrative Office of the Courts. It lists the amounts levied and collected by all courts for each month in FY 2014.*

*Please review the amounts listed for your court and confirm that they are in fact correct, and let me know how these funds were expended.*

Research Services made follow-up calls to the courts which did not respond initially. In most cases, it was necessary to speak with another department (for instance, the city or county treasurer, or the office of the prosecutor) to learn whether the funds had been allocated and if

so, what they had been spent on. All courts were responsive, although half reported that the funds had not yet been expended.

## Findings

During fiscal year 2014, a total of \$214,433 was assessed for the relevant crimes and of this \$108,146 was collected. It is not unusual for offenders to enter into a payment plan to pay off court fines over a period of months or even years. In addition, non-payment of legal financial obligations (known as LFOs) continues to be a problem faced by courts and the broader criminal justice system in Washington State. Table 2 shows the amounts assessed and collected by courts around the state.

Table 2: Fines Assessed and Collected in Fiscal Year 2014

Court	Assessed Amount of Fines	Revenue Received from Fines
Aberdeen Municipal Court	\$50	\$0
Black Diamond Municipal Court	\$50	\$50
Clark County District Court	\$800	\$500
Des Moines Municipal Court	\$50	\$50
Fife Municipal Court	\$650	\$50
Jefferson County Superior Court	\$0	\$11
Kent Municipal Court	\$8,300	\$7,092
King County District Court	\$1,850	\$56
King County Superior Court	\$104,083	\$55,052
Kirkland Municipal Court	\$3,500	\$2,311
Kitsap District Court	\$900	\$239
Seattle Municipal Court	\$77,700	\$39,313
Snohomish County Superior Court	\$1,000	\$0
SeaTac Municipal Court	\$7,550	\$2,998
Tukwila Municipal Court	\$200	\$0
Yakima Municipal Court	\$6,750	\$424
<b>TOTAL</b>	<b>\$213,433</b>	<b>\$108,146</b>

Sources: Administrative Office of the Courts and Seattle Municipal Court.

King County collected 51 percent of the statewide fines and the city of Seattle, 36 percent. Additional information is provided about those two jurisdictions on pages 8 and 9 of this report.

Table 3 shows the information provided by cities and counties about how the funds were allocated or spent.

**Table 3: How Jurisdictions Expended Fine Revenue**

Court	Revenue Received from Fines	How Jurisdictions Reported Expending Funds
Aberdeen Municipal Court	\$0	N/A
Black Diamond Municipal Court	\$50	The funds were used for public safety.
Clark County District Court	\$500	Funds were returned to the City of Vancouver where the arrests took place.
Des Moines Municipal Court	\$50	Funds have not yet been expended.
Fife Municipal Court	\$50	Funds have not yet been expended.
Jefferson County Superior Court	\$11	N/A
Kent Municipal Court	\$7,092	Funds have not yet been expended. Kent Police Department Commander Eric Hemmen reported that some funds may be provided to Catholic Community Services Transitional Housing.
King County District Court	\$56	Funds returned to jurisdictions where arrest took place; see more details in King County section of this report.
King County Superior Court	\$55,052	Funds returned to jurisdictions where arrest took place; see more details in King County section of this report.
Kirkland Municipal Court	\$2,311	Funds have not yet been expended.
Kitsap District Court	\$239	Funds have not yet been expended. Funds will be used by the Kitsap County Prosecutor's Office for their Prostitution Court Project.
Seattle Municipal Court	\$39,313	Funds have not been fully expended; see more details in Seattle section of this report.
Snohomish County Superior Court	\$0	N/A
SeaTac Municipal Court	\$2,998	Funds have not yet been expended.
Tukwila Municipal Court	\$0	N/A
Yakima Municipal Court	\$424	Funds have not yet been expended.

Source: Administrative Office of the Courts

Data in JIS is coded to the account to which funds are directed, rather than to the statute applicable to the crime. As a result, it is not possible to separate the funds by the offense committed. To get a sense of how many of these types of crimes are committed each year, Research Services obtained data on arrests and convictions from the Washington State Patrol. The AOC supplied data on the number of cases, which indicates a decision by a city or county prosecutor to press charges against an offender. Some cities, notably Seattle, have a municipal

code that is used for misdemeanor offenses and which effectively replaces the applicable statute for that crime in the city's data system. Therefore, data on arrests, cases and convictions for crimes committed within the city of Seattle was obtained from Seattle Municipal Court staff. Table 4 shows arrests, cases and convictions for each applicable charge, for fiscal year 2014.

**Table 4: Arrests, Cases and Convictions by Charge for Fiscal Year 2014**

Statute	Charge	Number of Arrests	Number of Cases	Number of Convictions
9.68A.100	Commercial Sexual Abuse of a Minor	46	40	10
9.68A.101	Promoting Commercial Sexual Abuse of a Minor	7	16	7
9.68A.102	Promoting Travel for Commercial Sexual Abuse of a Minor	1	0	0
9A.88.010	Indecent Exposure	460	439	169
9A.88.030	Prostitution	439	212	62
9A.88.070	Promoting Prostitution in the First Degree	33	9	12
9A.88.080	Promoting Prostitution in the Second Degree	43	65	48
9A.88.085	Promoting Travel for Prostitution	4	0	0
9A.88.090	Permitting Prostitution	0	0	0
9A.88.110	Patronizing a Prostitute	155	214	38
9A.88.140	Vehicle Impoundment Fee	0	0	0
<b>TOTAL</b>		<b>1,282</b>	<b>1,000</b>	<b>349</b>

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

Note: Data from the Seattle Municipal Court includes the charge of Prostitution Loitering within the category of Prostitution.

Because the new law addressed sex trafficking, Research Services looked into two other related crimes – trafficking and utilizing the Internet to facilitate the commercial sexual abuse of a minor (CSAM). Both crimes have additional criminal penalties – \$10,000 for trafficking and \$5,000 for using the Internet for CSAM. However, these fines are not subject to the same dispersal as those specified under 9.68A.105, 9A.88.120, and 9A.88.140, and jurisdictions are not obligated to report to Commerce on how they are expending the funds. Table 5 shows the number of arrests, cases, and convictions for these two crimes.

Table 5: Other Statutes of Interest for Fiscal Year 2014

Statute	Charge	Number of Arrests	Number of Cases	Number of Convictions
9A.40.100	Trafficking	94	5	3*
9.68A.106	Using the Internet for Commercial Sexual Abuse of a Minor	0	0	0
<b>TOTAL</b>		<b>94</b>	<b>5</b>	<b>3</b>

Sources: The Washington State Patrol provided data on arrests and convictions and the Administrative Office of the Courts provided data on cases.

\*Convictions for trafficking occurred in Clark, King, and Kitsap counties.

The relatively high number of arrests for trafficking, 94, compared to the low number of cases and convictions, indicates 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 charge of CSAM, also a felony, instead of a trafficking charge.

### Seattle’s Programs to Curb Commercial Sex

Half of the arrests statewide for patronizing a prostitute were made in the city of Seattle (78 out of 155 arrests in FY13). This is in part due to an expressed commitment from the Seattle Police Department to focus law enforcement efforts on arresting the buyers of commercial sex, rather than those being prostituted.

During the last five years, Seattle has instituted a number of programs to both curb commercial sexual exploitation and to assist victims and survivors. 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, the Seattle Human Services Department contracted with local providers to facilitate a Sex Industry Workers Class and a “john school” for those arrested for buying sex. 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.

During 2012 and 2013, the Seattle Human Services Department conducted an evaluation of both programs along with research on best practices among other jurisdictions. In 2014, the city 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.

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), an inter-departmental and 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 flexible dollars for clients 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.

### **King County's New Initiative to Curb Commercial Sex**

King County has recently 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 attorney's offices across King County, which are shifting their emphasis to pursue the buyers of commercial sex. The initiative is led by the Organization for Prostitution Survivors and the King County Prosecuting Attorney's Office.

Historically law enforcement has focused on arresting prostituted people, but this approach has been unsuccessful at reducing exploitation and doesn't address the demand that drives sex trafficking. Buyer Beware will target the websites that facilitate commercial sexual exploitation of both adults and children. According to King County Prosecuting Attorney Dan Satterberg, each day an estimated 27,000 men are actively soliciting sex online at one of over 100 websites in King County alone.

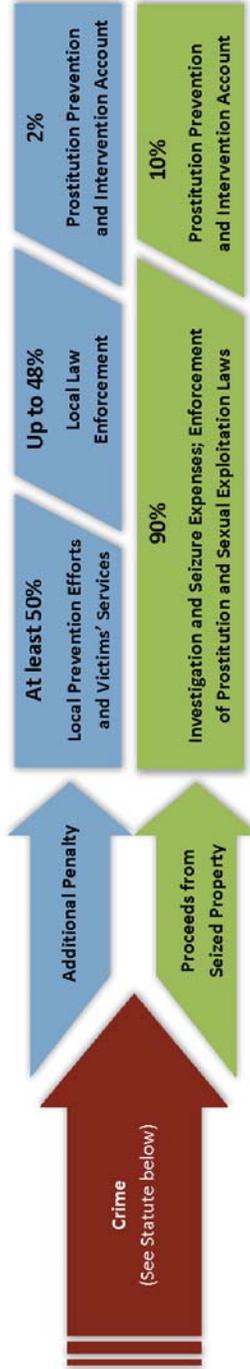
The campaign will deliver targeted advertising highlighting the harmful effects of sex buying and the penalties for getting caught directly to potential buyers online. Online testing by researchers at Arizona State University recently determined that in the city of Seattle alone there were an estimated 8,806 men soliciting sex on one website in a 24-hour period.

Another important element of the project is an innovative sex buyer's intervention program that will be a condition of sentencing for convicted sex buyers. The new model, "Stopping Sexual Exploitation: a Program for Men," is based on the most promising practices for preventing gender-based violence. The program is open to men who are self-referred as well as those who are referred by the courts.

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, Seattle Police Department, Des Moines Police Department, Kent Police Department, Federal Way Police Department, Bellevue Police Department, and Renton Police Department.

# Appendix A: Dispersal of Criminal Penalty Fines

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

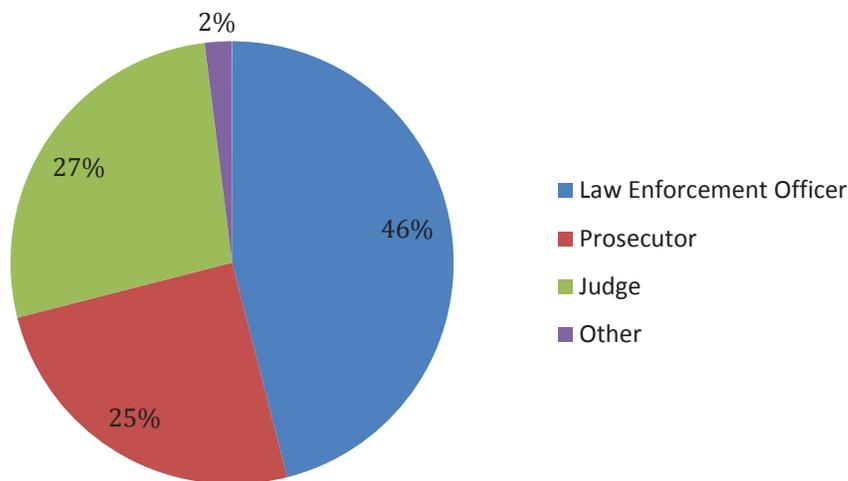


Statute	Additional Penalty Amount	Statute Providing Additional Penalty	How Fines Must Be Used
9A.40.100 – Trafficking	\$10,000 (not deposited into PPIA)	9A.40.100	Local Prevention Efforts and Victims' Services: At least 50 percent of the revenue must be spent on prevention, including education programs 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			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			
9.68A.106 – Internet advertisement related to CSAM	\$5,000 (all deposited to PPIA)	9.68A.106	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	\$50		
9A.88.030 – Prostitution	\$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.88.090 – Permitting prostitution	\$1,500 for 1 <sup>st</sup> offense \$2,500 for 2 <sup>nd</sup> offense \$5,000 for 3 <sup>rd</sup> or greater offense	9A.88.120	
9A.88.110 – Patronizing a prostitute	\$3,000 for 1 <sup>st</sup> offense \$6,000 for 2 <sup>nd</sup> offense \$10,000 for 3 <sup>rd</sup> or greater offense		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.88.070 – Promoting prostitution in the 1 <sup>st</sup> degree			
9A.88.080 – Promoting prostitution in the 2 <sup>nd</sup> degree			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.88.140 – Vehicle impoundment fine:			
9A.88.110 – Patronizing a prostitute	\$500		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.88.070 – Promoting Prostitution in the 1 <sup>st</sup> degree			
9A.88.080 – Promoting Prostitution in the 2 <sup>nd</sup> degree			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.88.085 – Promoting travel for prostitution			
9A.88.140 – Vehicle impoundment fine:			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.)
9.68A.100 – CSAM	\$2,500	9A.88.140	
9.68A.101 – Promoting CSAM			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.)
9.68A.102 – Promoting travel for CSAM			
<b>Statute</b>	<b>How Proceeds Must Be Used (effective June 12, 2014)</b>		
<b>Proceeds from seized property:</b>	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.		
9.68A.120 – Child pornography	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.		
9.68A.100 – CSAM			
9.68A.101 – Promoting CSAM			
9A.88.070 – Promoting prostitution in the 1 <sup>st</sup> degree			

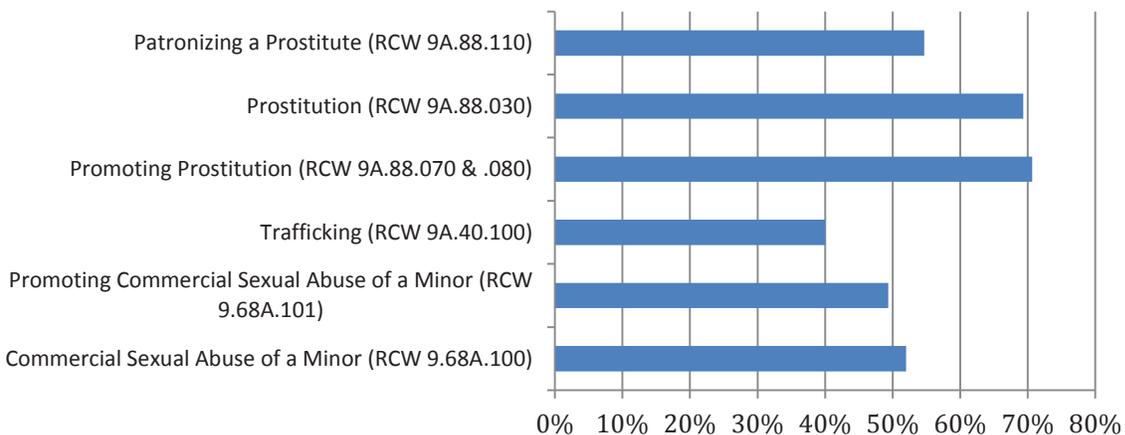
## Appendix B: Survey of Law Enforcement Officers, Prosecutors, and Judges

The Criminal Justice subcommittee of the Statewide Coordinating Committee on Sex Trafficking conducted an online survey to obtain information about the extent of awareness of the types of crimes addressed in this report, and of the corresponding criminal penalty fines. The survey was distributed to police agencies, city and county prosecutors, judges, and others involved in the criminal justice system in spring 2014. There were 100 respondents.

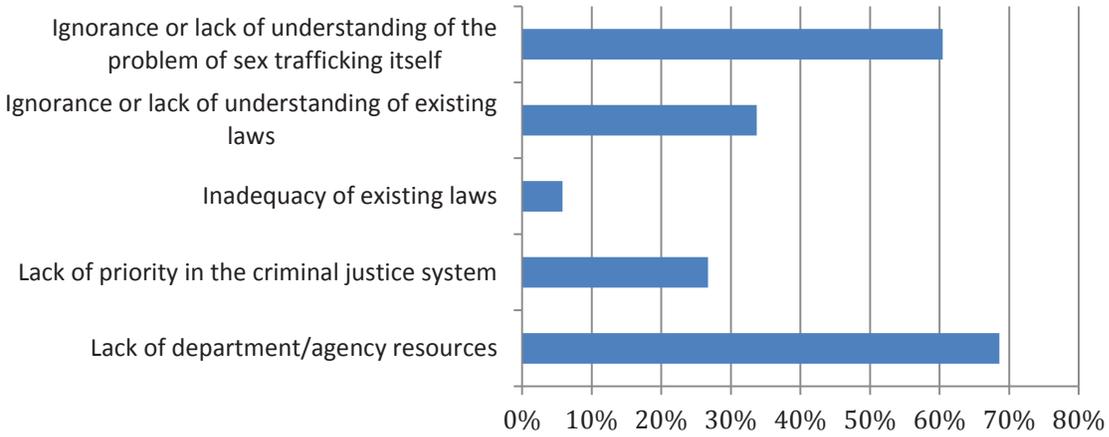
### 1. What is your role in the criminal justice system? (100 respondents)



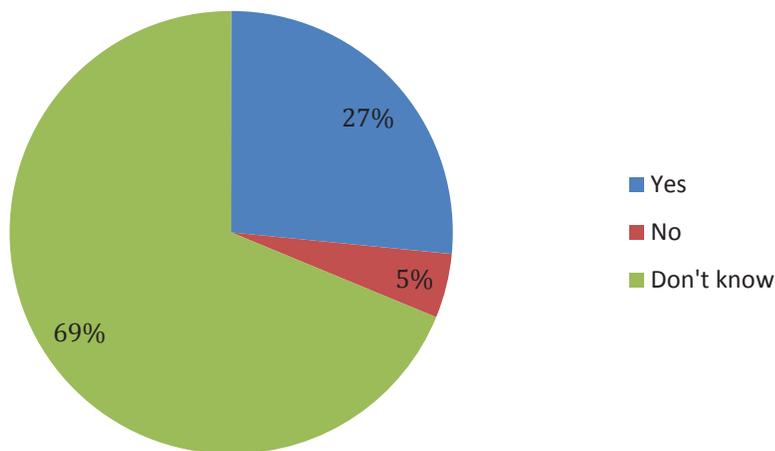
### 2. Which of the following crimes have you or your agency/office investigated/prosecuted/adjudicated? (Mark any/all that apply.) (75 respondents)



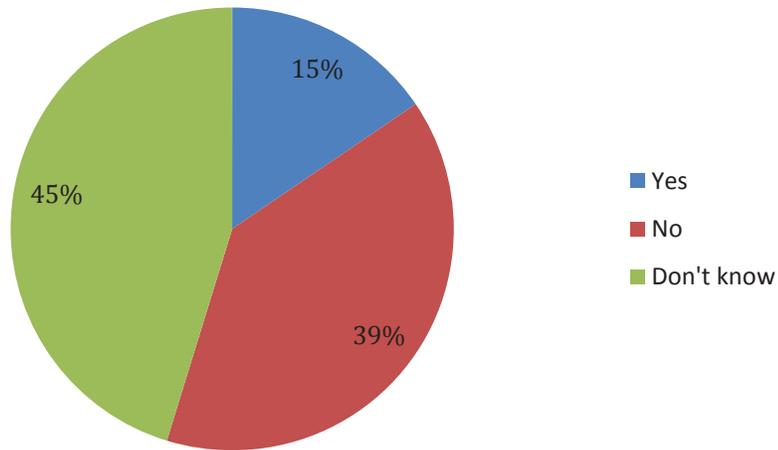
3. In your experience, what are the most significant impediments to enforcement of Washington’s sex trafficking laws? (Mark any/all that apply.) (86 respondents)



4. RCW 9.68A.105 and RCW 9A.40.100 require the Court to impose an additional fee in any case where a person is ultimately convicted based on an arrest for Commercial Sexual Abuse of a Minor, Promoting Commercial Sexual Abuse of a Minor, Promoting Travel for Commercial Sexual Abuse of a Minor, or Trafficking (unless the Court determines the defendant to be indigent in which case the fine may be reduced by up to 2/3). Do judges in your jurisdiction impose this fee as required? (64 respondents)



5. RCW 9.68A.120 states that any money or personal property constituting proceeds from Commercial Sexual Abuse of a Minor or Promoting Commercial Sexual Abuse of a Minor are subject to seizure and forfeiture by law enforcement. Have any agencies in your jurisdiction utilized this provision to seize money or personal property? (84 respondents)



6. Which investigative models are employed in your jurisdiction to combat trafficking? (Mark any/all that apply.)

