

ORDINANCE No.

120907

COUNCIL BILL No.

[REDACTED]

(114227)

advising Gillies

The City of

AN ORDINANCE relating to the illegal sex industry; setting the amount of the fee imposed for pretrial diversion of a prostitution-related offense, the proceeds of which would be used for the care and treatment of the victims of the illegal sex industry; amending SMC 12A.10.070; providing for forfeiture of any monies paid as part of the alleged violation to be used to support investigation and arrest of those who patronize the illegal sex industry; and amending Ordinance 116666.

Honorable President:

Your Committee on

to which was referred the within Council report that we have considered the

COMPTROLLER FILE No.

Introduced: <i>JUL 1 - 2002</i>	By: COMPTON
Referred: <i>JUL 1 - 2002</i>	To: Police, Corrections & Technology Committee
Referred: <i>AUG 12 2002</i>	To: FULL COUNCIL
Referred:	To:
Reported: <i>9/3/02</i>	Second Reading:
Third Reading:	Signed:
Presented to Mayor: <i>9/4/02</i>	Approved: <i>9/13/02</i>
Returned to City Clerk: <i>9/13/02</i>	Published: <i>Full City</i>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

_____ *Com*

_____ *Mc*

_____ *Du*

_____ *Full Council*

Law Department

Walter G. Galt

The City of Seattle--Legislative Department

Date Reported
and Adopted

REPORT OF COMMITTEE

to President:

submitted on _____

was referred the within Council Bill No. _____

that we have considered the same and respectfully recommend that the same:

Compton *aye*

McIver *aye* *abstain*

Dugan *aye*

Full Council vote 5-1 McIver

Department _____

Committee Chair _____

8/15/70
Final Note
Formally
with 10/1/70

(Signature)

ORDINANCE 126907

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3 AN ORDINANCE relating to the illegal sex industry; setting the amount of the fee imposed for pretrial
4 diversion of a prostitution-related offense, the proceeds of which would be used for the care and
5 treatment of the victims of the illegal sex industry; amending SMC 12A.10.070; providing for
6 forfeiture of any monies paid as part of the alleged violation to be used to support investigation
7 and arrest of those who patronize the illegal sex industry; and amending Ordinance 116666.

8 WHEREAS, a large majority of sex industry workers are victims, who believe that they have few
9 or no alternatives; and

10 WHEREAS, sex industry workers often have complex problems that require comprehensive
11 services; and

12 WHEREAS, studies show that a majority of sex industry workers have been victims of sexual
13 abuse; and

14 WHEREAS, Seattle Police Department arrest statistics demonstrate that of the individuals
15 arrested for prostitution, 96% regularly use narcotics, 65% have children and 70% are homeless; and

16 WHEREAS, in 1994, the City of Seattle Department of Housing and Human Services identified
17 women in the sex industry as one of the three populations most in need of specialized services; and

18 WHEREAS, in July 1995, the Seattle Women's Commission recommended that the City of
19 Seattle should support provision of comprehensive services to help women get out of the sex industry;
20 and

21 WHEREAS, the City of Seattle does not provide any funding for comprehensive services to
22 women in the sex industry; and

23 WHEREAS, the Seattle City Attorney's office in cooperation with the Seattle Municipal Court
24 operates a pretrial diversion program for first time non-violent offenders, including those accused of
patronizing the illegal sex industry, the intent of which is to allow good citizens who have made a
mistake to avoid conviction and jail and to retain clean criminal records in exchange for not re-
offending; and

WHEREAS, in the preceding three years, approximately 70% of those charged with patronizing
a prostitute took advantage of the pretrial diversion program; and

WHEREAS, those charged with patronizing a prostitute have generally tendered funds in excess
of \$100 prior to their arrest and therefore generally have the financial ability to pay; and



1 WHEREAS, those who patronize prostitutes contribute to the victimization of sex industry
workers;

2 NOW THEREFORE BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

3 **Section 1.** The Director of Finance is requested to create a new accounting unit within the
4 Human Services Operating Fund, identified as the Care and Treatment of Sex Industry Victims Account
5 (hereinafter referred to as the "Sex Industry Victims Fund"). Monies in the Sex Industry Victims Fund
6 shall be expended only after appropriation by ordinance, and may be used only to pay for services
7 designed to provide care and treatment to sex industry workers.

8 **Section 2.** Section 12A.10.070 of the Seattle Municipal Code (Ordinance 118106 § 2) is
9 amended as follows:

10 **12A.10.070 Mandatory fee for defendant convicted of or entering into a pretrial diversion**
11 **agreement for a prostitution-related offense; forfeiture of funds used as part of**
12 **prostitution-related offenses.**

13 A. 1. In addition to penalties set forth in Section 12A.10.020 and Section 12A.10.060, a
14 person who is either convicted or given a deferred sentence or a deferred prosecution as a result of an
15 arrest for violating Section 12A.10.020 or Section 12A.10.060 shall be assessed a fee of Fifty Dollars
16 (\$50.00).

17 2. In addition to penalties set forth in Section 12A.10.040, a person who is either
18 convicted or given a deferred sentence or a deferred prosecution as a result of an arrest for violating
19 Section 12A.10.040 shall be assessed a fee of One Hundred Fifty Dollars (\$150.00).

20 B. A person who is charged with a violation of Section 12A.10.010, 12A.10.020, 12A.10.040 or
21 12A.10.060 and who enters into a pretrial diversion agreement shall be assessed, as a part that
22 agreement, a fee of Five Hundred Dollars (\$500).



1 C. The court may not suspend payment of all or part of the fees required by subsections A and B
2 of this section unless it finds that the person does not have the ability to pay.

3 D. Any defendant who is convicted of, or enters into a pretrial diversion agreement for, a
4 prostitution-related offense shall forfeit any monies tendered as part of the offense.

5 ~~((C))~~ E. Any fee assessed under subsection A of this section shall be collected by the clerk of the
6 court and distributed each month to the state treasurer for deposit in the prostitution prevention and
7 intervention account under RCW 43.63A.740 for the purpose of funding prostitution prevention and
8 intervention activities. Any fee assessed under subsection B of this section and the portion of any fine
9 imposed upon a defendant convicted of a violation of Section 12A.10.020, 12A.10.020, 12A.10.040 or
10 12A.10.060 that is retained by the City shall be collected by the clerk of the court or the Director of
11 Probation Services and shall be deposited in the Sex Industry Victims Fund. Monies forfeited under
12 subsection D of this section shall be deposited in the Vice Enforcement/Money Laundering Forfeiture
13 Account.

14 **Section 3.** Ordinance 116666 is amended as follows:

15 Section 1. There is hereby created in the General Trust Fund, (~~(((SMFS Code 624.80)))~~) a
16 Vice Enforcement/Money Laundering Forfeiture Account, into which shall be deposited
17 (~~(((federally-)))~~)forfeited monies, including proceeds from the sale of federally forfeited
18 property(~~(((;)))~~) received by the City pursuant to the Comprehensive Crime Control Act of 1984 and
19 funds forfeited pursuant to SMC 12A.10.070(D).

20 Section 2. A. The Police Department is authorized to apply for the transfer of federally
21 forfeited property. (~~(((and t)))~~)The Chief of Police is authorized to expend funds in the Vice
22 Enforcement/Money Laundering Forfeiture Account received through such transfers to facilitate
23 vice-related investigations as defined by State Law, including training, equipment investigative
24



1 and operational expenses. All the necessary appropriations for disbursement of such funds in the
2 Vice Enforcement/Money Laundering Forfeiture Account under the terms and conditions of the
3 transfer of federally forfeited property are hereby made and authorized.

4 B. The Chief of Police is authorized to expend funds in the Vice Enforcement/Money
5 Laundering Forfeiture Account forfeited pursuant to SMC 12A.10.070(D) to support
6 investigation and arrest of those who patronize the illegal sex industry. Such expenditures may
7 be made without further legislative action..

8 Section 3. The City Finance Director is authorized to pay the necessary warrants upon
9 vouchers certified by the Chief of Police, or his designee, on the Vice Enforcement/Money
10 Laundering Forfeiture Account.

11 Section 4. Any funds deposited shall not act in derogation of any other funds
12 appropriated to the Police Department and shall not be considered in the formulation of the
13 regular annual Police Department budget.

14 Section 5. Acceptance of any funds, deposits thereof, execution of applications to
15 transfer federally forfeited property, and disbursements of funds pursuant to the authority and
16 prior to the effective date of this ordinance are hereby ratified and confirmed.

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Seattle City Attorney

Thomas A. Carr

June 25, 2002

By Hand

Honorable Jim Compton
Chair, Law Justice and Public Safety Committee
Seattle City Council
Seattle Municipal Building
11th Floor
Seattle WA 98104

Re: Sex Industry Victims Ordinance

Dear Council Member *Jim* Compton:

I am transmitting herewith draft legislation intended to provide for treatment and care of the victims of the illegal sex industry. While prostitution may be the world's oldest profession, we have for too long ignored the fact that women involved in prostitution for the most part do so against their will or as a result of deep seated problems. In 1994, the City of Seattle, Department of Housing and Human Services identified women in the sex industry as one of three populations most in need of specialized services. In July 1995, the Seattle Women's Commission recommended that the City of Seattle support provision of comprehensive services to help women get of the sex industry.

In 1996, the City Council passed Ordinance Number 118106, which imposed a mandatory fee of \$150 on those convicted of patronizing a prostitute. This money goes into a State fund for the care and treatment of prostitutes. In investigating this issue, I discovered that this legislation has not accomplished its intended goal. Most of those arrested for patronizing prostitutes are not actually convicted of any crime. Under an agreement between my office and the Municipal Court, first time offenders charged with non-violent crimes are given an opportunity to avoid a criminal record by not re-offending. This pretrial diversion program is an effective tool to allow those who have made a mistake to correct their behavior and avoid criminal sanctions. It has, however, the unintended consequence of avoiding the Council's intent to provide funding for treatment of prostitutes by imposing the costs on their customers. At present, the State fund has accumulated only \$50,000 and has therefore not been able to fund any treatment programs.



Honorable Jim Compton
June 25, 2002
Page 2

The attached legislation is intended to rectify this problem and provide a real fund of money to address this problem. Under this proposed ordinance, defendants charged with patronizing a prostitute would be required as a condition of the diversion to pay a fee of \$500. This would be deposited in a special account in the General Fund. Funds from this account would only be distributed after appropriation by the City Council. I propose that the money should be accumulated until a sufficient amount is present to fund an effective treatment program.

The legislation also provides for additional funding of investigation of prostitution. Under present budget constraints, the Seattle Police Department is able to only undertake limited prostitution investigations. In March 2002, the police conducted a prostitution sting operation, which resulted in 43 arrests for patronizing a prostitute. This operation cost approximately \$6000. During the course of the investigation, the individuals charged tendered over \$5000 to undercover officers. This money was forfeited to the City as part of the conditions of pretrial diversion imposed by my office. The proposed ordinance would formalize this procedure and deposit the money in an existing vice investigation account. Thus, the police could use this money to conduct further investigations.

I appreciate your work on this ordinance to date. I look forward to working with you to help it through the legislative process. If there is anything further that I can do, please feel free to contact me.

Very truly yours,



Thomas A. Carr
Seattle City Attorney



Fiscal Note

Each piece of legislation that is financial in nature requires a fiscal note. The fiscal note should be drafted by department staff and should identify operating, capital, revenue, and FTE impacts of the legislation. After preparation by departmental staff, the Department of Finance (DOF) will review and make necessary revisions before transmittal to Council.

Department: Law	Contact Person/Phone: Thomas A. Carr, City Attorney/ 4-8288	DOF Analyst/Phone: Douglas L. Carey/ 4-8067
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Legislation Title:

AN ORDINANCE relating to the illegal sex industry; setting the amount of the fee imposed for pretrial diversion of a prostitution-related offense, the proceeds of which would be used for the care and treatment of the victims of the illegal sex industry; amending SMC 12A.10.070; providing for forfeiture of any monies paid as part of the alleged violation to be used to support investigation and arrest of those who patronize the illegal sex industry; and amending Ordinance 116666.

Summary of the Legislation:

This ordinance would set the amount of the fee imposed for pretrial diversion of a prostitution-related offense, the proceeds of which would be used for the care and treatment of the victims of the illegal sex industry. It also would provide for forfeiture of any monies paid as part of the alleged violation to be used to support investigation and arrest of those who patronize the illegal sex industry.

Background (Include justification for the legislation and funding history, if applicable):

- A large majority of sex industry workers are victims, who believe that they have few or no alternatives
- Sex industry workers often have complex problems that require comprehensive services
- Studies show that a majority of sex industry workers have been victims of sexual abuse
- Seattle Police Department arrest statistics demonstrate that of the individuals arrested for prostitution, 96% regularly use narcotics, 65% have children and 70% are homeless
- In 1994, the City of Seattle Department of Housing and Human Services identified women in the sex industry as one of the three populations most in need of specialized services
- In July 1995, the Seattle Women's Commission recommended that the City of Seattle should support provision of comprehensive services to help women get out of the sex industry
- The City of Seattle does not provide any funding for comprehensive services to women in the sex industry
- The Seattle City Attorney's office in cooperation with the Seattle Municipal Court operates a pretrial diversion program for first time non-violent offenders, including those accused of patronizing the illegal sex industry, the intent of which is to allow good citizens who have



made a mistake to avoid conviction and jail and to retain clean criminal records in exchange for not re-offending

- In the preceding three years, approximately 70% of those charged with patronizing a prostitute took advantage of the pretrial diversion program
- Those charged with patronizing a prostitute have generally tendered funds in excess of \$100 prior to their arrest and therefore generally have the financial ability to pay
- Those who patronize prostitutes contribute to the victimization of sex industry workers

Public Private Partnership Review Status:

Is the project referenced in the legislation subject to P4 review? If yes, identify P4 review to date.

No.

Is the legislation subject to public hearing requirements? If yes, what public hearings have been held to date?

No.

Fiscal Sustainability Issues (related to grant awards):

N/A



Estimated Expenditure Impacts:

FUND (List # and/or Account)	2002	2003	2004
Care and Treatment of Sex Industry Victims Account	0	0	\$250,000
Vice Enforcement/Money Laundering Forfeiture Account	\$10,000	\$25,000	\$25,000
TOTAL	\$10,000	\$25,000	\$275,000

One-time \$ _____

On-going \$ _____

Estimated Revenue Impacts:

FUND (List # and/or Account)	2002	2003	2004
Care and Treatment of Sex Industry Victims Account	\$50,000	\$100,000	\$100,000
Vice Enforcement/Money Laundering Forfeiture Account	\$10,000	\$25,000	\$25,000
TOTAL	\$60,000	\$125,000	\$125,000

One-time \$ _____

On-going \$ _____

Estimated FTE Impacts:

FUND (List # and/or Account)	2002	2003	2004
Not Applicable			
TOTAL			

Full Time _____

Part Time _____

TES _____

Do positions sunset in the future? If yes, identify sunset date?

N/A

Other Issues (including long-term implications of the legislation):



STATE OF WASHINGTON – KING COUNTY

--SS.

150034
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

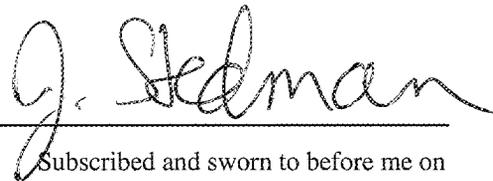
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 120907

was published on

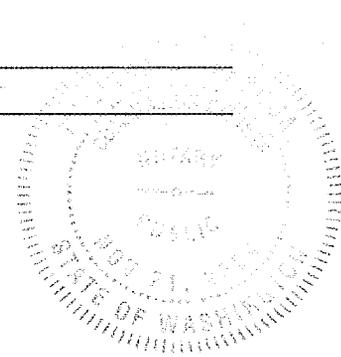
9/26/2002


Subscribed and sworn to before me on

9/26/2002


Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington, King County

City of Seattle

ORDINANCE 120007

AN ORDINANCE relating to the illegal sex industry; setting the amount of the fee imposed for pretrial diversion of a prostitution-related offense, the proceeds of which would be used for the care and treatment of the victims of the illegal sex industry; amending SMC 12A.10.070, providing for forfeiture of any monies paid as part of the alleged violation to be used to support investigation and arrest of those who patronize the illegal sex industry; and amending Ordinance 116666.

WHEREAS, a large majority of sex industry workers are victims, who believe that they have few or no alternatives; and

WHEREAS, sex industry workers often have complex problems that require comprehensive services; and

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WHEREAS, those charged with patronizing a prostitute have generally tendered funds in excess of \$100 prior to their arrest and therefore generally have the financial ability to pay; and

WHEREAS, those who patronize prostitutes contribute to the victimization of sex industry workers;

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Section 2. Section 12A.10.070 of the Seattle Municipal Code (Ordinance 118106 § 2) is amended as follows:

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