

2022 Seattle City Council Statement of Legislative Intent

Council Budget Action: Agenda

Tab	Action	Option	Version
SMC	001	A	002

Budget Action Title: Request that SMC report on all fees and fines imposed on a court-involved individual and analyze associated disproportionality

Ongoing: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Dan Strauss, Andrew Lewis

Staff Analyst: Asha Venkataraman

Date		Total	LH	TM	KS	AP	DJ	DS	AL	BC	LG
	Yes	0									
	No	0									
	Abstain	0									
	Absent	0									

Statement of Legislative Intent:

This Statement of Legislative Intent (SLI) would request that the Seattle Municipal Court (SMC) review and provide a report to the Public Safety and Human Services Committee, or its successor committee, on all fines and fees imposed by SMC or other City departments because of an individual's involvement with SMC and applied due to the individual's SMC pre-trial or post-trial status. The SLI would not require analysis of parking, red light, or infraction fines and fees.

In 2021, the City Auditor's Office issued an "Assessment of Seattle Municipal Court Probation Racial and Ethnic Proportionality." The report found that though SMC waives or suspends most criminal case related fines and fees it imposes, even after they are reduced, some groups with high rates of indigence pay more than other groups. In addition, the report found that SMC should continue to its work to eliminate discretionary and administrative fines and fees due to the large portion of the court population experiencing indigence and homelessness. The report recommended that SMC should continue to examine the purpose and outcomes of its fines and fees and apply the City of Seattle Racial Equity Toolkit to eliminate discretionary and administrative fines and fees, given that as of September 2021, SMC will have had a full year worth of data for its new fine and fee structure. However, it was outside of the audit's scope to determine which criminal fines and fees that the City has the authority to eliminate are being applied disproportionately by race and ethnicity. This SLI requests that SMC analyze its data to make that determination. In addition, in 2017, the court published an "Inventory of Criminal and Infraction Fines and Fees at the Seattle Municipal Court," a report in response to Resolution 31637. The SLI response should use the 2017 report data regarding criminal fines and fees as a baseline for comparison.

The report should include all criminal case related fines and fees imposed on an individual because of their involvement with SMC and applied due to the individual's SMC pre-trial or post-trial status, including but not limited to legal financial obligations, administrative fines and fees, and discretionary fines and fees. The purpose of the report is to determine which fines and fees associated with an individual's SMC obligations the City has the authority to waive or suspend and whether the payments owed to the City disproportionately affect individuals by race and ethnicity.

In the report, SMC should identify all criminal case related fines and fees imposed on individuals resulting

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from SMC proceedings mandated by State or County law, fines and fees the City has self-selected to impose through legislation, or other means, and fines and fees the Court has imposed (outside of direct legislative authority).

Finally, the SLI would request that SMC do a proportionality analysis for each criminal case related fine and fee the City has the authority to impose and waive or suspend. Along with the report, SMC should provide the data to the Seattle City Council on the fines and fees used in the report.

Responsible Council Committee(s):

Public Safety & Human Services

Date Due to Council:

March 31, 2022