

CITY OF SEATTLE

ORDINANCE _____

COUNCIL BILL _____

..title

AN ORDINANCE relating to prostitution; creating the crimes of prostitution loitering and promoting loitering for the purpose of prostitution; establishing policies governing arrests for prostitution and prostitution loitering; creating Stay Out of Area of Prostitution (SOAP) zones and providing for both the issuance of court orders relating to those zones and administration of those zones; creating the gross misdemeanor of violating a SOAP order; and adding new Sections 12A.10.010, 12A.10.030, and 12A.10.040 and a new Chapter 12A.11 to the Seattle Municipal Code.

..body

WHEREAS, the federal government’s closure of Backpage in April 2018 resulted in increased

prostitution activity in public spaces; and

WHEREAS, the City Council repealed the Seattle Municipal Code’s prostitution loitering

ordinance in June 2020; and

WHEREAS, the 2020 repeal of the prostitution loitering ordinance limited the ability of Seattle

Police Department officers to offer or provide non-carceral assistance to those they

believed were sex trafficking victims; and

WHEREAS, the repealed prostitution loitering statute did not address sex traffickers or include

any provisions for diversion; and

WHEREAS, both independent academics and neighborhood residents have observed an increase

in the sex trafficking of minors in King County in the last three years; and

WHEREAS, there has been ongoing solicitation and recruitment, by those engaged in the sex

trade, of Ingraham High School and Robert Eagle Middle School students near their

schools, and Cascadia Elementary School near Aurora Avenue North; and

1 WHEREAS, sex traffickers are typically members of enterprises that engage in multiple criminal
2 activities, and approximately 55 percent of street gangs are involved to some degree in
3 prostitution; and

4 WHEREAS, Seattle Police Department detectives report that the net proceeds for a pimp per
5 trafficked individual per day can be between \$6,000 and \$7,000, which strongly
6 incentivizes pimps to maintain their coercive control over these individuals and to
7 continue promoting this illicit economic activity; and

8 WHEREAS, it is believed that Seattle is second only to the Figueroa Street neighborhood in Los
9 Angeles in terms of the total street value of sex work; and

10 WHEREAS, a 2003 study first published in the Journal of Trauma Practice found that 89 percent
11 of women in prostitution wanted to escape, between 60 and 75 percent of them were
12 raped, between 70 and 95 percent of them were physically assaulted, and 68 percent met
13 the diagnostic criteria for post-traumatic stress disorder (PTSD), a figure in the same
14 range as treatment-seeking combat veterans; and

15 WHEREAS, according to the U.S. Department of Justice, a disproportionate number of both
16 adult and minor victims of sex trafficking are Black, Indigenous, or People of Color
17 (BIPOC), with 40 percent being Black and 24 percent being Latinx; and

18 WHEREAS, women and minor girls being trafficked along Aurora Avenue North are regularly
19 subject to horrific acts of violence perpetrated by both traffickers and buyers of sex,
20 including recent cases involving kidnapping, sexual assault, unlawful imprisonment,
21 commercial sexual abuse of a minor, and rape; and

22 WHEREAS, the increase in sex trafficking on and near Aurora Avenue North during recent
23 years has resulted in significant negative quality-of-life and economic impacts to

1 residents and businesses on Aurora Avenue North, as well as to those in adjacent
2 residential neighborhoods; and

3 WHEREAS, gun violence on and near Aurora Avenue North associated with these activities has
4 increased during 2024, including in recent months a running gun battle over several
5 blocks on the evening of June 10 and a gun battle the evening of July 6 just off Aurora
6 Avenue North, each with dozens of shell casings recovered, and multiple shootings the
7 weekends of July 12 and July 19 and from July 16 through July 18; and

8 WHEREAS, the section of Aurora Avenue North from approximately North 85th Street to North
9 145th Street has among the highest number of shots fired in the City of Seattle, and the
10 majority of violent crime in that corridor is associated with pimps and sex traffickers
11 profiting off the victimization of individuals under their control; and

12 WHEREAS, with the Seattle Police Department having over 300 fewer police officers than at the
13 start of 2020, a multilayered approach is needed to address gun violence and sex
14 trafficking, including enhanced law enforcement tools; diversion; and environmental
15 design such as the installation of traffic barriers, additional lighting, and cameras; and

16 WHEREAS, the City Council encourages a focus on diversion for trafficked women and
17 supports a law-enforcement approach for sex traffickers and buyers who are fomenting
18 violence and victimizing girls as young as 12; and

19 WHEREAS, it is the intent of this ordinance to create a tool to disrupt Seattle's sex trade and
20 target sex traffickers, pimps, and buyers while centering the need for diversion, referral to
21 services, safe house placement, and other alternatives to booking for those who are sex
22 trafficking victims; NOW, THEREFORE,

1 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

2 Section 1. A new Section 12A.10.010 is added to the Seattle Municipal Code as follows:

3 **12A.10.010 Prostitution loitering**

4 A. As used in this Section 12A.10.010:

5 1. “Commit prostitution” means to engage, agree, or offer to engage in sexual
6 conduct with another person in return for a fee but does not include sexual conduct engaged in as
7 part of any stage performance, play, or other entertainment open to the public.

8 2. “Public place” is an area generally visible to public view and includes streets,
9 sidewalks, bridges, alleys, plazas, parks, driveways, parking lots, automobiles (whether moving
10 or not), and buildings open to the general public including those that serve food or drink, or
11 provide entertainment, and the doorways and entrances to buildings or dwellings and the grounds
12 enclosing them.

13 3. “Sexual conduct” means sexual intercourse, applying its ordinary meaning, or
14 “sexual contact,” defined as any touching of the sexual or other intimate parts of a person done
15 for the purpose of gratifying sexual desire of either party or a third party.

16 B. A person is guilty of prostitution loitering if he or she remains in a public place and
17 intentionally solicits, induces, entices, or procures another to commit an act of prostitution.

18 C. Among the circumstances that may be considered in determining whether the actor
19 intends such prohibited conduct, are that he or she:

20 1. Repeatedly beckons to, stops or attempts to stop, or engages passersby in
21 conversation, indicative of soliciting for prostitution; or

22 2. Repeatedly stops or attempts to stop motor vehicle operators by hailing, waving
23 of arms or any other bodily gesture, indicative of soliciting for prostitution; or

1 3. Circles an area in a motor vehicle and repeatedly beckons to, contacts, or
2 attempts to stop pedestrians, indicative of soliciting for prostitution; or

3 4. Repeatedly approaches a motor vehicle, leans into the vehicle and engages in
4 conversation with the driver; or

5 5. After being beckoned by a person soliciting an act of prostitution, circles the
6 area in question, indicative of soliciting for prostitution; or

7 6. Stops the motor vehicle in the traffic lane, or pulls over to the side of the road,
8 or pulls around the corner on an adjacent street, or pulls into a parking lot and engages in
9 conversation with those soliciting, inducing, or enticing an act of prostitution; or

10 7. Inquires whether a potential patron, procurer, or prostitute is a police officer,
11 searches for articles that would identify a police officer, or requests the touching or exposing of
12 genitals or female breasts to prove that the person is not a police officer.

13 D. A violation shall be based on a determination based on the particular circumstances of
14 each case. The list of circumstances set forth in subsection 12A.10.010.C are not exclusive and
15 no single circumstance, combination of circumstances, or absence thereof, is in itself
16 determinative. The circumstances set forth in subsection 12A.10.010.C should be given
17 particular weight if they occur in a known prostitution area or designated Stay Out of Area of
18 Prostitution (SOAP) zone as established under Section 12A.11.010.

19 E. Prostitution loitering is a misdemeanor.

20 F. No person under the age of 18 may be arrested, charged, or convicted of prostitution
21 loitering.

22 Section 2. A new Section 12A.10.030 is added to the Seattle Municipal Code as follows:

23 **12A.10.030 Promoting loitering for the purpose of prostitution**

1 A. A person is guilty of promoting loitering for the purpose of prostitution if, acting other
2 than as a prostitute or as a customer thereof, engages in conduct with the intent to cause another
3 to commit the crime of loitering for the purpose of prostitution. That intent is evidenced by
4 acting in a manner and under circumstances that demonstrate the purpose of directing,
5 supervising, recruiting, arranging for, enticing, or inducing another person to engage in loitering
6 for the purpose of prostitution.

7 1. Among the circumstances that may be considered in determining whether a
8 person is engaging in conduct with the intent to cause another to commit the crime of loitering
9 for the purpose of prostitution are that the person:

10 a. Repeatedly, transports or delivers any person or persons to a known
11 prostitution area or vicinity. This provision does not apply to public transit operators or
12 commercial car ride operators; or

13 b. In a known prostitution area or vicinity, repeatedly or continuously
14 monitors or surveils a person or persons engaged in loitering for the purpose of prostitution.

15 B. A violation shall be based on a determination based on the particular circumstances of
16 each case. The list of circumstances set forth in subsection 12A.10.030.A are not exclusive and
17 no single circumstance, combination of circumstances, or absence thereof, is in itself
18 determinative. The circumstances set forth in subsection 12A.10.030.A should be given
19 particular weight if they occur in a known prostitution area or designated Stay Out of Area of
20 Prostitution (SOAP) zone as established under Section 12A.11.010.

21 C. Promoting loitering for the purpose of prostitution is a gross misdemeanor.

1 D. The Seattle Police Department (SPD) will review and modify as appropriate existing
2 investigation policies governing prostitution-related crime. SPD will train its officers on any new
3 or modified policy.

4 Section 3. A new Section 12A.10.040 is added to the Seattle Municipal Code as follows:

5 **12A.10.040 Policies governing arrests for prostitution and prostitution loitering**

6 A. The provisions of this Section 12A.10.040 apply to enforcement of Sections
7 12A.10.010 and 12A.10.020.

8 B. Policy. The Seattle Police Department (SPD) will adopt policies governing arrests for
9 the crimes described in subsection 12A.10.040.A. These new policies will seek to minimize
10 harm caused by the criminal legal system to survivors of commercial sexual exploitation who are
11 arrested for prostitution loitering or prostitution while recognizing the individual and societal
12 harms caused by commercial sexual exploitation. SPD will train its officers on these new
13 policies and shall conduct mandatory trainings on best practices for interacting with victims of
14 commercial sexual exploitation.

15 C. Body-worn videos. When officers interact with individuals allegedly committing the
16 crimes described in subsection 12A.10.040.A, officers shall comply with SPD policies and
17 procedures for body-worn video cameras and/or other equipment intended to record officer
18 interactions with the public unless working as an undercover decoy.

19 D. Diversion. To minimize harm caused by the criminal legal system to survivors of
20 commercial sexual exploitation, diversion, referral to social services, safe house placement, and
21 other alternatives to booking are the preferred disposition when enforcing Sections 12A.10.010
22 and 12A.10.020.

1 1. SPD policies adopted under subsection 12A.10.040.A will contain guidance on
2 diversion.

3 2. SPD shall collect, and report to the City Council Public Safety Committee or its
4 successor committee, data that identifies the racial composition of those:

5 a. Arrested and diverted to community-based services prior to jail booking
6 or referral for prosecution; and

7 b. Booked and referred for prosecution.

8 3. In reporting the data described in this Section 12A.10.040, SPD shall identify
9 any racial disparities using methods that accord with evidence-based practices.

10 E. City annual reporting and recommendations. The Office of the Inspector General
11 (OIG) and/or an independent, academically based research organization engaged by OIG shall
12 review implementation of this Section 12A.10.040. A preliminary report shall be provided to the
13 Council by June 30, 2026. The following data, or an explanation of why the data is unavailable,
14 and written recommendations shall be provided by the OIG to the Council by December 31,
15 2026, and at least annually by December 31 until 2030:

16 1. The number of 911 calls about prostitution loitering on a quarterly basis
17 (including baseline years of 2019-2023 and the first half of 2024);

18 2. The number of documented contacts between police officers, including
19 community service officers, and individuals encountered during enforcement of the crimes
20 described in subsection 12A.10.040.A;

21 3. The number of attempts by police officers, including community service
22 officers, to contact and coordinate efforts for diversion, referral to social services, safe house
23 placement, and other alternatives to booking as described in subsection 12A.10.040.D;

1 4. The numbers of each type of arrests for the crimes described in subsection
2 12A.10.040.A;

3 5. The number of individuals transported for booking at jail and of that number:
4 the name of the jail, the number of individuals who are booked into jail, the number of
5 individuals the jail did not accept, the number of individuals transported to a medical facility;

6 6. The number of individuals released without booking into jail or being
7 transported to a medical facility;

8 7. The number of individuals administratively booked;

9 8. The number of prostitution and prostitution loitering cases referred to the City
10 Attorney's Office for prosecution;

11 9. The number of referred cases dismissed before or during trial, including pre-
12 filing diversion;

13 10. The reasons for dismissal of referred cases;

14 11. The results of any interviews of SPD personnel with experience in the field
15 implementing this Section 12A.10.040 and their suggestions, if any, for improving the law or
16 related policies; and

17 12. Any other information deemed by OIG as helpful for the purpose of review
18 required by this subsection 12A.10.040.E or providing written recommendations. OIG will work
19 with SPD to determine reporting requirements and periodicity.

20 F. Based on officer availability, location, and deployment limitations, SPD shall seek to
21 prioritize use of officers who have received mandatory training on interacting with victims of
22 commercial sexual exploitation when enforcing the crimes described in subsection
23 12A.10.040.A.

1 G. This Section 12A.10.040 is enacted as an exercise of the police power of the City of
2 Seattle to protect the public peace, health, safety, and welfare, and its provisions shall be
3 liberally construed to accomplish those purposes. The express purpose of this legislation is to
4 promote the health, safety, and welfare of the general public, and not to create or otherwise
5 establish or designate any particular class or group of persons who will or should be especially
6 protected or benefitted by the terms of this legislation. The specific intent of this legislation is to
7 provide guidance to police officers enforcing the crimes described in subsection 12A.10.040.A
8 of the Seattle Municipal Code and increase public safety. No provision or term used in this
9 legislation is intended to impose any duty whatsoever on the City, or any of its officers or
10 employees.

11 Section 4. A new Chapter 12A.11 is added to the Seattle Municipal Code as follows:

12 **Chapter 12A.11 STAY OUT OF AREA OF PROSTITUTION ZONES**

13 **12A.11.010 Definitions**

14 As used in this Chapter 12A.11:

15 “Prohibited area” means, for a court order issued under this Chapter 12A.11, an area in
16 which a defendant has been directed to not enter.

17 “SOAP” means Stay Out of Area of Prostitution.

18 “SOAP order” means a court order issued under this Chapter 12A.11 that specifically
19 orders, as a condition of pretrial release and/or condition of sentence, that the defendant stay out
20 of one or more SOAP zones.

21 “SOAP zone” means a zone established under this Chapter 12A.11 due to a high level of
22 illegal prostitution in that area and/or criminal activity with a nexus to prostitution as identified
23 in subsection 12A.11.020.B.

1 **12A.11.020 Issuance of order**

2 A. A judge or judge pro tempore of the Seattle Municipal Court may issue a SOAP order
3 to anyone charged with, or convicted of, any violation of prostitution-related crimes under
4 Sections 12A.10.010, 12A.10.020, 12A.10.030, or 12A.10.060 or RCW 9A.88.110 (adopted by
5 reference in 12A.09.020) occurring in a designated SOAP zone, either as a condition of pretrial
6 release pursuant to CrRLJ 3.2 or as a condition of sentence.

7 B. A judge or judge pro tempore of the Seattle Municipal Court may also issue a SOAP
8 order to anyone charged with, or convicted of, a crime occurring in a designated SOAP zone in
9 which the court finds a nexus between the offense and prostitution-related crimes under Sections
10 12A.10.010, 12A.10.020, 12A.10.030, 12A10.060, or RCW 9A.88.110 (adopted by reference in
11 12A.09.020) either as a condition of pretrial release pursuant to CrRLJ 3.2 or as a condition of
12 sentence.

13 C. Any SOAP order shall describe the prohibited SOAP zone determined by the court
14 and shall conspicuously state: “WARNING: Violation of this order is a gross misdemeanor
15 subject to a maximum penalty of 364 days in jail and/or a \$5,000 fine. A person found in
16 violation of this order is subject to arrest under Seattle Municipal Code Chapter 12A.11.”

17 D. Nothing in this Section 12A.11.020 shall be construed as precluding the court from
18 issuing an order under this Chapter 12A.11 that is not specifically a SOAP order.

19 **12A.11.030 Violation of order**

20 A. If a police officer has probable cause to believe that a person is subject to an order
21 issued under this Chapter 12A.11, and that a willful violation of that order is occurring in the
22 officer’s presence, the officer may arrest that person without a warrant or other process.

1 B. A person who knowingly violates the terms of a SOAP order by entering a prohibited
2 area when the order is in effect is guilty of a gross misdemeanor.

3 C. Nothing in any provision of this Chapter 12A.11 related to SOAP orders shall prohibit
4 a person from transiting through a SOAP zone on public transportation as long as the person
5 does not enter or exit the public transportation in the SOAP zone.

6 D. Nothing in any provision of this Chapter 12A.11 related to SOAP orders shall be
7 construed as prohibiting a person subject to a SOAP order from participating in a scheduled
8 court hearing, attending a scheduled meeting with legal counsel within a prohibited area, or
9 attending a medical or social service appointment during standard business hours within the
10 prohibited area.

11 **12A.11.040 Modification and termination of order**

12 A. Upon request for modification or termination of any order issued under this Chapter
13 12A.11, the court shall consider the requested modification or termination by allowing for a
14 process by which the person subject to the order can provide relevant testimony and other
15 evidence in support of the request.

16 B. Unless otherwise ordered by the court, a SOAP order issued under this Chapter
17 12A.11 as a condition of sentence shall terminate two years from the date of issuance. SOAP
18 orders issued as pretrial conditions of release shall terminate upon dismissal of the criminal
19 charge.

20 C. Whenever an order is issued, modified, or terminated under this Chapter 12A.11, the
21 clerk of the court shall forward a copy of the order on or before the next judicial day to the
22 Seattle Police Department. Upon receipt of the copy of the order, the Seattle Police Department
23 shall enter the order until the expiration date specified on the order into any computer-based

1 criminal intelligence information system(s) available to Seattle police officers. Upon receiving
2 notice that an order has been terminated, the Seattle Police Department shall remove the order
3 from any of its computer-based intelligence information system(s).

4 **12A.11.050 Creation, evaluation, modification, and termination of SOAP zone**

5 A. SOAP zones may be created, modified, or terminated by ordinance.

6 B. The geographic boundaries of SOAP zones shall be narrowly tailored to encompass
7 areas of significant prostitution activity and/or criminal activity with a nexus to prostitution as
8 identified in subsection 12A.11.010.B. Unless otherwise specified, SOAP zones shall include
9 both sides of the streets, including sidewalks, that demarcate the geographic perimeter of a
10 particular SOAP zone.

11 C. This Chapter 12A.11 and the effect of its application shall be reviewed at least every
12 two years by the City Council. For each year, the Seattle Police Department, with the assistance
13 of the City Attorney's Office, shall publish a report no later than the end of the first quarter of the
14 following year that provides the following information:

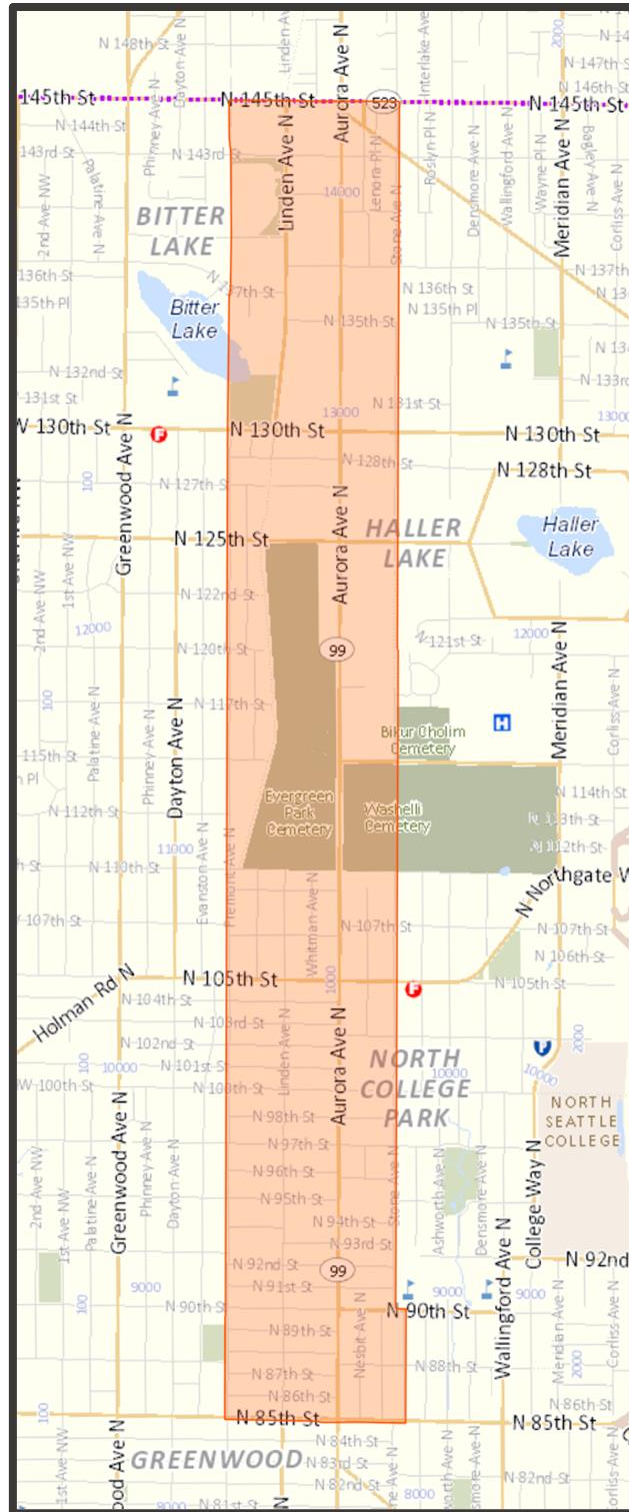
- 15 1. How many SOAP orders were issued for each SOAP zone;
- 16 2. How many arrests were made for violating the orders in each SOAP zone;
- 17 3. Demographic information on those receiving orders and/or violating orders;
- 18 4. Analysis of prostitution-related crimes in SOAP zones, including year-over-
19 year statistics of each prostitution crime and whether dispersion of illegal prostitution occurred in
20 surrounding areas.

21 This report shall be provided to the City Clerk and the City Council and published on the
22 Seattle Police Department and City Attorney's Office websites.

23 D. SOAP Zone 1

1 Due to high levels of significant prostitution activity and prostitution-related violent
2 crime, SOAP Zone 1 (illustrated by Map A for 12A.11.050) is established as the area in north
3 Seattle bordered on the north by N. 145th Street, on the south by N. 85th Street, on the east by
4 Stone Avenue N., and on the west by Fremont Avenue N.

5 **Map A for 12A.11.050**
6 **SOAP Zone 1**



1
2 Section 5. The Human Services Department, in partnership with the City Innovation and
3 Performance unit, is requested to develop a proposal and recommendations for a new program

1 that would assist survivors of commercial sexual exploitation in vacating prostitution-related
2 convictions from their records and/or clearing arrest history for such charges. The proposal
3 should describe the estimated annualized staffing level required to support the proposed program
4 and state where the program should be housed, providing a rationale for that recommendation.
5 The proposal should also estimate the annual budget required to support the program, breaking
6 out personnel costs from non-personnel costs, and it should provide a high-level rationale for this
7 estimate. The report should be provided to the City Council by August 31, 2025.

8 Section 6. The provisions of this ordinance are declared to be separate and severable. The
9 invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance,
10 or the invalidity of its application to any person or circumstance, does not affect the validity of
11 the remainder of this ordinance or the validity of its application to other persons or
12 circumstances.

1 Section 7. This ordinance shall take effect as provided by Seattle Municipal Code
2 Sections 1.04.020 and 1.04.070.

3 Passed by the City Council the _____ day of _____, 2024,
4 and signed by me in open session in authentication of its passage this _____ day of
5 _____, 2024.

6 _____
7 President _____ of the City Council

Approved / returned unsigned / vetoed this _____ day of _____, 2024.

8 _____
9 Bruce A. Harrell, Mayor

10 Filed by me this _____ day of _____, 2024.

11 _____
12 Scheereen Dedman, City Clerk

13 (Seal)