

## SUMMARY and FISCAL NOTE

<b>Department:</b>	<b>Dept. Contact:</b>	<b>CBO Contact:</b>
LEG	Ann Gorman/507-4126	

### **1. BILL SUMMARY**

**Legislation 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 the issuance of court orders relating to those zones; creating the gross misdemeanor of violating a SOAP order; and adding new Sections 12A.10.010, 12A.10.030, 12A.10.040 and a new Chapter 12A.11 to the Seattle Municipal Code.

#### **Summary and Background of the Legislation:**

This ordinance would restore to the Seattle Municipal Code (SMC) the misdemeanor criminal charge of prostitution loitering, which the Council removed in June 2020. As in the removed charge, an individual could be so charged either as a seller or buyer of sex acts. The ordinance would expand the number of circumstances that may be considered in determining whether an individual intends to commit prostitution loitering (i.e., it contains a greater number of such circumstances than were present in the SMC before June 2020). It would also create a new gross misdemeanor charge of promoting loitering for the purposes of prostitution. This charge could apply to individuals who commit such acts as repeatedly transporting another person to a known area of prostitution and/or repeatedly monitoring or surveilling a person or persons engaged in prostitution loitering.

The ordinance would require the Seattle Police Department (SPD) to take action related to prostitution-related crime, (1) reviewing and modifying as appropriate existing policies and training officers on any new or modified policy and (2) adopting policies governing arrests that seek to minimize harm caused by the criminal legal system to survivors of commercial sexual exploitation and that prioritize diversion and referral to services in its enforcement of the prostitution loitering charge. The ordinance also includes an annual data reporting component led by the Office of the Inspector General (OIG) with the participation of SPD and invites additional information and recommendations as a supplement to the report. The first report would be due at the end of 2026 and subsequent reports would be required at least annually until 2030. The ordinance also requests an additional, one-time report, which is described below at item 4a.

The ordinance would authorize the establishment, by the City, of Stay Out of Area of Prostitution (SOAP) zones, corresponding to geographical areas with a high level of illegal prostitution and/or criminal activity with a nexus to prostitution. It would establish SOAP Zone 1 and define it as “the area in north Seattle bordered on the north by N. 145th Street, on the south by N. 85th Street, on the east by Stone Avenue N., and on the west by Fremont Avenue N.” The ordinance would create the authority for a judge or a judge pro tempore of the Seattle Municipal

Court to issue a SOAP order to anyone charged with, or convicted of, any violation of prostitution-related crimes in a designated SOAP zone, either as a condition of pretrial release or as a condition of sentence. Violating a SOAP order would be a gross misdemeanor.

## 2. CAPITAL IMPROVEMENT PROGRAM

Does this legislation create, fund, or amend a CIP Project?  Yes  No

## 3. SUMMARY OF FINANCIAL IMPLICATIONS

Does this legislation have financial impacts to the City?  Yes  No

If there are no projected changes to expenditures, revenues, or positions, please delete the table below.

## 4. OTHER IMPLICATIONS

**a. Please describe how this legislation may affect any departments besides the originating department.**

The legislation makes changes to the Criminal Code (SMC Title 12A) that would be operationalized by the Seattle Police Department (SPD). The legislation was developed with input from SPD and the City Attorney's Office and the full impacts of their operationalization are not currently known. The legislation also creates new authority for judges and judges pro tempore at the Seattle Municipal Court. The degree to which these judges would make use of that authority, and the impacts of its operationalization, are not currently known. The legislation also requests that the Human Services Department (HSD), working in partnership with the City Innovation and Performance unit (IP) develop a proposal and recommendations for a new program that would assist survivors of commercial sexual exploitation in vacating prostitution-related convictions and/or clearing arrest history from their records. This obligation would require incremental work of HSD and IP staff, and the legislation does not include incremental budget to perform the work; it is possible that HSD and/or IP will need to reprioritize already known bodies of work to prepare the proposal and recommendations. It is also possible that these work products will imply a future, ongoing budget commitment by the City.

**b. Does this legislation affect a piece of property? If yes, please attach a map and explain any impacts on the property. Please attach any Environmental Impact Statements, Determinations of Non-Significance, or other reports generated for this property.**

No.

**c. Please describe any perceived implication for the principles of the Race and Social Justice Initiative.**

- i. How does this legislation impact vulnerable or historically disadvantaged communities? How did you arrive at this conclusion? In your response please consider impacts within City government (employees, internal programs) as well as in the broader community.**

This legislation would impact vulnerable or historically disadvantaged communities in that members of these communities are more likely to have been subject to commercial sexual exploitation thus potentially vulnerable to the prostitution loitering charge that the legislation would restore<sup>1</sup>. The legislation explicitly recognizes that for such individuals, diversion, referral to social services, safe house placement, and other alternatives to booking are the preferred disposition.

The legislation also requests that SPD adopt policies governing arrests for prostitution loitering and the extant SMC prostitution charge (12A.10.020) consistent with that recognition. Such policies could have the effect of establishing different policies for sellers and buyers, under the proposed restored prostitution loitering charge, in acknowledgement of their different levels of vulnerability and/or historical disadvantage.

For individuals found in violation of the proposed new charge of promoting loitering for the purposes of prostitution, the legislation suggests that imprisonment and/or a fine are the appropriate punishments. In this way, the legislation distinguishes between sellers of sex, buyers of sex, and participants in the sex trade.

- ii. Please attach any Racial Equity Toolkits or other racial equity analyses in the development and/or assessment of the legislation.**

No formal Racial Equity Toolkit was conducted as part of the development or assessment of the legislation. Given the issues discussed above, the ordinance directs SPD, in its data-collection role relative to required annual reporting, to identify any racial disparities using methods that accord with evidence-based practices. The ordinance could later be amended responsive to any disparities so identified.

- iii. What is the Language Access Plan for any communications to the public?**

A Language Access Plan for communication to the public has not yet been developed.

---

<sup>1</sup> For example, the Victim Service Center of Central Florida cites a demographic [study](#) that showed that sex workers are over 40 percent Black, 33 percent Latinx, and only 6 percent fully white, finding this result supportive of evidence that systemic racism leads people of color disproportionately to sex work. A 2020 [report](#) by the Congressional Black Caucus Foundation states that having lower socioeconomic status increases the possibility that an individual will be sex trafficked.

**d. Climate Change Implications**

- i. Emissions: How is this legislation likely to increase or decrease carbon emissions in a material way? Please attach any studies or other materials that were used to inform this response.**

n/a

- ii. Resiliency: Will the action(s) proposed by this legislation increase or decrease Seattle's resiliency (or ability to adapt) to climate change in a material way? If so, explain. If it is likely to decrease resiliency in a material way, describe what will or could be done to mitigate the effects.**

n/a

- e. If this legislation includes a new initiative or a major programmatic expansion: What are the specific long-term and measurable goal(s) of the program? How will this legislation help achieve the program's desired goal(s)? What mechanisms will be used to measure progress towards meeting those goals?**

n/a

**5. CHECKLIST**

Please click the appropriate box if any of these questions apply to this legislation.

- Is a public hearing required?**
- Is publication of notice with *The Daily Journal of Commerce* and/or *The Seattle Times* required?**
- If this legislation changes spending and/or revenues for a fund, have you reviewed the relevant fund policies and determined that this legislation complies?**
- Does this legislation create a non-utility CIP project that involves a shared financial commitment with a non-City partner agency or organization?**

**6. ATTACHMENTS**

**List Summary Attachments (if any):**

n/a