

**Seattle City Council Select Budget Committee**  
 Proposed Budget Amendments | Wednesday, October 27, 2021

**Seattle Municipal Court (SMC)**

CBA #	Title	Sponsor	Page
SMC-001-A-001	Request that SMC report on all fees and fines imposed on a court-involved individual and analyze associated disproportionality	Herbold	2
SMC-002-A-001	Add \$184,000 GF and 1.0 FTE Strategic Adviser 1 to SMC and \$119,000 GF and 1.0 FTE Strategic Adviser 1 to OCR for Race and Social Justice Initiative efforts and a risk assessment racial equity toolkit and impose a proviso	Herbold	4

## 2022 Seattle City Council Budget Action

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SMC	001	A	001

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

Ongoing: Yes Has Budget Proviso: No

Has CIP Amendment: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Dan Strauss, Andrew Lewis

Staff Analyst: Asha Venkataraman

Council Bill or Resolution:

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

### Summary of Dollar Effect

See the following pages for detailed technical information

	2022 Increase (Decrease)	2023 Increase (Decrease)
<b>General Fund</b>		
<b>General Fund Revenues</b>	\$0	
<b>General Fund Expenditures</b>	\$0	
<b>Net Balance Effect</b>	<b>\$0</b>	
<b>Total Budget Balance Effect</b>	<b>\$0</b>	

Tab	Action	Option	Version
SMC	001	A	001

**Budget Action Description:**

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.

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 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.

**Budget Action Transactions**

#	Transaction Description	Position Title	Number of Positions	FTE	Dept	BSL	Fund	Year	Revenue Amount	Expenditure Amount
---	-------------------------	----------------	---------------------	-----	------	-----	------	------	----------------	--------------------

## 2022 Seattle City Council Budget Action

**Council Budget Action: Agenda**

Tab	Action	Option	Version
SMC	002	A	001

**Budget Action Title:** Add \$184,000 GF and 1.0 FTE Strategic Adviser 1 to SMC and \$119,000 GF and 1.0 FTE Strategic Adviser 1 to OCR for Race and Social Justice Initiative efforts and a risk assessment racial equity toolkit and impose a proviso

Ongoing: Yes Has Budget Proviso: Yes

Has CIP Amendment: No Has Attachment: No

Primary Sponsor: Lisa Herbold

Council Members: Dan Strauss, Andrew Lewis

Staff Analyst: Asha Venkataraman

Council Bill or Resolution:

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

### Summary of Dollar Effect

See the following pages for detailed technical information

	2022 Increase (Decrease)	2023 Increase (Decrease)
<b>General Fund</b>		
<b>General Fund Revenues</b>	\$0	
<b>General Fund Expenditures</b>	\$302,241	
<b>Net Balance Effect</b>	<b>\$(302,241)</b>	
<b>Total Budget Balance Effect</b>	<b>\$(302,241)</b>	

**Budget Action Description:**

This Council Budget Action (CBA) would add \$183,621 GF and 1.0 FTE Strategic Adviser 1 (SA1) position to the Seattle Municipal Court (SMC), add \$118,621 GF and 1.0 FTE SA1 position to the Office

Tab	Action	Option	Version
SMC	002	A	001

for Civil Rights (OCR), and impose a proviso on funds to conduct a racial equity toolkit (RET) on SMC's use of risk assessments and partner on SMC's race and social justice initiative (RSJI) work.

In 2021, the City Auditor's Office issued an "Assessment of Seattle Municipal Court Probation Racial and Ethnic Proportionality." The report made 14 recommendations. It found that SMC's use of their assessment tool results in Black/African Americans and American Indian/Alaska Natives being overrepresented in the most intrusive form of supervision and that SMC used a risk/needs assessment tool known for bias and other issues. It recommended that SMC engage with communities of color, City stakeholders, and subject matter researchers about the replacement and implementation of its risk assessment tools.

In addition, over the past several years, SMC has been assessing the way it does business to determine how to decrease racial disproportionality in its programs and services as well as internally. As a result of this work and the audit, SMC identified a need for further staff to support its efforts and respond to the recommendations in the report. Given that RSJI work at SMC is still nascent and has not yet become embedded in the culture, practices, programmatic and policy decisions of SMC functions, this CBA would add funding and positions to both SMC and OCR so that the departments can work together to ensure that future work is in alignment with the City's larger RSJI goals.

The position in SMC that this CBA would fund would serve as an equity lead, who would work to ensure that SMC's services reflect equity and reduce harms to Black and Indigenous communities as well as other communities of color (BIPOC) by developing best practices and breaking down barriers to access. This position would take leadership from SMC's existing RSJI liaison (housed in OCR) and the additional position that this CBA would add to OCR to focus on SMC's work and conduct a risk assessment RET.

The position in OCR that this CBA would fund would be housed in OCR's policy division as part of the existing criminal justice team and work in conjunction with the OCR RSJI liaison to SMC and SMC's equity lead to support a risk assessment RET, including coordinating engagement and managing relationships, as well as SMC's continuing work to be more anti-racist and to respond to the recommendations in the Auditor's report.

The existing OCR liaison to SMC would support both of these positions by providing expertise and input on community outreach and engagement, overall guidance about RET, as well as leadership on SMC's efforts to become more anti-racist.

The additional \$65,000 allocated to SMC is intended to support costs of community engagement such as translation and stipends.

This CBA anticipates that the departments will enter into a Memorandum of Agreement to memorialize roles and responsibilities, and make clear that SMC's efforts on the RET and improving race and social justice will take leadership from RSJI.

Tab	Action	Option	Version
SMC	002	A	001

This Council Budget Action would impose the following proviso:

“None of the money appropriated in the 2022 budget for the Seattle Municipal Court (SMC) may be spent for the risk assessment racial equity toolkit (RET) until SMC has entered into a Memorandum of Agreement with the Office for Civil Rights outlining roles, responsibilities, and leadership regarding SMC's race and social justice effort and risk assessment RET.”

**Budget Action Transactions**

#	Transaction Description	Position Title	Number of Positions	FTE	Dept	BSL	Fund	Year	Revenue Amount	Expenditure Amount
1	Pocket Adjustments		0	0	OCR - CR000	OCR - BO-CR-X1R00 - Civil Rights	00100 - General Fund	2022	\$0	\$118,621
2	Pocket Adjustments	StratAdvsr1,General Govt	1	1	OCR - CR000	OCR - BO-CR-X1R00 - Civil Rights	00100 - General Fund	2022	\$0	\$0
3	Increase appropriations for risk assessment RET engagement		0	0	SMC - MC000	SMC - BO-MC-4000 - Court Compliance	00100 - General Fund	2022	\$0	\$65,000
4	Pocket Adjustments		0	0	SMC - MC000	SMC - BO-MC-4000 - Court Compliance	00100 - General Fund	2022	\$0	\$118,621
5	Pocket Adjustments	StratAdvsr1,General Govt	1	1	SMC - MC000	SMC - BO-MC-4000 - Court Compliance	00100 - General Fund	2022	\$0	\$0