

THE MUNICIPAL COURT OF SEATTLE



ANALYSIS OF SEATTLE MUNICIPAL COURT IMPOSED CRIMINAL FINES AND FEES

A research report in response to Seattle City Council SLI SMC-001-A-002
and a Seattle City Auditor 2021 Report

**Prepared by Seattle Municipal Court
March 2023**

About Seattle Municipal Court

As the judicial branch of Seattle City government, the Seattle Municipal Court (SMC or Court) provides a forum to resolve alleged violations of the law in a respectful, independent, and impartial manner. Timely case resolution is imperative to ensuring justice. SMC adjudicates misdemeanors, gross misdemeanors, infractions (e.g., traffic and parking tickets, traffic camera violations, and other violations), and civil violations related to building and zoning offenses. The Court has seven elected judges and five appointed magistrates. There are more cases processed here than any other municipal court in the State of Washington.

This is a transformational time for the Court emerging from the pandemic and continuing to work towards addressing institutionalized racism, working with stakeholders to transform the system and improve outcomes, and engaging the community. SMC is committed to excellence in providing fair, accessible, and timely resolution of alleged violations of the Seattle Municipal Code and Revised Code of Washington in an atmosphere of respect. The Court strives to take a holistic approach to address the root causes of criminal behavior and ensure ongoing public safety. Whether individuals come to the Court to resolve a ticket or appear at a criminal hearing, SMC seeks to meet people where they are and remove barriers to success, with the goals of reducing racial disparities and making the community safer. For more information, visit www.seattle.gov/courts.

Executive Summary

This report is issued by the Seattle Municipal Court (SMC) to fulfill the requirements of Seattle City Council Statement of Legislative Intent (SLI) SMC-001-A-002 and recommendation 9 in the Seattle City Auditor's 2021 Report, *Assessment of Seattle Municipal Court Probation Racial and Ethnic Proportionality*. SMC was requested to review criminal fines and fees imposed on individuals due to their involvement in a criminal case, pretrial and/or post-trial, and determine whether payments owed disproportionately affect individuals by race and ethnicity.

The monetary sanctions assessed upon resolution of a criminal case are generally referred to as legal financial obligations (LFOs). This report analyzed the 20 different LFOs imposed by SMC when a criminal case resolves. The LFOs imposed are established by legislation in the Revised Code of Washington (RCW) or Seattle Municipal Code. As established in the applicable legislation, some LFOs may be waived due to indigency, and others may not be waived and are deemed mandatory. Of note, in September 2020, Seattle Municipal Court judges voted to [eliminate all discretionary fines and fees](#) imposed at SMC.

LFOs are not assessed pretrial. In certain case types, an accused individual may be required to pay for services ordered as a condition of their release including electronic monitoring. Electronic monitoring services are setup by the individual with an external vendor and are

primarily self-paid. The Court has a small budget to subsidize these costs for low-income individuals and often expends these funds way before the end of a calendar year. This fee is not included in this analysis because the Court does not maintain or have access to the transaction data held by the monitoring vendor.

This report reviewed all LFO's assessed on SMC criminal cases resolved during the five-year period January 1, 2017, to December 31, 2021. The City Council SLI requested that SMC use data from its 2017 report, *Inventory of Criminal and Infraction Fines and Fees at Seattle Municipal Court* (included in the Appendix) as a baseline for comparison. In this report, a new methodology was used looking at when an LFO was imposed rather than when a case was filed, the methodology used in the 2017 report. This report also includes analysis of the imposed amount, paid amount, payable amount, and waived / canceled amount separately, information that was not included in the 2017 report. To account for these differences, this report looks at LFOs filed in the time period 2012-2016 as a basis of comparison to 2017-2021 rather than the dataset used in the 2017 report.

Beginning in March 2020, the COVID-19 pandemic had significant impact on the Court as well as the criminal justice system as a whole. The Court experienced operational impacts including a 3-month near closure (most services were reduced or on hold March-June 2020), reduced ability to accept case filings, significantly modified calendars, reduced hearing capacity, and limited jury trials. The Court and system are still recovering from these impacts. Rather than comparing the two five-year periods (2012-2016 and 2017-2021) when 2020-2021 had irregular practice and data due to COVID-19 impact, the full five-year period immediately preceding 2020, 2015-2019, was used to evaluate LFO trends and race proportionality.

The data used to complete this report was queried from the Court's Municipal Court Information System (MCIS).

Key Findings

- SMC judges have been consistently imposing less LFO's year after year and this study shows a significant decrease in the number of LFO's imposed on SMC criminal cases since the 2017 report.
- The five-year change in the number of LFOs ordered and the dollar amount imposed fell 69 percent and 71 percent in 2017-2021 from the previous five-year period, 2012-2016.
- In the five-year period, 2017-2021, we continue to see a disproportional 31 percent of criminal cases filed by the City against Black individuals (U.S. Census data shows a Black or African American population in Seattle at just over 7 percent).
- In the five-year period, 2017-2021, SMC judges waived or canceled 45 percent of the total imposed LFO amount. Of the remaining 55 percent, the race proportion of the

payable amount was Asian/Pacific Islander 9 percent, Black 12 percent, Native American/Alaska Native 1 percent, White 69 percent, and Not Identified/Unknown 8 percent.

- In the five-year period, 2017-2021, Black individuals have significantly less cases disposed in the DUI category, which have higher LFO amounts imposed compared to cases from the Domestic Violence (DV) and Other (non-DUI/DV) categories. This is one factor contributing to a lower imposed LFO amount attributable to Black individuals.
- In the five-year period, 2017-2021, Asian/Pacific Islander individuals were consistently imposed significantly higher LFOs on average within each of the three case categories: 11 percent higher than the average for DUI cases, 46 percent higher for DV cases, and 56 percent higher for Other (non-DUI/DV) cases.
- In the five-year period, 2017-2021, Native American/Alaska Native individuals were imposed 22 percent higher LFOs for DUI cases.
- Operational impacts and changes to the Court and the misdemeanor criminal justice system related to the COVID-19 pandemic contributed to the decline in number of ordered LFOs and the dollar amount imposed in 2020-2021.
- From 2015-2019, just prior to COVID-19, the number of disposed cases with LFOs fell 20 percent, the number of LFOs imposed fell 23 percent, the total LFO dollar amount imposed fell 33 percent.
- From 2015-2019, just prior to COVID-19, while 6 percent more cases were filed by the City against Black individuals, the number of cases with LFOs imposed fell 20 percent, 25 percent fewer LFOs were imposed, and overall imposed LFO amount was 42 percent less.

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Section 1: Criminal Fees & Fines (LFOs) Imposed, 2017 - 2021

Overall Amounts

Legal financial obligations (LFOs) are monetary sanctions related to criminal convictions that are ordered by the Court as a part of criminal sentencing and are imposed in the form of fines, fees, costs, assessments, and restitution. This section focuses on the overall amounts ordered, paid, waived, canceled, or still payable to the Court for the five full-year period between January 1, 2017, to December 31, 2021.

From 2017 to 2021, Seattle Municipal Court (SMC) imposed \$7,011,288.12 of legal financial obligations (LFOs) on its resolved criminal cases. As of July of 2022, \$3,235,126.74 (46 percent) of that total imposed dollar amount, or the amount judges required defendants to pay prior to any waiver of fees or fines, had been paid. \$3,135,695.93 (45 percent) had been waived or canceled, with \$640,465.45 (9 percent) still owing / payable.

Total Amounts Imposed, Paid, Payable, or Canceled/Waived from 2017 to 2021

Imposed Amt:	\$7,011,288.12	100%
Paid Amt	\$3,235,126.74	46%
Payable Amt	\$640,465.45	9%
Waived / Canceled Amt	\$3,135,695.93	45%

The following is a yearly breakdown of these amounts.

Year-Over-Year Description of Total Obligations, Amounts Imposed, Paid, Payable, and Canceled

Year	# of Obligations	Imposed Amt	Paid Amt	Payable Amt	Waived / Canceled Amt
2017	11,150	\$2,117,557.61	\$1,064,330.09	\$175,379.80	\$877,847.72
2018	10,393	\$1,875,545.64	\$901,995.23	\$162,721.87	\$810,828.54
2019	9,322	\$1,715,297.80	\$739,832.22	\$143,483.93	\$831,981.65
2020	3,685	\$688,867.27	\$246,317.14	\$62,884.14	\$379,665.99
2021	3,430	\$614,019.80	\$282,652.06	\$95,995.71	\$235,372.03
Total	37,980	\$7,011,288.12	\$3,235,126.74	\$640,465.45	\$3,135,695.93

The numbers show some decline of the imposed amount even before the COVID-19 pandemic. Below is the year-over-year change in the number of obligations ordered and the amount imposed.

Percentage Decline in Year-Over-Year Imposed Obligations, 2017-2021

Year	# of Obls	Imposed Amt
2017	-	-
2018	-7%	-11%
2019	-10%	-9%
2020	-60%	-60%
2021	-7%	-11%
Total 5-year Change	-69%	-71%

The five-year change in the number of obligations ordered and the dollar amount imposed drastically fell 69 percent and 71 percent, partly due to impacts of the COVID-19 pandemic on the Court and the misdemeanor criminal justice system in 2020-2021. In the years 2017 to 2019, a trend was already appearing showing a reduction in the number of obligations ordered and the dollar amount imposed by 17 percent and 19 percent respectively.

LFO Amount Breakdown by Type

Below is a breakdown of the imposed amount by LFO type on SMC criminal cases.

SMC Fees and Fines Imposed on Criminal Cases by LFO Type, 2017-2021

	# of Obls	Imposed Amt	Paid Amt	Payable Amt	Waived / Canceled Amt
BREATH TEST ASSESSMENT	3,582	\$829,556.75	\$456,777.50	\$93,986.75	\$278,792.50
COLLECTION INTEREST	227	\$13,653.45	\$13,595.95	\$0.00	\$57.50
COMMUNITY SERVICE FEE	1,536	\$40,282.00	\$21,704.50	\$75.00	\$18,502.50
COURT COSTS	135	\$23,187.51	\$12,047.26	\$1,110.50	\$10,029.75
CRIMINAL CONVICTION FEE	11,305	\$443,868.52	\$104,969.00	\$23,145.00	\$315,754.52
CRIMINAL TRAFFIC ASSESSMENT FEE	2,078	\$213,589.50	\$106,867.80	\$21,294.20	\$85,427.50
DNA SAMPLE FEE	748	\$75,465.00	\$31,114.00	\$19,075.00	\$25,276.00
DOMESTIC VIOLENCE OFFENDER ASSESSMENT	1,111	\$112,275.25	\$10,005.00	\$5,881.00	\$96,389.25
DOMESTIC VIOLENCE PREVENTION ACCOUNT	759	\$13,320.40	\$1,628.32	\$1,009.50	\$10,682.58
DUI ASSESSMENT FEE	1,532	\$157,472.60	\$78,769.60	\$22,950.00	\$55,753.00
FINE	7,329	\$1,913,440.96	\$982,647.57	\$289,796.60	\$640,996.79
PROBATION SUPERVISION FEE	2,966	\$1,526,428.52	\$428,194.91	\$1,053.00	\$1,097,180.61
PROSTITUTION PREVENTION AND INTERVENTION	318	\$427,520.00	\$348,453.80	\$11,840.00	\$67,226.20
RECORDS CHECK FEE	2,610	\$494,193.00	\$237,984.12	\$0.00	\$256,208.88
RESTITUTION	550	\$455,445.50	\$203,680.06	\$137,972.20	\$113,793.24
RESTITUTION COLLECTION INTEREST	50	\$2,986.46	\$2,095.15	\$0.00	\$891.31
SEX INDUSTRY VICTIMS FUND	204	\$208,941.00	\$154,052.70	\$6,055.00	\$48,833.30
STD / HIV COUNSELING	216	\$39,303.50	\$34,367.50	\$1,732.00	\$3,204.00
VIOLATION OF DV PROTECTION ORDER	372	\$11,478.20	\$1,669.00	\$3,464.70	\$6,344.50
WORK CREW FEE	352	\$8,880.00	\$4,503.00	\$25.00	\$4,352.00
Total	37,980	\$7,011,288.12	\$3,235,126.74	\$640,465.45	\$3,135,695.93

Number of Obligations (# of Obs): This is a unique count of obligations imposed by the Court.

Imposed Amount (Amt): The amount a judge requires a defendant to pay prior to any waiver of fees or fines. The “*Imposed Amt*” is the sum of the “*Paid Amt*,” “*Payable Amt*” and the “*Waived / Canceled Amt*.” If a portion of the fee or fine is suspended, it is excluded from the “*Imposed Amt*.” Suspension is only applicable for “*Criminal Conviction Fee*” and “*Fine*.” For all other LFO types, the “*Obligation Amt*” equals the “*Imposed Amt*.”

Fine: For the specific LFO type “*Fine*”, with limited exception, judges assess the \$5,000 fine (for gross misdemeanors) or \$1,000 (for misdemeanors) and immediately suspend a significant portion, or in many cases, the entire amount of the fine. The difference between the original and immediately suspended amount of the “*Fine*” obligation is what is defined as “*Imposed Amt*”. For example, if a judge assesses a \$5,000 gross misdemeanor fine and immediately suspends \$4,500, the total imposed amount is \$500. If a judge assesses a \$1,000 misdemeanor fine and immediately suspends all \$1,000 of it, the imposed amount would be \$0.

Paid Amt: The amount of any obligation that has been paid. This amount includes both full payments or partial payment of any fee or fine.

Payable Amt: The amount of any obligation that was imposed but not yet paid or resolved. This amount can either be paid by the defendant or be waived / canceled by the Court due to motion or circumstance.

Waived / Canceled Amt: The amount a judge waives or cancels from the imposed fee and fine. Typically, these reductions are due to a finding of a defendant’s indigency but can also be closed for other administrative reasons. It is worth noting that the amount waived does not include instances where a fine or fee was never ordered on a case, even if statutorily a specific type of fee was mandatory. This amount is essentially the “*Imposed Amt*” that is neither paid nor payable. Below is a breakdown of the amount waived or canceled.

Fee and Fine Amounts Waived or Canceled by LFO Type and Status, 2017 to 2021

	Waived - Indigency	Stricken / Canceled - Administrative Reasons	Remaining Balance Waived	Total
BREATH TEST ASSESSMENT	\$258,536.50	\$19,908.50	\$347.50	\$278,792.50
COLLECTION INTEREST		\$57.50	\$0.00	\$57.50
COMMUNITY SERVICE FEE	\$15,079.50	\$3,405.00	\$18.00	\$18,502.50
COURT COSTS	\$5,824.75	\$4,205.00	\$0.00	\$10,029.75
CRIMINAL CONVICTION FEE	\$162,020.00	\$153,671.52	\$63.00	\$315,754.52
CRIMINAL TRAFFIC ASSESSMENT FEE	\$74,697.00	\$10,678.00	\$52.50	\$85,427.50
DNA SAMPLE FEE	\$18,815.00	\$6,461.00	\$0.00	\$25,276.00
DOMESTIC VIOLENCE OFFENDER ASSESSMENT	\$92,192.00	\$4,197.25	\$0.00	\$96,389.25
DOMESTIC VIOLENCE PREVENTION ACCOUNT	\$7,906.00	\$2,776.58	\$0.00	\$10,682.58
DUI ASSESSMENT FEE	\$47,000.00	\$8,195.50	\$557.50	\$55,753.00
FINE	\$282,009.50	\$358,182.29	\$805.00	\$640,996.79
PROBATION SUPERVISION FEE	\$872,600.50	\$216,962.61	\$7,617.50	\$1,097,180.61
PROSTITUTION PREVENTION AND INTERVENTION	\$15,100.00	\$18,769.00	\$33,357.20	\$67,226.20
RECORDS CHECK FEE	\$170,850.00	\$15,836.88	\$69,522.00	\$256,208.88
RESTITUTION	\$331.26	\$83,101.76	\$30,360.22	\$113,793.24
RESTITUTION COLLECTION INTEREST		\$891.31	\$0.00	\$891.31
SEX INDUSTRY VICTIMS FUND	\$41,000.00	\$4,950.00	\$2,883.30	\$48,833.30
STD / HIV COUNSELING	\$2,185.00	\$1,019.00	\$0.00	\$3,204.00
VIOLATION OF DV PROTECTION ORDER	\$4,938.75	\$1,405.75	\$0.00	\$6,344.50
WORK CREW FEE	\$2,885.00	\$1,467.00	\$0.00	\$4,352.00
Total	\$2,073,970.76	\$916,141.45	\$145,583.72	\$3,135,695.93

Waived – Indigency: Typically, fee or fine waivers due to indigency (lacking resources to pay) occur at the time when the obligations are first imposed. A finding of indigency is conducted on the record in court and the waived portion is immediately deemed not payable. This amount is not removed from the “*Imposed Amount*”, but rather, specifically marked as not payable due to finding of indigency so the court can track the total amount waived due to indigency.

Stricken / Canceled – Administrative Reasons: For amounts stricken or canceled for administrative reasons, they are stricken or canceled later, for instance, at the case’s jurisdiction ending, case closure due to age of case, or if the obligation no longer applies.

Remaining Balance Waived: These amounts tend to be the remaining balance written off in circumstances where a portion of the payment has been made and the Court deems the obligation to be reasonably satisfied based on reasons provided by the parties.

Section 2: Inventory of Criminal Fees & Fines Obligation Types

There are twenty (20) legal financial obligations imposed by SMC in criminal cases. In the previous section, the actual imposed, paid, payable, and waived amounts from 2017 to 2021 were broken down by these obligation types.

A brief explanation of each obligation type is provided below along with the obligation type's name, statutory authority, allowable amount, whether the fee can be waived or is mandatory, if the fee or fine belongs to the City and/or State, and the percentage breakdown between City and State.

Public Safety and Educational Assessments (PSEA) – [RCW 3.62.090](#)

Who pays: Applies to all criminal fines, forfeitures, and penalties.

Amount: PSEA 1: 70 percent of other imposed fines, forfeitures, and penalties; PSEA 2: 50 percent of PSEA 1

Fee purpose: PSEA 1 shall be assessed and collected in addition to fines, forfeitures, or penalties, other than for parking infractions. PSEA 2 shall be assessed with the exception being DUI related offenses under RCW 46.61.5055 or parking infractions. It is used to increase revenue for public safety and education. The PSEA is not a specified LFO type in the Court's system, but it is attached to, or added on in calculation, to various LFO types imposed in criminal cases.

Where the money goes: Public Safety Education Fund/general fund (State of Washington).

Can it be waived? No.

Breath Test Assessment – [RCW 46.61.5054](#)

Who pays: In addition to penalties set forth in RCW 46.61.5051 through 46.61.5053 until September 1, 1995, and RCW 46.61.5055 thereafter, a \$200 fee shall be assessed to a person who is either convicted, sentenced to a lesser charge, or given deferred prosecution, as a result of an arrest for violating RCW 46.61.502, 46.61.504, 46.61.520, or 46.61.522.

Amount: \$200

Fee purpose: This fee is for funding the Washington State Toxicology Laboratory and the Washington State Patrol for grants and activities to increase the conviction rate and decrease the incidence of persons driving under the influence of alcohol or drugs.

Where the money goes: 27 percent to the City of Seattle, 73 percent to the State of Washington. Of the \$200 collected, \$175 is to be distributed to the following:

- 40 percent: subject to distribution under RCW 3.46.120, 3.50.100, 35.20.220, 3.62.020, 3.62.040, or 10.82.070
- 60 percent given to the state treasurer who shall use:

- 15 percent in the death investigations account to be used solely for funding the state toxicology lab blood or breath testing programs.
- 85 percent to state patrol highway account to fund activities to increase the conviction rate and decrease the incidence of persons driving under the influence.
- \$25 must be distributed to highway safety fund to be used solely for funding Washington Traffic Safety Commission grants to reduce statewide collisions caused by persons driving under the influence.
 - Grants can be awarded from this money to fund DUI courts, implementation of victim panel registries, etc.

Can it be waived? Yes, due to indigency.

Collection Interest – [RCW 3.62.040](#); [10.82.090](#); (no accrual for non-restitution interest after June 2018)

Who pays: Defendants with past due LFO balances.

Amount: Varies; the rate applicable to civil judgments (12 percent).

Fee purpose: Covers the costs of collecting delinquent debts.

Where the money goes: 50 percent to the City of Seattle, 50 percent to the State of Washington.

Can it be waived? Yes.

Community Service Set up Fee – [RCW 9.94A.725](#), [10.01.160](#)

Who pays: Defendants who are ordered community service as a condition of their sentence.

Amount: A one-time \$25 fee.

Fee purpose: Costs for administering community service setup.

Where the money goes: 100 percent to the City of Seattle.

Can it be waived? Yes, due to indigency.

Court Costs – [RCW 3.62.060](#), [3.62.065](#), [3.62.040](#)

Who pays: Imposed on the party, typically the defendant in criminal cases, seeking a particular performance or service by the court.

Amount: Varies.

Fee purpose: For costs associated with a variety of official court services.

Where the money goes: 100 percent to the City of Seattle.

Can it be waived? Yes.

Criminal Conviction Fee – [RCW 3.62.085](#)

Who pays: Imposed on the defendant upon conviction or a plea of guilty in a criminal case.

Amount: \$43

Fee purpose: For costs associated with the prosecution of a case.

Where the money goes:

- 68 percent of non-interest retained by the City and deposited as provided by law.
- 32 percent of non-interest money to State Treasurer goes to the general fund; other than if otherwise designated to reimburse the city/state/town for costs associated with prosecution of case.

Can it be waived? Yes, due to indigency.

Criminal Traffic Assessment Fee and DUI Assessment Fee – [RCW 46.64.055](#)

Who pays: In addition to any other penalties imposed for conviction of a violation of this title (motor vehicles) that is a misdemeanor, gross misdemeanor, or felony, the court shall impose an additional penalty of fifty dollars (\$50).

Amount: \$102.50 is broken out as (\$50 + PSEA1 + PSEA2) = \$102.50. PSEA is described earlier in this inventory.

Fee purpose: Used to increase revenue for traffic assessments.

Where the money goes: Money remitted under this section to the State Treasurer must be deposited in the State general fund. The balance of the revenue received by the county or city treasurer under this section must be deposited into the county or city current expense fund.

Can it be waived? Yes, due to indigency.

DNA Sample Fee – [RCW 43.43.7541](#)

Who pays: DNA test not ordered if DNA on file, but fee is assessed upon conviction of mandatory charges. DNA testing is mandatory for every person convicted of the following: 12A.06.035 Stalking, 12A.06.040 Harassment, 12A.10.040 Patronizing/Sexual Exploitation, 12A.10.140 Communicating with a Minor for Immoral Purposes, 12A.060.010B Assault Sexual Motivation, 12A.06.180A Only for Violating a Sexual Assault Order as provided in RCW 43.43.754.

Amount: \$100

Fee purpose: For purposes of DNA identification analysis. The fee is a court-ordered legal financial obligation as defined in RCW 9.94A.030 and other applicable law. This fee shall not be imposed on juvenile offenders if the state has previously collected the juvenile offenders DNA because of a prior conviction.

Where the money goes: The clerk of the court shall transmit 80 percent of the fee collected to the State Treasurer for deposit in the DNA database account created under RCW 43.43.7532 and shall transmit 20 percent of the fee collected to the agency responsible for collection of a biological sample from the offender as required under RCW 43.43.754.

Can it be waived? No.

Domestic Violence Offender Assessment – [RCW 10.99.080](#)

Who pays: Any adult offender convicted of a crime involving domestic violence.

Amount: Penalty assessment not to exceed \$100. The assessment shall be in addition to, and shall not supersede, any other penalty, restitution, fines, or costs provided by law.

Fee purpose: Revenue from the assessment shall be used solely for the purposes of establishing and funding domestic violence advocacy and domestic violence prevention and prosecution programs in the city or county of the court imposing the assessment. If the city or county does not have domestic violence advocacy or domestic violence prevention and prosecution programs, cities and counties may use the revenue collected from the assessment to contract with recognized community-based domestic violence program providers.

Where the money goes: 100 percent to the City of Seattle.

Can it be waived? Yes, due to indigency.

Domestic Violence Prevention Account – [RCW 10.99.080](#)

Who pays: Any adult offender with a domestic violence related conviction (RCW 10.99.080)

Amount: \$15, in addition to any penalty or fine imposed.

Fee purpose: For the domestic violence prevention account.

Where the money goes: 100 percent to Washington State Treasury.

Can it be waived? Yes, due to indigency.

Pay Fine – [RCW 3.62.010](#) (general fines or penalties suspension); [3.62.090](#) (PSEA); [9.92.020](#) (Gross Misdemeanor); [9.92.030](#) (Misdemeanor); [46.61.5055](#) (DUI fines); various statutes of gross misdemeanor and misdemeanor violations

Who pays: Defendants convicted of or pled guilty to the criminal charge.

Amount: Varies depending on the criminal charge.

Fee purpose: To assess a monetary penalty on those convicted of the crime.

Where the money goes: 100 percent to the City of Seattle; PSEA to the State.

Can it be waived? Yes, due to indigency.

Probation Supervision Fee – [RCW 10.64.120](#)

Who pays: Probationer.

Amount: Not to exceed \$100 (monthly).

Fee purpose: For services provided whenever a person is referred by the court to the misdemeanor probation department for evaluation or supervision services. Fund programs for probation services.

Where the money goes: General fund of the city or county treasury (100 percent).

Can it be waived? The probation fee may be waived while the probationer is being supervised by another state under RCW 9.94A.745, the interstate compact for adult offender supervision.

While there is no specific mention of waiver due to indigency in the statute, SMC does waive the probation supervision fee (over \$870,000 from 2017 to 2021). The court may also decide to not impose this LFO.

Prostitution Prevention and Intervention Fund - multiple statutes listed below:

Who pays: A person who is either convicted, given a deferred sentence, given a deferred prosecution, or has entered into a diversion agreement because of an arrest for violating sections listed below.

Amount:

SMC 12A.10.020 - Prostitution	\$50
RCW 9A.88.120 - Indecent Exposure	\$50
RCW9A.88.110 - Sexual Exploitation/Patronizing	\$1,500 / \$2,500 / \$5,000
SMC 12A.10.060 - Permitting Prostitution	\$1,500 / \$2,500 / \$5,000

Fee purpose: Revenue from the fees must be used for local efforts to reduce the commercial sale of sex including, but not limited to, increasing enforcement of commercial sex laws. At least 50 percent must be spent on prevention (education for offenders, and rehabilitative services for victims).

Where the money goes: Use and distribution guided by RCW 9A.88.120. Money is collected by the court clerk and given to the county treasurer where the offense occurred. The money is then deposited in the county general fund, except in the case where the offense occurred in a city or town that provides for its own law enforcement, in which case they should go to the city or town treasurer for deposit in their general fund. 2 percent shall be remitted quarterly to the Department of Commerce, together with a report detailing the fees assessed, revenue received, and how the revenue was spent.

Can it be waived? Yes, partially due to indigency. May be reduced up to two-thirds of maximum allowable fee.

Records Check Fee – [RCW 10.64.120](#)

Who pays: For matters without a probation obligation where only record checks are ordered. It can be assessed at sentencing (with no probation obligation) or noted on an Order on Judgment and Sentence that it may be imposed if probation is stricken.

Amount: \$10 monthly assessment; Order amount based on length of required records check status (e.g., 1 year = \$120, 2 years = \$240 etc.).

Fee purpose: For evaluation or supervision services and for fees related to records and background checks. Revenues raised under this section shall be used to fund programs for probation services.

Where the money goes: 100 percent to City of Seattle.

Can it be waived? Yes, due to indigency.

Restitution – RCW 9.94A.753; and Restitution Interest – RCW 10.82.090(1)

Who pays: Restitution shall be ordered whenever the offender is convicted of an offense which results in injury to any person or damage to or loss of property unless extraordinary circumstances exist which make restitution inappropriate in the court's judgment and the court sets forth such circumstances in the record. In addition, restitution shall be ordered to pay for an injury, loss, or damage if the offender pleads guilty to a lesser offense or fewer offenses and agrees with the prosecutor's recommendation that the offender be required to pay restitution to a victim of an offense or offenses which are not prosecuted pursuant to a plea agreement.

Amount: Varies; When restitution is ordered, the court shall determine the amount of restitution due at the sentencing hearing or within 180 days except as provided in subsection (7). The court may continue the hearing beyond the 180 days for good cause. The court shall then set a minimum monthly payment that the offender is required to make towards the restitution that is ordered. The court should take into consideration the total amount of the restitution owed, the offender's present, past, and future ability to pay, as well as any assets that the offender may have. Restitution imposed in a judgment is to bear interest from the date of the judgment until payment, at the rate applicable to civil judgments.

Fee purpose: Compensation to the victim, to provide restitution for injury to person or property.

Where the money goes: 100 percent to City of Seattle; Court Current Expenses – to be held in trust and payable to a restitution recipient.

Can it be waived? No, Restitution is mandatory unless courts find compelling reason to waive any amount after it was imposed.

Sex Industry Victims Fund – SMC 12A.10.070

Who pays: A person who is charged with a violation of Section 12A.10.040 Sexual Exploitation / Patronizing, or 12A.10.060 Permitting Prostitution, and who enters into a statutory or non-statutory diversion agreement.

Amount: \$1000

Fee purpose: A large majority of sex industry workers are victims of sexual abuse who believe that they have few or no alternatives and have complex problems that require comprehensive services. In 2002, the City Council passed Ordinance 120907, establishing the Care and Treatment of Sex Industry Victims Account, and designated that account to be used to pay for services designed to provide care and treatment to sex industry workers. This account has come to be known as the "Sex Industry Workers Fund." It is funded with a \$1000 fee on those charged with Sexual Exploitation / Patronizing and Permitting Prostitution.

Where the money goes: Money shall be deposited in the Sex Industry Victims Fund, 100 percent to the City of Seattle.

Can it be waived? Yes, due to indigency.

STD / HIV Counseling – [SMC 12A.10.110](#) (patronizing only)

Who pays: Defendants who have been convicted or received a non-conviction disposition of prostitution or sexual exploitation charge.

Amount: \$150 to \$175

Fee purpose: To fund the mandatory counseling program for all persons convicted of or entering a non-conviction disposition of prostitution or sexual exploitation charge.

Where the money goes: 100 percent to the City; Funds shall be collected by the Seattle Municipal Court and deposited in the General Subfund; And an allocation equal to the program costs as projected in the current year adopted budget shall be made annually to the Human Services Operating Fund.

Can it be waived? Yes, due to indigency.

Violation of DV Protection Order – [RCW 26.50.110\(1\)\(b\)\(ii\)](#), [RCW 3.62.090](#) (PSEA), repealed by House Bill 1320 (2021), effective July 1, 2022

Who pays: Any adult offender who has a violation of a domestic violence protection order issued under this chapter, in addition to any other penalties provided by law.

Amount: \$15, in addition to any penalty or fine imposed.

Fee purpose: For the domestic violence prevention account.

Where the money goes: 100 percent to the Washington State Treasury.

Can it be waived? No.

Work Crew Fee - [RCW 9.94A.725](#), [10.01.160](#)

Who pays: Defendants ordered to work crew.

Amount: \$25

Fee purpose: Assessment for work crew.

Where the money goes: 100 percent to City of Seattle.

Can it be waived? Yes, due to indigency.

Fee & Fine Obligation Types Imposed on Criminal Cases at SMC

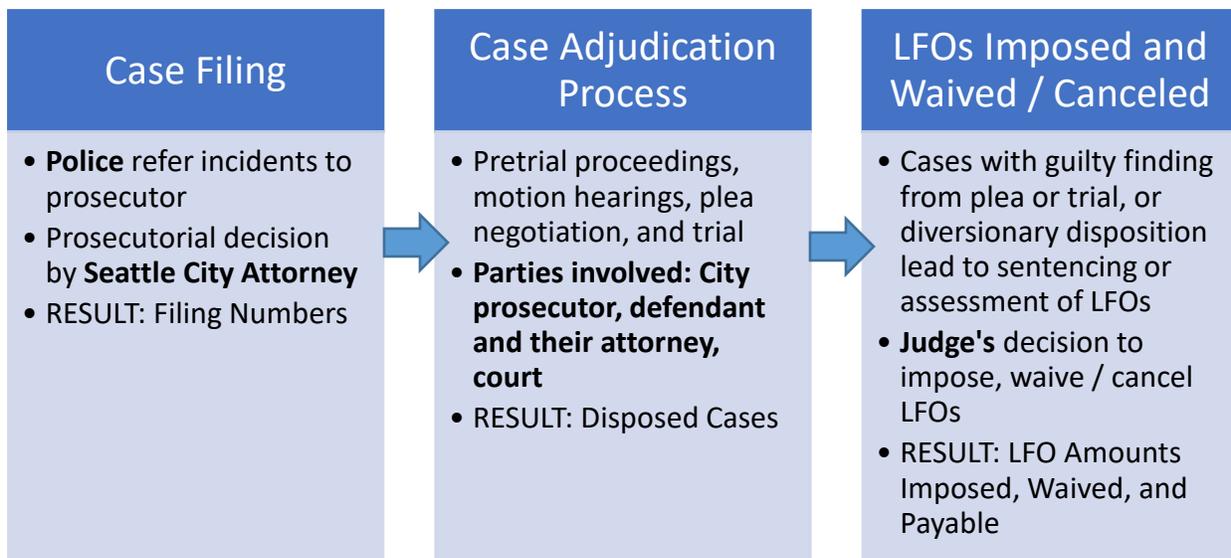
Fee / Fine Name	SMC/RCW Authority	Amount	Waivable Y/N?	City and/or State	% Breakdown
BREATH TEST ASSESSMENT	RCW 46.61.5054	\$200	Y	City & State	27% / 73%
COLLECTION INTEREST	RCW 3.62.040; 10.82.090 (no accrual for non-restitution interest after June 2018)	Varies	Y	City & State	50% / 50%
COMMUNITY SERVICE SETUP FEE	RCW 9.94A.725 / 10.01.160	\$25	Y	City	100%
COURT COSTS	RCW 3.62.065; 3.62.060	Varies	Y	City	100%
CRIMINAL CONVICTION FEE	RCW 3.62.085	\$43	Y	City & State	68% / 32%
CRIMINAL TRAFFIC ASSESSMENT FEE	RCW 46.64.055	\$102.50	Y	State	100%
DNA SAMPLE FEE	RCW 43.43.7541	\$100	N	State	100%
DOMESTIC VIOLENCE OFFENDER ASSESSMENT	RCW 10.99.080	not to exceed \$100	Y	City	100%
DOMESTIC VIOLENCE PREVENTION ACCOUNT	RCW 10.99.080	\$15	Y	State	100%
DUI ASSESSMENT FEE	RCW 46.64.055	\$102.50	Y	State	100%
PAY FINE (including PSEA)	RCW 3.62.010 (general Fines or Penalties) RCW 46.61.5055 (DUI Fines) RCW 3.62.090 (PSEA)	Varies depending on convicted charge	Y	City (except PSEA)	100%
PROBATION SUPERVISION FEE	RCW 10.64.120	\$25/ month	Y	City	100%
PROSTITUTION PREVENTION & INTERVENTION (PPIA)	12A.10.020 Prostitution 12A.10.130 / RCW 9A.88.120 Indecent Exposure 12A.10.040 Sexual Exploitation / Patronizing 12A.10.060 Permitting Prostitution	\$50 \$50 \$1,500 / \$2,500 / \$5,000 \$1,500 / \$2,500 / \$5,000	Partial	City	100%
RECORDS CHECK FEE	RCW 10.64.120	\$10 / month	Y	City	100%
RESTITUTION	RCW 9.94A.753	Varies	N	City (to victim)	100%
RESTITUTION COLLECTION INTEREST	RCW 10.82.090(1)	Varies	Y	City (to victim)	100%
SEX INDUSTRY VICTIMS FUND	12A.10.070(B) / 12A 10.040 Sexual Exploitation / Patronizing 12A.10.070(B) / 12A 10.060 Permitting prostitution	\$1,000 \$1,000	Y	City	100%
STD / HIV COUNSELING	SMC 12A.10.110 (patronizing only)	\$163.50	Y	City	100%
VIOLATION OF DV PROTECTION ORDER	RCW 26.50.110(1)(b)(ii) RCW 3.62.090 (PSEA) Repealed by House Bill 1320 (2021), effective July 1, 2022	\$30.75 (\$15 + 105% PSEA)	N	State	100%
WORK CREW FEE	RCW 9.94A.725 / 10.01.160	\$25	Y	City	100%

Section 3: Race Proportionality of Criminal Fees and Fines at SMC

This proportionality analysis of criminal fees and fines at SMC centers on race. This section will examine race proportionality of LFOs in three parts.

1. What was the race proportion of individuals who have criminal cases filed against them at SMC? This provides an understanding of the race proportion of filed cases that may lead to LFOs being imposed. This is a prosecutorial decision and action by the Seattle City Attorney.
2. What was the race proportion for the LFO amounts imposed? Filed cases go through an adjudication process at the court, and those that result in convictions, guilty findings, and other diversionary resolutions may have LFOs imposed. Guided by limits in the statute, judges decide the LFO amount to impose on a case.
3. After an LFO amount is imposed, what was the race proportion for the amounts waived or written off? This decision and action, like how much to impose, is also made by the judges.

By tracing how LFOs come to be in these three parts, we can see how race proportion is impacted by decisions and actors in the process.



Case Filing Before LFOs

Criminal case filings at SMC are the prosecutorial decision of the Seattle City Attorney. Criminal filing numbers for the five-year period should be the starting point to understand how many

people in each race group comes to be involved with the Court and may potentially have LFOs imposed on their cases.

Race Proportion of criminal Cases Filed by the City at SMC, 2017 to 2021

	2017	2018	2019	2020	2021	Overall / Total
Asian / Pacific Islander	6% 446	5% 415	5% 378	5% 281	5% 178	5% 1,698
Black	29% 2,226	30% 2,381	31% 2,333	32% 1,729	33% 1,167	31% 9,836
Native American / Alaska Native	3% 217	3% 208	2% 156	2% 98	2% 72	2% 751
White	56% 4,311	57% 4,555	55% 4,136	53% 2,907	52% 1,812	55% 17,721
Not Identified / Unknown	6% 473	6% 460	6% 460	8% 433	8% 276	7% 2,102
TOTAL FILING	100% 7,673	100% 8,019	100% 7,463	100% 5,448	100% 3,505	100% 32,108

From 2017 to 2021, 32,108 cases were filed in total, with 55 percent of filed cases involving White individuals, 31 percent Black individuals, 5 percent Asians/Pacific Islanders, and 2 percent Native American/Alaska Native individuals. The most notable number is the disproportional 31 percent of criminal cases filed by the City against Black individuals. According to 2021 U.S. Census QuickFacts¹, King County and Seattle populations are both just over 7 percent “Black or African American.”

Cases Resolved with a LFO Amount Imposed by the Court

From 2017 to 2021, 13,526 case were resolved by way of a conviction, a guilty plea, or a diversionary disposition that resulted in an LFO imposed by the Court.

The following table shows the case count, obligation count, the imposed amount, and the race proportion for each of these figures.

¹ <https://www.census.gov/quickfacts/kingcountywashington>;
<https://www.census.gov/quickfacts/seattlecitywashington>

Race Proportion of Cases, Fees & Fines Obligations, and Imposed Amounts at SMC, 2017 to 2021

	# of Cases	Race Proportion of Cases	# of Obls	Race Proportion of Obligations	Imposed Amt	Race Proportion of Imposed Amt
Asian / Pacific Islander	753	6%	2,333	6%	\$548,968.36	8%
Black	3,642	27%	9,607	25%	\$1,430,914.46	20%
Native American / Alaska Native	340	3%	831	2%	\$142,176.70	2%
White	7,946	59%	22,597	59%	\$4,371,901.07	62%
Not Identified / Unknown	845	6%	2,612	7%	\$517,327.53	7%
TOTAL	13,526	100%	37,980	100%	\$7,011,288.12	100%

Circling back to the 31 percent criminal filings against Black individuals as a comparison, the proportion of cases resolved with an LFO imposed has reduced to 27 percent, and the total LFO amount imposed on Black individuals is only 20 percent of the overall amount in the same five-year period, 2017 to 2021.

Because cases in the DUI category have higher LFO amounts imposed compared to cases from the Domestic Violence and Other (non-DUI/DV) categories, any race group that tends to have more of their cases in the DUI category will have a higher proportion of LFO amount imposed, and vice versa.

Average Imposed Amount Per Case, by Case Category: 2017-2021

DUI	Domestic Violence	Other
\$1,107.75	\$391.86	\$255.81

With the number of DUI cases being significantly more frequent than Domestic Violence and Other case categories (283 percent and 433 percent more, respectively), proportionality of the imposed amount hinges on how many of the cases associated with each race group are in which case category.

Proportion of Cases by Case Category Per Race Group

	DUI	Domestic Violence	Other
Asian / Pacific Islander	37%	15%	48%
Black	18%	15%	66%
Native American / Alaska Native	12%	14%	74%
White	32%	12%	56%
Not Identified / Unknown	43%	12%	45%

Asian/Pacific Islander, White, and the Unknown groups have a high percentage of cases belonging to the DUI category, so their proportion of imposed LFO amount is at or higher than their proportion of the number of cases and obligations.

The Black and Native American/Alaska Native groups have a low rate of cases belonging to the DUI category, so their proportion of imposed LFO amount is less than their proportion of the number of cases and obligations.

Beyond just the proportionality of imposed amounts, the difference in the average imposed amounts within a case category for each race group can be examined.

DUI Cases – Average Imposed Amount by Race Group, with % Difference

	# of Cases	Avg. Imposed Amount per Case	% Above or Below the Overall Avg.
Asian / Pacific Islander	278	\$1,226.77	11%
Black	673	\$1,089.59	-2%
Native American / Alaska Native	42	\$1,348.68	22%
White	2,548	\$1,111.07	0%
Not Identified / Unknown	360	\$998.14	-10%
Total / Overall Avg	3,901	\$1,107.75	0%

The overall average imposed amount for a DUI case was \$1,107.75. The average imposed amount for DUI cases belonging to White individuals are near the mean, while DUI cases

belonging to Native America/Alaska Native and Asian/Pacific Islander individuals tend to have a higher imposed amount (22 percent and 11 percent higher, respectively). These two race groups are assessed higher LFOs for the same cases. DUI cases belonging to Black individuals have an average imposed amount slightly below the mean (-2 percent). The Not Identified/Unknown group's average imposed amount on DUI cases is 10 percent less than the average.

Domestic Violence Cases – Average Imposed Amount by Race Group, with % Difference

	# of Cases	Avg. Imposed Amount per Case	% Above or Below the Overall Avg.
Asian / Pacific Islander	113	\$570.94	46%
Black	561	\$331.58	-15%
Native American / Alaska Native	48	\$399.31	2%
White	925	\$406.24	4%
Not Identified / Unknown	105	\$391.19	0%
Total / Overall Avg	1,752	\$391.86	0%

The overall average imposed amount for a DV case was \$391.86. The average imposed amount for DV cases belonging to individuals in the Not Identified/Unknown group are near the mean, while DV cases belonging to Asian/Pacific Islander individuals have a significantly higher imposed amount at 46 percent above the average. Native American/Alaska Native and White individuals have average amounts imposed slightly above the average at 2 percent and 4 percent respectively. DV cases belonging to Black individuals have an average imposed amount moderately below the mean (-15 percent).

Other Cases Not DUI / DV – Average Imposed Amount by Race Group, with % Difference

	# of Cases	Avg. Imposed Amount per Case	% Above or Below the Overall Avg.
Asian / Pacific Islander	362	\$398.78	56%
Black	2,408	\$213.30	-17%
Native American / Alaska Native	250	\$265.76	4%
White	4,473	\$261.94	2%
Not Identified / Unknown	380	\$310.19	21%
Total / Overall Avg	7,873	\$255.81	0%

The overall average imposed amount for an Other (non-DUI/DV) case was \$255.81. The average imposed amount for Other cases belonging to individuals in the Not Identified / Unknown and White groups was slightly above the mean at 4 percent and 2 percent respectively, while cases of the same category belonging to Asian/Pacific Islander individuals and individuals in the Not Identified/Unknown group have a significantly higher imposed amount at 56 percent and 21 percent above the average respectively. “Other” cases belonging to Black individuals have an average imposed amount moderately below the mean (-17 percent).

LFO Amounts Waived by the Court

After a LFO amount has been imposed, the judge may waive any portion or all the amount due to a finding of indigency. Reflected in the previous section, the race proportion of the imposed LFO amounts was 8 percent Asian/Pacific Islander, 20 percent Black, 2 percent Native American/Alaska Native, 62 percent White, and 7 percent Not Identified/Unknown.

Imposed Amounts, Waived /Canceled Amounts, and Paid/Payable Amounts with Race Proportion

	Imposed Amt / % Proportion	Waived / Canceled Amt / % Proportion	Paid / Payable Amt / % Proportion
Asian / Pacific Islander	\$548,968.36 8%	\$194,172.77 6%	\$354,795.59 9%
Black	\$1,430,914.46 20%	\$965,453.27 31%	\$465,461.19 12%
Native American / Alaska Native	\$142,176.70 2%	\$92,675.67 3%	\$49,501.03 1%
White	\$4,371,901.07 62%	\$1,691,893.84 54%	\$2,680,007.23 69%
Not Identified / Unknown	\$517,327.53 7%	\$191,500.38 6%	\$325,827.15 8%
Total / Overall %	\$7,011,288.12 100%	\$3,135,695.93 45%	\$3,875,592.19 55%

Judges waive or cancel 45 percent of the total imposed LFO amount. Of the remaining 55 percent, the race proportion of the payable amount was 9 percent Asian/Pacific Islander, 12 percent Black, 1 percent Native American/Alaska Native, 69 percent White, and 8 percent Not Identified/Unknown.

Notable Findings

1. Black individuals have significantly less cases disposed in the DUI category, which have higher LFO amounts imposed compared to cases from the Domestic Violence and Other categories. This is one factor contributing to a lower imposed LFO amount attributable to Black individuals.
2. Asian/Pacific Islander individuals were consistently imposed significantly higher LFOs on average within each of the three case categories: 11 percent higher than the average for DUI cases, 46 percent higher for DV cases, and 56 percent higher for Other Non-DUI Non-DV cases. Another notable figure is Native American/Alaska Native individuals were imposed 22 percent higher LFOs for DUI cases.
3. Tracing how LFOs come to be imposed by each stage of the process, race proportionality for case filing, disposed cases with LFOs, number of obligations, amount imposed, and ultimately amount payable for Black individuals:

LFO Process for Black Individuals from Filing to Amount Payable

Filing to LFO Process:	Actor / Decision / Action	Race Proportion
Case Filing	City Attorney, prosecutorial decision	31%
Cases with LFO as Penalty	Criminal case adjudication process	27%
Imposed LFO Amount	Judge, at sentencing / disposition hearing	20%
Payable LFO Amount (after waiver / cancellation)	Judge, at sentencing or post-disposition	12%

From the beginning of the process when Black individuals made up 31 percent of overall criminal case filings, by the point in the process when an LFO amount is found payable, only 12 percent of the amount after imposition and waiver was attributable to Black individuals.

4. Tracing how LFOs come to be imposed by each stage of the process, race proportionality for case filing, disposed cases with LFOs, number of obligations, amount imposed, and ultimately amount payable for White individuals:

LFO Process for White Individuals from Filing to Amount Payable

Filing to LFO Process:	Actor / Decision / Action	Race Proportion
Case Filing	City Attorney, prosecutorial decision	55%
Cases with LFO as Penalty	Criminal case adjudication process	59%
Imposed LFO Amount	Judge, at sentencing / disposition hearing	62%
Payable LFO Amount (after waiver / cancellation)	Judge, at sentencing or post-disposition	69%

From the beginning of the process when White individuals made up 55 percent of overall criminal case filings, by the stage an LFO amount is found payable, 69 percent of the amount after imposition and waiver was attributable to White individuals.

Section 4: Comparison to SMC’s 2017 Inventory of Criminal LFOs

In their SLI, the City Council requested SMC to use its 2017 report, *Inventory of Criminal and Infraction Fines and Fees at Seattle Municipal Court*, as a baseline. This report was issued in response to City Council Resolution 31637 that requested an inventory and assessment of the imposition and collection of fees and fines and the impact on successful reentry. The 2017 report is included in the Appendix.

Old Methodology

In the 2017 study, the criminal LFO section analyzed data for SMC cases filed between 2011 and 2015 where at least one LFO was imposed. While the data sample included LFOs imposed up to 2016, because cases filed between 2011 and 2015 may resolve in 2016, it did not include all imposed LFOs in that period. Rather, the focus was on the timing of a case filing and not the timing of the LFO being imposed. This limitation excluded all cases that were filed prior to 2011 that may have been resolved between 2011 and 2015 with an imposed LFO. The court was aware of this limitation and described it in the “Methodology and Data Definition”² of the report. The summary of the number of LFOs imposed and the amounts imposed from the report are as follows:

SMC LFOs Imposed on Criminal Cases, 2011 to 2016, Per the 2017 LFO Report

	# of Obs	*Imposed Amt	Paid Amt	Payable Amt	Waived / Canceled Amt
2011	3,832			\$698,276.00	
2012	6,531			\$1,450,724.00	
2013	6,558	Not		\$1,403,129.00	Not
2014	5,868			\$1,138,237.00	
2015	7,066	Available		\$1,265,060.00	Available
2016	3,008			\$587,336.00	
Total	32,863			\$6,542,762.00	

The court footnoted in the report that 2011 and 2016 data was impacted by the time lag between filing and the ultimate disposition of when an LFO could be imposed. The 2017 report also did not provide any data on how much was paid, payable, waived, or canceled. The “Imposed Amt” it did report was an amount that more closely resembled the Paid / Payable Amount after considering any suspension or waiver by the court.

New Methodology

The methodology utilized in this report’s analysis of 2017 to 2021 LFO data focuses on the imposition of the LFO rather than when the case was filed. Regardless of when a case was filed,

² “Inventory of Criminal and Infraction Fines and Fees at the Seattle Municipal Court” (August 2017): 48, 55.

the data sample used includes all LFOs imposed in the five-year period, 2017-2021. Applying this principle to the five years prior to 2017 is a better depiction of LFOs in 2012 to 2016. It also provides the Imposed Amount, Paid Amount, Payable Amount, and Waived/Canceled Amount separately.

SMC LFOs Imposed on Criminal Cases, 2012 to 2016, Per New Methodology

	# of Obls	Imposed Amt	Paid Amt	Payable Amt	Waived / Canceled Amt
2012	14,481	\$3,015,894.56	\$1,637,406.45	\$227,710.76	\$1,150,777.35
2013	13,725	\$2,847,511.44	\$1,447,958.31	\$266,955.63	\$1,132,597.50
2014	11,948	\$2,373,118.40	\$1,031,278.58	\$209,793.69	\$1,132,046.13
2015	12,145	\$2,572,070.77	\$1,107,482.40	\$221,894.07	\$1,242,694.30
2016	11,986	\$2,398,979.51	\$1,084,643.36	\$241,932.06	\$1,072,404.09
Total	64,285	\$13,207,574.68	\$6,308,769.10	\$1,168,286.21	\$5,730,519.37

The aggregate amounts and percentages for the five-year period 2012 to 2016 is as follows:

2012 to 2016 Aggregate Amounts and Percentages

Imposed Amt:	\$13,207,574.68	100%
Paid Amt	\$6,308,769.10	48%
Payable Amt	\$1,168,286.21	9%
Waived / Canceled Amt	\$5,730,519.37	43%

For comparison, the 2017 to 2021 aggregate amounts and percentages presented earlier are below:

2017 to 2021 Aggregate Amounts and Percentages

Imposed Amt	\$7,011,288.12	100%
Paid Amt	\$3,235,126.74	46%
Payable Amt	\$640,465.45	9%
Waived / Canceled Amt	\$3,135,695.93	45%

The imposed amount fell 47 percent in 2017-2021 compared to 2012-2016. While COVID-19 may have significantly impacted activities throughout the misdemeanor criminal legal system in 2020-2021, decline in the number of obligations and the amount imposed is evident prior to the COVID-19 period.

Ten-Year Trend of the Number of LFOs Imposed and the Amount Imposed at SMC



In the five-year period preceding 2020 (the start of COVID-19), the number of LFOs imposed by SMC Judges went from 12,145 obligations in 2015 to 9,322 in 2019, a 23 percent decline. The amount of LFOs imposed went from \$2.572 mil in 2015 to \$1.715 mil in 2019, a 33 percent decline. This demonstrates that SMC Judges have been imposing less LFOs year after year.

Percentagewise, the only difference in the two periods is SMC Judges waiving or cancelling 2 percent more of the imposed amounts in 2017 to 2021 than in 2012 to 2016. One reason why the percentage of waiver or cancelation is only at 2 percent may be because there is not a uniform approach used by SMC Judges to waive or cancel LFOs. Some Judges impose the would-be amount and then mark that amount as waived or canceled, while others do not impose at all or imposes \$0 to begin with. This is also called out in the Seattle City Auditor’s 2021 report, *Assessment of Seattle Municipal Court Probation Racial and Ethnic Proportionality*, recommendation 10. The Court is addressing this item in its response to the Auditor’s report.

Section 5: Race Proportion Comparison of Filed Cases and LFOs

The race proportion for cases filed and LFOs was analyzed for the two time periods, 2012-2016, 2017-2021 and compared by:

1. Case Filings
2.
 - a. Disposed cases with LFOs,
 - b. Number of LFOs
 - c. LFO amounts imposed

Case Filings

Case filing numbers result from the City Attorney’s filing decision on incidents referred for prosecution by the police. For comparison, both 2012 to 2016 and 2017 to 2021 case filing by race are provided.

Race Proportion of Criminal Cases Filed by the City Attorney at SMC, 2012 to 2016

	2012	2013	2014	2015	2016	Overall / Total
Asian / Pacific Islander	6% 482	7% 514	6% 438	6% 450	6% 439	6% 2,323
Black	30% 2,468	30% 2,318	29% 2,003	30% 2,201	29% 2,073	30% 11,063
Native American / Alaska Native	2% 180	3% 198	3% 172	3% 187	3% 177	2% 914
White	56% 4,666	55% 4,247	55% 3,797	55% 4,111	55% 3,910	55% 20,731
Not Identified / Unknown	6% 485	6% 475	6% 438	7% 494	7% 479	6% 2,371
TOTAL FILING	100% 8,281	100% 7,752	100% 6,848	100% 7,443	100% 7,078	100% 37,402

Race Proportion of Criminal Cases Filed by the City at SMC, 2017 to 2021

	2017	2018	2019	2020	2021	Overall / Total
Asian / Pacific Islander	6% 446	5% 415	5% 378	5% 281	5% 178	5% 1,698
Black	29% 2,226	30% 2,381	31% 2,333	32% 1,729	33% 1,167	31% 9,836
Native American / Alaska Native	3% 217	3% 208	2% 156	2% 98	2% 72	2% 751
White	56% 4,311	57% 4,555	55% 4,136	53% 2,907	52% 1,812	55% 17,721
Not Identified / Unknown	6% 473	6% 460	6% 460	8% 433	8% 276	7% 2,102
TOTAL FILING	100% 7,673	100% 8,019	100% 7,463	100% 5,448	100% 3,505	100% 32,108

Other than the sharp drop in filings in 2020 and 2021 (the years impacted by COVID-19) and the slightly higher number in 2012 (over a decade ago), case filing numbers have remained steady from 2013 to 2019. Specifically, in the five-year period 2015 to 2019, the yearly case filing numbers remained consistent at or around 7,500 cases per year.

Race proportion of case filings are very similar in the five-year period from 2012 to 2016 when compared to 2017 to 2021. Each of the overall five-year period race proportion numbers are within 2 percent. However, while the overall numbers purport consistency, the proportion of criminal filings against Black individuals trended upward in the most recent years of this study (2020 to 2021, COVID-19).

Race Proportion For Cases Resolved with LFOs

The tables below (the latter for 2017 to 2021 was presented earlier in the report) show the five available race values tracked by the Court from case filing, by three metrics: Cases Resolved with LFOs, the Number of LFOs, and the LFO Amount Imposed. Each metric has one column providing the number of cases and obligations by race, and a separate column provides the race proportion of the total for each metric. Comparison and analysis of each metric will follow the tables.

Race Proportion of Cases, LFOs, and Imposed Amounts at SMC, 2012 to 2016

	# of Cases	Race Proportion of Cases	# of Obls	Race Proportion of Obligations	Imposed Amt	Race Proportion of Imposed Amt
Asian / Pacific Islander	1,346	6%	4,088	6%	\$965,298.47	7%
Black	6,068	28%	17,065	27%	\$2,893,754.30	22%
Native American / Alaska Native	520	2%	1,289	2%	\$199,965.22	2%
White	12,653	58%	37,695	59%	\$8,241,549.14	62%
Not Identified / Unknown	1,401	6%	4,148	6%	\$907,007.55	7%
TOTAL	21,988	100%	64,285	100%	\$13,207,574.68	100%

Race Proportion of Cases, LFOs, and Imposed Amounts at SMC, 2017 to 2021

	# of Cases	Race Proportion of Cases	# of Obls	Race Proportion of Obligations	Imposed Amt	Race Proportion of Imposed Amt
Asian / Pacific Islander	753	6%	2,333	6%	\$548,968.36	8%
Black	3,642	27%	9,607	25%	\$1,430,914.46	20%
Native American / Alaska Native	340	3%	831	2%	\$142,176.70	2%
White	7,946	59%	22,597	59%	\$4,371,901.07	62%
Not Identified / Unknown	845	6%	2,612	7%	\$517,327.53	7%
TOTAL	13,526	100%	37,980	100%	\$7,011,288.12	100%

a. Disposed Cases with LFOs

Disposed cases with LFOs is a subset of filed criminal cases that have been resolved by way of a conviction, a guilty plea, or a diversionary disposition that results in an LFO imposed by the court. Cases resolved with LFOs imposed went from 21,988 in the 2012 to 2016 five-year period down to 13,526 in the 2017 to 2021 five-year period, a 38.5 percent decrease. A significant portion of this drop is attributable to the impact of COVID-19 on 2020-2021 criminal filings and adjudication process. The difference in the race proportion of disposed cases with LFOs imposed are consistent and within 1 percent between the two five-year periods.

Rather than comparing the two five-year periods when the latter period has almost two years of irregular practice and data due to COVID-19 impact, the full five-year period immediately preceding 2020, 2015-2019, provides better insight as to the trend of disposed cases with LFOs and race proportionality.

Race Proportion of Disposed Cases with LFOs, 2015 to 2019

	Total # of Cases Disposed	Asian / Pacific Islander		Black		Native American / Alaska Native		White		Not Identified / Unknown	
2015	4,370	246	6%	1,222	28%	125	3%	2,528	58%	249	6%
2016	4,290	269	6%	1,188	28%	88	2%	2,424	57%	321	7%
2017	4,152	238	6%	1,075	26%	123	3%	2,468	59%	248	6%
2018	3,948	205	5%	1,060	27%	106	3%	2,351	60%	226	6%
2019	3,487	183	5%	979	28%	84	2%	2,044	59%	197	6%

The race proportion of disposed cases with LFOs imposed is consistent in the above-referenced five-year period. The total number of disposed cases with LFOs, before and without the impact of COVID-19, fell about 20 percent from 4,370 cases in 2015 to 3,487 cases in 2019. Race proportion of disposed cases remained within 2 to 3 percent in this period.

b. Number of Obligations

When a case is disposed, case obligations of financial and non-financial varieties are imposed. These case obligations include jail sentences, treatment obligations, abstain from substance use conditions, no-contact orders, and legal financial obligations (LFOs). The number of LFOs imposed totaled 64,285 in the 2012 to 2016 five-year period. That number dropped to 37,980 in the 2017 to 2021 five-year period, a 41 percent decrease. Again, a significant portion of this drop is attributable to 2020-2021 COVID-19 impact on criminal filings and adjudication process.

The difference in the race proportion of the number of LFOs imposed is consistent and within 2 percent between the two five-year periods (2012-2016, 2017-2021). Specifically, the proportion of the number of LFOs imposed on Black individuals fell from 27 percent in 2012 to 2016 to 25 percent in 2017 to 2021.

The period just before COVID-19, 2015-2019 was again analyzed for insight into the trend of the number of imposed LFOs and the race proportionality.

Race Proportion of the Number of LFOs Imposed, 2015 to 2019

	Total # of LFOs Imposed	Asian / Pacific Islander		Black		Native American / Alaska Native		White		Not Identified / Unknown	
2015	12,145	714	6%	3,336	27%	327	3%	7,077	58%	691	6%
2016	11,986	777	6%	3,348	28%	191	2%	6,746	56%	924	8%
2017	11,150	699	6%	2,744	25%	283	3%	6,662	60%	762	7%
2018	10,393	633	6%	2,605	25%	275	3%	6,244	60%	636	6%
2019	9,322	486	5%	2,485	27%	181	2%	5,596	60%	574	6%

The race proportion of the number of LFOs imposed is somewhat consistent in the five-year period. The total number of LFOs imposed, before and without the impact of COVID-19, fell from 12,145 in 2015 to 9,322 in 2019, a decline by about 23 percent. Race proportion of the number of LFOs imposed for Asian/Pacific Islander, Native American/Alaska Native, and Not Identified / Unknown stayed within 1 to 2 percent in this period. For Black individuals, there was a small but sharp 3 percent drop from 2016 to 2017 and 2018. For White individuals, there was an inverse rise of 4 percent from 56 percent in 2016 to 60 percent in 2017 to 2019.

c. Amounts Imposed

The dollar amounts allowable for each LFO imposed is governed by statutes (described previously in Section 2). The total amount of LFOs imposed in the 2012 to 2016 five-year period is \$13,207,574.68. This dropped in the 2017 to 2021 five-year period to \$7,011,288.12, a 47 percent decrease. Again, a significant portion of this drop is attributable to COVID-19 impacts in 2020 to 2021.

The difference in the race proportion of the LFO amounts imposed are consistent and within 2 percent between the two five-year periods. Like sections a. and b. above, the time period 2015 to 2019, just before COVID-19, was analyzed for the trend of the LFO amounts imposed and the race proportionality of the LFO amounts imposed.

Race Proportion of the LFO Amount Imposed, 2015 to 2019

	Total Amount Imposed	Asian / Pacific Islander		Black		Native American / Alaska Native		White		Not Identified / Unknown	
2015	\$ 2,572,070.77	\$ 171,742.74	7%	\$ 671,761.71	26%	\$ 52,937.82	2%	\$ 1,508,767.37	59%	\$ 166,861.13	6%
2016	\$ 2,398,979.51	\$ 192,529.71	8%	\$ 549,243.61	23%	\$ 23,433.00	1%	\$ 1,422,539.88	59%	\$ 211,233.28	9%
2017	\$ 2,117,557.61	\$ 189,880.35	9%	\$ 395,465.17	19%	\$ 37,884.60	2%	\$ 1,340,158.35	63%	\$ 154,169.14	7%
2018	\$ 1,875,545.64	\$ 143,283.82	8%	\$ 356,156.50	19%	\$ 46,986.50	3%	\$ 1,209,084.23	64%	\$ 120,034.59	6%
2019	\$ 1,715,297.80	\$ 102,808.44	6%	\$ 384,432.83	22%	\$ 38,928.60	2%	\$ 1,080,096.08	63%	\$ 109,031.85	6%

The race proportion of the LFO amount imposed have somewhat fluctuated within 3 to 7 percent in the 2015 to 2019 five-year period. The total LFO amount imposed, before and without the impact of COVID-19, fell about 33 percent from \$2.572 million in 2015 to \$1.715 million in 2019. Race proportion of the number of LFOs imposed for Asian/Pacific Islander, Native American/Alaska Native, and Not Identified/Unknown stayed within 2 to 3 percent in this period. For Black individuals, there was a significant 7 percent decrease in their proportion of LFO amounts imposed from 26 percent in 2015 to 19 percent in 2017 and 2018. It increased slightly back to 22 percent in 2019. For White individuals, there was an inverse rise of 6 percent from 59 percent in 2015 to 64 percent in 2018. Their proportion of the LFO amount imposed came back down slightly to 63 percent in 2019.

Notable Findings

1. The methodology labeled as the “old methodology” from the 2017 study only included LFOs for cases filed within the 2011 to 2016 timeframe. To compare like-periods, LFOs imposed by the court in the 2012 to 2016 five-year period was used for comparison with the LFOs imposed by the court in the 2017 to 2021 five-year period.
2. Comparison of the two five-year periods is included in this report, however, due to COVID-19’s impact to years 2020 and 2021, it is more than likely not a fair comparison. Every metric, from case filing, disposed cases with LFOs imposed, the number of LFOs imposed, to the LFO amount imposed fell drastically in 2020 and 2021.
3. To overcome the inability to compare like for like periods due to COVID-19, this section analyzes a separate five-year period, 2015 to 2019, immediately preceding COVID-19, and provides trends and numbers for those years.
4. Case filing, the prosecutorial discretion of the Seattle City Attorney, stayed at or around 7,500 cases per year from 2015 to 2019. This is to say any decrease in disposed cases with LFOs, the number of LFOs imposed, and the LFO amount imposed are not due to less cases coming into the court.
5. Disposed cases with LFOs imposed, a result of case proceedings by the parties involved, fell 20 percent in 2015 to 2019, the five-year period immediately preceding COVID-19. This could be due to fewer cases year over year resolved by way of convictions, guilty pleas, or other diversionary dispositions that tend to have LFOs imposed. It may also be due to the court not imposing LFOs on disposed cases that were convictions, guilty pleas, or other diversionary dispositions. It may be a combination of both.
6. In the 2015 to 2019 five-year period, the number of LFOs imposed, an action by SMC Judges at the sentencing or dispositional hearings, fell 23 percent. The decline in the number of LFOs imposed outpaced the decline in the number of disposed cases with LFOs imposed (23 percent > 20 percent), which meant the number of LFOs imposed per case also decreased from 2015 to 2019. This could be due to fewer cases year over year are resolved by way of convictions, guilty pleas, or other diversionary dispositions that tend to have LFOs imposed. It may also be due to the court not imposing LFOs on disposed cases that were convictions, guilty pleas, or other diversionary dispositions. It may be a combination of both.
7. In the 2015 to 2019 five-year period, the LFO amount imposed, a decision by SMC Judges at the sentencing or dispositional hearings, fell 33 percent. The decline in the amount imposed outpaced both the decline in the number of LFOs imposed (23 percent) and the number of disposed cases with LFOs imposed (20 percent), which

meant the amount imposed on each LFO decreased from 2015 to 2019. The amount per LFO was \$211.78 in 2015. It fell 13 percent to \$184.01 per LFO in 2019.

8. How LFOs have changed by each year of the 2015 to 2019 five-year period for Black individuals by disposed cases with LFOs, number of obligations, and amount imposed was traced and is shown in the table below:

Year Over Year LFO Comparison for Black Individuals By % of Total, 2015 to 2019

Filing to LFO Amount:	2015	2016	2017	2018	2019	Change Over 5Y
Case Filing	30%	29%	29%	30%	31%	+ 1%
Cases w/ LFO Imposed	28%	28%	26%	27%	28%	0%
Number of LFOs Imposed	27%	28%	25%	25%	27%	0%
LFO Amount Imposed	26%	23%	19%	19%	22%	- 4%

Proportionality of these metrics for Black individuals generally improved slightly (or drastically for LFO Amount Imposed) for the years in the middle of the period. There appeared to be a return to 2015 proportions in 2019 for Cases with LFO Imposed and the Number of LFOs Imposed. LFO Amount remained 4 percent lower proportionately.

With more cases filed against Black individuals into the court, hard number wise, there has been substantial improvements of LFOs for Black individuals.

Year Over Year LFO Comparison For Black Individuals By Number, 2015 to 2019

Filing to LFO Amount:	2015	2016	2017	2018	2019	Change Over 5Y
Case Filing	2,201	2,073	2,226	2,381	2,333	+ 132
Cases w/ LFO Imposed	1,222	1,188	1,075	1,060	979	- 249
Number of LFOs Imposed	3,336	3,348	2,744	2,605	2,485	- 851
LFO Amount Imposed	\$671,762	\$549,244	\$395,465	\$356,157	\$384,433	-\$287,329

The City Attorney filed 6 percent more cases against Black individuals at SMC from 2015 to 2019. However, within the same period, the number of cases with LFOs imposed on Black individuals fell 20 percent. The court, in that same period, imposed 25 percent fewer LFOs on Black individuals, and overall imposed 42 percent less in LFO amount on Black individuals.

Additional LFO Reports

There is growing momentum to review how LFOs are used throughout the criminal justice system, how they intersect with race and social justice issues, poverty, reentry opportunities, and equitable administration of justice. Included in the Appendix are two recent studies requested by the Washington State Legislature conducted by the Washington State Institute for Public Policy. SMC collaborated with the researchers and provided information and LFO data for these studies. These studies provide additional context on LFOs, Washington State statutes, LFO impositions, adjustments, and payments made annually at all courts in Washington State, and a 50-state review of court funding and LFOs.

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Appendix

1. [*Inventory of Criminal and Infraction Fines and Fees at Seattle Municipal Court: A research report in response to City Council Resolution 31637*](#), Seattle Municipal Court, 2017
2. [*Seattle City Council Statement of Legislative Intent SMC-001-A-002*](#), Seattle City Council, 2021
3. [*Assessment of Seattle Municipal Court Probation Racial and Ethnic Proportionality*](#), Seattle City Auditor, 2021
4. [*Legal Financial Obligations in Washington State: Background, Statutes, and 50-State Review, Washington*](#), Washington State Institute for Public Policy, 2021
5. [*Legal Financial Obligations in Washington State: Final Report*](#), Washington State Institute for Public Policy, 2022
6. [*The Price of Justice: Legal Financial Obligations in Washington State*](#), Washington State Supreme Court Minority and Justice Commission, 2022
7. [*United States Systems of Justice, Poverty and the Consequences of Non-Payment of Monetary Sanctions: Interviews from California, Georgia, Illinois, Minnesota, Missouri, Texas, New York, and Washington*](#), Laura and John Arnold Foundation, 2017