

Pete Holmes
Seattle City Attorney
701 5th Ave, Suite 2050
Seattle, WA 98104

May 25, 2021

Dear Mr. Holmes,

Thank you for your office’s participation in the Cities & Counties for Fine and Fee Justice grant team. We are part of a national network of 10 city and county jurisdictions across the country who are implementing fine and fee reforms that work better for people and government.

The team’s subcommittee on restitution (subcommittee) requests that the Seattle City Attorney’s Office (SCAO) immediately implement changes to its internal standards regarding restitution – especially with respect to big businesses, insurance companies, and governmental organizations – and support a request for a more long-term solution of a local victim compensation fund.

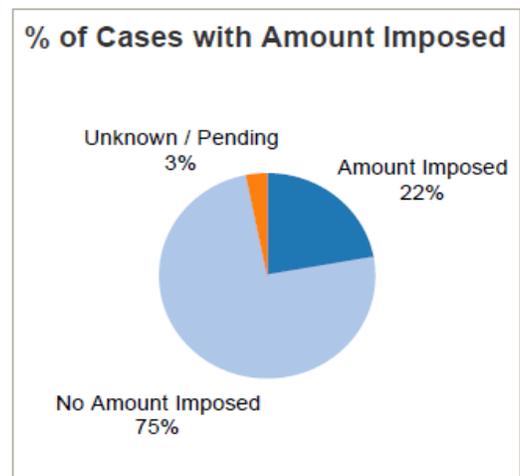
I. BACKGROUND

SCAO and Seattle Municipal Court are members of Seattle/King County Cities & Counties for Fine and Fee Justice grant team, along with several King County agencies. Public Health-Seattle & King County is the coordinating agency for the grant, and community partners include CHOOSE 180. We have pledged to make meaningful fine and fee reforms. One of the fees SCAO committed to reforming was restitution.

Data Analysis¹

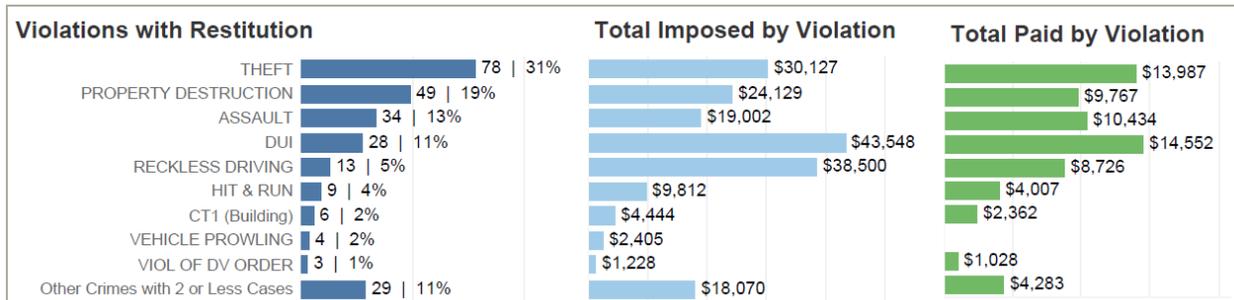
SMC data shows that in cases where restitution is possible, amounts are rarely imposed, and restitution is rarely collected.

Looking at cases where restitution was ordered over the past three years, you can see to the right that at least 75% of those cases never had an amount ordered beyond “to be determined.” We



¹ Data from Seattle Municipal Court Research, Planning, and Evaluation Group: Statistics re: 2018 to 2021 YTD Restitution. January 20, 2021.

understand from SCAO that this occurs when victims do not submit a restitution response. Also, as you can see below, restitution is paid less than half the time. Over the past three years, the rate of restitution paid by violation ranged from 30.8%-47.2%.



Imposing Restitution Undermines Racial Justice and Leads to Increased Incarceration

Imposing restitution and other legal financial obligations does little to help victims, but it does plenty to increase recidivism. In *An Analysis of Court Imposed Monetary Sanctions in Seattle Municipal Courts, 2000-2017*, University of Washington Professor Dr. Alexes Harris and Rutgers University Professor Dr. Frank Edwards found that the issuance of legal financial obligations (including restitution) disproportionately harms Black individuals and has a positive correlation with the likelihood of subsequent incarceration:

Our analysis examining the probability of incarceration with paid and unpaid LFO debt found that Black men and women are more likely to be incarcerated than White men and women post receiving a fine or fee citation or sentence.... Black men with criminal non-traffic LFOs in the amount of \$175, and who have paid the costs off, have a probability of incarceration of 9.1% compared with similarly situated White men who have a probability of incarceration of 3.2%. For those who have not paid off the debt they have a dramatically increased likelihood of incarceration, Black men have a probability of 26% and White men 10% of being incarcerated.²

Based on their research, Professors Harris and Edwards concluded that “[b]oth for nonpayment of LFOs and even just the issuing of an LFO that has been paid,

² Edwards, F., & Harris, A. (2020, August 15). An Analysis of Court Imposed Monetary Sanctions in Seattle Municipal Courts, 2000-2017. <https://doi.org/10.31235/osf.io/ajpqc> (emphasis added)

increases the likelihood of subsequent incarceration for individuals, but at a higher rate for Black men and women.”³

In Seattle Municipal Court from 2018-2021,⁴ individuals identified as Black were on per capita average 3.9 times more likely than individuals identified as white to have restitution imposed. Individuals identified as Native American were on per capita average 7.6 times more likely than individuals identified as white to have restitution imposed. The number of individuals in this data set were low. Nonetheless, there was a clear racial disparity found in analyzing the role restitution plays in Seattle Municipal Court on individuals from historically marginalized and discriminated against communities.

Over-Indebtedness Harms Physical and Mental Health:

A new University of Washington School of Public Health study⁵ supports a long-held argument that court-imposed fees and fines may keep the most vulnerable people ensnared in an often-inescapable cycle of poverty and incarceration. The researchers found that among a group of adults experiencing homelessness in the Seattle area, people with outstanding legal debt spent two more years without stable housing than those without legal debt.

In addition, the associations between over-indebtedness and adverse effects on health are well-documented in the social science and health services research literature.⁶ Studies have found links between debt and measures of poor health, such as lower life expectancy, high blood pressure, obesity, foregone medical treatment and medications, poor self-reported health, depression, anxiety and other mental disorders, and child behavior problems.⁷

³ Edwards, F., & Harris, A. (2020, August 15). An Analysis of Court Imposed Monetary Sanctions in Seattle Municipal Courts, 2000-2017. <https://doi.org/10.31235/osf.io/ajpqc> (emphasis added).

⁴ Data from Seattle Municipal Court Research, Planning, and Evaluation Group: Restitution 2018-2021 with Age Population Rates. March 5, 2021.

⁵ Jessica Mogk, Valerie Shmigol, Marvin Futrell, Bert Stover, Amy Hagopian, “Court-imposed fines as a feature of the homelessness-incarceration nexus: a cross-sectional study of the relationship between legal debt and duration of homelessness in Seattle, Washington, USA,” *Journal of Public Health*, Volume 42, Issue 2, June 2020, e107–e119, <https://doi.org/10.1093/pubmed/fdz062>

⁶ Elina Turunen and Heikki Hiilamo, “Health Effects of Indebtedness: A Systematic Review” *BioMed Central Public Health* 14 (2014): 489, <http://www.biomedcentral.com/1471-2458/14/489>; Chris Fitch, Sarah Hamilton, Paul Bassett, and Ryan Davey, “The Relationship between Personal Debt and Mental Health: A Systematic Review.” *Mental Health Review Journal* 16, no. 4 (2011): 153–66, <https://doi.org/10.1108/13619321111202313>; and Elizabeth Sweet, Arijit Nandi, Emma K. Adam, and Thomas W. McDade, “The High Price of Debt: Household Financial Debt and its Impact on Mental and Physical Health,” *Social Science & Medicine* 91, (August 2013): 94-100, <https://doi.org/10.1016/j.socscimed.2013.05.009>.

⁷ Elizabeth Sweet, Christopher W. Kuzawa, and Thomas W. McDade, “Short-term Lending: Payday Loans as Risk Factors for Anxiety, Inflammation and Poor Health.” *Social Science & Medicine–Population Health* 5, (2018): 114, <https://doi.org/10.1016/j.ssmph.2018.05.009>.

Finally, research shows that an inability to pay monetary sanctions exacerbates existing health issues and introduces stress and strain directly related to not being able to get out of debt. People with legal financial obligations frequently used the terms “stress,” “anxiety,” and “fear” when describing LFOs they are unable to pay. Some research participants said that the feeling of stress was a constant, everyday phenomenon and others said this stress had aggravated existing chemical dependency issues.⁸

Please see Appendices A and B for more information on the health impacts of debt and LFOs.

Restitution Barriers to Diversion and Community Court

SCAO currently allows young adults to divert their case through the Pre-Filing Diversion program with CHOOSE 180, which has been extraordinarily effective – as of January 20, 2020, 93% of the participants had no new criminal convictions⁹ – if the restitution is under \$100 to an individual or under \$500 to a small business. There is no minimum threshold, however, for Community Court; if an individual is unable to satisfy restitution within the Community Court timeframe, a person is deemed ineligible.

II. RECOMMENDATIONS

To fulfill SCAO’s commitment to reform restitution practices as part of its participation in the Cities & Counties for Fine and Fee Justice, the subcommittee presents the following three recommendations:

1) Restitution Should Not Prohibit Eligibility for Diversion or Community Court

Individuals should *not* be barred from Pre-Filing Diversion or Community Court due to restitution. We urge SCAO to adopt a policy that ensures individuals do not receive different case outcomes depending on their personal wealth.

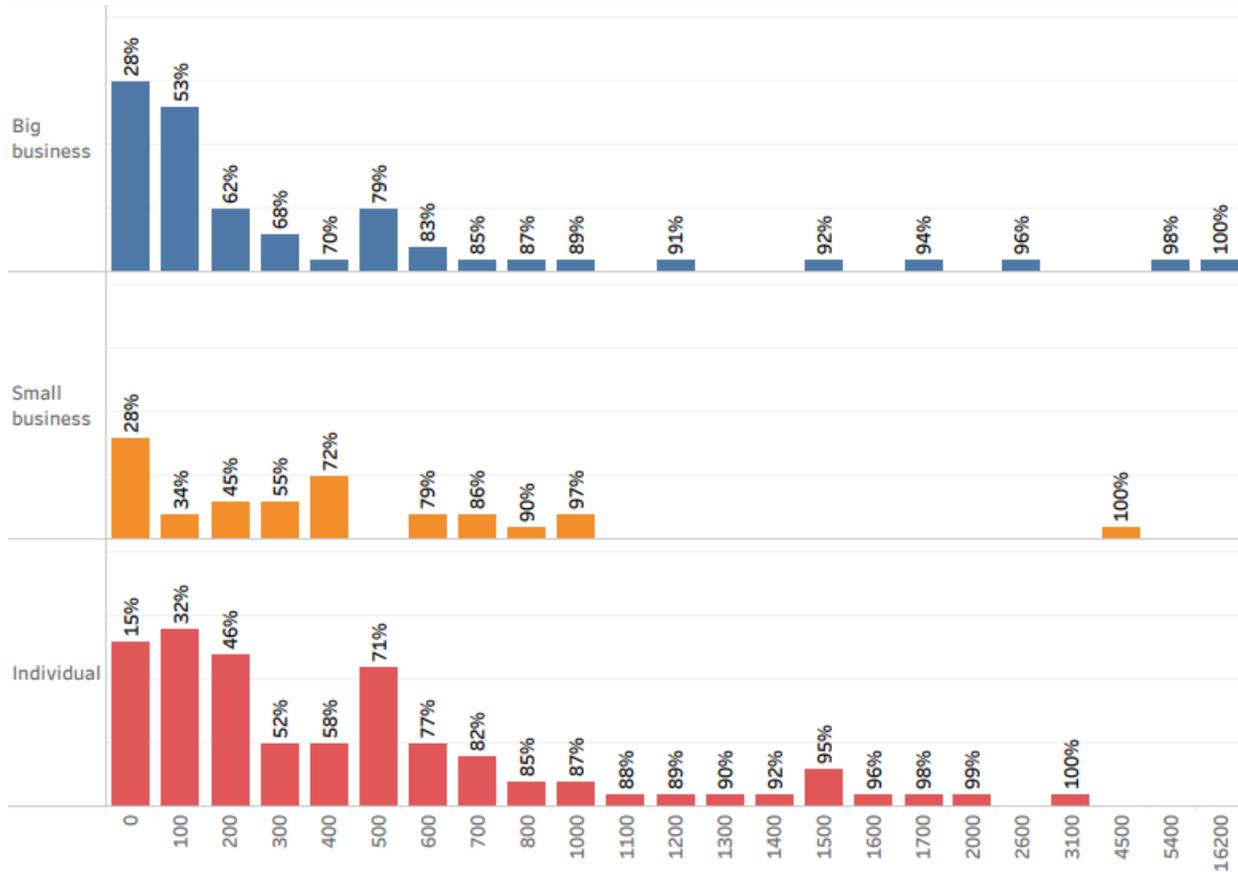
At a minimum, SCAO should expand its current practices and allow cases with larger restitution amounts to be diverted and opted into community court. The subcommittee recommends the following amounts based on non-DV/DUI data from the past three years

⁸ Alexes Harris, Beth Huebner, et al., “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,” prepared for the Laura and John Arnold Foundation, November 8, 2017, <http://www.monetarysanctions.org/wp-content/uploads/2018/01/Monetary-Sanctions-2nd-Year-Report.pdf>

⁹ Data from Seattle City Attorney’s Office: Community Report—Mainstream Pre-Filing Diversion Program from Young Adults, 2019.

(DV and DUI cases are omitted here because we understand that those case types are largely ineligible for Pre-Filing Diversion¹⁰ and Community Court.):

- a. Under \$300 to an individual, as data show that over the last three years, 52% of restitution obligations to individuals were \$300 or less.
- b. Under \$1,000 to a small business,¹¹ as data show that over the past three years, almost all restitution obligations to small businesses (97%) were \$1,000 or less.



This recommendation is critical towards advancing equity at SMC because, at present, a person with financial resources can complete a diversion or secure a dismissal in community court in situations where an individual experiencing poverty faces a conviction. This inequity cannot continue and, while we work on developing a longer-term strategy with a city-funded compensation fund, SCAO should act now to at least mitigate some of the

¹⁰ SCAO does divert young adult roommate domestic violence cases, but we understand those cases are rare. SCAO is also just starting a Pre-Filing Diversion program for young adult family domestic violence, but again we understand that those diversions will be minimal.

¹¹ 25 full-time equivalent employees or fewer and business has no more than 2 locations. This definition of a small business has been adapted from Seattle Office of Economic Development’s definition of a small business for purposes of the 2020 Stabilization fund grants: <https://www.seattle.gov/office-of-economic-development/small-business/small-business-programs/stabilization-fund/faq-x117171>

inequities and harm that result from current restitution practices by adopting these proposed recommendations.

2) Response Should Vary Based on the Type of Harmed Party and Complainant

SCAO should find that the harm to the individual who is barred from diversion and Community Court outweighs the minimal benefit that a big business, insurance company or governmental organization gains from restitution. This recommendation is consistent with how Seattle implemented the Small Business Stabilization Fund (i.e. businesses with 25 full-time equivalent employees or fewer, annual net revenue does not exceed \$2 million, no more than two locations, etc.), as it recognized that some types of businesses are more in need of support than others.¹²

Distinguishing individuals and small businesses versus big businesses will have a meaningful impact in SMC, where about 57% of the restitution requests from non-individuals are made by big businesses. As you can see in the chart below, the median restitution amount for those big businesses is \$182 for non-DV/non-DUI cases. (DV and DUI cases are again omitted here because those case types are largely ineligible for Pre-Filing Diversion¹³ and Community Court.) Restitution results in harms that far outweigh the benefit to big businesses, insurance companies, or government organizations.

Restitution by Victim Category - NonDV, NonDUI

Category	# Cases	Restitution Under 200	Under \$200 Ratio	Average Restitution	Median Restitution
Big business	53	28	52.8%	\$771	\$182
Small business	29	12	41.4%	\$509	\$310
Government	5	2	40.0%	\$455	\$233
Individual	84	28	33.3%	\$508	\$343

3) Participate in a Joint Request for a Victim Compensation Fund

¹² <http://www.seattle.gov/office-of-economic-development/small-business/small-business-programs/stabilization-fund>

¹³ SCAO does divert young adult roommate domestic violence cases, but we understand those cases are rare. SCAO is also just starting a Pre-Filing Diversion program for young adult family domestic violence, but again we understand that those diversions will be minimal.

We request that SCAO join the subcommittee in creating a proposal for the Mayor’s Office and City Council to establish a victim compensation fund of approximately \$100,000 per year¹⁴ to reimburse individuals and small business owners who have suffered a financial loss. Similar work is being undertaken at King County with respect to two programs: Restorative Community Pathways and Community Diversion Project.¹⁵ We believe a victim compensation fund is a long-term solution that will complement a community-based response to harm,¹⁶ from outside the criminal legal system.

According to SMC data from 2018 through January of 2021, between approximately \$32,000 to \$100,000 of restitution was ordered per year, and less than half was paid.

Statistics re: 2018 to 2021 YTD Restitution					
	2018	2019	2020	2021	Total
Number of Cases	524	439	178	5	1,140
Number of Individuals	500	418	168	5	1,073
Number of Obligations	613	507	194	7	1,321
Total Imposed Amount	\$100,471	\$58,347	\$31,598	\$847	\$191,264
Total Paid Amount	\$30,971	\$27,519	\$10,656		\$69,146
Percentage Paid	30.8%	47.2%	33.7%		36.2%

A small restitution fund of \$100,000 per year would help ensure victims are compensated. Please see Appendix C for more information on establishing a victim compensation fund.

Summary of Recommendations

1. SCAO will not pursue restitution requests where the complainant is a big business, insurance company, or self-insured entity.
2. Restitution requests should never prevent a person from having their case diverted with CHOOSE 180 or from being able to complete Community Court.
 - a. *However*, if SCAO does impose a dollar threshold for pre-filing diversion or Community Court eligibility:
 - a. Allow cases to be diverted or opted into Community Court (and decline to request restitution) if the amounts are:

¹⁴ Between 2018-2020, the total amount of restitution has been between \$56,810-\$99,021.

¹⁵ <https://kcprosecutor.medium.com/q-a-community-diversion-program-restorative-community-pathways-40c1d3fcbfc9>

¹⁶ Read more about a community-based response to harm at Restorative Justice Project – Impact Justice: <https://impactjustice.org/impact/restorative-justice>

- Under \$300 to an individual
 - Under \$1,000 to a small business¹⁷
 - b. Ensure restitution requests from big businesses, insurance companies or self-insured entities never bar an individual from a diversion or Community Court opportunity.
- 3. SCAO will join the subcommittee in drafting a proposal for the Mayor’s Office and City Council to establish a victim compensation fund.

III. CONCLUSION

The escalating public health and economic crises of 2020 brought on by COVID-19 are unlike anything we’ve experienced in recent U.S. history. The worst health and financial harms are falling heavily and disproportionately on the most vulnerable people in our region, especially people living paycheck-to-paycheck and Black, Indigenous and People of Color.

We are grateful for SCAO’s commitment to fines and fees reform and to a reevaluation of current restitution practices—critical issues as we work toward creating a more fair and just community. We are pleased that SCAO has already updated its Restitution Packet (Appendix D), which clarified that there is no guarantee the defendant will pay, removed the insurance information section acknowledging that SCAO does not pursue restitution on behalf of insurance companies, and limited the time to request restitution to 14 days.

The recommendations we present here are based on data that show relatively few victims ever receive restitution. These recommendations also recognize that individuals experiencing poverty are disproportionately harmed by debt and LFOs, and that finding strategies to relieve this debt is critical to advancing racial justice and public health.

While these recommendations are a first step, we would like to continue to continue to build out a larger diversion process and move to a more robust community response model. To that end, we are happy to present additional recommendations and meet again in the near future.

¹⁷ 25 full-time equivalent employees or fewer and business has no more than 2 locations. This definition of a small business has been adapted from Seattle Office of Economic Development’s definition of a small business for purposes of the 2020 Stabilization fund grants: <https://www.seattle.gov/office-of-economic-development/small-business/small-business-programs/stabilization-fund/faq-x117171>

Thank you for considering this request. We look forward to meeting soon.

Sincerely,

Subcommittee on Restitution

Cities & Counties for Fine and Fee Justice Grant Team

To develop these recommendations, the subcommittee on restitution centered on data and community perspective. This document was developed by the subcommittee on restitution and may not represent each department's perspective on every issue.

Subcommittee on Restitution Team Members

Jenna Robert, Assistant Seattle City Prosecutor, Seattle City Attorney's Office

Karisa Morikawa, Director of Advocacy and Systems Innovation, CHOOSE 180

Katie Hurley, Special Counsel for Criminal Practice and Policy, King County Department of Public Defense

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Mary Snodgrass, Policy Analyst, Public Health – Seattle & King County

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Additional Cities & Counties for Fine and Fee Justice Grant Team Members

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Marcus Stubblefield, Manager of Criminal Justice and Policy, King County Executive's Office

Martha Ramos, Coordinator, Washington Drivers Relicensing Taskforce

APPENDICES

Appendix A: Public Debt Research with Health Implications
Appendix B: Harms of Legal Financial Obligations
Appendix C: Reasons to Establish a Victim Compensation Fund
Appendix D: Revised Seattle City Attorney's Office Restitution Packet

Appendix A: Public Debt Research with Health Implications

Article 1:

Report on the Economic Well-Being of U.S. Households in 2019, Featuring Supplemental Data from April 2020, May 9th, 2020

<https://www.federalreserve.gov/publications/files/2019-report-economic-well-being-us-households-202005.pdf>

Summary/key findings:

Since 2013, the Federal Reserve Board has administered the Survey of Household Economics and Decision making (SHED) annually to assess the financial challenges and opportunities experienced by families in the U.S. This marked the first-year survey respondents were asked about the impact of outstanding legal expenses and court fines and fees. This report reflects the responses from the 2019 survey and an additional survey intended to understand the impact of COVID-19 on respondents' financial well-being. People earning lower incomes and people of color reported a higher incidence of unpaid court fines and fees.

- At the time of the 2019 survey, six percent of adults claimed that their family had court debt. One-fifth of people with an incarcerated immediate family member reported unpaid fines and fees.
- 10 percent of respondents with incomes less than \$40,000 indicated that they owed court debt, whereas only six percent of people making between \$40,000 and \$100,000 and three percent of people making more than \$100,000 reported unpaid fines and fees.
- 12 percent of Black respondents and nine percent of Hispanic respondents claimed to have unpaid fines and fees; five percent of White respondents reported court debt.
- 43 percent of people belonging to families with outstanding fines and fees also had medical debt.

Health references:

- 43 percent of people belonging to families with outstanding fines and fees also had medical debt. (page 9)
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Article 2:

Can't Win for Losing – How Institutions and Policies Keep Arkansans in Debt.

Report commissioned by Arkansas Community Institute and compiled by Neil Sealy, Acadia Roher, and Wonder Lowe.

Summary/Key Findings:

This report presents the findings from an Arkansas Community Institute survey concerning the household debt of Pulaski and Jefferson county residents. Many of the respondents owe debt from medical bills, student loans, and court fines and fees. Personal accounts and data are incorporated throughout the text to help illustrate the harms inflicted by these three kinds of debt, predominantly in communities of color. The authors also supply policy recommendations to alleviate the burden of medical, student, and court debt.

- “People of color in Pulaski County have double the amount of debt in collections (59%) as white people (30%). In Jefferson County, 54% of people of color have debt in collections compared to 40% of white people.”
- 1210 of the 1845 Pulaski and Jefferson county residents surveyed reported at least one form of debt and the total owed by that subset was at least \$19 million.
- “In one case, a woman bounced a check for \$28.93, which then ballooned to thousands of dollars in court costs and led to her incarceration on a regular basis over the course of several years.”
- Arkansas is the only state that has a criminal eviction statute: “A tenant can be brought to court, fined and sometimes jailed for non-payment of rent while the landlord has no obligation to maintain the rental unit at basic health and safety standards.”

Recommendations

- Stop suspending driver’s licenses for failure to appear in court and failure to pay a fine.
- Establish a clear statewide method for determining a person’s ability to pay a fine or fee such as bench cards for each district judge.
- Court administrators should monitor district courts to ensure that judges are adequately assessing ability to pay.

Health Reference:

- “Triege Hussey, 53, lives in Little Rock with her grandchildren, all of whom survive on her disability and social security check. In addition to \$10,000 worth of medical debt and a suspended license that she cannot afford to reinstate, Mrs. Hussey owes over \$2,500 in court fees and fines to the Sherwood district court because of a \$59 dental bill she failed to pay in the late 1990s. “I’m trying to pay, but with very little income there’s no way I can continue to pay. If I’m late, the interest adds up. I get a certain amount per month just to live and after that I have no funds left.” The interest rate on the money Mrs. Hussey owes to the courts is ten percent. Mrs. Hussey sometimes has to go without food or medicine for herself or her grandchildren in order to pay the bills.” (p. 11)

Article 3:

Costs of Injustice: How Criminal System Fees Are Hurting Los Angeles County Families, November 2019

https://www.aclusocal.org/sites/default/files/aclu_social_costs_of_injustice.pdf

Summary/Key Findings:

This report shares the life experiences of Los Angeles County residents to illustrate how criminal justice fines and fees assessed by the County can be overly burdensome and punitive. The authors suggest that these fees trap people in the system and put the financial stability of families at risk, predominantly in Black and Latinx communities. These costs follow people long after their case is finalized and can lead to re-incarceration or longer periods of probation if they are not paid off. The research also shows that only a small fraction of assessed costs are actually collected.

Health Reference:

- “County-imposed fees force people to choose between fees payments and necessities like rent, groceries, transportation, and medical care. The cause compounding debt, housing instability, loss of employment opportunities, and negative health consequences for thousands of county families.” (p.4)
- Story: “D.B is 23 years old. He owes over \$3,000 in in criminal system fees (in addition to thousands of dollars in victim restitution). The weight of the feed he owes Los Angeles County keeps D.B. up at night with worry... But D.B. can’t afford to pay the fees. He can barely afford to eat right now. He has trouble finding work because of his record...” (p.12)

Appendix B: Research on the Harms of Legal Financial Obligations

COVID-19, recessions and court debt: 2020 is a year unlike anything we’ve experienced in recent history and we see the worst health and financial harms falling heavily on people living paycheck-to-paycheck and laid off workers, who are often people of color. Families are increasingly unable to pay their rent, buy food, make car payments or afford medical care. In the midst of this crisis, paying fines and fees or accumulating additional court debt should be the last thing Seattle residents need to worry about. — *Fines & Fees Justice Center*¹⁸

Court debt can be long lasting: Until legal financial obligation (LFO) debts are paid in full, individuals remain under judicial supervision, subject to court summons, warrants, and jail stays. Interest and surcharges accumulate and LFOs can become insurmountable legal debts that last lifetimes. Fiscal sentences, imposed disproportionately on low-income black, indigenous and other people of color, help create a permanent economic underclass and deepen social stratification. — *Pound of Flesh, 2016*¹⁹

With unpaid court-imposed fines and fees, people's credit scores are negatively affected, they struggle to afford minimum payments, they face warrants for nonpayment-related reasons, loss of driver's licenses and incarceration. Many businesses write off uncollected debt after two years, and courts could do the same. — *Newsweek Op Ed, July 20, 2020*²⁰

Legal financial obligations are increasingly widespread: In 2019, a full 6% of the US adult population had court debt. Legal financial obligations are more likely to be experienced by low-income people; 10% of those earning less than \$40,000 report having court debt. Court debt is more likely to be imposed on

¹⁸ Fine and Fee Justice Center, “Policy Recommendations for Our Communities,” May 28, 2020, <https://finesandfeesjusticecenter.org/articles/ffjc-policy-recommendations-for-the-covid-19-crisis/>

¹⁹ Alexes Harris, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*, Russell Sage Foundation, 2016.

²⁰ Alexes Harris, “Our Double Pandemic Does Not Need More Fines and Fees,” *Newsweek*, July 20, 2020, <https://www.newsweek.com/our-double-pandemic-does-not-need-more-fines-fees-opinion-1518772>

Black and Hispanic people. 12% of adult Black Americans have court debt and 9% of Hispanic adults do, compared to 5% of Whites. Court debt adds to financial burdens faced by low-income people; 43% of those with court debt also have unpaid medical debts. — *Board of Governors of the Federal Reserve System, 2020*²¹

LFOs and homelessness: A new University of Washington study found that among a group of adults experiencing homelessness in the Seattle area, people with outstanding court debt spent two more years without stable housing than those without legal financial debt. — *Journal of Public Health, 2020*²²

Fines and fees take funds away from paying for basic needs: For many low-income individuals of color, fees affect their health, education, employment, and the well-being of their families. Financial burdens fall on families, particularly women; 63% of those with court debt report that family members are primarily responsible for covering conviction-related costs and 83% of these family members are women. — *East Bay Community Law Center, 2018*²³

Over-indebtedness harms physical and mental health: The connections between over-indebtedness and poor health are well-documented.²⁴ Studies have found links between too much debt and lower life expectancy, high blood pressure, obesity, foregone medical treatment and medications, poor self-reported health, depression, anxiety and other mental disorders, and child behavior problems. — *Social Science & Medicine—Population Health, 2018*²⁵

The inability to pay for monetary sanctions has been documented to exacerbate existing health issues and introduce stress and strain related to not being able to get out of debt. People with legal financial obligations frequently used the terms “stress,” “anxiety,” and “fear” when describing LFOs they are unable to pay. Some said that the feeling of stress was a constant everyday phenomenon and that the stress had aggravated existing chemical dependency issues.²⁶ — *Multi State Study Report, 2017*

2020 quote from interview with 22-year-old local woman with court debt experience: “I was stressed and annoyed when I realized I owed that much money. I didn’t know what to do. I would’ve panicked.

²¹ Board of Governors of the Federal Reserve System, “Report on the Economic Well-Being of U.S. Households in 2019, Featuring Supplemental Data from April 2020,” May 9th, 2020

²² Jessica Mogk, Valerie Shmigol, Marvin Futrell, Bert Stover, Amy Hagopian, “Court-imposed fines as a feature of the homelessness-incarceration nexus: a cross-sectional study of the relationship between legal debt and duration of homelessness in Seattle, Washington, USA,” *Journal of Public Health*, Volume 42, Issue 2, June 2020, e107–e119, <https://doi.org/10.1093/pubmed/fdz062>

²³ Theresa Zhen and Brandon Greene, “Pay or prey: how the Alameda County criminal justice system extracts wealth from marginalized communities,” East Bay Community Law Center, 2018, https://ebclc.org/wp-content/uploads/2018/10/EBCLC_CrimeJustice_WP_Fnl.pdf

²⁴ Elina Turunen and Heikki Hiilamo, “Health Effects of Indebtedness: A Systematic Review” *BioMed Central Public Health* 14 (2014): 489, <http://www.biomedcentral.com/1471-2458/14/489>; Chris Fitch, Sarah Hamilton, Paul Bassett, and Ryan Davey, “The Relationship between Personal Debt and Mental Health: A Systematic Review.” *Mental Health Review Journal* 16, no. 4 (2011): 153–66, <https://doi.org/10.1108/13619321111202313>; and Elizabeth Sweet, Arijit Nandi, Emma K. Adam, and Thomas W. McDade, “The High Price of Debt: Household Financial Debt and its Impact on Mental and Physical Health,” *Social Science & Medicine* 91, (August 2013): 94–100, <https://doi.org/10.1016/j.socscimed.2013.05.009>.

²⁵ Elizabeth Sweet, Christopher W. Kuzawa, and Thomas W. McDade, “Short-term Lending: Payday Loans as Risk Factors for Anxiety, Inflammation and Poor Health.” *Social Science & Medicine—Population Health* 5, (2018): 114, <https://doi.org/10.1016/j.ssmph.2018.05.009>.

²⁶ Alexes Harris, Beth Huebner, et al., “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,” prepared for the Laura and John Arnold Foundation, November 8, 2017, <http://www.monetarysanctions.org/wp-content/uploads/2018/01/Monetary-Sanctions-2nd-Year-Report.pdf>

Probably would've been homeless again honestly. Yeah, I don't know what I would have done if I didn't have help from [an organization]." She expressed that she feels good about her future because she was able to get help paying her fees and now her entire court experience is behind her. — *Choose 180 community engagement report*²⁷

We can't make the same mistake twice: After the 2008 recession, many state and local governments increased the number and amount of fines and fees imposed on people for minor traffic and municipal code violations, misdemeanors and felonies, in attempts to fill budget gaps. Relatively little new revenue was raised, and this regressive system of taxation caused enormous harm in economically vulnerable communities, particularly among communities of color. The increased use of monetary sanctions in the last 12 years now threatens to permanently penalize and marginalize more and more of the poor.²⁸

Relieve the burdens of LFOs: In the COVID-19 era, easing up on publicly imposed debt could help many Seattle residents better meet basic needs and protect their health.

Appendix C: Reasons to Establish a Victim Compensation Fund

High pain, low gain: Restitution can become another "high pain, low gain" legal financial obligation. While it is intended to make people whole after a harm has occurred, it is often placed on low-income people who cannot afford to pay. In practice, people who have experienced crimes are rarely made whole by restitution. In 2015 as in typical years, 32% of restitution imposed by Seattle Municipal Court was collected and often long after a crime had occurred.²⁹ A publicly funded victim compensation fund could fix this problem, providing payments on a timely and reliable basis after a crime is experienced.

Unintended consequences: Unpaid restitution will ultimately be referred to collections and can affect a person's credit score. This financial penalty can create long-term hardship for people and families that more often than not results in little financial gain for victims of crimes. Like other fines and fees, restitution is often paid by older female relatives who face pressing financial needs that must now go unmet including for their own basic needs, retirement and other family member's needs and educations.

A better way forward for all involved: Innovative solutions like a publicly funded victim compensation fund can make an important contribution to creating restorative systems that lift people out of poverty rather than holding them down.

Appendix D: Revised Seattle City Attorney's Office Restitution Packet

²⁷ Choose 180, "Fees and Fines Community Engagement Phase One Report," September 2020.

²⁸ Ibid.

²⁹ Municipal Court of Seattle, "Inventory of Criminal and Legal Infraction Fines and Fees at Seattle Municipal Court," August 2017, <http://seattle.legistar.com/View.ashx?M=F&ID=5526697&GUID=BF028E05-CDDA-4460-9985-1359CE7D33EE>



Seattle City Attorney

Peter S. Holmes

[VICTIM NAME]
[VICTIM STREET]
[VICTIM CITY ZIP]

PHONE: [REPORT VICTIM PHONE 1]
EMAIL: [REPORT VICTIM EMAIL]

RE: [DEFENDANT NAME]/[DA LOG NO.]/[CASE NO.] DATE OF INCIDENT: [INCIDENT DATE]

The City of Seattle has filed, or is considering, criminal charges in a case that identifies you as a victim. Please review the below information carefully and call the Seattle City Attorney's Office at 206-[__-__] if you have questions.

Contact Information: It is essential that our office have current contact information for you. If your contact information changes from what is listed above, please let us know immediately.

Victim Impact Statement: Only you can tell us how you have been affected by this crime. If there are things you would like to express, please complete the enclosed form and return it to our office within **14 days**.

Compensation: If you were the victim of a violent crime, you may be able to obtain compensation for injuries requiring medical attention or for the cost of counseling, through the State of Washington's Crime Victim's Compensation (CVC) Program. For more information, please contact the CVC Program at 1-800-762-3716 or visit www.lni.wa.gov/claims/crime-victim-claims/. The CVC program does not compensate for property loss.

Restitution: When the Court imposes a sentence, the Court may order restitution as a part of the sentence. Restitution is money that may be paid to a victim to compensate for the costs associated with personal injury, property loss or damage resulting from the incident. The Court cannot order restitution until a case has resolved, whether that is by a guilty verdict at trial or a plea after negotiations. Even when the Court orders restitution, there is no guarantee the defendant will ultimately pay.

If the defendant contests your request for restitution, the City will likely need to call you as a witness at a restitution hearing.

If you would like to provide a victim impact statement or seek restitution, please complete the enclosed form(s) and return it to our office with supporting documentation if applicable within **14 days**.

WAIVER OF RESTITUTION: Please check if you have no loss or do not wish to pursue restitution.

You may submit documents to:

Seattle City Attorney's Office, Criminal Division
Attention: [PARALEGAL NAME]
701 5th Avenue, Suite 2050
Seattle, WA 98104-7095
Phone: 206-[__-__] Email: [PARALEGAL email address]
FAX: (206) 684-4648



VICTIM IMPACT STATEMENT

Defendant Name: [DEFENDANT NAME] Incident #: [DA LOG NUMBER] SMC Case #: [CASE #]

VICTIM IMPACT STATEMENT: Only you can tell us how you have been affected by this crime. If there are things you would like to express, please complete the enclosed form (or you may submit your statement in letter form) and return it to our office within 14 days. If the defendant is convicted, the judge will read your statement prior to imposing a sentence. A copy of the statement will be included in the court file and made publicly available in the Seattle Municipal Court Portal. It will also be provided to the defense attorney and to the defendant so you may decide not to include your address or telephone number. If you need additional space, you may attach a separate sheet or use the back.

- 1. Please describe the physical, emotional and/or psychological impact this crime had on you.
2. Please describe anything about the crime or the incident that you want the Judge to consider in deciding what sentence to impose on the defendant.

Date: _____

Printed Name: _____ Signature: _____

If you are submitting this form on behalf of someone else, please print your name below:

Printed Name: _____ Signature: _____

You may submit documents to: Seattle City Attorney's Office, Criminal Division
Attention: [PARALEGAL NAME]
701 5th Avenue, Suite 2050
Seattle, WA 98104-7095
Phone: 206-[]- [] Email: [PARALEGAL email address]
FAX: (206) 684-4648



Seattle City Attorney

Peter S. Holmes

RESTITUTION

Defendant Name: [DEFENDANT NAME] Incident #: [DA LOG NUMBER] SMC Case #: [CASE #]

The Court may order restitution to compensate for costs associated with personal injury, property loss or damage resulting from the incident. The Court **cannot** order restitution for loss of wages, punitive damages, the value of your time or the time of others or anything not related to your personal injury or property damage. Defendants often enter payment plans and the Court can do very little if the defendant is unable to pay the restitution. You still have the right to file a civil action, or lawsuit, on your own for any loss or damage instead of, or in addition to, submitting information to our office. If the final amount of your expenses is unknown, please complete what you are able and note what is still to be determined.

PROPERTY LOSS or DAMAGE: List each lost and/or damaged and its value

_____	\$ _____
_____	\$ _____

For each item, include any documentation supporting its value which could include receipts from original purchase or replacement estimates. Please note that the Court assesses the current market value. For property requiring repair, please provide itemized invoices for the repair or itemized estimates. If your car was damaged, it is preferable if you provide two repair estimates.

TOTAL or estimated amount of ALL your property losses	\$ _____
TOTAL amount paid by YOUR insurance	\$ _____
TOTAL amount paid by YOU	\$ _____
TOTAL amount paid by DEFENDANT or his/her insurance	\$ _____
TOTAL of your losses NOT paid for	\$ _____

MEDICAL EXPENSES: You must provide copies of itemized bills for personal injuries caused by the crime.

TOTAL amount of ALL your medical expenses	\$ _____
TOTAL amount paid by YOUR insurance	\$ _____
TOTAL amount paid by YOU	\$ _____
TOTAL amount paid by DEFENDANT or his/her insurance	\$ _____
TOTAL of your medical expenses NOT paid for	\$ _____

Will there be medical expenses in the future? Yes No
If so, please explain: _____

Please sign and date below- your restitution request cannot be processed without your signature.

The above information is accurate and correct to the best of my knowledge.

Date: _____

Printed Name: _____ Signature: _____

If you are submitting this form on behalf of someone else, please print your name below:

Printed Name: _____ Signature: _____

You may submit documents to: **Seattle City Attorney's Office, Criminal Division**

Attention: [PARALEGAL NAME]

701 5th Avenue, Suite 2050

Seattle, WA 98104-7095

Phone: 206-[___ - ___] Email: [PARALEGAL email address]

FAX: (206) 684-4648