

PS & EM COMMITTEE AGENDA
September 5, 2019
North Conference Room
21630 11th Ave S.-Des Moines
6:00-6:50 pm

1. Call Meeting to Order/Roll Call
2. Approval of the June 13, 2019 meeting minutes
3. Code Enforcement Update
4. Community Out Reach Update
5. Emergency Management Update
6. Prostitution Impound Area discussion
7. Adjourn

Memo

Date: September 5, 2019
To: Public Safety and Emergency Management Committee
From: Matt Hutchins, Assistant City Attorney
Re: Prostitution Impound Area Ordinance discussion

The purpose of this agenda item is to provide the Committee with background for a discussion of a proposal to designate an area of the City as an area where motor vehicles used in the commission of crimes involving patronizing a prostitute or promoting prostitution may be impounded by an arresting officer under certain circumstances.

Because motor vehicles are frequently used to facilitate both patronizing and promoting prostitution, the power to impound motor vehicles that are used in the commission of these crimes can produce a large public safety benefit. Taking a patron or promoter's means of committing the crime off the street can have an immediate effect on the supply and demand for prostitution and may have a deterrent effect for the arrested subject going forward. In addition, traffic and public safety issues caused by promoters and patrons circulating through neighborhoods can be lessened.

An arresting law enforcement officer is already empowered under state law to impound vehicles under the following circumstances:

- If the arrest is for a suspected violation of: commercial sexual abuse of a minor (RCW 9.68A.100), promoting commercial sexual abuse of a minor (RCW 9.68A.101), or promoting travel for commercial sexual abuse of a minor (RCW 9.68A.102), the arresting law enforcement officer shall impound a vehicle owned by the arrested person used in the offense. RCW 9A.88.140(2)
- If the arrest is for a suspected violation of: patronizing a prostitute (RCW 9A.88.110), promoting prostitution in the first degree (RCW 9A.88.070), promoting prostitution in the second degree (RCW 9A.88.080), or promoting travel for prostitution (RCW 9A.88.085), the arresting law enforcement officer may impound a vehicle owned by the arrested person used in the offense if the person arrested has previously been convicted of one of the listed offenses. RCW 9A.88.140(1)(a)

The owner of a vehicle impounded under RCW 9A.88.140 must pay a fee to the local law enforcement agency before the vehicle can be released. The fee proceeds are dedicated to efforts to prevent prostitution and to provide services to victims of the commercial sex trade.

This statute also allows a local government to designate an area where first time offenders using their vehicles to patronize or promoting prostitution. There must be a finding by the governmental authority that the area has a disproportionately higher number of arrests for the listed offenses as compared to other areas within the jurisdiction, and the area must be posted with signs giving notice that it is an impound area. Several cities have designated such areas, including the City of Kent.

Based on historic trends and the results of recent prostitution emphasis operations by DMPD, staff believes that there is both a factual basis and a law enforcement need to designate a prostitution impound area where motor vehicle operators without a prior conviction are in jeopardy of impound upon arrest for a crime involving patronizing a prostitute or promoting prostitution. The proposed area would be defined as the area within the City of Des Moines that is east of and including 24th Avenue South and north of and including Kent-Des Moines Road.

In addition to the law enforcement benefits listed above, impounds would also provide financial support to ongoing efforts to combat prostitution and to provide support to victims.