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IN THE SUPREME COURT
OF THE STATE OF WASHINGTON

CITY OF SEATTLE,

Petitioner.

v.

STEVEN G. LONG,

Respondent.

PROFESSORS *AMICUS CURIAE*
BRIEF IN SUPPORT OF RESPONDENT

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I. IDENTITY AND INTEREST OF *AMICI CURIAE*

The identity and interest of Amici are set forth in the Motion of Professors for Leave to File Amicus Curiae Brief in Support of Respondent.

II. COURT OF APPEALS DECISION

This brief is filed in support of the appeal of Respondent Steven Long and in response to the Court of Appeals' decision in *City of Seattle v. Long*, 13 Wn.App.2d 709 (2020).

III. STATEMENT OF THE CASE

Amici Professors adopt Respondent Long's statement of the case.

IV. ARGUMENT

A. Once Contact is Made with the Criminal Legal System, People Face a Broad Range of Monetary Sanctions and Financial Penalties

1. The Imposition of Monetary Sanctions is a National Phenomenon

While monetary sanctions have been imposed since the creation of the formal American criminal justice system, the practice ballooned in the early 1990's.¹ Around that time, states began to formally codify their financial penalties and the number and types of fees and surcharges have

¹ Alexes Harris, Heather Evans, and Katherine Beckett, *Drawing Blood from Stones: Legal Debt and Social Inequality in the Contemporary U.S.*, 115(6) American Journal of Sociology 1755-99 (2010).

expanded.² As a result, the majority of people convicted of misdemeanor and felony crimes in the U.S. receive some type of monetary sanctions. One recent study found that in fifteen states studied, all impose fees upon conviction, all impose parole, probation or other supervision fees, and all have laws authorizing the imposition of jail or prison fees.³ Evidence further indicates that in most jurisdictions monetary sanctions (fines, fees, restitution, court costs) are levied in addition to the other common sentencing options such as community service, probation and incarceration.⁴ In addition to these sentences, people face court related costs contracted with third party entities which may include, for example, per

² Alexes Harris, *A Pound of Flesh: Monetary Sanctions as a Punishment for the Poor* (2016).

³ See Alicia Bannon, Mitali Nagrecha, and Rebekah Diller, *Criminal Justice Debt: A Barrier to Re-entry*, Brennan Center for Justice (2010) (available at www.brennancenter.org/page/Fees%20and%20Fines%20FINAL.pdf). The states include: Alabama, Arizona, California, Florida, Georgia, Illinois, Louisiana, Michigan, Missouri, New York, North Carolina, Ohio, Pennsylvania, Texas and Virginia. Washington is consistent with these states' policies. See *id.*

⁴ See also Christopher R. Adamson *Punishment After Slavery: Southern State Penal Systems, 1865–1890*, 30 *Social Problems* 555–69 (1983); Douglas Blackmon, *Slavery by Another Name: The Re-Enslavement of Black Americans from the Civil War to World War II* (2009); Alexes Harris, Heather Evans, & Katherine Beckett, *Courtesy Stigma and Monetary Sanctions: Toward a Socio-Cultural Theory of Punishment*, 76(2) *American Sociological Review* 234–64 (2011); David M Oshinsky, *Worse Than Slavery* (1997).

payment charges, private collection costs, and costs related to impoundment and towing.⁵

Even seemingly, small amounts owed to the courts and contracted third party entities can create inordinate significance in the lives of poor people who have virtually no access to income or wages while incarcerated. Most people are not able to make payments toward their LFOs while incarcerated, and are thus released from jail or prison in precarious financial situations. Because of this debt, people remain closely connected to the surveillance and sanctioning of criminal legal agents and to the stigmatizing effects of their conviction and citation for long periods of time. The added interest and surcharges contribute to expanding debts at a time when earning prospects are diminished if not already dismal. As a result, monetary sanctions associated with legal contact contribute to the accumulation of disadvantage by reducing people's income and creating long-term debt.⁶ These costs can include, fines, fees, restitution, forfeitures, surcharges, and costs related to other sentences (e.g., impoundment, probation, electronic monitoring). These costs sentenced to people who are poor, without an

⁵ Alexes Harris Tyler Smith and Emmi Obara, *Justice "Cost Points": Examination of Privatization within Public Systems of Justice, Crime and Public Policy* (2019).

⁶ Harris, *A Pound of Flesh*.

assessment of current ability to pay, can be excessive in relation to income and savings for many.

2. Monetary Sanctions are Routinely Imposed in Washington State

In Washington, monetary sanctions sentenced in the superior court are called Legal Financial Obligations (LFOs). The Revised Code of Washington (RCW) establishes which LFOs “shall be” assessed. In general, courts across the state interpret this language as mandatory sanctions and judges impose a \$500 victim penalty assessment (VPA) and a \$100 DNA collection fee as the mandatory minimums. *See generally* RCW 7.68.035 (VPA); RCW 43.43.7541 (DNA collection fee). Just as state sentencing guidelines set mandatory minimum custodial sentence lengths for particular offenses, the total mandatory minimum fiscal penalty for any felony conviction in Washington is \$600. Other mandatory penalties include court-ordered restitution (RCW 9.94A.750) and forfeitures. *See generally* RCW 9A.83.030; RCW 10.105.010; RCW 69.50.505. *See also* RCW 19.290.230; RCW 77.15.070.

Additionally, a number of other discretionary sentences in the form of fines and fees can be imposed. Consequently, the mean sentenced LFO

in Washington is \$1,300, more than two times the statutory minimum.⁷ While the sentences are imposed by judges, payments are monitored by court clerks or private collection companies.

In Washington State, analysis of Administrative Office of the Court (AOC) data show that in 2014 Washington State courts sentenced over \$350 million to defendants. These amounts varied by court type with District Court sentencing the most with \$200 million, followed by Municipal courts at \$100 million, and Superior courts at just under \$50 million.⁸ Furthermore, the total revenue from District and Municipal Court LFO Collections in 2014 was \$249,044,370 (unadjusted for inflation). For Superior Court, \$4,397,591 was collected. Thirty-three times more revenue came from courts of limited jurisdiction. The total sentencing of LFOs has headed downward from 2005 in Superior courts. But these amounts have increased in municipal and district courts since 2008. While Superior Courts

⁷ In Washington, monetary sanctions are assessed at every legal level from juvenile court (status to criminal offenses), civil to district court (misdemeanors). *See* RCW 9.94A.760, RCW 7.68.035 and RCW 43.43.74. The clerk surcharge is an example of a new fee added in 2012. *See* RCW 36.18.020.

⁸ Frank Edwards and Alexes Harris, *An Analysis of Legal Financial Obligations in Seattle Municipal Court, 2000-17*, Presentation to the Washington State Supreme Court Annual Symposium on Fines and Fees (June 2018) and Report Prepared for The City of Seattle, Office for Civil Rights (2020) (available at <https://www.seattle.gov/Documents/Departments/CivilRights/SMC%20Monetary%20Sanctions%20Report%207.28.2020%20FINAL.pdf>).

in Washington State had much higher balance due than the other two court types in the early 2000's, the three courts have roughly the same amount outstanding at 2014 at \$50-60 million.

In 2015, this Court decided *State v. Blazina*, 182 Wn.2d 827 (2015). Going forward, each sentencing judge is required to make an individualized inquiry into a defendant's ability to pay before imposing discretionary LFOs. In 2018, the Washington legislature enacted legislation which amended two statutes and now prohibits the imposition of certain LFOs on indigent defendants. *See* Engrossed Second Substitute House Bill 1783, 65th Leg., Reg. Tess. (Wash. 2018). In addition, indigent defendants are now permitted to file a motion to remit discretionary LFOs that were imposed prior to the decision in *Blazina*. *See* RCW 10.82.090(2)(a).

The *Blazina* decision is a step forward. But neither *Blazina* nor subsequent legislation offers any relief from mandatory financial penalties, restitution or forfeitures.

3. Monetary Sanctions are Routinely Imposed in the City of Seattle

Cases in Seattle Municipal Court (SMC) have trended downward over this 18-year period between 2000-2017. In 2000, SMC handled over 100,000 total cases, and the caseload total was at a minimum in 2017 at about 40,000 cases with ordered LFOs. Because Seattle's population grew

substantially over this time period, the per capita rate of LFO orders declined even more rapidly, from a peak of about 200 cases with LFOs per 1,000 residents in 2000 to a minimum of about 50 cases with LFOs per 1,000 residents in 2017, about 25 percent of the rate of LFO debt orders per capita in 2000. Note that across this period, the overwhelming majority of SMC cases with LFOs were traffic infractions.⁹

Analysis of the distribution of the SMC LFO caseload across Seattle's population by race/ethnicity using data from cases filed in 2017 shows that for all classes of cases, people of color are ordered LFO debt more frequently than white people in Seattle. In 2017, Black drivers in Seattle were issued 2.6 times more traffic infractions with LFOs per capita than were white drivers. Latino/a drivers were issued 1.7 times more traffic infractions than white drivers. American Indians/Alaska Natives were issued LFOs for criminal non-traffic offenses at a per capita rate 6.7 times higher than the rate for white Seattle residents. Non-traffic infraction LFOs were ordered 3.7 times more frequently for American Indians/Alaska Natives than for whites, and Black Seattleites were issued LFOs for non-traffic infractions at a rate 3.1 times higher than white drivers.

⁹ See FN 8, *supra*.

The analysis also shows that Black drivers are far more likely than others to be charged with driving with a license suspended in the third degree (DWLS3) following an SMC LFO. About 2.3 percent of all Black men who receive traffic infraction LFOs in SMC can expect to be charged with DWLS 3, compared to about 0.4 percent of White men. Latino and American Indian/Alaska Native men charged with traffic infractions are more likely than white drivers to be charged with DWLS 3 following an SMC LFO; about 0.8 percent of Latino men and 1 percent of American Indians/Alaska Natives men, on average, will receive a DWLS3 charge in SMC following a traffic infraction at 2000 – 2017 rates.

During the period of analyses, Amici Professors found that Black people in Seattle were sentenced to DWLS3 LFOs at a rate nearly 6 times higher than the rate at which white people in Seattle were sentenced to DWLS3 LFOs. Latino/a residents were sentenced to DWLS3 LFOs at a rate 3.4 times higher than the white sentencing rate. Black and Latino/a Seattle residents were sentenced to LFO debt at higher rates than white Seattle residents for all categories of violations. American Indian/Alaska Native Seattle residents were sentenced to higher levels of debt than white residents for criminal non-traffic, infraction non-traffic, and DWLS3 than were white residents. In sum, the exploration of racial disparities in traffic and non-

traffic infractions illustrate a high degree of racial/ethnic disproportionality in both the case volume and unpaid LFO debt in Seattle Municipal Courts.

B. Fines and Fees Lead to a Series of Cumulative Consequences for People Who are Unable to Pay

There are several legal mechanisms that keep debtors attached to the criminal legal system. Solely because of their poverty status, and their inability to repay all of the financial penalties they were sentenced, poor people – unlike wealthy defendants – experience a very different criminal legal path. And, because of their employment and housing limitations, for many, they will continue on a path of debt for the remainder of their lives. Thus, poor people face a dramatically different type of justice than defendants with financial means. In an eight-state study, including Washington State, researchers interviewed over 500 people who owed court debt.¹⁰ Many interviewed perceived the legal debt as a means for politicians or actors within the criminal legal system to purposefully keep them incarcerated or on court supervision. Regardless of whether the sentence of monetary sanctions is a conscious social control strategy, the punishment of monetary sanctions clearly is a legal mechanism that leads

¹⁰ Sarah Shannon, Beth M. Huebner, Alexes Harris, Karin Martin, Mary Pattillo, Becky Pettit, Bryan Sykes, and Christopher Uggen, *The Broad Scope and Variation of Monetary Sanctions: Evidence from Eight States*, 4(1) UCLA CJLR 269-81 (2020).

to the continual supervision of the poor who are unable to make sufficient or regular payments.

1. Loss of ability to drive

Amici professors' research shows a common concern among those interviewed was over the practice of automatic license suspensions.¹¹ The suspension of driver's licenses for non-payment on court fines and fees is a regular practice across the states Amici Professors studied for the Multi-State Study of Monetary Sanctions, including Washington State.¹² These policies had severe consequences on the ability for individuals to go to work, bring their children to school and childcare, make appointments, attend court hearings, and go about their daily lives. Many individuals abided by their suspensions, doing their best to manage their inability to travel. Others believed that their needs for transportation were greater than the potential consequences of driving on a suspended license.

¹¹ See Alexes Harris and Tyler Smith, *Monetary Sanctions as Chronic and Acute Health Stressors: The Emotional and Physical Strain of People Who Owe Court Fines and Fees* (2020) (Under Review). For example, many traffic and DUI convictions in WA result in the automatic suspension of an individual's driver's license. Individuals may not have their license reinstated until all LFOs are paid off. See <https://www.dol.wa.gov/driverslicense/suspensions.html>.

¹² See FN 8, *supra*.

2. Precarious Access to Housing

Pattillo and colleagues¹³ find in their work that studies in the growing field of monetary sanctions mention housing instability as a sequela of being sentenced to pay fines and fees, but often place housing alongside other hardships that result from LFOs.¹⁴ Only Jessica Mogk *et al*¹⁵ make the relationship between LFOs and housing outcomes — specifically homelessness — the primary topic of study. In their survey of 101 people experiencing homelessness in Seattle, they found that having criminal justice debt was correlated with longer periods of homelessness. Amici Professors have expanded on that survey and produced the first study to explore how LFOs produce many forms of housing insecurity.

¹³ Mary Pattillo, Erica Banks, Brian Sargent, and Daniel Boches, *Monetary Sanctions and the Housing Churn* (2020) (Under Review).

¹⁴ Alicia Bannon, Mitali Nagrecha, and Rebekah Diller, *Criminal Justice Debt: A Barrier to Re-entry*. New York: Brennan Center for Justice, (2010) (available at www.brennancenter.org/page/-/Fees%20and%20Fines%20FINAL.pdf); Alexes Harris, *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. NY: Russell Sage Foundation (2016); Alexes Harris, Heather Evans, and Katherine Beckett. *Courtesy Stigma and Monetary Sanctions*, 76(2) *American Sociological Review* 1-31 (2011). Highsmith, *Commercialized (In)Justice*, NCLC (2019) (available at <https://www.nclc.org/images/pdf/criminal-justice/report-commercialized-injustice.pdf>).

¹⁵ Jessica Mogk, Valerie Shmigol, Marvin Futrell, Bert Stover, and Amy Hagopian, *Court-imposed Fines as a feature of the Homelessness-Incarceration Nexus*, 42 *Journal of Public Health* 107-19 (2020).

Patillo et al. explain “how housing instability leads to LFOs is a more difficult process to document, but Amici Professors exploit their wealth of data to forge new hypotheses for this pathway. Being homeless leads directly to financial penalties in jurisdictions where public order infractions receive fine-only citations, and for low-level general crimes that garner a ticket. The homeless men in Stuart’s ethnographic study in Los Angeles,¹⁶ for example, received criminal fines for jaywalking, begging, obstructing the sidewalk, littering, and “for flicking . . . cigarette ash into the breeze.” *Id.*¹⁷ Beyond homelessness, we show how other forms of housing insecurity — such as living in crowded housing situations with few resources — can also lead to entanglements with the law and result in fines and fees.”

In their analysis of interviews with people who owe debt, Patillo et al. present the following example of Sean (all names are pseudonyms), a 43-year-old man from Washington State.

Interviewer: Okay. How much do you worry about your LFO’s?

Respondent: I quit worrying about it. I just accepted being homeless.

¹⁶ Forrest Stuart, *Down, Out and Under Arrest: Policing and Everyday Life in Skid Row* (2016).

¹⁷ See also Chris Herring, Dilara Yarbrough, and Lisa Marie Alatorre, *Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness*, 67 *Social Problems* 131-49 (2020).

Interviewer: Yeah?

Respondent: Too poor to make it.

Interviewer: So where do you tend to stay right now?

Respondent: On the street. Like in front of buildings, on the side of buildings. Like I just had court today 'cause I got woken up behind *ampm*. And so they gave me a trespassing charge for sleeping behind *ampm*.

Interviewer: Okay. Does that happen more frequently? Or does that happen often, I guess you could say?

Respondent: Yeah, with everyone yeah. It's illegal to be homeless in [X] county.

Interviewer: It's illegal to be homeless in [X] county?

Respondent: Yeah.

Interviewer: And so you just end up getting all these extra charges on it? Does that add up to more fees and fines and all that?

Respondent: Yeah.

Interviewer: So it keeps building?

Respondent: Yeah.

Interviewer: So can you think of ways of getting out [of debt]? Or is it basically like this is just kind of-

Respondent: Get out of [X] county.

Pattillo and colleagues note that there is no law that explicitly makes being houseless illegal in Washington State. They find “what the law does

say, however, is that it is illegal to trespass. Trespassing “upon the premises of another” is what Sean was charged with for sleeping on the property of an *ampm* convenience store, a simple misdemeanor, punishable by a fine of up to \$1,000 and a 90-day jail term.¹⁸ Sean reported that even prior to his most current arrest, he had received fines and fees of \$1,000, but that interest for non-payment had increased them to \$2,500. Notices about what he owed were sent to his father’s house. He was on a payment plan of \$50 per month. Sometimes his father paid his LFOs and other times he paid them out of his monthly disability check, which Sean stated, is “supposed to be \$750. I get \$680 after child support. And then I have to pay another \$50 for fines.” Sean’s LFOs take up 7 percent of his net disability check, which is his only source of income, and is not sufficient to pay for housing. When asked how the debt affected him, Sean answered directly: “I just can’t afford to live. Can’t afford to live in the first place, being on disability . . . It’s affected my ability to pay rent.” The circular hardship is obvious. His homelessness gets him fined for trespassing while his LFOs (and low income) keep him from being housed.”

¹⁸ See RCW 9A.52.070 for Criminal trespass in the first degree and 9A.52.080 for Criminal trespass in the second degree. On fine amounts, *see* RCW 9A.20.021.

3. Constant Mental Stress and Concern

Harris and Smith analyzed a national dataset provided by the Federal Reserve, and in which individuals were asked to rate their general health. They find that people who have legal debt are more likely to indicate that their health falls into the lower range. The authors find significant differences between people who carry household court related debt from those who do not. Among those households that owe legal debt people work less due to health concerns, and were less likely to receive mental, dental or follow-up care because of cost. These data illustrate a significant difference between people who owe legal debt and those who not in terms of the types of health care they accessed and medical debt accrued. Using nationally sampled data, and interview data from the eight state study, their findings are suggestive of the ways court debt can lead to differential outcomes and wellness.¹⁹

C. Monetary Sanction, Including Costs Related to Impoundment, Can be Financially Devastating

The punishment of monetary sanctions including, all related cost points, is a unique punishment option. Fines and fees are similar to

¹⁹ Alexes Harris and Tyler Smith, *Monetary Sanctions as Chronic and Acute Health Stressors: The Emotional and Physical Strain of People Who Owe Court Fines and Fees* (2020) (Under Review).

probation in that they accompany constant court supervision until paid in full. Furthermore, until all court related costs are paid, including those to third party entities, people are unable to move forward with their lives: access housing, transportation, and carry constant stress. However, the unique fiscal hurt associated with monetary sanctions creates an additional and cumulative punishment. Unlike incarceration, for people who are poor, debtors do not have a determinate date by which they will be relieved of this fiscal punishment. To this end, monetary sanctions are very different from incarceration and even probation. The policy directives guiding incarcerative sentences purposefully shifted to discrete determinate sentences to avoid, in part, racial disparities in outcome.²⁰ In contrast, people serve an indeterminate punishment with monetary sanctions, and because of poverty, many will carry the penal debt until they die. The perpetual nature of legal debt, the uncertainty of when the punishment and control will end, and the constant tradeoff with securing basic living accommodations, such as food, housing and health care, makes monetary sanctions a particularly egregious punishment. The chronic and acute stress

²⁰ Rodney L. Engen, *Assessing Determinate and Presumptive Sentencing – Making Research Relevant*, 8(2) *Criminology and Public Policy* 323-337 (2009); Terance D .Miethe and Charles A. Moore, *Socioeconomic Disparities Under Determinate Sentencing Systems; A Comparison of Preguideline and Postguideline Practices in Minnesota*, 23 *Criminology* 337-63 (1985).

these costs bring is one that differently punishes poor people from people with financial means, and appears to diminish people's abilities to be well.

D. For People Who are Poor, the System of Monetary Sanctions is Excessive When Amounts are Imposed are Not Directly Related to a Person's Ability to Pay

The system of monetary sanctions is also crucial to understanding the processes of social stratification and inequality in the United States. Particularly, when certain racial and ethnic groups are disproportionately processed within the criminal legal system, and as a result, disproportionately carry the burden of criminal legal debt, our work finds that this punishment system is fundamental to expanding racial, ethnic, and economic inequality. Penal debt informs past and current understandings of the sociological "gaps." For example, the gap in wealth attainment between Black, Native American, Latino/a households with white households could be affected by the differential rates by which Black, Native American, and Latino/a individuals make contact with criminal legal systems and carry penal debt. Similar gaps in educational attainment could be the result of the disproportionate rates by which Black, Native American, and Latino/a children have a parent incarcerated, and as a result, their families face high institutional fees, costs and services related to penal debt and mandated punishments that carry financial payments. This financial weight also matters in that penal debt creates cost-prohibitive barriers for

adults to complete and further their own education. Penal debt sheds light on the health gaps found between racial and ethnic groups. Above and beyond the fiscal stress, the constrained opportunities may cause people who are entangled in the criminal legal system to have poorer outcomes than either those without contact, and those who have felony convictions but do not carry the debt burden. Examining the role of penal debt in contemporary society is crucial to fully understand the creation, maintenance, and further bifurcation of these “gaps” that perpetuate racial, ethnic and economic disparities.²¹

E. People Sentenced to Pay Monetary Sanctions Experience them as Excessive

Two considerations of excessiveness include if the punishment and related costs are reasonable given a person’s ability to pay and if the punishment is proportionate to the crime. Amici Professors’ interviews with people paying their court debt and related costs found that even small

²¹ Alexis Harris, Mary Pattillo and Bryan Sykes, *The Costs of Paying Debts to Society: An Eight State Study of Monetary Sanctions* (2020) (Under Review). See also Melvin L. Oliver and Thomas M. Shapiro, *Disrupting the Racial Wealth Gap*, 18(1) *Contexts* 16-21 (2019); Anthony A. Peguero, Sarah M. Ovink, and Yun Ling Li, *Social Bonding to School and Educational Inequality: Race/Ethnicity, Dropping Out, and the Significance of Place*, 59(2) *Sociological Perspectives* 317-444, (2016) (available at <http://www.jstor.org.offcampus.lib.washington.edu/stable/26339115>); David R. Williams and Michelle Sternthal, *Understanding Racial-ethnic Disparities in Health: Sociological Contributions*, 51 *Journal of Health and Social Behavior*, S15-S27 (2010).

amounts of LFOs were experienced as both outside of their financial means to pay and disproportionate to the crime committed. It is important to calibrate how the dollar amounts of court costs, fines, and fees sound to the people upon whom they are imposed. The median income of the people interviewed was roughly \$1,500 per month. Many of these people owed in excess of their monthly income, mostly for nonviolent offenses. When they did pay, they did so by not paying other essential bills and costs. For example, Christine, a 32-year-old woman in Washington State, reported her court debt — which included restitution stemming from a felony and four misdemeanors — as totaling \$8,000, not including the interest that continued to accrue. She reported earning \$2200 per month, and paid \$1250 on the apartment she shared with her sister. This left little to pay her other bills and made it almost impossible to reduce her court debt. “Pretty much I’m barely, if I even am, paying the interest,” she lamented. The widespread inability to pay made the punishment disproportionate to their crime and redistributed monies in a regressive fashion.

Monetary sanctions are often imposed on top of jail, prison, probation, community service, and other court-mandated programs. In low-level criminal cases where the retributive function is already served by these other forms of punishment, monetary sanctions add a disproportionately punitive element for poor people who have little means to satisfy this

component of their sentence. Even in more serious cases, monetary sanctions pile on to other punishments. Nathan, a 33-year-old man in the state of Washington, was convicted at age 17 and spent 4 years in a juvenile detention facility. When he was released he still owed \$40,000 in restitution and nearly \$10,000 in court fines and costs for a fraud case. He has experienced more than a decade of housing instability, including homelessness. He shared: “I have rode around on buses all night long. I have stayed in different shelters. During the summer, I even found it was warm enough, saw a park bench, laid down, slept. So, I mean, I’ve had a rough go of things paying off this debt.” In other words, the monetary sanctions are in excess of the four years of confinement as a young adult, and they keep Nathan in a perpetual state of punishment and poverty.

V. CONCLUSION

For all the reasons outlined above, the system of monetary sanctions, and all related cost points, creates cumulative disadvantage for people who are poor, and disproportionately of color. Research illustrates that these costs impeded many people’s abilities to be safe, healthy and free. As such, these costs – imposed on people too poor to pay – are excessive.

Respectfully submitted this 5th day of February, 2021.

/s/ Todd Maybrown
Todd Maybrown, WSBA #18557
Attorney for *Amici* Professors

PROOF OF SERVICE

Sarah Conger swears the following is true under penalty of perjury under the laws of the State of Washington:

On the 5th day of February, 2021, I filed the above document via the Appellate Court E-File Portal through which counsel for all parties will be served.

DATED at Seattle, Washington this 5th day of February, 2021.

/s/ Sarah Conger

Sarah Conger, Legal Assistant

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