

PERFORMANCE AUDIT

Report Highlights



Office of the
Washington
State Auditor
Pat McCarthy

Examining Fines for Human Trafficking and Sexual Exploitation Crimes

Human trafficking is an illegal trade of exploiting people, often those who are more vulnerable. It is defined as using force, fraud or coercion to compel a person into any form of work, whether sex or other labor. Survivors often need many services, but insufficient funding worries some organizations.

State law imposes mandatory fines on people who commit human trafficking and related sexual exploitation crimes, such as commercial sexual abuse of a minor. Fines make those who exploit other people responsible for contributing financially to local efforts to address these crimes and support survivors. Jurisdictions must follow a multistep process to assess, collect, send and use fines as required. Convictions, and resulting fine revenues, vary by crime and are concentrated in more populous counties.

Concerns that jurisdictions were not administering these fines and revenues as required led to a provision in Senate Bill 6006, passed by the Legislature in 2024. This provision required the Office of the Washington State Auditor to conduct a performance audit examining the assessment, collection and use of human trafficking fines. We decided to also examine fines for related sexual exploitation crimes: they are much more common and must follow a similar process under state law. This audit examined the administration of fines in a selection of three courts (and their associated clerks) and three corresponding local governments, listed in the sidebar.

Jurisdictions included in this audit

Courts and clerks

Kent Municipal Court
King County Superior Court
Pierce County Superior Court

Local governments

City of Kent
King County
Pierce County

Courts assessed fines inconsistently; improving awareness and understanding can help

State law requires courts to assess fines for human trafficking and sexual exploitation crimes. However, courts statewide did not consistently assess these required fines. Audited courts assessed fines but did so inconsistently, with assessment rates varying depending on the crime. They could have assessed additional fines intended to address these crimes and support survivors. Courts did not assess fines for several reasons, including limited

awareness among judges and prosecutors, especially those who do not see many relevant cases, and broader changes in legal philosophy around fines that may minimize their use. They could improve awareness and understanding of fines through education or tools.

While clerks collected some fines, collection rates varied and some revenues were not sent to the correct local government

Fines must be collected by clerks and sent to the local government where the offense occurred. Collection rates varied depending on both court and crime. While clerks collected some fines at audited jurisdictions, rates were lower for superior courts and human trafficking. Kent Municipal Court collected more than 90% of fines assessed. Clerks at King and Pierce County Superior Courts collected roughly half the fines assessed. Clerks face several challenges that contribute to low collection rates, including the fact that many offenders cannot pay their fines and legislative changes that have made collections more difficult.

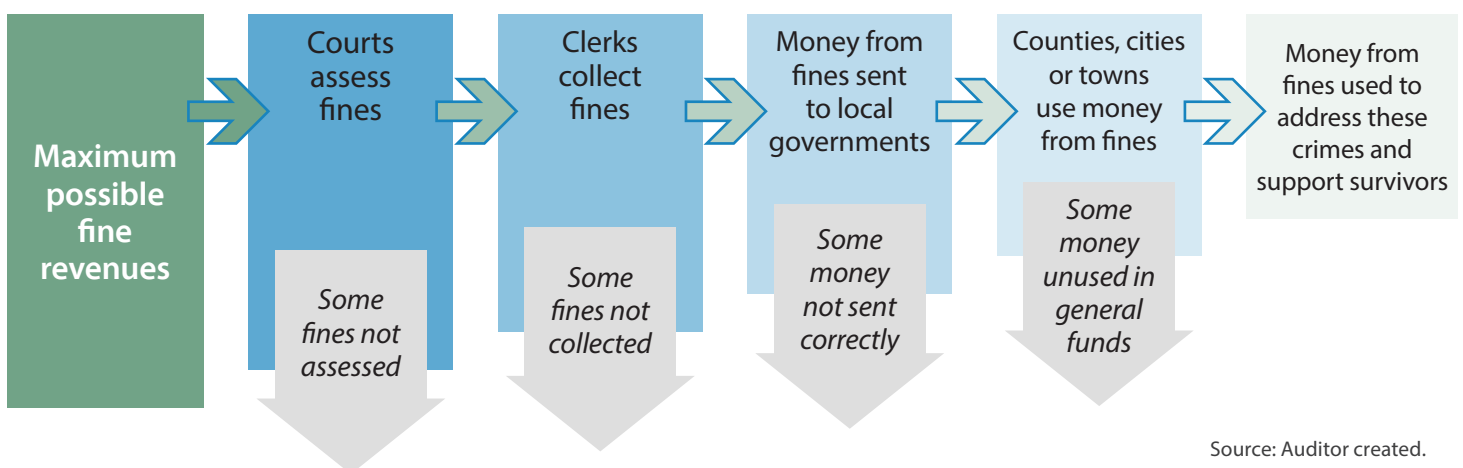
Some fine revenues were not sent to the correct local government. In two audited jurisdictions, some superior court fine revenues incorrectly went to their county (instead of to cities or towns) or the state general fund. Incomplete forms and incorrect coding contributed to incorrect transfers of fine revenue.

Local governments varied in whether they used fine revenues to address these crimes and support survivors

Local governments must use fine revenues for enforcement, prevention and survivors' services. The City of Kent used fine revenues as required for enforcement efforts and organizations serving survivors. Kent used tracking spreadsheets, procedures and an approval process to ensure fine revenues were used properly. King County appeared to use fine revenues as required to support investigations and its exploited children program. However, the county lacked a sufficient process to ensure fine revenues will be used according to state law in the future. Pierce County's fine revenue was unused in its general fund and the county lacked a process to use fine revenue according to state law. Fine revenues may also go unused in other jurisdictions across the state.

As shown in the infographic, we found issues at every step in the process for administering fines pertaining to human trafficking and sexual exploitation. This means some money intended to address these crimes and support survivors did not reach its intended purpose.

Infographic – From assessment to end-use, administering fines requires many steps – with potential for diminishing funds all along the way



State Auditor's Conclusions

Human trafficking is a serious issue, a criminal activity that is difficult to detect and combat. In this performance audit, we reviewed the assessment, collection and use of court fines associated with human trafficking and sexual exploitation crimes, which are intended to fund efforts to prevent these crimes and support survivors.

Overall, we found inconsistencies in Washington's system for levying these fines and using the resulting revenue. Some required fines are not assessed; some that are assessed are not collected; some collected are not transferred correctly; and not all revenue sent to local governments is spent appropriately. The geography of this system is also remarkably uneven. More than 90% of all fine revenue is collected in King County, while many smaller counties, because they do not hear such cases, receive no revenue from fines.

Additionally, the amount of local revenue from exploitation-associated fines can be small. In King County, for example, the Superior Court Clerk's Office reported \$115,000 in fine revenue during the same period that the county spent at least \$1.1 million on two human trafficking prevention and survivor-support programs.

As someone who has participated in efforts to support survivors of sexual assault, however, I know every dollar available for crime victim services is immensely valued. The state must be as effective as possible in collecting and using these fines. Washington's criminal justice system, at the local level, needs a better understanding of the requirements for assessing and using fines related to crimes of exploitation. Additional training and guidance can clarify the legal requirements for areas with a higher number of cases, and such efforts will help increase overall awareness of the fines in areas where prosecution of these crimes is less common.

These and other recommendations detailed in this report can help Washington do more to prevent human trafficking and support those who have experienced it.

Recommendations

We made a series of recommendations to audited jurisdictions to improve the administration of human trafficking and sexual exploitation fines. They included:

- Courts should work with prosecutors to improve awareness and understanding of fines to ensure they are consistently assessed
- Jurisdictions should ensure their business processes, codes and templates are set up so that fines are sent to the correct local government
- Local governments should establish or strengthen their processes for ensuring fine revenues are used as required for enforcement, prevention and survivors' services

Finally, we also suggested other jurisdictions in the state should implement these recommendations if needed.