

## ORDINANCE NO. 1723

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to public safety, authorizing law enforcement officers to impound vehicles used in certain prostitution related offenses within designated areas, designating defined areas within the City of Des Moines as areas within which vehicles are subject to impoundment for certain prostitution related offenses, directing signs to be posted at the boundaries of designated prostitution impound areas, amending DMMC 9.76.040, and adding a new section to chapter 9.76 DMMC.

**WHEREAS**, the City of Des Moines has historically had a significant history of criminal activity along Pacific Highway South, and

**WHEREAS**, in 2007, the City Council enacted Ordinance No. 1036, designating certain areas of the City as "anti-prostitution emphasis areas" based on a finding that disproportionately high amounts of prostitution related crimes were occurring in those areas, and

**WHEREAS**, emphasis operations by the Des Moines Police Department ("DMPD") between 2014 and 2019 confirm that prostitution activity still persists in the area around Pacific Highway South, and

**WHEREAS**, DMPD should utilize all available tools to combat the patronizing and promotion of prostitution and the sex trafficking that enables the activity to exist, and

**WHEREAS**, many patrons use motor vehicles in order to obtain the services of a prostitute, and

**WHEREAS**, promoters of prostitution use motor vehicles to support their criminal enterprise through such activities as transportation, surveillance, and collection of money, and

**WHEREAS**, successful prevention of prostitution involves efforts to curtail the demand for services offered by prostitutes and the opportunities for promoters to operate, and

**WHEREAS**, the State Legislature has empowered arresting law enforcement officers to impound vehicles involved in certain prostitution-related crimes when the arrested person is the owner

of the vehicle or the vehicle is a rental car under certain circumstances through RCW 9A.88.140, and

**WHEREAS**, RCW 9A.88.140 allows local jurisdictions to designate an area within which motor vehicles are subject to impound for the crimes involving patronizing a prostitute or promoting prostitution upon a finding that the area has a disproportionately high number of arrests for the offenses, and

**WHEREAS**, DMPD conducted emphasis operations on June 20-21, July 30, and August 2, 2019 targeting patrons of prostitution and promoters of prostitution, and

**WHEREAS**, these emphasis operations resulted in the arrest of over one dozen individuals for patronizing a prostitute and one individual for promoting the commercial sexual abuse of a minor, and

**WHEREAS**, the emphasis operations contacted six victims of sex trafficking, who were offered services in the hope of assisting the victims to escape their situation, and

**WHEREAS**, all of the arrests and victim contacts during these operations occurred in the area surrounding Pacific Hwy S, and

**WHEREAS**, no arrests of this kind have been made outside of this area in recent history, and

**WHEREAS**, historic patterns and the results of contemporary emphasis operations conclusively demonstrate that the area surrounding Pacific Hwy S, bounded by 24th Ave S north of Kent-Des Moines Road; bounded by 16th Ave S south of S 260th St; and within 500 feet of Pacific Hwy S in between, has a disproportionately higher number of arrests for crimes involving patronizing a prostitute or promoting prostitution as compared to other areas within the City, and

**WHEREAS**, designating this area as an area where motor vehicles may be impounded when used in the commission of crimes involving patronizing a prostitute or promoting prostitution will be a valuable tool to impact both the demand and supply for victims of sex trafficking, and

**WHEREAS**, the City Council finds that the designation of an area within which a motor vehicle may be impounded when used in the commission of crimes involving patronizing a prostitute or promoting prostitution and the authorization for arresting officers to make such an impound in accordance with RCW 9A.88.140 contained in this Ordinance are appropriate and necessary for the preservation of the public health and welfare; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1. Findings.** The recitals to this Ordinance are hereby incorporated by reference, as if fully set forth herein.

**Sec. 2.** DMMC 9.76.040 and section 86 of Ordinance No. 1036 are amended to read as follows:

**Prostitution.**

The following state statutes are adopted by reference and are applicable within the city:

RCW

- 9A.88.030 Prostitution.
- 9A.88.050 Prostitution - Sex of parties immaterial - No defense.
- 9A.88.060 Promoting prostitution - Definitions.
- 9A.88.090 Permitting prostitution.
- 9A.88.110 Patronizing a prostitute.
- 9A.88.140 Vehicle impoundment-Fees-Fines.

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**NEW SECTION.**    **Sec. 3.** A new section is added to chapter 9.76 DMMC to read as follows:

**Vehicle Impoundment Areas.**

(1) The Des Moines City Council finds that the area described in section 3(2) of this ordinance has a disproportionately higher number of arrests for the offenses listed in RCW 9A.88.140(a) as compared to other areas within the City.

(2) An area within the City of Des Moines is designated as an area within which vehicles are subject to impoundment under RCW 9A.88.140, defined as follows:

The area within the City of Des Moines that includes and is east of 24th Avenue South and north of and including Kent-Des Moines Road, together with the area within the City of Des Moines between Kent-Des Moines Road and South 260th Street and lying within 500 feet of Pacific Highway South, together with the area within the City of Des Moines that includes and is east of 16th Avenue South and south of and including South 260th St.

(3) Signs shall be posted at the boundaries of the area designated in section 3(2) of this ordinance to indicate that the area has been designated as an area within which vehicles are subject to impound under RCW 9A.88.140.

**Sec. 4. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.


(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

**Sec. 5. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 26th day of September, 2019 and signed in authentication thereof this 26th day of September, 2019.

  
M A Y O R

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: October 1, 2019

Effective Date: October 26, 2019