

**CITY COUNCIL AGENDA TOPIC**

Reducing public disorder crimes in Bellevue

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**EXECUTIVE SUMMARY****DIRECTION**

Staff are providing information and analysis related to repeat offenses of public disorder crimes in Bellevue, and tools to reduce these crimes. After Council discussion, staff are asking for feedback and direction on whether to advance a potential new tool—an ordinance imposing mandatory minimum sentences for repeat offenders of these crimes.

**RECOMMENDATION**

Provide feedback and direction on whether to advance an ordinance imposing mandatory minimum sentences for repeat offenders of public disorder crimes.

**BACKGROUND/ANALYSIS**

This memo recalls Council's previous direction related to repeat offenses of public disorder crimes in Bellevue, summarizes key issues and findings, and discusses enforcement tools to accomplish Council's objective to reduce these crimes.

**Council History**

On October 29, 2024, at Councilmember Nieuwenhuis' request, Council directed staff work beyond the eight-hour limitation to conduct the necessary research and analysis related to repeat offenses of public disorder crimes in Bellevue, and options and recommendations for Council consideration, including, if appropriate, a mandatory minimum sentences ordinance for repeat offenders of these crimes.

Council articulated the goal of reducing public disorder crimes in Bellevue. Public disorder crimes were discussed as those resulting in financial loss and decreased public safety, and could potentially include theft, criminal trespass, criminal mischief, vehicle prowling, drug-related crimes and assault; and repeat offenders could be defined as those with two or more convictions within any two-year period.

**Key Issues and Findings**

With the goal of reducing public disorder crimes, staff have identified key issues and questions — a list of reported crimes; who are committing them; and current and new enforcement tools. Staff have then performed research and analysis, and these findings are below.

**Issue #1: Defining public disorder crimes in Bellevue**

Public disorder crimes are not formally defined under state law or city code. In Council discussion, public disorder crimes include those resulting in financial loss and decreased public safety.

As reference, nearby jurisdictions, specifically Everett and Marysville, that have also attempted to reduce their public disorder crimes in recent years have chosen to define public disorder crimes based on the crimes committed and the impacts of the crimes on those cities. To define which crimes should be included as public disorder crimes in Bellevue, the below data show the six most reported crimes in Bellevue (based on 2024 data from the Bellevue Police Department (BPD)) in the past three years.

#### Number of Reported Crimes per Year

Reported Crime	2022	2023	2024
Shoplifting (Theft 3 <sup>rd</sup> degree)	1031	1242	1417
Theft from Motor Vehicles (Vehicle Prowling 2 <sup>nd</sup> degree)	1184	1024	999
Theft of Motor Vehicles	494	713	520
Damage to Private Property (Malicious Mischief 3 <sup>rd</sup> degree)	403	413	405
Theft from Mail (Theft 3 <sup>rd</sup> degree)	328	381	354
Theft (All Other Theft 3 <sup>rd</sup> degree)	306	302	351

*Findings: In Bellevue, the top six crimes involve financial loss and decreased public safety, with five of the six crimes categorized as theft crimes. Notably, shoplifting and theft from motor vehicles (vehicle prowling) are the two highest reported crimes, with these crimes almost triple and double the next most reported crime.*

*Also, shoplifting—the number one reported crime in Bellevue and making up 67% of theft 3<sup>rd</sup> degree crimes—has increased from year to year, in contrast to crimes in general trending downwards in Bellevue. Shoplifting is also a crime that regularly does not get reported as retailers sometimes choose to forgo spending time and resources to make police reports and testify, or to instead, go through civil avenues to recover their costs. It is almost certain that the number of shoplifting occurrences is even higher than what is reported.*

*Both shoplifting and theft from motor vehicles are costly financially to retailers and vehicle owners, as well as to the general safety and economic vitality of the community. Therefore, public disorder crimes in Bellevue can be defined as theft crimes, and particularly, shoplifting and theft from motor vehicles.*

#### Issue #2: Identifying offenders

Bellevue has various individuals committing crimes, including organized groups, those with substance issues, and repeat offenders. Understanding the City's success rates in charging and prosecuting offenders, and who are the offenders, can help to tailor any new tool to be more effective.

#### Prosecution of Theft 3<sup>rd</sup> Degree (Shoplifting, Theft from Mail, and Other Thefts) per Year

Prosecution Statistics	2022	2023	2024
Charges Filed After Referral	85%	84%	88%
Charges Resolved with a Favorable Outcome (e.g., guilty finding)	93%	94%	94%
Charges Resolved with an Unfavorable Outcome (e.g., not guilty or dismissal)	1%	2%	1%
Charges Resolved with Other Outcome (e.g., defendant found incompetent)	6%	4%	5%

### Bellevue Offenders with Prior Convictions in WA in the Last 2 Years of Theft 3<sup>rd</sup> Degree\*

0 prior	1 prior	2+ prior**
72%	20%	8%

\* The percentages above are estimated based on sample data in December 2024 from Prosecution. Similar data for theft from motor vehicles is not available.

\*\* The people in this category have between two and five prior convictions.

Another dataset on repeat offenders is from the BPD Stop the Lift campaign during last year's holiday shopping season between mid-November and Christmas Day to address shoplifting. The campaign involved proactive patrols in areas like Factoria and Bellevue Square Mall, and crossed the lines of prevention, intervention and enforcement. During this time period, BPD arrested 161 people. Out of the 161 people, 58 people or 36% had at least two or more prior convictions for theft 3<sup>rd</sup> degree. This reoffender rate of 36% includes convictions over the entire individuals' adult years, and is expectedly higher than the 8% rate that covers the last two years.

*Findings: In 2024, City prosecutors filed charges around 88% of referred cases for theft 3<sup>rd</sup> degree, with similar percentages in 2022 and 2023. Once charged, BPD and City prosecutors have been outstanding at holding offenders accountable, with an almost 100% rate in achieving a favorable outcome.*

*The prior convictions data shows that the majority of theft 3<sup>rd</sup> degree offenders do not have any convictions, with a relatively small percentage with two or more prior offenses of the same crime in Washington State in the last two years. Extrapolating this recidivism rate, an estimated 113 of the 1417 reported shoplifting cases in 2024 would have been committed by offenders with at least two prior theft 3<sup>rd</sup> degree convictions in the state in the last two years.*

*Looking at both the prosecution sample data and the Stop the Lift data, the trajectory of recidivism is downward over a longer lookback. These data show that, while many more people have prior theft 3<sup>rd</sup> degree convictions over their adult lifetime, there is a small subset of people who offend and reoffend at any given time. It seems appropriate to focus responsive tools on this subset of current reoffenders, instead of those who have older prior convictions.*

### Issue #3: Enforcement tools to reduce public disorder crimes in Bellevue

There are various tools in prevention, intervention and enforcement aimed to reduce crime. Unlike prevention and intervention that stop or mitigate crimes from being committed, enforcement occurs after the crime has been committed and relies on rehabilitation and deterrence—a carrot and stick approach—to prevent future crimes.

In Bellevue, City prosecutors handle misdemeanor and gross misdemeanor crimes. Gross misdemeanor crimes, which include Bellevue's top crimes of shoplifting and theft from motor vehicles, have a maximum sentence of 364 days. This means prosecutors have discretion to ask, and the judge can impose, anywhere from 0 to 364 day sentences for these crimes.

Bellevue contracts with South Correctional Entity (SCORE) jail to house Bellevue misdemeanor offenders. The current cost per person is \$144 – 207 per day depending on services needed, with additional fees assessed for booking, transport, medical, and other items. Bellevue is different from Everett and Marysville, which operate their own jails. The cost is significantly less to hold offenders for longer stretches when the operation is internal to the sentencing jurisdiction.

While not expected to open until Summer 2025, the City is also well into activation of community court. If eligible, non-violent offenders are allowed to participate in a program of intensive supervision via a collaborative multi-discipline response between the court, prosecutor, service providers such as substance use and mental health treatment, housing, human services, employment, and education providers. Community court is more akin to a carrot, incentivizing participation in services, and has been shown to be more successful in rehabilitating offenders than jail.

#### Findings: Conviction and Jail sentence

*Being convicted for a crime and sentenced to jail can be a deterrence. This is a stick approach—punishing people by putting them in jail for a duration commensurate with how egregious and harmful to society their crime is. Mandatory minimum sentences have been used to enhance this deterrence tool for repeat offenders by adding to the jail time.*

*Putting offenders in jail is costly to the City, both in direct jail cost at a median of \$175 per person per day, and indirectly, because people while in jail generally are not able to work, care for their families, or meet other obligations. Jails also do not provide the necessary environment for offenders to find long term treatment of any substance or mental health issues or get help finding stable jobs and housing.*

*There are several considerations specific to mandatory minimum sentences. First, mandatory minimum sentences are likely to result in longer jail sentences, which correspond to higher costs. In addition to the standard costs and fees associated with the daily rate of jail, the City is also responsible for the cost of outside medical treatment required by an indigent inmate, which can significantly increase costs for longer-term incarcerations.*

*Second, Everett and Marysville—the two jurisdictions that have recently adopted ordinances imposing mandatory minimum sentences for public disorder crimes—have not published data on the efficacy of their ordinances. Therefore, it is not known based on these examples if the mandatory minimum sentences will result in reducing the targeted crimes. However, because mandatory minimum sentencing is expected to add jail time, it has the potential of being a greater deterrent, as well as making clear the jurisdiction's strong stance against offenders who repeatedly victimize others.*

*Third, both prosecutors and judges already weigh the offender's criminal history, severity of the crime, mitigating factors (up or down) and the facts of the case. Prosecutors do so in seeking sentencing, and judges do the same in determining sentencing. Mandatory minimum sentences limit prosecutors and judges from exercising their judgment and discretion.*

#### Findings: Community Court

*Community court is a data-driven, proven approach to reduce recidivism for non-violent offenders. Bellevue's top crimes—shoplifting and theft from motor vehicles—are regularly committed due to*

*poverty, addiction and mental health. The availability of services that is part of the community court program has the potential to significantly reduce recidivism.*

*Employing a community court program can be especially effective alongside any mandatory minimum sentences for repeat offenders of theft crimes. As reference, both Everett and Marysville have a similar program allowing defendants to avoid imposition of the otherwise mandatory jail sentence if they agree to enter into substance abuse treatment monitored by the court. Bellevue's community court program would allow for close and careful monitoring of such a treatment alternative. This combination separates those who need and want help to rehabilitate by connecting them with services; versus those who are career offenders.*

*If incorporated in a mandatory minimum sentencing structure, prosecutors can utilize community court as an incentive for those eligible and with potential to not re-offend. If they are successful in completing the community court program, this will mitigate financial and other negative impacts on the community.*

### **Potential New Tool: Mandatory Minimum Sentences for Repeat Offenders**

Bellevue has a high number of reported shoplifting and thefts from motor vehicles. Mandating minimum sentences tailored to repeat offenders of these specific crimes has the potential to deter offenders and repeat offenders from committing these crimes in Bellevue. Staff are asking for Council feedback and direction on whether to advance this potential new tool—a mandatory minimum sentences ordinance for repeat offenders of these crimes.

The following components of a potential ordinance are based on staff's findings of key issues. Staff are asking for Council feedback and direction on whether to advance this new ordinance and its components.

1. Public Disorder Crimes include shoplifting (theft 3<sup>rd</sup> degree) and theft from motor vehicles (vehicle prowling).
2. Repeat Offender is defined as an adult person, 18 years or older, with two or more convictions of the same public disorder crime in Washington State within the past two years.
3. A mandatory minimum sentence of 30 days is imposed for Repeat Offenders.
4. Repeat offenders who are eligible for and successfully complete participation in community court, diversion programs or similar programs are exempted from the mandatory minimum sentence.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

This Council directed work, which may include a potential new ordinance to impose mandatory minimum sentences for repeat offenders, to reduce public disorder crimes is consistent with Council vision and strategic target area around community safety and health. Specifically, the work aligns with promoting a community where all people can thrive, feel safe and enjoy access to city amenities and services, and the commitment to providing a proactive range of prevention, intervention, and enforcement to protect life, property and the environment.

### **Fiscal Impact**

A mandatory minimum sentencing for repeat offenders will have a fiscal cost. Actual cost is dependent on the components of the ordinance and may vary from year to year. There is currently no funding source identified to bear this cost.

#### **OPTIONS**

1. Provide feedback and direction on whether to advance an ordinance imposing mandatory minimum sentences for repeat offenders of public disorder crimes.
2. Provide alternative direction to staff.

#### **ATTACHMENTS**

N/A

#### **AVAILABLE IN COUNCIL LIBRARY**

N/A