

**CITY COUNCIL AGENDA TOPIC**

Ordinance imposing mandatory minimum sentencing for repeat offenders of certain theft crimes.

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**EXECUTIVE SUMMARY****DIRECTION**

As directed by Council on March 11, staff are returning with draft code language for mandatory minimum sentencing for repeat offenders of certain theft crimes as well as additional information.

**RECOMMENDATION**

Consider directing staff to prepare an ordinance imposing mandatory minimum sentencing for repeat offenders of certain theft crimes.

**BACKGROUND/ANALYSIS**

This memo briefly recalls the history of this item before Council, describes the components of the draft mandatory minimum sentence code, explains how the draft code was developed, and provides additional information requested and that may be helpful to Council deliberation.

**History**

Originally brought forward by Councilmember Nieuwenhuis on October 29, 2024, the purpose of this item was to reduce public disorder crimes in Bellevue by addressing repeat offenders of these crimes. In this meeting, Council articulated public disorder crimes as those crimes that resulted in financial loss and decreased public safety and discussed repeat offenders as those with two or more convictions within the past two years.

On March 11, staff presented analysis identifying the most impactful crimes to the people of Bellevue as theft, particularly shoplifting; and active repeat offenders to be generally those with prior convictions within the last two years. Staff also provided information about the variety of prevention, deterrence and enforcement tools, including mandatory minimum sentencing. After discussion, Council directed staff to bring back an ordinance imposing mandatory minimum sentencing for repeat offenders, additional data from other cities with similar ordinances, and any new information about community court.

**Components of Draft Mandatory Minimum Sentencing Code**

Staff have prepared a draft code imposing mandatory minimum sentencing (Attachment A). For ease of Council deliberation, the components of this draft code are listed below.

Components	Recommendation
Crimes Included	Theft 3 <sup>rd</sup> Degree (shoplifting, theft from mail, other misdemeanor thefts)
Repeat Offender	<ul style="list-style-type: none"> <li>• 18 years or older</li> <li>• 2 or more convictions of Theft 1<sup>st</sup> Degree, Theft 2<sup>nd</sup> Degree or Theft 3<sup>rd</sup> Degree in Washington State within the last 2 years</li> </ul>
Minimum Sentence	30 days in jail
Discretionary Provisions	<ul style="list-style-type: none"> <li>• Court may order electronic home monitoring if there is substantial risk of mental or physical harm</li> <li>• If eligible, defendant may participate in diversion programs</li> </ul>

### **Bases for Draft Ordinance**

Responding to Council's stated purpose and prior discussions, staff have drafted the code with the following intentions.

#### **1. Focus on crimes that are most impactful to Bellevue.**

Mandatory minimum sentencing is both a deterrence and enforcement tool. Deterrence is achieved through messaging that Bellevue will hold offenders with an automatic and mandatory jail sentence. It is also an enforcement tool as it holds those who harm Bellevue community members, businesses and visitors accountable with a harsher jail sentence.

Bellevue Police Department (BPD) recently shared updated statistics showing a marked decrease in the overall number of reported crimes in 2025 in Bellevue. These statistics indicate the excellent job BPD has been doing to ensure that the city is a safe place for people to work, live and visit. Theft 3<sup>rd</sup> degree crimes (shoplifting, theft from mail and other misdemeanor thefts) make up the highest reported crimes year-over-year, see below table.

Theft places a financial burden on retailers, customers, and sales tax revenues. Communities also suffer in other ways through witnessing theft, eroding confidence in societal fairness, and experiencing loss of convenience and enjoyment in shopping with many standard items locked behind glass cabinets and metal gates.

In addition, as with all crimes, high theft numbers mean a heavier resource burden on law enforcement (police) and the judiciary (prosecutors, public defendants and the courts). Arrests, convictions and incarceration for theft also cause financial and emotional hardship on offenders' families and loved ones.

Thus, while the overall crime rate has decreased, mandatory minimum sentencing may still be useful deter potential offenders and further reduce theft crimes. As such, staff have developed the code to focus on public disorder crimes that are most impactful to Bellevue: Theft 3<sup>rd</sup> degree.

### Estimated Numbers of Highest Reported Property Crimes per Year in Bellevue

Crime	2023	2024	2025*
Theft 3 <sup>rd</sup> degree (shoplifting, theft from mail, other thefts)	2576	2626	1965
Vehicle prowling (theft from vehicles)	1062	1025	598
Theft of vehicles (auto theft)	739	531	188

\* Assumes yearly total based on January – August 2025 numbers

#### 2. Focus on individuals who are currently active and reoffending.

Mandatory minimum sentencing generally imposes a uniform and consistent consequence for similar offenders and protects the public by removing repeat offenders for a certain and longer duration. To help mitigate the potential inequities of a one-size-fits-all sentencing, staff have carefully considered the characteristics of offenders who are to be subjected to this sentencing.

Staff started with Council direction to deter and reduce crimes committed by repeat offenders. From data and City prosecution experience, the target group of repeat offenders should be those who are actively reoffending and blatantly disregarding the law. Thus, staff drafted the code to apply mandatory minimum sentencing to offenders with two or more convictions of theft crimes in Washington State within the last two years.

#### 3. Maintain legislative and judicial balance

A mandatory minimum sentence is a specific duration of imprisonment that the court must impose on persons convicted of particular crimes and under certain circumstances. The sentence is established by the legislative branch. As such, mandatory sentencing represents the legislative branch asserting over an area traditionally occupied by the court, there is a tension between legislative and judicial branches of government.

As explained in the preceding two sections, the code has been drafted to deter Theft 3<sup>rd</sup> degree crimes from occurring in Bellevue through strong messaging condemning criminal activity and offenders, uniform and more severe consequences, and intervention and removal of offenders from the community. At the same time, staff have also built in judicial discretion.

As drafted, the code includes a couple of key judicial discretion provisions. First, the court may order electronic home monitoring instead of incarceration if there is substantial risk of mental or physical harm to the defendant. Second, if eligible, a defendant may be able to participate in diversion programs. Both of these discretionary provisions enable the judicial system to consider unique facts of each case and the characteristics of the offender, as well as utilize alternatives to incarceration that may be more effective and responsive to preventing future crimes.

### Additional Information

In follow up to the March 11 meeting, staff are providing information about other cities with similar ordinances and the recently opened Bellevue Community Court. Further, staff are also including other information that may help with Council deliberation.

### Data from Other Jurisdictions

The cities of Everett and Marysville adopted mandatory minimum sentencing ordinance at or around the end of 2023. Each city tailored its ordinance to the crimes that are most prevalent and negatively impactful. Everett defined its public disorder crimes to include theft, criminal trespass, criminal mischief, drug-related crimes, and assault; and Marysville included theft, vehicle prowling, criminal trespass, and use of a controlled substance in a public place. Staff's draft code has also focused on the crimes most impactful to Bellevue, which is Theft 3<sup>rd</sup> degree.

Staff have recently checked in with these cities. There is a common challenge around gathering and making any conclusions regarding the efficacy of the ordinance. Similar to staff's own experience, data from the police, prosecutors, courts, treatment facilities and jail do not correlate with each other, e.g., different naming conventions, categories, etc.

Marysville has provided some raw data for January to July 2025. In these seven months, there are 41 convictions of repeat offenders of public disorder crimes—30 people with three prior convictions and 11 people with four or more prior convictions. However, there is not any benchmark data or a way of doing a controlled comparison. As a result, it is not possible to conclude whether public disorder crimes are decreasing; or the approximate difference in sentences if there is no mandatory sentencing.

### Bellevue Community Court

At the March 11 meeting, staff provided information about community courts, and how such court is another tool within the criminal justice system that has been shown to reduce recidivism. At that time, the Bellevue Community Court was in the latter planning stages and near its opening date. Council expressed interest in learning more about community court and specifically, about the Bellevue Community Court after it began operating.

As general information, community court is designed to identify and address the underlying challenges for defendants that may contribute to further criminal activity. As such, community court requires an assessment of the challenges and strengths of each participant to help determine what follow-up steps will be required. To assist with compliance, community partners are on-site to provide a wide array of services, such as healthcare/insurance, education, job training, behavioral health, substance use disorder help and others. Participants must not have any violent felony convictions, any pending violent felony charges or a sex offender history.

The Bellevue Community Court was launched on July 15 at the Bellevue Library. The Community Court is held every Tuesday afternoon and presided by King County District Court Judge Lisa O'Toole. At the writing of this memo, there are around 20 participants active with the Bellevue Community Court.

Both community court and mandatory minimum sentencing are enforcement tools—the former leans on rehabilitation and the latter focuses on deterrence. They are separate and independent of each other but co-exist well together.

### **Other Relevant Information**

#### Criminal Prosecution in Bellevue

- Bellevue prosecutors handle misdemeanor and gross misdemeanor crimes.

- Misdemeanor crimes have a maximum jail sentence of 90 days; and gross misdemeanor crimes have a maximum sentence of 364 days.
- Maximum sentences are set by state laws. This means prosecutors have discretion to ask, and the judge can impose, from 0 up to 90 or 364 days for misdemeanor and gross misdemeanor crimes, respectively.
- In the last several years, City prosecutors filed charges for around 88 percent of referred cases for Theft 3<sup>rd</sup> degree crimes.
- Bellevue Police Department (BPD) and City prosecutors have been very successful at holding offenders accountable, with an almost 100 percent rate in achieving a favorable outcome (guilty conviction, diversion approval, or charges resolved favorable in some manner).
- Based on sample data of Theft 3<sup>rd</sup> degree convictions, around 10 percent of defendants had two prior convictions of theft in Washington State in their records within the two years prior to the incident. These offenders received around 20 days of jail time for their convictions.
- Correlating this percentage of repeat offenders, approximately 70 defendants will be subjected to ordinance and sentenced to at least 30 days in jail per year.
- Defendants routinely receive one-third off of their jail sentences for good time. This means defendants serve around 13 days for a 20-day sentence; and 20 days for a 30-day sentence. These calculate to approximately 7 additional jail days per person for 70 defendants, totaling 490 additional jail days per year.

#### Direct City Cost of Jail

- 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.
- The City is currently renegotiating renewal of the SCORE contract. The new rates provided by SCORE are six to 18 percent higher for base services, or up to \$170 – 244 per person per day.
- Based on the estimated total of additional jail days per year and the new SCORE rates, the ordinance will cost the City approximately \$83,300 – 119,560 per year.

## **POLICY & FISCAL IMPACTS**

### **Policy Impact**

If Council is interested in putting in place mandatory minimum sentencing, the ordinance would be drafted to support Council vision and strategic target area around community safety and health, specifically promoting a community where all people can thrive, feel safe and enjoy access to city amenities and services. Additionally, the ordinance will be drafted to preserve discretion in the judicial system to consider individual circumstances, consistent with another Council foundational value of equity and fairness.

### **Fiscal Impact**

A mandatory minimum sentencing for repeat offenders is likely to have a fiscal cost. Actual cost may vary from year to year. There is currently no funding source identified to bear this cost.

## **OPTIONS**

1. Direct staff to prepare an ordinance imposing mandatory minimum sentencing for repeat offenders of certain theft crimes.
2. Provide alternative direction to staff.

## **ATTACHMENTS**

- A. Mandatory Minimum Sentencing Draft Code

## **AVAILABLE IN COUNCIL LIBRARY**

N/A