

Our Mission



Columbia Legal Services advocates for laws that advance social, economic, and racial equity for people living in poverty.

Source: Pasco Community Day of Hope

Long Term Goals

**All people in WA State
are free and not caged
in prisons, jails, or
immigration detention
centers.**

**All people in WA State
have equitable access
to rights and benefits.**

**All people in WA State
are able to exercise
collective power to
build and support
healthy, economically
stable communities.**

Telling

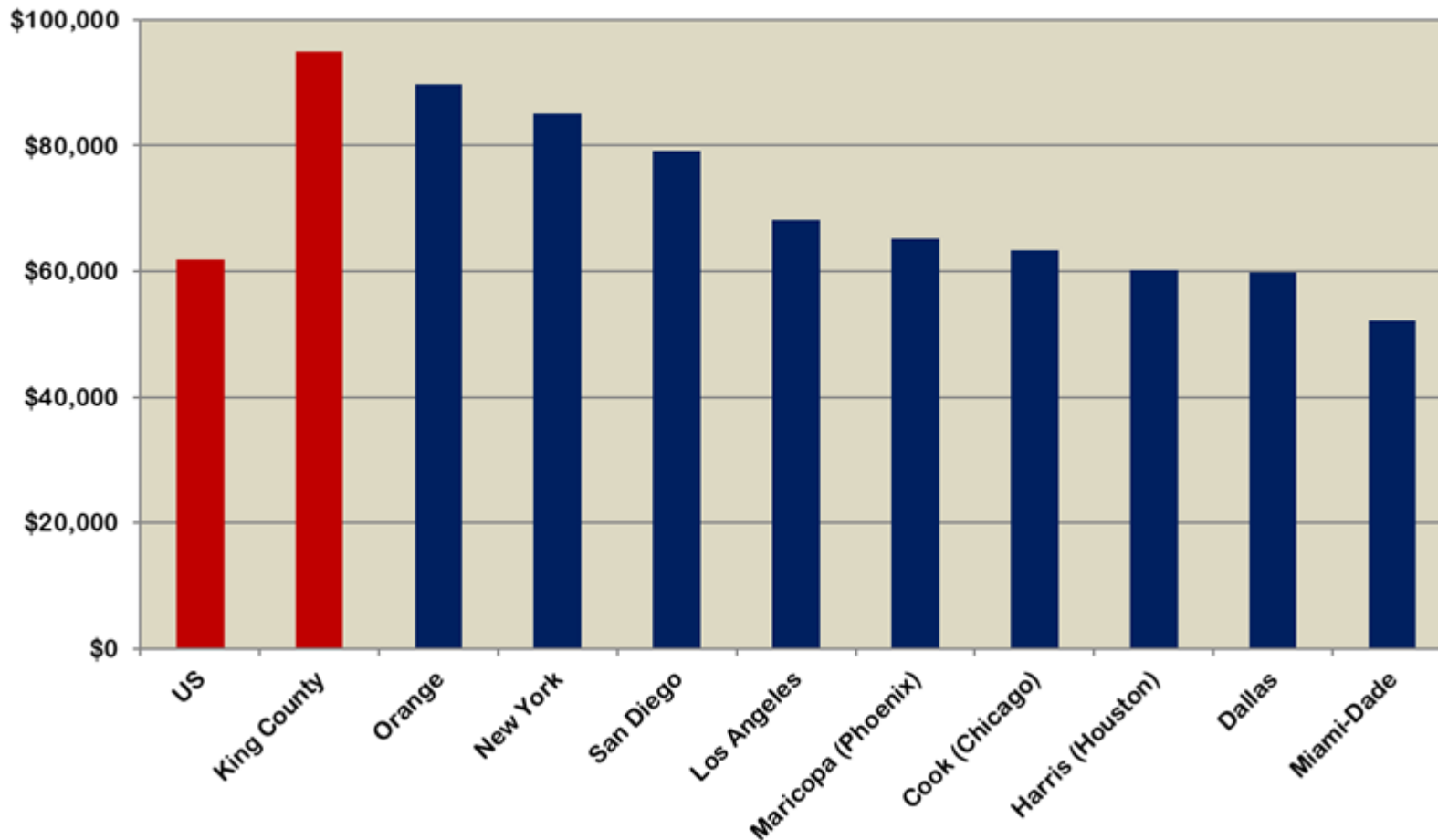
Laura Hershey

What you risk telling your story:
You will bore them.
Your voice will break, your ink
spill and stain your coat.
No one will understand, their eyes
become fences.
You will park yourself forever
on the outside, your differentness once
and for all revealed, dangerous.
The names you give to yourself
will become epithets.
Your happiness
be called
bravery, denial.
Your sadness will justify their pity.
Your fear will magnify their fears.
Everything you say will prove something about
their god, or their economic system.

Your feelings, that change day
to day, kaleidoscopic,
will freeze in place,
brand you forever,
justify anything they decide to do
with you.
Those with power can afford
to tell their story
or not.
Those without power
risk everything to tell their story
and must.
Someone, somewhere
will hear your story and decide to fight,
to live and refuse compromise.
Someone else will tell
her own story,
risking everything.

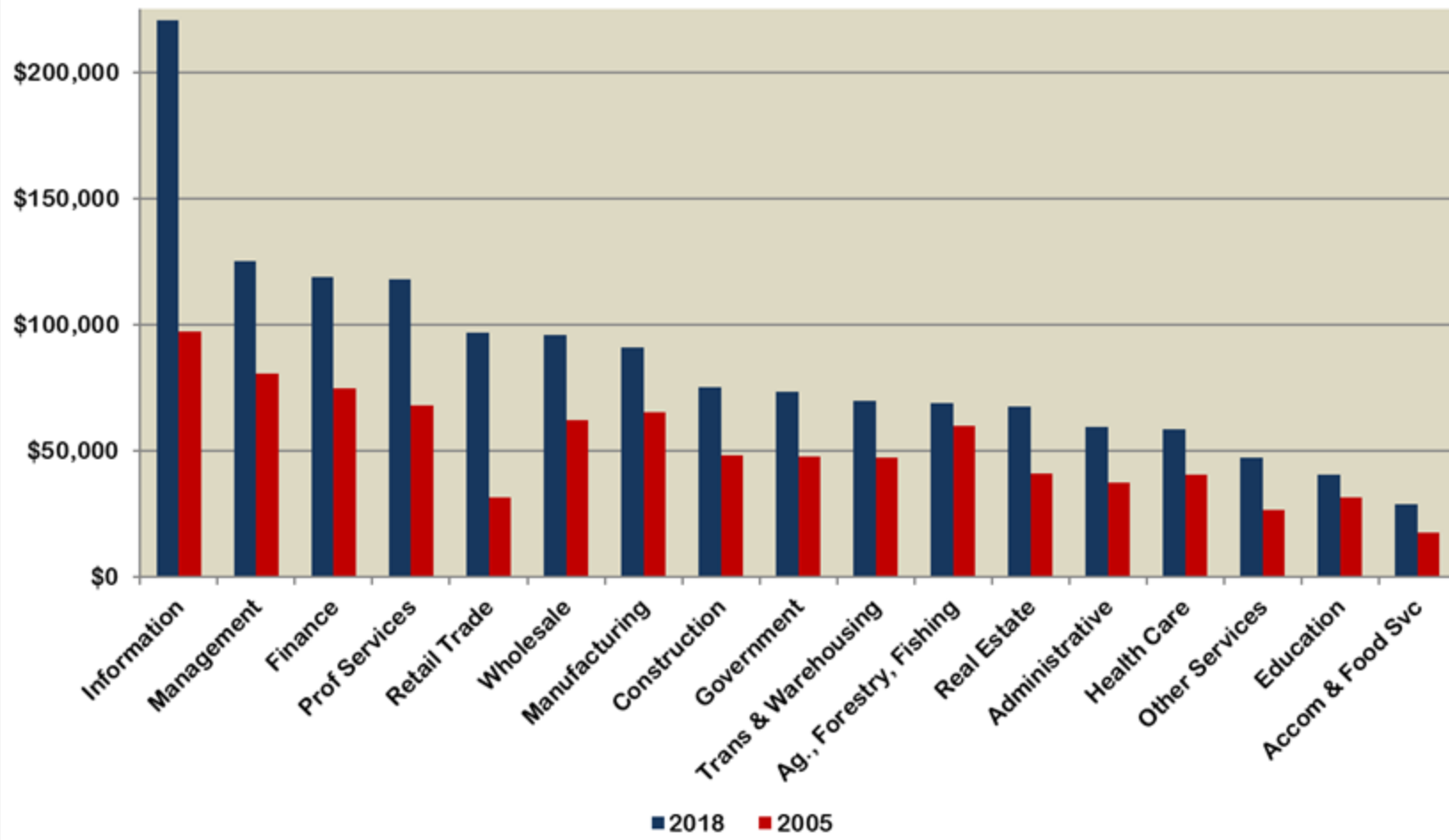
Poverty

Median Household Income - 2018 US, King County, and Peer Counties

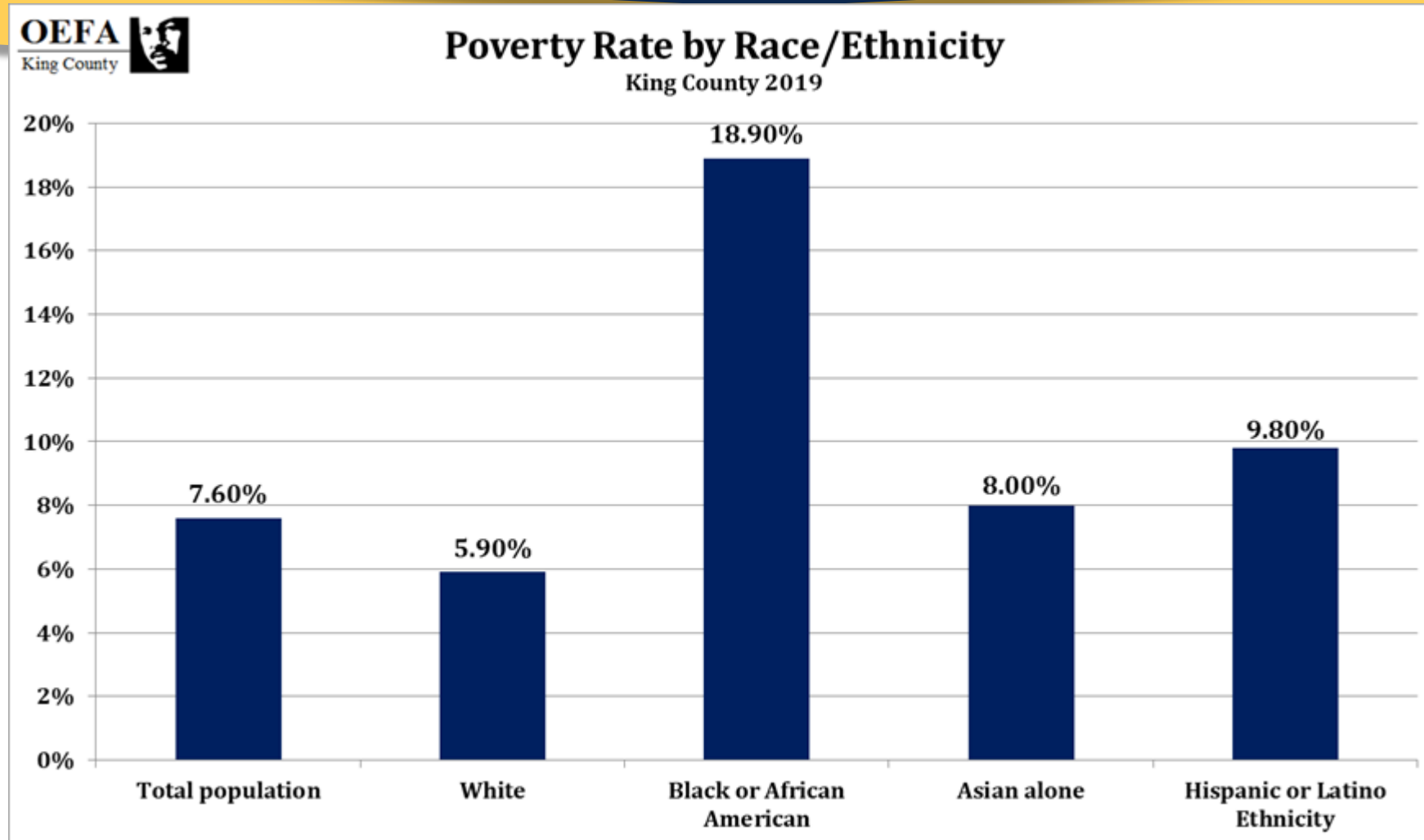


Source: <https://kingcounty.gov>

Average Annual Wage by Industry - King County 2018 vs 2005



Poverty Is Racialized



Source: <https://kingcounty.gov/independent/forecasting/King%20County%20Economic%20Indicators/KC%20Poverty%20by%20Race.aspx>

TRANSFORMING THE SYSTEM



ELIMINATE THE
**Criminalization
of Poverty**

Instead of increasing opportunities to succeed,
our law too often funnels low-income people into
the criminal justice system. #TransformCJ

LEARN MORE @ TRANSFORMINGTHESYSTEM.ORG >



• Source: <https://www.easternstate.org/explore/exhibits/prisons-today>

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Criminal Legal Systems



Driving While Poor



Before - traffic infraction gave drivers only three options to respond:

- 1) to admit responsibility and pay the full amount;
- 2) to request a hearing to contest the ticket; or
- 3) to request a hearing to mitigate the cost of the ticket.

Low-income drivers who acknowledged their responsibility but did not have the funds to immediately pay the ticket did not have a reasonable way to respond to an infraction.

SB 5226 creates a fourth option on tickets that allows for drivers to admit responsibility and request to be put on a payment plan.

Long v. City of Seattle

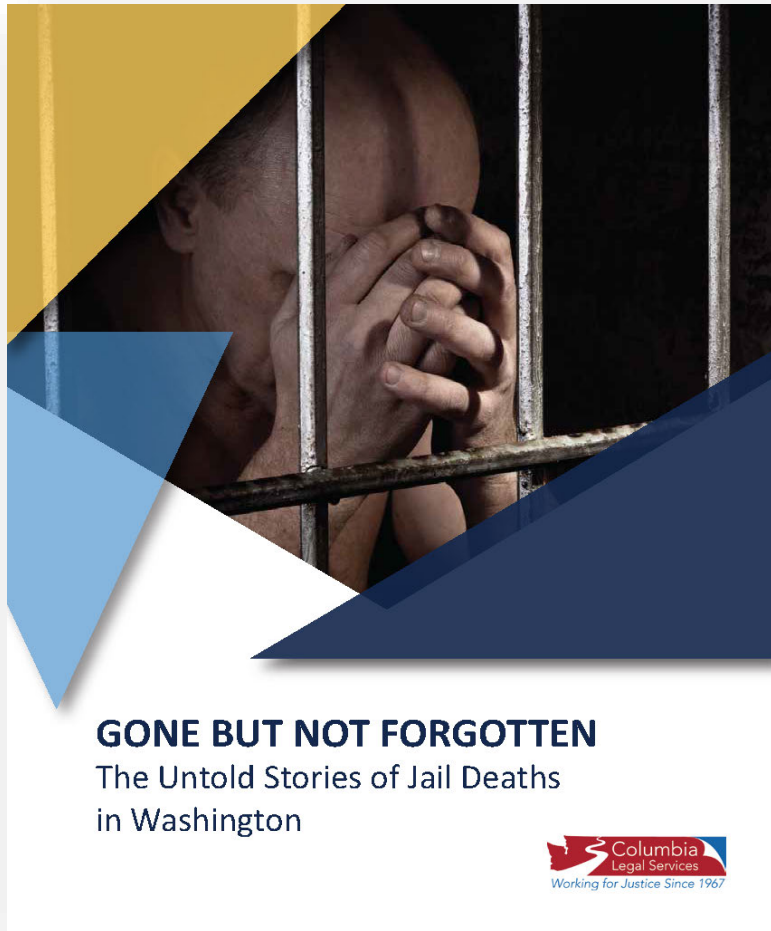


“The homelessness crisis and widespread use of fines to fund the criminal justice system also fully support an ability to pay inquiry.”

Source: <https://www.heraldnet.com/northwest/court-making-homeless-man-pay-trucks-towing-cost-excessive/>

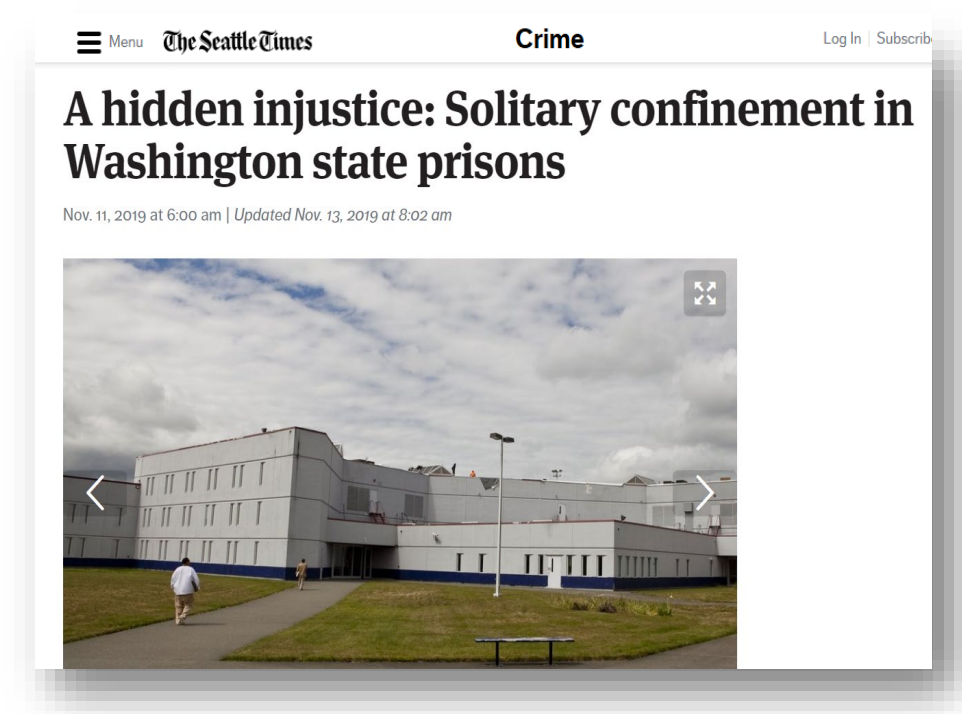
*Can a car be
a home?*





“ Neither slavery nor involuntary servitude, *except as a punishment for crime* whereof the party shall have been duly convicted, shall exist within the United States ”

“ prisoners
subjected to
unhealthy food,
slave wages,
shoddy-yet-
expensive products
and services ”



Source: <https://www.seattletimes.com/seattle-news/politics/a-hidden-injustice-solitary-confinement-in-washington-state-prisons/>
Augustine v. WA DOC Complaint: https://columbialegal.org/wp-content/uploads/2019/10/AugustineV.WA_DOC-Complaint.pdf

When people are released from behind bars without housing, they are “doomed to the spin cycle” of crime as they struggle to survive on the street.

-Sally Bagshaw,
Seattle City
Councilmember



Source: <https://www.seattletimes.com/seattle-news/politics/seattle-expected-to-give-final-ok-to-protections-for-rental-applicants-with-criminal-records/>

Fair Chance Housing



“Regardless of my criminal history I deserve housing. We all deserve housing.”

-Zachary Tutwiler, Real Change Homeless Empowerment Project vendor

Source: <https://www.seattletimes.com/seattle-news/politics/seattle-expected-to-give-final-ok-to-protections-for-rental-applicants-with-criminal-records/>

Ability to pay

In the LFO Context



Ability to pay

Where are the points at which ability to pay is relevant?

- At sentencing
- When sanctions are sought for failing to pay

How did this area of the law develop?

- Initially, post-imposition or post-sentencing
- Violation of E.P. to subject defendants to imprisonment solely due to indigence
 - ***Williams v. Illinois***, 399 U.S. 235 (1970): Violation of E.P. to require indigent defendant to remain in jail beyond statutory max if he did not pay a fine he was too poor to pay
 - ***Tate v. Short***, 401 U.S. 395 (1971): Constitution prohibits state from imposing fine as a sentence and automatically converting to jail term just because the defendant lacks the ability to pay
- However, can utilize alternatives to enforce payment of the fine

Failure to pay

- ***Bearden v. Georgia*, 461 U.S. 660 (1983)**
 - Cannot incarcerate someone for failure to pay fine unless “willful” or bona fide efforts
 - Court must inquire into the reasons for failure to pay to make this determination
 - If not willful, court must consider alternative punishments
- **What’s it look like in WA?**
 - HB 1783 created more protections – based on poor continuing to be sanctioned
 - Definition of willfulness
 - Must be hearing on the record
 - Standard for determining ability to pay and indigence
 - Presumed non-willfulness for people who are homeless or “mentally ill”
 - Court shall take steps to reduce or eliminate LFOs if person is indigent

Criminalization of Immigration



Sanchez Ochoa v. Campbell

Lawsuit challenging
Yakima County
Department Of
Correction's practices on
immigration holds.



Overhaul Local Justice Administration

Create Alternative and

Ban For-Profit Alternatives

Eliminate Justice Debt or

Establish Debt Payment Plans

Cap Criminal Justice Debt

Enact Homeless Bill of Rights

*Join the
Conversation*



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