



Written by [Raven Clabough](#) on December 15, 2020

Seattle City Council Considers “Poverty Defense” Change to Criminal Code

Seattle’s left-wing city council is [considering](#) a criminal code regulation that would allow suspects to be excused for most misdemeanor crimes if they are considered to be poverty-stricken, mentally ill, or have an addiction. The so-called “poverty defense” would [excuse](#) suspects of crimes such as theft, trespassing, and assault.

The proposal, introduced earlier this year by Councilmember Lisa Herbold, was crafted with input from local public defenders, including Anita Khandelwal — the top public defender for King County — who claims the change to the criminal code would improve the system for victims and suspects.



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Khandelwal contends the poverty defense would not be used to provide blanket immunity from punishment and would only be acceptable when attorneys can prove that the crime was committed by a person attempting to meet a basic need.

“In a situation where you took that sandwich because you were hungry and you were trying to meet your basic need of satisfying your hunger; we as the community will know that we should not punish that,” she said. “That conduct is excused.”

The U.K. *Daily Mail* reports that Khandelwal has also suggested the creation of a public fund for restitution to be used to compensate victims when the offender cannot pay them, virtually removing all personal accountability as a deterrent against committing misdemeanor crimes.

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Seattle City Attorney Pete Holmes, though open to some aspects of the proposal, believes the changes to the criminal code are [unnecessary](#) as his office already avoids prosecuting “survival” crimes such as the one described by Khandelwal. In those instances, his office will send people to diversion programs to connect them to the resources they need to avoid a criminal conviction.

“Good prosecutors don’t take any satisfaction in prosecuting that type of offense,” he said.

Predictably, Khandelwal defended the proposal by citing racial disparities, implying that minorities have a monopoly on poverty, addiction, and mental illness.

“This is not that we don’t care about the business community or about people who have experienced harm,” she continued. “It is that we know that this process — this processing of human beings through the system — is harmful to our clients and again very racially disproportionate, and also not getting business owners what they need either.”

But despite Khandelwal’s assertions, it’s more likely the change to the criminal code would be used to justify the cuts to the police budget, even as the city’s homicide rates are at their highest level in more



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than a decade and the city has witnessed a spike in violent crime, with 8,418 burglary incidents compared to 7,634 last year, according to the *National Review*. The city's homeless population has also increased by five percent since last year, Fox affiliate WSFX-TV reports.

And yet, the city's budget includes an 18-percent [cut](#) to the Seattle Police Department, prompted by calls from police-reform activists demanding the police budget be reduced by half.

"We have rightly put forward a plan that seeks to ensure SPD has enough officers to meet 911 response and investigative needs throughout the city, while acknowledging and addressing the disproportionate impacts policing has had on communities of color, particularly Black communities," Mayor Jenny Durkan said in a statement earlier this month.

Former City Councilman Tim Burgess is an outspoken critic against the proposal. Burgess told KUOW the proposal was a "defense lawyer's dream."

"It sends this powerful signal that as a city government, we don't really care about this type of criminal behavior in our city," Burgess opined.

Holmes voices similar concerns and believes the policy would actually harm the individuals committing the crimes because it would ultimately prevent them from being connected to the resources they needed to avoid a conviction.

"I think it's running the risk that we excuse these crimes, we don't couple it with the resources that are needed to make sure the behavior is addressed — and then the community is left frustrated," he said.

And KTTH Radio Host Jason Rantz contends the proposal would actually worsen the city's crime problems by ignoring the root problems of the city's criminal justice system.

Rantz [told](#) Fox News, "We have this culture of lawlessness. We have a prolific offender problem where pretty much the same 100 or so individuals keep breaking the law, not seeing any punishment, and then doing the same thing over and over and over again. And so, all you're doing is making it easier for those people to continue that behavior."

Rantz also questioned how the criminal code would be applied to someone from outside of Seattle who comes into the city and commits misdemeanors.

"Does that mean someone can come from outside of the region who is destitute, who is low income, and break a whole bunch of laws knowing that if you do it in Seattle, you're not going to get in trouble?" he posited.

Herbold says the Public Safety Committee will [continue](#) to work on the proposal in 2021, with further talks on the policy set for January.

The proposed legislation has not yet been written, KUOW reports. But if the proposal were to pass, Seattle would be the "first metropolitan area to alter its criminal code in such a way," the *National Review* observes.



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