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ATTACHMENT A

2002 251

The Adult Justice Operational Master Plan
KING COUNTY CAPACITY OPTIONS: 2002 – 2010
THE ALTERNATIVES WORKGOUNP REPORT
THE FELONY WORKGROUP REPORT
THE MISDEMEANANT WORKGROUP REPORT

May 2002

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The Adult Justice Operational Master Plan
KING COUNTY CAPACITY OPTIONS: 2002 - 2010
Report

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ACKNOWLEDGEMENTS

This Adult Justice Operational Master Plan (AJOMP) Report represents recommendations on King County capacity options from the King County Executive to the King County Council.

Many members of King County, local jurisdictions, state criminal justice agencies, and members from the health and human services organizations participated in the two year AJOMP effort which provided information and recommendations to the Executive.

In particular, the AJOMP Team would like to thank the Honorable Bobbe Bridge, Justice, Washington Supreme Court, chair of the AJOMP Advisory Committee and for her guidance and her willingness to stay involved in County issues.

The 5 judges who gave willingly and extensively of their time, insight, and experience in order to lead the three AJOMP workgroups:

- The Honorable Michael Spearman, Judge, Superior Court, Chair of the Felony Workgroup
- The Honorable Michael Trickey, Judge, Superior Court, Co-Chair of the Alternatives Workgroup
- The Honorable David Steiner, Judge, District Court, Co-Chair of the Alternatives Workgroup
- The Honorable Jean Rietschel, Presiding Judge, Seattle Municipal Court, Co-Chair of the Misdemeanant Workgroup
- The Honorable Janet Garrow, Judge, District Court, Co-Chair of the Misdemeanant Workgroup

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EXECUTIVE SUMMARY

In order to respond to a growing detention population that is projected to exceed detention capacity, and to determine if there are inmate populations being housed in the jail that could be sanctioned in a less restrictive manner, the King County Council established the Adult Justice Operational Master Plan (AJOMP). Through Motion 11001, the King County Council authorized the work plan, staffing, and funding of the AJOMP with the purpose and the recommendations contained in this report to:

- Explore alternative types of sanctions that would meet the needs of public safety, be cost effective, reduce future criminal behavior,
- Identify justice system process improvements that will reduce costs, and
- Establish a capacity framework and recommendations for King County detention facilities, including addressing the need to build additional jail capacity for the next decade.

Inmate Population Forecast Compared to Capacity

The 2001 total detention population ADP was 2,906, and has grown at an average of 3% per year for the past 4 years. The AJOMP group in conjunction with the Department of Adult and Juvenile Detention developed a population forecast that assumed a 3% annual overall growth rate through 2010, and assumed all eligible inmates were diverted to current alternatives such as work release based on existing criteria.

If the recent practices that have affected jail use do not change and the status quo continues, the County's adult detention facilities will be out of needed beds by a forecasted amount of 69 in 2005 growing to 622 beds by 2010.

From 1990 to 2000, King County's jail Average Daily Population (ADP) grew 70%. The major drivers in the growth in the adult detention jail ADP over the last decade were an increase in the average length of stay (ALOS), which increased on average 6 days per case or 50%, and an increase in the number of jail admissions by 21% or 11,000 admissions.

- On the Misdemeanor side, 60% of the increase in ADP was driven by public policy (change in DUI laws and domestic violence cases). The remaining 40% is not directly attributed to any one event but a collection of demographic, public policy, and criminal justice court changes (e.g. arrest and conviction rates, crime in society, judicial sentencing, prosecutorial practices, etc....).
- The felony population ALOS remained relatively stable from 1990 to 2000. But, the number of pre-sentence felony admissions increased dramatically by 69%. This growth is almost entirely accounted for increases in two categories – drugs and non-compliance (many of which are associated with drug charges). Drug cases are the single biggest workload factor in the felony system - 37% of the Superior Court filings in 2001.

In order to accomplish the outlined objectives, the AJOMP established three inter-jurisdictional and inter-agency groups led by judges of the King County Superior, District Courts, and Seattle Municipal Court. The Felony Work Group and Misdemeanor Work Group addressed process changes in handling of cases; and the Alternatives Work Group reviewed populations and appropriate "best practices" to provide additional options to incarceration. An Advisory Committee chaired by the Honorable Bobbe Bridge, Washington Supreme Court Justice, provided oversight to the three work groups. The AJOMP worked in collaboration with representatives from King County, state criminal justice agencies, local cities, and human service and community stakeholders.

King County has a statutory duty to house felons, and state-filed¹ King County misdemeanants, and therefore, are the high priority populations for King County. King County does not have a statutory obligation to accept city misdemeanants, which currently make up approximately 20% of the total detention population. The following recommendations in process and alternatives, while being available to all populations, will be targeted first at the high priority populations to alleviate jail crowding and future building of jail capacity.

AJOMP Work Group Recommendations

Felony and Misdemeanor Work Groups

The objective of the Felony and the Misdemeanor Work Groups was to review, analyze, and recommend changes to the pre-trial population, which comprised approximately 51% of total 2000 population. Each work group produced recommendations to improve how cases are handled and actions to reduce the impact of pre-sentence inmates (those awaiting trial or sentencing) at the detention facilities. Eighteen recommendations for implementation by King County were put forth by these two groups that could incrementally and cumulatively reduce jail population, including:

- Reminder calls to reduce failure to appear at judicial proceedings (already partially implemented).
- Recommending the use of electronic home detention (EHD) and work education release (WER) for pre-sentence defendants.

For a complete list of all eighteen recommendations, please refer to the section titled “Alternatives to Address Capacity Forecast – Process (front end) changes that decrease population”.

Alternatives Work Group

The AJOMP commissioned the Alternatives Work Group to review, analyze, and recommend alternatives to incarceration. The team reviewed “best practices” from other jurisdictions and recommended implementation of a day reporting center focusing on failure to comply populations.

Day Reporting Center

The Executive is piloting a Day Reporting Center program serving 25 low-level, low-risk offenders primarily aimed at the failure to comply jail population. A Day Reporting Center (DRC) is a non-residential intermediate sanction that combines high levels of control with intensive delivery of treatment and other services. (After an evaluation of the pilot DRC, possibly expand the program to include a greater population and possibly move to a larger location, to include expanded day-treatment services.)

2002 Budget Proviso

Treatment Options

In the 2002 budget the Council requested the AJOMP project make recommendations for more effective use of treatment resources to reduce jail use, and make recommendations regarding the use and continued operations of Cedar Hills Addiction Treatment Facility (CHAT) and North Rehabilitation Facility (NRF).

¹ State filed cases are primarily Washington State Patrol cases and cases from unincorporated King County.

Cedar Hills Addiction Treatment Facility (CHAT)

Cedar Hills is a 202-bed residential treatment facility primarily serving chronic inebriates and long-term drug addicts. While the client capacity is 202, currently only 168 of those beds are under contract with an average daily census of 130. The primary source of revenue supporting the services provided at the facility is state funds. The rates paid by the state, however, are insufficient to cover the expenditures incurred in providing services. As a result, the facility has been operating at a deficit for several years. The Current Expense (CX) subsidy to the state program was 1.4 million in the 2001 budget.

Recommendation

1. It is the recommendation that the Cedar Hills Addiction Treatment Facility currently owned by King County and operated by the Department of Community and Human Services (DCHS) be shut down effective December 31, 2002, with a phase down starting in mid-2002.

North Rehabilitation Facility (NRF)

The NRF is a "special detention facility" that provides the state-certified chemical dependency *Stages of Change* treatment program and jail industries (in-custody work crew), as well as life skills programming (e.g. GED, employment counseling, parenting skills, etc.). About 45 of the 192 inmates housed at NRF on average every day participate in the state-certified substance abuse treatment program. The "special detention facility" designation and the agreement with the community allow certain inmates meeting low-risk eligibility criteria to serve their detention time at NRF.

There is a larger population in jail who could benefit from these programs, but are not eligible to be housed at NRF due to their charge or criminal history. Given the deterioration of the physical plant, there is consensus that the structure cannot continue in its current state. The cost to construct a new 350-bed facility at the NRF site was estimated at \$22 million in 2001.

Recommendation

2. Expand treatment readiness programs to the minimum-security section of the Seattle - KCCF (commonly referred to as the West Wing) and close the North Rehabilitation Facility structure beginning in early 2003 with full closure by mid 2003. Re-programming the minimum-security section to provide the treatment readiness and programs for the offender population would:
 - Provide services to potentially a larger number of inmates than are currently eligible at the NRF structure, an increase in program space capacity of 104 beds.
 - Avoid the cost of the County re-building a limited-use facility that would only partially address the future population and capacity issues.

Transitional Treatment Options in the Criminal Justice System

Recommendation

Studies have found that coerced treatment (treatment as part of the judicial sanction in the detention facility) can be effective in reducing recidivism; however, treatment that does not extend beyond the jail is not nearly as effective as an approach that is seamless from the jail into the community.

3. With the recommended closure of NRF and CHAT, and given the Current Expense financial crisis facing the County, the AJOMP recommendation is to reserve up to \$3 million of the expected \$7 million in annualized savings from closure of NRF and CHAT to pay for the alternative sanctioning and treatment programs. Populations to target would be those offenders with substance abuse and/or mental health illnesses that are high jail utilizers with the objective to reduce recidivism and avoid future incarceration costs. Programs would build upon services already provided within the jail and in the community. There are several providers with expertise with the criminal justice population and there are successful models in the nation based on drug testing, treatment, and rewards and sanctions that should be referred to when expanding the treatment programs.
4. Related to and overlapping with alternative treatment programs, the AJOMP recommends that a portion of the prospective annualized Current Expense savings from the closure of NRF and CHAT be used for alternative sanctioning programs including a possible expansion of the pilot day reporting center and an expansion of the out-of-custody work crew program. The optimum mix of treatment and sanctioning program expenditures will continue to be developed throughout the 2003 budget process.

Jail Capacity

Out-of-Custody Work Crew

The Executive, in conjunction with District Court, recommends the expansion of the out-of-custody work crews to provide an alternative for the low-risk, low-level offender targeting the high priority populations - state filed King County misdemeanants, gross misdemeanants, and felons. An evaluation component will be established to ensure a reduction in jail population.

Prospective Changes in Practices Affecting Jail Use by Prosecutor, Superior Court and District Court

Following the issuance of the Felony Work Group and the Misdemeanant Work Group reports, the elected leadership of the Prosecuting Attorney's Office, the Superior Court and the District Court met with representatives of the Executive and County Council. They expressed their commitment to working expeditiously on changes in prosecutorial and judicial practices that could have the effect of substantially reducing the ADP of felony, gross misdemeanor or County misdemeanor prisoners. Some of the prospective changes will depend on the availability of alternatives sanctioning and treatment programs described above and others will not. The elected criminal justice leaders set a goal for themselves of reducing the non-city prisoner ADP by 400.

Contract Cities

For many decades King County has contracted with most of the cities within its boundaries to provide jail services for city misdemeanants. King County and its contracting cities currently are negotiating a new contract that reflects both parties' desire to substantially reduce cities' use of the King County jail facilities. Most of the contracting cities are planning to contract with other jail providers for a large portion of their prisoners. The current plan as expressed by the cities' contract negotiating team is to reduce the cities' aggregate ADP in the King County jail facilities down to about 250 ADP by 2004. If all contracting cities choose to use other jails or other correction alternatives for all their presentence and sentenced inmates, the impact on King County's forecasted jail population is significant. Even if the planning goal of a reduction of 400 ADP set by the criminal justice leaders is not fully successful, the loss of all city prisoners would delay the date by which we need additional jail capacity until 2010.

Conclusion

Implement the AJOMP work group recommendations and pilot the programs with the goal of expanding the targeted populations as evaluations are completed, assessed, and outcomes measured to ensure the needs of public safety are met, the programs are cost effective, and provide the appropriate level of sanction for the crime. Implementation of the AJOMP process recommendations is dependent on a continued collaborative effort between King County, local cities, Superior and District Courts, and human service providers.

In December of 2001, the cost to expand the RJC to add 428 new secure beds was estimated at \$32 million with an annual operating cost of \$7 million. The lead-time needed to plan, design and build additional jail capacity is about four years. Due to current financial constraints, King County is not in a position to allocate resources to construct and operate a secure detention expansion. The current financial crisis and the prospects for success in reducing the jail population militate in favor of working aggressively between now and the middle of 2003 on jail population reduction measures, monitoring the effects closely and deciding by the end of 2003 whether to initiate jail capacity expansion.

In the worst case that none of the changes in prosecutorial and judicial practices are successful in reducing the non-city prisoner population and that the cities are unsuccessful in arranging the alternatives to using the King County jail facilities, King County would need to make a decision almost immediately to prepare for expanding jail capacity. In the best case, by successfully implementing the population reduction strategies (i.e. the AJOMP process recommendations, contract cities choosing alternatives for their misdemeanor populations, and the impact of the planning goal from the Prosecuting Attorney's Office, Superior Court, and District Court), King County will be able reduce bed capacity by closing the North Rehabilitation Facility and defer needing to build secure detention facilities, and will avoid other inmate population management options such as early release of inmates and restricting inmates from being detained in the jail.

Forecasted Jail Capacity/Population Best Case Scenario						
Year	City Misdemeanants reduce population to 250 ADP by 2004	Elected Criminal Justice Leaders reduce by planning goal of 400 ADP by 2004	Total ADP	Total ADP inflated for seasonally in population (peaking factor)	Capacity 2010*	Forecast Surplus/ (Deficit) (Capacity less Total Peaking ADP)
2002	570	2,405	2,975	3,115	3,233	118
2005	250	2,273	2,523	2,663	3,233	570
2010	250	2,703	2,953	3,114	3,233	119

Notes: *: Capacity includes Secure Detention of 3,085 beds less 112 for vacancy, Day Reporting of 75, EHD of 35, WER of 150 (NRF closes and reduces capacity by 192 beds). Detail by sanction alternative on page 31.

Forecasted Jail Capacity/Population Worst Case Scenario						
Year	City Misdemeanants are not moved to alternatives	Elected Criminal Justice Leaders planning goal is not realized	Total ADP	Total ADP inflated for seasonally in population (peaking factor)	Capacity 2001*	Forecast Surplus/ (Deficit) (Capacity less Total Peaking ADP)
2002	620	2,405	3,025	3,165	3,390	225
2005	632	2,673	3,305	3,459	3,390	(69)
2010	730	3,103	3,833	4,012	3,390	(622)

Notes: *: Capacity includes Secure Detention of 3,085 beds less 112 for vacancy, NRF of 192, EHD of 35, WER of 190. Detail by sanction alternative on page 16.

INTRODUCTION

The purpose of the Adult Justice Operational Master Plan (AJOMP) and the recommendations contained in this report are to:

- Explore alternative types of sanctions that would meet the needs of public safety, be cost effective, reduce future criminal behavior,
- Identify justice system process improvements that will reduce costs, and
- Establish a capacity framework and recommendations for King County detention facilities, including addressing the need to build additional jail capacity, for the next decade.

The *1991 Law, Safety, and Justice Agencies Facility Master Plan (Master Facility Plan)* recommended and implemented the last major development of secure detention, Superior Court, District Court, and criminal justice administration with the construction and opening of the Regional Justice Center (RJC) in Kent, Washington in 1997. The *Master Facility Plan* also provided a 20-year forecasted look at detention in King County and recommended, based on forecasted inmate population needs at the time, building additional capacity by June of 1999 by either expanding capacity of the RJC or building new capacity on the eastside dependent upon the forecasted demographic changes of the inmate population. The additional capacity was not built. As the County looks at the future jail capacity needs, in December of 2001, the cost to expand the RJC to add 428 new secure beds was estimated at \$32 million with an annual operating cost of \$7 million. Due to current financial constraints, King County is not in a position to allocate resources to construct and operate a secure detention expansion at the RJC.

In response to a growing detention population that is projected to exceed detention capacity space in the near future, and to determine if there are populations being housed in the jail that could be sanctioned in a less restrictive manner, the AJOMP was established. The King County Council through Motion 11001, passed on September 5, 2000, authorized the work plan, staffing, and funding of the AJOMP.

In the 2002 budget, the Council expanded the AJOMP role to include recommendations for the use of treatment resources to reduce jail use and to provide recommendations regarding the use and continued operations of Cedar Hills Addiction Treatment Facility (CHAT) and North Rehabilitation Facility (NRF). The purpose of which is to respond to how these two heavily subsidized, and aging facilities fit into the overall plans to cost effectively expand treatment services and offer alternatives to jail for low risk offenders.

In order to accomplish these objectives, an Advisory Committee chaired by the Honorable Bobbe Bridge, Washington Supreme Court Justice, provided oversight. Under the direction of the Advisory Committee, the AJOMP established three inter-jurisdictional and inter-agency groups led by judges of the King County Superior Court, District Court, and Seattle Municipal Court.

- The Felony Work Group – charged with the goal of reviewing, analyzing, and recommending process changes in case handling for the pre-trial felony (Superior Court) population.
- Misdemeanor Work Group - charged with the goal of reviewing, analyzing, and recommending process changes in case handling for the pre-trial misdemeanor (District Court and Courts of Limited Jurisdiction) population.
- Alternatives Work Group – charged with the goal of reviewing, analyzing, and recommending alternatives to jail.

AJOMP worked in collaboration with representatives from King County, state criminal justice agencies, local cities, and human service and community stakeholders.

KING COUNTY POPULATION AND CORRECTION FACILITIES

The State of Washington RCW requires counties in the state to provide certain criminal justice services, including jail services, public defense, prosecution, judicial services for felony and state filed misdemeanor cases, and policing of unincorporated areas. In addition, King County provides some of these services on a contractual basis to local municipalities. In King County, these mandated services compete with other publicly funded mandates in the Current Expense (CX) Fund. The criminal justice function (which includes Office of Public Defense, Prosecution, Sheriff, Superior Court, District Court, Department of Judicial Administration, and Department of Adult and Juvenile Detention) in 1990 was \$138 million or 56% of the Current Expense (CX) Fund. In 2001, the criminal justice function had grown to \$321 million and comprised 68% of the CX Fund. During this same period, King County's general population grew by 15%, and the King County average daily jail population grew 70%.

King County Census Population, Jail Admissions, Average Monthly Jail Admissions, Average Daily Jail Population, And Average Length of Stay 1990 to 2000					
Year	Census Population	Avg. Daily Jail Population (ADP)	Factors Which Affect ADP		
			Total Admissions	Avg. Monthly Admissions	Avg. Length Of Stay (Days)
1990	1,507,305	1,738	52,639	4,387	12
2000	1,737,035	2,953	60,992	5,083	18
% Change	15%	70%	16%	16%	50%
Source: Jail information from King County Department of Adult and Juvenile Detention; Population information from Washington State Office of Financial Management					

As shown in the table above, King County, in 2000, incarcerated over 2,900 inmates on average every day. Changes in the jail population are affected by two fundamental inputs:

- Number of admissions into the jail system, and
- Length of stay the defendant or offender remains incarcerated.

The major driver in the growth in the jail Average Daily Population (ADP) over the last decade for adult detention was an increase in the average length of stay (ALOS). In 1990, the ALOS was 12 days growing to 18 days by 2000. On the misdemeanor side, the underlying factor of the increasing ALOS was primarily driven by public policy changes. 60% of the increase in the misdemeanor population was as caused by the increase in DUI and domestic violence ADP. The remaining 40% is not directly attributed to any one event but a collection of demographic, public policy, and criminal justice court changes (e.g. arrest and conviction rates, crime in society, judicial sentencing, prosecutorial practices, etc....).

The crime index rate in Washington has decreased in the last decade, yet, the number of pre-sentence felony admissions increased dramatically by 69% (5,203 bookings). The crime index rate is a federal rate comprised of selected violent and property crimes. The offenses included are murder, manslaughter, forcible rape, robbery, aggravated assault, burglary, larceny-theft, vehicle theft, and property/arson. The growth in the felony jail admissions over the last decade is almost entirely attributed to increases in two categories – drugs and non-compliance (many of which are associated with drug charges), neither of these categories are accounted for in the federal crime index rate. Drug cases are the single biggest workload factor in the felony system - 37% of the Superior Court filings in 2001.

When the population is broken down by major category – Pre Sentence Felons, Pre Sentence Misdemeanants, Sentenced Felons, Sentenced Misdemeanant and All Other – the fastest growing and largest portion of the population with the most material impact on total ADP is the pre-sentence felons (see table below):

King County Average Daily Population 1990 to 2000 By Major Category						
Year	Felons		Misdemeanants		All Other	Total
	Pre Sentence	Sentenced	Pre Sentence	Sentenced		
1990	692	281	252	298	215	1,738
2000	1,121	384	383	632	433	2,953
# Change	429	103	131	334	218	1,215
% Change	62%	40%	52%	47%	100%	70%

Source: King County Department of Adult and Juvenile Detention

Pre-sentence felons are the most difficult population to find alternatives to jail because they have not yet been adjudicated. Currently, the only options available to the pre-sentence felony population, other than secure detention, are personal recognizance, and cash or bail out of jail. Out-of-custody work crew is a judge ordered sanction and punishment, and therefore it is available to sentenced populations only. In addition, out-of-custody work crew is available only to the lowest-risk offender with a charge warranting a judicial sanction in the community service environment.

As a policy matter Work Education Release (WER) and Electronic Home Detention (EHD) are not used for the pre-sentence population. The AJOMP Felony Report recommends WER and EHD for the pre-sentence population. (Please refer to the section titled “Alternatives to Address Capacity Forecast – Process (front end) changes which decrease population”).

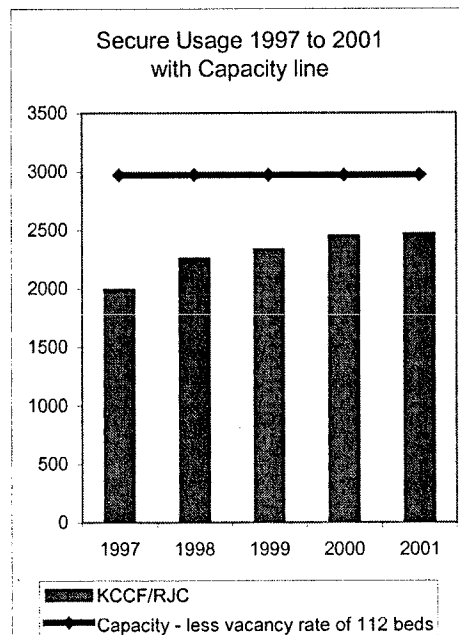
As noted earlier, King County currently houses 2,900 inmates. There are five detention options available at the end of 2001 – Secure Detention, North Rehabilitation Facility, Work Education Release, Electronic Home Detention, plus Out-of-Custody Work Crew. A sixth option – Supervised Release was terminated in November 2001 due to budget constraints. The following sections briefly describe each possible detention option currently available.

Secure Detention

King County operates two “secure” or “direct supervision” facilities:

- King County Correctional Facility in Seattle (KCCF) became operational in October 1985 with a bed capacity of 1,697. The inmate population in the KCCF is limited by a Federal Court mediated agreement in *Hammer v. King County*.
- The Regional Justice Center (RJC) is located in Kent and opened its doors on March 27, 1997 with a bed capacity of 1,388. The RJC is currently not being double-bunked (two inmates to a cell), but included in the capacity of 1,388 is a 65% double bunking factor.

The vacancy factor for the secure detention facilities is estimated at 112 beds. The vacancy rates for KCCF and RJC run 2.5% and 5%, respectively. The KCCF



runs a lower vacancy rate primarily because the units are smaller than at the RJC and therefore, are more likely to be able to be re-programmed to meet the immediate needs of the jail population. The vacancy factor takes into account that it is difficult to fill 100% of the beds 100% of the time due to classification needs (e.g. matching the beds needs for medium security males with the population on a daily basis).

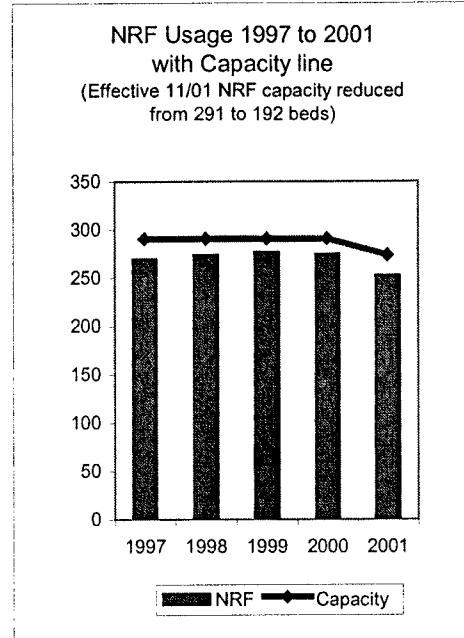
There are a variety of programs provided by both paid staff and volunteers. Paid staff programs include recovery readiness (75 beds), Baking Program, Custodial Program, Adult Basic Education (GED), English as a Second Language, and Inmate workers programs which are in-custody work crews where the inmates assist in the kitchen, laundry, commissary, general cleaning and meal distribution. In addition, there are a large variety of Volunteer and Community Supported Programs such as Alcoholics Anonymous and Narcotics Anonymous, The Incarcerated Veteran's Program, and many others.

As depicted in the chart below, pre-sentence felons account for the largest segment of the population housed in secure detention.

KCCF and RJC Inmate Stratification by Status and Charge Average Daily Population (ADP) 2001							
	Misdemeanor		Investigation		Felony		Total ADP Housed In Secure Detention
	Pre Sent	Sent	Pre Sent	Sent	Pre Sent	Sent	
Assault	46	54	43	0	147	23	313
Domestic Violence	50	39	39	0	1	0.0	129
Drugs	21	19	27	0	466	51	584
DUI	30	50	0	0	0	0.0	80
Non- Compliance	30	28	0	0	171	100	329
Property	30	42	25	0	221	39	357
Violent Crime	0	0	29	0	229	16	274
Other	86	76	83	0	133	23	401
Total	293	308	246	0	1,368	252	2,467
% of Total Secure ADP	12%	13%	10%	0%	55%	10%	100%
Notes:							
<ul style="list-style-type: none"> • Other includes Prostitution, Criminal Trespass, Traffic (non-alcohol), and other. • Violent Crimes includes Homicide, Robbery, and Sex Crimes 							

North Rehabilitation Facility

The North Rehabilitation Facility (NRF) is a community based special detention facility located on state-owned land within the City of Shoreline with close proximity to densely populated residential areas. It has been operational since May 1981 and is housed in pre-World War II wooden structures originally built for military personnel. At full capacity, NRF operates 6 dorms serving 291 beds. In November 2001, due to budget reductions, NRF was reduced to 4 dorms with a revised bed capacity of 192. Of the 192 beds, 173 are long-term residential (LTR) (indeterminate length and not a direct court referral on a DUI) and 19 short-term (1 and 2 day jail stay commitments).



With the exception of the short-term residents, which are a direct court referral, placements of long-term residents at NRF are processed through the King County Department of Adult and Juvenile Detention Classification staff. Placement at NRF includes a screening process that evaluates the offender, the criminal history, and the current charges. An inmate must meet community classification standards in order to be placed at NRF.

NRF provides a state-certified chemical dependency treatment program (commonly known as the *Stages of Change* (SOC) which accounts for 45 of the 192 total beds), and Jail Industries (which include 5 off-site work crews). A variety of other services offered includes GED classes and testing, employment counseling, vocational education, life skills programming, mental health counseling and case management, parenting skills and family care among others.

As depicted in the chart below, pre-sentence and sentenced misdemeanors account for the largest segment of the population housed at NRF.

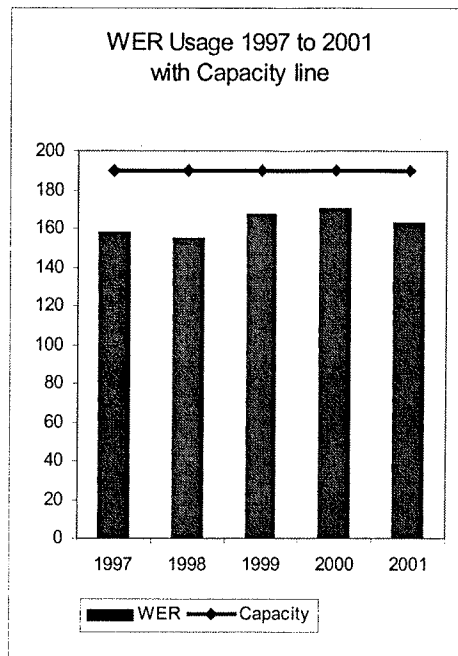
NRF Inmate Stratification by Status and Charge							
Average Daily Population (ADP)							
2001							
	Misdemeanor		Investigation		Felony		Total ADP Housed At NRF
	Pre Sent	Sent	Pre Sent	Sent	Pre Sent	Sent	
Drugs	2	5	2	0	15	8	32
Non-Compliance	2	8	0	0	5	9	24
Property	5	17	1	0	3	5	31
Traffic (non-alcohol)	7	17	0	0	0	0	24
DUI	15	71	0	0	0	0	86
Other	20	31	3	0	2	2	58
Total	51	149	6	0	25	24	255
% of Total NRF ADP	20%	59%	2%	0%	10%	9%	100%

Notes: Other includes all Offenses Categories with 20 or less total ADP

Work Education Release

Work Education Release (WER) is a community-based program designed to allow eligible inmates to be released from custody in order to work. WER is located on the 10th floor of the King County Courthouse and has been operational since 1989. King County also contracts with Department of Corrections (DOC) for work release beds. WER has the capacity to operate 190 beds (160 King County beds, and 30 contracted beds to DOC) and reduces the need for secure detention for those meeting the criteria, and integrates inmates into the community.

WER is used exclusively for sentenced felons and sentenced misdemeanants. 40% of the WER inmates are serving sentences for DUI, the remainder split relatively evenly between assault, drugs, non-compliance, property and all other. The decision to place an inmate into WER is made by the EHD/WER staff based on a review of the case including current charge and criminal history and an interview with the inmate.



WER operates several work crews for those unemployed, but yet meet the criteria to be housed in WER. “Rogers Crew” takes between six and eight offenders and cleans areas around the Courthouse, Administration Building, and the Jail Facility. One individual from WER reports to the jail and assists the kitchen with trash removal and any other duties assigned. Washington State Department of Corrections, through a contract with King County, operates a work crew to do labor intensive functions (garbage pick up, removal of blackberry bushes, etc.) for up to ten inmates.

Electronic Home Detention

Electronic Home Detention (EHD) is a community-based program started in 1988 that allows sentenced inmates to reside in their homes while being monitored electronically. Capacity varies depending on need. The program is filled first with eligible out of custody commitments (people who were out of custody at the time of sentencing). EHD is used exclusively for sentenced felons and sentenced misdemeanants. The ADP for 2001 was 25, of that, 15 ADP serving sentences for DUI. In addition, as reported in the Misdemeanant Work Group Report (see Appendix for full report), many cities in King County have established EHD programs for their offenders. There are 12 jurisdictions within King County operating some type of pretrial or sentenced EHD program with an estimated average daily population of 192 defendants/offenders².

Based on a review of the case and an in-person interview with the inmate, the EHD/WER staff makes the decision to place someone on EHD. In addition to the Revised Code of Washington (RCW), which specifies which felony charges are ineligible for EHD, all felons must be judge approved for EHD. Misdemeanants are considered presumptively eligible as long as there are no judicial concerns.

² The Adult Justice Operational Master Plan Misdemeanant Work Group Report, February 2002, pp. 4.

Out of Custody Work Crew

In addition to the work crews operating out of the Secure Detention facilities, North Rehabilitation Facility, and Work Education Release, District Court in conjunction with the Department of Executive Services operates an out-of-custody work crew exclusively for sentenced offenders. Out-of-custody work crew is a judge sanctioned intermediate alternative to jail. Judges participating in this program sentence the low-level offender directly to work crew. Once on work crew, the offenders perform supervised manual intensive labor for various County agencies and some outside municipalities. In 2001, out-of-custody work crew operates 2 crews, 5 days a week, with a maximum daily offender population of 20 (10 offenders per each crew).

The Out of Custody Work Crew program is designed to provide:

- A diversion from jail for low-level, low-risk offenders;
- A manual labor force for a reasonable cost, which can be utilized to provide a variety of low-level manual functions (i.e. removing blackberry bushes, picking up garbage, re-planting wetlands, etc.); and
- A visible restitution to the community.

OFFENDER POPULATION COMPARED TO CAPACITY FORECAST

Forecast Assumptions

The AJOMP Group in conjunction with DAJD developed a short- and long-range population and capacity forecast based on the current continuum of sanctions and eligibility requirements. Specifically, the forecast is based on the following prior events, data, and assumptions:

- Present continuum of detention continues and current structure of the jail population does not change – a “Status Quo” forecast.
- In 2000, King County Adult and Juvenile Detention commissioned a study for the purpose of preparing a “policy informed” adult jail population forecast for 2001 to 2010. The study generated a forecast by gender for each of six categories – presentence felons, sentenced felons, presentence misdemeanants, sentenced misdemeanants, state holds, and other holds. The conclusion from this analysis was that the factors that led to the higher population increases in the 1990’s appeared to be phasing out in the beginning of the 21st century and that ADP growth rate would be less than seen in the preceding period of 1992 to 1999. In addition, the study also found that presentence felons and sentenced felons would continue to grow at a faster pace than misdemeanants and the state and other holds.³ The “policy informed” model does not explicitly give a “growth rate”. Rather, it projects the population in each status group on a month-by-month basis for the years 2001 to 2010. If a straight-line growth was calculated from this study, the total change is equivalent to a 0.9% annual growth rate.
- In another look at forecasting population, King County calculated an Incarceration Rate of 3.6% growth in inmate population based on a straight-line regression analysis for the years 1992 to 1999 taking into account a forecast of general King County population.
- Based on the analysis of the two events above, and the 1997 to 2001 average per year growth in secure detention population was 3%, the forecast for 2002 to 2010 assumes a 3% annual growth rate.
- Within the forecast, the assumption is built in that the felony population will continue to grow at a faster rate than the other populations as depicted in the chart below (as concluded in the “policy informed” study from 2000 and as experienced in the population growth from 1990 to 2000).

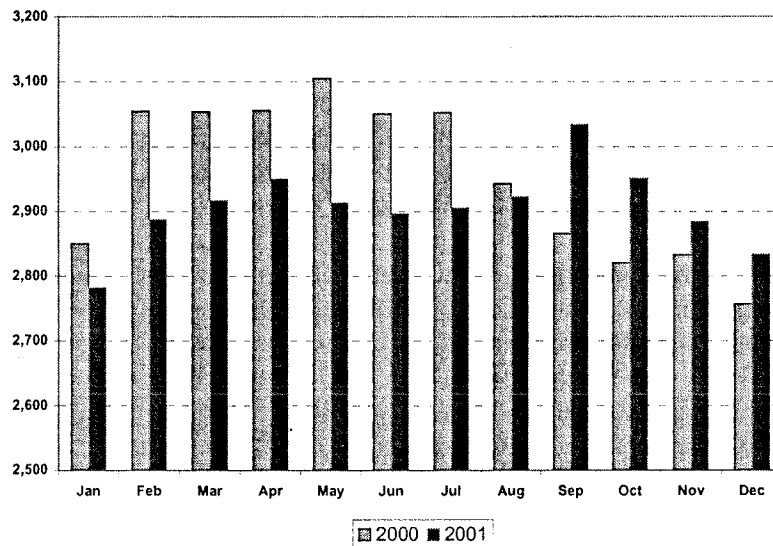
Forecast Population breakdown by Status Group						
Year	Felons		Misdemeanants		All Other	Total
	Pre Sentence	Sentenced	Pre Sentence	Sentenced		
2002	1,267	324	403	613	418	3,025
2010	1,689	444	480	716	504	3,833
# Change	422	120	77	103	86	808
% Change	33.3%	37.0%	19.1%	16.8%	20.5%	26.7%
% Avg. Annual Change	3.7%	4.1%	2.1%	1.9%	2.3%	3.0%

Source: King County Department of Adult and Juvenile Detention

³ King County Jail Population – 2000 – Executive Summary

- The forecast below also assumes all possible inmates who can be diverted to NRF, WER, or EHD are being diverted based on current eligibility criteria.
- The effect of seasonality in the jail population, referred to as the “peaking factor”, is assumed at 5% of the secure detention population. The peaking factor assumes that over the course of the year, the population will fluctuate based on number of admissions, and length of stay of the defendants and offenders. The forecast is based on the average annual ADP inflated for growth factors, which in effect, flattens out the low and high population during the year. The peaking factor takes the average ADP forecast and inflates it by 5% of the secure detention needs to show the average high point population in the year. In the chart below, 2000 and 2001 monthly ADP are shown illustrating the seasonality of the jail population. In 2001, population fluctuated between 2,750 and 3,100 for an average ADP of 2,906.

King County Department of Adult & Juvenile
Average Daily Population -Total All Facilities
By Month 2000 and 2001



Forecast 2002 to 2010

Based on the assumptions noted above applied to 2002 as the base year, the forecast by housing location is noted below.

Correctional Facilities Forecast for King County Adult Jail System – Status Quo Forecast Compared to Capacity 2001 2002 to 2010							
Year	Secure Detention Beds (KCCF/RJC)	North Rehab Facility	Electronic Home Detention	Work Release	Total	Annual Total Plus 5% Peaking	Total Capacity 2001 less Annual Total Plus 5% Peaking
2002	2,577	256	23	169	3,025	3,165	225
2003	2,660	259	24	172	3,115	3,260	95
2004	2,749	261	24	176	3,209	3,358	32
2005	2,836	266	24	179	3,305	3,459	(69)
2006	2,921	274	25	184	3,404	3,563	(173)
2007	3,010	282	26	190	3,507	3,671	(281)
2008	3,100	290	27	195	3,612	3,781	(391)
2009	3,192	299	27	201	3,720	3,895	(505)
2010	3,290	307	28	208	3,833	4,012	(622)
2010 w/5% Peaking	3,454	322	28	208		4012	
2001 Capacity	2,973	192	35	190		3,390	
2010 w/5% Peaking less 2001 capacity	(481)	(130)	7	(18)		(622)	
Population Assumptions: <ul style="list-style-type: none"> • 3% overall growth of adult offender population • Felony population is assumed to grow at a faster pace than misdemeanor and other population • Population at each facility based on current usage and current eligibility requirements • Population assumes a 5% peaking factor to project the seasonality of the residential (secure and NRF) jail population 							
Capacity Notes: <ul style="list-style-type: none"> • Capacity assumed at 2001 levels. • Secure detention assumed includes total beds of 3,085 less a vacancy factor of 112 beds 							

Conclusions on capacity from forecast

Long term

If the recent practices that have affected jail use do not change and the status quo continues, the County's adult detention facilities will be out of needed beds by a forecasted amount of 69 in 2005 growing to 622 beds by 2010.

Short term

At the King County Corrections Facility in Seattle, King County needs to repair and replace a failing electronic security system. The Integrated Security Project (ISP) Team is in the process of determining the needs assessment, the operational impact on the jail during construction, and the cost and benefits to upgrade the electronic equipment. Depending on the conclusions and recommendation from the ISP team, short-term capacity could be impacted and early population management techniques may need to be implemented. An action proposal is expected in fall 2002.

ALTERNATIVES TO ADDRESS CAPACITY FORECAST

Alternatives to secure detention can be classified into three major sections:

- Process or front end system changes which would decrease the population,
- Sanctioning or back end system changes that would increase capacity, and
- Other outside items (legislative changes, contract changes, etc.)

As a policy matter, alternatives to address the capacity must be analyzed, and recommended from several decision points. Any alternative to incarceration must adhere to the following underlying principals:

- Be cost effective
- Be acceptable to the courts
- Provide appropriate level of sanctioning for criminal offense
- Provide appropriate public safety
- Reduce the risk of re-offense
- Not to lead to net widening – Net Widening is a term used to describe the concept of establishing a new alternative to remove offenders from secure detention, and instead, the new alternative is filled with offenders who would not normally be in jail.

Process (front-end) changes which decrease population

The AJOMP effort commissioned two inter-disciplinary and inter-jurisdictional work groups to review, analyze, and recommend changes for the pre-trial jail population, one to look at the misdemeanor population, and the other to review the felony population. Representation on the work groups was from many stakeholders in the criminal justice system including King County, Seattle, Bellevue, Suburban Cities, State of Washington, and professionals from social services agencies, treatment, and community groups.

The purpose of both the Misdemeanor Workgroup and the Felony Workgroup was to identify system efficiencies, policies, and practices that divert from and reduce the reliance upon the jail as the means for processing, controlling, and supervising the pre-trial and post-conviction jail population without compromising the administration of justice.

Several important conclusions were published:

- 46% of all misdemeanor defendants failed to appear at a judicial hearing in 1995. Misdemeanants who fail to appear are 2.2 times as likely to spend time in jail than those who do appear.
- 35% of pre-sentence felons who spend some or all of their pre-sentence time out-of-custody fail to appear at least once. The average time spent in jail is 1.57 times greater for those who fail to appear or an average of 16 days longer in jail.
- The number of offenders (felony and misdemeanor) booked into the King County jail for a failure to comply with judge ordered sentenced conditions is a significant contributor to the jail population.
- King County had more than 8,000 Driving While License Suspended (failure to respond to a traffic infraction) bookings in 2000 – 22% of total misdemeanor bookings with an ADP for those offenders whose most serious offense was Driving While License Suspended of 118 – 11% of total misdemeanor ADP.
- The Average Length of Stay (ALOS) increased 46% between 1992 and 2001 for pre-trial misdemeanants. This impact has had a significant impact on the overall jail population.

Sanctioning (Back End) Options to increase or change capacity

Day Reporting Center

The AJOMP commissioned an inter-disciplinary and inter-jurisdictional work group to look extensively at alternatives to incarceration. The team reviewed “best practices” from other jurisdictions and recommended implementation of a day reporting center targeting the failure to comply populations, with a strong focus on treatment services.

A Day Reporting Center (DRC) is a non-residential intermediate sanction that combines high levels of control with intensive delivery of services needed by offenders. The most effective Day Reporting Centers operate in phased tiers. Tiers are basically a sanctioning grid by where the offender in the early stages of reporting to the DRC goes every day, and by the end of their sanctioned time are reporting only once a week or once every other week. By using tiers, offenders are able to reintegrate back into the community at a slower and more controlled pace. The use of tiers can also serve as an incentive to inmates for increased freedom and decreased supervision if they do not have any disciplinary infractions. If an offender does commit infractions while in the program, the length of the more restrictive tiers will most likely be increased.

The Alternatives Work Group found that offenders who have violated the terms of their sentence represent over 25% of the King County Jail population. Some defendants who violated conditions of their sentence should continue to serve time in jail for serious violations. However, some violations, like failure to report to probation or failure to complete treatment, may be more appropriately handled by a day reporting center. Currently, jail is the most common sanction when offenders fail to comply with the terms of their sentences – and often the only sanction available to judges. The table below illustrates various legal status and charges of offenders at DRCs around the country.

Legal Status and Charge Type Use of DRCs			
In 1990 there were 13 DRCs across the country, as of 1994 there were 114 DRCs in 22 states serving offenders with a wide variety of offenses and legal status.			
Legal Status of Offenders in DRC ⁴		DRC Eligibility of Offenders Charged With or Convicted of Various Types of Crimes ⁴	
Legal Status	Percentage of DRCs that Admit Such Offenders	Offense Category	Percentage of DRCs that Accept This Category for Admission Screening
Probation	87%	Arson (current crime)	70%
Probation or parole violators	73	Sex Offense (current crime)	78
Parole from Prison	42	Other violent offense (current crime)	78
Jail (Pretrial release)	37	Weapons/firearms (current crime)	85
Jail sentence (Early release)	25	Violent Offense (past crime)	87
Prison Furloughs/ administrative release	20	Weapons/firearms (past crime)	96
Residential Programs	12	Drug sale (current crime)	100
Prison Work Release	6	Drug possession (current crime)	100

⁴ Parent, Dale, et. al. *Day Reporting Centers, Volume I*. U. S. Department of Justice, Office of Justice Programs, National Institute of Justice. September 1995. Pg. 18, 20.

The Alternatives Work Group recommended the Day Reporting Center primarily serve offenders who have violated the terms of their sentences and would otherwise be incarcerated in jail. The Day Reporting Center could also serve offenders serving time on their original sentences when appropriate, and drug court offenders. The Day Reporting Center would provide a mix of sanctions, supervision, services and treatment options to the offenders it serves.

The AJOMP conducted two statistically valid intensive reviews at the population housed in the King County Detention Facilities on March 30, 2000 and April 30, 2000. (In order to verify that the March 30 inmate stratification was a valid example of the normal housing/inmate types in jail, the AJOMP also ran data for June 30, September 30, and December 31. All days were similar in make-up of the inmate stratification.) Two samples of approximately 500 inmates were reviewed in detail looking not only at their criminal charge and history but also at their housing classification and the reasons documented for their housing location.

Both studies found that there were approximately 250 people in the King County correction facilities (including KCCF, RJC, WER, and NRF) that would appear on paper to be both a failure to comply and eligible for a day reporting center.

Estimated Number of Offenders in Jail Due to Failure to Comply (FTC) and Day Reporting Center (DRC) Eligible		
Category	March Snapshot Estimated ADP	April Snapshot Estimated ADP
Felon	118	151
County Misdemeanant	58	91
City Misdemeanant	74	36
Total	250	278

Recommendation

Pilot a Day Reporting Center with a strong focus on treatment services, initially targeting the failure to comply misdemeanor and felony jailed population as an alternative to incarceration. The pilot program will have an initial impact to the jail of 25 ADP growing to 75 ADP as population and operations warrant. The pilot program should be initially located in Work Education Release in the King County Courthouse by re-programming space not currently used by WER to accommodate a DRC. Further analysis of the jail population to identify other possible population groups for a Day Reporting Center is warranted with possible expansion to a larger facility to include expanded day-treatment services.

Out-of-Custody Work Crew

Currently, out-of-custody work crew is a judge sanctioned intermediate alternative to jail for the low-level, low-risk misdemeanor population. Judges participating in this program sentence directly to work crew. Once on work crew, the offenders perform supervised manual intensive labor for various County agencies and some outside municipalities. In 2001, out-of-custody work crew operates 2 crews, 5 days a week, with a maximum daily offender population of 20 (10 offenders per each crew).

Recommendation

The Executive, in conjunction with District Court, recommends the expansion of the out-of-custody work crews to provide an alternative to for the low-risk, low-level offender targeting the high priority populations - state filed King County misdemeanants, gross misdemeanants, and felons. An evaluation component will be established to ensure a reduction in jail population.

Cedar Hills Addiction Treatment Facility (CHAT)

Cedar Hills is a 202-bed residential treatment facility primarily serving chronic inebriates and long-term drug addicts. The facility serves patients from around the state of Washington, not only King County residents. While the client capacity is 202, currently only 168 of those beds are under contract with an average daily census of 130. The primary source of revenue supporting the services provided at the facility is state funds. The rates paid by the state, however, are insufficient to cover the expenditures incurred in providing services. As a result, the facility has been operating at a deficit for several years. Funds to meet the deficit and continue operations have come from Public Health-Seattle King County (PH) via the Current Expense (CX) fund and the use of Substance Abuse fund balance from the Department of Community and Human Services (DCHS). The Current Expense (CX) subsidy (from Public Health to CHAT) has been around \$1 million per year for several years and is expected to exceed \$1 million this year if the County continues with full operation. The total CX contribution to Cedar Hills in the 2001 budget was 1.4 million.

2001 Budget:

CX Contribution to CHAT via Public Health Fund:	\$999,715
CX Contribution to CHAT via Substance Abuse Fund:	\$423,367

If Cedar Hills Addiction Facility continues to operate throughout 2002, the draw down of Substance Abuse (SA) fund balance is projected to be \$1,055,079 (includes the CX contribution above). Shown below are the yearly amounts since 1999 that the SA fund balance has been providing an operating subsidy to CHAT :

1999	\$521,619
2000	\$770,876
2001	\$617,191
2002 projected	\$1,055,079

Recommendation

It is the recommendation that the Cedar Hills Addiction Treatment Facility currently owned by King County and operated by the Department of Community and Human Services (DCHS), be shut down effective December 31, 2002, with a phase down starting in mid-2002. In order to accomplish this, DCHS will stop taking long-term patients in June 2002 and begin a gradual phase down in census. The County is exploring possible options for different future uses of the Cedar Hills property.

The department has been working with the state to ensure minimum disruption for the clients and the system of care in King County. It is the County's understanding that other providers in the county may absorb the beds lost by the closure of CHAT. The County will continue to support and provide substance abuse services with remaining substance abuse funds.

North Rehabilitation Facility (NRF)

The NRF structure is a wooden structure built Pre-1939 originally as a Naval Hospital for the aviators and other Navy personnel primarily stationed at Sand Point Navy Station. Over the years, the facility has been used for several other purposes and is used now as a special detention facility for King County. NRF provides the state-certified *Stages of Change* treatment program and jail industries (in-custody work crew), as well as life skills programming (e.g. GED, employment counseling, parenting skills, etc.). The annual operating cost of NRF is about \$6 million in Current Expense (CX) funding. The facility is located on state-owned land and requires a leasing agreement with State of Washington. The current lease expires in 2003. Given the deterioration of the physical plant, there is consensus that the structure cannot continue in its current state. The cost to rebuild the North Rehabilitation Facility in its current location would be approximately \$22 million for a 350-bed facility in 2001 dollars.

The “special detention facility” designation and the agreement with the community allow only targeted inmates meeting eligibility criteria to be housed there. The criterion is based on an initial screening at jail classification with a more in-depth assessment at the NRF facility. It reviews resident, community, and facility safety interests including management of escape risks. Under the Status Quo forecast (please refer to the section – Offender Population Compared to Capacity Forecast – Forecast 2002 to 2010), the projected number of inmates eligible for the NRF facility with the current special detention designation does not justify the rebuild of the NRF facility at a 350 bed capacity (forecast projects 2002 NRF eligible population at 256 growing to 307 in 2010). In addition, local cities, which historically have contracted with King County for jail services, are entering into contracts with other jurisdictions to provide their jail services. This depletion of the jail population would reduce the NRF facility forecast from the projected level of 307 to 246 in 2010.

Secondly, under the Status Quo forecast, the total need in 2010 is for 622 beds, 481 of which are needed for a growing secure detention population. Re-building the NRF facility in the Shoreline site does not meet the capacity needs of the projected jail detention population. If the NRF facility were re-built, King County would still need to build a second facility to house the secure detention population.

Stages of Change is a state-certified chemical dependency treatment program located at the North Rehabilitation Facility. The *Stages of Change* program has the capacity to serve approximately one-quarter of the inmates at NRF. In 2001, it is budgeted to serve 45 inmates on average every day. In a preliminary report (final data is not yet available), recidivism rates (defined as re-arrest and re-booking in the King County Jail) within 2 years post-program are reduced for those with length of stay in excess of 120 days compared to those without access to the program. The eligibility criteria for inmates to be located in the NRF structure prohibit some offenders who could benefit from the treatment availability, but due to their charge or criminal history are not eligible to be housed at the NRF facility. Transferring NRF programs to a site that allows expanded security eligibility could increase the number of prisoners who receive treatment, therefore increasing the treatment capacity within the detention facilities.

Recommendation

Expand treatment readiness programs to the minimum-security section of the Seattle - KCCF (commonly referred to as the West Wing) and close North Rehabilitation Facility structure beginning early 2003 with full closure by mid 2003. Re-programming the minimum-security section (West Wing) to provide the treatment and programs for the offender population would:

- Provide services to a larger number of inmates than are currently eligible at the NRF structure. The west wing has a bed capacity of 435 of which 139 are used for in-custody work

Recidivism of Person for the 63 People Who Spent 90 Days or More Post-Sentence On a 1995 Drug Filing							
	1995	1996	1997	1998	1999	2000	2001
Count of People with Booking Activity	51	41	39	36	31	22	17
% of 63 inmates with LOS > 90 days After sentence date	81%	65%	62%	57%	49%	35%	27%
Notes: Of the 63 sentenced people, 61 (or 97%) came back in years 1995 to 2001 for either new charges or violations. The study did not differentiate between new charges and violations.							

Assuming implementation of a jail treatment program with community aftercare and a reduction in recidivism similar to the results published in the study “Reducing Recidivism Through a Seamless System of Care: Components of Effective Treatment, Supervision, and Transition Services in the Community” by Faye Taxman; the impact to the 1995 drug filing population is estimated at a decrease in jail days of 6,000 days.

In a separate count of people serving sentences in 2001, the AJOMP determined that 298 felony or King County Misdemeanant offenders spent more than 90 days after their sentence date in the detention system. The count targeted charges of drugs, non-compliance, property, or DUI – historically, research has shown that these are the most likely charges with chemical dependency. In looking at the housing stratification noted in the chart below, 169 inmates were housed in either minimum or community locations, with 77 housed in the KCCF or West Wing.

Inmate Housing Stratification of the 298 inmates who served 90 or more days after being sentenced in 2001 for Drugs, Non-compliance, Property, or DUI.				
	Alternatives	Minimum-Security or Community Classified	Medium, Maximum, Close-Security or Medical, Psych Classified	Total
EHD	14			14
WER	64			64
NRF		57		57
KCCF		32	32	64
West Wing		35		35
RJC		45	16	61
Unknown			3	3
Total	78	169	51	298
Notes: Unknown represents incomplete data.				

These offenders have a significant impact on the daily population and represent a potential target population to evaluate further and potentially target a treatment program for.

Rapid Cyclers

The AJOMP did an extensive look at the 1998-jail population. In 1998 there were 120 individuals who were booked 10 or more times and 263 individuals who were booked in the jail 8 or 9 times within a 12-month period. An in-depth analysis was done of individuals booked in the jail 10 or more times. The findings created the following profile:

- Each person averaged 120 days in jail in a 12-month period with an average length of stay of 18 days per booking
- Offenders were primarily from Seattle

- 57% primarily had misdemeanor charges; 33% had a mix of felony and misdemeanor charges; 10% primarily had felony charges
- 55% of the bookings were for new charges; 44% for warrants; 1% for a sentenced commitment
- The most common serious offenses: criminal trespass (29%); drugs (28%) prostitution (10%) and theft (9%).
- All of the offenders appeared to be homeless
- 80% had some indication of a substance abuse problem; 20% had a serious mental illness (there is overlap between the populations)

These offenders significantly impact the jail on an individual basis. By definition, they aren't committing serious crimes, but are being repeatedly arrested and booked due to their underlying substance abuse and mental health problems.

Recommendation

With the recommended closure of NRF and CHAT, and given the Current Expense financial crisis facing the County, the AJOMP recommendation is to reserve up to \$3 million of the expected \$7 million in annualized savings from closure of NRF and CHAT to pay for the alternative sanctioning and treatment programs. Establish a collaborative effort between the Department of Adult and Juvenile Detention, Public Health Seattle and King County, and Department of Community and Human Services to invest in expanding the corrections, treatment and case management follow-up for offenders with substance abuse and/or mental health illnesses that are high jail utilizers and that are not immediately eligible for enrollment in either the mental health or chemical dependency systems with the objective to reduce recidivism.

Programs would be a complement to the existing sentencing practices (i.e. can be implemented within the existing sentencing practices) and would build upon the *Stages of Change* and other programs and services already provided within the jail and in the community. In King County, there are several providers with expertise in serving the criminal justice population that should be referred to for programmatic guidance. Furthermore, there are several successful models in the nation based on drug testing, treatment, and rewards for success and sanctions for failures (two of which are the Maryland *Break the Cycle* Program, and the Thurston County *Inmate Chemical Dependency*) that should be referred to when expanding the treatment programs.

In addition, an evaluation of the programs implemented should be done to determine outcomes, including reduced recidivism, length of treatment retention post confinement, and a reduction in the offender's positive drug test percentage.

Related to and overlapping with alternative treatment programs, AJOMP recommends that a portion of the prospective annualized Current Expense savings from the closure of NRF and CHAT be used for alternative sanctioning programs including a possible expansion of the pilot day reporting center and an expansion of the out-of-custody work crew program. The optimum mix of treatment and sanctioning program expenditures will continue throughout the 2003 budget process and is anticipated to be presented with the Executive's 2003 budget. The tentative plan is to include in the Executive Proposed 2003 Budget funding that will support a gradual ramp up of alternative treatment and corrections programs at the same time the NRF program ramps down its program and reduces its expenditures.

Other items having impact on capacity

Prospective Changes in Practices Affecting Jail Use by Prosecutor, Superior Court and District Court

Following the issuance of the felony work group and the misdemeanor work group reports, the elected leadership of the Prosecuting Attorney's Office, the Superior Court and the District Court met with representatives of the Executive and County Council. They expressed their commitment to working expeditiously on changes in prosecutorial and judicial practices that could have the effect of substantially reducing the ADP of felony, gross misdemeanor or County misdemeanor prisoners. Some of the prospective changes will depend on the availability of alternative sanctioning and treatment programs described above and others will not. The elected criminal justice leaders set a goal for themselves of reducing the non-city prisoner ADP by 400.

Washington State Offender Accountability Act (OAA)

Directs the Washington Department of Corrections (Prison System) to focus more resources on higher-risk offenders and to focus fewer resources on the lower-risk offenders. The impact to the King County Adult Detention system is that fewer of the offenders housed for the state will be at the lower-risk level and therefore, will be less likely to be eligible for alternative sanctions. It is difficult to estimate the ADP impact the OAA may have on King County jail population.

Contracts with Local Cities

For many decades King County has contracted with most of the cities within its boundaries to provide jail services for city misdemeanants. King County and its contracting cities currently are negotiating a new contract that reflects both parties' desire to substantially reduce cities' use of the King County jail facilities. Most of the contracting cities are planning to contract with other jail providers for a large portion of their prisoners. The current plans as expressed by the cities' contract negotiating team is to reduce the cities' aggregate ADP in the King County jail facilities down to about 250 ADP by 2004. If all contracting cities choose to use other jails or other corrections alternatives for all their pre-sentence and sentenced inmates, the impact on King County' forecasted jail population is significant. Even if the planning goal of a reduction of 400 ADP set by the criminal justice leaders is not fully successful, the loss of all city prisoners would delay the date by which we need additional jail capacity until 2010.

On the other hand, if portions of the contracting cities' populations remain in King County jail facilities and if the non-city prisoner population reduction measures are unsuccessful, additional capacity is forecasted to be needed by as early as 2005. For purposes of determining capacity constraints related to the County's statutory duty to house felons, gross misdemeanants and County misdemeanants, the forecast presented in this report assumes that all of the contracting cities choose to reduce their population in secure detention to 250 by 2004. The chart below depicts the forecasted contract cities' total misdemeanants by pre-sentence and sentenced populations.

Jurisdictional Responsibility for Detained Inmates Forecasted 2002 to 2010							
Year	King County Felons/Misdemeanants		Total Contract Misdemeanants (CM)			Other	Total
	PreSent	Sentence	PreSent	Sentence	Total CM		
2002	1,424	563	246	374	620	418	3,025
2003	1,501	584	248	375	623	407	3,115
2004	1,568	605	246	375	621	415	3,209
2005	1,626	617	251	381	632	430	3,305
2006	1,673	636	258	392	650	445	3,404
2007	1,723	655	266	404	670	459	3,507
2008	1,773	674	274	416	690	475	3,612
2009	1,826	694	282	429	711	489	3,720
2010	1,876	723	293	437	730	504	3,833

Source: Department of Adult and Juvenile Detention

Note: The forecast presented on page 31 assumes that the contract cities choose alternatives for all but 250 ADP by 2004.

Other Includes State Holds and Other Holds

CONCLUSION - ADJUSTED FORECAST AFTER RECOMMENDATIONS

Implement the AJOMP work group recommendations and pilot the programs with the goal of expanding the targeted populations as evaluations are completed, assessed, and outcomes measured to ensure the needs of public safety are met, the programs are cost effective, and provide the appropriate level of sanction for the crime. Implementation of the AJOMP process recommendations is dependent on a continued collaborative effort between King County, local cities, Superior and District Courts, and human service providers.

In December of 2001, the cost to expand the RJC to add 428 new secure beds was estimated at \$32 million with an annual operating cost of \$7 million. The lead-time needed to plan, design and build additional jail capacity is about four years. Due to current financial constraints, King County is not in a position to allocate resources to construct and operate a secure detention expansion. The current financial crisis and the prospects for success in reducing the jail population militate in favor of working aggressively between now and the middle of 2003 on jail population reduction measures, monitoring the effects closely and deciding by the end of 2003 whether to initiate jail capacity expansion.

In the worst case that none of the changes in prosecutorial and judicial practices are successful in reducing the non-city prisoner population and that the cities are unsuccessful in arranging the alternatives to using the King County jail facilities, King County would need to make a decision almost immediately to prepare for expanding jail capacity. In the best case, by successfully implementing the population reduction strategies (i.e. the AJOMP process recommendations, contract cities choosing alternatives for their misdemeanor populations, and the impact of the planning goal from the Prosecuting Attorney's Office, Superior Court, and District Court), King County will be able reduce bed capacity by closing the North Rehabilitation Facility and defer needing to build secure detention facilities, and will avoid other inmate population management options such as early release of inmates and restricting inmates from being detained in the jail.

The chart below shows the most optimistic scenario with the closure of the North Rehabilitation Facility, contract cities reducing their population to 250 ADP by 2004, and the successful planning goal of a reduction of 400 ADP from the elected criminal justice leaders.

2002 to 2010 Adjusted Correctional Facilities Forecast for King County Adult Jail System							
Year	Secure Detention Beds (KCCF/RJC)	Day Reporting Center	Electronic Home Detention	Work Education Release	Total	Annual Total Plus 5% Peaking	Total Capacity 2010 less Annual Total Plus 5% Peaking
2002	2,369	25	22	159	2,975	3,115	118
2003	2,653	25	14	115	2,807	2,941	292
2004	2,245	75	12	106	2,438	2,574	659
2005	2,328	75	12	108	2,523	2,663	570
2006	2,405	75	12	112	2,604	2,748	485
2007	2,484	75	13	115	2,687	2,835	398
2008	2,566	75	13	118	2,772	3,924	309
2009	2,648	75	14	122	2,859	3,015	218
2010	2,737	75	14	127	2,953	3,114	119
2010 w/5% Peaking	2,898	75	14	127		3,114	
2010 Capacity	2,973	75	35	150		3,233	
2010 population w/5% Peaking less 2010 Capacity	75	0	21	23		119	
Population Assumptions: <ul style="list-style-type: none"> • 3% overall growth of adult offender population • Felony population is assumed to grow at a faster pace than misdemeanor and other population • Contract Cities continue to choose alternatives - reduce Contract Misdemeanant Population to 250 ADP by 2004. Elected Criminal Justice Officials reach planning goal of a 400 ADP reduction by 2004. • Population assumes a 5% peaking factor to project the seasonality of the secure residential jail population 							
Capacity Notes: <ul style="list-style-type: none"> • Secure Detention remains at 2001 capacity – 3,085 less 112 beds for vacancy adjustment. • Day Reporting Center pilot in 2002 and 2003 at 25 ADP. Starting in 2004, expand Day Reporting Center to 75. • NRF closes effective 1/1/03. • WER is reduced to 150 beds to re-program space for pilot Day Reporting Center. • EHD remains at 2001 level of 35. 							

ADDENDUM A: Advisory Committee Direction for Implementation of Misdemeanor and Felony Report Recommendations

March 25, 2002

The AJOMP Advisory Committee, which is chaired by the Honorable Bobbe Bridge, Washington State Supreme Court Justice, and comprised of representatives from King County, Suburban Cities, Seattle, and the State of Washington accepted the Misdemeanor and Felony Workgroup Reports at its meeting on March 25, 2002. The Advisory Committee has decided upon the following course of action for implementation of the recommendations contained in the reports.

Misdemeanor Workgroup Report Recommendations

Recommendation	Action to be taken
Establish failure to appear (FTA) reduction strategies for selected populations of offenders.	<i>Share information, give presentations, and convene a "best practices" summit.</i>
Establish alternative sanctions for the failure to comply (FTC) population.	<i>Share information, give presentations, and convene a "best practices" summit.</i>
Establish re-licensing programs for defendants charged with DWLS 3.	<i>Share information, give presentations, and convene a "best practices" summit.</i>
Improve information technology systems used by the jails and the courts for processing in-custody defendants (specifically to check whether a defendant is in jail prior to issuing a warrant).	<i>Referred to the Jail Committee Workgroup for implementation.</i>
Revise pretrial procedures for in-custody defendants to reduce pretrial length of incarceration by expanding the use of video proceedings; establishing agreements between the cities and the county for handling in-custody first appearance hearings for city cases at either the King County District Court's Aukeen Division (in the RJC jail courtroom) or at the Seattle Division (the downtown jail courtroom); or establish agreements among cities and the county to allow the first court to hold a first appearance for a defendant with multiple charges to also hold any other first appearances on other jurisdictions' charges.	<i>Referred to the RLSJC to form a multi-jurisdictional subcommittee to work on establishing agreements between the jurisdictions.</i>
Improve the method and protocol for scheduling outlying court first appearance hearings.	<i>Referred to the RLSJC to form a multi-jurisdictional subcommittee to work on establishing agreements between the jurisdictions.</i>
Evaluate changes in pretrial release; consider revising the standard Court Services interview form.	<i>Referred to the Jail Committee Workgroup for implementation.</i>
Develop multi-jurisdictional implementation groups.	<i>See above.</i>

Felony Workgroup Report Recommendations

Recommendation	Action to be taken
<p>FARR Guidelines: Recommendations 1 and 5 are related to DAJD's ability to administratively release felony defendants under the FARR Guidelines:</p> <ol style="list-style-type: none"> 1. Review the FARR Guidelines with particular focus on the drug trafficker exclusion. 5. Presumptively release defendants brought in on a felony investigation if it is a property charge (unless the arresting agency states that it objects to the person's release because: the agency is unable to identify the person's identity through any other method; the case will be filed within 72 hours; or there exists a substantial danger that the person, if released, will commit a violent crime or seek to intimidate a witness.) 	<p><i>Referred to the Jail Committee Workgroup for implementation.</i></p>
<p>WER/EHD: Recommendations 3, 9 and 11 relate to the use of Work Release and Electronic Home Detention:</p> <ol style="list-style-type: none"> 3. Allow the use of WER and EHD for pre-sentence defendants. 9. Modify the "Order Modifying Sentence" forms to allow defendants who are in jail because of a sentence violation to be presumptively eligible for WER/EHD unless statutorily ineligible or expressly prohibited by the judge. Defendants should also be considered eligible for WER/EHD prior to the sentencing modification hearing (assuming they meet standard program criteria). 11. Warrants issued for violations of sentence conditions should be modified to include bail and/or allow the use of WER/EHD. 	<p><i>Referred to the Jail Committee Workgroup for implementation.</i></p>
<p>Recommendation 4 pertains to implementing a felony failure to appear reduction effort.</p>	<p><i>DAJD started a pilot program at the RJC for out of custody felony arraignments in December 2001. If successful, DAJD will expand the program to the Seattle division.</i></p>
<p>Recommendation 7 pertains to increasing the number of offenders heard on the SRA Calendar.</p>	<p><i>Superior Court has implemented guidelines, which give direction for which cases may be struck off the calendar (and the process for doing so); the changes will go into effect by summer 2002</i></p>
<p>Recommendation 2 - Creation of a Pre-Trial Services Group within Superior Court/DJA based on the transfer of Supervised Release and the PR Screeners.</p>	<p><i>The Supervised Release program was eliminated in the 2002 budget.</i></p>

Recommendation	Action to be taken
Recommendation 6 - Encourage use of Live Scan by police for identification of defendants (rather than using the jail).	<i>Implement as available.</i>
Recommendation 8 – Use video to consolidate the SRA Calendars at Seattle and the RJC.	<i>The need for this change is several years out as the number of SRA cases gradually diminishes.</i>
Recommendation 10 – Reduce the number of Pre-Sentence Investigation Reports (PSI).	<i>The State Dept. of Corrections will be implementing this change as part of their overall State budget reductions.</i>

DRAFT

The Adult Justice Operational Master Plan
THE ALTERNATIVES WORKGROUP REPORT
Recommended Alternatives for King County

May 2002

Chairs:

The Honorable David Steiner, Judge, District Court
The Honorable Michael Trickey, Judge, Superior Court

ACKNOWLEDGMENTS

The Alternatives Workgroup Report could not have taken place without the leadership of the Honorable Michael Trickey, Judge, King County Superior Court and the Honorable David Steiner, King County District Court, and the commitment of the members of the workgroup (see Appendix A for a complete listing of the workgroup members). Beginning in the Fall of 2000, the workgroup met at least monthly to review and discuss issues associated with the criminal justice and treatment systems. Their guidance and knowledge of the workings of these complex systems were invaluable.

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DRAFT

May 3, 2002

EXECUTIVE SUMMARY

Purpose

The Alternatives Workgroup was co-chaired by the Honorable Michael Trickey, Judge, King County Superior Court and the Honorable David Steiner, Judge, King County District Court. Workgroup members included criminal justice, treatment and human services representatives from King County, Seattle, Suburban Cities, community groups, and the State of Washington.

The purpose of the Alternatives Work Group was to identify alternatives to incarceration encompassing sanctioning and services based primarily in the community and not requiring twenty-four hour per day secure detention.

Recommendation

The Alternatives Workgroup recommends that a Day Reporting Center (DRC) be established, with a strong focus on treatment services, as an alternative to incarceration. The Workgroup also recommends the use of work crew as an alternative to jail. Work crews may be used in conjunction with day reporting or may be used as a stand alone option.

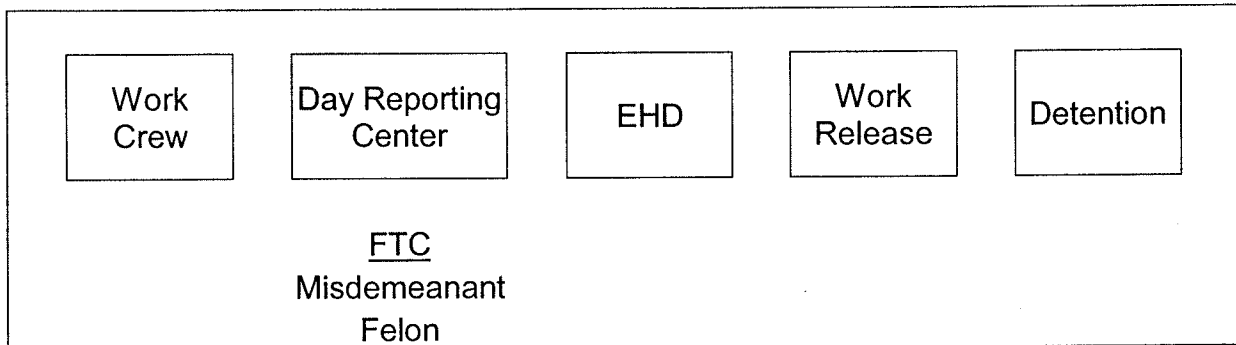
The Day Reporting Center could be run by and/or services could be provided by any of the following: the State, County, cities, private agencies, or some combination thereof. The Day Reporting Center would primarily serve felony and misdemeanor offenders who do not present immediate public safety concerns and who have violated the terms of their sentences and would otherwise be incarcerated in jail. The Day Reporting Center could also serve offenders serving time on their original sentences when appropriate, and drug court offenders. The Day Reporting Center would provide a mix of sanctions, supervision, services and treatment options to the offenders it serves.

Offenders who have violated the terms of their sentence represent over 25% of the King County Jail population. Some defendants should continue to serve time in jail for serious violations of their sentences. However, some violations, like failure to report to probation or failure to complete treatment, may be more appropriately handled by a day reporting center. Currently, jail is the most common sanction when offenders fail to comply with the terms of their sentences – and often the only sanction available to judges. However, there may be some offenders who for a variety of reasons fail to comply but who may be successful if given more intensive supervision and structure. A Day Reporting Center can be both a sanction and a way to give offenders the structure, support, services and treatment options they need to comply with the sentence terms. Jail should be considered a last resort for dealing with these types of violations.

Day Reporting as Part of a Continuum

Day Reporting should be part of a continuum. This means that, depending on their behavior and crime, offenders could move from more secure settings like secure detention to less restrictive settings like day reporting or work crew – and vice-versa. For example, if an offender missed several appointments or had a dirty U/A, one sanction could be to place the offender in Work Release or detention for several days. Such a continuum would create the ability to more easily move offenders between the different levels of the continuum. EHD and Work Crew can also be used in conjunction with Day Reporting. It is also important to maintain some level of residential treatment, possibly in-custody, for offenders.

Criminal Justice Continuum



Day Reporting Centers

Day Reporting Centers are intermediate sanctions that combine high levels of control with intensive delivery of services to offenders. Most DRC’s provide a variety of services and treatment on-site.

DRC’s are typically structured in phases in which offenders move from higher to lower levels of control based on their progress in treatment and compliance with supervisory requirements. The use of the phases can serve as an incentive to inmates for increased freedom and decreased supervision if they remain free of disciplinary infractions. If an offender does commit infractions while in the program, the length of the earlier more intensive phases will most likely be increased.

Day Reporting Centers usually have a strong focus on treatment services. Analysis by Joan Petersillia and Susan Turner found that offenders under intensive supervision who also received treatment had better outcomes than those who did not receive treatment¹. A survey² of day reporting centers across the country found that 96% offer some level of drug education or treatment. In addition, over 90% offered some level of job skills training and placement. Education and life skills training were also offered by almost all DRC’s.

Most participants are non-violent drug/alcohol offenders who do not require residential treatment. Many of the older DRC’s seemed to target offenders from the back end of the system (early releases from jail/prison), while the newer programs seem to target front-end offenders

¹ Joan Petersillia and Susan Turner, *Evaluating Intensive Supervision Probation/Parole: Results of a Nationwide Experiment-Research in Brief*, 1993

² Parent, Dale, et. al. *Day Reporting Centers, Volume I*. U. S. Department of Justice, Office of Justice Programs, National Institute of Justice. September 1995

(pretrial release, direct sentence/intermediate sanction, and halfway-back sanctions for probation and parole violators).

Public Safety Concerns

The purpose of a day reporting is to both assist offenders in complying with court conditions and reducing their re-offense rates and to maintain public safety. Public safety concerns make some individuals ineligible for day reporting. For instance, those serving original mandatory sentences for driving under the influence (DUI); those sentenced for DUI or domestic violence (DV) violations whose failure to comply resulted from a new serious violation of the law, such as a new DUI or a new DV violation; and DV sentences where the Court indicates that the defendant should not be eligible for day reporting.

Data – Rate of FTC

AJOMP staff reviewed the jail population to determine if there were offenders in the jail due to FTC that would also meet the criteria for a day reporting center. Staff conducted two studies referred to as jail day snapshots. These snapshots looked at a sample (approximately 500 people) of everyone in the jail on a given day (March 30 and April 30, 2000)³. Both snapshots found that on any given day, approximately 250 people were in jail due to failure to comply and would appear to meet the criteria for a day reporting center.

Estimated Number of Offenders in Jail in 2001 Due to FTC and DRC Eligible

FTC and DRC Eligible	March Snapshot Estimated ADP	April Snapshot Estimated ADP	Average
Felon	118	151	135
County Misdemeanant	58	91	75
City Misdemeanant	74	36	55
Total	250	278	264

Note: while these numbers exist today, they may diminish in the future due to the following factors. First, cities who contract with the jail are entering into contracts with other jurisdictions to provide jail services. This change could decrease the FTC population housed within the Department of Adult and Juvenile Detention (DAJD) by approximately 40 – 70 ADP. Second, the State Department of Corrections (DOC) is changing their focus of supervision. The DOC has stated that they are more closely supervising more serious offenders (e.g. sex offenders) and will decrease or even cease supervision of low risk offenders. It is thought that many of the felony offenders who were in jail due to FTC and appeared to meet the DRC criteria may fall into this low risk category. Depending on how these changes in supervision are implemented, the number of felony offenders in jail due to violations and who meet the criteria for a day reporting center may diminish over time. The use of work crew is also expected to decrease the number of offenders in jail due to FTC.

³ In order to verify that these dates were representative of the normal population in jail, staff also ran data for June 30, September 30, and December 31, 2000. All days were similar in their stratification of the inmate population.

Disproportionality

In 2000, African-Americans were approximately 5% of King County’s population – but represented 34% of those in jail. Overall, African-Americans represented 31% of those in jail on non-compliance charges.

Felony FTC

The racial breakdown for felony non-compliance (or FTC) is similar to that of the jail in general. As seen in the table below, African-Americans represent 38% of those in jail on felony charges and 40% of those in jail on felony non-compliance charges. The similarity in numbers can be explained in part by the number of African-Americans in jail on drug charges. In 2000, 43% of African-Americans in jail on felony charges were there on drug charges; African Americans were 52% of all inmates in jail on drug charges. Drug offenses are the most common charge associated with FTC in the jail.

Misdemeanor FTC

African-Americans comprise 23% of those in jail on misdemeanor charges and 14% of those in jail on DUI charges. While still disproportionate, African-Americans are a smaller percentage of those in jail on misdemeanor non-compliance. This difference from felony non-compliance can be explained by the fact that misdemeanor non-compliance is most closely linked to DUI cases. DUI offenders are much more likely to be white. Of those offenders in jail on DUI charges in 2001, 84% were white, 9% were African-American, and 6% were Asian-American or Native American.

If the number of offenders in jail on non-compliance could be reduced, particularly those on felony non-compliance charges, it would help to decrease disproportionality in the jail.

Jail Population by Race

2001 ADP	Asian	African American	Native American	White	Total
Felony	4%	38%	3%	55%	100%
Misdemeanor	4%	23%	4%	69%	100%
Total	4%	34%	3%	60%	100%

Non-Compliance by Race

Non-Compliance	Asian	African American	Native American	White	Total
Felony	1%	40%	4%	55%	100%
Gross Misdemeanor	0%	39%	0%	61%	100%
Misdemeanor	2%	14%	6%	76%	100%
Total	1%	31%	4%	63%	100%

INTRODUCTION

King County, similar to many growing urban communities across the country, is experiencing a growing jail population, increasing costs associated with the criminal justice system, limited community programs and diminishing fiscal resources. In order to address the problem of diminishing jail resources, the King County Executive initiated an Adult Justice Operational Master Plan (AJOMP) in April of 2000 to study the current processes, sanctions, and programs available in the criminal justice system and to identify ways to improve the system's performance. Participants in this planning process were asked to make recommendations focused on specific areas with the potential to reduce reliance upon the jail as the primary means for processing, controlling and supervising the pretrial and post-conviction inmates without compromising the administration of justice or jeopardizing public safety.

To accomplish these goals, the AJOMP was designed as a multi-jurisdictional team with representatives from King County, Seattle, Bellevue, Suburban Cities, local and state law enforcement agencies, community agencies, probation and health and human services agencies. These representatives were divided into three teams: Misdemeanant, Felony and Alternative Programs (see Appendix A for a list of the Alternative Workgroup members). The teams consisted of key staff members familiar with various aspects of criminal justice and human services system, who were able to readily share information and thereby foster a better understanding of how the state, county and municipal parts of the criminal justice system interact.

Alternatives Work Group

The Alternatives Work Group was co-chaired by the Honorable Michael Trickey of King County Superior Court and the Honorable David Steiner of King County District Court. The Alternatives Work Group was comprised of representatives from King County, Seattle, Suburban Cities, Harborview Medical Center, and AJOMP staff. The Alternatives Group convened its first meeting in the Fall of 2000 with the initial task of outlining the work plan for review of the current criminal justice process and identifying areas for additional study.

The next several meetings consisted of discussions shaped by the collective experiences of the group along with data provided by the AJOMP staff to help shape the issues and activities that would be the focus of the group's work over the ensuing months. Extensive review of data associated with possible target populations led the workgroup to focus on offenders who are in jail due to failure to comply with sentence conditions and the use of alternatives like day reporting centers and work crews as possible means for handling this population.

In addition, the workgroup developed three "menus" of alternatives related to treatment, criminal justice, and support services. These menus are included in Appendix B.

FAILURE TO COMPLY

Failure to Comply

Failure to Comply (FTC), or non-compliance, refers to offenders who have failed to comply with the terms of the conditions of their sentences. As used in this report, FTC does not refer to offenders who failure to comply involves a new criminal charge. Offenders who have violated the terms of their sentence represent over 25% of the King County Jail population. Some defendants should continue to serve time in jail for serious violations of their sentences. However, some violations, like failure to report to probation or failure to complete treatment, may be more appropriately handled by a day reporting center or work crew as an intermediate sanction. Currently, jail is the most common sanction when offenders fail to comply with the terms of their sentences and often is the only sanction available to the judge.

Misdemeanor Failure to Comply

The number of misdemeanor offenders booked into the King County Jail for a failure to comply warrant is a significant contributor to the misdemeanor population.

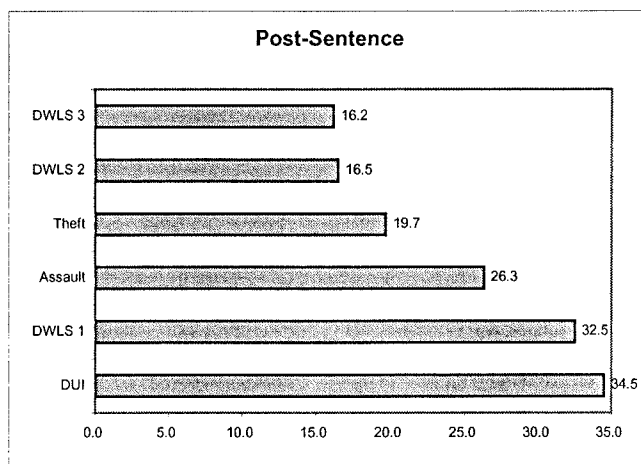
- The *Misdemeanor Study* reported that 22% of all of the cases disposed of in 1995 had at least one warrant issued for non-compliance.
- A review of Seattle Municipal Court (SMC) revocation hearings for 1998 found that there were 748 bookings where the only charge activity on that booking event was the revocation case (i.e. there were no new criminal violations reported). These cases resulted in nearly 12,000 prisoner days or 37 ADP and a cost of \$1 million to the City in jail fees.
 - Assaults and DUI offenses accounted for 44% of all revocation hearings and more than 63% of the jail days associated with the revocations.
 - The most common types of sentence violations listed in the court dockets were for failure to complete/attend treatment and failure to appear for the review hearing. These two reasons accounted for 63% of the revocation hearings.
- A report issued by the City of Bellevue Probation Services reported that in 2000, approximately 28% of the total jail days imposed for City of Bellevue municipal prisoners were due to a revocation.
- In 1998, there were more than 400 bookings associated with a gross misdemeanor sentence violation supervised by the District Court. These bookings represented more than 50% of all the bookings for gross misdemeanants with an associated jail ADP of 47.
- A review of 132 County misdemeanor offenders in jail on DUI charges on March 30, 2000 found that 35% (or 46 people) were in jail on a revocation.
- An analysis conducted by AJOMP and DAJD staff in May, 2001 for DUI cases filed in the King County District Court in 1999 found that out of the 482 cases with an initial jail sentence greater than 2 days, 97 (20%) had been sentenced a second time to jail on that same charge. An average of 62 days of were served in jail for the revocation – 9 days longer than

the original sentence. The percentage of offenders who are revoked back to jail will likely grow over time (as the period of time over which someone is supervised grows, the greater the likelihood that the person will violate a condition).

Types of Misdemeanor Cases Associated with FTC

Figure 1, from *The Misdemeanant Study*⁴, shows the number of warrants issued per 100 cases. For example, for every 100 DUI cases, there are 34.5 warrants issued post-sentence (i.e. almost 35% of DUI cases had at least one warrant issued post-sentence). DUI cases have the highest rate of warrants issued post-sentence. The high rate of post-sentence warrants for DUI and Assault/DV cases is caused in part because these cases are more likely to have sentence conditions imposed (e.g. obtaining an alcohol assessment or completing batterer’s treatment) than other types of cases⁵.

Figure 1
Warrants Issued Post-Sentence per 100 Cases



Case Study:

The following case study illustrates how failing to appear for court and failing to comply with sentence conditions can lead to significant jail time.

On April 26, 1996, the defendant is charged with DUI and arraignment is set for May 14, 1996. Due to numerous failures to appear and failures to comply, the original sentence of 10 days in jail progressed into 365 days in jail. As of June 2001, the defendant was half way through a 365-day sentence in the work release program. He was employed and complying with his final sentence.

⁴ *The Misdemeanant Study* by Christopher Murray & Associates, April, 1998

⁵ While DWLS 1 cases have a high rate of FTC, they do not represent a high volume of cases.

In the 5 years this case has been progressing through the criminal justice system, the defendant failed to appear a total of 10 times, instigating 9 bench warrants to be issued. Seven (7) failures to appear were prior to sentencing, with another 3 occurring after sentencing.

In October 1999, the defendant received an original sentence of 365 days with 355 days suspended in addition to the following release conditions:

1. Do not drive without license;
2. No driving offense with blood alcohol greater than .08;
3. Do not refuse blood alcohol testing;
4. Probation for 24 months;
5. No new law violations;
6. No alcohol/drugs for 24 months;
7. Attend AA for 24 months;
8. Complete 2 year alcohol program;
9. Complete victims panel within 90 days; and
10. Return with proof of treatment.

In May 2000, probation finds the defendant to be in violation with the terms of release (specifically to return with proof of treatment). By July 2000, the defendant fails to appear for the 9th time, resulting in once again being booked into jail. In November, the defendant is sentenced to 20 days in jail and to return with proof of treatment. In December 2000, the defendant is once again not in compliance with the terms of the sentence and the remainder of the suspended sentence is imposed. The defendant is transferred to work release and enters treatment.

Timeline:

DUI	FTA/ BW	FTA/ BW	arraign set	FTA/ BW	Booked/ Real/PR 6 days	FTA/ BW	Booked/ Bails 1 day	Hearing	Probat'n report	FTA/ BW	FTA/ BW
Apr 96	May 96	May 96	Jul 96	Aug 96	Jul 97	Aug 97	May 98	Jul 98	Oct 98	Nov 98	Dec 98

Booked/ Custody Hear/Bail 3 days	FTA/ BW	Booked/ Bails 1 day	Sent 10 days	FTA	FTC	FTA/ BW	Booked/ Bails 1 day	20 days	FTA/ BW	365 days	Report WER
Feb 99	Mar 99	Jul 99	Oct 99	Dec 99	May 00	Jul 00	Oct 00	Nov 00	Dec 00	Dec 00	Dec 00

When the defendant fails to comply, the judge has few sanctions available other than jail. By the end of this case, the defendant has served a year in jail for a crime which occurred 4 years earlier and for reasons which had more to do with failing to appear for court, failing to report to probation, and failing to complete treatment than with the original crime itself.

Felony Failure to Comply

In April, 1999, Christopher Murray published "The Felony Study." This study was commissioned by King County and reviewed 4 areas related to felony offenders: failure to appear, failure to comply, offenders frequently booked on felony charges, and jail overstays. The analysis on felony failure to comply found that 52% of those offenders who completed active supervision had had at least one post-sentence violation which led to jail time.

Types of Supervision and Violations

The Felony Study looked at three types of post-sentence failure to comply: violation of post-confinement conditions imposed by the court (SRA violations⁶), violation of conditions of community custody supervision, violation of conditions of a stipulated agreement⁷.

- The most common form of violations are "SRA violations" which are violations of the sanctions imposed by the court after the jail or prison sentence is served (e.g. requirements to report to probation or to pay legal financial obligations).
- Most offenders coming out of prison are subject to what is known as "community custody supervision" by the Department of Corrections. The duration of this supervision is equal to the good time earned while in prison. During this time they are still technically prison inmates. DOC handles violation of conditions of a community custody placement through an administrative process; the matter does not go before the court.
- Some offenders are subject to "stipulated agreements." Stipulated agreements are relatively rare and do not usually involve jail time.

Felony Study Findings

In 1997, there were close to 4,000 offenders who had completed their active supervision. Of those 4,000 offenders, 66% were sentenced to jail, 22% were sentenced to prison and 11% were given a first time offender waiver (a special sentencing alternative)⁸. As part of the Felony Study, Christopher Murray reviewed a sample of 400 of these offenders to determine the rate of post-sentence failure to comply (FTC). Of the 400 offenders, 52% had jail days associated with post-sentence violations.

⁶ SRA refers to the Sentencing Reform Act which established sentencing grids for felony offenses.

⁷ After the Felony Study was written in April, 1999, the State Legislature passed the Offender Accountability Act (OAA). The OAA changed how felons how are supervised post-sentence with one of the primary changes being that violations are handled in an administrative process run by DOC as opposed to the SRA violations which are heard by a Superior Court judge.

⁸ The sentence was unknown for 1%.

The crime type associated with the violators closely mirrors the original distribution. As seen in Table 1, 48% of the offenders were originally convicted of a property crime; 50% of those who violated were originally convicted of a property crime. Similarly, 26% of the offenders were originally convicted of a drug offense; 29% of those offenders with violations were originally convicted of a drug crime.

- Offenders originally sentenced for drug and property offenses account for almost 80% of the violators.

Table 1
Original Conviction and Post Sentence Failure (FTC) by Crime Type

Crime Type	Orig. Conviction	FTC
Manslaughter	1%	1%
Assault	14%	11%
Robbery	3%	3%
Sex Crime	3%	1%
Drug	26%	29%
Property Crime	48%	50%
Other	7%	5%
Total	100%	100%

In *The Felony Study*, Christopher Murray also analyzed the factors associated with post-sentence failure. Table 2, from *The Felony Study*, shows which factors are and are not associated with post-sentence failure. The 3 factors most strongly correlated with post-sentence failure are:

- gender (women have a failure rate of 47% while men have a failure rate of 64%),
- unemployment (the failure rate for unemployed offenders is 72% vs. 51% for those who are employed)
- number of prior convictions (those with no prior bookings had a failure rate of 42%; those with 1 – 4 bookings had a failure rate of 52%; those with 5 to 9 bookings had a failure rate of 61%, and those with 10 or more bookings had a failure rate of 85%).

Table 2
Factors Associated with Post-Sentence Failure

Factors Associated with Post-sentence Failure ($p < .05$)	Factors NOT Associated with Post-sentence Failure	p	Low Frequency Factors (Not Used in the Analysis)
DEFENDANT CHARACTERISTICS			
Gender	Age	.885	Currently suicidal
Race	Time at current address	.489	Prior suicide attempt
Self-reported substance abuse	Time King County resident	.551	English speaking
High school graduation ⁹	Years education	.621	Literate
Who defendant lives with	History of alcohol abuse	.270	Special education needs
Number of prior bookings	History of drug abuse	.424	Developmentally disabled
Employed /unemployed	Self reported mental illness	.566	Gang member
Years with current employer	Identified psychological need	.301	
	Marital status	.237	
	Children	.818	
	Identified medical need	1.00	
	SGC offender score	.189	
CASE CHARACTERISTICS			
DOC Crime category	SGC Seriousness score	.456	
	Sentence type (jail or prison)	.332	
JAIL FACTORS			
Custody classification	Disciplinary history	.645	Special disciplinary history
			Protective custody
			History of admin. seg.

⁹ Note that high school graduates are more likely to fail than non-high school graduates

Types of Violations

In February 2001, the State Dept. of Corrections reviewed two groups of SRA offenders: those on contact supervision and those on Legal Financial Obligation (LFO) supervision to identify the types of SRA violations. This information was collected on offenders statewide. Table 3 shows what the violation was for those offenders who had violated the terms of supervision.

- For those on contact supervision (a.k.a. active supervision), the most common violation type was failure to report (36%) followed by failure to pay legal financial obligations (24%).
- For those offenders on LFO supervision (so their only requirement is the payment of whatever fines/restitution are owed), the most common violation was failure to pay (72%).

Table 3
Type of Violation by Type of Supervision
 (for those offenders who had violated the terms of supervision)

Violation Behavior	Contact Supervision		LFO	
	#	%	#	%
Failure to Report	102	36%	18	7%
Failure to Pay	68	24%	190	72%
Failure to Complete Comm. Svc.	44	16%	1	0%
Using Controlled Substance	25	9%	1	0%
Non-participation in Counseling/Treatment	12	4%	0	0%
Unapproved Employment or Residence	11	4%	48	18%
All Others	18	6%	5	2%
Total	280	100%	263	100%

Note: violations in table are the first recorded violation for each offender; offenders frequently have multiple violations (e.g. failure to report and failure to pay).

Conclusion

For both felony and misdemeanor offenders, the most common violations that lead to jail time are failure to report to probation, failure to attend or complete treatment, and, for felons, failure to pay legal financial obligations. The criminal justice system has limited options for monitoring and enforcing sentence conditions. Day Reporting Centers offer a promising approach to provide structure and supervision to help offenders comply with the terms of their sentences.

DAY REPORTING CENTERS

Services Offered at DRC's

In 1995, the National Institute of Justice (NIJ) published a report¹⁰ which surveyed day reporting centers across the country. The report summarized the types of services typically offered in a day reporting center and how they were funded. As shown in Table 4, from the NIJ Study, most DRC's offered some level of substance abuse education or treatment; job seeking skills and placement services; and education and life skills.

Table 4
Types and Locations of Services Offered by DRC's

Type of Service	Percent of DRC's that Provide Services	Location of Service		
		At DRC	Elsewhere	Both
Job-seeking Skills (N = 53)	98%	79%	13%	8%
Drug abuse education (N = 52)	96	69	17	14
Group counseling (N = 51)	96	80	12	8
Job placement services (N = 50)	93	62	34	4
Education (N = 49)	93	55	31	14
Drug treatment (N = 48)	92	31	54	15
Life skills training (N = 49)	91	92	6	2
Individual counseling (N = 47)	89	72	17	11
Transitional housing (N = 32)	63	13	81	6
Recreation and leisure (N = 31)	60	74	16	10

These services were primarily funded by the Day Reporting centers with the exception of transitional housing which was usually funded by another agency. Depending on the service, offenders would pay fees at 2% to 25% of the Day Reporting centers.

¹⁰ Parent, Dale, et. al. *Day Reporting Centers, Volume I*. U. S. Department of Justice, Office of Justice Programs, National Institute of Justice. September 1995

Types of Offenders at DRC's

The earliest DRC's were established to take offenders directly from either prison or jail as a form of early release. Since then, many day reporting centers have been established to handle offenders who had been in prison, had violated the terms of probation/parole, and were sent to the DRC as a last chance before being revoked to prison. DRC's are often structured to take offenders from multiple sources (i.e. both offenders who are being released directly from jail/prison and offenders who are in the community and in jeopardy of being revoked back to jail/prison). Table 5 shows the legal status of offenders in DRC's across the country. Offenders in DRC's are most frequently on probation.

Table 5
Legal Status of Offenders in DRC's

Legal Status	% of DRC's that Admit Such Offenders
Probation	87%
Probation or parole violators	73
Parole from prison	42
Jail (pretrial release)	37
Jail sentence (early release)	25
Prison furloughs/administrative release	20
Residential programs	12
Prison work release	6

Table 6 shows the type of current or past crime and whether the offender would be automatically screened out from the program. For example, 70% of DRC's would allow an offender charged with arson to be screened for admission to a DRC while 30% would automatically screen out the offender if charged with arson. All DRC's allow offenders with drug charges to be screened for admission, and in fact this is the most common charge associated with offenders in Day Reporting Centers.

Table 6
DRC Eligibility of Offenders by Crime Type

Offense Category	% of DRC's that Accept this Category for Admission Screening
Arson (current crime)	70%
Sex offense (current crime)	78
Other violent offense (current crime)	78
Weapons/firearms (current crime)	85
Violent offense (past crime)	87
Weapons/firearms (past crime)	96
Drug sale (current crime)	100
Drug possession (current crime)	100

DRC – Termination Rates

According to the NIJ Study, termination rates (i.e. the offender is terminated from the program before completion) can range from 14% to 86%. The report found that four factors were associated with high termination rates: type of program, level of services offered, staff turnover, and use of curfews.

- privately operated DRC's had higher termination rates than publicly operated ones
- programs which offer more services have higher termination rates than those with few services (increasing the availability of services increases the likelihood that the offender will fail to complete or otherwise comply with service requirements)
- a high turnover rate of staff is associated with higher termination rates
- Curfew rates are associated with lower termination rates (31% of DRC's with high termination rates use curfews compared with 56% of DRC's with low termination rates)

DATA – RATE OF FTC IN KING COUNTY

AJOMP staff reviewed the jail population to determine if there were offenders in the jail due to FTC that would also meet the criteria for a day reporting center. Staff conducted two studies referred to as jail day snapshots. These snapshots looked at a sample (approximately 500 people) of everyone in the jail on a given day (March 30 and April 30, 2000)¹¹. Both snapshots found that on any given day, approximately 250 people were in jail due to failure to comply and would appear to meet the criteria for a day reporting center.

First Snapshot – April 30, 2000

AJOMP staff conducted an intensive review of a sample of 480 inmates who were in jail on April 30, 2000.

Jail Day Snapshot Methodology

The following pre- and post-sentence felons with the following charges were excluded from the sample pool: homicide, sex offenses, robbery, and felony assault on the assumption that offenders with these types of violent charges would be unlikely to be eligible for a day reporting center. Defendants in jail on felony investigation charges were also excluded as the focus was on identifying offenders in jail because they had failed to comply with sentence conditions as opposed to those being charged with new crimes. As shown in Table 7, the sample of 480 individuals represented 20% of the total population (less those offenders excluded due to the nature of their charge).

Table 7
Comparison of Sample to Total Population

Status Group	Total June 2000 ADP	Total less excl. crimes	Sample Total	% of Total less excl. crimes
Pre-sent Felony	1,629	1,045	120	11%
Pre-sent Misdemeanor	356	356	120	34%
Sent. Felon	393	358	120	34%
Sent. Misdemeanor	620	620	120	19%
Total	2,999	2,379	480	20%

¹¹ In order to verify that these dates were representative of the normal population in jail, staff also ran data for June 30, September 30, and December 31, 2000. All days were similar in their stratification of the inmate population.

Staff reviewed the individuals in the sample to determine if they were in jail due to failure to comply with sentence conditions (FTC). Approximately 27% of the total population were in jail because of failure to comply. It should be emphasized that many of the people in jail due to FTC would not be eligible for a day reporting center. Some violations, like a violation of a restraining order, may be more appropriately sanctioned with jail time. Other offenders have a criminal history that would make them ineligible.

Day Reporting Center Eligibility

The sample population was also reviewed to determine if either their current or prior charge would be likely to make them ineligible for a day reporting center. It is important to note that the review was based on looking at information from the jail system only. It did not include a review of court files or in-person interviews.

Ineligible Crimes were defined as the following: crimes against persons, residential burglaries, original DUI sentence (as opposed to a revocation) or if there were other indicators that might make them ineligible. Individuals who appeared to be serving a DUI sentence were excluded due to the mandatory minimum jail sentences associated with this offense.

Based on this review, 40% of the sample appeared (on paper) to meet the eligibility criteria for a day reporting center (this number includes pre-sentence defendants, offenders serving their original sentences, and those offenders in jail due to FTC). An additional 14% might be eligible.

Reasons for ineligibility include (numbers total to more than 60% as a person could be ineligible for several reasons):

- Criminal History (40%)
- Current Charge (26%)
- DV Assault (13%)
- Homeless (8% - 10%) *defendants who were homeless but otherwise appeared eligible were put into a "Maybe" category.*
- Serving Original Sentence for DUI (6% of total; 18% of sentenced misdemeanants; 8% of pre-sentence misdemeanants)

Note: some offenders who failed to comply with the terms of a sentence for domestic violence may be acceptable candidates for a day reporting center if, for example, the violations were for failure to complete treatment. Other violations may not be appropriate. Since the data did not contain information as to the nature of the violation, all individuals charged with DV were considered ineligible for a day reporting center. It may be appropriate that the final determination of eligibility for day reporting in DV cases remain with the sentencing court.

Estimated Level of FTC and DRC Eligible

Based on this analysis, there were approximately 279 individuals in DAJD facilities (KCCF, RJC, NRF, WER, and EHD) who appeared to be in jail because of failure to comply with sentence conditions and who did not appear to have a charge or criminal history that would make them ineligible for a day reporting center.

Table 8
Estimated # of Offenders in Jail due to FTC and DRC Eligible

Status Group	FTC
Pre-sentence ¹² Felony	101
Sentenced Felon	50
Pre-sentence Misdemeanor	25
Sentenced Misdemeanor	103
Total	279

Of the misdemeanor FTC population, 50% - 70% are a King County responsibility (i.e. either Washington State Patrol (WSP) cases or from unincorporated King County). This can be partially explained by the fact that the majority of FTC cases are DUI cases because DUI offenders are more likely to have sentence conditions imposed – e.g. obtaining an alcohol assessment or going to treatment. WSP is the originating agency for many of the DUI cases – hence the preponderance of County misdemeanants who are in jail due to failure to comply. This population may grow over time due to the 1999 change in State law that requires that these offenders remain under the jurisdiction of the court for 5 years (previously, the maximum jurisdiction was 365 days). The longer an offender is supervised, the more chances increase that he/she will commit a violation of the sentence conditions.

Note: while these numbers exist today, they may diminish in the future due to the following factors. First, cities who contract with the jail are entering into contracts with other jurisdictions to provide jail services. This change could decrease the FTC population housed within DAJD by approximately 40 – 70 ADP. Second, the State Department of Corrections (DOC) is changing their focus of supervision. The DOC has stated that they are more closely supervising more serious offenders (e.g. sex offenders) and will decrease or even cease supervision of low risk offenders. It is thought that many of the felony offenders who were in jail due to FTC and appeared to meet the DRC criteria may fall into this low risk category. Depending on how these changes in supervision are implemented, the number of felony offenders in jail due to violations and who meet the criteria for a day reporting center may diminish over time. The use of work crew is also expected to decrease the number of offenders in jail due to FTC.

¹² If offenders fall into the “pre-sentence” category, it means that they have not yet had a hearing on the violation.

Charges Associated with FTC

As shown in Table 9, substance abuse related charges are the primary offenses for offenders who appear to be in jail due to FTC and eligible for a day reporting center: 70% of the felony offenders had a drug charge and 73% of the misdemeanor offenders had a DUI charge. This is likely caused by the fact that these types of offenses are more likely to have sentence conditions relating to obtaining treatment.

Table 9

FTC & DRC Eligible By Charge

Felony FTC by Charge		Misdemeanor FTC by Charge	
Drug	70%	DUI	73%
Forgery	8%	Car Theft/Prowl	5%
Property	8%	DWLS	5%
Car Theft/Prowl	5%	Criminal Trespass	5%
Harassment	3%	Disorderly Conduct	3%
Malicious Mischief	3%	Malicious Mischief	3%
Prob. Hold	3%	Theft	3%
Total	100%	Drug	3%
		Total	100%

Second Snapshot – March 30, 2000

In order to verify the results from the first snapshot, AJOMP staff conducted a second snapshot. Using the same methodology, staff reviewed 521 inmates who were in jail on March 30, 2000. Based on that review, there were approximately 250 people in DAJD facilities (KCCF, RJC, NRF, WER, and EHD) who appeared to be in jail because of failure to comply with sentence conditions and who also met the criteria for a day reporting center.

Housing Location

As part of this review, staff reviewed the last housing location for the offenders prior to release. As shown in Table 10,

- 43% were housed at in secure detention (RJC, KCCF, West Wing, or Psych);
- 24% were at NRF
- 23% were in Work/Education Release (WER) - includes Work Crew
- 10% were on Electronic Home Detention (EHD)

Table 10

FTC and DRC Eligible Offenders by Housing Location

Jurisdiction	EHD	Work Release	Work Crew	NRF	West Wing	KCCF	Psych	RJC	Grand Total
King County	9	34	4	32	17	25	1	55	176
City	15	16	4	28	1	6	0	4	74
Total	24	51	8	60	18	31	1	58	250

Although the KCCF (including the West Wing) houses more people than the RJC (in June 2000, the KCCF had an ADP of 1,587 compared to an ADP of 967 at the RJC), more people in the sample were housed at the RJC than the KCCF. Because of the disproportionate number of the inmates from the RJC, the AJOMP asked DAJD staff to review these inmates a second time. DAJD staff verified that the inmates would, based on a paper review, meet the criteria for a DRC. Inmates at the RJC may be less likely to be placed in less secure settings such as NRF or WER because it is not in as close proximity to those programs as is the KCCF.

Disproportionality

In 2000, African-Americans were approximately 5% of King County’s population but represented 34% of those in jail. Overall, African-Americans represented 31% of those in jail on non-compliance charges.

Felony FTC

The racial breakdown for felony non-compliance is similar to that of the jail in general. As seen in Table 11, African-Americans comprise 38% of those in jail on felony charges and 40% of those in jail on felony non-compliance charges. The similarity in numbers can be explained in part by the number of African-Americans in jail on drug charges. In 2000, 43% of African-Americans in jail on felony charges were there on drug charges, and African Americans were 52% of all inmates in jail on drug charges. As noted earlier, drug offenses are the most common charge associated with FTC in the jail.

Misdemeanor FTC

African-Americans comprise 23% of those in jail on misdemeanor charges and 14% of those in jail on DUI charges. While the numbers are still disproportionate, African-Americans are a smaller percentage of those in jail on misdemeanor non-compliance. This difference from felony FTC can be explained by the fact that misdemeanor non-compliance is most closely linked to DUI cases. DUI offenders are much more likely to be white. Of those offenders in jail on DUI charges in 2001, 84% were white, 9% were African-American, and 6% were Asian-American or Native American.

If the number of offenders in jail on non-compliance could be reduced, particularly those on felony non-compliance charges, it would help to decrease disproportionality in the jail.

Table 11
Jail Population and Non Compliance by Race

2001 Total ADP	Asian	African American	Native American	White	Total
Felony	4%	38%	3%	55%	100%
Misdemeanor	4%	23%	4%	69%	100%
Total	4%	34%	3%	60%	100%

Non-Compliance ADP	Asian	African American	Native American	White	Total
Felony	1%	40%	4%	55%	100%
Gross Misdemeanor	0%	39%	0%	61%	100%
Misdemeanor	2%	14%	6%	76%	100%
Total	1%	31%	4%	63%	100%

RECOMMENDATION

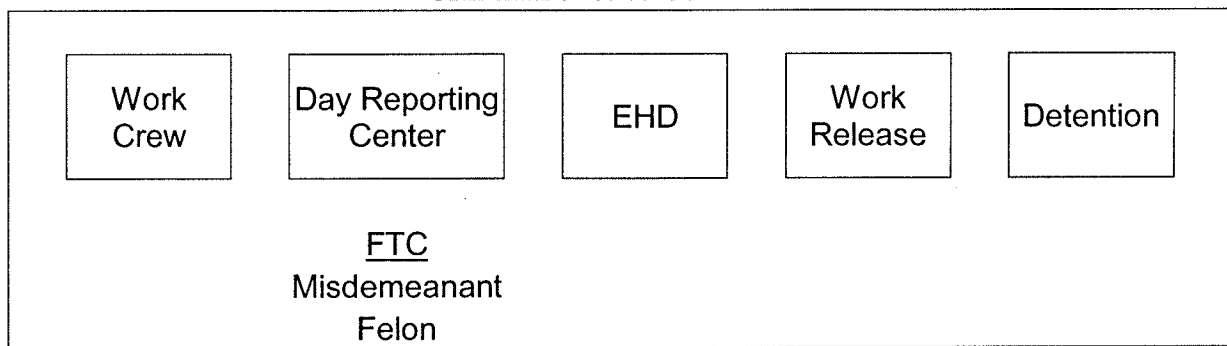
Day Reporting Center – Who It Should Serve

The Alternatives Workgroup recommends that a Day Reporting Center be established. It could be run by and/or services could be provided by any of the following: the State, County, cities, private agencies, or some combination thereof. It would primarily serve felony and misdemeanor offenders who have violated the terms of their sentences and would otherwise be incarcerated in jail. The Day Reporting Center could also serve offenders serving time on their original sentences when appropriate, and drug court offenders. The Day Reporting Center should provide a mix of sanctions, supervision, services and treatment options to the offenders it serves. The Workgroup also recommends the use of work crew as an alternative to jail. Work crews may be used in conjunction with day reporting or may be used as a stand alone option.

Day Reporting as Part of a Continuum

Day Reporting should be part of a continuum. This means that, depending on their behavior and crime, offenders could move from more secure settings like secure detention to less restrictive settings like day reporting or work crew – and vice-versa. For example, if an offender missed several appointments or had a dirty U/A, one sanction could be to place the offender in Work Release or detention for several days. Such a continuum would create the ability to more easily move offenders between the different levels of the continuum. EHD and Work Crew can also be used in conjunction with Day Reporting. It is also important to maintain some level of residential treatment, possibly in-custody, for offenders.

Figure 2
Criminal Justice Continuum



Background – Failure to Comply Population (violations of sentence conditions)

Offenders who have violated the terms of their sentence represent over 25% of the King County Jail population. Some defendants should continue to serve time in jail for serious violations of their sentences. However, some violations, like failure to report to probation or participate in treatment, may be more appropriately handled by a day reporting center as an intermediate

sanction. Currently, jail is the most common sanction when offenders fail to comply with the terms of their sentences. However, there may be some offenders who for a variety of reasons fail to comply but who may be successful if given more intensive supervision and structure. A Day Reporting Center can be both a sanction and a way to give offenders the structure, support, services and treatment options they need to comply with the sentence terms. Jail should be considered a last resort for dealing with these types of violations.

Additional Options for "Who It Should Serve"

1. Offer a sanction for offenders whose violations are technical and non-criminal in nature but would otherwise be incarcerated.
2. Offenders in need of transition to the community post-sentencing (use the last portion of an offender's sentence for their DRC stay).
3. Offenders who would not pose an increased public safety threat to the community by staying at their own residence (if a crime against a person, the victim should not reside at the same residence as the offender).
4. Those offenders who do not have the means to post cash bail but would otherwise be released.
5. Those offenders who would be eligible for personal recognizance except for the fact they are transient.

Public Safety Concerns

The purpose of a day reporting is to both assist offenders, in complying with court conditions and reducing their re-offense rates, and to maintain public safety. Public safety concerns make some individuals ineligible for day reporting. For instance, those serving original mandatory sentences for DUI; those sentenced for DUI or DV violations whose failure to comply resulted from a new serious violation of the law, such as a new DUI or a new DV violation; and DV sentences where the Court indicates that the defendant should not be eligible for day reporting.

Who Should Make the Decision?

The Alternatives Workgroup recommends that judges directly sanction offenders to the day reporting center.

DRC Mission Statement

Provide a continuum of treatment, services and support to offenders in need who do not pose an increased risk to public safety. Maintain the ultimate goal of breaking the offender's cycle of addiction and criminality and assist them in successful reintegration into their communities and increase offender accountability.

Goals: Public Safety and Reduction in Jail Use

1. Protect public safety.
2. Increase offender accountability.
3. Reduce racial disproportionality within the jail.

4. Decrease the number of offenders in the jail on technical violations. Preserve available jail space for offenders who pose the greatest risk to public safety.
5. Maintain or decrease current rates of failure to appear (FTA) and failure to comply (FTC).
6. Reduce the jail population
7. Complement probation services
8. Provide an alternative to secure detention for persons who might otherwise not be able to be in the community, either because they have a perceived and/or measurable inability to return to court without some extra degree of structure or because they are viewed as needing more accountability than personal recognizance allows.
9. Have a comparable or lower re-offense rate than jail (WER and EHD as well).

Goals: DRC Services and Treatment

1. Provide a cost effective alternative to jail with the ultimate goal of breaking the offenders' cycle of criminality by providing them with support and linkages to services and treatment.
2. Provide a "one-stop shop," sanction/supervision and service deliver hub for non-incarcerated offenders. Provide on-site services to include:
 - a. Comprehensive assessment, GED preparation and testing, vocational rehabilitation, literacy assessment and testing, chemical dependency treatment, drug testing, mental health counseling, chronic public inebriate services, housing case management and specialized programming for certain groups of offenders (e.g. a re-licensing program for those in on a DWLS¹³ charge).
3. Provide on-site supervision including coordination of community service assignments, electronic monitoring and random urinalysis
4. Provide offenders with transitional services and support to assist them in reintegrating into the community successfully; include direct linkages to the criminal justice and mental health and chemical dependency treatment systems for follow-up and/or aftercare services in the community to ensure sufficient intervention/rehabilitation time per research findings.
5. Develop partnerships with local shelters or other housing resources to accommodate those offenders without a stable address.
6. Allow offenders to keep their jobs, residence, etc. while still being held accountable.

Objectives

1. Reduce the need for building a new jail in King County by diverting low-risk adult offenders to an alternative, out-of-custody setting

¹³ Driving with license suspended (DWLS)

2. Engage and intake participants (the majority will be chemically dependent) into on-site chemical dependency treatment; consider using the *Stages of Change* program model.
3. Engage participants in GED preparation and testing, employment, and other life skills.

Description of Day Reporting Center Services

The following is meant to serve as an illustration of the services that the Day Reporting Center could provide.

- Accountability to courts and the community
- Monitoring of compliance with imposed conditions
- Graduated sanctions for non-compliance
- Treatment
 - Outpatient chemical dependency treatment at the DRC
 - Referral to ADATSA for assessment and placement in chemical dependency detoxification or residential service systems
 - Random urinalysis for those with alcohol and drug histories
 - DUI assessments
 - Alcohol and Drug Information School Program (ADIS)
 - Referrals for other psycho-social treatments, as indicated, e.g., anger management
 - Referrals to and attendance monitoring for participants in 12 step self-help groups
- Housing
 - determination of housing stability,
 - referrals for housing assistance,
 - follow up on housing placements with defendant and housing provider
- Work
 - Determination of current work status and employment history
 - Assessment of work skills
 - Provision of DRC workshops/trainings on topics such as job readiness, job seeking skills, and time management
 - Development of a Job Club designed to support the pursuit of employment
 - Employer/defendant conferencing as appropriate and necessary
 - Employment status monitoring
- Health and Human Services Linkages
 - Conduct health screening/health risks review via means of a health questionnaire and a face-to-face interview

- Determine human service needs, e.g., child care or transportation, by means of questionnaire and face-to-face interview

Provide referrals out to specific providers for those with unmet health and human service needs

Conclusion

There are a number of people in jail because of failure to report, failure to participate in treatment, etc. Judges have very few sanctions other than jail to use to get offenders to comply. Alternatives like work crews and day reporting would provide judges with additional sanctions to help achieve compliance and thus reduce the use of jail.

RAPID CYCLERS

One population the Alternatives Workgroup identified for review is people who are booked into the jail multiple times – or “rapid cyclers.” The Alternatives Workgroup initially focused on people who were booked into the King County Jail 3 or more times in a 12 month period.

Rapid Cyclers With 3 or More Bookings per Year

People who were booked into the jail 3 or more times in a 12 month period comprised 32% of the 23,000 individuals booked into the jail during a 6 month sample period. They also accounted for 43% of the total bookings and 51% of the total jail days.

Table 12
Rapid Cyclers as a % of Total Inmates, Bookings and Jail Days

# Bookings in 1 year	Number of Rapid Cyclers	%Rapid Cyclers of Total Individuals	%Rapid Cyclers of Total Bookings	%Rapid Cyclers of Total Jail Days
3 Bookings	3,461	15%	16%	18%
4-5 Bookings	2,858	12%	17%	20%
6-7 Bookings	849	4%	7%	8%
8-9 Bookings	263	1%	3%	3%
10+ Bookings	120	1%	2%	2%
TOTAL	7,551	32%	43%	51%

Rapid Cyclers by Charge Type

As shown in Table 13, there do not appear to be significant differences in the charge status (felony/misdemeanor) between rapid and non-rapid cyclers.

Table 13
Charge Status of Rapid Cyclers vs. Non-Rapid Cyclers

	Non-Rapid Cyclers	3 bookings	4-5 bookings	6-7 Bookings	8-9 Bookings	10+ Bookings
Felony	21%	24%	27%	27%	28%	20%
Investigation	11%	12%	12%	14%	16%	14%
Misdemeanor	68%	64%	60%	59%	56%	66%
Total	100%	100%	100%	100%	100%	100%

There were some differences between rapid cyclers and non-rapid cyclers in the type of charges associated with the booking. For example, as shown in Table 14, 11% of the non-rapid cyclers were in jail on DUI charges compared to less than 2% for those with 6 or more bookings in a year. Conversely, more than 18% of those individuals with 6 or more bookings were in jail on drug charges compared to 8% of the non-rapid cyclers. Property and traffic/non-alcohol charges were associated with both rapid cyclers and non-rapid cyclers

- Top 3 charges for non-rapid cyclers: Traffic/non-alcohol (20%); Property (12%); DUI (11%).
- Top 3 charges for rapid cyclers with 6-10+ bookings: Property (22%-25%); Drugs (17%-20%); Traffic/non-alcohol (11%-15%).

Table 14
Charge Type (most serious offense) on Booking

Charge	Non-Rapid Cyclers	3 bookings	4-5 bookings	6-7 Bookings	8-9 Bookings	10+ Bookings
Traffic (non-alcohol)	20%	20%	18%	15%	12%	11%
Property	12%	14%	18%	22%	25%	23%
DUI	11%	7%	4%	2%	1%	0%
Drugs	8%	12%	15%	18%	20%	17%
Assault	8%	6%	6%	5%	6%	5%
Prostitution	1%	1%	2%	2%	1%	6%
Homicide	0%	0%	0%	0%		0%
Non-Compliance	9%	11%	12%	11%	10%	10%
Other	21%	20%	19%	20%	20%	25%
Robbery	1%	1%	1%	1%	1%	1%
Sex Crimes	1%	1%	0%	0%	0%	0%
Domestic Violence	8%	6%	5%	4%	3%	1%
Total	100%	100%	100%	100%	100%	100%

Rapid Cyclers by Jurisdiction

Seattle and Tukwila have the highest percentage of rapid cyclers – as shown in Table 15, 58% of the individuals their police officers book into the jail are booked 3 or more times a year. In comparison, 30% of the individuals booked by the Washington State Patrol are booked 3 or more times a year.

Table 15
Rapid Cyclers Bookings by Police Agency

	Non-Rapid Cycler	3 Bookings	4-5 Bookings	6-7 Bookings	8-9 Bookings	10+ Bookings
Tukwila	42%	17%	23%	12%	5%	2%
Seattle	42%	16%	22%	12%	5%	4%
Des Moines	50%	18%	19%	7%	4%	0%
Auburn	56%	19%	18%	6%	1%	0%
Shoreline	56%	16%	17%	7%	2%	2%
Sheriff (Uninc. KC)	56%	19%	16%	6%	2%	1%
Federal Way	58%	16%	18%	6%	1%	1%
Issaquah	59%	21%	11%	8%	0%	0%
Bellevue	61%	16%	16%	4%	2%	1%
Woodinville	63%	13%	17%	7%	0%	0%
Redmond	64%	19%	15%	1%	1%	0%
Mercer Island	64%	23%	9%	4%	0%	1%
State Patrol	69%	17%	10%	3%	1%	0%

Rapid Cyclers With 10 or More Bookings per Year

The analysis of those individuals with 3 more bookings a year led to continued interest in the rapid cyclist population and specifically, those with 10 or more bookings in a 12 month period (commonly referred to as 10+ rapid cyclers). There are 100 – 120 individuals who fit into this category with an estimated ADP of 46. AJOMP staff, with the assistance of staff from DAJD, the Department of Community and Human Services (DCHS), and Harborview, conducted an intensive review of 30 of these individuals.

Demographic Information: Housing, Race, Gender, City

All of the individuals appeared to be homeless or at least lack stable housing. A review was done of the information given to the PR screeners. None of the individuals had verifiable addresses. Most stated that they were homeless, living in a shelter or motel, or living with a friend or relative (but the friend/relative’s address could not be verified).

Race and gender breakouts were somewhat comparable to the jail population as a whole. As shown in Table 16, women appeared to be more highly represented in the 10+ rapid cyclist group comprising 30% of that group compared to 12% of the jail population. Table 17 shows the breakdown by race. The racial stratification appears comparable between the sample of 10+ rapid cyclers and that for the jail population as a whole.

Table 16
Rapid Cyclers by Gender

Gender	Sample 10+ cyclers		Jail Population
Female	9	30%	12%
Male	21	70%	88%

Table 17
Rapid Cyclers by Race

Race	Sample 10+ cyclers		Jail Population
White	18	60%	58%
African American	12	40%	35%

There were differences between the 10+ rapid cycler group and the jail population as a whole when the originating police agency was reviewed. All of the bookings for 73% of the rapid cyclers originated with Seattle police while another 17% had at least one of their bookings with an offense which originated with Seattle police. Thus Seattle was associated with 90% of the 10+ rapid cyclers. This percentage is in contrast with the jail population as a whole; in 2000, Seattle accounted for 38% of the ADP.

Table 18
Rapid Cyclers by Jurisdiction

Jurisdiction	Sample 10+ cyclers		Jail Population
Seattle	22	73%	38%
Seattle + another jurisdiction(s)	5	17%	
Bellevue	1	3%	2%
Federal Way	1	3%	4%
DOC	1	3%	

Jail and Charge Type Information

Interestingly, 10+ rapid cyclers were more likely to be classified as either minimum or community security than was the population as a whole. 83% of those with 10 or more bookings were classified as either community or minimum security compared to 39% of the jail population as a whole.

Table 19
Rapid Cyclers by Classification

Classification	Sample 10+ cyclers		Jail Population
Minimum/Community	25	83%	39%
Medium	1	3%	23%
Maximum/Close	4	13%	6%

Table 20 shows that individuals with 10 or more bookings were more likely to be in jail on misdemeanor charges than the overall jail population. This can be explained by the fact that in order to be booked 10+ times, an offender needs to also be released at least 9 times. Those inmates charged with more serious crimes are less likely to be released (and thus less likely to get re-booked). 57% of the individuals in the sample were booked primarily on misdemeanor charges; 33% had a mix of misdemeanor and felony charges; and 10% had primarily felony bookings.

Table 20
Rapid Cyclers by Charge Status

Charge	Sample		Jail Population
	10+ cyclers		
Mostly Misdemeanor	17	57%	36%
Mix of Felony and Misdemeanor	10	33%	
Mostly Felony	3	10%	64%

As shown in Table 21, the most common charges were criminal trespass (the most serious offense on 29% of the bookings) and drugs (the most serious offense on 28% of the bookings). 73% had at least one booking where the most serious offense was criminal trespass¹⁴. Of the 8 individuals without any criminal trespass charges, 5 were women and had prostitution charges, one person was supervised by DOC, and two people had a mix of stolen vehicle/property and drug charges. There were a total of 334 bookings associated with the sample of 30 people with 10 or more bookings. Criminal trespass, drugs (VUCSA¹⁵), prostitution, and theft account for 75% of the charges.

Table 21
Rapid Cyclers by Charge

Most Serious Charge at Booking		
Criminal Trespass	98	29%
VUCSA	94	28%
Prostitution	34	10%
Theft	29	9%
Assault	10	3%
Disorderly Conduct	9	3%
Stolen Vehicle	9	3%
Other	51	15%
Total	334	100%

55% of the bookings were for new charges while 44% were for warrants (there was one booking for a sentence commitment). Some had thought that the warrant rate would be higher as this is a group that is highly likely to fail to appear for court. However, typically when offenders are booked with a criminal trespass charge as the most serious offense, they are usually sentenced to

¹⁴ In another review of those with 3 or more bookings a year, it was the prevalence of criminal trespass charges that differentiated those with 10 or more bookings a year from those with 6 – 9 bookings a year.

¹⁵ Violation of the Uniform Controlled Substance Act (VUCSA)

time served. In other words, the case is resolved when the person is released from jail – thus precluding additional court hearings and the chance to miss a court hearing.

Substance Abuse and Mental Health Information

Staff from the Department of Community and Human Services (DCHS), Drug Court, Seattle Mental Health Court, DAJD, and Harborview took the names of the 30 individuals in the sample and checked them against their systems to get a sense of their substance abuse and mental health needs. The following information was gathered from this review.

Substance Abuse

80% of the sample had some indication from their criminal history of a possible substance abuse problem (drug charge, arraigned in Drug Court, jail detox). 3 people (10%) were actively involved in Drug Court. Another 16 people (53%) had been arraigned in Drug Court but were not actively involved.

Six people (20%) had been to the Sobering Center. Two of these six had 40 or more visits in 2000. Table 22 shows the number of people who had been assessed by the King County Assessment Center. 11 of the 30 individuals had been assessed for substance abuse needs by the Assessment Center (5 in 2000 and 6 between 1990 and 1999). The table also shows of those assessed, how many were referred for treatment.

Table 22
Rapid Cyclers – King County Assessment Center

Assessed by KC Assessment Center	11	37%
Assessed 1990 - 1999	6	20%
Assessed in 2000	5	17%
Referred to inpatient treatment	2	7%
Referred to outpatient treatment	1	3%
Referred to methadone maintenance	1	3%
Dropped out of system (lack of contact)	1	3%

Mental Health

Of the individuals in the sample, 17% (5 people) were identified as having a serious mental illness. Of those identified as having a serious mental illness, all were either enrolled in the mental health system and/or had participated in Seattle Mental Health Court.

- 17% (5 people) were identified as having a serious mental illness
 - 4 were enrolled in the mental health system in 2000 at a Tier 3A level
 - All 5 had been enrolled in Seattle Mental Health Court. Three of the five had been removed from the Court – with a common note that the person would take medication while in jail but once released from jail and back on the street, would start using drugs again.
 - An additional person was identified as participating in Seattle Mental Health Court.

It appears that the system is doing a good job of identifying individuals with serious mental illnesses and connecting them to Seattle Mental Health Court and to the Mental Health system.

However, there seem to be problems with retaining these individuals once they are referred to the Court. People enrolled in Seattle Mental Health Court receive some level of case management and treatment services. As noted earlier, this is a population that is homeless. Based on this very limited sample, it appears that providing treatment and case management but not housing to this very challenging population may not be effective.

Harborview/Crisis Triage

Of the 30 individuals, 16 had recorded visits to the Harborview emergency room and/or the Crisis Triage Unit (CTU). 14 individuals did not have any Harborview visits in 2000. Out of the sample, 5 people (20%) had been to the CTU. The 5 individuals had a total of 13 visits in 2000. Table 23 shows the main issue associated with each person. Numbers total to more than 5 as a person may have multiple problems (e.g. an individual may have both a medical and a drug problem).

Table 23
Issues Associated with CTU Admission

Crisis Triage Unit	
Alcohol	3
Medical	3
Psychiatric	3
Drug	3

15 people were admitted to the Harborview emergency room in 2000. The number of visits ranged from 18 visits for one person to 1 visit for six people with an average of 4 visits per person.

Table 24
Harborview ER Visits

# of ER Visits	# of People
18	1
16	1
6	1
5	1
4	2
3	1
2	2
1	6
66	15

Women Frequently Booked in the King County Jail

The interest in the rapid cyclist population led to the development of a joint King County-Seattle case management pilot program with the objective of reducing failure to appear rates in the female offender population originating with the Seattle Police Department who had either been booked 6 times or more, or had spent more than 45 days in jail in the past 12 months. Case

management services are provided by the YWCA. This pilot program is funded by the City of Seattle with a one-time Local Law Enforcement Block Grant (LLEBG) federal grant of \$150,000. The program started February 1, 2002 and will continue through January 2003.

This program targets both pre-sentenced and sentenced female offenders. Women in the target population will enter program voluntarily, not as a judicial sanction, but rather a resource program to work with and complement the criminal justice process. The access point to this program will vary depending on the offender; jail is the primary referral source but women may be referred through court, defense or prosecution staff as well.

The intent is to provide targeted case management to a small group of women in the population to facilitate linkages to the complex housing and treatment options available. Examples of case management services include reminding participants of court dates and possibly accompanying clients to court, continued assertive out-reach to those who drop from the program, working with women to identify service needs, and facilitating linkages and ensuring access to services.

Many of the women will be homeless, economically disadvantaged, with multiple other concerns including alcohol and drug abuse, domestic violence, mental health issues specific to women who cycle through the criminal justice system (e.g. depression, and post traumatic stress disorder) and poor employment skills.

Population Profile

In the year 2000, 123 women were booked into the King County Jail with at least one charge originating with the Seattle Police Department who had either been booked six times or more, or had spent more than 45 days in jail in the past 12 months. Half of the women are brought in on misdemeanor charges. They are classified and housed in the least restrictive portions of the jail or serve their time in a community program, and are released back into the community upon the completion of their sentences.

Specific Data on the 123 Women in 2000:

- The 5 top reasons for incarceration are drug charges, prostitution, theft, assault, and criminal trespass.
- 67% of the population are housed in minimum or community jail housing locations, 16% are housed in medium or maximum security, and 17% had no classification on their booking record (released prior to classification).
- 57% were arrested on warrants (the majority of warrants are issued because the offender is failing to comply with conditions of their original sentence or failing to appear at court proceedings).
- Age range: 19 to 50
- 50% of the prior offenses were for misdemeanors, 35% were felonies, 15% were felony investigations
- 40% were released with their sentence either served or suspended; another 32% were released on conditional release, 11% were released to drug court, and remaining 17% were a variety including bond/bail, transfer of custody, and other.

APPENDIX A - ALTERNATIVES WORKGROUP MEMBERS

- *Co-Chair* - The Honorable David Steiner, Judge, King County District Court
- *Co-Chair* - The Honorable Michael Trickey, Judge, King County Superior Court

- John Baker, Senior Policy Analyst, King County Budget Office
- Leesa Barrow, Deputy Chief of Staff, Prosecuting Attorney's Office
- Nikki Behner, Director of Outpatient Mental Health Services, Harborview Hospital
- Jennifer Chan, Strategic Advisor for Public Safety, City of Seattle Strategic Planning Office
- David Chapman, Director, Associated Counsel for the Accused
- Clif Curry, Legislative Analyst, King County Council
- Elise Downer, Budget Analyst, City of Seattle Department of Finance
- Ed Dwyer-O'Connor, Manager, Crisis Triage Unit, Harborview Hospital
- Mike Elsner, Program Analyst, King County Department of Community and Human Services
- Bob Erickson, Caseworker, King County Department of Adult and Juvenile Detention
- Joel Estey, Coordinator, Veterans' Programs, King County Department of Community and Human Services
- Mike Finkle, Assistant City Attorney Supervisor, Seattle City Attorney's Office
- Frank Fleetham, Corrections Program Administrator, King County Department of Adult and Juvenile Detention
- Victoria Foedisch, Felony Supervisor, The Defender Agency
- Anne Friedlander, Budget Analyst, City of Seattle Department of Finance
- Chief Steven Harris, Redmond Police
- Joy Helmar, Community Representative
- Ron Hume, Executive Director, Learning Disabilities Association of Washington
- Kate Kalb, Nursing Supervisor, Jail Health, Seattle-King County Department of Public Health
- Jane Kennedy, Executive Director, TASC
- Judith Kirkeby, Psychiatric Evaluation Specialist, King County Department of Adult and Juvenile Detention
- Pat Lee, Chief, King County Sheriff's Office
- Londi Lindell, City Attorney, City of Mercer Island
- Nick Masla, Planning Coordinator, King County Department of Executive Services
- Runette Mitchell, Corrections Program Administrator, King County Department of Adult and Juvenile Detention
- Dave Murphy, Program Analyst, NRF, Seattle-King County Department of Public Health
- Steve Nolen, Senior Policy Advisor, King County Executive Office
- Gurjit Pandher, Assistant City Attorney, Federal Way City Attorney's Office
- Karen Portin, Field Administrator, Washington State Department of Corrections

- Margaret Smith, Program Analyst, King County Department of Community and Human Services
- Doug Stevenson, Legislative Analyst, King County Council
- Mary Taylor, Drug Court Program Manager, King County Department of Judicial Administration
- Patrick Vanzo, Section Chief, Crisis and Engagement Services, King County Department of Community and Human Services
- Officer Sean Whitcomb, Seattle Police Department
- Yolande Williams, Court Administrator, Seattle Municipal Court

AJOMP Team

- Catherine Cornwall, Adult Justice Operational Master Plan
- Jim Harms, King County Department of Adult and Juvenile Detention
- Toni Rezab, Adult Justice Operational Master Plan
- Kate Tylee, Adult Justice Operational Master Plan
- Mike West, King County Department of Adult and Juvenile Detention

APPENDIX B - ALTERNATIVES WORKGROUP MENUS

Criminal Justice Alternatives (Enforcement, Sanction, Supervision) Menu

- 1) Training for Law Enforcement on criminal justice process, including proper paperwork
- 2) Electronic entry of citations and reports by Law Enforcement
- 3) Training for Law Enforcement on community resources, how to make referrals, handling of mentally ill, etc.
- 4) Community education: crime prevention, consequences of FTA, etc.
- 5) Examine jail booking criteria
- 6) Examine efficacy of private contractors providing some corrections services
- 7) Change Law Enforcement strategies for certain offenders regarding booking, release, bail
- 8) Enforcement strategies, e.g., security cameras in park and ride lots, other SOAP-like orders, tow ordinances
- 9) Use police precincts for initial ID and possible release in light of Live Scan
- 10) Video Arraignment
- 11) Community prosecution to augment community policing (see Mid-Town Manhattan Project for example of how prosecutor manages case to facilitate resolution; see also Multnomah County where prosecutors are assigned to community posts; see also Seattle Muni. Court prosecutors assigned to precincts and working with Neighborhood Action Teams)
- 12) Administrative Hearing Process for District Court probation violators
- 13) Community-based pre-booking diversion to Community Accountability Boards (e.g., juvenile system)
- 14) Community-based enforcement efforts (e.g., volunteer community patrols, citizens taking down license plate #s in areas of prostitution)
- 15) Work/school during day, jail at night
- 16) Work/school during day, home at night (with monitoring), jail on weekends
- 17) Weekend jail
- 18) Weekend Work Crew
- 19) Work Crew during day, home at night (with monitoring)
- 20) Work Crew during day, jail at night
- 21) Day jail, home at night
- 22) Day fines: jail time translates to \$ or community service hours
- 23) Legal Financial obligations: system to convert to jail days or community service hours or sheltered workshop time
- 24) Reporting Center, stay all day
- 25) Reporting Center, check-in in morning and/or evening or as ordered
- 26) Weekend Reporting Center
- 27) Additional EHD options (e.g., voice verification, use of global position satellite technology)
- 28) Breath-interlock devices on cars
- 29) Employer notification on certain offenses such as DV or DUI

- 30) Establish model work rules in businesses (e.g., If you get a DUI, you must go to Employee Assistance Program)
- 31) Victim panels
- 32) Victim reconciliation programs
- 33) Universal cashing: any court can receive fines for any other court
- 34) Courts agree to consolidate and handle all of a given defendant's outstanding cases
- 35) Serious Habitual Offender Comprehensive Action Program (SHOCAP): consider feasibility in King County
- 36) Expand programs like Weed and Seed
- 37) Defendants assigned to same judge, as in LA
- 38) Role of probation officers: intensive supervision
- 39) Legislative intervention to decriminalize certain offenses, e.g., DWLS 3.

Treatment Alternatives Menu

System Improvements

- 1) Enhanced financial screening capabilities by system, with support for offender, to get them through eligibility process. This includes ability to establish eligibility for ADATSA while offender is in jail.
- 2) Review system for severely mentally ill competency deliberations and involuntary treatment, especially for people in jail, and especially for felons in jail.
- 3) Involuntary treatment process for chemically dependent people.
- 4) Legislative changes to increase judges' sentencing discretion.

Refinement, Improvement or Expansion of Existing Services

- 5) Pre-booking diversion so that police divert certain offenders immediately to services rather than jail.
- 6) Expand jail ability to contact case managers pre-release and at release.
- 7) Modify jail procedures to ease case managers and treatment providers' access to jail.
- 8) Expanded Crisis Triage Unit to other areas of the County.
- 9) Sobering services for South King County.
- 10) Short-term shelter beds.
- 11) Expanded case management services especially for substance abuse.
- 12) In-patient chemical dependency beds.
- 13) Anger management classes.
- 14) More gender-specific treatment, especially substance abuse and mental health.
- 15) Gender-specific parenting classes.
- 16) Health education.
- 17) Literacy assessment and referral.
- 18) Vocational programs.
- 19) Supervised work opportunities.
- 20) On-the-job training opportunities.
- 21) Employment counseling and support.
- 22) Variety of substance abuse services: in-patient, out-patient, methadone.
- 23) Specialized drug treatment, by type of drug and by age and gender of clients.
- 24) Treatment services for poly-drug users.
- 25) Housing: treatment, supervised, shelter, "wet", clean and sober, subsidized, short-term, long-term.
- 26) Life skills training.
- 27) Socialization training.
- 28) Domestic Violence programs for victims.
- 29) Domestic Violence programs for batterers.
- 30) Culturally sensitive programs, especially for DV and treatment.
- 31) Increased sex offender evaluation and treatment.

New Services

- 32) Law Enforcement training about diversion referrals: where and how?
- 33) Community-developed and driven programs to respond to a certain kind of offender as a diversion from the criminal justice system.

- 34) Day Treatment Center with a variety of on-site services.
- 35) Develop cooperative agreements among service providers to allow exchange of information and to define working relationships. (See Wayne County, Michigan and Multnomah County, Oregon.)
- 36) Specialized programs for first-time offenders.
- 37) Post-booking diversion from jail following treatment assessment by jail.
- 38) In-patient chemical dependency beds for severely mentally ill.
- 39) Services provided by the faith community for community connection/mentors.
- 40) Immediate assessment at jail for FTA by clients who have case managers. Notify case managers of the FTA risk and seek assistance. (Note: we must be sensitive to issues of confidentiality.)
- 41) Treatment on Demand, and figure out who pays later.
- 42) Intensive case management process for high utilizers. Select which: ER? Jail? Detox? See San Francisco General Hospital's program for high utilizers of ER.
- 43) Subsidized employment.
- 44) Community service hours conversion to treatment hours.
- 45) One-on-one substance abuse services for people who don't do well in groups (some severely mentally ill.)
- 46) Psychotherapy for some clients as distinct from mental health treatment. (adjustment disorders, depression, post-traumatic stress disorder.)
- 47) Evening treatment supported by case management services.
- 48) Weekend treatment supported by case management services.
- 49) Help people keep their employment while in jail.

Notes:

- For all these services, build in strong evaluation component. Include client feedback.
- Build in flexibility by system to enable individually-tailored response.
- Work on continuum of care from jail to community.
- Establish detailed case management protocols, especially for multi-agency case management programs.
- Funding will be crucial issue.
- Consider variations in services for voluntary (willing) vs. unwilling clients.

Support Alternatives Menu

- 1) Community education about CJ system, e.g., importance of showing up for court.
- 2) Housing: short- and long-term, subsidized, specialized.
- 3) Employment: counseling, job-readiness classes, subsidized, on-the-job training, vocational training.
- 4) Court-sponsored payment plans for fines and other financial obligations.
- 5) Improved access to health care.
- 6) Education: GED, health care, parenting, etc.
- 7) Childcare
- 8) Transportation
- 9) Translation

CASE STUDY #2:

In May 1993, defendant is charged with DUI. He pleads not guilty and pre-trial date is set for August 1993. The defendant waives the right to a speedy trial as he is fishing in Alaska until December.

In January 1994, the defendant files for Deferred Prosecution which is granted in May of 1994. Defendant returns to fishing in Alaska; he is found to be not in compliance with probation.

In April 1995, defendant is granted a suspended sentence on based on the following release conditions:

1. No new criminal violations;
2. Do not drive without a license;
3. Pay fines in 6 months;
4. Abstain from alcohol;
5. Complete 2 year alcohol program;
6. Probation 24 months; and
7. Attend AA regularly.

Over the next 4 years, the defendant is found to be not in compliance with the conditions of the sentence. His attorney appears at several court dates, and continues to report the defendant is in Alaska fishing. During this time, the court issues a bench warrant. In April 1999, a motion to quash the bench warrant is set for May 6, 1999. At the motion hearing, the defendant fails to appear; another bench warrant is issued on May 6, 1999.

In February 2001, the defendant is booked into jail and sets bail. Defendant appears with attorney in April 2001 to offer explanation as to why he is not in compliance with court ruling. Court commits defendant to 90 days in the work release program. May 21, 2001 the defendant reports to work release.

Timeline:

DUI	FTA	Def Appears Cont	Fishing in AK	Waive Speedy Trial	File Def Pros	In treat	Cont	Def Pros	FTA/	Booked/ Bails	Files Chpt 13	Fishing in AK
May 93	Aug 93	Aug 93	Oct 93	Nov 94	Jan 94	Feb 94	Mar 94	May 94	Dec 94	Jan 95	Jan 95	Feb 95
Guilty/ FTA	Sent	FTA	Fishing in AK	Bench Warrant	Letter from defdnt	defdnt calls	Motion Quash B/W	Bench Warrant	4 days	90 days WER		
Mar 95	Apr 95	May 95	Jun 95	Mar 96	Oct 97	Nov 98	Apr 99	May 99	Feb 01	Mar 01	Mar 01	Apr/May 01

CASE STUDY #3:

On April 26, 1996, the defendant is charged with DUI, arraignment is set for May 14, 1996. Due to numerous failures to appear and failures to comply, the original sentence of 10 days in jail progressed into 365 days in jail. As of June 2001, the defendant is half way through a 365-day sentence in the work release program. He is employed and complying with his final sentence.

In the 5 years this case has been progressing through the criminal justice system, the defendant failed to appear a total of 10 times, instigating 9 bench warrants to be issued. Seven (7) failures to appear were prior to sentencing, with another 3 post-sentencing.

In October 1999, the defendant receives an original sentence of 365 days with 355 days suspended in addition to the following release conditions:

1. Do not drive without license;
2. No driving offense with blood alcohol greater than .08;
3. Do not refuse blood alcohol testing;
4. Probation for 24 months;
5. No new law violations;
6. No alcohol/drugs for 24 months;
7. Attend AA for 24 months;
8. Complete 2 year alcohol program;
9. Complete victims panel within 90 days; and
10. Return with proof of treatment.

In May 2000, probation finds the defendant not to be in compliance with the terms of release (specifically to return with proof of treatment). By July 2000, the defendant fails to appear for the 9th time, resulting in once again being booked into jail. In November, the defendant is sentenced to 20 days in jail and to return with proof of treatment. In December 2000, the defendant is once again not in compliance with the terms of the sentence and the remainder of the suspended sentence is imposed. The defendant is transferred to work release and enters treatment.

Timeline:

DUI	FTA/ BW	FTA/ BW	arraign set	FTA/ BW	Booked/ Real/PR 6 days	FTA/ BW	Booked/ Bails 1 day	Hearing	Probat'n report	FTA/ BW	FTA/ BW
Apr 96	May 96	May 96	Jul 96	Aug 96	Jul 97	Aug 97	May 98	Jul 98	Oct 98	Nov 98	Dec 98

Booked/ Custody Hear/Bail 3 days	FTA/ BW	Booked/ Bails 1 day	Sent 10 days	FTA	FTC	FTA/ BW	Booked/ Bails 1 day	20 days	FTA/ BW	365 days	Report WER
Feb 99	Mar 99	Jul 99	Oct 99	Dec 99	May 00	Jul 00	Oct 00	Nov 00	Dec 00	Dec 00	Dec 00

The Adult Justice Operational Master Plan
THE FELONY WORKGROUP REPORT
The Felony System in King County

March 2002

Chair:
The Honorable Michael Spearman, Chief Criminal Judge, Superior Court

ACKNOWLEDGMENTS

The Felony Workgroup Report could not have taken place without the leadership of the Honorable Michael Spearman, Judge, King County Superior Court and the commitment of the members of the workgroup (see Appendix A for a complete listing of the workgroup members). Beginning in the Fall of 2000, the workgroup met at least monthly to review and discuss issues associated with the felony criminal justice system. Their guidance and knowledge of the workings of this complex system were invaluable.

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APPENDICES

- A. Felony Workgroup Members
- B. Summary of Felony Workgroup Recommendations

INTRODUCTION

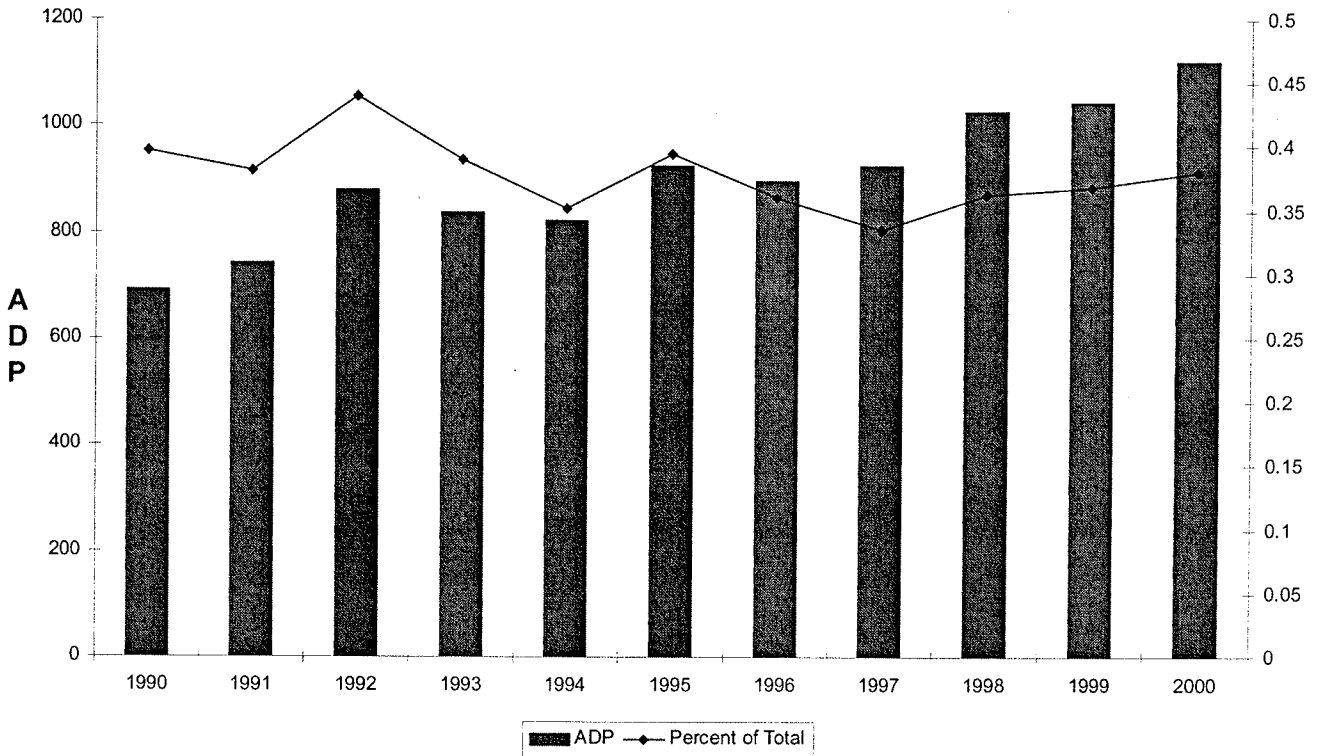
The Felony Workgroup of the Adult Justice Operational Master Plan (The Workgroup) was convened with the purpose of identifying system efficiencies, policies, and practices that will reduce reliance upon the jail as the means for processing, controlling, and supervising the pre-trial and post-conviction population without compromising the administration of justice. The emphasis was on research based proven alternatives that decrease recidivism, reduce disproportionality, and promote public safety.

The Workgroup began its process with an overview of recently gathered data and a review of the 1998 "Felony Study" by Christopher Murray and Associates. The Workgroup determined a set of focus topics based on data developed by AJOMP staff, and the Felony Study recommendations. The Focus areas can be generally grouped into:

- Pretrial Release Services,
- Sentencing Reform Act Calendar, and
- State Department of Corrections Changes.

Figure 2

**Presentence Felony ADP and Percent of Total ADP,
1990 through 2000**



Problem

Is it possible to reduce reliance on detention as a method of ensuring that persons held for investigation of, or charged with, felony crimes appear for court proceedings in a way that is consistent with public safety concerns?

Background

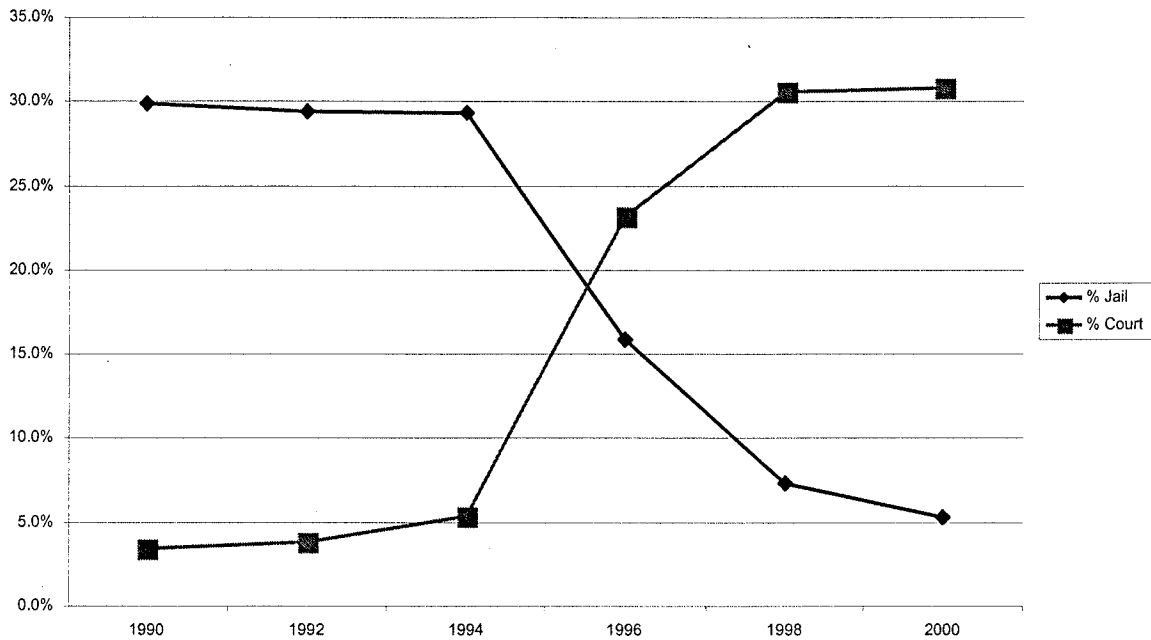
INVESTIGATIVE FELONS

Under Washington State laws, a person arrested without a warrant may be detained for up to three judicial days for the investigation of a crime. However, the detainee must appear before a judicial officer for a determination of probable cause and the setting of bail within 48 hours. Unless the Prosecuting Attorney's Office files charges by the end of the investigation period, the person must be released.

Under the Felony Administrative Recognizance Release (FARR) program, persons held for investigation of felony offenses can be released by Department of Adult and Juvenile Detention

Figure 3

**Method of Release Comparison,
Jail Release vs. Court Release, 1990 through 2000**



CHARGED FELONS

If a person is charged, he or she will then appear in Superior Court for arraignment. The Superior Court judge may release the person on PR, or impose a financial bail or bond. Previously, the judge had an option to refer a defendant to the DAJD Supervised Release Program.

Supervised Release

DAJD maintained a Supervised Release program for pretrial felony defendants until September 1, 2001. At the time of the bail hearing, the judge reviewed the report prepared by the pretrial screeners who interviewed the defendant at booking. Based on that report and other information presented at the bail hearing, the court may reduce or increase bail, release on personal recognizance or refer a defendant to the Supervised Release program. Alternatively, a Supervised Release case manager may have recommended to the court that a defendant be referred to the program.

Acceptance into the program was based on DAJD internal criteria. Historically, case managers accepted less than 30% of defendants referred by the court. While generally case managers carried a caseload of 30-35 people, it has been estimated that if the reviewing function were eliminated that each manager could manage a caseload of approximately 50 defendants. Moreover, while judges found the Supervised Release program to be of great value, their primary complaint had been that often people whom the court has deemed appropriate for supervision are rejected.

◆ CHANGES TO THE CURRENT FARR GUIDELINES

In December 1980 the FARR program was established by King County Superior Court General Order No. 12050-AR. The order delegated to the Director of the King County Department of Rehabilitative Services (now known as DAJD) the authority to implement an administrative release program for “persons who have not appeared before a judge and who are held without bail on investigative holds.” The program was to be implemented in conformity with specific guidelines that had been approved by the King County Superior Court Presiding Judge. The guidelines have since been amended twice by judicial order in 1982 and 1986. In 1991 the guidelines appear to have been amended by agreement of the then King County Executive, the then Chief of the Seattle Police Department, the then Director of the Department of Adult Detention, and the King County Prosecutor. The 1991 amendment excluded from eligibility for release under the FARR guidelines any person alleged to be a “Drug Trafficker”.

The current guidelines allow a PR Screener to release an investigative felon under certain circumstances including:

- The investigation is not for a Class A felony (Arson, Homicide, or others),
- The person held is not alleged to be a “Drug Trafficker”,
- The arresting agency does not have an unresolved objection to the release,
- The detainee does not have any other open felony charge,
- If the detainee is on any post sentence supervision, his/her Community Corrections Officer must not object to the release,
- No concerns over the detainee’s mental or physical state that may cause him/her to be a threat to themselves or others; and
- Sufficient community ties to believe the detainee is not a flight risk.

The 1991 change to the guidelines defined a “Drug Trafficker” as anyone who fit any of the following criteria:

1. Allegedly delivered any amount of a controlled substance to another, or
2. Was observed delivering a suspected controlled substance to another and was found in possession of a controlled substance, or
3. Was in possession of \$250 worth of a controlled substance, or
4. Is a member of a criminal organization involved in drug trafficking, or
5. The detainee has a prior felony conviction within five years or pending VUCSA charges, or
6. Two or more failures to appear in court, or
7. The detainee has reentered a “Stay Out of Drug Area” in violation of a court order.

Recommendation 1

The FARR guidelines have not been reviewed by the Court, the Prosecutor or any Executive agency since the last amendments in 1991. Specifically, the drug trafficker exclusions have not been evaluated to determine if the exclusions have had the effect that was planned at the time the guidelines were amended. The Felony Workgroup recommends that the King County Superior Court in conjunction with the Prosecuting Attorney’s Office and the King County Executive review the existing FARR guidelines and make any changes needed to enhance the effectiveness of the program.

the hands of a defendant released, pre-trial, under conditions imposed by the Court and monitored or supervised by a King County employee.

Mr. Parker told the workgroup that as a practical matter, “negligence by hindsight” in this type of personal injury case is difficult to defend. There were things, however, that the county could do that could assist in loss control under Mr. Parker’s reading of the *Hertog* decision as well as the companion case of *Bishop v. Michie*. These items included, among other things, asking that the releasing Court only impose conditions upon the defendant that could actually be monitored despite the defendant’s release status. Additionally, Mr. Parker suggested that the releasing Court specify in its release order what it factually expected the supervisor to do in order to monitor the defendant’s compliance with the Court’s conditions of release. When asked if shifting the supervisory function to a Court employee would be a mitigating factor, Mr. Parker advised that any steps reducing the administrative distance of the supervisor from that department of the Court imposing the release conditions, could in fact be a mitigating factor under the *Hertog* and *Bishop* decisions.

Recommendation 2

A national review of other pretrial services organizations showed that the most successful ones were either a direct function of the court, or an independent executive agency with a clear mission to develop, implement and manage pretrial release programs. Accordingly:

The Felony workgroup recommends that the Superior Court or the Department of Judicial Administration form a Pre-Trial Services group (PTS). This group would provide at least the same services currently provided by the DAJD Personal Recognizance (PR) screeners. It would screen both felons and misdemeanants (except for those misdemeanants from Seattle Municipal Court, as Seattle has its own PR section). The PTS would continue to set certain District Court calendars. In addition, the PTS would revise the current screening instrument to include a preliminary indicator for the Office of Public Defense that a felony defendant may have sufficient financial resources to pay a share of cost, and other revisions to increase the validity of the instrument. The Failure to Appear (FTA) reduction programs would also be a PTS function. The PTS would also include services at least equivalent to the DAJD Supervised Release program.

To enact this proposal, the workgroup recommends transferring the current DAJD PR staff to the DJA or Superior Court, along with the appropriate administrative staff. Based on DAJD report, there are about 24 FTE associated with these duties. The exact composition of the positions will likely be a matter of negotiation.

As proposed, the Pretrial Services Group would perform the following activities:

- ◆ PTS staff will collect information and screen persons booked into King County Adult Detention facilities. PTS staff currently interview detainees on approximately 65% of the bookings into the King County Detention facilities.
- ◆ In conjunction with other Criminal Justice system participants, the PTS staff will review existing validated pre-trial screening instruments and determine if these instruments are appropriate for use in King County.

◆ **CURRENT SUPERVISION OPTIONS AVAILABLE TO THE SUPERIOR COURT FOR PRE-TRIAL, NON-VIOLENT DEFENDANTS**

Background

The primary concern regarding the release of defendants accused of non-violent offenses is making sure they appear for all court proceedings. The current options available for pre-trial release are limited to personal recognizance, supervised release, and cash bail or security bond. For many defendants release on personal recognizance, sometimes with specific conditions such as abiding by a no contact order or no use of alcohol or controlled substances, is sufficient to assure that they will appear as required. Others may require supervision by the court to make sure the conditions are followed and they appear for their hearings. For those who do not fit neatly into these two categories, the posting of a cash bail or security bond is the only way to obtain release from custody pending trial or other disposition. While posting financial security does provide incentive for the defendant to appear for court, it also links release to the economic status of the defendant. Thus, those of limited financial means may be unfairly disadvantaged. Moreover, if the issue is simply making sure the person appears in court, are there means of accomplishing this goal that are less expensive than incarceration and less discriminatory than bail or bond?

Table 1

Presentence Felons, Method of Release, 2000

Bail or Bond	2,999
Court Release	8,954
Jail Staff Release	348
Other	8,020
Total	20,321

DAJD maintains two alternative programs, Electronic Home Detention (EHD) and Work Education Release (WER). Both programs are used exclusively for sentenced felons and misdemeanants. The workgroup examined whether these programs should be expanded to include pre-trial defendants accused of non-violent offenses.

EXISTING ALTERNATIVE PROGRAMS

Electronic Home Detention (EHD)—2000 ADP 46.21

EHD uses a radio collar and a telephone to ensure that the detainee is present at the required location at the times he/she is required to be there. Most detainees who are working are permitted to leave the residence to go to work between specified hours.

To be placed on EHD, the inmate must have a fixed address and a telephone, in addition to the requirements listed below. A homeless inmate or one who lives outside the county is ineligible

Recommendation 3

The Felony Workgroup recommends that the options for pretrial release be expanded beyond cash or surety bond, personal recognizance, and supervised release. The WER and EHD program criteria should be expanded to allow participation by presentence defendants, when authorized by the Court. In addition, we recommend that any new program that is developed as an alternative to incarceration contain criteria for use by presentence defendants.

It is the intent of this recommendation to allow the Court additional options to release persons who are not currently released through personal recognizance or other presentence release options, not to add further restrictions on those persons who are currently released. To this end, we further recommend that the Department of Judicial Administration and DAJD develop a method to monitor the proportion of defendants who are released through existing mechanisms over a time period immediately prior to the implementation of the expanded program criteria. If the use of the current options decline with the use of alternatives, the Court and DAJD will review the continued use of presentence alternatives.

The Court is interested in the use of enhanced EHD devices that would allow the remote detection of alcohol use. The Felony Workgroup recognizes that DAJD had strong concerns over the use of this technology due to enforcement issues. We recommend that enhanced EHD is used only after the Court and DAJD jointly establish a detailed, specific policy on the response to alcohol violations, and the Court presents the policy to DAJD in the form of a Court Order.

Significantly, the studies also showed that the FTA reduction programs could have a great impact on minority populations. In the study done by Seattle Municipal Court the FTA rate for African-Americans was reduced by more than half and among other minorities the FTA rate was reduced by two-thirds. See Table 2.

Table 2

Seattle Municipal Court Failure to Appear Reduction Pilot			
	Control Group FTA Rate	Written Notice FTA Rate	Phone Calls FTA Rate
African Americans	46.7%	39.8%	18.0%
Whites	42.9%	24.3%	20.7%
Other Minorities	39.4%	34.8%	12.5%

Using the results of the misdemeanor FTA reduction pilots, the workgroup explored the possibility of creating a felony FTA Reduction program, focused on getting defendants to their arraignment. The workgroup concluded that DAJD staff had the best access to multiple criminal justice information systems, and therefore had the greatest ability to make contact with the defendant prior to the first appearance.

Recommendation 4

The Felony Workgroup recommends that the Department of Adult and Juvenile Detention implement a centralized felony failure to appear reduction effort. At a minimum, the program should include calling defendants scheduled to appear on the out of custody arraignment calendars and notify them of their court date. Further study should be done to determine whether a system of automated phone calls could be as effective as those made by a person.

Table 4

Felony Investigation Bookings, Sept. 1997, March 1998, and June 1998 Property and "Other" Bookings by Investigative Charge Type					
	Total	Filed		Filed in 3 days	
Burglary	34	22	65%	2	6%
Stolen Property	30	16	53%	0	0%
Stolen Vehicle	29	11	38%	1	3%
Theft	33	25	76%	2	6%
Forgery	30	18	60%	2	7%
Fraud	2	1	50%	0	0%
Totals	158	93	59%	7	4%

Recommendation 5

A review of felony investigation bookings revealed that property crime bookings are the least likely to result in charges being filed either within or after the investigation period. Therefore, the Felony Workgroup recommends that the Felony Administrative Recognizance Release criteria be modified to provide that persons booked on investigation of felony property crimes are presumptively released by DAJD, unless the arresting agency states that it objects to the persons release for one of the following reasons:

- a) The agency is unable to verify the persons identity through any other available method;
or
- b) The case will be filed within 72 hours; or
- c) There exists a substantial danger that the person, if released, will commit a violent crime or seek to intimidate witnesses.

Note: At least one member of the workgroup did not concur with this recommendation. This member was of the opinion that since a judge usually sees investigative felons within 24 hours, it would be more appropriate for the court to make the release, rather than DAJD staff.

Additional Investigative Felon Issues

Another issue involving investigative felons that the workgroup examined is issuance of warrants at the time felony charges are filed. As addressed earlier, suspects detained during the investigation period may be released by the District Court, either on personal recognizance, bail, or bond. The District Court's jurisdiction ends at either the filing of Superior Court charges or the end of the investigation period, whichever comes first. Any bail or bond posted by the suspect is exonerated at this time.

If the Prosecuting Attorney's Office files Superior Court charges at a later date, the judge may file the case at personal recognizance, or attach a bail amount to the warrant. Workgroup members related that the difference between the District Court bail for release during the investigation period, and the Superior Court bail on the filed charges is often confusing for the defendant.

SRA CALENDAR AND SENTENCE VIOLATIONS

Background

At the time of sentencing for a felony offense, in addition to any confinement time, the judge may (and almost always does) impose a period of community custody, during which the defendant must abide by a number of conditions. The State Department of Corrections (DOC) is responsible for monitoring the defendants to ensure compliance. Prior to July 1, 2000 any alleged violations of the conditions were brought to the attention of the court for adjudication at a sentence modification hearing. For offenses committed after July 1, 2000, DOC is responsible for conducting these hearings. A person who is found to be in violation of the conditions of his or her sentence, whether before or after July 1, 2000, may receive a maximum sanction of 60 days of confinement for each violation.

Due to the relatively large number of sentence modification hearings, King County Superior Court runs a special calendar for hearing these cases, referred to as the SRA (Sentencing Reform Act) calendar. Not all persons accused of violating sentence conditions are seen on this calendar. If the original offense was a domestic violence related crime, or a sex offense, the person is automatically stricken from the SRA calendar, and returned to the original sentencing court. Likewise, if the offender contests the facts of the allegation, the case is stricken from the SRA calendar and returned to the original sentencing court. In addition, deputies from the Prosecuting Attorney's Office (PAO), community correction officers, and probation officers may administratively strike cases off the SRA calendar.

In Seattle, there are on average 60 SRA cases per week. 24% of these cases are struck from the SRA Calendar. The table below shows the most common reasons for striking cases from the Seattle SRA Calendar.

	Scheduled	DV	SAU	CCO	Released	Treatment	Other	MH Total	Total
Weekly Avg.	60	4.8	1.3	2.8	1.9	0.3	2.8	0.3	14.3
% of Strikes		33%	9%	20%	13%	2%	20%	2%	100%

At the RJC, 39% of the cases are struck off the SRA Calendar. This higher percentage is likely due in part to the fact that domestic violence cases are a higher percentage of the workload at the RJC (and are automatic strikes).

Striking a case from the SRA calendar adds considerable in custody time to the violation proceedings. For cases that are eligible to appear on the calendar, violators booked into the jail by Tuesday morning will be seen on that Friday's calendar. Persons booked after that time are required to wait until the following Friday. Cases that are stricken follow a much longer process.

The Defender Agency (TDA) is assigned all in-custody SRA cases in the Seattle Division. The Society of Counsel Representing Accused Persons (SCRAP) handles Kent Division in-custody

Note: since the Felony Workgroup's last meeting, an ad hoc group of judges, prosecutors, defenders and other staff have taken a closer look at the SRA Calendar. Of particular interest to the group were the high number of cases administratively struck off the calendar. This workgroup has made the following recommendations.

- ◆ SRA Calendar: All sentencing modification cases are presumptively eligible for the SRA Calendar except for sexual assault and domestic violence.

- Except for requests from the original sentencing judge, all requests to strike non-DV/SAU cases from the SRA Calendar must be approved by the SRA Calendar Judge.
- Domestic Violence and SAU cases which only have violations of failure to pay, failure to complete community service hours will be heard on the SRA Calendar

Note: consensus was not reached at the August 28 meeting as to whether a defendant who fails to appear for intake should appear on the SRA Calendar or go to the original sentencing judge. On the one hand, if the goal is to get the defendant connected up to intake, putting the case on the SRA Calendar will achieve this goal. On the other hand, it does not have the same impact that going back to the original sentencing judge may have.

- Cases that are struck from the SRA Calendar due to incomplete information should be held over for the following week rather than going back to the original sentencing judge.
- For DOC detainer cases (less than 5% of cases) where a violation report is not always immediately available, DOC staff will email the report to the judge, prosecutor, and defender who handle the SRA calendar.
- It is recommended that a monthly meeting of all those involved with the SRA Calendar (both Seattle and RJC) be convened to work through these and other operational and policy issues.
- The workgroup recommends allowing the use of electronic home detention or work release for pre-hearing offenders assuming the offenders meet regular program placement criteria.

In addition, the workgroup is still discussing the following issues:

- Should a defendant with an original charge of domestic violence who fails to appear for DOC intake appear on the SRA Calendar or go back to the original sentencing judge? On the one hand, if the goal is to get the defendant connected up to intake, putting the case on the SRA Calendar will achieve this goal. On the other hand, it does not have the same impact on the defendant that going back to the original sentencing judge may have.
- Should defendants whose original charges were domestic violence be heard on the DV Sentencing Calendar or should they go back to the original judge. On the one hand, the case may be processed more expeditiously if it goes to the weekly DV Sentencing Calendar and all the parties involved will have experience with DV cases. On the other hand, it does not follow the policy goal of having one judge hear a DV case from start to finish (this being the main premise of the DV case track).

The members of the Felony Workgroup endorse and concur with these recommendations, and suggest that the ad hoc group continue to meet to resolve the remaining issues.

distinction between those persons being sentenced and those being sanctioned for violating sentence conditions.

Recommendation 9

The Felony Workgroup recommends that the existing Order Modifying Sentence forms be modified to specifically permit defendants who are confined pursuant to a violation of a condition of sentence to participate in the WER and EHD programs, unless statutorily prohibited or expressly prohibited by the judge imposing the sanction. The Workgroup also recommends that defendants be considered eligible for WER and EHD prior to the sentencing modification hearing (assuming they meet the standard program criteria).

- b) when defendants are being sentenced for crimes against persons (as defined in RCW 9.94A.440(2)(a)), or
- c) when specifically requested by the sentencing judge (e.g. where either party is requesting an exceptional sentence).

Limiting the use of PSIs to these matters will allow DOC to better use its limited resources to enhance field supervision and improve its ability to provide reliable criminal history at the time criminal charges are filed. It has been shown that when reliable criminal history is available at the time of filing, it promotes early resolution of cases, reduces the need for continuances and allows for the expansion of same day plea and sentencing for those cases where a PSI or SS is not needed and victim notification is not an issue. The workgroup also recommends that DOC work with the Court to review the format of the PSI, to determine if changes could be made to the instrument that would provide better information to the judge, and eliminate areas that are not considered useful in the sentencing decision.

Recommendation 11

Because of the large number of supervision violations that result in “no-bail” warrants, the Felony Workgroup recommends that the warrant issued for violations of sentence conditions be modified to include options available for the defendant’s release when apprehended, e.g. bail amount, EHD, WER, etc. In addition to minimize the number of Failure to Appear warrants, the Felony Workgroup recommends that DOC Community Corrections Officers always check to see if an offender is in custody prior to requesting a warrant.

The Felony Workgroup also recommends that the State Department of Corrections provide staff at sentencing to perform an immediate intake for persons sentenced to DOC supervision. The Workgroup believes that reducing the time between sentencing and the initial contact with the DOC should help to reduce post conviction Failure to Report violations.

APPENDIX A

FELONY WORKGROUP MEMBERS

- *Chair* - The Honorable Michael Spearman, Chief Criminal Judge, King County Superior Court

- The Honorable James Cayce, King County Superior Court
- Teresa Bailey, Acting Deputy Director, King County Department of Judicial Administration
- John Baker, Senior Policy Analyst, King County Budget Office
- Captain Carol Cummings, Criminal Investigation Division, King County Sheriff's Office
- Clif Curry, Legislative Analyst, King County Council
- Anne Daly, Director, Society of Counsel Representing Accused Persons
- Bob DeNeui, Corrections Programs Administrator, King County Department of Adult and Juvenile Detention
- Lea Ennis, Criminal Case Manager, King County Superior Court
- Frank Fleetham, Corrections Program Administrator, King County Department of Adult and Juvenile Detention
- Victoria Foedisch, Felony Supervisor, The Defender Agency
- Teri Hansen, Corrections Program Supervisor, King County Department of Adult and Juvenile Detention
- Roycee Ishii, Program Analyst, King County Office of Public Defense
- Sergeant Debbie Jelcick, City of Seattle Police Department
- Mark Larson, Chief Criminal Deputy, King County Prosecuting Attorney's Office
- Dr. Shiquan Liao, Research Analyst, King County Department of Judicial Administration
- Captain Chan Maning, Court Detail Unit, King County Department of Adult and Juvenile Detention
- Runette Mitchell, Corrections Program Administrator, King County Department of Adult and Juvenile Detention
- Steve Nolen, Senior Policy Advisor, King County Executive Office
- Mike Obermeyer, Budget Analyst, Budget Office
- Karen Portin, Field Administrator, Washington State Department of Corrections
- Dan Satterberg, Chief of Staff, King County Prosecuting Attorney's Office
- Chris Womack, Corrections Program Supervisor, King County Department of Juvenile and Adult Detention

AJOMP Team

- Catherine Cornwall, Adult Justice Operational Master Plan
- Jim Harms, Adult Justice Operational Master Plan
- Toni Rezab, Adult Justice Operational Master Plan
- Kate Tylee, Adult Justice Operational Master Plan
- Mike West, Adult Justice Operational Master Plan

APPENDIX B

SUMMARY OF FELONY WORKGROUP RECOMMENDATIONS

Recommendation 1

The FARR guidelines have not been reviewed by the Court, the Prosecutor or any Executive agency since the last amendments in 1991. Specifically, the drug trafficker exclusions have not been evaluated to determine if the exclusions have had the effect that was planned at the time the guidelines were amended. The Felony Workgroup recommends that the King County Superior Court in conjunction with the Prosecuting Attorney's Office and the King County Executive review the existing FARR guidelines and make any changes needed to enhance the effectiveness of the program.

Recommendation 2

A national review of other pretrial services organizations showed that the most successful ones were either a direct function of the court, or an independent executive agency with a clear mission to develop, implement and manage pretrial release programs. Accordingly:

The Felony workgroup recommends that the Superior Court or the Department of Judicial Administration form a Pre-Trial Services group (PTS). This group would provide at least the same services currently provided by the DAJD Personal Recognizance (PR) screeners. It would screen both felons and misdemeanants (except for those misdemeanants from Seattle Municipal Court, as Seattle has its own PR section). The PTS would continue to set certain District Court calendars. In addition, the PTS would revise the current screening instrument to include a preliminary indicator for the Office of Public Defense that a felony defendant may have sufficient financial resources to pay a share of cost, and other revisions to increase the validity of the instrument. The Failure to Appear (FTA) reduction programs would also be a PTS function. The PTS would also include services at least equivalent to the DAJD Supervised Release program.

To enact this proposal, the workgroup recommends transferring the current DAJD PR staff to the DJA or Superior Court, along with the appropriate administrative staff. Based on DAJD report, there are about 24 FTE associated with these duties. The exact composition of the positions will likely be a matter of negotiation.

The Court is interested in the use of enhanced EHD devices that would allow the remote detection of alcohol use. The Felony Workgroup recognizes that DAJD had strong concerns over the use of this technology due to enforcement issues. We recommend that enhanced EHD is used only after the Court and DAJD jointly establish a detailed, specific policy on the response to alcohol violations, and the Court presents the policy to DAJD in the form of a Court Order.

Recommendation 4

The Felony Workgroup recommends that the Department of Adult and Juvenile Detention implement a centralized felony failure to appear reduction effort. At a minimum, the program should include calling defendants scheduled to appear on the out of custody arraignment calendars and notify them of their court date. Further study should be done to determine whether a system of automated phone calls can be as effective as those made by a person.

Recommendation 5

A review of felony investigation bookings revealed that property crime bookings are the least likely to result in charges being filed, either within or after the investigation period. Therefore, the Felony Workgroup recommends that the Felony Administrative Recognizance Release criteria be modified to provide that persons booked on investigation of felony property crimes are presumptively released by DAJD, unless the arresting agency states that it objects to the persons release for one of the following reasons:

- The agency is unable to verify the persons identity through any other available method; or
- The case will be filed within 72 hours; or
- There exists a substantial danger that the person, if released, will commit a violent crime or seek to intimidate witnesses.

Recommendation 6

The Felony Workgroup recommends that police agencies be encouraged to not use the Jail as their principal method of obtaining positive identification of a suspect. With the emerging availability of "Live Scan" technology at locations throughout the County, it is no longer necessary for officers to book a person to gain fingerprint identification. Although the workgroup members realize that Police Agencies understand the savings involved in remote identification, we believe it important to assist in the breaking of years of ingrained habits by actively encouraging the use of the new technology.

Recommendation 7

The Felony Workgroup recommends that the existing SRA Calendar be modified to include Domestic Violence cases where the violation is solely a Failure to Appear or Failure to Pay Legal Financial Obligation. For other types of violations, the sentencing judge would have the discretion to allow the offender to stay on the SRA Calendar, but must provide the SRA Judge

Recommendation 11

Because of the large number of supervision violations that result in “no-bail” warrants, the Felony Workgroup recommends that the warrant issued for violations of sentence conditions be modified to include options available for the defendant’s release when apprehended, e.g. bail amount, EHD, WER, etc. In addition to minimize the number of Failure to Appear warrants, the Felony Workgroup recommends that DOC Community Corrections Officers always check to see if an offender is in custody prior to requesting a warrant.

The Felony Workgroup also recommends that the State Department of Corrections provide staff at sentencing to perform an immediate intake for persons sentenced to DOC supervision. The Workgroup believes that reducing the time between sentencing and the initial contact with the DOC should help to reduce post conviction Failure to Report violations.

The Adult Justice Operational Master Plan

THE MISDEMEANANT WORKGROUP REPORT

The Misdemeanor System in King County

March 2002

Co-Chairs:

The Honorable Jean Rietschel, Presiding Judge, Seattle Municipal Court
The Honorable Janet Garrow, King County District Court, Bellevue Division

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ACKNOWLEDGMENTS

The Misdemeanant Workgroup Report could not have taken place without the leadership of The Honorable Jean Rietschel, Presiding Judge, Seattle Municipal Court and the Honorable Janet Garrow, King County District Court, Bellevue Division and the commitment of the members of the workgroup (see Appendix A for a complete listing of the workgroup members). Beginning in the Fall of 2000, the workgroup met at least monthly to review and discuss issues associated with the misdemeanor system. Their guidance and knowledge of the workings of the misdemeanor criminal justice system were invaluable. Special thanks go to Jim Harms, from the Department of Adult and Juvenile Detention and the Adult Justice Operational Master Plan, for his hard work, commitment and passion for working to improve the criminal justice system.

WRITING AND DATA ANALYSIS TEAM

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Jim Harms, Department of Adult and Juvenile Detention

Mike West, Department of Adult and Juvenile Detention

INTRODUCTION

King County, similar to many growing urban communities across the country, is experiencing a growing jail population, increasing costs associated with the criminal justice system, limited community programs and diminishing fiscal resources. In order to address the problem of diminishing jail resources, the King County Executive initiated an Adult Justice Operational Master Plan (AJOMP) in April of 2000 to study the current processes, sanctions, and programs available in the criminal justice system and to identify ways to improve the system's performance. Participants in this planning process were asked to make recommendations focused on specific areas with the potential to reduce reliance upon the jail as the primary means for processing, controlling and supervising the pretrial and post-conviction inmates without compromising the administration of justice or jeopardizing public safety.

To accomplish these goals, the AJOMP was designed as a multi-jurisdictional team with representatives from King County, Seattle, Bellevue, Suburban Cities, local and state law enforcement agencies, community agencies, probation and health and human services agencies. These representatives were divided into three teams: Misdemeanant, Felony and Alternative Programs (see Appendix A for a list of Misdemeanant Workgroup members). The teams consisted of key staff members familiar with various aspects of criminal justice and human services system, who were able to readily share information and thereby foster a better understanding of how the state, county and municipal parts of the criminal justice system interact.

Misdemeanant Work Group

The Misdemeanant Work Group was co-chaired by the Honorable Jean Rietschel, Presiding Judge of the Seattle Municipal Court and the Honorable Janet Garrow of King County District Court. The Misdemeanant Work Group was comprised of representatives from King County, the cities of Bellevue, Federal Way, Issaquah, Kenmore, Kent, Mercer Island, Seattle, Shoreline, Woodinville, as well as public defenders, Harborview Medical Center representatives and AJOMP staff. The Misdemeanant Group convened its first meeting in September 2000 with the initial task of outlining the work plan for review of the current criminal justice process and identifying areas for additional study.

The next several meetings consisted of discussions shaped by the collective experiences of the group along with data provided by the AJOMP staff to help shape the issues and activities that would be the focus of the group's work over the ensuing eight months. The group's work plan did not focus on any single program or policy. The group decided to look broadly at the inter-relationship between different agencies on the processing of cases and the use of the jail.

The Misdemeanant Workgroup narrowed their focus and discussion down to the following key questions:

1. How can we reduce the high number of Failure to Appear and Failure to Comply warrants being issued?
2. How can technology be used to improve the pretrial process for handling incarcerated defendants?
3. How can the in-custody process for scheduling first appearances before a judge be improved?
4. How can we improve the processing of defendants with charges in courts outside of Seattle and Kent (jail locations) and thereby reduce pretrial detention time?
5. How can we reduce pretrial processing time for selected offenders through consolidating cases and hearings or holding more in-custody hearings?

KING COUNTY JAIL: AN OVERVIEW OF THE POPULATION

The King County Jail is one of the largest urban correctional systems in the United States with over 2,900 inmates housed on a daily basis. The operation of the jail is a King County Executive function and is under the management of the King County Department of Adult and Juvenile Detention (DAJD). The King County Jail consists of 6 separate facilities and programs with a current operational capacity of 3,149 beds/program spaces. The current operational capacity is divided as follows:

- Downtown Tower, secure detention with 1,697 capacity
- Regional Justice Center (RJC) in Kent, secure detention with 896 capacity
- Work Education Release (WER), community program with 190 capacity
- Electronic Home Detention (EHD), community program with 65 capacity
- North Rehabilitation Facility, community program with 291 capacity
- Work Crew, community program with 10 capacity

These facilities are designed, staffed and used for housing adult persons (and certain juveniles) charged with a criminal offense prior to trial or sentencing. They also house adult persons serving terms not to exceed one year for the purposes of punishment, correction and rehabilitation following conviction of a criminal offense. DAJD currently provides detention services to King County Superior and District Courts and contracts with 36 cities and several governmental agencies.

- In the year 2000, the King County Jail system had nearly 60,000 admissions. The bookings originated from the following agencies:
 - City of Seattle- 36%
 - Suburban Cities- 26%
 - King County- 13%
 - Other agencies (State Patrol, Port of Seattle, Dept. of Corrections, University of Washington)- 25%
- 67% of the bookings are for misdemeanor offenses and 33% are for felonies.
- The average daily population (ADP) of the jail is 37% misdemeanants and 63% felons.
- The jail population is comprised of 88% male and 12% female.

In addition to the King County correctional capacity, several cities within King County also operate their own jail including Kent, Renton, Auburn, Issaquah, Enumclaw and Kirkland. These city jails have a total combined rated capacity of 251 beds as reported by the Washington Association of Sheriffs and Police Chiefs¹. The city of Kent operates the largest city jail in the state with a rated capacity of 130 inmates. In 2000, the city of Issaquah opened a new jail that increased capacity from 12 to 30 beds. In addition, 9 out of the 36

¹ Washington Association of Sheriffs and Police Chiefs. *1999 Jail Information Annual Report*.

contracting cities report that they have entered into jail contracts with other county/city jails for secure beds (an estimated ADP of 80-100 inmates).

Over the past few years, many cities in King County have established electronic home detention/monitoring programs, thereby greatly expanding the number of defendants on those programs. There are 12 jurisdictions within King County that are operating some type of pretrial or sentenced electronic monitoring program with an estimated ADP of 192 defendants/offenders.

Misdemeanant Jail Population

The average daily population (ADP) for misdemeanants housed in the King County Jail has increased steadily since 1992. The ADP is driven by the number of admissions and the average length of stay (ALOS) of offenders. During the time period between 1992 to 2001, the jail's misdemeanor population increased by 67%, from 577 to 965.

The pre-sentence misdemeanor ADP has increased by 47% from 266 to 390. The sentenced misdemeanor ADP has increased by 85% or nearly doubled from 311 to 575. In both of these status groups, the growth in the daily population has been driven almost entirely by the increase in the average length of stay (ALOS) rather than admissions.

Table 1

King County Admissions, ADP, and ALOS						
Misdemeanant Population Monthly Average: 1992-2001						
YEAR	Admissions		ALOS		ADP	
	Pre-Sent	Sent	Pre-Sent	Sent	Pre-Sent	Sent
1992	2262	755	3.9	14.8	266	311
1993	2343	730	4.4	18.7	299	355
1994	2413	706	4.8	20.5	347	434
1995	2402	686	5.4	21.5	383	463
1996	2291	689	6.0	20.5	407	487
1997	2042	772	5.6	20.3	400	518
1998	2045	888	5.9	20.5	375	593
1999	1907	934	5.9	20.5	372	629
2000	1876	917	6.2	21.0	383	632
2001	1689	862	6.9	20.0	390	575
% Change	-25%	14%	78%	35%	47%	85%

Source: King County DAJD. *Monthly Information Packet, April 2001.*

Figure 1: Changes in the Misdemeanant Population: 1992 – 2001

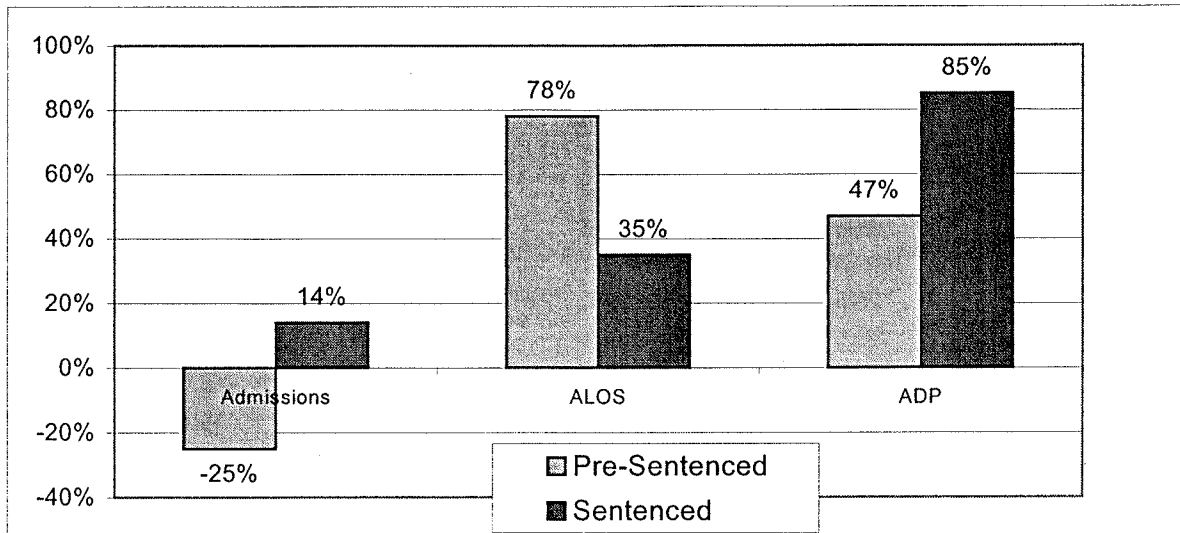


Figure 1 shows the percentage change from 1992 to 2001 for admissions, ALOS and ADP for the misdemeanant populations.

Factors Influencing Jail Population

Changes in the jail population are caused by changes in the number of admissions and the length of stay of offenders. Admissions and average length of stay (ALOS) are affected by demographic changes, public policy decisions and criminal justice system changes. Specific factors include an increase in the population of King County (especially the at-risk population of adult males), crime in society, criminal court filings, arrest and conviction rates and the types and length of sentences imposed. Public policy decisions appear to have a greater affect on the jail population than demographic changes. As shown in Table 2, the general population of King County grew by 12% between 1990 and 2000 while the King County Jail Population grew by 70%.

Table 2
King County and DAJD Population Changes by Year

Year	King County	% Change	DAJD	% Change
1990	1,507,305		1,737	
1991	1,542,300	2.3%	1,744	0.4%
1992	1,564,486	1.4%	1,924	10.3%
1993	1,587,700	1.5%	1,948	1.2%
1994	1,599,500	0.7%	2,109	8.3%
1995	1,613,600	0.9%	2,320	10.0%
1996	1,628,800	0.9%	2,344	1.0%
1997	1,646,200	1.1%	2,480	5.8%
1998	1,665,800	1.2%	2,713	9.4%
1999	1,677,000	0.7%	2,780	2.5%
2000	1,685,600	0.5%	2,953	6.2%
Total Change from 1990-2000		12%		70%
Average Annual Rate of Growth		1.12%		5.45%

Note: this is the Average Daily Population for local inmates only and Excludes Federal and Immigration contract inmates.

A number of public policy factors affect detention rates. Factors most easily identified include:

1. Legislative amendments to laws such as DUI sentencing result in longer jail sentences
2. Increase in the number of police officers results in more arrests and bookings
3. Increase in the number of courts results in increased transports and the delay associated with prisoner transport
4. Judicial decisions such as *Hertog v. Seattle*² may affect local jurisdictions' willingness to release defendants pretrial or to develop pretrial release programs

Over the last several years, the King County criminal justice system has developed and implemented a number of system-wide efforts to manage the jail population. Significant emphasis has been placed upon maximizing population reduction strategies by:

- Improving overall system efficiencies
- Creating program enhancements
- Developing capacity expansion.

² In *Hertog v. City of Seattle*, 138 Wn. 2d 265, 979 P.2d 400 (1999), the Washington State Supreme Court declined to limit the liability of cities and counties regarding the supervision of criminal defendants in misdemeanor probation or pretrial release programs.

Despite these population management efforts, the misdemeanor ADP has increased steadily over the past nine years.

The Misdemeanant Group's recommendations were developed with these and other factors in mind. The recommendations reflect the Group's analysis of existing pretrial practices and procedures with agencies that interface with the King County Jail, and were developed with the overall goal of enhancing the efficiency of the existing system and reducing the pretrial jail population where appropriate.

Misdemeanant Criminal Justice System

Background-

The misdemeanor criminal justice system currently operating throughout King County is a complex and fragmented process. It involves and relies upon the interaction and working relationship among the 36 local jurisdictions with law enforcement authority and 15 courts of limited jurisdiction (see Appendix C). The process is further complicated by the high volume of individuals booked into the King County Jail with active criminal cases in more than one jurisdiction (e.g. open cases in Seattle and Shoreline). Inmates who have both a felony and misdemeanor case pending at the same time further compound the process.

While the criminal justice system in King County has always been somewhat fragmented, it has become even more complicated over the last 10 years due to the shift in population from unincorporated King County to newly created cities. In 1989, unincorporated King County had a population of 590,000, the City of Seattle had a population of 516,000, and the 28 suburban cities had a population of about 350,000. In the succeeding decade, 10 new cities, with a total population of more than 250,000, have been incorporated. Along with the growth in the number of cities, King County has also experienced an increase in the number of municipal law enforcement agencies and courts.

Table 3
Change in Prisoner Days, Bookings and Days per Booking from 1995 - 2000

	Prisoner Days			Bookings			PD/Booking		
	1995	2000	% change	1995	2000	% change	1995	2000	% change
Seattle	163,260	145,023	-11%	17,952	12,199	-32%	9.1	11.9	31%
Suburban City	69,370	117,394	69%	7,879	10,707	36%	8.8	11.0	25%
King County ³	87,753	112,158	28%	10,341	9,530	-8%	8.5	11.8	39%
Other ⁴	23,099	39,672	72%	2,834	3,400	20%	8.2	11.7	43%
Total	343,482	414,247	21%	39,006	35,836	-8%	8.8	11.6	31%

³ Note: "King County" data is for bookings and jail days associated with cases from unincorporated King County and the Washington State Patrol. Bookings and jail days associated with cases from cities that contract with the Sheriff's Office for police services are included in the Suburban City category.

⁴ "Other" are disputed jail bookings and maintenance days

Between 1995 and 2000:

- Seattle experienced a decrease in the number of prisoner days due to a 32% decrease in bookings; days per booking increased by 31%.
- Suburban city bookings increased by 36% and prisoner days increased by 69%. While the average number of days per booking increased by 25%, it was a smaller increase than that experienced by Seattle or King County.
- King County prisoner days increased by 28% despite an 8% decrease in bookings; the increase in prisoner days was driven by the 39% increase in average number of days per booking.

In 1990, 90% of all jail bookings were either from the City of Seattle, Washington State Patrol or the King County police. The majority of first appearance hearings for these cases could be heard in-custody on the same day without the need to transport the inmate to an outlying court. By 2000, 61% of misdemeanor booking activity originated with these three police agencies. The increase in bookings from other agencies results in an increase in the number of inmate transports and may contribute to increases in pre-sentence lengths of stay.

Driving Under the Influence (DUI) Laws-

Changes in the DUI sentencing laws over the last several years have created a significant financial impact on local governments and have greatly enhanced sentence lengths for repeat offenders. These changes include: mandatory minimum sentence increases; automatic license suspension; and additional conditions.

Changes in DUI Sentencing

1992

No prior offenses <u>within 5 years</u> :	1 day jail
1 or more prior offenses	7 days
1 or more prior and DWLS	90 days

1999

Prior offense - within 7 years from the date of the offense; prior alcohol offenses include DUI, physical control, or negligent driving.

No prior and BAC less than .15	1 day jail
No prior and BAC over .15 or refusal:	2 days
1 prior and BAC less than .15	30 days AND 60 days EHD
1 prior and BAC over .15 or refusal:	45 days AND 90 days
2 or more prior offenses and BAC less than .15:	90 days AND 120 EHD
2 or more prior offenses and BAC over .15 or refusal:	120 days and 150 EHD

A review of the number of bookings, length of stay and the resulting average daily population for DUI inmates gives a sense of the increase in the overall activity level. The ADP for inmates with a DUI as the most serious offense has increased 223%, from 79 ADP in 1990 to 254 ADP in 2000. The total misdemeanor population grew by 85% during the same period. In 1990, inmates with DUI offenses were 15% of the total misdemeanor jail population; in 2000, that figure increased to 26%. Figure 2 shows the average number of DUI offenders in the jail from 1990 to 2000. The biggest increase occurred between 1990 and 1995 when the ADP increased by 105. Between 1995 and 2000, the ADP increased by an additional 71 inmates on a daily basis. Almost all of the increase occurred in the sentenced population.

Figure 2
DUI ADP Changes 1990 - 2000

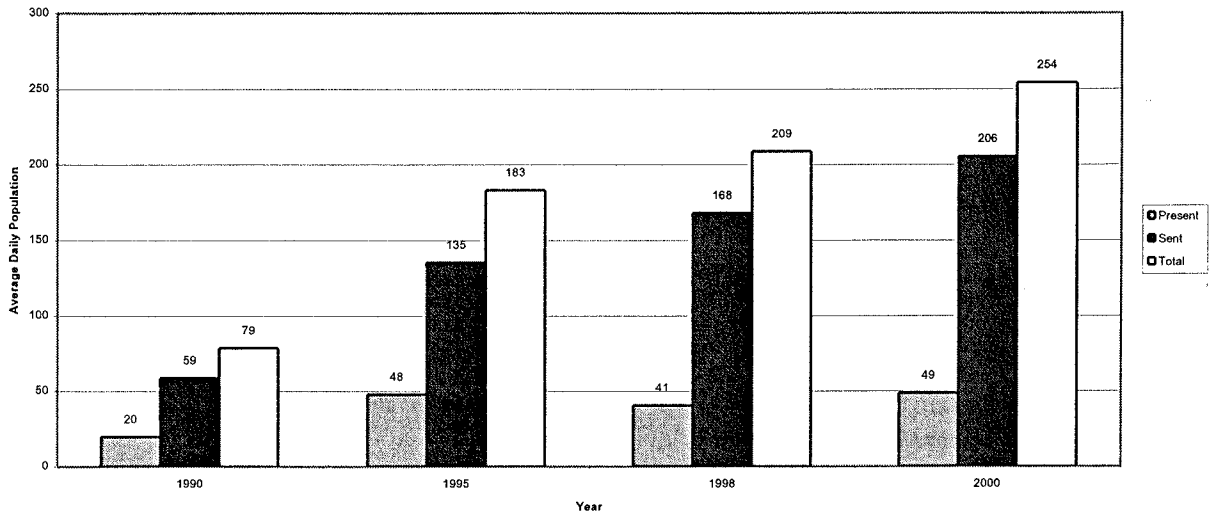
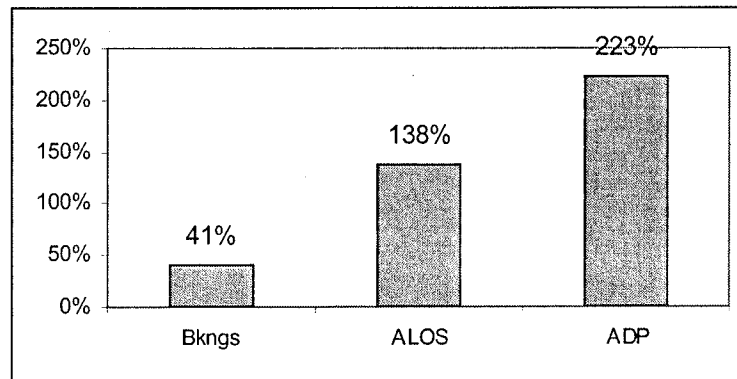


Figure 3 illustrates that the increase in the ADP of DUI offenders has been driven primarily by an increase in the average length of stay (ALOS). Admissions have increased 41% while the ALOS has increased 138% (20 days in 1990 to 51 days in 2000).

Figure 3
% Change in DUI from 1990 to 2000



It is difficult to determine from the jail's data system if the large increase in ADP is due to an increase in bookings and sentences for second or third time DUI offenders. A small Statewide study conducted by the Department of Licensing in Washington State on DUI convictions reported the following⁵:

- 1997- 77% 1st time DUI offenders, 16% 2nd and 7% 3rd or more
- 1998- 73% 1st time DUI offenders, 19% 2nd and 8% 3rd or more
- 1999- 71% 1st time DUI offenders, 19% 2nd and 10% 3rd or more.

Over a three-year period, the percentage of first time offenders has decreased slightly while it has increased for offenders with multiple offenses. This change is particularly important since the number of prior convictions increases the mandatory minimum sentence and the time on post-jail electronic monitoring.

The Misdemeanant Workgroup focused part of their efforts on an analysis of DUI offenders and possible causes of the significant increases in ALOS and ADP. The Workgroup reviewed two samples of DUI offenders to determine how much of the jail time imposed was served on the original sentence versus a revocation due to a failure to comply with the original sentence (See Recommendation #2).

Domestic Violence (DV)-

Similar to DUI cases, there has been increased emphasis placed on domestic violence (DV) cases over the last 10 years. The average number of people in jail on a daily basis on DV charges has increased from 45 in 1990 to 115 in 2000. Most of this increase occurred from 1990 to 1995. Table 4 shows the average daily number of offenders in jail whose most serious offense is a misdemeanor DV charge.

Table 4
Misdemeanor DV ADP by Year

Year	ADP
1990	45
1991	49
1992	61
1993	63
1994	87
1995	119
1996	126
1997	124
1998	115
1999	112
2000	115

⁵ Reported by the Washington Traffic Safety Commission on April 6, 2001.

As shown in Table 5, while both the number of bookings and the length of stay increased from 1990 to 1995, the 42% increase in number of bookings contributed more heavily to the increase in the ADP than did the increase in the length of stay.

From 1995 to 2000, while the ADP stays relatively unchanged, the number of bookings drops by 23%; this decrease is offset by an increase of 44% in the ALOS.

Table 5
Changes in Misdemeanor DV Jail Population

Misdemeanor DV	1990	1995	2000	Change 90-95		Change 95-2000	
Bookings	3,916	5,565	4,515	1,649	42%	(1,050)	-23%
ADP	45	119	115	74	166%	(4)	-3%
ALOS	3.5	4.2	7.5	0.7	20%	3.3	44%

The Impact of Hertog vs. Seattle-

The *Hertog* case involved claims against the City of Seattle and King County for alleged negligence associated with probationary supervision of a sentenced misdemeanant. The Court ruled that the city and county may be held liable for negligent supervision of a defendant. A potential effect of the *Hertog* decision is that local governments may minimize their risk of liability by not implementing pretrial release programs and may more frequently request courts not to place defendants on probation if they are likely to re-offend or not follow through with treatment.

AJOMP MISDEMEANANT GROUP RECOMMENDATIONS

Criminal justice agencies across King County are continuously exploring new and more efficient ways of providing criminal justice services. The recommendations discussed in this report are not necessarily new concepts. Some of the recommendations may sound familiar to some readers and some the recommendations are currently implemented in some parts of King County. Other agencies are now conducting a more detailed review of these programs and practices through the AJOMP process.

This report reflects the dedication, hours of discussion and hard work of the participants of the Misdemeanant Group. The group was comprised of representatives from multiple agencies and jurisdictions including: the courts, prosecuting attorney offices, public defense agencies, probation departments, treatment providers, local law enforcement, and the jail. The overall focus of the group was to analyze ways to create efficiencies in the pretrial processing of in-custody defendants. From this focus, the group developed six key recommendations:

- 1. Establish failure to appear (FTA) reduction strategies for selected populations of offenders.**
- 2. Establish alternative sanctions for the failure to comply (FTC) population.**
- 3. Establish re-licensing programs for defendants charged with DWLS 3.**
- 4. Improve information technology systems used by the jail and the courts for processing in-custody defendants.**
- 5. Revise pretrial procedures for in-custody defendants to reduce pretrial length of incarceration.**
- 6. Evaluate changes in pretrial release.**
- 7. Develop multi-jurisdictional implementation groups.**

In addition to these primary recommendations, the Misdemeanant Group made sub-recommendations under each category. These additional recommendations are outlined in this report.

RECOMMENDATION # 1: ESTABLISH FTA REDUCTION STRATEGIES

Failure to Appear (FTA) - Why It Matters

In King County, defendants who fail to appear (FTA) for court create enormous strain on multiple criminal justice agencies. 46% of all misdemeanor defendants sentenced in courts of limited jurisdiction within King County in 1995 failed to appear (FTA) at one or more pretrial hearing. The FTA rate in King County is nearly twice as high as the national average (*Jim Austin, Institute on Crime, Justice and Corrections*).

- Misdemeanants who fail to appear for a pre-trial hearing are 2.2 times as likely to spend time in jail when compared to those who appeared (*The Misdemeanant Study, 1998*).
- Once jailed on a FTA warrant, misdemeanants spend almost twice as long in jail than those with similar offenses and criminal histories.
- *The Misdemeanant Study* predicted that for every 10% reduction in the incidence of failure to appear, overall misdemeanor jail days are predicted to decrease 3.5%.
- Racial Disproportionality: African-American defendants are 1.2 times as likely to have a pre-sentence FTA or FTC as whites.

Failure to Appear - Who Is Affected

FTA has widespread effects on everyone involved in the criminal justice process. Some of the effects include but are not limited to:

- **Courts-** increased court operation expenditures through increased warrant processing, number of hearings, strain on resources and staff
- **Jail-** increased booking fees, use of jail, strain on staff, increased workload
- **Police-** must arrest defendants with warrants- increased strain on staff, workload
- **Cities-** increased costs associated with bookings on warrants and prisoner days associated with warrants
- **Prosecuting and defense attorneys-** strained resources, increased workload
- **Defendants-** increased likelihood of jail time, longer jail sentence, additional court hearings

Causes of FTA

The FTA rate is influenced by a variety of factors and circumstances. A defendant may fail to appear simply because they are unwilling to go to court. Sometimes, other factors may affect a defendant's failure to appear including:

- Inadequate notification of court date
- Current incarceration
- Confusion due to the complexity of court systems
- Incorrect address for defendant
- Delay in filing or separation of criminal charges from the traffic infraction
- Defendants may not understand the repercussions if they FTA

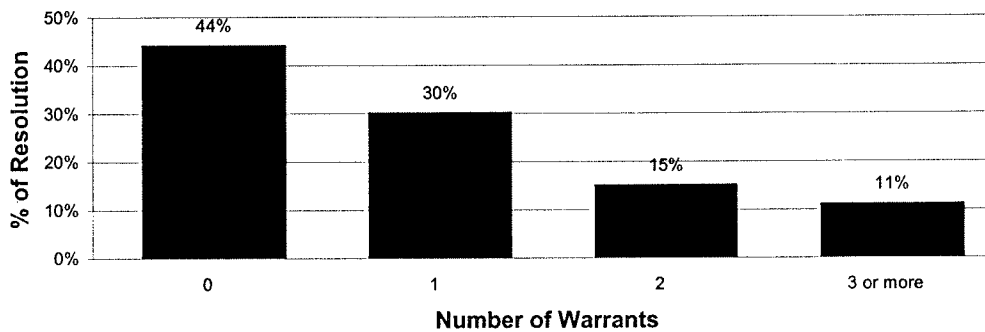
Warrants: FTA Rates, Crime Types and Bookings

For misdemeanor cases, if the defendant is out of custody, the trial must occur within 90 days; if the defendant is in custody, the trial must occur within 60 days. If a defendant fails to appear for a court hearing, the court issues a warrant in order to bring the defendant before the court and to stop the clock for speedy trial requirements.

The FTA rate is determined by looking at the number of bench warrants issued to defendants that are pre-sentence. As seen in Figure 4, 56% of all resolutions⁶ had at least one warrant issued and 26% had 2 or more warrants.

Figure 4

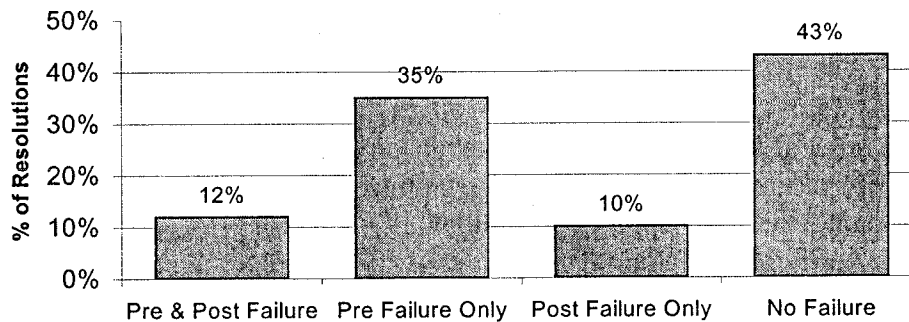
WARRANTS PER RESOLUTION
% Distribution by Number of Warrants



Of all warrants issued, pre-sentence failure to appear is the most frequent type issued. As shown in Figure 5, 47% of resolved cases had at least one pre-sentence failure to appear (35% had pre-sentence FTA only; another 12% had both a pre-sentence and a post-sentence failure).

Figure 5

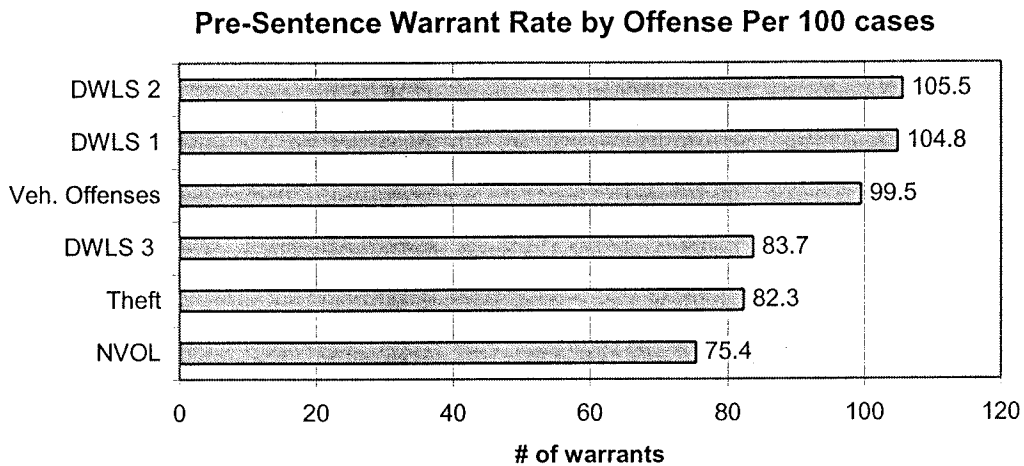
PRE- & POST SENTENCE COMPLIANCE
% Distribution by Compliance Category



⁶ Resolutions are cases where all the charges have been resolved. Cases can be resolved by plea, finding of guilt, acquittal, stipulated order of continuance, pre-trial diversion or dismissal.

Roughly two-thirds of warrants issued in King County are pre-sentence warrants and are the result of a failure to appear. Figure 6 shows the pre-sentence warrant rate by case type. Certain cases have extremely high warrant rates, with an average of at least one warrant issued per case. The case types with the highest warrant rates are: DWLS, vehicle based offenses (e.g. failure to register a motor vehicle) and theft. DWLS 3 cases represent a high volume of misdemeanor cases in King County and have on average 83.7 warrants per 100 cases. Not only does this create backlog and increase the workloads of multiple agencies and departments, it often results in the defendants being booked into jail more frequently and for longer sentences.

Figure 6



In the year 2000, 17,701 misdemeanor bookings into the jail were the result of an issued bench warrant, accounting for 50% of total bookings (see Table 6). The *Misdemeanant Study* showed that a 10% reduction in the FTA rate would result in a 3.5 % reduction in jail utilization. A 10% reduction in the number of prisoner days associated with warrant bookings could save an estimated 46 inmates on a daily basis.

Table 6

Number of Misdemeanor Bookings and Prisoner Days by Warrant Type in 2000⁷

Misdemeanor	Direct	Warrant	Commitment	Total
Number of Bookings	12,769	17,701	5,254	35,724
Percentage	36%	50%	15%	100%
Prisoner Days	77,764	178,676	91,395	347,835
Percentage	22%	51%	26%	100%

⁷ A “direct” booking means the defendant was brought to jail on a new charge; a “warrant” booking means the defendant was brought to jail because of a court warrant; a “commitment” booking means the offender was booked into jail to serve his or her sentence.

FTA Reduction Strategies

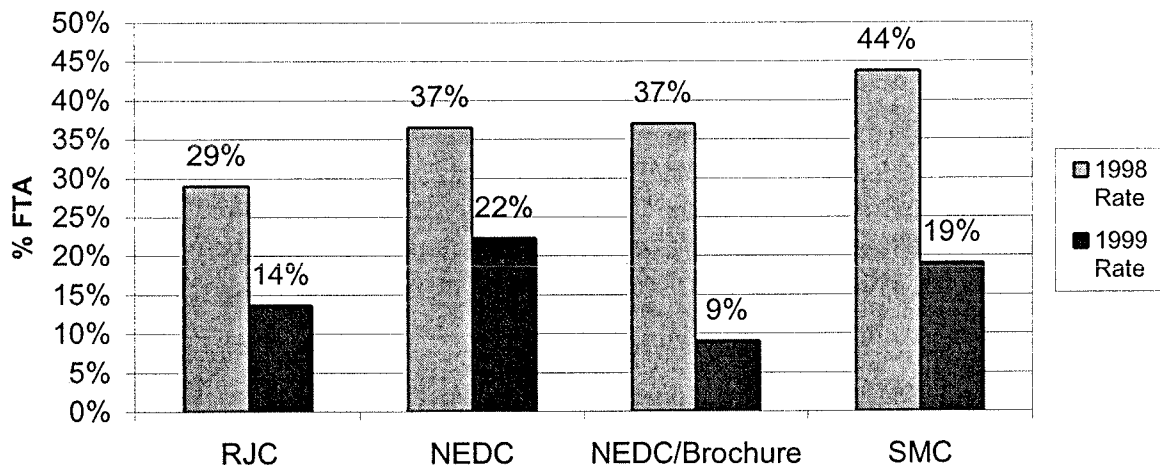
The *Misdemeanant Study* identified reminder/notification strategies as having significant potential for reducing FTA rates. FTA reduction strategies can be cost-effective, beneficial to defendants and relieve various agencies of the burden brought on by FTA. They increase the likelihood of defendants appearing for court and decrease the number of bench warrants issued. Police agencies do not have to dedicate the same level of staff and resources to arresting individuals on bench warrants. Contracting cities benefit financially with lower jail service costs (fewer bookings for warrants and fewer prisoner days). Courts reduce their operation expenditures through decreased bench warrant processing and additional hearings.

FTA Reduction Pilot Projects

As part of the follow-up to the 1998 *Misdemeanant Study*, FTA reduction pilot projects were initiated in the cities of Kent, Redmond, Seattle, Shoreline, King County District Court, King County Juvenile Court and the King County Jail. The results from the different pilot projects were then analyzed by Christopher Murray, the author of the *Misdemeanant Study*. The primary purpose of these programs was to determine effective strategies for reducing failure to appear rates. Results show that all programs had a positive effect on reducing the FTA rate (see Figure 7).

Figure 7

Comparison of FTA Reduction Strategies Pilot Projects



Three of the most successful pilot programs were implemented by the King County Jail/Regional Justice Center (RJC), the Northeast District Court in cooperation with the Redmond Police Department and the Seattle Municipal Court.

Regional Justice Center-

The RJC program, operated by Jail Court services, made personal contact with the defendants to remind them of their scheduled court date(s) and reviewed all of the court activity for the defendants to try and resolve conflicting court dates before they occurred. Getting a good contact number for the defendant is critical - and it is possible to get a good

contact number. This pilot project made a special effort to get good contact information from defendants prior to release from jail. They were then able to contact 97% of those released - by far the best contact rate of any of the pilot programs. Of those defendants contacted, 88% appeared for their court hearing. If the staff person making the reminder call spoke directly with the defendant, 93% appeared. In addition, the jail staff reviewed the defendant's pending matters in all courts and informed the defendant of all upcoming court dates.

Northeast District Court and Redmond Police Department-

The Redmond Police Department distributed brochures at time of arrest informing defendants of the consequences of FTA. In addition to the brochures, Redmond police focused on obtaining accurate contact information for the defendants at time of arrest. The Redmond police worked in conjunction with the King County Northeast Division District Court who placed reminder calls to defendants. Table 7 shows the FTA rates for defendants who did not receive any reminder; those who received a reminder phone call; and those who received both a phone call and a brochure. The lowest FTA rate was for those defendants who received both a brochure and a reminder call.

Table 7
FTA Rates by Type of Reminder

	FTA Rate
No brochure/call	37%
Received reminder call	22%
Brochure and reminder call	9%

City of Seattle-

The City of Seattle examined the FTA rates of defendants who received no reminder, a written letter or a phone call. As illustrated in Table 8, results show a significant decrease in FTA for defendants who received a reminder.

Table 8
FTA Rates by Type of Reminder

	FTA Rate
No Reminder	44%
Written Letter	31%
Phone Call	19%

Seattle also evaluated the relationship between FTA and racial disproportionality in their study. *The Misdemeanor Study* found that African Americans fail to appear for court at higher rates than other demographic groups. As shown in Table 9, the results from Seattle's program showed that written notice reminders had a minimal effect in reducing African-American FTA rates but reminder calls were extremely effective.

Table 9
FTA Types by Type of Reminder

	Control Group FTA Rate	Written Notice FTA Rate	Phone Calls FTA Rate
African American	47%	40%	18%
White	43%	24%	21%
Other Minorities	40%	35%	13%

RECOMMENDATION # 1

Implement FTA reduction strategies in King County.

FTA reduction strategies are a beneficial way to relieve strained resources and workloads in multiple departments, reduce jail days associated with bench warrant bookings and assist defendants in navigating through the criminal justice process. Key elements to successful FTA reduction include:

- Obtain accurate contact information from defendants, particularly at time of arrest
- Provide information to defendants on the importance of attending scheduled hearing dates, court(s) locations, court(s) phone numbers
- Improved communication between different agencies, jurisdictions and defendants
- Increased cooperation between jails and other agencies

Research has shown that simple and cost-effective FTA reduction strategies are proven to significantly reduce FTA rates. The Misdemeanant Workgroup highlights the following strategies as important elements in FTA reduction:

- ***Obtain accurate contact information from defendants.*** Law enforcement agencies, jails and the courts should attempt to obtain current and accurate contact information for defendants (address, phone number and other relevant contact information) at the time of arrest, release from jail, and court appearances. In particular, police officers should specifically ask the defendant for the correct address rather than writing down the address listed on the driver's license.
- ***Update defendant contact information regularly. Share information with relevant agencies and jurisdictions.*** Contact information should be shared and updated across the multiple criminal justice systems including: the King County Jail, Office of the Administrator for the Court, Seattle Municipal Court and other city municipal courts.
- ***Check defendant's custody status prior to issuing a bench warrant.*** Relevant departments (Courts, Prosecutor's Office, Sheriff's Office) should attempt to check a defendant's custody status prior to entering a bench warrant. Warrants are often issued for defendants who FTA because they are already in-custody. If courts and relevant agencies had the ability to check a defendant's custody status prior to issuing bench warrants, warrant rates might be reduced.
- ***At time of arrest, provide defendants with information on the importance of attending court and the court's address and phone number.*** Police departments should hand out brochures explaining the importance of giving a good address and showing up for court. The Redmond Police in conjunction with the Northeast District Court implemented the most successful FTA reduction program using notification procedures (see Appendix D for copy of Redmond brochure and a draft brochure for Seattle).
- ***At time of release, provide defendants with the specific date, time and location of their next required court appearance.*** For defendants with multiple cases, court services should work with the courts and coordinate appearances so that conflicting hearings are not scheduled.

- ***Call defendants prior to their scheduled court date.*** Reminder phone calls are most effective when personal contact is made with the defendant. The highest reductions in FTA rates were seen when a staff person spoke with the defendant (as opposed to leaving a message with another person or on an answering machine).
- ***Prioritize placing calls for initial hearings and charge types with high warrant rates.*** The hearings with the highest FTA rates are arraignment, review, mitigation, and pre-trial. Research has shown that the largest FTA reductions are seen when efforts are focused on calling defendants scheduled for the arraignment calendars. The charge types with the highest warrant rates are DWLS, No Valid Operator's License (NVOL), Theft, and DUI.
- ***Focus on DWLS Cases.*** More than 80 warrants are issued pre-sentence for every 100 DWLS cases. DWLS cases represent 23% of all misdemeanor admissions into the King County Jail. 68% of those bookings are defendants with DWLS 3 charges who stay an average of 2 to 3 days.
- ***If possible, place reminder calls on weekends.*** An evaluation⁸ of the District Court automated call program showed that contact rates with the defendants were highest on the weekends (50% on weekends as opposed to 37% on weekdays).

⁸ *The Effect of Automated Reminder Calls on Failure to Appear in King County District Court* by Christopher Murray & Associates, January 2001

RECOMMENDATION #2- ESTABLISH ALTERNATIVE SANCTIONS FOR THE FAILURE TO COMPLY POPULATION

Jail Population Significantly Affected by Failure to Comply

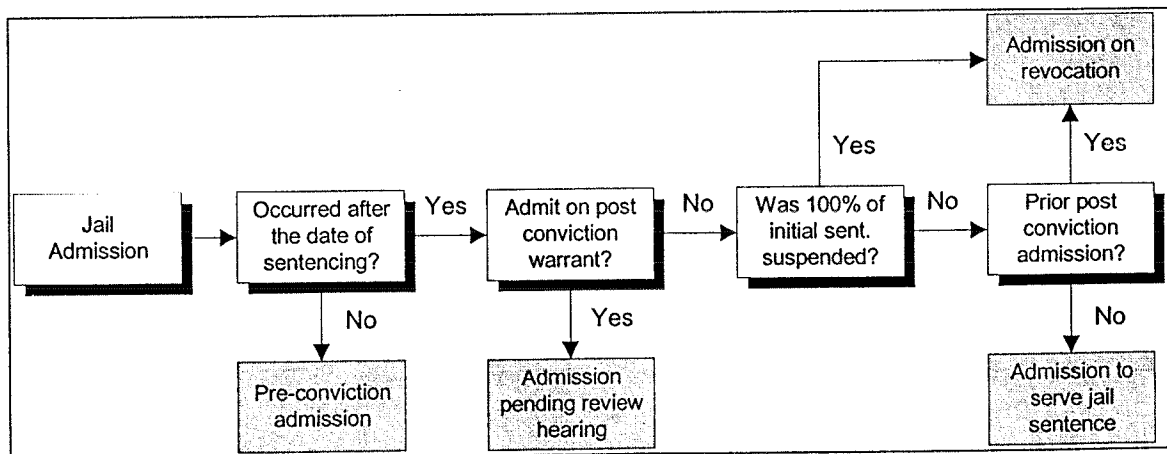
The number of misdemeanor offenders booked into the King County Jail for a failure to comply warrant is a significant contributor to the misdemeanor population.

- The *Misdemeanor Study* reported that 22% of all of the cases disposed of in 1995 had a least one warrant issued for non-compliance.
- A more recent review of the Seattle Municipal Court's revocation hearings for 1998 indicated that 29% of Seattle's total misdemeanor population was in jail as the result of revocations.
- A report issued by the City of Bellevue Probation Services reported that in 2000, approximately 28% of the total jail days imposed for City of Bellevue municipal prisoners were due to a revocation.
- In 1998, there were more than 400 bookings associated with a gross misdemeanor sentence violation supervised by the District Court. These bookings represented more than 50% of all the bookings for gross misdemeanors with an associated jail ADP of 47.

Methodology

Post-sentence warrants are associated with a defendant's failure to comply (FTC) with sentence conditions imposed by the court and subsequent FTA for a review hearing. Since there is no unique flag within the jail's database that identifies a post-sentence FTC, it was done by individual review. Figure 8 shows the method used by the staff to identify a failure to comply warrant when the person is booked into the King County Jail. These warrants are issued for a number of reasons: a new criminal violation, failure to report to probation, failure to attend treatment, or failure to appear for a review hearing.

Figure 8

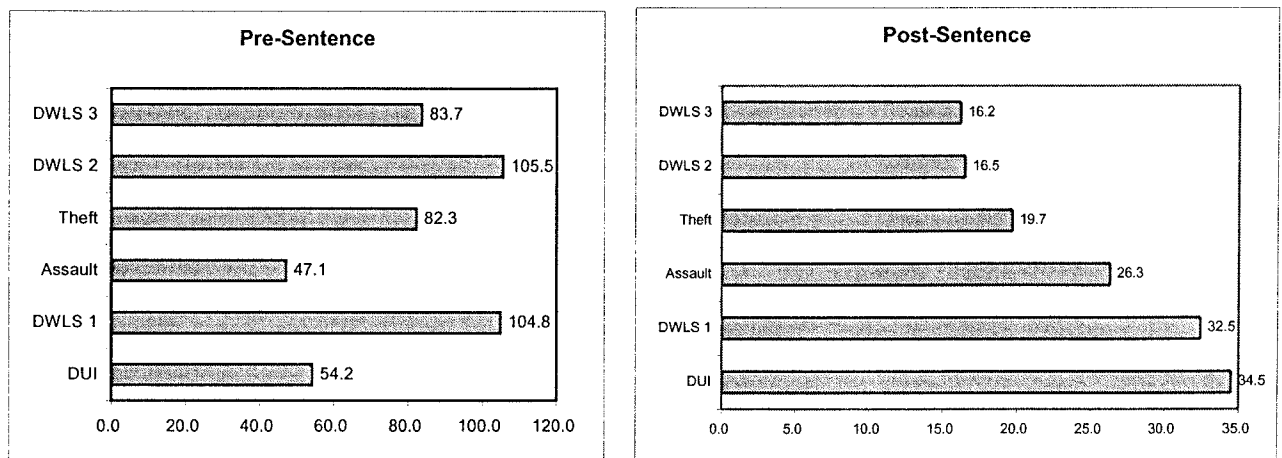


Reasons for Failure to Comply (FTC)

Post-sentence warrant rates by case type differ considerably from pre-sentence warrant rates. For example, driving under the influence and assault (which have low pre-sentence warrant rates relative to all FTA warrants) have the first and third highest post-sentence warrant rates. By way of contrast, some high pre-sentence warrant rate offenses have low post-sentence failure.

The tables in Figure 9, from *The Misdemeanant Study*, show the number of warrants issued per 100 cases. For example, for every 100 DWLS 3 cases, there are 83.7 warrants issued pre-sentence. For every 100 DUI cases, there are 34.5 warrants issued post-sentence. DUI and DWLS 1 cases have the highest rate of warrants issued post-sentence. Almost 35% of DUI cases had at least one warrant issued post-sentence. The high rate of post-sentence warrants for DUI and Assault/DV cases is caused in part because these cases are more likely to have sentence conditions imposed (e.g. obtaining an alcohol assessment or completing batterer's treatment) than other types of cases.

Figure 9
Warrants Issued per 100 Cases



Review of the FTC Population

The AJOMP staff took a closer look at the FTC population using three different sample groups. The first review looked at all of the Seattle Municipal Court (SMC) revocation hearings reported in the Municipal Court Information System (MCIS) for 1998. The second review examined DUI cases filed in the King County District Court in 1999. The third review took a closer look at the inmates housed at the North Rehabilitation Facility and sentenced on a DUI offense.

Seattle Revocations-

The MCIS reported that there were 2,288 in-custody revocation hearings held by SMC in 1998. These cases were matched against the jail's database to determine total jail time served. There were 57,000 prisoner days (156 ADP) or approximately 25 days in jail spent for each person who had at least one hearing. These revocations were for violations of

sentence conditions including violations associated with new offenses. The most common type of offenses reviewed by the court were assault, DUI, theft and DWLS.

- Assaults and DUI offenses accounted for 44% of all revocation hearings and more than 63% of the jail days associated with the revocations.

Sentence Violations

Another review of this population examined bookings where the revocation hearing was due to a sentence violation and did not include a new criminal offense.

- There were 748 bookings where the only charge activity on that booking event was the revocation case (i.e. there were no new criminal violations reported). These cases resulted in nearly 12,000 prisoner days or 37 ADP.
- The most common types of sentence violations listed in the court dockets were for failure to complete/attend treatment and failure to appear for the review hearing. These two reasons accounted for 63% of the revocation hearings.

King County DUI Cases-

Another analysis was conducted by AJOMP and DAJD staff in May, 2001 for DUI cases filed in the King County District Court in 1999. There were 3,419 State cases filed in 1999; 1,700 of those cases had a match in the jail’s database. Of the 1,700 cases with a match to the jail, 896 had a sentence. Of those cases with a sentence, 482 (54%) had a sentence to jail greater than 2 days. Out of those with an initial jail sentence greater than 2 days, 97 (20%) had been sentenced a second time to jail on that same charge.

The court dockets and jail records for 58 of the 97 revocation hearings were examined to determine the average number of days imposed per violation and the reason for the revocation. Out of the 58 revocation cases in the sample, 44 (or 76%) were for sentence condition violations only. The remaining 24% of the cases included new criminal violations.

Table 10
King County District Court
Sample of DUI Revocations for Cases Filed in 1999

Reason for Violation	Cases	Total Days	Days per Case
Failure to Complete Treatment	20	1,175	59
Failure to Contact Probation	24	1,563	65
Total	44	2,738	62

- An average of 53 days was served in jail for the original sentence (this average excludes out of custody 1 – 2 day commitments to NRF).
- An average of 62 days of was served in jail for the revocation – 9 days longer than the original sentence. There are usually multiple violations and hearings associated with each revocation.
- Failure to contact probation staff generally means that the offender has failed to comply with other conditions of the sentence as well.

NRF DUI Inmates-

The third review looked at the sentenced DUI population housed at NRF during the fall of 2000. 247 NRF inmates were screened to identify those inmates who were serving a sentence for DUI. Table 11 shows the most serious offense for the NRF inmates. 40% or 99 inmates were serving a DUI sentence. The court files were then reviewed for 60 of these 99 DUI cases.

Table 11
NRF Inmates by Charge⁹

Charge	Number	%
Assault	17	7%
Crim. Trespass	4	2%
Driving	6	2%
DUI-pre-sent.	5	2%
DUI-sentenced	99	40%
DWLS	31	13%
Harassment	7	3%
Obstruction	4	2%
Other	16	6%
Property	28	11%
VUCSA	30	12%
Total	247	100%

- 33% (or 20) of the inmates with DUI sentences were in custody on the original sentence and spent an average of 125 days in jail.
- 67% (or 40) of the inmates with DUI sentences were in custody for a failure to comply with the original sentencing conditions imposed by the court. These inmates averaged 153 days per revocation.
 - King County District Court defendants: an average of 55 days was imposed for the original sentence and an average of 226 days was imposed for the revocation; defendants then served an average of 160 days in jail for the revocation
 - Seattle Municipal Court defendants: an average of 108 days was imposed for the original sentence and an average of 181 days was imposed for the revocation; defendants then served an average of 137 days in jail for the revocation

⁹ "Driving Offenses" include hit and run, negligent driving and reckless driving. "Other" includes contempt of court, false information, forgery, FTA citation, malicious mischief, physical control, and minor in possession of alcohol.

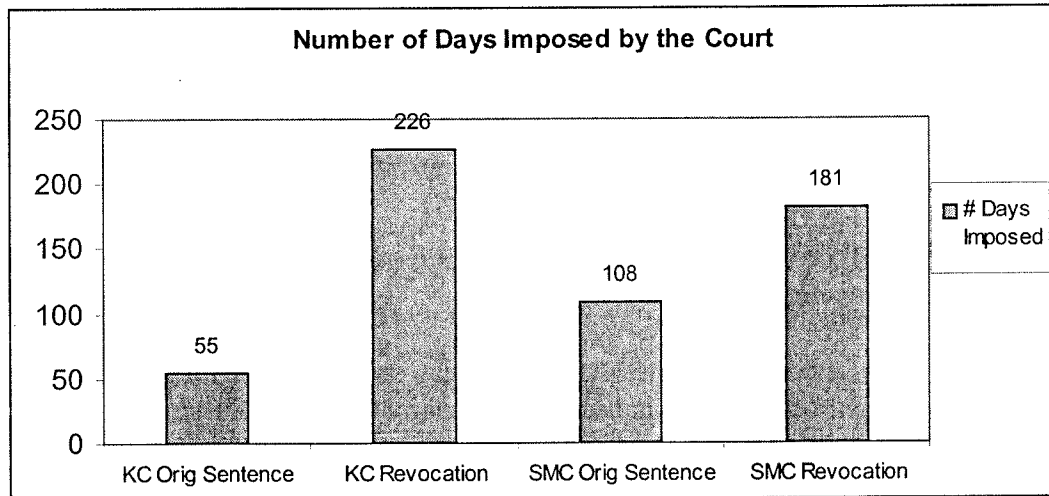
Table 12 shows the number of prior DUI convictions for the offenders who had been revoked. Defendants with several prior convictions are more likely to have the full sentence of 365 days imposed up-front and thus are less likely to be revoked.

Table 12
Offenders with Revocations - Number of Prior Convictions

# of Prior Convictions	0	1	2	3	4	Total
Auburn Municipal Court	2		1			3
District Court	8	10	3			21
Seattle Municipal Court	5	6	2	2	1	16
Total	15	16	6	2	1	40

Figure 10 shows the average number of days imposed by the judge for the original sentence and then the average number of days imposed for the revocation.¹⁰ For example, the King County District Court offenders at NRF on a revocation on average received an original sentence of 55 days; at a subsequent revocation, 226 days were imposed.

Figure 10



Summary

These findings raise some interesting issues. Particularly for DUI and DV offenders, treatment can be the key to preventing their re-offending. It is due to this consideration that judges may suspend a portion of the sentence and instead require that the offender complete a treatment program. However, judges have limited options to either monitor or enforce an offender’s compliance with treatment – the judge can either reiterate the order at another court hearing or ultimately can require the defendant to go to jail. The high rates of failure

¹⁰ Note: the docket review found that in some cases, judges wanted the offender housed at NRF in order to receive treatment. There were sentences of 90 days or longer so the offender could be placed in the Stages of Change treatment program for three 30-day stages with a note that the balance of the sentence would be suspended upon completion.

for these offenders suggest that the criminal justice system may not have the tools it needs to respond effectively to offenders who either can not or will not comply.

The work done by the Misdemeanor Workgroup has helped to highlight the issue of FTC and its effect on the criminal justice system – on the courts, police, prosecution and defense due to the high level of warrants and hearings involved and on the jail due to the number of jail days associated with failure to comply. The data included in this report is the first time the relationship between FTC and jail has been measured in this fashion. Work now needs to be done to assess what the system can do to improve how it responds to people who fail to comply conditions of their sentences.

RECOMMENDATION # 2

The criminal justice system should work towards developing alternative sanctions for offenders who do not with comply with sentencing conditions.

A number of offenders end up in jail because they failed to complete or go to treatment and/or fail to contact probation. The criminal justice system has limited options for monitoring and enforcing sentence conditions. The Misdemeanant Workgroup recommends that alternative means such as work crew, electronic home detention, work release and day reporting be developed for monitoring and enforcing sentence conditions.

RECOMMENDATION # 3

ESTABLISH COMMUNITY RE-LICENSING PROGRAMS FOR DEFENDANTS CHARGED WITH DRIVING WHILE LICENSE SUSPENDED (DWLS 3)

DWLS – Background

In 1993, Washington State passed a law giving authority to the Department of Licensing to administratively suspend drivers' licenses for unpaid traffic infractions. The main objective was to create a sanction to encourage drivers to resolve their tickets in a timely fashion. By 1998, nearly 350,000 people in Washington State had their licenses suspended due to unpaid violations. Many of these drivers ignored the mounting fines and continued to drive, resulting in additional fines, impounded cars and increased involvement with the criminal justice system.

Driving While License Suspended 3 (DWLS 3) is the least serious of the DWLS charges and accounts for an estimated 85% of all DWLS filings in King County.¹¹ The majority of DWLS 3 charges are for failure to respond to a traffic infraction¹².

DWLS cases are a significant component of misdemeanor workload. In the year 2000, DWLS cases had the following effects on the jail and courts:

- The King County Jail had more than 8,000 DWLS bookings - 22% of total misdemeanor bookings
- Average daily population (ADP) for offenders whose most serious offense was DWLS equaled 118 – 11% of total misdemeanor jail days
- The pre-sentence FTA rate for those charged with DWLS 3 is 84%

The Misdemeanor Workgroup focused on specific strategies and programs that were proven or likely to successfully alleviate some of the burden of DWLS cases.

Re-licensing Programs

A number of jurisdictions within King County have implemented re-licensing programs including the City of Seattle, King County District Court and the City of Kent. The

¹¹ "DWLS Impound: Does It Make Dollars and Sense" Seattle City Attorney's Office

¹² A person may be charged with DWLS 3 for the following reasons: (1) failure to furnish proof of satisfactory progress in a required alcoholism or drug treatment program; (2) failure to furnish proof of financial responsibility; (3) failure to comply relating to uninsured accidents; (4) failure to respond to a notice of traffic infraction, failure to appear at a requested hearing, violation of a written promise to appear in court, or failure to comply with the terms of a notice of traffic infraction or citation; (5) suspension or revocation in another state that would result in suspension or revocation in this state; (6) failure to reinstate the driver's license or privilege after suspension or revocation in the second degree; or (7) any combination of the above.

individual programs differ in structure but each are generally premised on the following objectives:

- Reduce the large number of DWLS cases through FTA reduction and re-licensing efforts
- Minimize jail days and jail costs associated with DWLS cases
- Assist defendants in re-instating their licenses
- Increase revenue collected for traffic infractions while decreasing costs to defendants and local governments

In implementing re-licensing programs, local jurisdictions may choose from a variety of approaches. The following items are possible components for re-licensing programs:

- Debt consolidation; time payment agreements; community service alternatives to fines
- Dismissal of charges upon successful re-licensing and/or other conditions
- Reminder calls to reduce FTA and the associated warrants
- Impound
- Re-licensing assistance
- Suspended License Calendar
- Allow defendants with charges from multiple jurisdictions to resolve all cases at one court

City of Seattle Re-Licensing Program

The City of Seattle addressed the DWLS problem by implementing strategies designed to assist defendants in re-instating their licenses while still holding them accountable for their actions. The effort has proven effective in decreasing the number of jail bookings and prisoner days related to DWLS 3 cases and increasing the number of licensed drivers.

Time Payment Agreements-

In December 1998, Seattle Municipal Court (SMC) instituted a policy to allow DWLS 3 defendants with unpaid citations to enter into agreements with the court to make payments on their fines in a realistic and manageable time frame. The court releases the license hold (allowing the driver to re-instate their license) once the defendant makes a down payment and signs a time payment agreement. This approach proved to be favorable to both the court and the offenders. Individuals were allowed to re-instate their licenses and pay off their fines in a realistic manner while the court's revenue collections increased.

Results-

- *Infraction revenue up 4% despite a 4% decrease in the infraction filing rate*
- *150 people a week arrange to pay overdue tickets compared to 10 per week before program; the Court's collection agency releases 125 license holds a week*
- *The rate of payment compliance is approximately 75% for time payment agreements.*

License Counseling-

The re-licensing process can be difficult and confusing. The City of Seattle recognized the need for re-licensing education and assistance by establishing linkages between the defendants, the courts and the community. The efforts implemented by Seattle include:

- In June 2000, the City Council created a licensing ombudsperson position in the court. This position assists individuals with re-licensing and acts as a liaison between the individual, courts, community and other agencies.
- Funding was provided to contract with community agencies¹³ for expanded license counseling.
- Court staff members attend community re-licensing orientations several times a month to assist license counselors and inform offenders of time payment options and how much they owe the courts. Approximately 100 individuals are licensed through these programs annually. An evaluation of the counseling approach will be conducted in late 2001.

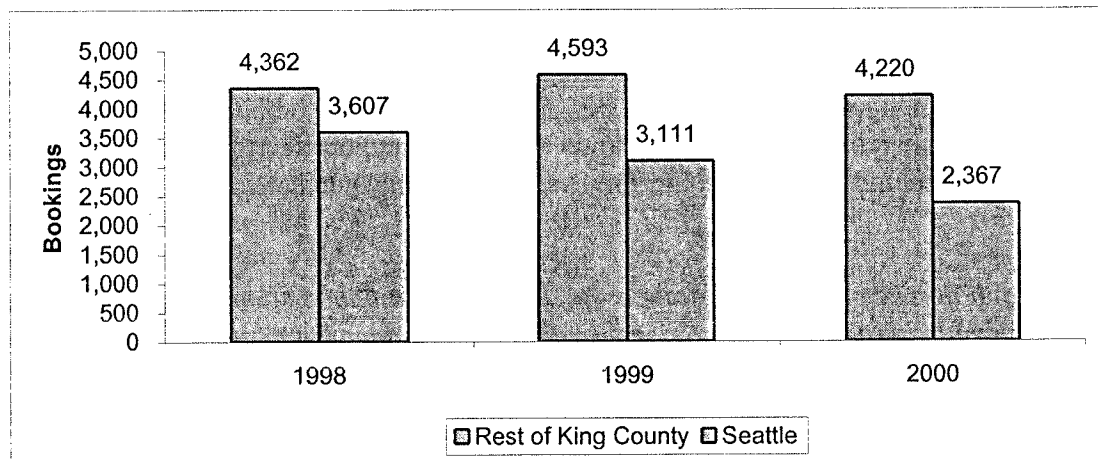
DWLS Calendar-

In November 2000, the court began operating (as a pilot program) a calendar one evening a week specifically for defendants charged with DWLS 3. The re-licensing ombudsperson and license counselors are available in the courtroom to assist defendants with re-licensing. Defendants have responded favorably to the availability of services and the approach. An evaluation of the pilot program will be conducted November 2001.

Impound-

Nearly 85% of DWLS cases stem from failure to have insurance or a speeding ticket. The City of Seattle examined ways to eliminate criminally sanctioning DWLS 3 offenders. The city's TOW ordinance gives the police authority to impound the driver's car. The City Attorney's Office then may dismiss the DWLS 3 charge (if it is the first impound related dismissal). Since the TOW program and re-licensing efforts were implemented by Seattle, there has been a 33% reduction in DWLS related jail days (11 ADP). DWLS jail bookings have decreased 34% in Seattle compared to a decrease of 3% in the rest of King County.

Figure 11
Number of DWLS Bookings: 1998-2000



¹³ The Court contracts with Central Area Motivation Program (CAMP), Northwest Legal Employment Labor Opportunity (LELO) and Apprenticeships and Nontraditional Employment for Women (ANEW).

Concerns with Impound

Impound programs have been criticized for unfairly targeting the economically disadvantaged who often cannot afford the fines associated with impound, have no alternatives for transportation, and rely heavily on their cars for their jobs and families. Impound may not be a feasible option for jurisdictions with limited public transportation.

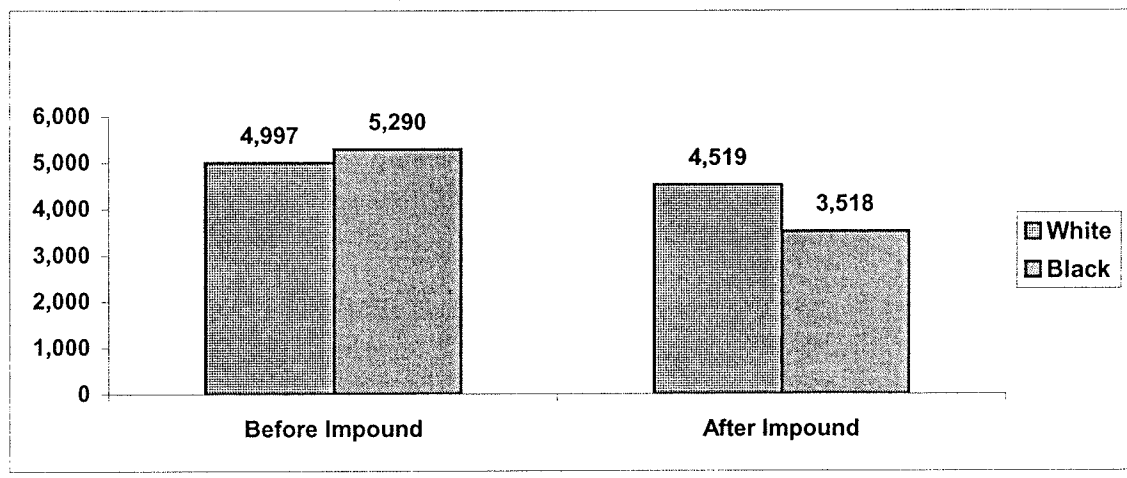
Disproportionality-

A criticism of impound programs is that they may disproportionately affect African Americans. *The Misdemeanant Study* found that African American and other non-white defendants are more often charged with less serious crimes than white defendants; and over represented in offense types related to economic status (including DWLS). African Americans are approximately 8% of Seattle's population. Prior to the city's impound program, African Americans represented 47% of DWLS filings. After implementation of the impound program, African Americans represented 39% of filings, and they account for 35% of drivers whose cars are impounded¹⁴.

Figure 12 shows the change in DWLS 3 filings by race. While there was a significant decrease in filings for both African Americans and whites, the rate of decrease was much greater for African Americans.

- **Before Impound/Re-licensing Program:** African American = 47% of DWLS 3 filings; whites = 43% of DWLS 3 filings.
- **After Impound/Re-licensing Program:** African American filings decreased 35%, representing 39% of DWLS 3 filings; white filings decreased 9% and represented 50% of the total DWLS 3 filings.

Figure 12
DWLS 3: Filings by Race



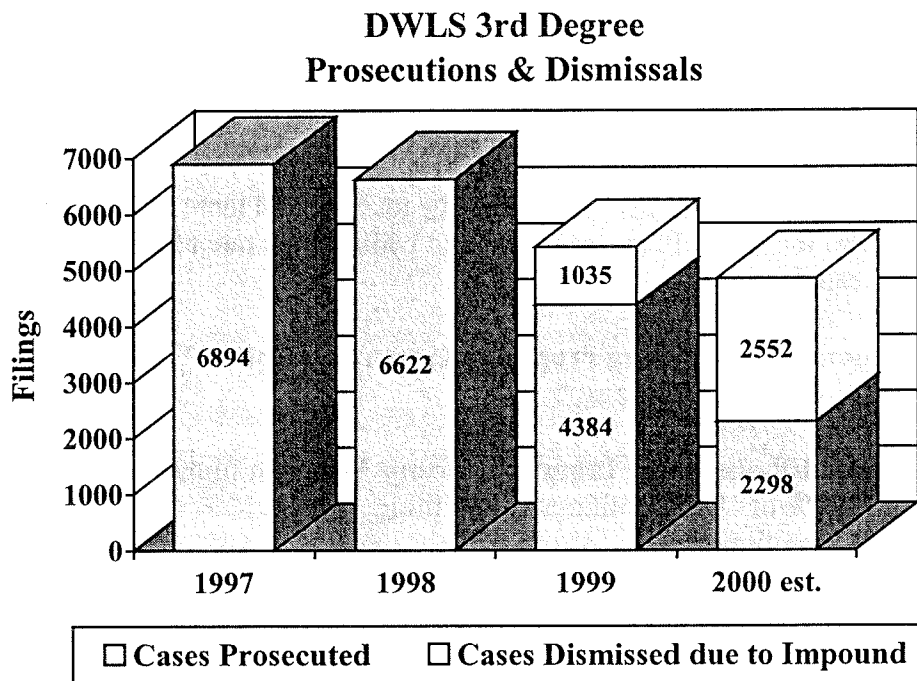
¹⁴ "Impound a Threat to Many," Seattle P-I, August 27, 2001

Results and Recidivism

Prosecutions and Dismissals-

- Fewer DWLS 3 cases are prosecuted in Seattle due to impound and subsequent case dismissal
- 1999: 1,035 cases dismissed (19% of total); 2000: 2,552 cases dismissed (53% of total)
- Dismissal at first appearance avoids system costs and reduces FTA rates

Figure 13



Recidivism-

- Recidivism is a driving force in DWLS caseload. Prior to impound, recidivists accounted for 22% of the offenders and committed 42% of the charged offenses; after impound and implementation of the re-licensing program, both percentages decreased by more than half
- 99% of defendants had no subsequent DWLS charge in Seattle and 97% of defendants had no subsequent DWLS charge elsewhere in Washington in the calendar year the charge was dismissed
- 49% of defendants were able to get re-licensed

King County Re-Licensing Program

In 1999, over 5,500 DWLS 3 cases were filed in King County District Court (KCDC), accounting for 35%-40% of all State criminal filings¹⁵. These cases represent a large percentage of arrest warrants countywide which then result in the use of jail beds.

King County used an incentive-based approach in implementing its re-licensing program. The court recalls unpaid fines from collection agencies, which significantly reduces additional collection costs and interest fees for the defendants. After the fines are recalled, the defendant agrees to make monthly payments or perform community service for up to a year and signs a time payment agreement with the court. Many drivers will meet court obligations and be able to re-instate their licenses at this point. At the end of the time period, if the defendant has complied with payment and conditions, the prosecutor moves to dismiss the pending DWLS 3 charge.

King County has also considered expanding its re-licensing program by including inter-jurisdictional cooperation for fine payments (defendants could pay for multiple charges at one location) and working with community organizations to assist defendants with the re-licensing process.

Impound and Re-Licensing Summary

Impound and re-licensing programs have shown success in reducing the number of DWLS 3 filings, warrants and jail days as well as reducing future recidivism. Program components include:

- time payment agreements
- community service alternatives to fines
- minimize increased fines due to impound
- assist drivers in re-instating driver's licenses
- impound as a sanction, focus on getting their vehicles returned quickly to avoid additional fines

Impound can be used as a successful sanction for DWLS 3 offenders but must be carefully designed to avoid increasing the financial burden of the offenders. By minimizing jail usage further and assisting offenders in establishing a realistic plan to pay off their fines, re-instate their licenses and get their vehicles back, impound and re-licensing programs can be effective in addressing the problem of DWLS 3 cases.

RECOMMENDATION # 3-A

Local jurisdictions should implement re-licensing programs that may include but need not require use of vehicle impound as a sanction.

The Misdemeanor Workgroup recommends implementation and expansion of DWLS 3 re-licensing programs. Assisting defendants with the process of re-licensing has proved to be successful in increasing revenue collection and the number of licensed drivers while reducing

¹⁵ Relicensing Project Press Release- <http://www.metrokc.gov/KCDC/dwls3pr.htm>

recidivism and jail use. Re-licensing programs should be expanded to include an in-custody component for defendants serving time in the King County Jail.

RECOMMENDATION # 3-B

Prosecutors in jurisdictions that chose to implement impound as a sanction are encouraged to dismiss the associated DWLS 3 charges at first appearance if it is the driver's first impound-related dismissal.

RECOMMENDATION # 3-C

Prosecutors, police and courts should coordinate the filing, processing and prosecution of DWLS and NVOL cases along with any associated traffic infractions to ensure that the criminal citations are filed in close proximity in time and that prosecutions of both the citation and infraction occur simultaneously.

City of Seattle Process-

In Seattle, when a police officer stops a person for a traffic violation and discovers the driver has a suspended license, the police officer will issue a traffic citation for the violation and file a criminal citation for the DWLS with the court. Seattle Municipal Court has a process that identifies and matches the criminal citation and any associated infraction. This allows the defendant and the court to deal with both matters at the same time, thus reducing the potential for subsequent warrants.

King County Process-

In King County, when a person is cited for a traffic infraction the person is not charged with the criminal violation at the same time; the Prosecutor's Office files the criminal charge at a later date. The criminal charge may be filed several months after the police officer issued an associated traffic infraction. Some defendants charged with a DWLS 3 who respond to the infraction fail to appear for the court hearing on the criminal complaint. If the police filed the criminal citation with the court at the same time as the infraction, it would reduce delays and the potential for subsequent bench warrants.

Ensuring simultaneous prosecution of DWLS and related infractions can reduce the potential for a subsequent warrant to be issued for DWLS cases. This can be achieved in a number of ways. First, prosecutors may allow police to "direct file" DWLS and NVOL citations along with associated infractions, so that the cases can be combined. Courts may establish a process to identify and match criminal citations with related infractions so that they can be tracked together. Coordination may also be achieved without "direct filing," so long as prosecutors establish minimum time frames within which DWLS citations are reviewed and charged, to ensure that citations are not filed too long after the infractions. Courts may then identify and match the citations and infractions to ensure joint hearings and prosecutions.

RECOMMENDATION #4

IMPROVE INFORMATION SHARING TECHNOLOGY SOLUTIONS

These technology recommendations are designed to improve sharing information between the jail, courts and law enforcement agencies throughout King County in the current systems environment. The primary focus is to improve the overall system for entering warrants and locating warrants for defendants while they are still in the custody of the King County Jail or other jails.

King County Warrant Entry and Notification

In 2000, there were more than 60,000 bookings into the King County Jail. There were 106,000 charges associated with these 60,000 bookings and 51% of these had at least one warrant associated with the booking event. These bench warrants issued by the court can be located at any time during the inmate's custody. Locating the bench warrant depends on a number of different factors including: when the warrant was signed by the judge, when the warrant was filed, and when the warrant was entered into the Washington Crime Information Center's (WACIC) computerized data base of wanted persons. Once the warrant is entered into WACIC, it depends on how frequently the jail staff check WACIC for any open warrants for defendants who are in custody.

The Problem-

When an inmate is booked into the King County Jail, the booking officer checks WACIC for any outstanding warrants. However, while the inmate is in jail, a new warrant may be issued for the person's arrest because the agency requesting the warrant is unaware the defendant is in jail (warrants are automatically entered into WACIC without a check to see if the defendant is in jail). After booking, jail staff generally will not check for new warrants until they begin the procedures for the inmate's release. Jail staff estimate that they discover new warrants at the time of release for almost 1 out every 15 to 20 of the inmates. If a new warrant is discovered, the inmate can not be released until the warrant is resolved.

If there was a way to systematically check whether a defendant was in-custody before issuing the warrant, the warrant could be served while the person is in custody. The defendant could then go to court on the new warrant while still in-custody instead of waiting until he was being processed for release. Warrants cost everyone – courts, prosecution, police, jail – a lot of time, trouble and money.

RECOMMENDATION # 4-A

Evaluate the feasibility of using technology to check whether a defendant is in a jail in King County or in other jurisdictions in Washington prior to issuing a warrant.

There is a need to be able to check whether a person is in custody in all the jails in King County prior to issuing a warrant. Several police agencies use the WIRE system to share

information. A workgroup comprised of police, court and technology staff should be formed to review the feasibility of using WIRE or other systems to share information on warrants and jail bookings. It would also be helpful to know if a defendant is in custody in a jurisdiction outside King County. A broader workgroup, perhaps through the Administration of the Courts (AOC), should be established to look at this issue statewide.

RECOMMENDATION # 4-B

Create a computer program that identifies defendants who are currently in custody in a King County Jail and who appear on the District Court and Seattle Municipal Court warrant file.

Recommendation #4-B focuses on developing a systematic way to check if a defendant is in-custody in a King County Jail. It is a more limited fix until a system that could check all the jails in the County or in the state is in place. The recommendation is to develop a program that will match the warrants in WACIC with defendants who are in jail and to then generate a report that shows those persons who are in both data bases. The warrants could then be served on the defendants while they are in jail. Such a program would enable the defendant to get to court on the new warrant while still in-custody instead of finding out about the warrant when the defendant is being processed for release.

RECOMMENDATION #5: REVISE PRETRIAL PROCESSING PROCEDURES

The Pretrial Process

The pretrial process for misdemeanors involves various steps and decision-making points. The in-custody process begins with the law enforcement agency arresting and booking a person into the King County Jail and ends with a decision by Court Services or a judge on whether or not to release the person pretrial. The earlier the decision to release pretrial is made, the more impact it will have on average length of stay (ALOS) and average daily population (ADP). Figure 14, on page 36, outlines the misdemeanor pretrial process.

Admissions, ADP and ALOS

The jail's ADP is affected by two variables: the number of admissions and the average length of stay. Any increase or decrease in these two variables will impact the jail population. On average, 1,700 to 2,000 pretrial misdemeanants are booked into the King County Jail every month. On average they stay in jail 6.9 days. Table 13 shows that since 1992, the number of admissions for pretrial misdemeanors has steadily decreased while the ALOS and ADP have increased.

The overall number of pretrial misdemeanant bookings decreased by more than 500 bookings per month between the years 1992 and 2001 (from 2,262 bookings per month in 1992 to 1,689 bookings in 2001). The ALOS of pretrial misdemeanors increased from 3.9 days in 1992 to 6.9 days in 2001. During this same time period the average daily population (ADP) of pretrial misdemeanants housed in the King County Jail increased from 266 inmates in 1992 to 311 inmates in 2001 (an increase of 45 inmates). Table 13 illustrates these changes.

Table 13

King County Jail Misdemeanant Activity 1992-2001									
	1992			2001			Changes		
	Admissions	ALOS	ADP	Admissions	ALOS	ADP	Admissions	ALOS	ADP
Pre-Trial	2,262	3.9	266	1,689	6.9	311	-573	3.0	45
Sentenced	755	14.8	390	862	20.0	575	107	5.2	185
Total	3,017	6.61	656	2,551	10.56	886	-466	3.94	230

Average Length of Stay-

The ALOS of pretrial misdemeanors increased 46% between 1992 and 2001. This increase has had a significant impact on the overall jail population and the costs for jail services paid by King County and its contracting cities.

- At the current rate of 1,689 admissions per month for pretrial misdemeanors, 56 inmates are added to the jail's population for each additional day an offender remains in custody. This is nearly equivalent to one housing unit at the Regional Justice Center (RJC).

- For each additional day ALOS increases for misdemeanor offenders, there is an increase of almost \$1 million in jail service fees billable to contracting agencies annually.

The percentage of pre-sentence misdemeanants released in 0-3 days dropped from 91.4% in 1992 to 86.7% in 2000 with a corresponding increase in those released within 4-10 days. The shift of people from the 0-3 day cohort to the 4-10 day cohort suggests that some of the increase in pre-sentence LOS is due to increased processing time.

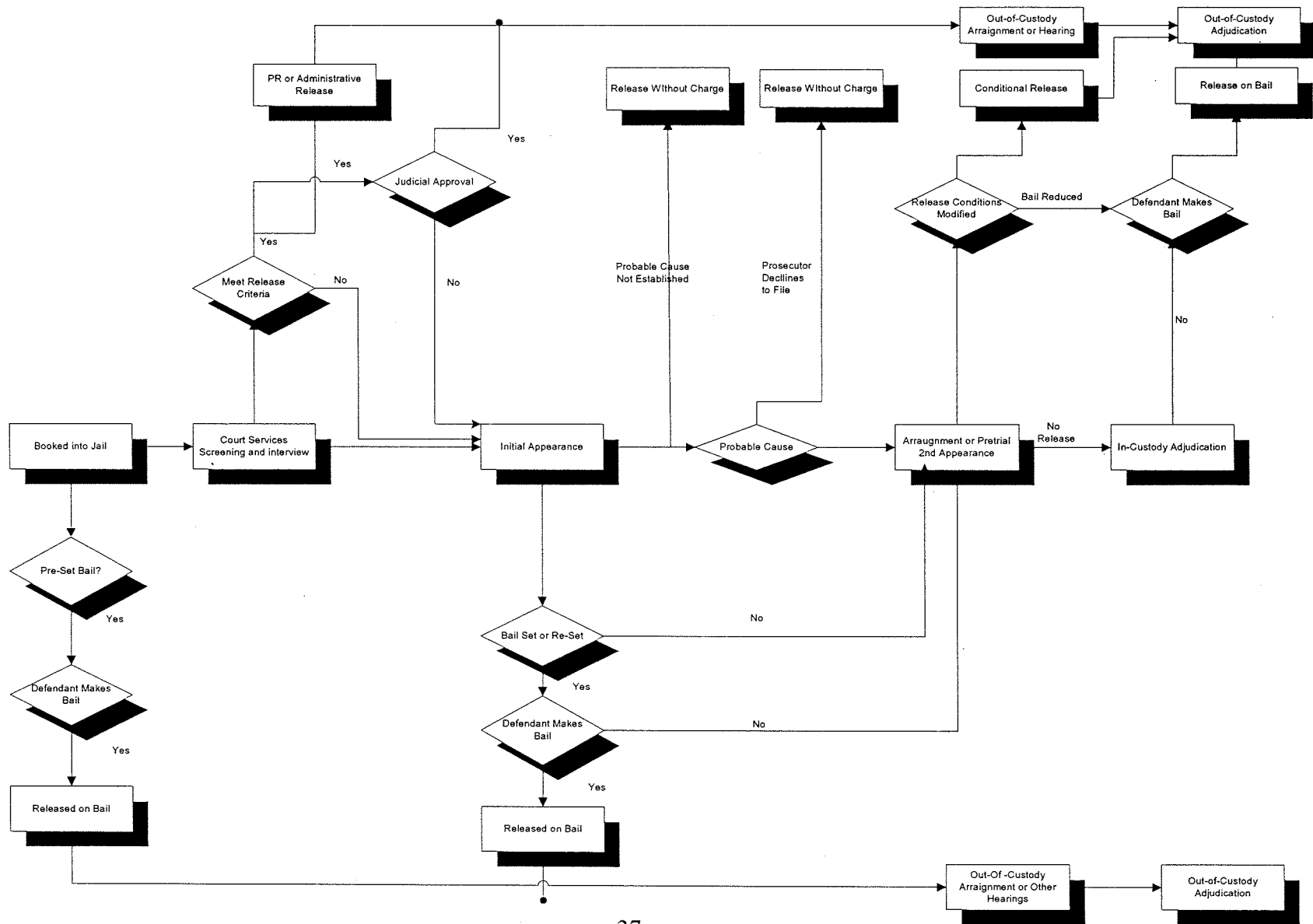
Factors Affecting Length of Stay

A number of factors may contribute to the increase in the length of stay for the misdemeanor pretrial population. They include:

- Incorporations/Annexations of cities (which result in an increase in the number of law enforcement agencies and municipal courts)
- Increase in the number of defendants who are ineligible for pretrial release under Court Services criteria
- Increase in the number of defendants who could not make bail
- Increased access to information about the detainee that may influence pretrial release decisions

Regardless of which factors influence the pretrial release decision, the increase in the amount of time it takes for the decision on whether or not to release a defendant is increasing the jail population. The Misdemeanant Group discussed a number of issues related to these factors and how they contribute to delay in the release of defendants pretrial.

Misdemeanant Adult Offender Case Processing-PreTrial



Incorporations/Annexations-

Over the past decade, ten new cities have incorporated within King County (see Table 14). These cities now provide their own police services either through contract with the King County Sheriff's Office or have formed their own law enforcement agency. In addition to providing their own police services, several jurisdictions have created their own municipal courts, while 16 other cities contract with the King County District Court for court services. 11 cities that use the King County Jail have municipal courts: Auburn, Bothell, Des Moines, Duvall, Federal Way, Kirkland, Lake Forest Park, Renton, SeaTac, Seattle, and Tukwila.

Table 14
Incorporations Since 1990

City	Date	Population	Court
Federal Way	Feb, 1990	67,304	Federal Way
SeaTac	Feb, 1990	22,694	SeaTac
Burien	March, 1993	27,610	KCDC-Southwest
Woodinville	March, 1993	8,800	KCDC-Northeast
Newcastle	October, 1994	7,751	KCDC-Renton
Shoreline	August, 1995	48,600	KCDC-Shoreline
Covington	August, 1997	12,800	KCDC-Aukeen
Maple Valley	August, 1997	10,980	Enumclaw
Kenmore	August, 1998	16,900	KCDC-Northeast
Sammamish	August, 1999	29,400	KCDC-Issaquah

Prisoner Transports to Outlying Courts-

While first appearance hearings are held every day, not all courts hold in-custody calendars for subsequent hearings on a daily basis. Consequently, after the initial court appearance, defendants arrested on charges filed in these courts may wait several days before they appear again before a judge. Prisoner transports to the outlying courts for municipal cases are usually handled by the law enforcement agency for the particular city.

The King County District Court and the municipal courts must work closely with jail staff and numerous law enforcement agencies to schedule prisoner transport to courtrooms located outside of the Regional Justice Center (RJC) and the King County Courthouse. Cases are prioritized for defendants who have multiple misdemeanor charges or pending felony matters. The difficulty in scheduling and transporting prisoners to these outlying courts is further complicated by the significant increase in the number of suburban city bookings over the past decade. The number of suburban city bookings (excluding Seattle, Washington State Patrol (WSP) and King County Sheriff) have increased 196%, from 3,700 to 10,700 (19 additional bookings per day).

Improved Information-

Improved access to information on persons who are booked into jail may also contribute to fewer pretrial releases authorized by Court Services' personnel. Due to improvements in technology, Court Services has easier access to information such as: whether a detainee has an alias, outstanding warrants, a criminal record and the number of bench warrants previously issued for failing to appear.

Recommendations

Three main areas for improvement were discussed by the workgroup related to the pretrial process. The improvements were developed with the goal of reducing the time it takes for a court to make the pretrial release decision. The recommendations include:

1. Increase the number of in-custody first appearance hearings held at the Regional Justice Center and the King County Jail either through video or through special agreements.
2. Consolidate first appearance hearings for defendants who have multiple misdemeanor cases.
3. Improve the scheduling of prisoner transports to outlying courts.

RECOMMENDATION # 5-A

Increase the number of in-custody first appearance hearings held at the Regional Justice Center (RJC), the King County Courthouse or municipal courts either through video or through special agreements.

The sixteen cities that contract with the King County District Court for municipal court services currently account for approximately 37% of all pretrial misdemeanor admissions. Seven of the cities conduct at least one in-custody initial appearance hearing at the RJC or the downtown jail (KCCF). The in-custody first appearance hearings for the remaining nine cities are conducted at one of the outlying divisions of the District Court (see Appendix E).

Reducing the length of time an inmate remains in custody awaiting transport to an outlying court may be accomplished by increasing the number of in-custody hearings held at the RJC or King County Courthouse. This can be accomplished in three ways:

1. Video proceedings;
2. Establish agreements between the cities and the county for handling in-custody first appearance hearings; or
3. Establish agreements among cities and the county to allow the first court to hold a first appearance for a defendant with multiple charges to also hold any other first appearances on other jurisdictions' charges.

Video Proceedings-

Video proceedings are currently available at the RJC and could be expanded further. The logistics in transporting prisoners result in most of the outlying courts scheduling their in-custody hearings between 11:00 a.m. and 1:30 p.m. It is virtually impossible to transfer a prisoner to more than one court location on the same day due to the time involved in transporting prisoners and because the prisoner is in the custody of a particular city's officer. Video proceedings would enable the prisoner to have multiple first appearance hearings on cases from several jurisdictions on the same day. The video calendar currently has time available to hear more cases with the existing equipment. Please see Appendix F for additional information on video arraignment.

Establish agreements between the cities and King County-

King County and the contracting cities could also enter into agreements for handling the first appearance (bail hearings) at either the King County District Court's Aukeen Division (in the RJC jail courtroom) or at the Seattle Division (the downtown jail courtroom).

Pretrial detention time can be reduced if more first appearance hearings on city-filed cases were handled in one of the jail courtrooms at the RJC or King County Courthouse. In order to accomplish this, an agreement would be needed between the cities and King County to allow first appearance hearings for city cases to be heard in the Aukeen or Seattle District Court jail courtrooms. Logistical issues such as provisions for prosecutors and public defenders must be addressed to establish such an agreement.

It may be more difficult to handle subsequent hearings in this manner. Prisoners are transported to outlying courts because the city prosecutor handling the case and the court's files are located in the court where the case was filed. Also, most cities contract with public defender law firms located in the city that filed the case. Consequently, it is difficult to hold a hearing other than a first appearance hearing outside of the court where the case was originally filed.

Approximately 14% of the misdemeanor bookings have misdemeanor charges from more than one jurisdiction. Agreements could be established allowing whichever court is the first to hold a first appearance hearing for an in-custody defendant, with charges from multiple jurisdictions, the ability to conduct the first appearance for the charges from the other jurisdictions as well.

For example, a defendant arrested by the City of Kent and held in the Kent jail would have a first appearance in the Kent municipal court. If that defendant also had other pending charges or warrants from other jurisdictions, a multi-city agreement could allow the Kent municipal court to hold the first appearance hearings for those other jurisdictions, which would facilitate a faster decision as to whether or not to release the defendant from jail as to all charges, rather than keeping the defendant in jail awaiting transport to other courts.

RECOMMENDATION # 5-B

Improve the method and protocol for scheduling outlying court first appearance hearings.

The second sub-recommendation is to improve the method and protocol for scheduling outlying court first appearance hearings. The current method for scheduling court transports for the outlying courts is a manual operation which depends on receipt and delivery of batched reports transmitted to the individual courts via fax each morning. The court staff must review the report that includes all booking activity from the previous day and from that report prepare a transport list for the next day.

This system has at least a one-day delay from the point of booking already built into the schedule. To improve the current system, an automatic court notification procedure similar to what is already programmed for use by the Seattle Municipal Court could be established.

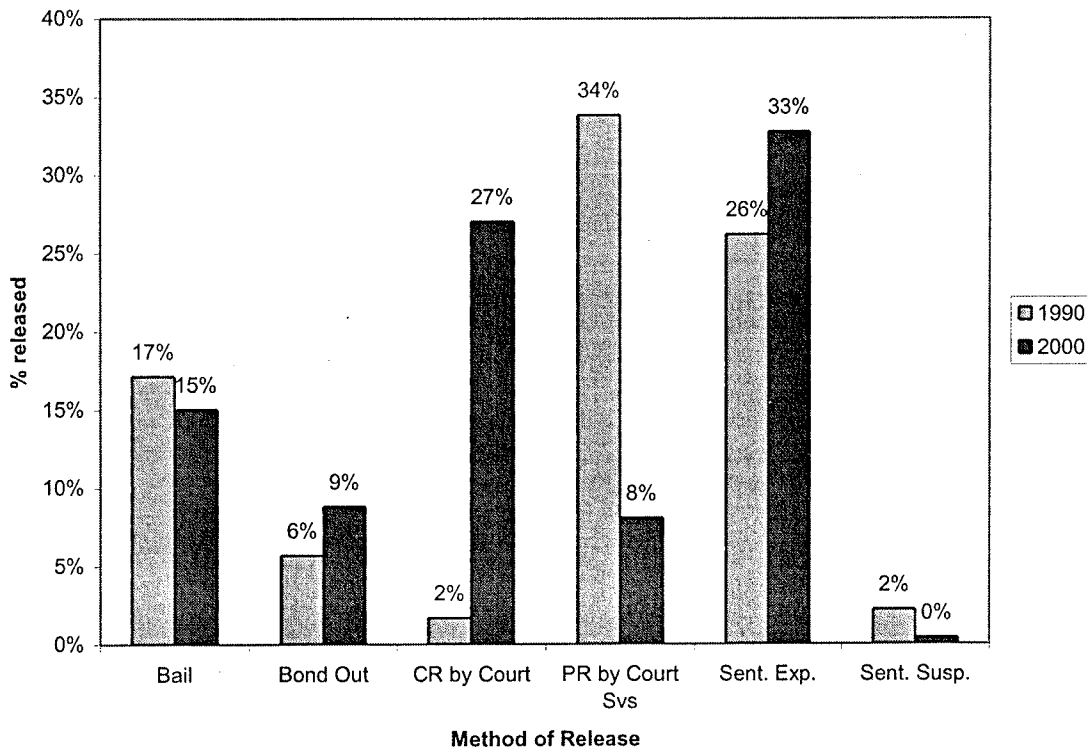
The court would receive a printed or electronic notification with the defendant's time of booking in the King County Jail. This procedure would decrease the delay between booking and court scheduling and possibly increase the number of charges that are administratively handled by the court earlier in the process.

Extending the cutoff time for next day appearances is another potential efficiency that may be explored when the system becomes less reliant on the batch report/manual notification process. Under the current system, county jail staff and court staff use information reported in booking recap reports to prepare the first appearance calendar. The booking recap report currently includes the charge(s) on the bookings that occur before 1:30 a.m. By expanding the cutoff time to 4:00 a.m., more defendants would be able to appear for preliminary hearing immediately after booking.

Summary

The major benefits of these ideas is to minimize the delay in case processing time and reduce the amount of time that defendants are in custody. The need for these recommendations is given added weight by the fact that the method of release has changed significantly over the past ten years. In 1990, 34% of defendants were released on PR by Court Services staff and 2% were given a conditional release by a judge. In 2000, these numbers had reversed: 8% of defendants were released by Court Services staff and 27% were released by a judge. On average, those released by Court Services staff are released 1 – 2 days earlier because of the transport time it takes to bring a defendant before the judge.

Figure 15
% of Misdemeanants Released by Type of Release: 1990-2000



RECOMMENDATION # 6 EVALUATE CHANGES IN PRETRIAL RELEASE

Court Services staff employed by the King County Department of Adult and Juvenile Detention (DAJD) have limited authority from the court to release persons who are booked into jail. An integral role in the early stage release process is release by court services staff on personal recognizance (PR).

Over the past ten years, PR as the method of release has decreased significantly for the pretrial misdemeanor population (see Table 15). A review of the method of release for the bookings that occurred between in 1990 and 2000 shows a significant decrease in the number of inmates released by the King County court service's staff and City of Seattle probation staff under the general authority of the court.

As illustrated in Table 15, the number of inmates released on personal recognizance (PR) by Court Services has decreased from 34% of releases in 1990 to 8% of the releases in 2000. In contrast, 2% of inmates had a conditional release (CR) granted by the court in 1990 compared to 27% in 2000. The total percentage of persons booked and released by PR or CR has remained unchanged - about 35% of the total misdemeanor population. However, on average, those released by PR are released 1 to 2 days sooner than those released under CR by the courts because of the time that it takes to bring the person before a judge.

Table 15
Method of Release- Pretrial Misdemeanants: 1990-2000

<i>Method of Release</i>	1990		2000		% Change 1990-2000
	N	% of Release	N	% of Release	
Bail	6,058	17%	5,353	15%	-12%
Bond Out	2,010	6%	3,133	9%	56%
Conditional Release by Court	595	2%	9,621	27%	1517%
Personal Recog Release by Court Services	11,955	34%	2,873	8%	-76%
Sentence Expired	9,259	26%	11,675	33%	26%
Suspended Sentence	775	2%	144	0%	-81%
Total	35,330	87%	35,611	92%	1%

Note: this table only shows the major release categories.

Changes in Jail Bookings

The shift in methods of release over time may be explained by a number of factors including: increase in court services workload and changes in how domestic violence defendants are processed. These factors may shift the interview priority, increase the overall workload and decrease the number of actual releases.

Increase in Court Services Workload and Information-

The number of felony investigation bookings increased by more than 54% between 1990 and 2000 (891 per month in 1990 to over 1400 per month in 2000). According to the guidelines established by court services, potentially releasable persons are interviewed first, then felony investigations, and then misdemeanors. Since felony investigation bookings are under the jurisdiction of the King County Prosecutor, King County staff conduct these interviews. The increase in felony investigation bookings has increased the number of persons court services can interview.

PR release decisions and recommendations are made following an interview with the person, reference checks and criminal history checks. Increased access to data systems has resulted in the availability of more complete information about defendants resulting in fewer releases. Currently, the decision to release is based on more extensive information than it was in the early 1990's. Most of these improvements occurred in the mid-1990s as a result of the work completed by the Regional Criminal Records Committee.

Increase in the Number of Domestic Violence Bookings-

Misdemeanor domestic violence bookings increased 15% from 1990 to 2000 (see Table 16). Along with the increase in bookings, changes were instituted in the general release authority criteria pertaining to the release of individuals charged with offenses involving domestic violence. The changes in the criteria have resulted in a decrease in the number of domestic violence defendants released on personal recognizance (PR).

In 1990, more than 49% of defendants booked on domestic violence (DV) related charges were released on PR by King County court services or SMC staff (see Table 16). In 2000, less than 2% of persons booked on a DV related offenses were released on PR.

This shift reflects a change in policy by courts and prosecutors due to increased concerns over issues of domestic violence. It is presented here as a factor which helps explain the decrease in PR releases.

Table 16

Misdemeanant DV Related Offenses			
	# of Bookings	# Released on PR	% Released
1990	3,916	1,944	49.6%
2000	4,515	71	1.6%

Changes in Release Authority-

It was initially thought that the increase in the number of municipal courts might have affected the general release authority for the defendants who were formerly the responsibility of the King County Sheriff's Office but this does not appear to be the case. A review of the municipal courts' pretrial releases indicate that only five of the city courts do not give jail

court services staff the authority to PR release pretrial misdemeanants. All other courts give court services staff the authority to release pretrial misdemeanants on PR.

RECOMMENDATION # 6

Evaluate and consider revising the standard interview form.

Judges use different types of information to make detention/release decisions for defendants. Court Services in conjunction with the courts, should review the current interview forms and identify what information is needed for the release decision on various types of offenses. The courts need to establish what information is considered essential information to be collected by court services and what, if any supplemental information is needed to help judges set conditions of release.

RECOMMENDATION # 7

DEVELOP MULTI-JURISDICTIONAL IMPLEMENTATION GROUPS

Summary-

King County is currently faced with a growing jail population, limited community programs, increasing costs associated with the criminal justice system and diminishing fiscal resources. The Adult Justice Operational Master Plan Misdemeanant Workgroup, with representatives from the County, Seattle, suburban cities and various agencies, worked together for nearly a year examining the current misdemeanor criminal justice process in King County and identifying areas in which the current process may be improved.

The King County misdemeanor criminal justice system is complex and fragmented. Cooperation and communication between multiple agencies are essential to efficient system processing. The Misdemeanant Workgroup benefited greatly from coming together to share and understand how their various experiences interweave with other participants in the system.

The group focused on various events over the years that may have caused an increase in the jail population. From this analysis, it identified areas in which the current process may be improved. Through hours of hard work and dedication the group gained a sense of how the current system works and identified areas in which the process could be improved.

Why Implement?

The recommendations set forth by the Misdemeanor Workgroup are provided in the context of the current budgetary climate of King County. Implementation is essential in order to slow the growth of King County's jail population and decrease associated costs to cities and departments.

The Recommendations:

- Decrease workloads and minimize the effect on strained budgets of multiple agencies
- Reduce use of jail
- Strengthen a system that can be confusing to defendants
- Some are simple and relatively easy to implement while others require systematic changes that in the long run will benefit multiple agencies and jurisdictions

RECOMMENDATION # 7

Convene Implementation Workgroup(s).

A city-county workgroup(s) should be convened to further refine and implement the recommendations contained in this report. Some of the recommendations, like FTA reduction strategies and re-licensing programs, may simply require providing local jurisdictions with the information they need to implement these programs. Other recommendations, like improving the technology systems to check a defendant's custody status prior to issuing a warrant, will require long-term cooperation between jurisdictions.

The Implementation Workgroup(s) should first review the ease of implementation and associated effect on the jail population. Based on that information, the workgroup should prioritize the recommendations for implementation. It may also want to establish sub-groups to work on particular recommendations.

APPENDIX A

MISDEMEANANT WORKGROUP MEMBERS

- *Co-Chair* - The Honorable Jean Rietschel, Presiding Judge, Seattle Municipal Court
- *Co-Chair* - The Honorable Janet Garrow, King County District Court, Bellevue Division

- Sergeant Troy Bacon, Department of Adult and Juvenile Detention
- Sergeant Kent Baxter, Field Operations Sergeant, Woodinville Police Department
- Jennifer Chan, Strategic Advisor for Public Safety, Strategic Planning Office, City of Seattle
- Chief Ed Crawford, Kent Police Department
- Clif Curry, Legislative Analyst, King County Council
- Chief Jan Deveny, Mercer Island Police Department
- Sergeant Lis Eddy, Seattle Police Department
- Frank Fleetham, Corrections Program Administrator, King County Department of Adult and Juvenile Detention
- Anne Friedlander, Budget Analyst, City of Seattle
- Chief Dag Garrison, Issaquah Police Department
- Robert Hood, Criminal Division Chief, Seattle City Attorney's Office
- Roycee Ishii, Program Analyst, King County Office of Public Defense
- Sergeant Shawn Ledford, King County Sheriff's Office
- Mary Lewis, Director of Court Services, Seattle Municipal Court
- Floris Mikkelsen, Supervisor, Misdemeanor Division, The Defender Association
- Margaret Nave, Chair, District Court Unit, King County Prosecuting Attorney's Office
- Steve Nolen, Senior Policy Advisor, King County Executive Office
- Glenn Phillips, Commissioner, Kent Municipal Court
- Tandra Schwamberg, Probation Manager, Probation Division, City of Bellevue
- Lois Smith, Project Specialist, Seattle Municipal Court
- Bob Sterbank, City Attorney, City of Federal Way
- Deanna Strom, Program Analyst, King County Department of Juvenile and Adult Detention
- Eric Swansen, Management Analyst, City of Shoreline
- Chris Womack, Corrections Program Supervisor, King County Department of Juvenile and Adult Detention

AJOMP Team

- Catherine Cornwall, Adult Justice Operational Master Plan
- Jim Harms, Adult Justice Operational Master Plan
- Toni Rezab, Adult Justice Operational Master Plan
- Kate Tylee, Adult Justice Operational Master Plan
- Mike West, Adult Justice Operational Master Plan

APPENDIX B

SUMMARY OF MISDEMEANANT WORKGROUP RECOMMENDATIONS

RECOMMENDATION # 1: IMPLEMENT FAILURE TO APPEAR (FTA) REDUCTION STRATEGIES

- Obtain accurate contact information from defendants.
- Update defendant contact information regularly. Share information with relevant agencies and jurisdictions
- Check defendant's custody status prior to issuing a bench warrant.
- At time of arrest, provide defendants with information on the importance of attending court and the court's address and phone number
- At time of release, provide defendants with the specific date, time and location of their next required court appearance.
- Call defendants prior to their scheduled court date.
- Prioritize placing calls for commonly held hearings and charge types with high warrant rates.
- Focus on DWLS cases.
- If possible, place reminder calls on weekends.

RECOMMENDATION # 2: ESTABLISH ALTERNATIVE SANCTIONS FOR THE FAILURE TO COMPLY (FTC) POPULATION

- The criminal justice system should work towards developing alternative sanctions for offenders who do not with comply with sentencing conditions.

RECOMMENDATION # 3: ESTABLISH COMMUNITY RE-LICENSING PROGRAMS FOR DEFENDANTS CHARGED WITH DRIVING WHILE LICENSE SUSPENDED (DWLS 3)

- Local jurisdictions should implement re-licensing programs that may include, but need not require, use of vehicle impound as a sanction.
- Prosecutors in jurisdictions that chose to implement impound as a sanction are encouraged to dismiss DWLS 3 charges at first appearance if it is the driver's first impound-related dismissal.
- Prosecutors, police and courts should coordinate the filing, processing and prosecution of DWLS and NVOL cases along with any associated traffic infractions to ensure that the

criminal citations are filed in close proximity in time and that prosecutions of both the citation and infraction occur simultaneously.

RECOMMENDATION # 4: IMPROVE INFORMATION SHARING TECHNOLOGY SOLUTIONS

- Evaluate the feasibility of using technology to check whether a defendant is in a jail in King County or in other jurisdictions prior to issuing a warrant.
- Create a computer program that identifies defendants that are currently in-custody in a King County jail who also appear on the District Court and Seattle Municipal Court warrant file.

RECOMMENDATION # 5: REVISE PRETRIAL PROCESSING PROCEDURES

- Increase the number of in-custody first appearance hearings held at the Regional Justice Center (RJC), the King County Courthouse or municipal courts either through video or through special agreements.
- Improve the method and protocol for scheduling outlying first appearance hearings.

RECOMMENDATION # 6: EVALUATE CHANGES IN PRE-TRIAL RELEASE

- Evaluate and consider revising the standard interview form.

RECOMMENDATION # 7: DEVELOP MULTI-JURISDICTIONAL IMPLEMENTATION GROUP

- Convene an Implementation Workgroup.

ADDITIONAL WORKGROUP RECOMMENDATIONS:

The Misdemeanor Workgroup also discussed the following ideas. The Implementation Workgroup should review and consider for implementation the items listed below.

- **EXPEDITE PRE-TRIAL PROCESSING TIME**
 - Earlier notification to the court when someone is booked into jail so that the person can be scheduled for court.
 - Consider extending the cutoff time after booking to assign cases to same day calendar.
 - Courts should coordinate and where possible consolidate selected cases (DWLS/NVOL) within selected municipal/district courts.
 - Seek improvements in concurrent prosecution of misdemeanor/felony offenses.
 - Improve the processes for resolving misdemeanant matters for DOC bound offenders.
 - Improve the current process for serving misdemeanant warrants on in-custody felons.

- Crisis Triage Units should be established in south and east King County.
- Train other police agencies that book in the King County Correctional Facility to use the Crisis Triage Unit.

- **STANDARDIZE PR AUTHORITY FOR SELECTED OFFENSES**
 - Standardize the collection, verification, and analysis of information provided by court services staff to the court so that it is pertinent to the release and supervisory decision.
 - Establish release criteria based upon objective criteria.
 - Use delegated release authority most effectively.
 - Improve the timeliness and reliability of the data collected and provided to the court concerning pretrial custody and release recommendations.
 - Review cash only warrants and update release criteria to reflect general administrative authority granted by the courts.

- **FTC REDUCTION STRATEGIES**
 - Develop alternative sanctions for non-compliance cases that are not associated with a new criminal offense.
 - Impose the actual sentence for selected offenses without imposing the maximum jail sentence allowed. Terminate jurisdiction for selected cases following completion of the sentence imposed/served.
 - For first offenses or minor offenses, the court should consider using the least restrictive condition for those offenders that fail to comply with sentencing conditions.
 - Develop appropriate sanctions for non-compliance with release conditions using some form of sanctioning grid that establishes minimum and maximum amounts required similar to that used in Multnomah County.

- **DWLS/TOW**
 - The DAJD should work with the District Court and Seattle Municipal Court to develop an in-custody relicensing program.

- **JAIL SERVICES AGREEMENT**
 - The jail contract should be restructured to provide for an incentive for courts to order alternative confinements.

APPENDIX C

KING COUNTY COURTS OF LIMITED JURISDICTION

King County District Court		Municipal Courts	
Court Division	Contracting Cities	Court	Contracting Cities
Aukeen	Covington	Auburn	Auburn Algona
Bellevue	Bellevue Mercer Island	Black Diamond	Black Diamond
Federal Way		Bothell	Bothell
Issaquah	Issaquah Sammamish North Bend Snoqualmie	Des Moines	Des Moines
Northeast	Redmond Woodinville Carnation Duvall Skykomish	Enumclaw	Enumclaw Maple Valley
Renton	Newcastle Beaux Arts	Federal Way	Federal Way
Seattle		Kent	Kent
Southwest	Burien Normandy Park	Kirkland	Kirkland Hunts Point Yarrow Point Clyde Hill Medina
Shoreline	Shoreline Kenmore	Lake Forest Park	Lake Forest Pk
		Renton	Renton
		Pacific	Pacific
		Seattle	Seattle
		Sea-Tac	Sea-Tac
		Tukwila	Tukwila

and be more expensive to resolve. Should you fail to show up for a scheduled hearing the following things may happen:

- The judge may issue a warrant for your arrest.
- When you are arrested you may be booked into jail.
- You may be required to post bail and/or appear before a judge before you are released from jail.
- The judge may decide to increase your bail and/or keep you in jail until your case goes to trial or is otherwise resolved.
- If you post bail and fail to appear at a future hearing the judge can order that your bail money be kept by the court and it will not be returned to you at the conclusion of your case.

CHANGE OF ADDRESS

You must keep the court advised of your current address so that the court can communicate with you by mail and provide you with notice of scheduled hearings. If you move and do not notify the court of your new address the court will not be able to send you notice of hearing dates.

YOU ARE RESPONSIBLE

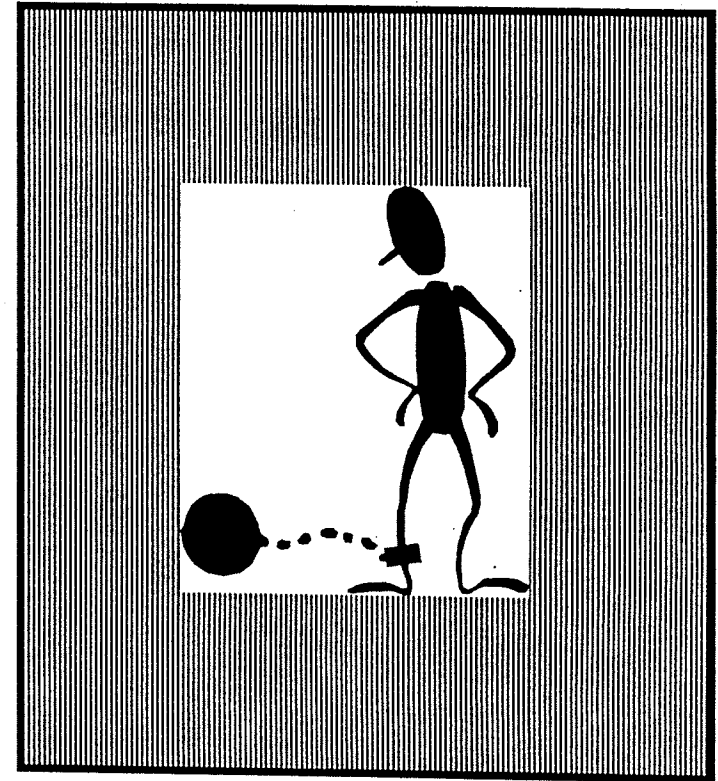
It is your responsibility, and yours alone, to advise the court of your mailing address, keep track of court dates and attend all hearings.

The court is open Monday through Friday (except holidays) from 8:30 a.m. to 4:30 p.m. The court is located at 8601 - 160th Ave. NE, Redmond, Washington.

You may contact the court at (206)-205-7023 for information about your arraignment or to update your address and/or phone number.

You may contact the court at (206)-296-3667 for driving directions and all other information.

DON'T LET THIS HAPPEN TO YOU!



City of Redmond
Police Department
and
King County District Court
Northeast Division

URGENT

To avoid unnecessary jail time, expense and delay in your case **YOU MUST:**

- Provide the police officer with correct information regarding your name, date of birth, address and phone number
- Keep the court advised of your current address
- Keep track of all court dates set in your criminal case
- Appear for all hearings set in your criminal case

PURPOSE

This brochure is designed to assist individuals charged with a criminal offense(s) by the City of Redmond. This brochure is not intended to offer legal advice. It is intended strictly to provide individuals with information on how to respond to a criminal charge that requires a mandatory court appearance.

CRIMINAL CHARGE

You are being, or may be in the future, charged with a criminal offense(s) by the City of Redmond. As a result you must appear before a judge in King County District Court, Northeast Division to resolve your case. The court staff will notify you by mail or in person of the date and time you must come to court for a hearing. **It is extremely important that you provide the police officer with correct information regarding your name, date of birth, address and phone number so that the officer can inform the court how to get in touch with you.** If you fail to provide accurate information about yourself the court will not be able to notify you of the dates when you are required to attend your hearings.

HEARING

The first hearing you will have is called an arraignment. At arraignment the judge will advise you of your rights, tell you what charge(s) have been filed against you, and ask you to enter a plea of not guilty or guilty to each charge. As a general rule, another hearing requiring your presence will be scheduled after your arraignment.

MANDATORY ATTENDANCE

It is **mandatory** that you appear for all hearings set in your criminal case. If you do not appear at hearings your case will take longer

APPENDIX E

COURT CALENDAR MATRIX - FIRST APPEARANCE ONLY

Court	Time of Day											
	900	1000	1015	1030	1100	1200	1300	1330	1400	1500	1600	1730
Aukeen Division Covington								IC-RJC Video				
Bellevue Division Bellevue Mercer Island	IC-Seattle						T T					
Federal Way Division					Municipal			IC-RJC				
Issaquah Division Sammamish Issaquah Northbend Snoqualmie	IC-Seattle IC-Seattle						T T	Video-Aukeen				
Northeast Division Redmond Woodinville Carnation Duvall Skykomish	IC-Seattle				T (DV)		T T T T T					
Renton Division Newcastle								IC-RJC Video-Aukeen				
Seattle Division Investigation Kenmore Shoreline	IC-Seattle IC-Seattle IC-Seattle								IC-Seattle			
Shoreline Division Shoreline Kenmore	IC-Seattle				See Seattle			Video-Aukeen				
Southwest Division Burien								IC-RJC Video-Aukeen				
Jail Division-RJC Investigation								IC-RJC		IC-RJC		

APPENDIX E

COURT CALENDAR MATRIX - FIRST APPEARANCE ONLY

Court	Time of Day											
	900	1000	1015	1030	1100	1200	1300	1330	1400	1500	1600	1730
Auburn Municipal												
Auburn		T										
Algona		T										
Bothell Municipal				T								
Des Moines Municipal			Video-RJC									
Federal Way Municipal										Video-RJC		
Kirkland Municipal					T							
Hunts Point					T							
Yarrow Point					T							
Clyde Hill					T							
Medina					T							
Lake Forrest Park					T							
Renton Municipal					T							
SeaTac Municipal	Video-RJC											
Seattle Municipal	IC								MHC			Night Court-IC
Tukwila Municipal				Video-RJC								

Coding Legend:

T = Transport to the Outlying Court

IC = In-Custody takes place in a courtroom located in the King County Correctional Facility or Regional Justice Center.

MHC = Mental Health Court/Calendar

Video-Aukeen = Hearings for contracting those cities that contract with the District Court for municipal court services.

Video-RJC = Hearings for contracting those cities that operate their own Municipal Court.

APPENDIX F VIDEO ARRAIGNMENT

Who Uses Video

Video arraignment in the King County Jail is provided solely from the Regional Justice Center (RJC) detention facility and is currently used for first appearances for the municipal courts of SeaTac, Federal Way, Des Moines, and Tukwila and for the District Court division of Aukeen (serving the cities of Covington, North Bend, Newcastle, Shoreline, and Burien).

Technology

The video technology was originally planned and installed during the construction of the RJC in 1996/97 and is supported by computer/phone line connections to the courts. The necessary components for video proceedings include monitors, cameras, microphones, and speakers. In addition, high-speed fax machines allow for rapid and immediate processing of any needed judicial paperwork.

Court Configuration

Depending on the court, there are a couple of different ways to configure how the court operates. In the Tukwila, Des Moines, and SeaTac courts, the judge and the prosecutor are in the courtroom, and the defense attorney is with the inmate in the jail. By comparison, in the Aukeen and Federal Way courts, the judge is in the courtroom, and both the prosecutor and the defense are with the inmate in the detention facility. Currently, video proceedings are used to conduct first appearance misdemeanor arraignments, entry of pleas, custody/bail decisions and sentencings.

Pros/Cons

Video proceedings allow for an inmate to be seen at different courts on separate matters within the same day, and may lead to increased productivity and public safety as a result of not having to process and transport an inmate to "in-person" appearances. The downside to video proceedings is the potential for a lack of private attorney-client communication between the defense attorney and the inmate, and the possible perception that defendants who are not in the physical courtroom with the judge are deprived of some essence of the court process.

Video Arraignment Study

An in-depth study on the current structure of video proceedings in King County is slated to be done during the Spring of 2001. The focus of the evaluation will include a cost/benefit analysis evaluating various options to expand the video proceedings, as well as reviewing the current operations and use of existing capacity. The evaluation will also look at who and how other agencies are using video proceedings and what outcome results have been measured.

Kent Municipal Court

Kent Municipal Court uses video proceedings for pre-trial hearings, sentencing, arraignments, bail/custody decisions, and pleas. Video proceedings are not used for any hearing in which 3rd party testimony will be given. For pre-trial and sentencing hearings, the inmate has the option of either the video proceedings or an in-person appearance. The majority of inmates choose the video proceedings due to the fact that usually the event can be heard earlier (by a day or two) than on the in-person calendar. For those that choose to be seen "in-person", the most common reason is the inmate has a hearing problem and would be better served in-person.

In Kent, both the prosecutor and the defense attorney are with the inmate in the jail facility. There are private conference rooms available for the defense attorney to confer with their client if the need arises. This arrangement also allows for an easy exchange between prosecutor and defense on any judicial or processing matters.

Video proceedings have produced some financial savings but are more of a savings of convenience. With the court within walking distance of the jail facility, there are not any vehicle transport savings. However, there are savings in processing the inmate in and out of the jail facility and a staff re-allocation due to not needing to escort the inmate to appearances.

From a technological standpoint, sound quality is one area of concern. Currently, the video proceedings are held in the jail library, and the sound is heard over a TV monitor. In this current configuration, there are not enough "direct inputs" for a dedicated sound line. Kent is working on improving the audio quality, and one possible option is to "re-mix" the current configuration to allow for better sound.