

## Criminal Justice Task Force Report

September 10, 2008

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## Appendix A

### **Pierce County Council Resolutions on Criminal Justice Task Force**

Two resolutions appear on the following pages:

- ❑ Resolution No. R2008-20s, enacted in March 2008, reestablishing the Criminal Justice Task Force.
- ❑ Resolution No. R2008-113, passed in July, changing the task force's reporting date to September 10, 2008.

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5 RESOLUTION NO. R2008-20s  
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8 **A Resolution of the Pierce County Council Reestablishing the Pierce**  
9 **County Criminal Justice Task Force to Review and Make**  
10 **Recommendations on the Criminal Justice System in Pierce**  
11 **County; Requesting the Task Force by August 1, 2008, to**  
12 **Recommend a Plan for the Council to Use in Approaching**  
13 **Decisions About a New Jail Facility; Appointing Members;**  
14 **Setting a First Meeting Date; and Establishing a Sunset Date.**  
15

16 **Whereas**, the Pierce County Criminal Justice Task Force (CJTF), as established  
17 by the Pierce County Council in Resolution No. R99-137 and re-established in  
18 Resolutions No. R2003-60s and R2005-17s, expired on December 31, 2006; and  
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20 **Whereas**, the Task Force's interdepartmental, consensus-building work and  
21 recommendations are valued by the County, and the County Council wishes to  
22 reestablish the Criminal Justice Task Force; and  
23

24 **Whereas**, since 1999 the Criminal Justice Task Force has recommended  
25 strategies to control the number of offenders in the County jail by expanding alternatives  
26 to incarceration and identifying systems improvements, and has recommended funding  
27 plans to expand the effectiveness and efficiency of multiple aspects of the criminal  
28 justice system; and  
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30 **Whereas**, the County is facing significant issues related to a burdened criminal  
31 justice system, including a jail that is reaching full capacity; stresses on County courts,  
32 prosecutors, defense, and law enforcement; limits on revenue sources; increases in  
33 certain types of criminal activity, uncertain economic times; and a variety of justice and  
34 law enforcement concerns raised by County citizens and community organizations; the  
35 Council recognizes that these criminal justice issues will prompt multiple and significant  
36 policy decisions in the next few years; and  
37

38 **Whereas**, one immediate concern is when and how the County should address  
39 the need for additional jail capacity and, at the same time, how the criminal justice



1 system can adjust to make the best use of the existing jail space and to minimize the  
2 need for more jail capacity; and

3  
4 **Whereas**, to that end, the Council is asking the Criminal Justice Task Force -- in  
5 a public process -- to review the existing system and needs, gather suggestions from  
6 those who work in the system and those affected by the system, research options by  
7 looking at other jurisdictions and best practices, study the impact and effectiveness of  
8 alternatives to incarceration, review information and test assumptions, and provide  
9 recommendations and strategies to the Council, to assure the Council has sound and  
10 complete information and analysis to evaluate jail options; and

11  
12 **Whereas**, the Council is committed to this Task Force review: the Council  
13 intends to receive the Task Force's multi-step plan and recommendations for how the  
14 County should approach any new jail facility *prior to* Council consideration of any  
15 additions to the budget or the Capital Facilities Plan related to additional jail capacity;  
16 and

17 **Whereas**, it is the Council's intent that the Task Force continue its work as  
18 described in Resolution No. R99-137: responding to Council requests for  
19 recommendations; establishing subcommittees as needed; and recommending policies,  
20 programs, legislation, and budget adjustments to the Council and Executive; and

21  
22 **Whereas**, the Council wishes to appoint members to serve on the Criminal  
23 Justice Task Force and to set a first meeting date; **Now Therefore**,

24  
25 **BE IT RESOLVED by the Council of Pierce County:**

26  
27 Section 1. The Pierce County Council hereby reestablishes the Criminal Justice  
28 Task Force to review the criminal justice system in Pierce County, and to report and  
29 make written recommendations to the Council and the County Executive. The Task  
30 Force shall present recommendations to the Council's Public Safety and Human  
31 Services Committee.

32  
33 Section 2. The Task Force shall be Co-Chaired by Councilmembers Timothy M.  
34 Farrell and Dick Muri.

35  
36 Section 3. The following individuals are hereby appointed to the Criminal Justice  
37 Task Force; County officials may appoint a designee:

- 38  
39 1. Timothy M. Farrell, County Councilmember  
40 2. Dick Muri, County Councilmember



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- 3. John Ladenburg, County Executive
- 4. Tom Larkin, Superior Court Presiding Judge
- 5. James Heller, District Court Presiding Judge
- 6. Gerald Horne, Prosecuting Attorney
- 7. Michael Kawamura, Director, Assigned Counsel
- 8. Patrick Kenney, Director, Budget and Finance
- 9. Paul Pastor, Sheriff
- 10. Rob Masko, Chief, Pierce County Jail
- 11. Matt Temmel, Performance Audit Coordinator
- 12. \_\_\_\_\_, Attorney in Private Practice
- 13. \_\_\_\_\_, Hilltop Law Enforcement Liaison
- 14. Rollie Herman, Citizen from Central Jail/Courthouse Vicinity
- 15. Jeannie Peterson, Citizen from Central Jail/Courthouse Vicinity
- 16. \_\_\_\_\_, Citizen at Large
- 17. \_\_\_\_\_, Citizen at Large
- 18. \_\_\_\_\_, Tacoma Municipal Court

Section 4. The Task Force is requested to research and analyze the various aspects of the Pierce County criminal justice system and shall by August 1, 2008, prepare a multi-step plan for how Pierce County should seek additional information and approach decisions about a new jail facility.

Section 5. The Task Force shall hold its first meeting at noon on Wednesday, March 26, 2008, and shall then establish a regular meeting time.

Section 6. The Clerk of the Council shall provide a copy of this Resolution to the individuals appointed.


Section 7. The Task Force shall sunset on December 31, 2009.

ADOPTED this 11<sup>th</sup> day of March, 2008.

ATTEST:

**PIERCE COUNTY COUNCIL**  
Pierce County, Washington

  
\_\_\_\_\_  
**Denise D. Johnson**  
Clerk of the Council

  
\_\_\_\_\_  
**Terry Lee**  
Council Chair

1 Sponsored by: Councilmembers Timothy M. Farrell and Dick Muri  
2 Requested by: Councilmembers Timothy M. Farrell and Dick Muri

File No. 51

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6 RESOLUTION NO. R2008-113  
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12 **A Resolution of the Pierce County Council Amending Resolution No.**  
13 **R2008-20s to Change the Criminal Justice Task Force**  
14 **Reporting Date to September 10, 2008.**  
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16 **Whereas**, on March 11, 2008, the Council adopted Resolution R2008-20s, which  
17 reestablished the Pierce County Criminal Justice Task Force and in Section 4 asked the  
18 Task Force to prepare, by August 1, 2008, a multi-step plan for how Pierce County  
19 should seek additional information and approach decisions about a new jail facility; and  
20

21 **Whereas**, the Task Force includes citizens and the major departments and  
22 agencies that impact or are impacted by the County jail; and  
23

24 **Whereas**, the Task Force began its task on March 26, 2008, and is now working  
25 with a consultant to help them analyze information and reach agreement on  
26 recommendations; and  
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28 **Whereas**, the Task Force finds that the August 1, 2008, reporting deadline does  
29 not provide sufficient time to prepare and reach agreement on the requested  
30 recommendations to the Council; and  
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32 **Whereas**, the Task Force requests the reporting deadline be changed; **Now**  
33 **Therefore,**  
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35 **BE IT RESOLVED by the Council of Pierce County:**  
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Section 1. Resolution No. R2008-20s, Section 4, is hereby amended: "The Task Force is requested to research and analyze the various aspects of the Pierce County criminal justice system and shall by ~~August 4~~ September 10, 2008, prepare a multi-step plan for how Pierce County should seek additional information and approach decisions about a new jail facility."

ADOPTED this 29<sup>th</sup> day of July, 2008.

ATTEST:

**PIERCE COUNTY COUNCIL**  
Pierce County, Washington

Denise D. Johnson  
**Denise D. Johnson**  
Clerk of the Council

Terry Lee  
**Terry Lee**  
Council Chair

## Appendix B

### **Members of Criminal Justice Task Force**

Timothy M. Farrell, Councilmember and CJTF Co-Chair

Dick Muri, Councilmember and CJTF Co-Chair

Connie Brown, Affordable Housing Consortium, Citizen at Large

James Heller, Presiding Judge, Pierce County District Court

Rollie Herman, Westpac Marine Services, Citizen, Jail/Courthouse Vicinity

Gerald Horne, Prosecuting Attorney

Michael Kawamura, Director, Office of Assigned Counsel

Patrick Kenney, Director, County Budget & Finance

David Ladenburg, Presiding Judge, Tacoma Municipal Court

John Ladenburg, County Executive

Mark Langford, Captain, Tacoma Police Department

Thomas Larkin, Presiding Judge, Pierce County Superior Court

Rob Masko, Chief, Corrections Bureau

Paul Pastor, Pierce County Sheriff

Jeanie Peterson, Hilltop Action Coalition, Citizen, Jail/Courthouse Vicinity

Harry S. Steinmetz, Defense Attorney in Private Practice

Matt Temmel, Performance Audit Coordinator

Ken Witkoe, Citizen at Large

#### ***Contributing County Staff***

Carolyn Pendle, Senior Legislative Analyst

Jenifer Schultz, Committee Clerk

William Vetter, Performance Audit Research Analyst

#### ***Consultant to the Criminal Justice Task Force***

Teri K. Martin, Ph.D., Principal, Law & Policy Associates, Portland, OR

## Appendix C

### **Summary of Interviews**

After being hired on contract to assist the Criminal Justice Task Force, Dr. Teri Martin interviewed most task force members in May 2008. (A few other interviews were completed later.) On June 2, she presented to the task force her summary of the interviews. The following pages include that summary and Dr. Martin's notes of the June 2 meeting.

## **Pierce County Criminal Justice Task Force Interview Summary**

by Teri K. Martin, Ph.D.  
Law & Policy Associates  
Portland, OR

This summary of themes, ideas and goals for the future was prepared based on interviews of 12 Task Force members and some of their colleagues: Judges Larkin, Heller and Ladenburg; Prosecuting Attorney Gerald Horne (with Dawn Farina and Ed Murphy of his office); Michael Kawamura; Patrick Kenney; Harry Steinmetz; Captain Mark Langford; Rollie Herman; Jeanie Peterson; Rob Masko (with Pat Kelly, Marvin Spencer, and Rich Morvel); and Matt Temmel (with Bill Vetter). Dr. Martin also has spoken with co-chairs Dick Muri and Tim Farrell. Still pending are interviews with Sheriff Pastor, Ken Witkoe and Connie Brown.

Topics summarized parallel the questions asked of interviewees. Some interviewees posed questions for consideration by the CJTF that are included at the end of the summary – this should be viewed as a starter list that the CJTF may wish to expand.

The statements below are paraphrasings of opinions and ideas offered by interviewees, presented without comment or qualification by the consultant. They are intended to serve as discussion starters, not as findings of fact. By discussing these statements, the CJTF can clarify the important assumptions stakeholders are making, question or affirm them as appropriate, and prioritize direction(s) for further inquiry and effort.

### **System Strengths**

1. County criminal justice agencies are able to communicate regarding their day-to-day work through a variety of mechanisms, including, for example, the Law & Justice Committee, and monthly meetings of the jail services group, the Criminal Procedures Committee, and the Superior Court judges.
2. Local law enforcement agencies are dedicated professionals who work well with one another, with citizens, and with the Prosecuting Attorney.
3. The Corrections Bureau has stable leadership that has maintained a safe, uncrowded jail environment and a relatively low staff turnover rate in comparison to national averages.
4. There are citizens who care about reducing crime in their neighborhoods through both prevention and intervention, and who are willing to invest time and energy in this work.
5. The court system demonstrated its capacity to make system changes in its reshaping of the juvenile justice system, which reduced reliance on secure detention and implemented restorative justice principles.

6. The JMI report provided momentum for instituting changes in court case processing that are intended to reduce both the case backlog and the average length of stay of pretrial felons in jail.
7. Prosecution and defense lawyers operate expedited disposition units that are able to resolve a large number of cases early.
8. There are several non-jail programs that can serve as the basis for an expanded menu of pretrial and post-trial supervision and treatment options.
9. Leaders in the criminal justice system are willing to acknowledge issues and to work on resolving them.
10. The current funding crunch may spur creativity and enhance the cost-effective use of resources ("it make us think before we build more jail space").

### **Priority Steps for Managing Jail Population**

1. Continue to implement more efficient court case processing and backlog reduction and monitor progress toward goals.
2. Develop system-wide consensus on police citation and pretrial release criteria, organizational and staffing requirements, and a continuum of supervision and notification options that will minimize FTAs and re-offending by releasees.
3. Develop alternative methods for police to obtain positive identification of those arrested for minor offenses, e.g., kiosks at police department locations, expanding capacity of police car on-board computer systems.
4. Ensure the cost-efficiency of the jail intake / booking process through appropriate staffing, streamlined processes and well-designed intake areas.
5. Expand the continuum of local sentencing options (including expanding capacity of existing programs and adding new ones), particularly for felons with sentences of less than one year, including greater attention to options that are likely to reduce recidivism and promote successful re-entry into the community.
6. Provide sufficient jail bed space for those who must be jailed to:
  - a. protect the public,
  - b. assure appearance at court,
  - c. hold offenders accountable, and
  - d. sanction violators of conditions of community-based pretrial and sentencing options.

7. Create ongoing, objective monitoring of agreed-upon system performance measures by an oversight committee or body to ensure accountability and transparency for all criminal justice partners.
8. Involve community, with appropriate public information and engagement efforts, in setting priorities for the use of jail and other resources.

### **Barriers / Challenges**

1. There is no formal agreement and insufficient communication between the Pierce County Corrections and local police departments regarding SIP release policies and practices.
2. There is a lack of effective options for dealing with “quality of life” crimes and the chronic minor offenders who commit them.
3. There are differing views on the utility of SIP and compliance release as a prudent tool for jail population management.
4. Concerns about use of compliance release include:
  - a. It has made some defendants less likely to opt for non-jail dispositions;
  - b. It sends mixed messages regarding accountability for new offenses and for violations of conditions of community-based sentencing options; and
  - c. It is inherently unfair, since similarly charged and sentenced offenders are being treated differently depending on the size of jail population at a given time.
5. Related to the previous point, the limited capacity for women offenders has necessitated different SIP and compliance release patterns for women in comparison to men.
6. Even if there were sufficient funding available to fully staff the jail, recruitment of jail (and law enforcement) staff will continue to be challenging due to differing employment expectations of Gen X and Yers, and other factors that may be beyond the County’s control.
7. It may be difficult to sustain the policy and practice changes necessary to fully implement more efficient court case processing (and control the average stay in jail of detained felons).
8. There is a perception on the part of some stakeholders that the public values punishment over rehabilitation, which could lead to budget trade-offs that impede expansion of the continuum of non-jail options for arrestees and sentenced offenders.

9. State legislative changes may continue to increase punishments for certain categories of offenses, resulting in longer times to disposition and limiting judicial discretion to use non-jail options for short-sentence offenders.
10. Reduced funding may result in cutting staff and programs necessary to manage jail population most effectively. Some believe that funding cutbacks have previously played a role in limiting the effectiveness and scope of initiatives intended to improve the system's cost-effectiveness and manage jail populations (e.g., in the early 1990's, comprehensive pretrial release and work release programs for locally sentenced offenders).

### **Positive Outcomes / Results Desired**

1. Continued commitment by the courts to expediting case processing and keeping the pending case inventory within manageable limits.
2. SIP and compliance releases are no longer used as the primary means of avoiding jail overcrowding.
3. Law enforcement officers have access to a range of appropriate options to positively identify and lodge arrestees using criteria that are agreed upon by all Pierce County criminal justice partners.
4. A comprehensive pretrial release program that includes objective assessment approaches, supervision, and notification options that minimize FTA and the risk of re-offending by those released.
5. A richer continuum of options for sentenced offenders that balances accountability with treatment and other services that can reduce the likelihood of recidivism and reconnect offenders to their communities.
6. More investment in prevention and early intervention that can help to keep people out of the justice system and jail.
7. Reduced recidivism of chronic minor offenders ("frequent fliers").
8. A jail with sufficient capacity to house those who are objectively determined to require confinement to protect the public, to prevent flight to avoid prosecution, or to hold them accountable for their criminal acts or technical violations of community supervision conditions.
9. A system-wide approach to monitoring performance indicators on an ongoing basis, documenting results, identifying issues, and proposing solutions for consideration by all key stakeholders.

## **Questions**

1. How does Pierce County compare to other Washington counties (e.g, King, Snohomish, Thurston, Clark, Kitsap, and Spokane) on key indicators of criminal justice system performance?
2. Who is in jail, and for how long, now?
3. Who is being released via SIP and compliance release?
4. What results are we getting for our current investments in alternatives to incarceration?
5. How can we document and monitor the impacts of the court's efforts to expedite case processing on the case backlog and on the pretrial jail population? What other factors may affect these indicators?
6. What additional evidence-based options would be appropriate for pretrial and post-trial supervision and intervention with arrestees/offenders?

## **Criminal Justice Task Force June 2, 2008 Meeting Summary**

The CJTF discussed Dr. Martin's summary of her interviews and conversations with 14 Task Force members and some of their key staff.

### **Concerns**

- Need to remember that the federal court order requires that the Jail maintain its inmate population within its funded capacity limits, and SIP and compliance release are the primary methods the Sheriff's Dept. has to accomplish this important population management goal.
- Some other Washington counties (e.g., King) have decided to restrict admissions of misdemeanants arrested by municipalities.
- There are multiple committees that currently ask questions of cj agencies – it would be good to have a single mechanism for looking at performance, one that doesn't just involve reporting but also strategizing and taking corrective actions.
- Space needs for cj agencies (especially prosecution and defense) should be considered in any future facility planning.
- Offered by citizen: need to consider re-establishing work release and EHM options operated by the Sheriff's Department as part of the solution to jail population management.

### **CJTF Consensus**

- Pierce County criminal justice needs an ongoing monitoring system with agreed-upon system performance measures by an oversight group.
  - Should include creation of a cj data book or “dashboard report” for policymakers' consideration on a regular basis.
  - Need to have a few key well-defined indicators/criteria for success and the ability to examine other factors as needed.
  - Oversight group will not necessarily be any of the existing committees that deal with cj issues; some members indicated they would like to see the CJTF continue its work.
  - Municipal law enforcement agencies should be represented on the oversight body.
  - Any oversight structure must include decision rules that define actions to be taken should the performance measures show defined trends or levels emerging.
- Want to see the results of Bill Vetter's analysis of the characteristics of SIP and compliance releases at next CJTF meeting.

- Interested in examining how Pierce County compares to other WA counties, not only quantitatively (performance and workload measures), but also in terms of how their criminal justice system operates, particularly any innovative programs, policies, approaches that improve their cost-effectiveness.

### **Questions**

- What caused the spike in SIP releases in 2007? Sheriff's Dept. policies? Law enforcement practices?
- How many "frequent fliers" do we have? How do they affect jail population? What can we do about it?
- What is the best place (program, strategy, initiative) to invest cj funding?
- Where will funding for necessary programs and services (especially new initiatives) come from? (some possible answers: new revenue from additional tax levies; new revenue from contracts with municipalities for use of jail space; reallocation of available funds; savings through efficiencies in current operations; wait for economic recovery)

### **Next Steps**

- Task Force members will e-mail Dr. Martin their "top five" performance measures already in use by their agencies for consideration as part of the "dashboard report" for the whole cj system. Those who don't have standard report formats in use will suggest the five indicators they think are most important in understanding the performance of the cj system as a whole. Dr. Martin will prepare a summary for CJTF review.
- Dr. Martin will look at the "dashboard reports" and cj system oversight mechanisms of other jurisdictions, including comparable WA counties, and report to the CJTF.
- Next CJTF meeting will be in three weeks, at 3:30 pm on June 23, 2008. Agenda will focus on consideration of oversight structure options and creation of dashboard report outline. Bill Vetter will present profile analysis of SIP and compliance releases.

## Appendix D

### **Compliance Releases, “SIPs,” and “Frequent Flyers”**

The memos that appear on the following pages were prepared by Matt Temmel and William Vetter of the Performance Audit staff and presented to the task force. The memos are:

- A descriptive analysis of Compliance Releases and “SIP” Bookings, originally presented on June 19, revised on July 21, 2008.
- An analysis of “SIPs” and “Frequent Flyers,” presented on July 21, 2008.



# Pierce County

## Performance Audits

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Originally presented June 19, 2008  
**Reissued July 21, 2008 with minor revisions and additional data**

To: Performance Audit Committee and Criminal Justice Task Force

From: William Vetter, Research Analyst *WV*  
Matt Temmel, Performance Audit Coordinator *MT*

Re: **COMPLIANCE RELEASES AND “SIP” BOOKINGS**

This memo is a descriptive analysis of two methods of release from the Pierce County jail, Compliance Releases and “SIPs” (“Special Identification Procedure,” or “book and release”). The purpose is to present data on these topics in order to add a quantitative dimension to public discussions of the issues.

As background, to establish a context for discussing Compliance Releases and SIPs, basic data on jail measures can be considered. Since Pierce County opened the new jail in 2003, the jail population has continued to increase at a modest pace. The jail has a current budgeted capacity of 1,465 inmates. If the entire current jail facility were open and fully staffed, it could accommodate 1,717 inmates.

Key measures include a long-term rising average daily population. The trend is apparently influenced by a small increase in bookings and a very large increase in the felony case pre-trial length of stay, as shown in Table 1.

Table 1  
**Basic Jail Data**

	2003	2004	2005	2006	2007	2008 to May 31
Budgeted Capacity	1,324	1,430	1,420	1,409	1,465	1,465
Average Daily Population	1,201	1,251	1,306	1,363	1,467	1,367
Total Bookings	26,723	25,528	26,222	27,027	27,525	10,847
Average Length of Stay (days)	16.4	17.8	18.1	18.4	19.8	18.9
Felony pre-trial (pre-sentence) Average Length of Stay	16.5	20.3	22.3	23.2	25.3	24.4

Source: Performance Audit Office analysis of LINX jail occupancy and bookings reports.



The jail population has grown despite a long-term decline in the crime rate and a small increase (since 2005) in annual bookings. Jail crowding is not simply a function of available beds, however. Other factors, such as an increase in the length of time that inmates spend in the jail prior to trial, can significantly affect the overall jail population.

## Jail Population Management

In 1995, a federal judge ordered the Pierce County jail to limit its population to ensure the safety and health of jail staff and inmates. This limit depends on how many pods are open and staffed in the jail, but it effectively caps the population for any given available space. Thus, when the jail is at capacity, it does not accept more inmates without first creating more space.

Pierce County has several policies and practices that *proactively* reduce the jail population. These include bail, release on personal recognizance, Breaking the Cycle and Drug Court (for those who qualify with drug problems), and work crew and day reporting programs (for qualified misdemeanor offenders only).

The Corrections Bureau has also enacted two *reactive* measures to control the number of prisoners held at the jail. These “emergency procedures” are put into effect when the jail population nears capacity.

- **Compliance Release** is an administrative early release by the jail of certain sentenced offenders to comply with the population limits imposed by the 1995 federal court order. (The term “compliance” refers to adherence to the federal court order.) Offenders may be “compliance released” if there is an immediate or impending need for jail space. Ideally, offenders that are compliance released have little time remaining on their sentence and are not dangerous offenders. The Corrections Bureau maintains a prioritized list of charges that are eligible for compliance release.
- **Special Identification Procedure (SIP)** is a form of booking that allows the jail to book, fingerprint, confirm identification, and release an arrestee *before* arraignment in court. Ideally, SIPs are restricted to those arrested for low-level, non-violent misdemeanor offenses. Until 2006, SIPs were solely officer-initiated. Policy then changed, and the jail began to use SIPs as a way to control the size of the jail population.

Due to the unpredictability of the jail population on any given day, compliance releases and SIPs may be applied for different offenses and remaining sentence lengths at different times. Further, SIPs and compliance releases depend on each other to a certain extent, as they are both used to immediately lessen the jail population.

Table 2 shows SIPs, compliance releases, and total bookings (including SIPs) by year. While bookings have remained relatively stable, with small growth since 2005, SIPs have risen dramatically over the last two years. The growth in SIPs is partly due to the “ceiling” on compliance releases. There is a limited number of inmates who can be compliance released, because the most serious crimes are not eligible under this policy.

Table 2  
**Bookings, SIPs, and Compliance Releases, 2003-2008**

	2003	2004	2005	2006	2007	2008*
<b>Total Bookings</b>	26,723	25,528	26,222	27,027	27,525	10,847
<b>SIPs</b>	499	430	569	867	3,166	1,037
<b>Compliance Releases</b>	186	604	906	560	818	252

*\*Note: 2008 data through May 31. Figures in the table differ slightly from the Corrections handout on June 2 due to technical data issues.*

## Compliance Releases

Compliance Release is a controversial policy because sentenced offenders are released early by an administrative reduction in their sentences. Judges are naturally concerned because early release shortens the jail sentence ordered by the court. It should be noted, however, that compliance release is possible only for offenders sentenced to serve their time in jail, as opposed to longer sentences that are served in state prison.

According to anecdotal evidence presented by judges and Corrections officials, Compliance Release may have an effect on the jail population by influencing inmate choices. For example, some inmates refer to compliance release as “the lottery,” and thus tend not to accept alternatives to incarceration in the hope that they will be released early under Compliance Release. However, the available data do not provide strong support for that view. In 2007, Compliance Releases amounted to less than 3% of total releases from the Pierce County jail, or 9.3% of the releases of sentenced offenders. In 2008, the comparable figures are 2.3% of total releases and 7.8% of the releases of sentenced offenders.

The following analysis considers male and female inmates separately. Compliance Release favors female inmates disproportionately, because jail space for women is more limited. Thus, women have a higher chance than men of being released under this policy.

Tables 3 and 4 display summary information on persons released from the jail under Compliance Release since 2006. The “average sentence length” includes “good time” reductions, which are usually one-third of an offender’s original sentence.

Table 3  
**Compliance Releases, Female, 2006-2008**

<b>Felonies</b>			
	<b>2006</b>	<b>2007</b>	<b>2008*</b>
Number	29	156	55
Average Sentence Length (days)	64	87	84
Average Sentence Served (days)	47	51	59
Average Sentence Served %	67%	47%	67%
Median Days Avoided	9	22	21

<b>Misdemeanors</b>			
	<b>2006</b>	<b>2007</b>	<b>2008*</b>
Number	54	147	50
Average Sentence Length (days)	31	29	32
Average Sentence Served (days)	20	17	14
Average Sentence Served %	52%	54%	45%
Median Days Avoided	7	6	6

Table 4  
**Compliance Releases, Male, 2006-2008**

<b>Felonies</b>			
	<b>2006</b>	<b>2007</b>	<b>2008*</b>
Number	221	245	64
Average Sentence Length (days)	75	96	102
Average Sentence Served (days)	55	70	82
Average Sentence Served %	70%	72%	72%
Median Days Avoided	9	13	15

<b>Misdemeanors</b>			
	<b>2006</b>	<b>2007</b>	<b>2008*</b>
Number	258	220	83
Average Sentence Length (days)	42	32	31
Average Sentence Served (days)	22	17	23
Average Sentence Served %	51%	52%	63%
Median Days Avoided	6	6	5

\* Through May 31, 2008.

*Appendix A* contains a list of compliance releases by offense – that is, by the highest charge on which the person was convicted.

We calculated the increase in average daily population for 2007 if compliance releases were not used. This number (43 beds) was determined by treating inmates who were compliance released as though they remained in jail for their entire sentence. However, this is a somewhat artificial number because SIPs are related to compliance releases, and the calculation assumes no changes in SIPs.

Table 5

**2007 Average Beds Needed to Avoid Compliance Releases  
(SIPs unchanged)**

	Male	Female	Total
Misdemeanor	9	5	14
Felony	15	14	29
<b>Total</b>	<b>24</b>	<b>19</b>	<b>43</b>

**SIPs**

SIP (“Special Identification Procedure”) was introduced in 1989 as a “book-and-release” procedure that allowed an arresting officer to book, fingerprint, and identify a suspect before releasing them. Two to three years ago, the Pierce County jail began to SIP arrestees as a way to restrict the number entering the jail. However, the jail does not report data on how many SIPs are jail-initiated as opposed to officer-initiated.

SIPs are controversial in part because the numbers have grown in recent years, from 867 SIPs in 2006 (3.2% of bookings) to 3,166 in 2007 (11.6% of bookings). The 1,037 SIPs in 2008 through May 31 amount to 9.6% of bookings.

Like compliance releases, SIPs are controversial because they contribute to the impression that there is a “revolving door” at the jail. Police officers and community members relate anecdotes of suspects who are SIP’d and return immediately to criminal activity. For example, someone may be arrested for prostitution and SIP’d – and then return immediately to street work. Community advocates are also concerned that people from outlying areas are booked and SIP’d in Tacoma, and then linger in the neighborhoods close to the jail.

Another reason SIPs are controversial is that Pierce County, unlike some other counties, does not have a standing policy that restricts jail admissions by prohibiting intake of those charged with specified, low-level misdemeanors. When the jail (rather than the arresting officer) decides to SIP a person, it amounts to a temporary imposition of a “book and

release” policy for certain types of misdemeanor charges. A permanent policy would be known in advance, whereas SIPs by nature are occasional.

We analyzed SIP data by charge since 2006. As shown in Table 6, driving offenses made up the majority of SIPs.

Table 6  
**SIPs by Highest Charge Category, 2006-2008**

	2006	2007	2008	%
DWLS/DWLR	301	1044	394	34.3%
Other Driving	189	573	204	19.0%
Theft	135	408	118	13.0%
Drugs	49	317	96	9.1%
Nuisance	48	206	79	6.6%
Prostitution	56	227	37	6.3%
Authority Crimes	20	113	22	3.1%
Assault/Threats	24	94	24	2.8%
Minors	30	52	29	2.2%
DV-related	4	86	20	2.2%
Weapons	7	27	8	0.8%
Other	2	9	7	0.4%
Recreation	2	10	1	0.3%
Total	867	3166	1039	100.0%

*Appendix B* is a detailed breakdown of the charges grouped in the above categories.

Some individuals are SIP’d on multiple occasions. Of the 3,166 SIPs in 2007, a total of 259 individuals (8%) were SIP’d on two or more occasions during the year. In 2008, through May 31, the comparable figure is 28 (3%).

A review of SIPs by arresting agency shows that suspects arrested in Tacoma were SIP’d most frequently, as shown in Table 7 (next page).

It is important to note that the percentage of arrests that are SIP’d may differ across agencies depending on the number of “SIP-able” offenses that each agency books. However, we did not do a complete analysis to test this hypothesis.

Table 7  
**SIPs by Arresting Agency**

<b>2006</b>	<b>Total Bookings</b>	<b>SIPs</b>	<b>%</b>
Tacoma PD	8,215	419	5.1%
Pierce County Sheriff	10,334	205	2.0%
WA State Patrol	1,541	71	4.6%
Lakewood PD	2,660	39	1.5%
University Place PD	368	37	10.1%
Fife PD	506	0	0.0%
All others	3,403	97	2.9%
<b>Total</b>	<b>27,027</b>	<b>868</b>	<b>3.2%</b>

<b>2007</b>	<b>Total Bookings</b>	<b>SIPs</b>	<b>%</b>
Tacoma PD	8,649	1,440	16.6%
Pierce County Sheriff	10,230	671	6.6%
WA State Patrol	1,474	266	18.0%
Lakewood PD	2,571	179	7.0%
University Place PD	432	139	32.2%
Fife PD	514	49	9.5%
All others	3,655	422	11.5%
<b>Total</b>	<b>27,525</b>	<b>3,166</b>	<b>11.5%</b>

<b>2008 (through May 31)</b>	<b>Total Bookings</b>	<b>SIPs</b>	<b>%</b>
Tacoma PD	3,237	413	12.8%
Pierce County Sheriff	4,185	251	6.0%
WA State Patrol	571	90	15.8%
Lakewood PD	1,118	82	7.3%
University Place PD	191	47	24.6%
Fife PD	191	9	4.7%
All others	1,354	147	10.9%
<b>Total</b>	<b>10,847</b>	<b>1,039</b>	<b>9.6%</b>

## **Warrants**

District Court judges object to SIPs because some suspects who are arrested with a “failure-to-appear” bench warrant are booked and released. By law, a warrant is an order to arrest and hold the suspect and present him or her to the court. However, the Sheriff maintains that the federal court order restricting jail population supersedes bench warrants.

Since February this year, Pierce County District Court has tracked failure-to-appear (FTA) status for persons with a bench warrant who have been SIP’d. According to the court’s data from February 1 to July 17, 22% of persons SIP’d on misdemeanor charges in District Court failed to appear at their scheduled court hearing. The FTA rate in District Court for SIPs was 27% among those arrested on a bench warrant and 15% for those arrested on new charges.

To put this matter into perspective, it would be helpful to compare and track the SIP failure-to-appear rate with the rate for other release policies. District Court has started work on that topic. As mentioned above, the most recent analysis found a SIP failure-to-appear rate in District Court of 22%. This rate was a little lower than the 25% FTA rate for persons released administratively by Pre-Trial Services.

## **Conclusions**

Based on the above research, Compliance Releases and SIPs appear to be reasonable practices to control the level of the jail population. However, further research is needed to ascertain the possible negative effects on public safety that are often mentioned in public discussions.

After the Criminal Justice Task Force first discussed this memo in June 2008, we continued the study by analyzing how many persons released from jail under the SIP procedure since 2006 were later arrested in the Hilltop and other nearby locations in central Tacoma. The results can be summarized as follows.

- ⇒ The number of persons rearrested in the study area (Hilltop and other nearby locations) after being SIP’d is very low, especially if the focus is on persons who were originally (prior to being SIP’d) arrested outside Tacoma.
- ⇒ The re-arrest rate in the Hilltop and nearby areas for people who have been SIP’d appears to be considerably lower than the overall re-arrest rate in the census areas that were studied.

For details, please see our memorandum of July 21, 2008 on “SIPs” and “Frequent Flyers.”

## APPENDIX A

### Compliance Releases by Highest Charge, 2007 and 2008

Felony Charges: Men	2007	2008 to May 31	Average % of total
UNLAWFUL POSS OF A CONTROLLED SUBSTANCE	69	20	31%
PROBATION HOLD – STATE	47	17	23%
POSSESSING STOLEN PROPERTY 1 <sup>ST</sup>	22	0	8%
POSSESSING STOLEN PROPERTY 2 <sup>ND</sup>	15	3	6%
BURGLARY 2 <sup>ND</sup>	13	2	5%
UNLAWFUL POSS CONTRL SUBST W/INTENT TO DISTRIBUTE	9	3	4%
ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE	6	2	3%
THEFT 1 <sup>ST</sup>	6	1	2%
COMMUNITY CUSTODY JAIL - PROBATION HOLD FOR DOC HEARING	5	0	2%
FORGERY	5	1	2%
THEFT 2 <sup>ND</sup>	4	2	2%
HOLD FOR STATE COMM. CUSTODY	3	0	1%
RESIDENTIAL BURGLARY	3	1	1%
UNLAWFUL DELIVERY OF A CONTROLLED SUBSTANCE	3	4	2%
MALICIOUS MISCHIEF 1 <sup>ST</sup>	2	0	1%
UNLAWFUL POSSESSION OF A FIREARM 2ND DEGREE	2	1	1%
CONSPIRACY TO UNL POSSESS EPH/PSEUDO-EPH W/INT MAN METH	1	0	0%
ESCAPE 2 <sup>ND</sup>	1	0	0%
PRESCRIPTION FORGERY	1	0	0%
RENDERING CRIMINAL ASSISTANCE 1ST DEGREE	1	0	0%
THEFT OF A FIREARM	1	0	0%
TRAFFICKING STOLEN PROPERTY 1 <sup>ST</sup>	1	0	0%
IDENTITY THEFT 1 <sup>ST</sup>	0	1	0%
IDENTITY THEFT 2 <sup>ND</sup>	0	1	0%
INTIMIDATING A PUBLIC SERVANT	0	1	0%
MALICIOUS MISCHIEF 2 <sup>ND</sup>	0	1	0%
RECKLESS BURNING 1	0	1	0%
UNL POSS IMITATION CONTRL SUBST W/INTENT TO DISTRIBUTE	0	1	0%
<b>Total</b>	<b>220</b>	<b>63</b>	<b>100%</b>

<b>Misdemeanor Charges: Men</b>	<b>2007</b>	<b>2008 to May 31</b>	<b>Average % of total</b>
DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED	68	28	29%
SHOPLIFTING	25	2	8%
CRIMINAL TRESPASS	18	4	7%
UNLAWFUL POSSESSION OF MARIJUANA	17	4	6%
ILLEGAL DRUG CONDUCT-PARAPHERNALIA	13	10	7%
RECKLESS DRIVING	13	3	5%
MISDEMEANOR ASSAULT	12	4	5%
MISDEMEANOR THEFT	12	7	6%
OBSTRUCTING A LAW ENFORCEMENT OFFICER	10	0	3%
VIOLATION OF SODA (STAY OUT OF AREAS OF DRUG ACTIVITY) ORDER	6	4	3%
DRIVING WHILE INTOXICATED	5	2	2%
MISDEMEANOR ASSAULT/DV	4	2	2%
DISORDERLY CONDUCT - ABUSIVE LANGUAGE	3	0	1%
PHYSICAL CONTROL OF A VEHICLE WHILE INTOXICATED	3	0	1%
HARASSMENT/THREATEN BODILY INJURY	2	0	1%
INDECENT CONDUCT OR EXPOSURE	2	0	1%
MAKING FALSE STATEMENTS TO LAW ENFORCEMENT	2	0	1%
MINOR IN POSSESSION OF LIQUOR	2	1	1%
RECKLESS ENDANGERMENT	2	0	1%
RESISTING ARREST	2	0	1%
UNLAWFUL BUS CONDUCT	2	0	1%
VEHICLE PROWLING	2	0	1%
DEFRAUDING AN INNKEEPER	1	1	1%
DESTRUCTION OF PROPERTY	1	1	1%
DESTRUCTION OF PROPERTY/DV	1	0	0%
DISCHARGING A FIREARM	1	1	1%
FAILING TO REMAIN AT THE SCENE OF AN ACCIDENT	1	0	0%
FILING A FALSE POLICE REPORT	1	0	0%
INTIMIDATION WITH A WEAPON	1	0	0%
LOITERING FOR PURPOSES OF DRUG ACTIVITY	1	2	1%
MALICIOUS MISCHIEF 3RD	1	1	1%

MINOR INTOXICATED IN PUBLIC	1	0	0%
NEGLIGENT DRIVING	1	1	1%
OPERATE VEHICLE WITHOUT IGNITION INTERLOCK DEVICE	1	0	0%
STALKING	1	0	0%
UNLAWFUL DRUG ACTIVITY	1	0	0%
UNLAWFUL HARBORING OF A RUNAWAY/MINOR	1	0	0%
UNLAWFULLY CARRYING OR SELLING A WEAPON	1	0	0%
UNLAWFULLY DISPLAYING A WEAPON	1	0	0%
VIOLATION OF A PROTECTION ORDER/DV	1	1	1%
VIOLATION OF CIVIL ANTI-HARASSMENT ORDER	1	0	0%
WEAPONS APPARENTLY CAPABLE OF PRODUCING BODILY HARM	1	0	0%
HARASSMENT	0	1	0%
HIT AND RUN/ATTENDED VEHICLE	0	1	0%
POSSESSION OF BURGLARY TOOLS	0	1	0%
VIOLATION OF A NO CONTACT ORDER/DV	0	1	0%
<b>Total</b>	<b>245</b>	<b>83</b>	<b>100%</b>

<b>Felony Charges: Women</b>	<b>2007</b>	<b>2008 to May 31</b>	<b>Average % of total</b>
UNLAWFUL POSS OF A CONTROLLED SUBSTANCE	59	25	40.2%
PROBATION HOLD - STATE	28	8	18.2%
THEFT 2ND	9	0	5.8%
FORGERY	8	5	5.2%
POSSESSING STOLEN PROPERTY 2ND	7	3	4.5%
POSSESSING STOLEN PROPERTY 1ST	6	1	3.9%
THEFT 1ST	6	3	3.9%
BURGLARY 2ND	5	0	3.2%
IDENTITY THEFT 2ND	5	5	3.2%
RESIDENTIAL BURGLARY	3	1	1.9%
UNLAWFUL DELIVERY OF A CONTROLLED SUBSTANCE	3	0	1.9%
CONSPIRACY TO MANUFACTURE A CONTROLLED SUBSTANCE	2	0	1.3%
ESCAPE 2ND	2	0	1.3%
UNLAWFUL POSS CONTRL SUBST W/INTENT TO DISTRIBUTE	2	1	1.3%

VEHICULAR ASSAULT	2	0	1.3%
ATTEMPTING TO ELUDE A PURSUING POLICE VEHICLE	1	1	0.6%
BAIL JUMPING	1	1	0.6%
CIVIL DRUG COURT VIOLATION	1	0	0.6%
COMMUNITY CUSTODY JAIL - PROBATION HOLD FOR DOC HEARING	1	1	0.6%
PRESCRIPTION FORGERY	1	0	0.6%
RENDERING CRIMINAL ASSISTANCE 1ST DEGREE	1	0	0.6%
UNLAWFUL USE OF BUILDING FOR DRUG PURPOSES	1	0	0.6%
<b>Total</b>	<b>154</b>	<b>55</b>	<b>100%</b>

<b>Misdemeanor Charges: Women</b>	<b>2007</b>	<b>2008 to May 31</b>	<b>Average % of total</b>
DRIVING WHILE INTOXICATED	22	0	11.1%
SHOPLIFTING	17	16	16.7%
ILLEGAL DRUG CONDUCT-PARAPHERNALIA	16	4	10.1%
DRIVING WHILE LICENSE IS SUSPENDED OR REVOKED	10	1	5.6%
SOLICITING PROSTITUTION	10	0	5.1%
MISDEMEANOR THEFT	8	2	5.1%
OBSTRUCTING A LAW ENFORCEMENT OFFICER	8	1	4.5%
MISDEMEANOR ASSAULT	7	1	4.0%
PROSTITUTION	6	2	4.0%
VIOLATION OF A PROSTITUTION PROBATION ORDER	6	4	5.1%
LOITERING FOR THE PURPOSE OF PROSTITUTION	4	2	3.0%
UNLAWFUL POSSESSION OF MARIJUANA	4	3	3.5%
MALICIOUS MISCHIEF 3RD/DV	3	0	1.5%
MINOR IN POSSESSION OF LIQUOR	3	0	1.5%
MISDEMEANOR ASSAULT/DV	3	0	1.5%
VIOLATION OF SODA (STAY OUT OF AREAS OF DRUG ACTIVITY) ORDER	3	6	4.5%
CRIMINAL TRESPASS	2	4	3.0%
MAKING FALSE STATEMENTS TO LAW ENFORCEMENT	2	0	1.0%
RECKLESS ENDANGERMENT	2	0	1.0%
COMMUNICATING WITH A MINOR FOR IMMORAL PURPOSES	1	0	0.5%
COMMUNITY CUSTODY JAIL - PROBATION HOLD FOR DOC HEARING	1	0	0.5%

DISORDERLY CONDUCT - ABUSIVE LANGUAGE	1	0	0.5%
DISORDERLY CONDUCT OR PERSON	1	0	0.5%
FAILING TO REMAIN AT THE SCENE OF AN INJURY ACCIDENT	1	1	1.0%
LOITERING FOR PURPOSES OF DRUG ACTIVITY	1	0	0.5%
NEGLIGENT DRIVING	1	0	0.5%
PHYSICAL CONTROL OF A VEHICLE WHILE INTOXICATED	1	0	0.5%
POSSESSION OF DRUG PARAPHERNALIA	1	0	0.5%
RESISTING ARREST	1	0	0.5%
VIOLATION OF A PROTECTION ORDER/DV	1	0	0.5%
VIOLATION OF CIVIL ANTI-HARASSMENT ORDER	1	0	0.5%
HIT AND RUN/ATTENDED VEHICLE	0	1	0.5%
POSSESSION OF STOLEN PROPERTY	0	1	0.5%
UNLAWFUL BUS CONDUCT	0	1	0.5%
<b>Total</b>	<b>148</b>	<b>50</b>	<b>100.0%</b>

## APPENDIX B

### Detailed Breakdown of SIPs by Highest Charge

#### SIPs by Highest Charge, 2006

Driving	56.5%
DWLS/DWLR	301
DWI	93
FAIL TO TRANS TITLE	1
HIT/RUN ATT	6
HIT/RUN UNATT	5
MIN OPER VEH/CONS ALC	2
NEG DRIVING	3
NVOL	41
NVOL W/O ID	8
PHYS CONTROL	2
PUB DIST-VEH SND SYS	2
RACING	1
RECK DRV	25
	490

Theft	15.6%
BUNCO	4
DEFR INNKPR	1
PETTY THEFT	20
PSP	3
SHOPLIFT	104
VEH PROWL	3
	135

Prostitution	6.5%
LOITER FOR PROSTITUTION	3
PATRONIZE PROST	8
PROSTITUTION	5
SOL PROST	13
VIOL ADULT CABARET ORD	27
	56

Drugs	5.7%
ILL DRUG CONDUCT	11
LPDA	1
POSSESS DRUG PARAPHERNALIA	12
UPCS	1
UPCS (MJ) NON	13
UPCS (MJ) PERS	11
	49

Nuisance	5.5%
CRIM TRESP	29
DAMAGE FIRE ALARM/FALSE FIRE ALARM	1
DESTRUCTION OF PROPERTY	8
DISORDERLY CONDUCT(SIP)	1
ILLEGAL DEPOSIT OF SOLID WASTE(SIP)	1
MAL MISCH	2
TRESP PUB	1
UNLAW BUS COND	3
URINATE IN PUBLIC (SIP)	2
	48

Minors	3.5%
CONTEMPT - TRUANCY CRT ORD	9
MINOR POSS LIQ	19
SUPP LIQ MINOR	2
	30

Assault	2.8%
CRIMINAL ASLT	21
HARASS/THREATEN BOD. INJ	1
RECKLESS ENDANGERMENT	2
	24

Authority	2.3%
COMPLICITY-AID/ABET	1
FALSE RPT	1
OBSTR PUB SERV	17
RESIS ARR	1
	20

Weapons	0.8%
INTIM WEAPON	1
LOADED GUN IN VEHICLE	1
POSS WEAP ON SCHOOL PROP	1
UNL CARRY/SELL WEAP	1
UUW	3
	7

DV	0.5%
CRIMINAL ASSAULT-DV	3
VIOL PROT ORD	1
	4

Recreation	0.2%
AVOIDWILDLIFE CHECK	1
VIO TRIP PERMIT	1
	2

Other	0.2%
DANG DOG-FAIL TO CONFIN	1
SEXUAL ASSAULT	1
	2

Grand Total

867

SIPs by Highest Charge, 2007

Driving	51.1%
DWLS/DWLR	1044
DWI	379
RECK DRV	48
NVOL	72
HIT/RUN ATT	16
PHYS CONTROL	15
OPER VEH W/O IGNITION INTERLOCK DEV	2
HIT/RUN UNATT	8
NEG DRIVING	12
NVOL W/O ID	10
PUB DIST-VEH SND SYS	4
MIN OPER VEH/CONS ALC	2
PED/VEH OBS TRAFFIC	2
ALLOW UNAUTH DRIVER	1
FTR INJ ACC	1
VEH/PED INTERFERENCE - OBSTRUCT TR	1
	1617

Theft	12.9%
SHOPLIFT	213
PETTY THEFT	69
THEFT 3RD	29
THEFT 2	29
PSP	10
FORGERY	16
PSP 2	7
DEFR INNKPR	2
LARC BY CHECK	3
POSS BURG TOOLS	4
THEFT 1	4
VEH PROWL	6
BUNCO	2
IDENT THFT 2	1
BURGLARY 2	2
PSP 1	2
DEFR TAXI	2
FINANCIAL FRAUD-UNL POSS PROD/INST	1
IDENT THFT 1	1
UIBC	1
TRAFFICKING STOL PROP 2	3
UNL PROD PAYMENT INSTR	1
	408

Prostitution	7.2%
SOL PROST	108
PROSTITUTION	38
LOITER FOR PROSTITUTION	32
PROB VIOL (PROST)	21
PATRONIZE PROST	23
VIOL ADULT CABARET ORD	5
	227

Drugs	10.0%
POSSESS DRUG PARAPHERNALIA	109
UPCS (MJ) PERS	44
UPCS (MJ) NON	34
UPCS	51
ILL DRUG CONDUCT	34
SODA VIO	24
LPDA	10
PRESC FORGERY	8
POSS INJ DEV	1
ILL DRUG COND/PARA	2
	317

Nuisance	6.5%
CRIM TRESP	108
MAL MISCH	25
DESTRUCTION OF PROPERTY	16
DISORDERLY CONDUCT	15
IND COND EXPOS	11
URINATING IN PUBLIC	8
TRESP PUB	6
UNLAW BUS COND	10
AGGRESIVE BEGGING	1
GRAFFITI VANDALISM	1
ILLEGAL DEPOSIT OF SOLID WASTE	1
LIQ IN PARK	1
SPIT IN PUBLIC	1
PUB DIST/NOISE	1
PUB NUIS	1
	206

Authority Crimes	3.6%
OBSTR PUB SERV	73
OBSTR-FALSE CHR/STATEMENTS	10
CIVIL CNTMPT OF CRT	5
FALSE STATEMENT TO PUB SERV	3
INTERF PO	3
RESIS ARR	9
FEL PUR/ELUDE	3
FALSE RPT	1
PROBAT HLD	1
CRIM IMPERSON 1	1
REND CRIM ASST 1	1
TAMPERING W/PHYSICAL EVIDENCE	1
RESIST/AID ARRESTED PERSON	1
VIO REGULATIONS	1
	113

Assault / Threats	3.0%
CRIMINAL ASLT	83
HARASS/THREATEN BOD. INJ	5
RECKLESS ENDANGERMENT	6
	94

DV-Related	2.7%
CRIMINAL ASSAULT-DV	46
DEST OF PROP/DV	11
MAL. MISC. 3/DV	7
VIO NO CONTACT ORDER	4
HARASSMENT	5
VIOL N/C ORDER	3
INTERF. W/REPORTING DV	2
VIOL PROT ORD	5
TELEPHONE HARAS/DV	1
VIO PROT OR /DV	1
VIOL CIV ANTI-HAR ORDER	1
	86

Involving Minors	1.6%
MINOR POSS LIQ	41
SUPP LIQ MINOR	7
CONTEMPT - TRUANCY CRT ORD	2
MINOR ON PREM	1
FURNISH ALCOHOL TO A MINOR	1
	52

Weapons	0.9%
CARRYDANGWPKNIFE	4
INTIM WEAPON	8
DISPLAY WEAPON	3
CCW W/O PERMIT	3
LOADED GUN IN VEHICLE	3
UW	3
ALTER ID MARKS ON FIREARM	2
FELPOS FIREARM	1
	27

Recreation	0.3%
VIO TRIP PERMIT	3
RECREATIONAL FISHING 2ND DEGREE	5
UNL HUNT BIG GAME 2	2
	10

Other	0.3%
KILL INJUR TAKE PET/ANIMAL	2
DANG DOG-FAIL TO CONFIN	1
CRIMINAL ATTEMPT	2
CNTMPT OF SUPPORT	2
NON-SUPPORT	1
SEXUAL ASSAULT	1
	9

Grand Total 3166

SIPS by Highest Charge, 2008 (through May 31)

Driving	57.6%
DWLS/DWLR	394
DWI	142
NVOL	24
RECK DRV	14
HIT/RUN UNATT	6
HIT/RUN ATT	5
PHYS CONTROL	3
NEG DRIVING	2
RACING	2
FAIL TO TRANS TITLE	1
FTR INJ ACC	1
NVOL W/O ID	1
OPER VEH W/O VAL CERT OF OWNER	1
PED/VEH OBS TRAFFIC	1
PUB DIST-VEH SND SYS	1
	598

Theft	11.4%
SHOPLIFT	57
THEFT 3RD	16
THEFT 2	14
PETTY THEFT	11
VEH PROWL	6
FORGERY	3
DEFR INNKPR	2
PSP	2
PSP 2	2
BUNCO	1
DEFR TAXI	1
THEFT OF MV	1
TRAFFICKING STOL PROP 1	1
UNL POSS STOLEN VEH	1
	118

Drugs	9.2%
POSSESS DRUG PARAPHERNALIA	30
UPCS (MJ) PERS	30
UPCS	10
SODA VIO	9
UPCS (MJ) NON	8
ILL DRUG CONDUCT	3
LPDA	2
PRESC FORGERY	2
NARCOTICS - CONTR SUB	1
UNLAW DEL CS	1
	96

Nuisance	7.6%
CRIM TRESP	33
DESTRUCTION OF PROPERTY	11
MAL MISCH	10
DISORDERLY CONDUCT(SIP)	7
UNLAW BUS COND	6
URINATING IN PUBLIC(SIP)	3
IND COND EXPOS	2
TRESP PUB	2
FIGHT IN PUB	1
LAND USE VIOLATION	1
LIQ IN PARK	1
LITTERING	1
MAL MISCH 2	1
	79

Prostitution	3.6%
SOL PROST	16
PROSTITUTION	12
PROB VIOL (PROST)	6
LOITER FOR PROSTITUTION	2
PATRONIZE PROST	1
	37

Minors	2.8%
MINOR POSS LIQ	21
CONTEMPT - TRUANCY CRT ORD	4
MIN OPER VEH/CONS ALC	2
MINOR ON PREM	1
MINOR OPER VEH AFTER ALCOHOL CONS	1
	29

Assault	2.3%
CRIMINAL ASLT	21
RECKLESS ENDANGERMENT	2
HARASS/THREATEN BOD. INJ	1
	24

Authority	2.1%
OBSTR PUB SERV	14
OBSTR-FALSE CHR/STATEMENTS	4
CIVIL CNTMPT OF CRT	1
FALSE STATEMENT TO PUB SERV	1
INTERF PO	1
RESIS ARR	1
	22

DV	1.9%
CRIMINAL ASSAULT-DV	9
VIO NO CONTACT ORDER	4
VIOL PROT ORD	3
DEST OF PROP/DV	2
HARASSMENT	1
MAL. MISC. 3/DV	1
	20

Weapons	0.8%
CARRYDANGWPKNIFE	4
DISCH FIREARM	2
INTIM WEAPON	1
POSS/CARRYBJACK/KNUCKLES/	1
	8

Other	0.7%
CRIMINAL ATTEMPT	4
COMPLICITY-AID/ABET	1
ILL MOT VEH SALES/REPAIR/REN	1
REND CRIM ASST 1	1
	7

Recreation	0.1%
VIO TRIP PERMIT	1
	1

Grand Total 1039



# Pierce County

## Performance Audits

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July 21, 2008

To: Criminal Justice Task Force and Performance Audit Committee

From: Matt Temmel, Performance Audit Coordinator *MT*  
William Vetter, Research Analyst *WV*

Re: "SIPs" AND "FREQUENT FLYERS"

### Introduction

Last month, we presented a descriptive analysis of Compliance Releases and "SIPs" from the Pierce County jail. (In a "SIP, or "Special Identification Procedure," an arrested person is brought to the jail, technically booked, identified, fingerprinted, given a citation to appear in court, and then released.) We have carefully reviewed last month's analysis, made some minor revisions to the memo, added more data to provide a detailed breakdown of SIPs by highest charge, and "reissued" the memo. Copies are available at today's meeting of the Criminal Justice Task Force.

This memo continues the analysis and concerns two kinds of "frequent flyers:"

1. Persons who were SIP'd and then re-arrested in the Hilltop and other nearby locations, and
2. All persons arrested in the Hilltop and other nearby areas since 2006, with emphasis on those with multiple arrests.

### Research Questions and Methodology

The data clearly indicate that a majority of SIPs are brought to the Pierce County jail from outside Tacoma. Community advocates are concerned that the SIP process results in bringing non-local residents to the area around the jail, thus adding an influx of people to the local community who may commit crimes. These concerns have been raised in task force discussions and in other public meetings, such as a well-attended meeting on March 20, 2008 at the Evergreen State College, Tacoma. The concerns are plausible and have been expressed so often that the City of Tacoma has organized a planning team to look into the issues.



To address the concerns, we analyzed how many persons who have been SIP'd since 2006 were later rearrested in the Hilltop and other nearby locations in central Tacoma. The research questions are two-fold:

1. How often are persons who have been “SIP'd” later arrested (booked or cited) in the Hilltop or other nearby areas of downtown or central Tacoma?
2. Of the SIPs later arrested in those areas, how many persons had been arrested outside of Tacoma prior to being SIP'd?

Three data sets were used to conduct the analysis. First, we had detailed data on every person SIP'd since January 2006. Second, we consulted jail booking records when needed to gain further information on individual cases.

Third, we obtained data on all arrests since January 2006 in an area of 22 census blocks that cover the Hilltop and other nearby places in central Tacoma, including the areas around Wright Park, County-City Building and the jail, downtown Tacoma, and areas east of downtown stretching to Interstate 5.

*Attachment 1* shows the study area. In general, the study area is bounded on the west by State Street or Sprague Avenue, on the south by Interstate 5, on the east by Dock Street, and on the north by Division Avenue, with a small incursion into the North End.<sup>1</sup>

To answer the research questions, we used the following methodology:

1. Identify all SIPs since January 1, 2006.
2. Identify all SIPs who were later arrested (booked or cited) in the 22 census blocks, while distinguishing between the Hilltop and the other areas.
3. Of the SIPs who were later arrested in the 22 census blocks, review booking records to identify the arrest location and the person's residence address prior to being SIP'd.

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<sup>1</sup> The arrest data were provided by the Law Enforcement Agency at the request of the Pierce County Corrections Bureau. We are grateful for their valuable assistance.

Hilltop is defined to include census blocks 160, 161, 162, 163, 164, 165, 166, 168, 176, 177, 188, and portions of blocks 169 and 171 (around the jail and County-City Building). Hilltop thus covers the area between State Street or Sprague Avenue on the west, Center Street on the south, Division Avenue on the north, and Court F on the east (the alley above Tacoma Avenue).

Central Tacoma, Wright Park area, is defined to include census blocks 155, 157, and 167 (north and east of Wright Park stopping at South 7<sup>th</sup>). Central Tacoma, downtown, is defined to include portions of census blocks 169 and 171 (around the jail and County-City Building) and all of blocks 170 and 172 (downtown). Central Tacoma, downtown east, is defined to include census blocks 175 and 178 (from South 15<sup>th</sup> to I-5).

Lastly, considering the broader meaning of the colloquial term “frequent flyers,” we analyzed the arrest data in the 22 census blocks since January 2006 to get a general picture of the population and identify how many people were arrested multiple times. The number of re-arrests in that population was then compared with the number of SIPs who were rearrested in the same census blocks.

**Re-Arrests of SIPs**

Table 1 shows the number of persons who were SIP’d since 2006 and the number rearrested in the study area, that is, in the 22 census blocks that cover the Hilltop and other nearby parts of central Tacoma. Table 2 shows more specifically where the re-arrests took place.

Table 1  
**Re-Arrests of SIPs in the Study Area**

	<u>2006</u>	<u>2007</u>	<u>2008</u>
SIPs	867	3166	1039
Number rearrested in the study area	53	210	32
Percentage rearrested	6.1%	6.6%	3.1%

Table 2  
**Re-Arrest Location**

	<u>2006</u>	<u>2007</u>	<u>2008</u>
Tacoma – Hilltop	17	75	12
Central Tacoma (other parts of the 22 census blocks)	19	84	13
Other Tacoma (outside of the study area)	0	1	3
No Data (arrest location is not stated in the data)	17	50	4
Total	53	210	32

Table 3 shows where the re-arrested persons were arrested prior to being SIP’d.

Table 3  
**Arrest Location prior to SIP**

	<u>2006</u>	<u>2007</u>	<u>2008</u>
Tacoma – Hilltop	23	55	7
Central Tacoma (other parts of the 22 census blocks)	8	56	8
Other Tacoma (outside of the study area)	14	66	14
<b>Outside Tacoma</b>	<b>8</b>	<b>33</b>	<b>3</b>
Total	53	210	32

The previous table shows in blue font the number of SIPs from outside Tacoma who were later re-arrested in the study area. The highest number is 33 (for 2007), which is 1% of the total SIPs that year. The percentages for the other years are less than 1%.

Table 4 provides further detail on the SIPs from outside Tacoma by showing their re-arrest location.

Table 4  
**Rearrest Location for SIPs Not from Tacoma**

	2006	2007	2008
Tacoma – Hilltop	2	14	0
Central Tacoma (other parts of the 22 census blocks)	6	9	1
Other Tacoma (outside of the study area)	0	1	1
No Data (arrest location is not stated in the data)	0	9	1
Total	8	33	3

Lastly, for the SIPs not from Tacoma who were rearrested in the study area, Table 5 shows the time between the SIP and the re-arrest.

Table 5  
**Time between SIP and Re-Arrest for Those Not from Tacoma**

<u>SIPs from Outside Tacoma</u>	2006	2007	2008
Number re-arrested in study area in up to 10 days	3	6	0
Number re-arrested in study area in 11 to 30 days	0	4	0
Number re-arrested in study area after 30 days or more	5	23	3
Total SIPs from Outside Tacoma Rearrested in Study Area	8	33	3

Based on the above data, we conclude that the arrest data provide little support for the concern that SIPs are having an adverse impact on public safety in the Hilltop and other areas of central Tacoma.

**Arrests and Re-Arrests in the Study Area**

To obtain a larger portrait of arrest activity, we analyzed the arrest data since January 2006 in the study area, which covers the Hilltop and other nearby parts of central Tacoma. Over a period of almost two-and-a-half years (January 1, 2006 to June 18, 2008), the police made a total of 6,488 arrests, as shown below.

Table 6  
**Arrests in the Study Area, 1/1/2006 to 6/18/2008**

	<b>Individuals</b>		<b>Arrests</b>	
	Number	Percent	Number	Percent
One-Time Arrests	3,723	80%	3,723	57%
Multiple Arrests	946	20%	2,765	43%
Total	4,669	100%	6,488	100%

It can be seen above that 20% of the individuals made up 43% of the arrests.

An “arrest” may involve a booking into jail or a citation. Approximately 70% of the arrests were bookings and 30% citations.

Of the 4,669 individuals who were arrested, we counted 946 (or 20.2%) who were arrested more than once, as shown in Table 7.

Table 7  
**Re-Arrests in the Study Area, 1/1/2006 to 6/18/2008**

<u>Number of Persons</u>	<u>Number of Arrests</u>
571 persons	2
187 persons	3
89 persons	4
32 persons	5
17 persons	6
15 persons	7
10 persons	8
13 persons	9
12 persons	10 or more
946 Total Re-Arrests	

It is hard to summarize the types of “arrest charges” against the persons who were arrested multiple times.<sup>2</sup> In general, the charges are more serious than for the SIP population, because the SIP procedure by definition is used only for less serious charges. A considerable number of the charges in this population are felonies, such as possession of drugs, burglary, theft, assault, and even two cases of aggravated murder. Most of the multiple arrests, however, were for minor crimes such as DWLS (Driving with License Suspended), various forms of

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<sup>2</sup> “Arrest charges” are those filed by the police and referred to the prosecutor. These are different from the charges filed (or not filed) by the prosecutor, and also different from the charges on which a person may be convicted.

misdemeanor assault, SODA violations (Stay Out of Drug Area), SOAP violations (Stay Out of Areas of Prostitution), and shoplifting, to name just a few. The list of charges for the re-arrested persons runs to 55 pages.

The re-arrest data can provide a basis to evaluate the number of persons who were SIP'd and then rearrested. As shown above in Table 1, 6.1% of the SIPs in 2006 and 6.6% in 2007 were arrested in the study area after being SIP'd, although usually not very close in time to the SIP. This is a considerably lower figure than the 20.2% general re-arrest rate in the study area since January 2006.

### **Arrests of Homeless or Transient Persons**

In analyzing the arrest data from the 22 census blocks, we found that many of the arrestees were homeless or transient. It is old news that Tacoma has many homeless people. But it was surprising to us to learn how many of the total arrestees and how many of those booked into jail from the study area are homeless or transient.

To identify that population, we examined the “arrestee address” reported by the police in the arrest data. The total number of homeless or transient people is a combination of at least two groups: (a) those whose address is listed as “homeless,” “transient,” or “none,” and (b) those listed as living at Nativity House, the Rescue Mission, or King Center.

Table 8 (next page) shows the number of homeless or transient people, according to the arrest data. The table presents two different ways of looking at the number of homeless or transient persons as a proportion of the study population.

- The figures to the left refer to bookings and contain duplication because some individuals had multiple bookings. The 4,487 total bookings cover approximately 3,210 individuals.
- The figures to the right are an unduplicated count of the individuals with multiple arrests. Of the 946 total individuals, 872 were booked into jail, and 74 were not booked but received a citation (at least twice).

Table 8  
**Homeless or Transient People Arrested in the Study Area**

January 1, 2006 to June 18, 2008

Arrestee Address	Total Bookings (N = 4487)		Repeat Arrestees (N = 946)	
	Number of Bookings	Percentage of Bookings	Unduplicated Number of Persons	Percentage of Repeat Arrestees
"Homeless"	60	1.3%	18	1.9%
"Transient"	764	17.0%	236	24.9%
"None"	14	0.3%	0	-
Nativity House	59	1.3%	7	0.7%
Rescue Mission	57	1.3%	11	1.2%
King Center	29	0.6%	7	0.7%
<b>TOTAL</b>	<b>983</b>	<b>21.9%</b>	<b>279</b>	<b>29.5%</b>

*Source:* Calculated by performance audit staff from arrest data for the Study Area (22 census blocks in Hilltop and nearby areas in central Tacoma).

The table indicates that 21.9% of the bookings and 29.5% of the repeat arrestees, or “frequent flyers,” were homeless or transient. **However, the actual figures are higher.** Many arrestee addresses are coded in the arrest data as “unknown” or “null” (no data entry). We searched booking records and found that at least one-third of the people with “unknown” and “null” addresses in the arrest data were homeless or transient. Overall, after taking this data issue into consideration, it appears that approximately 25% of the total bookings and 33% of the repeat arrestees were homeless or transient.

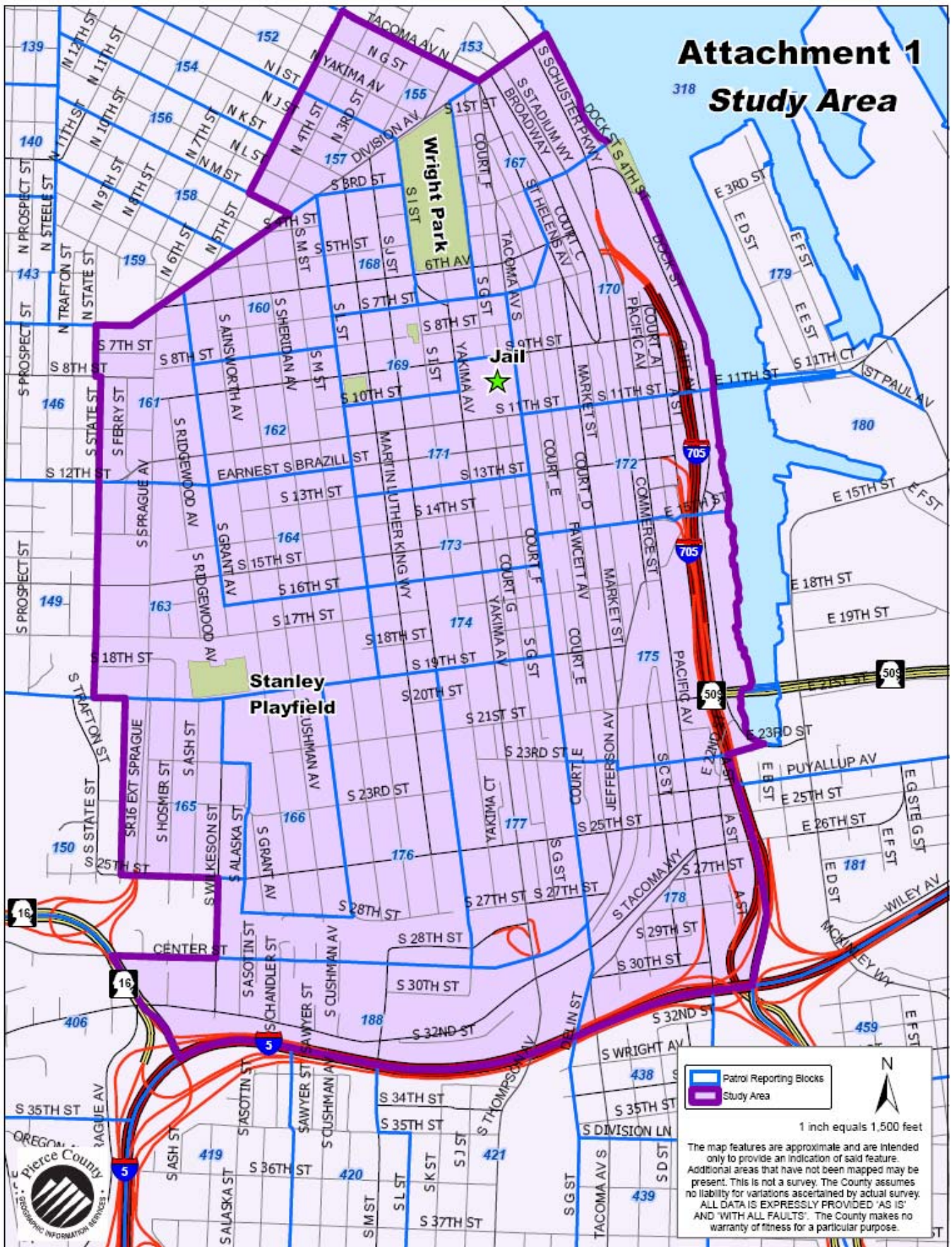
### Conclusion

This analysis began as an exploration of whether people from outside Tacoma who are brought to the Pierce County jail and then SIP'd are having an adverse impact on public safety in the Hilltop and other nearby areas in central Tacoma. Very little support for that hypothesis can be found in the arrest data from the 22 census blocks.

However, the arrest data reveal a much larger issue – approximately one-third of the “frequent flyers” from the study area are homeless or transient. It will be a challenge for policy makers to address that issue effectively. In our opinion, that issue has a far larger impact on the jail and on public safety in the surrounding areas than the jail’s decision to SIP an increased number of persons starting in 2007.

Attachment

# Attachment 1 Study Area



## Appendix E

### **Preliminary Analysis of Jail Release Methods**

The analysis that appears on the next three pages was prepared by Matt Temmel and William Vetter of the Performance Audit staff and presented to the task force on August 4. There were two reasons for the presentation. First, the task force previously agreed that release data should be part of a “dashboard report” of key criminal justice indicators. The idea is to track the types of release from jail such as time served, bail, or release on personal recognizance. Second, release data are useful background when considering the pretrial release system information prepared by Teri Martin (in Appendix F).

The release data are preliminary because of the large number of release categories used by the jail and inconsistency in how the categories are used. Because of these data issues, Performance Audit staff have low confidence in the accuracy of the data and any summary that can be compiled from the current data. At best, the summary presented to the task force on August 4 was a starting point for future improvement.

The material can be explained briefly. Page 1 (see next page here) on the left shows the 61 release codes that were used by the jail between January and July 2008, the number of releases in the middle column, and 12 categories on the right called “pie chart category” which we developed to summarize the data.

Page 2 shows the pie chart categories in tabular and graphic form. Some categories have unclear meanings and/or are used inconsistently. The “Court Order” category is most problematic. That category is a catch-all that covers different reasons for release. Some other categories appear to be used inconsistently.

Page 3 is a breakout of judge-ordered releases on personal recognizance. However, judicial PR’s are also contained in the “Court Order” category and in other categories, so the breakout is not fully accurate.

It is hoped that the data issues can be worked out in future discussions among the Corrections Bureau, the courts, Performance Audit staff, and possibly others with an interest in the issues.

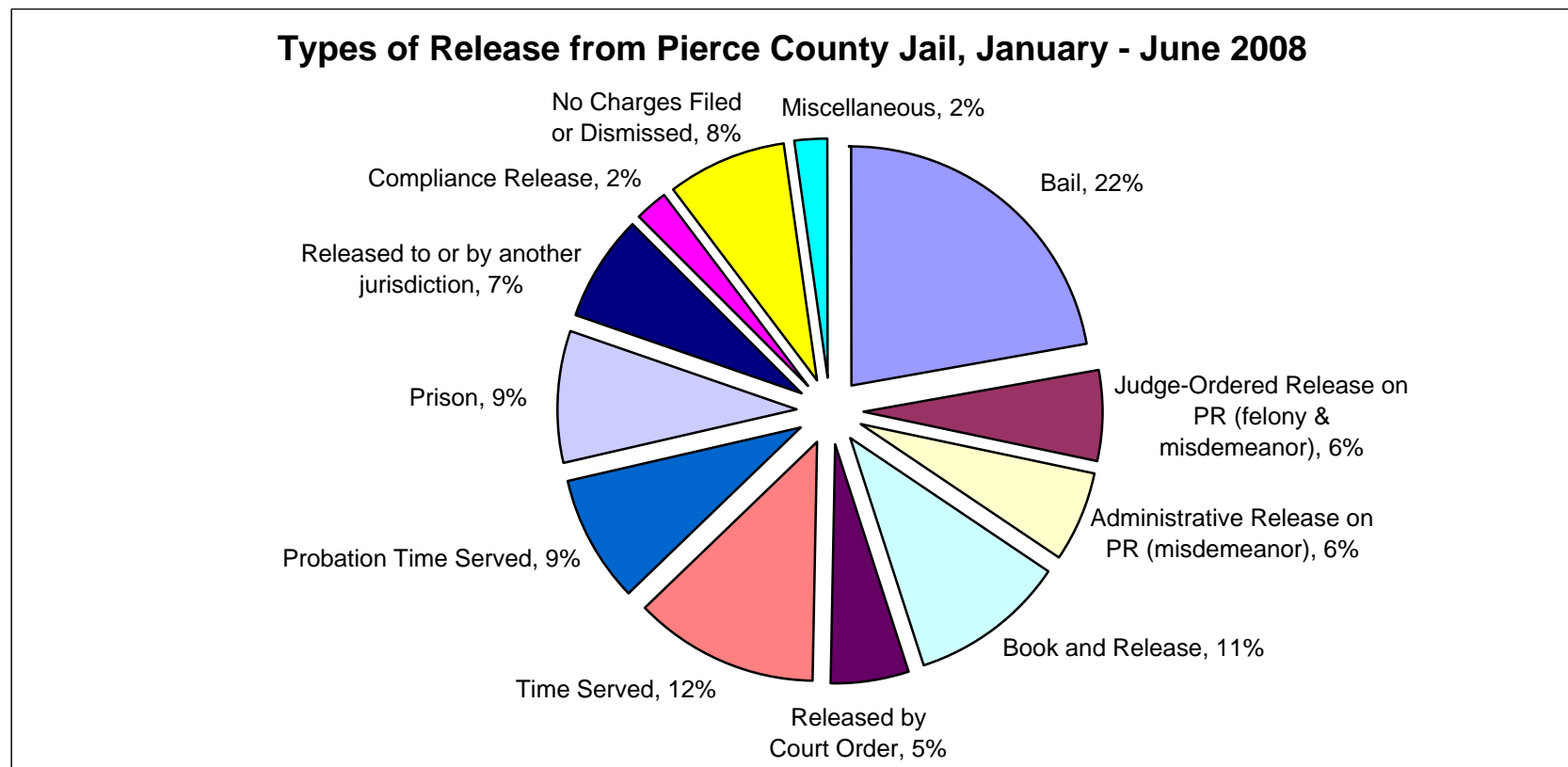
## Releases from Pierce County Jail, January - June 2008

	<u>Original Data Category</u>	<u># of Releases</u>	<u>Pie Chart Category</u>
1	Bail Bond	2202	Bail
2	Cash Bail	586	Bail
3	Check	70	Bail
4	Appearance Bond	1	Bail
5	Bail Reinstated	1	Bail
6	SIP	1182	Book and Release
7	Administrative Booking	178	Book and Release
8	PR PTS	780	Administrative Release on PR (misdemeanor)
9	PR	816	Judge-Ordered Release on PR (felony & misdemeanor)
10	Time Served	907	Time Served
11	Credit for Time Served	604	Time Served
12	Credit for Time Served (dismissed)	3	Time Served
13	Suspended Sentence	60	Time Served
14	Balance of Sentence Suspended	11	Time Served
15	Fine Paid	6	Time Served
16	Time Payments	1	Time Served
17	Deferred Sentence	4	Time Served
18	Court Order (?)	686	Court Order
19	Probation/Parole Officer	1005	Probation Time Served
20	Department of Corrections	3	Probation Time Served
21	Cancel Detainer	104	Probation Time Served
22	WSI Chain	1150	Prison
23	Mini-Chain (transferred to a local jurisdiction)	359	Released to or by another jurisdiction
24	DEA	4	Released to or by another jurisdiction
25	Extradition	20	Released to or by another jurisdiction
26	FBI	5	Released to or by another jurisdiction
27	FBI (dismissed)	2	Released to or by another jurisdiction
28	US Marshall	56	Released to or by another jurisdiction
29	Immigration	89	Released to or by another jurisdiction
30	Immigration (Credit for Time Served)	2	Released to or by another jurisdiction
31	Military Police	7	Released to or by another jurisdiction
32	PDC (?)	155	Released to or by another jurisdiction
33	Police Department (?)	195	Released to or by another jurisdiction
34	Sheriff's Office (?)	35	Released to or by another jurisdiction
35	Teletype Release (?)	2	Released to or by another jurisdiction
36	Compliance Release	292	Compliance Release
37	Dismissed	212	Dismissed or No Charges Filed
38	Not Guilty Verdict	5	Dismissed or No Charges Filed
39	No Charges Filed	272	Dismissed or No Charges Filed
40	NCF, Pending Inv	225	Dismissed or No Charges Filed
41	NCF Final	186	Dismissed or No Charges Filed
42	NCF Dist	73	Dismissed or No Charges Filed
43	NCF, Lakewood	42	Dismissed or No Charges Filed
44	NCF TacM	25	Dismissed or No Charges Filed
45	NCF Sup	1	Dismissed or No Charges Filed
46	No Prob Cause	9	Dismissed or No Charges Filed
47	Release without charge	21	Dismissed or No Charges Filed
48	Quashed	13	Miscellaneous
49	Remann Hall	4	Miscellaneous
50	Coroner	2	Miscellaneous
51	Escape	3	Miscellaneous
52	Escape Breaking the Cycle	8	Miscellaneous
53	Escape Temporary	1	Miscellaneous
54	Self	16	Miscellaneous
55	Detox Center	92	Miscellaneous
56	Drug Court	97	Miscellaneous
57	Breaking the Cycle	2	Miscellaneous
58	Involuntary Commitment	2	Miscellaneous
59	Mental Health Professional	1	Miscellaneous
60	Comm (committed)	26	Miscellaneous
61	Western State Hospital	3	Miscellaneous
	<b>Total</b>	<b>12,924</b>	

**Pie Chart Category**

	<u>Number</u>	<u>Percent</u>
Bail	2,860	22%
Judge-Ordered Release on PR (felony & misdemeanor) *	816	6%
Administrative Release on PR (misdemeanor) *	780	6%
Book and Release	1,360	11%
Released by Court Order	686	5%
Time Served	1,596	12%
Probation Time Served	1,112	9%
Prison	1,150	9%
Released to or by another jurisdiction	931	7%
Compliance Release	292	2%
No Charges Filed or Dismissed	1,071	8%
Miscellaneous	270	2%
<b>Total</b>	<b>12,924</b>	<b>100%</b>

\* PR = personal recognizance



**Judge-Ordered Release on Personal Recognizance: Breakout by Court**

January-June 2008

	<u>Number</u>	<u>Percent</u>
Tacoma Municipal	296	36%
Superior Court	249	31%
Pierce County District Court	136	17%
Lakewood Muni	103	13%
Ruston Muni	9	1%
Fircrest Muni	8	1%
Eatonville Muni	5	1%
University Place Muni	3	0%
Bonney Lake Muni	3	0%
Milton Muni	2	0%
Puyallup Muni	1	0%
Steilacoom Muni	1	0%
Total	816	100%

## Appendix F

### **Pretrial Release System Information**

On August 4 Dr. Teri Martin presented a paper to the Criminal Justice Task Force on “Pretrial Release System Information,” which appears on the following pages. A shorter version of the paper appears above in the report on pp. 14-17.

# **PRETRIAL RELEASE SYSTEM INFORMATION**

Drafted for the Pierce County Criminal Justice Task Force

August 2008

by Teri K. Martin, Ph.D., Law & Policy Associates

An improved pretrial release system is the major alternative to incarceration that Pierce County should consider if it wishes to manage the size of its jail population and avoid having to build another jail in the foreseeable future.

This document summarizes basic information about Pierce County's current pretrial release methods and describes proven and promising practices that may be useful in redesigning the county's approach to pretrial release decision-making and supervision.

Currently, the authority to release defendants awaiting trial is spread across several entities, including:

- The Corrections Bureau's pretrial release staff, who can release on personal recognizance (PR) certain persons charged with misdemeanors;
- Jail booking/intake staff, who are authorized when the jail is full to release by a SIP booking those charged with minor offenses; and
- Judges in the various courts, who can adjust bail amounts, authorize release on PR, and impose other conditions of pretrial release.

In any revamped pretrial release system, judges will retain their ultimate authority to release defendants from jail to await trial. The broad goals of re-organization should be to enhance the objectivity, consistency, and effectiveness of the pretrial release system.

Developing a comprehensive system of pretrial release for Pierce County that will serve as an effective tool for jail population management will require more than simply reassigning current responsibilities or expanding the authority of any one agency, group, or individual. All of the key policymakers that share decision-making authority and responsibility for outcomes should collaborate in restructuring the pretrial release decision-making and supervision process from the ground up.

An important first step in this process will be to document and evaluate the strengths and weaknesses of current pretrial release processes. For example, the performance audit staff recently analyzed SIP releases (memos at previous CJTF meetings) and today presented preliminary data on the number of releases by bail, PR, time served, and other categories.

A well-functioning comprehensive approach to pretrial release is characterized by:

1. Use of an actuarial risk assessment tool that enables objective evaluation of defendants' potential for re-arrest and risk of failure to appear for court events.
2. Availability of a continuum of non-financial pretrial release options, such as release on personal recognizance or, when necessary, more restrictive means such as electronic monitoring.
3. Guidelines for matching defendants assessed as having various degrees of risk to appropriate types of supervision and support that will address their specific risk profile.
4. Continuous monitoring of outcomes (FTA and re-arrest) and adjustment of the actuarial risk assessment scale and its use as necessary to stay within acceptable limits.

### **Actuarial Risk Assessment**

The Corrections Bureau's pretrial release unit uses a risk assessment scale developed many years ago by the Vera Institute of Justice, which was established in Manhattan in 1961. The Vera Institute founded the *Manhattan Bail Project*, the first pretrial screening program in the country that used an actuarial assessment tool to assist decision-makers in making informed and consistent release decisions that were less reliant on release through financial means.

Development of early pretrial release programs was motivated by the knowledge that many people accused of committing crimes remained in pretrial custody only because they could not pay a nominal bail, and by the fact that persons with strong community ties who were released pretrial are very likely to appear for court proceedings. The factors taken into consideration in the release recommendation were: the defendant's ties to the area, employment status, education, and prior criminal record. Information was gathered through interviews with defendants, and that information was then verified by calling references provided by the defendant.<sup>1</sup>

While it was a ground-breaking innovation decades ago, the "Vera scale" has not been re-validated for use in Pierce County for many years. A number of more contemporary and well-researched actuarial assessment tools are available for purchase or through the public domain. One that Pierce County policymakers might consider using is the VPRAI (Virginia Pretrial Risk Assessment Instrument). It is public domain, and is grounded in extensive research and practical experience with effective pretrial release processes.

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<sup>1</sup> For those interested in a more complete history of pretrial release programs in the United States, <http://www.pretrial.org/html/pretrial.htm> has a summary prepared by the Pretrial Justice Institute.

Using a validated actuarial risk assessment tool enables professional staff, whether civilian or uniformed, to objectively assess the nature and seriousness of defendants' risk of re-arrest and risk of failure to appear for court hearings if released, and to prepare recommendations concerning conditions of release necessary to minimize those risks. An actuarial system preserves the exercise of professional judgment via overrides, for specified reasons, of release recommendations derived from applying the objective tool. This type of pretrial risk assessment process offers a number of benefits:

1. Numerous research studies confirm that a validated actuarial risk assessment process predicts rates of re-arrest or failure to appear better than professional judgment alone.
2. Risk assessments completed by professional staff as soon as possible after intake into the jail can be provided to judges at first appearance, so that they can base their pretrial release and bail-setting decisions on reliable and validated information.
3. Judges are more comfortable delegating to professional staff the authority to release selected defendants if their release decisions are based on an objective assessment process that has been approved by the judiciary.
4. Using actuarial risk assessment tools can better ensure that the goal of controlling the jail population while maintaining public safety can be achieved, since these tools offer an objective, research-based way of determining who should be detained.
5. Results from using an objective assessment process can be monitored over time, and the assessment tool used can be modified if there are changes in the community or justice system goals regarding tolerable FTA and re-arrest rates.
6. Use of an objective assessment tool can provide a method to control FTA rates by adjusting the scoring or weighting of risk factors in the scale.
7. An objective assessment tool can enhance fairness of pretrial release recommendations, since the same criteria will be given the same weight across various pretrial interviewers.
8. Professional reasons for override can be monitored, which may lead to revision of the objective tool.

Making the most effective use of an actuarial/objective pretrial release assessment method will require that the courts, Sheriff's Department, and other law enforcement agencies in Pierce County collaborate on the choice or design of a tool that all can endorse.

No matter what organizational structure is chosen, using a structured interview process with a new actuarial assessment tool will require initial staff training and frequent "booster sessions" in which staff input is solicited. It will also be important to assess whether the assessment tool and process is being implemented in the manner in which it was designed (process evaluation).

### **Continuum of Release Options**

By expanding and strengthening the array of supervision tools available to pretrial release decision-makers, it is possible that a larger proportion of defendants could be released more quickly while preserving public safety and increasing the proportion of released defendants who appear for scheduled court hearings.

A number of tested strategies could be employed at relatively low cost (particularly when compared to the cost of jail). The strategies are arrayed below more or less in order from least restrictive/expensive to most. The most restrictive pretrial release options (e. though j. in the list below) would most likely require court sanction. Many of these options may also be appropriate as alternatives to incarceration for sentenced individuals.

- a. **Automated phone monitoring** – The defendant receives an automated phone call at regular intervals with prompted questions to verify he/she is complying with release conditions. This system can also be used to remind individuals of upcoming court dates. Investing in a phone notification system can help to reduce FTA rates for all pretrial releasees.
- b. **Temporary cell phones** – By providing low cost phones to defendants who otherwise might remain in jail due to lack of a stable residence, it would be possible to maintain contact with these individuals and to provide them with automated phone reminders as well. These phones can be configured to block the use of long distance and other features. Defendants would be required to sign a contract indicating that they will pay (or do equivalent work service) if the phones are damaged or lost. Although some damage and loss will undoubtedly occur, this cost is considerably less than the cost of housing defendants in jail beds.
- c. **Kiosk reporting** – A kiosk is an automated device similar to an ATM machine where defendants can report on a regular basis and answer certain automated questions. Kiosks can be located in police stations, probation offices, courthouses, or even shopping malls for ease of reporting. Kiosks are a relatively inexpensive monitoring approach that can be particularly useful in tracking transient or homeless individuals, which

means that lack of a stable residence need not be the sole reason for excluding someone from pretrial release. Kiosks could also be used by law enforcement officers to positively identify arrestees without bringing them to the jail to be SIPed.

- d. **Electronic monitoring (EM)** – The most common form of electronic monitoring prescribes when the offender must be home and monitors compliance with that schedule using an active or passive system.
- e. **GPS electronic monitoring** – Electronic devices monitor not only whether the offender is at home at the appropriate times but also the exact whereabouts of the offender through a GPS satellite device.
- f. **Drug testing** – Individuals agree to a regime of random drug testing, often as part of other supervision conditions. Drug testing provides defendants or offenders with an incentive to remain drug free and therefore more likely to abide by other conditions, such as showing up for court dates. There must be consequences for positive drug tests, but there should be an emphasis on directing individuals to counseling or support rather than automatic revocation of PR release or community supervision.
- g. **Day reporting center (DRC)** – DRCs, such as the one operated by District Court probation, can be used for both pretrial and post-sentence supervision and services. They are places where defendants or offenders must report on a daily or other scheduled basis to plan or confirm their daily schedule. This schedule is approved by the staff member who is responsible for verifying compliance with the approved plan. Day reporting centers often offer programs such as alcohol/drug treatment, cognitive behavioral therapy, and employment-seeking skills training, often in the evenings when more employed defendants or offenders can participate.
- h. **Intensive supervision (ISP)** – Monitoring an individual's behavior through multiple face-to-face contacts each week (usually 3 to 7), primarily in the field, at all hours of the day. This also usually involves drug testing for defendants where this is a concern.
- i. **Treatment** – Outpatient treatment for substance abuse and/or mental illness.
- j. **Residential housing with day release** – Placement in a staff-secure residential center that requires the defendant or offender to participate in treatment and educational programs. It is often combined with day release so the individual can maintain employment and/or schooling in the community.

## **Matching Releasees to Pretrial Supervision and Support Options**

Conditions of release should be matched to defendants' risk factors as assessed using an actuarial risk tool combined with professional judgment. Some individuals clearly do not need external controls, as they are motivated and have a support system that reinforces responsible behavior. These individuals should be considered for release on PR. For others who are assessed as needing significant structure to avoid FTA or re-offending, some combination of supervision and support techniques is more appropriate. For still others, pretrial detention is the most appropriate option.

The following matrix is provided for illustration only, showing how such a system might work using just five tools: PR, Kiosk, DRC, ISP, and EM. The severity of alleged offenses is categorized into two groupings, lower or higher.

<b>Alleged Offense Severity</b>	<b>Risk of Re-Arrest / FTA</b>	<b>Release Decision</b>
Lower	High	DRC or ISP or EM
	Medium	Kiosk
	Low	PR
Higher	High	DRC and EM
	Medium	DRC
	Low	EM and Kiosk

This example suggests that certain individuals accused of violent or other serious crimes would not be eligible for simple release on PR no matter the risk level, since the stakes are too high and public sentiment too strong to consider anything less than some structured supervision technique(s) for these defendants. The risk of re-arrest or FTA would be determined using a validated actuarial risk instrument as discussed above.

## **Ongoing Monitoring of Results**

Once a new system of pretrial release has been designed and implemented, it will be essential to track and review FTA rates for all means of pretrial release, including bond, release on PR, and any supervised release options that are developed.

It will also be important to establish performance benchmarks or targets. For example, a target might be that 70% of those reviewed for non-financial pretrial release will be placed on some form of release, that their re-arrest rates will not exceed 8%, and that their FTA rates will remain at 5% or lower. To achieve these goals will require both validated pretrial release decision-making criteria and a comprehensive continuum of pretrial supervision programs and techniques.

## Appendix G

### **Key Indicators of Justice System Status**

On June 23 and July 21, the task force discussed Dr. Teri Martin's proposal for a "dashboard report" of criminal justice system performance data. The following pages contain Dr. Martin's July 21 paper on the topic.

# PIERCE COUNTY CRIMINAL JUSTICE DASHBOARD REPORT

## Key Indicators of System Status

### General Principles

The primary purposes of a jail population management monitoring system are: 1) to track the success of policy change efforts, and 2) to identify areas where improvement or fine-tuning may be necessary to keep jail population management initiatives on track. Developing a single dashboard report format to which all agencies contribute will make the process of sharing relevant information with policymakers and funders much more efficient. Eliminating ad hoc, duplicative requests for reports will enable justice system staff to focus on providing high quality data on key indicators at agreed-upon intervals.

There are several key principles to keep in mind:

1. A dashboard report format should be concise and consistent over time.
2. Indicators are most likely to be useful when they are reviewed in the context of multi-year trends rather than being examined at a single point in time or compared only to the previous year.
3. For some indicators, quarterly or annual reporting is sufficient. Other indicators should be tracked on a monthly basis to provide insights into seasonal variations and other short-term patterns or trends.
4. Whenever possible, it is helpful to look at rates (per general population) as well as actual counts/numbers, since justice system workloads are in large part a function of general population size. Similarly, use of percentages in addition to counts can help decision-makers discern patterns and trends more easily.
5. Comparisons to other counties in Washington may provide helpful reference points, particularly if data is presented as rates or percentages.
6. Graphics (e.g., bar and pie charts, trend lines) can summarize and compare a considerable amount of information relatively concisely.
7. In each area it may be useful to display the goal(s) or standard(s) relevant to the indicator, and to provide a narrative summary highlighting progress in relation to goals and identifying developing issues or concerns.
8. Most of the performance indicators suggested here can be derived from much larger data sets stored in the information systems used by justice agencies in Pierce County. However, some of the suggested indicators are not currently tracked, and to do so will require some re-tooling of record-keeping and reporting systems.

The indicators listed below are offered as core measures of criminal justice system status or performance as it relates to jail population management goals. It is also appropriate for the courts and other justice system agencies to set goals and establish methods for monitoring their own performance in these and other areas. The County Council must ultimately decide how best to implement this dashboard report concept within the County's organizational structure.

## **Key Indicators**

### **Law Enforcement**

The Criminal Justice Task Force agreed that it would be useful to track reported crime rates over time (per 1,000 general population) by major charge or offense type (index, violent, property). These data, compiled quarterly or annually, provide a general context in which to view jail population trends.

Arrest numbers and rates are another important contextual variable. These should be compiled quarterly and/or annually by major charge or offense type for the county as a whole and for its major law enforcement agencies.

### **Corrections**

In tracking these indicators, it is helpful to look at overall totals as well as those for key case or charge types. Data for males and females should be separately tracked. Asterisked items should be tracked monthly, and others should be monitored on a quarterly or annual basis.

1. Bookings\* (total and from each major law enforcement agency)
2. Releases, total and by type of release,\* such as percent released via bail, personal recognizance, SIP, compliance, diversion (e.g., Drug Court), sentence completed, and transfer to other jurisdiction.
3. Average daily population\* (male, female; pretrial, sentenced, both; charge type; and classification or custody level)
4. Average length of stay\* (by relevant categories of inmates)
5. Rated/budgeted capacities of the jail and non-jail programs

### **Courts**

A well-functioning court system processes jailed cases efficiently, minimizing the length of time inmates are detained awaiting resolution of their cases. It is important to "flag" the cases of detained individuals so that they can be resolved as quickly as possible. For several of the indicators listed below, data should be reported separately for in-custody and out-of custody defendants, as well as by agreed-upon case categories (e.g., misdemeanor and felony; violent, property and drug offenses). Asterisked items should be tracked monthly, and others should be monitored on a quarterly or annual basis.

1. Number of case filings and filing rate\* (per 1,000 population), by case type
2. Number of pending cases, in and out of custody\*
3. Ratio of pending cases to case filings\*
4. Pending cases per deputy prosecutor and DAC attorney, by case type
5. Case age, in and out of custody\* (as of a given date; average, median, and 90<sup>th</sup> percentile)
6. Time to disposition or resolution, in and out of custody\* (for cases resolved during a given time period; average, median, and 90<sup>th</sup> percentile)
7. Number of offenders sentenced to jail, electronic home detention, probation, other local non-jail options, state prison, and combinations of these options.

### **Overall Resource Management**

Pierce County should monitor general population trends and growth projections that may affect criminal justice workload. The Criminal Justice Task Force recommends tracking the jail's cost per inmate-day on a quarterly or annual basis.

As part of its annual budgeting process, the County tracks funding sources, expenditures, and staffing levels for each of the criminal justice system components. The CJTF should consider how these overall performance measures might be coordinated with the jail population management dashboard report and oversight efforts as they go forward.