

# SPOKANE COUNTY CORRECTIONS NEEDS ASSESSMENT MASTER PLAN DRAFT

**Prepared For:**



**SPOKANE COUNTY**

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# Executive Summary

In 2007, Spokane County hired Integrus Architecture to plan for new correctional facilities. David Bennett Consulting was retained to conduct a broad assessment of the local criminal justice system to lay the groundwork for long-term facility and system planning.

The approach taken was based on the philosophy that detention planning should be based on a *systems approach*.

This approach acknowledges that new beds alone cannot solve a county's overcrowding problem. Available beds in any correctional facility have a tendency to become filled. *Build It and They Will Come*. However, assessing the efficiency of the criminal justice system first, as part of facility planning, can result in more comprehensive and lasting solutions.

The approach taken for this study puts system data collection up front. We collected jail data, case processing data, reviewed the availability of alternative programs, and produced jail forecast scenarios. In addition to the data collection, we observed local criminal justice operations, met with key stakeholder and practitioners, reviewed local policies and procedures, and initiated discussions regarding some fundamental system changes.

This Report finds that Spokane County has taken some important steps in developing innovative initiatives. We commend the following:

- Drug Court
- Court Monitoring of Domestic Violence cases
- Therapeutic Mental Health Court
- Specialized Probation Caseloads
- DUI Intensive Supervision Program
- Jail Discharge Planning

On the other hand the data collected points to significant system issues that merit attention.

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### Fragmented Adjudication

- The lack of a consolidated adjudication services contributes to system inefficiencies and added costs. It can be seen in the time to case disposition and the high number of court appearances:
- Lack of streamlined processing: 63% of cases in Superior Court have 4 + appearances between arraignment and disposition
- Case processing delays: The average time from booking to filing of charges in Superior Court for out-of-custody cases is 70 days, more than double the time of those who remain in custody pending filing.
- Significant case processing delays for out-of-custody cases: The average time from booking to sentencing in Superior Court is 135 days for in-custody case and 219 days for out of custody
- A high percentage of post-trial inmates exit the jail 'time served' (73% of misdemeanants and 42% of felons)

### Delays in Time to Filing

- The average time from Booking to Case Filing in Superior Court is 57 days.
- For out-of-custody cases the time to filing is more than 70 days

### High rates of Case Attrition

- A high percentage of pre-trial inmates exit the jail with no charges filed (27% of felony inmates) resulting in unnecessary failures-to-appear and subsequent arrests and booking when charges are filed
- High attrition rates: District Court has a 32% not guilty of which almost all (97%) are cases dismissed. The majority of dismissals (61%) are domestic violence cases.
- High attrition rates: Felony filing rate for Superior Court is 69%; 31% cases not filed

## **High Pre-Trial Failure Rates**

- At 29 percent, the felony re-arrest rate in Superior Court is 2 times the national average
- Relationship between case processing delays and pre-trial failure: Of those defendants with a FTA out of Superior Court 35% had 2+ failures to appear

## **Lack of Validated Risk Assessment to Guide Decisions**

No apparent relationship between defendant risk and type of pre-trial release: Little difference in prior bookings and release to own recognizance or surety

## **Jail Impacted by Narcotic Offenses**

Large impact from Narcotics offenses: At booking, the greatest percentage of felony charges were for Narcotics (43%); the greatest percentage of misdemeanor charges were Domestic Violence charges (37%)

## **Jail has a Large Number of Inmates in 'Hold' status**

In the Spokane County Jail, 38 percent of inmates are in 'hold' status (federal holds, DOC, bench warrants, etc.). 39 percent of these cases also have local charges pending

## **Heavy Reliance on Jail as a Sentencing Option**

77 percent of District Court cases and 71 percent of Superior Court cases were sentenced to jail

## **Underutilization of Jail Step-Down Alternatives**

There were only 26 inmates on work release at last count

# Spokane County Corrections Master Plan

## Issues of Treatment Access and Quality

There are issues of program underutilization, lack of subsidized treatment, and concern with program quality

## Redundant Supervision Services

- The bifurcation of misdemeanor probation services represents system inefficiency and unnecessary cost.
- Heavy reliance on jail as a sentence option: 77% of District Court and 71% of Superior Court sentences are to jail

Implementing the key concepts advanced in the Master Plan is central to the long-term management of the jail population and should be the cornerstone of the jail facility planning effort.

The key to the long-term management of a jail is the implementation of a System Master Plan: an approach that allows a county to not just react to change, but to *shape that change*. Key areas recommended for Spokane County to address in a Master Plan include:

- Establish a full-service Pre-Trial Services Program
- File the majority of felony cases within 72 hours
- Reduce high 'No File' rates
- Implement an Expedited Case Resolution program
- Develop a case management plan
- Consolidate prosecution as well as defense services at the district/municipal court level
- Shift Geiger to a program-based Re-entry model
- Build continuum of programs from Jail to Community
- Strengthen Mental Health services
- Consolidate Misdemeanor Probation services
- Improve supervision and program quality
- Adopt and validate objective risk and need tools
- Subsidize treatment for higher risk offenders
- Formalize system data collection & analysis

## Key Steps in the Analysis

Data collected for the Spokane County project included the following:

### **Jail Snapshot**

A Jail 'snapshot' was developed to provide a detailed profile of the in-custody population. The snapshot methodology that was developed will allow the county to monitor changes in the inmate population over time.

### **Case Processing Analysis**

A sample of defendants booked into the Spokane County Jail was identified and tracked through the criminal justice system. The sample included the first 143 misdemeanor bookings and the first 140 felony bookings from each of the 2007 dates identified below.

Each booking that was identified for the sample was new, fresh, local arrests. They did not include any bench warrants, out of county cases, or probation violations only arrests. The sample dates, over 2007, were:

- 3 January
- 10 April
- 23 July
- 16 October

### **Jail Alternative Program Analysis**

The analysis also included a review of alternative to jail programs. We reviewed available data, met with providers, and observed operations.

### **Jail Forecast Scenarios**

Long-term jail forecasts were developed based on an analysis of historical data for the Jail and Geiger and a study of county population trends.

### **General System Assessment**

Finally, over the course of multiple visits to the county, time was spent meeting with key officials, reviewing system policies, and observing the operations of the system. All this has resulted in this Report, which provides the reader with jail and system data, and concludes with recommendations for system change.

## Summary of Findings

### I. Criminal Justice System Case Processing

*The system is impacted by high pre-trial failure rates*

Felony pre-trial re-arrest rates (29%) are significantly higher than the national average.

*Pre-Trial failure rates reflect the lack of a comprehensive Pre-Trial program that screens all defendants, the absence of objective risk screening, an over-reliance on surety release, and the lack of a pre-trial supervision, monitoring and tracking services.*

The failure-to-appear rate for defendants released out of District Court was 23 percent; the FTA rate out of Superior Court was 32 percent.

*System case processing times and failure rates are related*

The time from booking to disposition is more than two times as long for misdemeanor defendants who fail to appear for a court hearing than for those who make their appearances.

*The Jail is impacted by case processing times*

The lack of timely disposition of cases results in higher failure rates. For felony cases, the average time from jail release to a failure-to-appear was 174 days; 55% of all FTA's occurred 4 months or more after release.

*Case attrition takes a toll on the system*

The felony 'no filing' rate in Spokane County is 31 percent.

### II. Jail Population

A Jail 'snapshot' methodology was developed to capture and describe, in some detail, the profile of the inmates in the Spokane County Jail on a daily basis. This methodology uses a hierarchy to determine the most significant charge for which a defendant is being held and from that determines their status. The snapshot is recorded each night at midnight and a monthly composite is prepared at the end of the month. The data presented in the Master Plan Report is a composite of April through June 2007.

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### Highlights of the Jail Snapshot:

- The average age is 34 years
- 84 percent male and 15 percent female
- 63 percent unemployed at the time of booking
- 81 percent Caucasian, 11 percent African American, and 8 percent are an other race or ethnicity
- 34 percent are pre-trial defendants; 28 percent post-trial, and 28 percent are in 'hold' status
- 57 percent of defendants booked into the Spokane County Jail on a misdemeanor charge had previously been booked into the local jail; 64% of defendants booked on a felony charge had previous bookings.

#### *The Jail is impacted by repeat offenders*

Misdemeanor defendants had an average of 6 prior bookings into the Jail; felons had an average 7 prior bookings.

#### *The Jail is impacted by a high number of defendants on 'Hold' status*

Of the Jail's average daily population, 39% are in 'hold' status. A high number are bench warrant cases, the majority of which are failure-to-appear warrants, further evidence of the impact of failure rates on the jail. The other point to note about the 'hold' population is that overall one-third of these cases also have local charges, making the case for quick resolution of local charges.

#### *The Jail is impacted by the percentage of offenders who receive Jail time as their sentence*

71 percent of felony offenders received a jail sentence, higher than the national average of 28%.

### III. Jail Alternatives

The analysis of Spokane County's alternative programs was challenged, in many cases, by the lack of program and outcome data.

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*The system lacks basic in-custody treatment programs*

Neither the Jail nor Geiger have the basic programs necessary to promote offender change and to address mental health issues.

*Not all treatment programs are operating at capacity*

As an example, the contracted Day Reporting program that can accommodate 100 clients had only 20 when we checked.

*There is uneven access to programs*

Municipal misdemeanor cases do not have access to the county funded day treatment program.

*Validated Risk and Needs assessments do not guide resource allocation*

Objective risk and need tools are not formally integrated into supervision and treatment decision-making.

*There is no subsidized treatment for high risk offenders*

There is no subsidized domestic violence treatment; some DV cases are only in anger management; and there are high drop-out rates for some programs.

*Supervision caseload sizes prevent meaningful intervention*

Caseload sizes do not conform to national guidelines, and at up to 750 clients per caseload, do not allow meaningful interactions.

*The Drug Court program has a high rate of clients found not eligible or refusing service*

High refusal rates reflect the lack of comprehensive front-end screening, imperfect system incentives to attract participation, and other factors that merit review.

## IV. Jail Capacity Forecast

Forecasting future jail population size should be a policy-based exercise. The changes that have occurred in jail populations during the last twenty-five years provide considerable evidence that shifts in local policies can bring about dramatic increases or decreases in jail populations. For example: *There is no relationship between crime and jail size.* The size of a jail is determined, to a large extent, by the policy choices made the system and the availability of alternatives.

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The formulation of the forecast is based on an analysis of historical rates of admission and average daily population as well as trends in county population. Incarceration rate comparisons provide a reference point. In the end, the selection of a particular forecast scenario depends upon a county's ability to implement strategies to help manage the jail population.

Jail capacity forecasts must depend in large part on information made available to forecasters by a county. The forecasts contained in this report are no exception. Historical information exists on the way the Spokane County Jail and Geiger Correctional Facility has been used during the past 9 years. Jail admissions, average length of stay, and average daily population figures are available from 1999 to the present.

While we have 2 additional years of jail data, without having corresponding Geiger data only tells half the story. Attempts to obtain reliable, consistent older data, however, proved impossible – the records simply do not exist or are not reliable. An estimate of the forecast of county population was received from the County Division of Building and Planning to the year 2035.

A forecast analysis tracks trends in jail usage and county population over time. Findings from this analysis in Spokane County include:

- The average daily detention population (Jail and Geiger) has increased 16 percent since 1999 (from 953 to 1,108)
- Some dramatic fluctuation in admissions over the period and an 8% overall increase over the period (20,801 admissions in 2007); little or no change in admission rate
- Significant fluctuations in average length of stay over the period, and an overall 8% increase in ALOS (19.4 ALOS in 2007)
- Incarceration rate is virtually the same as the national average but slightly higher than state and regional average

*By 2035 it is estimated that 687,349 persons will be living in Spokane County.*

The Report presents jail forecast scenarios that apply different assumptions regarding admission rates, average length of stay, and peaking and classification factors (the latter pertains to the extra capacity added to a forecast to reflect periods of peak population as well as the added capacity needed to provide flexibility to accommodate a range of classification needs).

By 2035, the forecasted need ranges from 1753 to 2603 beds.

# Recommendations

This Report highlights key recommendations for adoption as part of a Corrections Master Plan. The recommendations advanced represent a ‘systems approach’ to jail management. To best respond to changing circumstances counties must have good data, proven management tools, and the flexibility to make modifications as conditions dictate.

In the end, the key to responding to changing system dynamics is a strategic Jail Master Plan. This includes short-term strategies for implementing and fine-tuning system changes, and longer-term strategies for building additional detention, work release, and program capacity.

The jail population is a function of two factors: the *number of admissions* and the *length of stay*. Factors that influence the number of admissions to jail include: county population, availability of pre-booking alternatives, pre-trial failure rate, supervision violation rate, and program effectiveness. The number of police officers on the street also significantly impacts the number of jail admissions.

Recommendations advanced for reducing local jail admissions include:

### Reduce Jail Admissions

- Establish comprehensive 24/7 Pre-Trial Services Program: effective front-end assessment for All cases, bail review, and a supervision, monitoring, and tracking unit to reduce pre-trial failure
- Implement procedures associated with reducing pre-trial FTA rate (court date notification, etc.)
- Implement supervision procedures associated with reducing re-arrest rate (supervision, drug testing, etc.)
- Fund Full-Service Crisis Triage Center
- Expand Drug Court
- Develop expanded diversion options for mentally ill and expand Therapeutic Mental Health Court

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- Build core jail programs, including those specific to the mentally ill, to facilitate success upon release
- Improve supervision with use of validated risk instruments
- Improve program effectiveness
- Subsidize treatment for higher risk offenders who cannot afford services
- Review practice of suspensions for domestic violence cases without treatment

Factors that affect the length of stay in jail include: the availability of pre-trial release options, case processing times, and sentence alternatives. Recommendations for reducing length of stay in the local jail include:

### Reduce Time in Custody

- Establish Comprehensive 24/7 Pre-Trial Services Program: Reduce time to pre-trial release
- Add clinical staff in booking area for quick identification and screening of mental health issues
- Institute Early Case Resolution Program
- Ensure early appointment of counsel through expanded pre-trial services
- Establish routine bail review of in-custody pre-trial population
- Provide early pre-trial identification of diversion candidates
- Increase simultaneous resolution of 'holds' and new charges
- Structure Geiger as a program-based Community Corrections Center/Work Release Facility geared toward moving inmates out on work release

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- Shift low risk inmates on work crew out of Geiger to home-based report for work option
- Assess all Inmates for Jail Step-Down options
- Plan a Community Corrections Center facility

### Improve System Efficiency

- Consolidate Prosecution Services
- Consolidate Public Defender Services
- Consolidate Misdemeanor Probation

## Key Recommendations

The following recommendations are highlighted as priority measures because of their potential to reduce demands on the jail and create a more cohesive local system.

### ❖ **Early Case Resolution Program**

An Early Case Resolution (ECR) Program results in increased system efficiency and helps reduce jail crowding. It is a central management tool for the criminal justice system. The program involves early case screening and timely case resolution. And, it depends on the availability of timely and accurate information on each case, information best supplied by a Pre-Trial Services Program.

The lack of expedited case processing in Spokane County can be seen in a system with built-in delays and a cumbersome bifurcated process.

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Some of the hallmarks of an Early Case Resolution programs are: Immediate case review; a mechanism for early entry and negotiation of pleas; assignment of experienced prosecutors and defense counsel to the ECR team; policies regarding quick resolution of specified cases; and improved information sharing.

An ECR program will address many of the issues associated with less than efficient case processing in the Spokane County system:

The benefits of an ECR Program are many and include:

- Relieves Crowded Dockets
- Reduces Case Processing Times
- Reduces Number of Pre-trial Defendants
- Reduces Average Length of Stay
- Frees up More Time for More Serious Cases
- Reduces Jail Impact

### ❖ Reduce Time to Filing

An important pre-condition for a quality ECR program is a reduction in the time to filing. At present, this time is exceeding long.

*The average time from booking to case filing in Superior Court is 57 days.*

To bring the time to filing down to an acceptable level will require a concerted effort. To begin with the Prosecutor's Office will need to set new time standards for filing, and expect staff to adhere to them. The goal should be to file all but the most complex cases within 72 hours of booking.

At the same time, there needs to be a strict expectation for law enforcement to submit their reports in a timely fashion. This issue should be reviewed to ensure that time standards for report submission are in place and followed.

### ❖ Comprehensive Pre-Trial Services Program

Pre-Trial Programs are an indispensable component of an efficient criminal justice system. They supply the system with accurate information about the defendant to inform decision making; support the early appointment of defense counsel; identify diversion candidates; monitor pre-trial jail inmates and facilitate bail reviews; and monitor, track and supervise pre-trial defendants.

The Report recommends establishing a 24/7 Pre-Trial Services program, providing centralized intake and screening for the system. At this time Spokane County does not screen all defendants booked into the jail, does not provide uniform indigency screening, has no routine bail review, and does not provide supervision, monitoring and tracking services. The absence of these services contributes to high pre-trial failure rates.

Pre-Trial services are also fundamental to expedited case processing: providing quick criminal history reviews to support swift case resolution.

The development of a full-service Pre-Trial program is an essential first step in a move toward a more unified 'systems approach' to case management.

A comprehensive Pre-Trial program would end the bifurcated approach to screening misdemeanor and felony pre-trial defendants and help move Spokane County toward a more coordinated system of services. This not only represents 'good practice' but is a necessary pre-condition for other recommended system reforms.

Jail population size and jail overcrowding has been directly linked to the *hours of operation of Pre-Trial programs*: the more coverage the less crowded the jail. Pre-Trial programs that provide the most extensive coverage have been shown to be the least likely to be located in a jurisdiction with a jail that exceeds its rated capacity.

A well-managed jail is, however, not only associated with access to Pre-Trial Services, but to the timeliness of those services. It has been shown that jurisdictions with Pre-Trial programs which *interview defendants prior to the initial court appearance* are less likely to have a jail that exceeds its rated capacity.

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In addition, the adoption of an *objective pre-trial risk assessment* is also linked to jail management. Pre-Trial programs that rely exclusively on subjective determinations of risk are more than twice as likely to have a jail that exceeds its rated capacity than those programs that use an objective risk assessment instrument.

Note: Pre-Trial Services and an ECR program should be viewed as two parts of the same program. Pre-Trial intake services are fundamental to the success of an ECR program. Pre-Trial provides the immediate and validated information that is a prerequisite for accelerated decision-making and swift case resolution. The two go hand in hand.

### ❖ **Consolidate Adjudication and Supervision Services**

Early Case Resolution depends upon a new kind of teamwork. The value of a coordinated and a more streamlined approach to case management cannot be underestimated: a reduction in system costs, better outcomes, improved system integrity, and more. The bifurcated adjudication system in this jurisdiction makes this coordination all the more challenging.

As Spokane County considers implementing an ECR program it should assess the benefits of doing so within the context of fundamental organizational reform: reform that would consolidate city and county prosecution offices, and municipal and county defense.

The offender population is not categorized by neat or discreet categories. That so many cases overlap jurisdictional boundaries makes a compelling argument for streamlining the process.

In Spokane County, case management is challenged by a bifurcated system that contributes to redundancy and delay. As such, the adoption of an Early Case Resolution program should be pursued within a new organizational model: one that consolidates the prosecution and defense across jurisdictional boundaries. The goal should be the creation of a seamless system of adjudication.

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The costs of the existing fragmented system are clear:

- Extended Times to Case Resolution
- High Number of Court Hearings
- High Rates of 'Time Served'
- Redundancy of Effort

This fragmented structure works against the timely resolution of cases. Fragmentation and the lack of system incentives to move a case has resulted in an institutional habit of continuances and delay.

The jurisdictional boundaries that shape the adjudication of cases in Spokane County do not reflect an offender population defined by such distinctions. By some estimates, around 30% of offenders coming before District Court have both city and county warrants. The degree of overlap of these populations is an argument for streamlining the process.

This level of overlap also has real cost implications. A judge in District Court working an afternoon felony docket can expect to see many of the same defendants seen earlier in the day on a misdemeanor docket. A more streamlined, consolidated process allows the resolution of all charges at the first hearing. This saves the entire system time and money.

As an example, a defendant may be approved for pre-trial release on their 'own recognizance' for a misdemeanor charge, but then held in jail for an accompanying felony charge. This is a charge driven, not a case driven approach. This makes no sense. It is a burden to the whole system. And the defendant is caught in between: the defendant in this example may not get released or credit for time served.

### ❖ **Consolidate Misdemeanor Probation Services**

Consolidation of prosecution and defense services should set the stage for consolidation of municipal and county probation services. Only by service consolidation can this jurisdiction achieve a unified and cost-effective approach to case management.

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Often government redundancy is hidden in dry reports and obscure statistics. In Spokane County one need only walk into the reception area of Adult Probation. There, behind a single counter two receptionists sit shoulder to shoulder: One serves Municipal offenders and the other serves County offenders.

Although there is no discernible difference between their respective clients, each receptionist can only serve those clients from their respective jurisdiction. They cannot cross an invisible line that separates paperwork and personnel.

This results in the spectacle of two receptionists, two fax machines, and two paper shredders sharing the same space.

As one moves beyond the lobby the separation becomes less apparent. To their credit, the staff has developed a good relationship in working side by side. But behind the scenes the cost of the division is easily apparent. For example, the City will be acquiring new automated case management software. The only problem: it is not the same one used by the County.

No business model would justify this level of duplication.

### ❖ A Community Corrections Center

Spokane County should take advantage of the Geiger facility to develop a program-based Re-entry/Community Corrections Center.

The Community Corrections Center (CCC) concept shifts the emphasis from simply minimum custody detention to community transition. A CCC is designed to promote successful transition by preparing inmates for community-based alternatives and then moving them along a continuum of services. The goal is to promote the notion that a sentence can be a time of productive activity in which the offender retains or secures employment while addressing underlying issues such as addiction.

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The principal goal is to facilitate a successful transition back to the community. Individual case plans are designed to address conditions of supervision, court orders, treatment needs, community safety, victim restitution, and successful transition back to the community. Issues addressed include employment, cognitive programming and substance abuse.

Inmates transferred to the CCC will have an orientation period, participate in job readiness activities, and then begin a structured job search. Low risk offenders will move along the continuum to a work crew option that has them reporting for crew work while living at home; higher risk inmates will work in the community and return to the facility at the end of the day.

A range of services are built in to address criminal risk. These may include:

- Substance abuse treatment
- Mental health evaluation and services
- Cognitive skills classes
- Employment testing and job search assistance
- GED and literacy classes
- Life skills: nutrition, parenting, money management, computer skills

The Department of Corrections Justice Center offers a good example of the kind of evidence based programs one would expect to incorporate into the design.

The Jail and Community Corrections Center should be planned together. The two should be considered as part of a single continuum of custody to community resources. Having both facilities provides a jurisdiction with increased flexibility to manage its inmate population, while providing the offender a graduated re-entry to the community.

### ❖ Evidence Based Practices

To address issues of program quality, the county should adopt a validated risk and needs assessment tool, as well as evidence-based performance standards.

Evidence based practices target higher risk offenders and deliver tested services in a manner designed to yield the best outcomes. Recent research demonstrates the cumulative benefit of evidence-based practices. It is recommended that Spokane County should develop quality control assessment protocols to implement and measure these practices.

Based on this research the following recommendations were advanced:

- Target the Higher Risk Offender
- Ensure Minimum Time in Treatment of 90 Days
- Use Objective Risk Assessment Instrument
- Vary Treatment Intensity by Risk Level
- Expedite Entry into Treatment
- Ensure Treatment Continuity
- Make Cognitive Curricula the Centerpiece of Jail Programs
- Review Cognitive Curricula Used Across Programs
- Ensure Swift Sanctions

The average reduction in the expected recidivism rate for alternative programs is approximately 10%. However, programs that are of the highest quality, in terms of best practices, have been shown to reduce the expected recidivism rate by up to 30%.

## ❖ Expansion of Specialty Court Programs

Drug Court programs and Therapeutic Mental Health Court programs have proven to be a cost-effective alternative to traditional prosecution.

A recent analysis of the Multnomah County Drug Court (the second oldest program in the nation) demonstrates this. A study tracked 11,000 drug court eligible offenders over a 10-year period. Results included significantly reduced recidivism for drug court participants up to 14 years after program entry compared to eligible offenders who did not participate. The incidence of re-arrest was reduced by nearly 30% for drug court participants.

This Report recommends expansion of the Drug Court program criteria. It also recommends making mental health court available to felony defendants.

## ❖ Integrate System Data into Planning

The Criminal Justice System should routinely track summary data from each component of the system. This summary information, provided on a quarterly basis, will allow the on-going assessment of system workload, trends, and outcomes.

The information presented in this Report provides baseline data for the Jail and the system. Routine review of this kind of information is recommended to track changes in population make-up, demands on the system, and improvements in case processing efficiency.

## Conclusion

Some of the recommendations require an investment in both time and money, but can be viewed as a 'pay me now or pay me later' proposition. This is because the implementation of these recommendations will result in the more efficient management of existing resources, thereby delaying the day when the county needs to start planning again for more jail beds.

Taken together, these measures form a strategic Corrections Master Plan for Spokane County.

## Spokane County Corrections Master Plan

# The Report Outline

The Spokane County Master Plan provides a conceptual framework to inform and guide the next stages of facility and system planning. It is not meant to be a static document. The jail and system baseline data should continue to be collected and analyzed. The recommendations are only a starting point for larger system discussions.

The Report is organized in four chapters. The first two chapters provide jail and system case processing data; chapter three presents jail forecast scenarios based on an historical analysis of local detention data and county trends; and the final chapter provides study findings and system recommendations.

Chapter 1: Criminal Justice System Data

Chapter 2: Jail Population Breakdown

Chapter 3: Jail Capacity Forecasts

Chapter 4: Jail Population Management

# **Spokane County *Corrections Master Plan***

## **Chapter One Criminal Justice System Data**

# *Chapter One*

## **Criminal Justice System Data**

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# *Chapter One*

## **Criminal Justice System Data**

### **Introduction**

A sample of defendants Booked into the Spokane County Jail was identified and tracked through the criminal justice system. The sample included the first 143 misdemeanor bookings and the first 140 felony bookings from each of the 2007 dates identified below.

Each booking that was identified for the sample was new, fresh, local arrests. They did not include any bench warrants, out of county cases, or probation violations only arrests. Excluded were failure-to-appear bench warrants, contempt of court, sentenced prisoners, fugitives from justice, holds from other counties, child support, ICE or other federal prisoners, prisoners booked on only probation violation charges. If there was a probation violation along with a new charge, the new charge qualified.

The sample dates were:

- 3 January
- 10 April
- 23 July
- 16 October

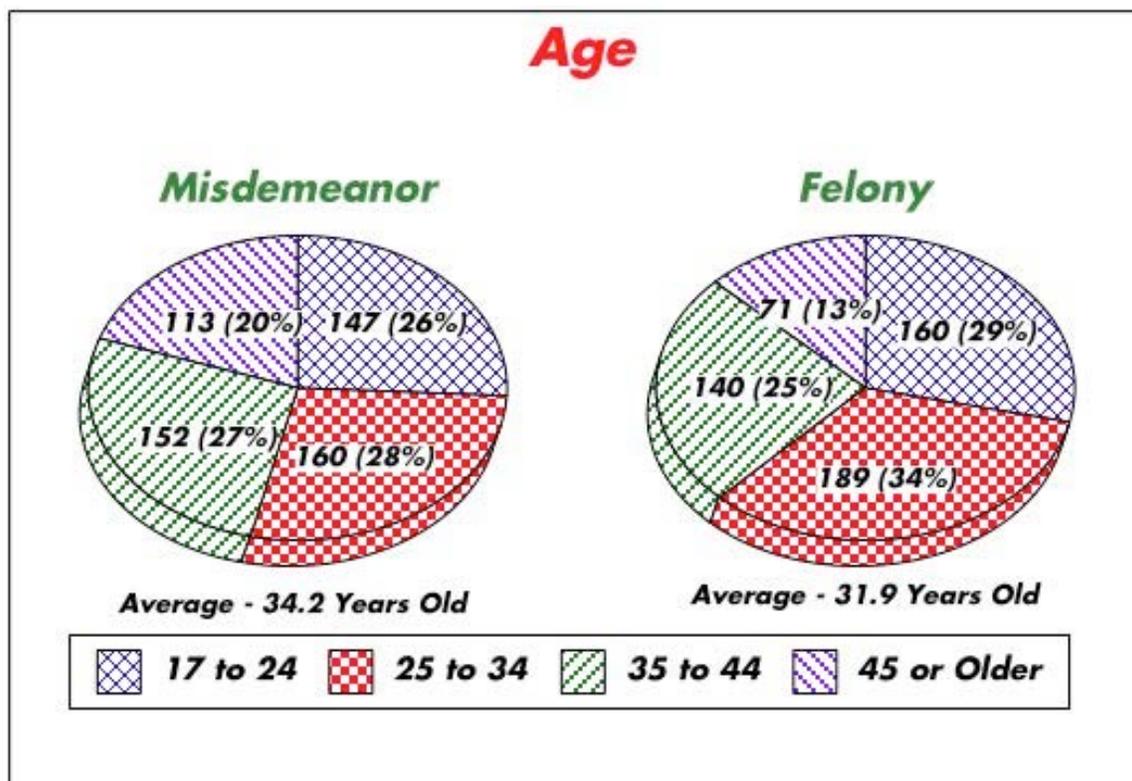
The graphic contained in this chapter were produced as a result of the analysis of the data. The demographic information is self-reported by the defendant at the time of booking—it has not been verified. The “n” varies on each graphic depending upon the number of cases for which there was complete data for the variables being analyzed.

## Spokane County Corrections Master Plan

### A. Demographics

#### 1. Age

The first graphic examines the age of the defendants in the sample.



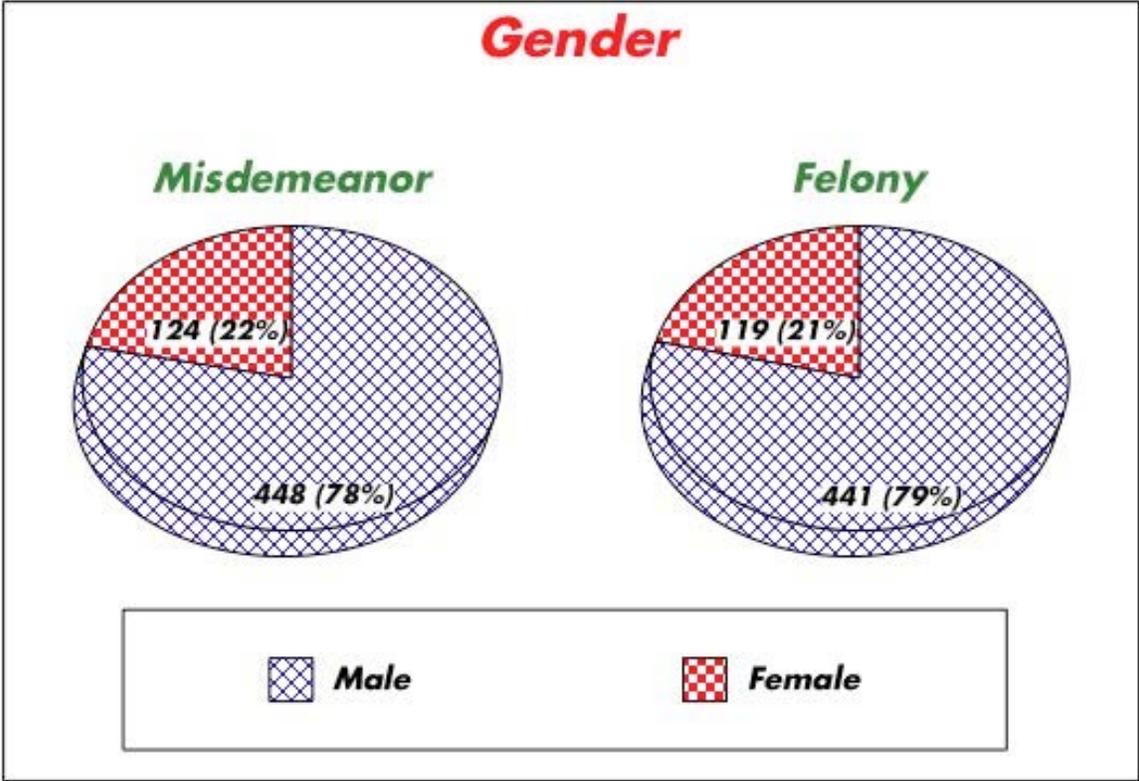
Twenty-six percent of the misdemeanants and 29 percent of the felons were between the ages of 17 to 24. Twenty-eight percent of the misdemeanants and 24 percent of the felons were between the ages of 25 to 34; and 27 percent of the misdemeanants and 25 percent of the felons were between the ages of 35 to 44. The remaining 20 percent of the misdemeanants and 13 percent of the felons were older than 44.

The average age of the misdemeanants was 34.2 and of the felons 31.9 years old.

# Spokane County Corrections Master Plan

## 2. Gender

The next graphic examines the gender of the offenders in the sample.

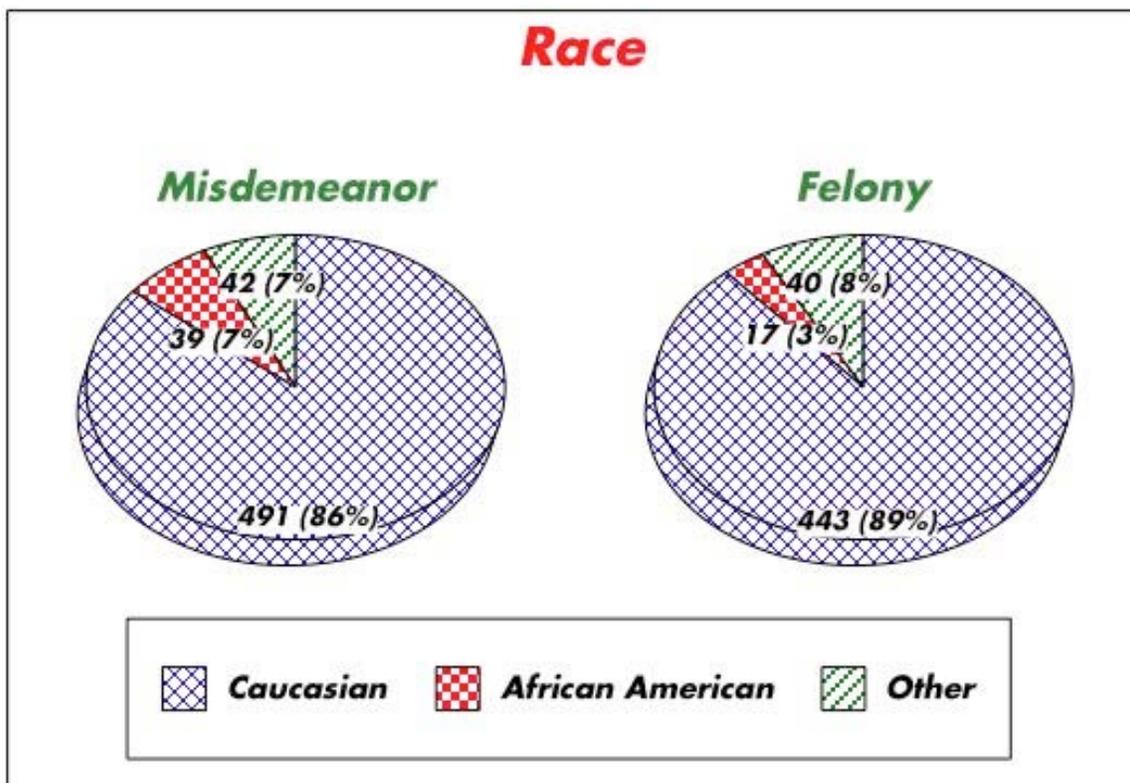


Seventy-eight percent of the misdemeanants and 79 percent of the felons were male.

## Spokane County Corrections Master Plan

### 3. Race

The next graphic shows the race of the defendants in the sample.



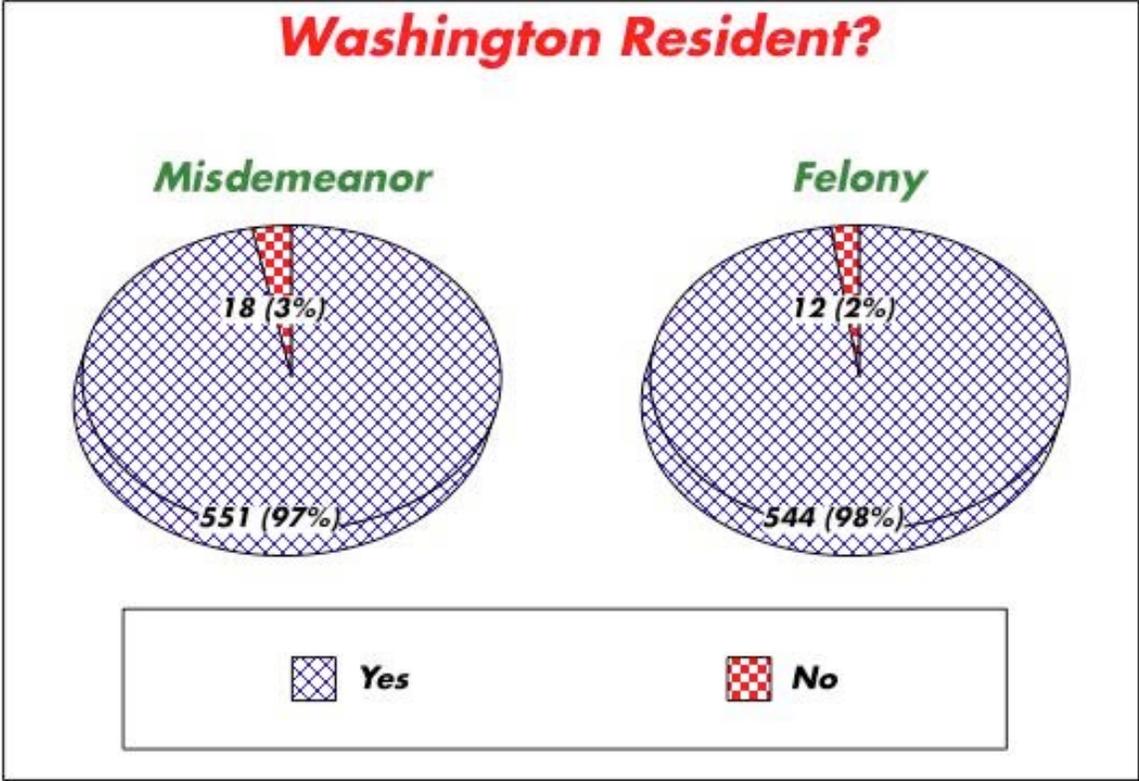
Eighty-six percent of the misdemeanants and 89 percent of the felons were Caucasian. Seven percent of the misdemeanants and 3 percent of the felons were African American. The remaining 7 percent of the misdemeanants and 8 percent of the felons were of other races.

# Spokane County Corrections Master Plan

## 4. Residence

### a. Overall

The next graphic shows whether the defendants in the sample were residents of the State of Washington.

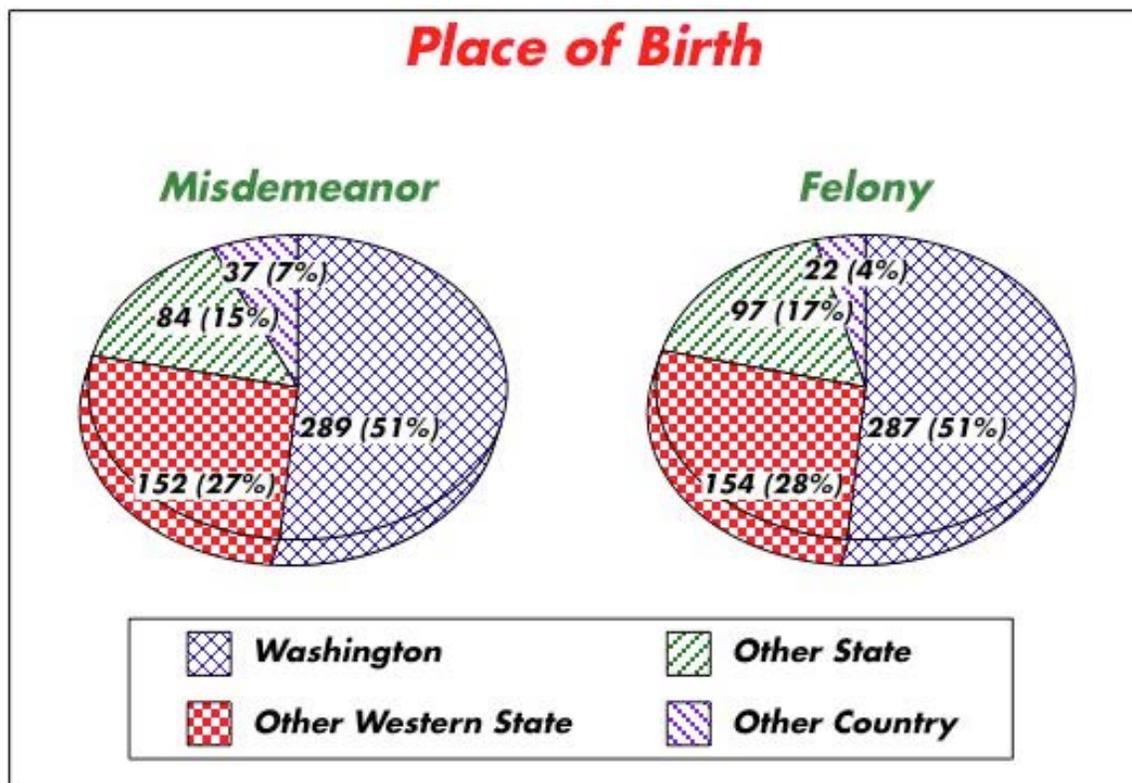


Ninety-seven percent of the misdemeanants and 98 percent of the felons were residents.

## Spokane County Corrections Master Plan

### b. Place of Birth

The next graphic shows the place of birth for the defendants.

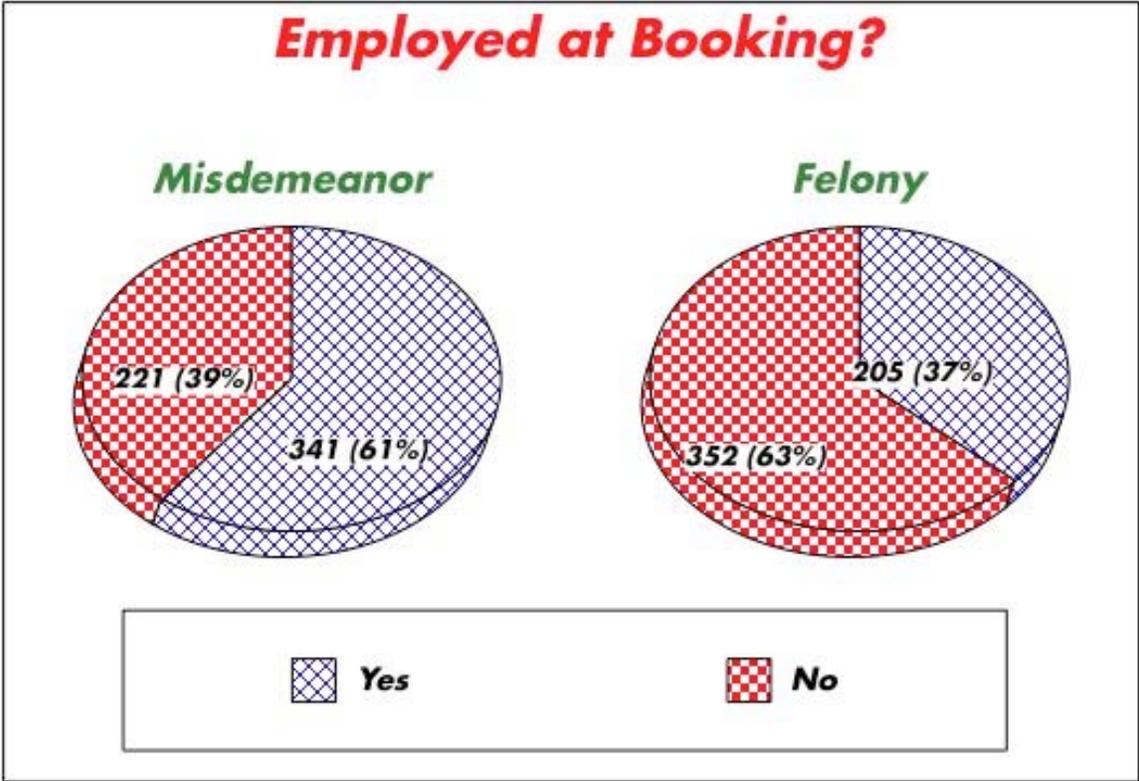


Fifty-one percent of both the misdemeanants and the felons were born in Washington. Twenty-seven percent of the misdemeanants and 28 percent of the felons were born in another western state and 15 percent of the misdemeanants and 17 percent of the felons were born in another state. The remaining 7 percent of the misdemeanants and 4 percent of the felons were born outside the country.

Spokane County Corrections Master Plan

5. Employed

The next graphic shows whether the defendant reported that they were employed at the time of booking.

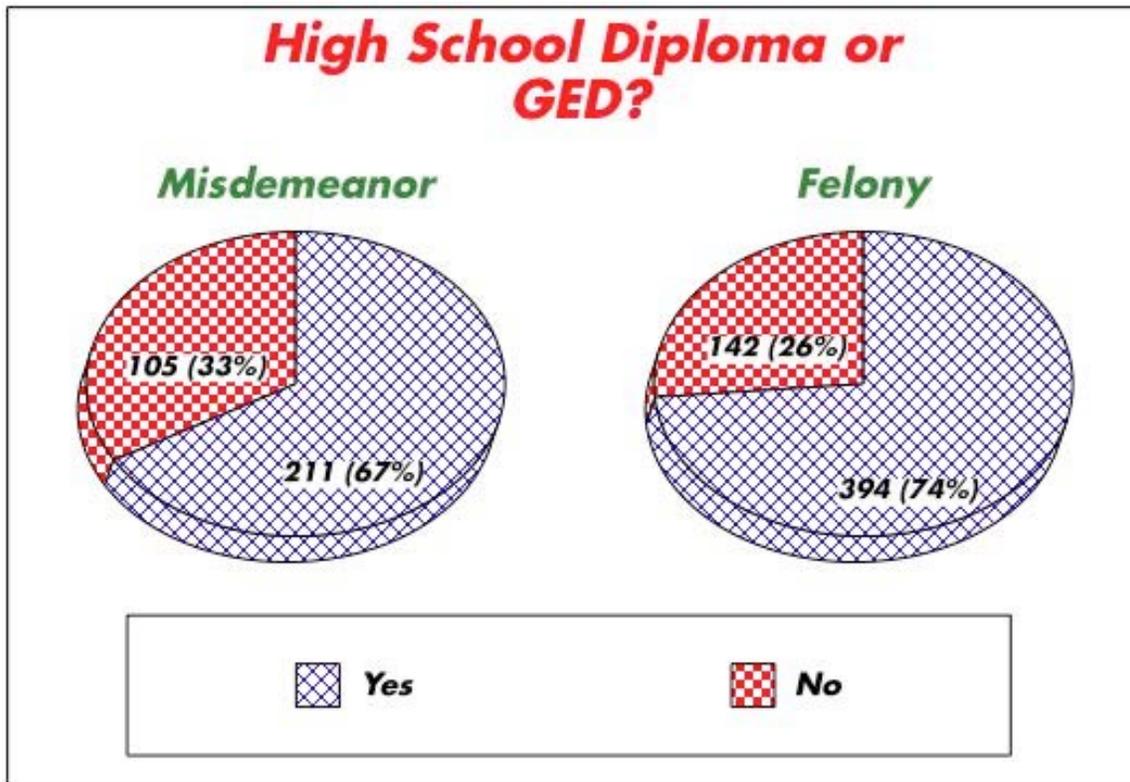


Sixty-one percent of the misdemeanants and 37 percent of the felons reported that they were employed.

## Spokane County Corrections Master Plan

### 6. Education

The next graphic shows whether the defendants in the sample graduated high school or had received a GED.



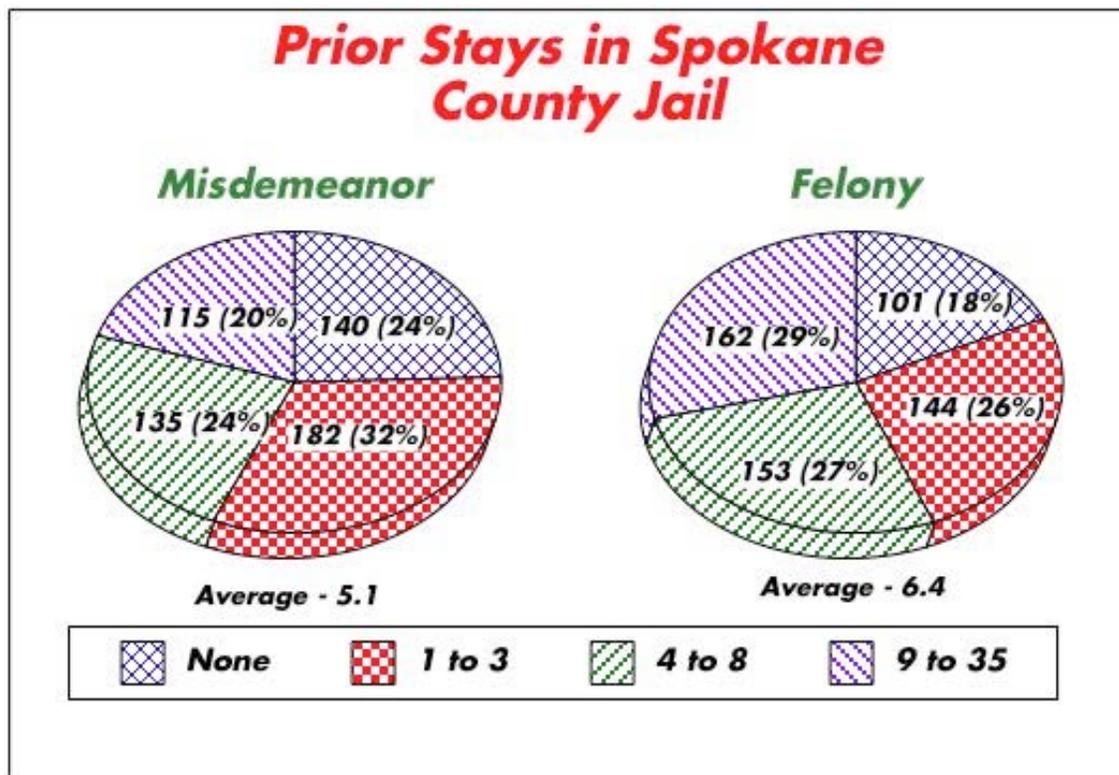
Sixty-seven percent of the misdemeanants and 74 percent of the felons had either graduated high school or received a GED.

## Spokane County Corrections Master Plan

### 7. Prior Criminal History

#### a. Spokane County Jail Stays

The next graphic examines the number of prior stays in the Spokane County Jail.



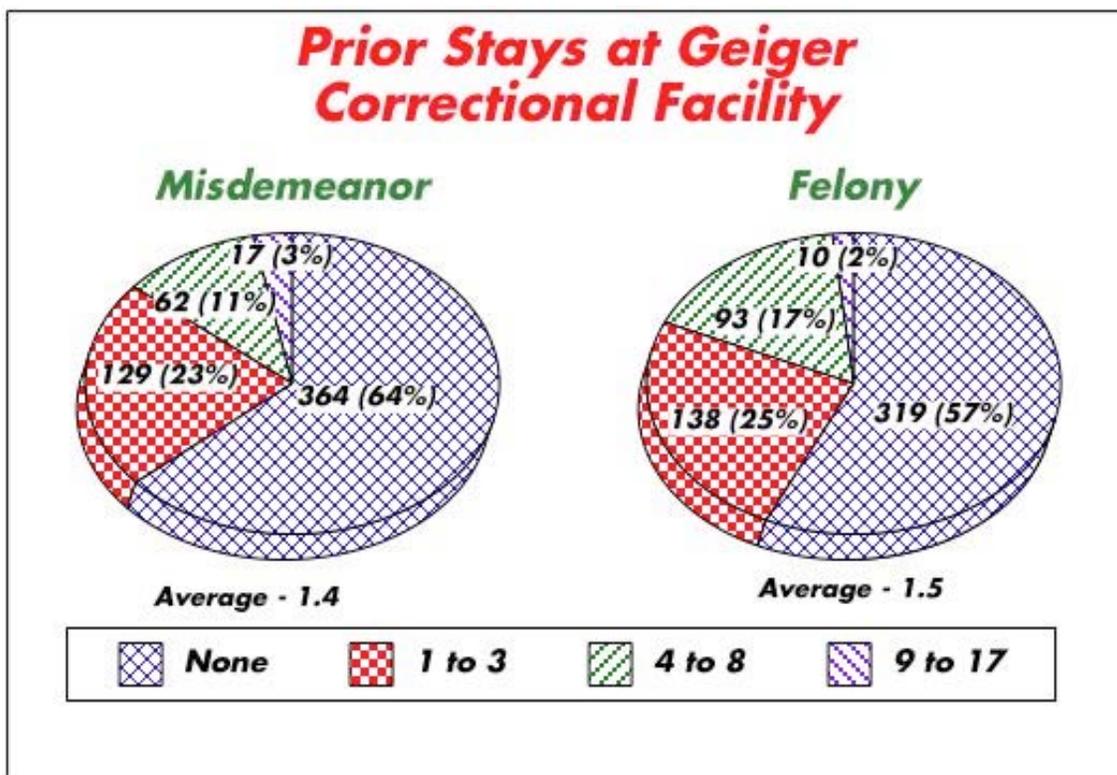
Twenty-four percent of the misdemeanants and 18 percent of the felons had never been in the jail. Thirty-two percent of the misdemeanants and 26 percent of the felons had one to three previous stays; and 24 percent of the misdemeanants and 27 percent of the felons had four to eight prior stays. The remaining 20 percent of the misdemeanants and 29 percent of the felons had between nine and thirty-five prior stays.

The average number of prior stays in the jail for the misdemeanants was 5.1 and for the felons was 6.4.

## Spokane County Corrections Master Plan

### b. Geiger Correctional Center Stays

The next graphic examines the number of prior stays in the Geiger Correctional Center.



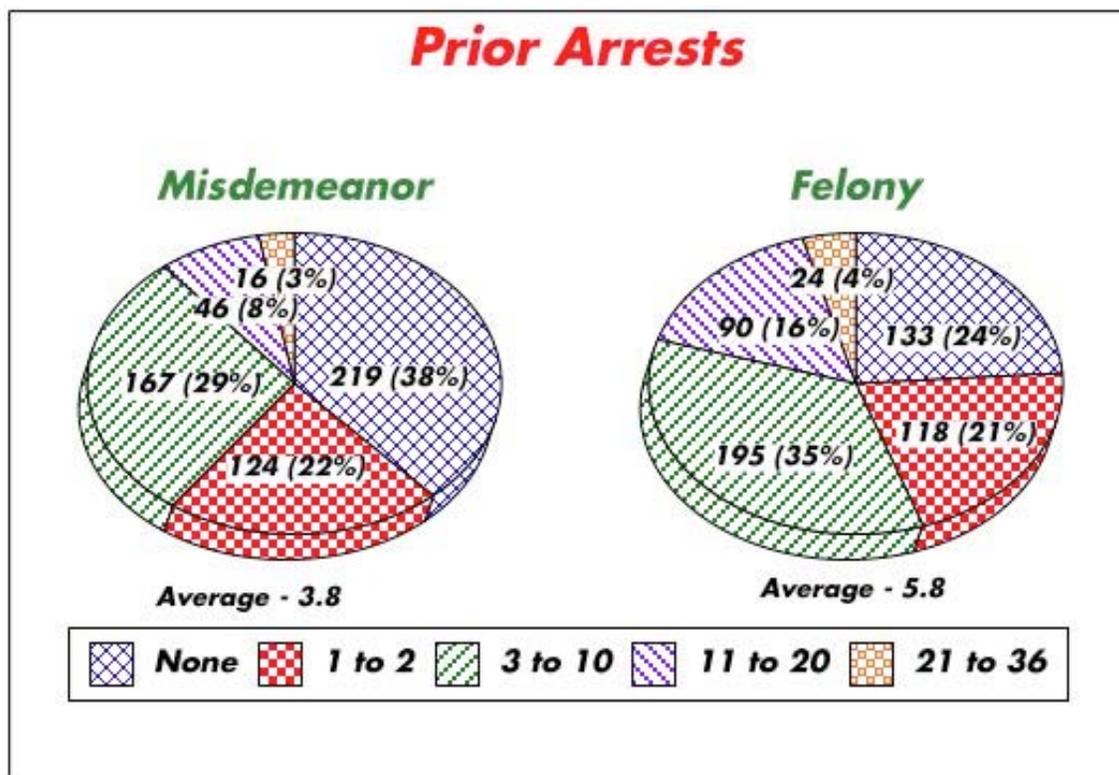
Sixty-four percent of the misdemeanants and 57 percent of the felons had never been in the Center. Twenty-three percent of the misdemeanants and a quarter of the felons had between one and three previous stays; and 11 percent of the misdemeanants and 17 percent of the felons had four to eight prior stays. The remaining 3 percent of the misdemeanants and 2 percent of the felons had between nine and seventeen prior stays.

The average number of prior stays in the Center for the misdemeanants was 1.4 and for the felons was 1.5.

## Spokane County Corrections Master Plan

### c. Prior Arrests

The next graphic examines the prior arrests for the defendants in the sample.



Thirty-eight percent of the misdemeanants and 24 percent of the felons had never been arrested. Twenty-two percent of the misdemeanants and 21 percent of the felons had between one and two previous arrest; 29 percent of the misdemeanants and 35 percent of the felons had three to ten prior arrests; and 8 percent of the misdemeanants and 16 percent of the felons had between eleven and twenty prior arrests. The remaining 3 percent of the misdemeanants and 4 percent of the felons had between twenty-one and thirty-six prior arrests.

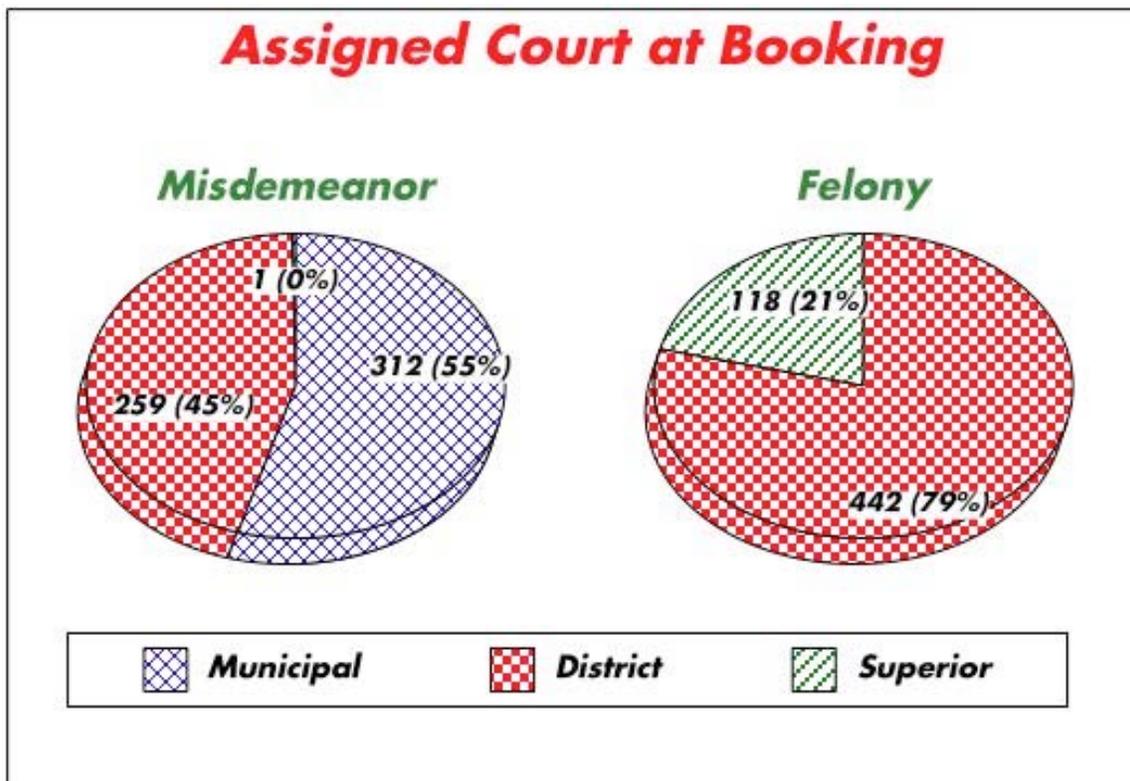
The average number of prior arrests for the misdemeanants was 3.8 and for the felons was 5.8.

## Spokane County Corrections Master Plan

### B. Booking Data

#### 1. Assigned Court

The next graphic shows the assigned court.



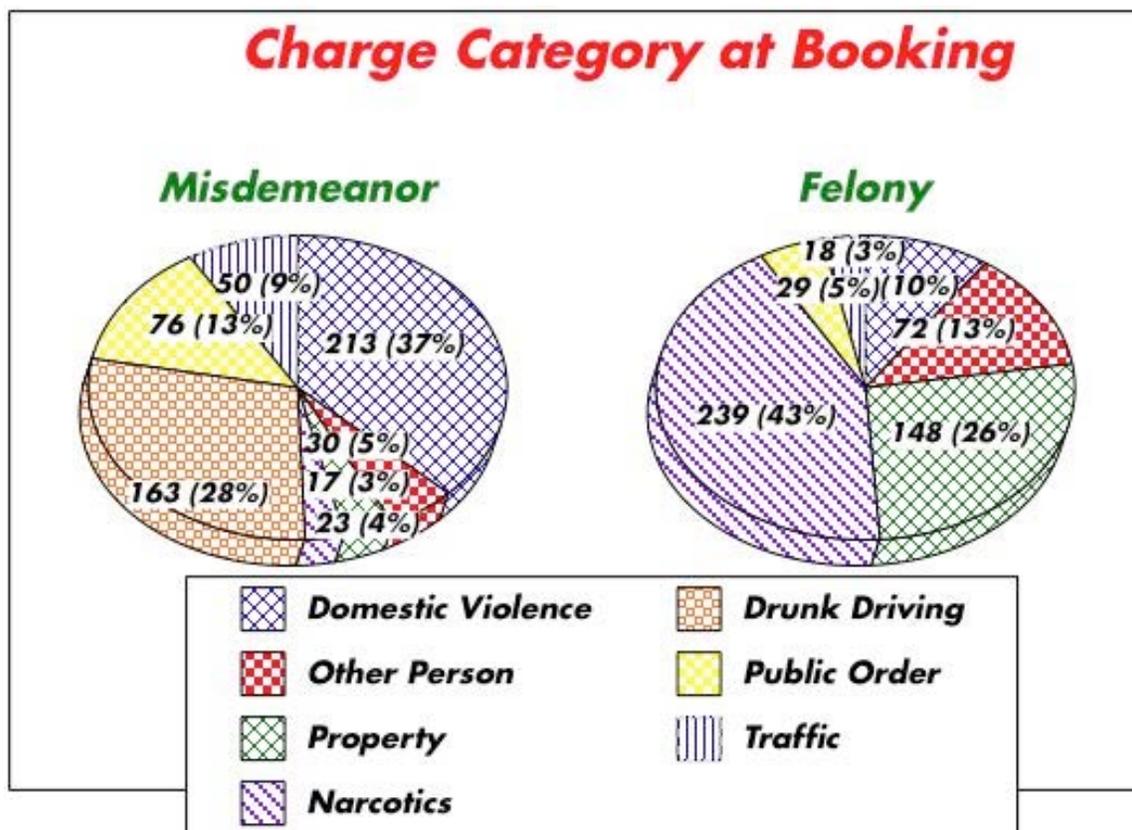
Fifty-five percent of the misdemeanants were assigned to the municipal court. Forty-five percent of the misdemeanants and 79 percent of the felons were initially assigned to the district court.

## Spokane County Corrections Master Plan

### 2. Charge at Booking

#### a. Category

The next graphic examines the charge category at booking.

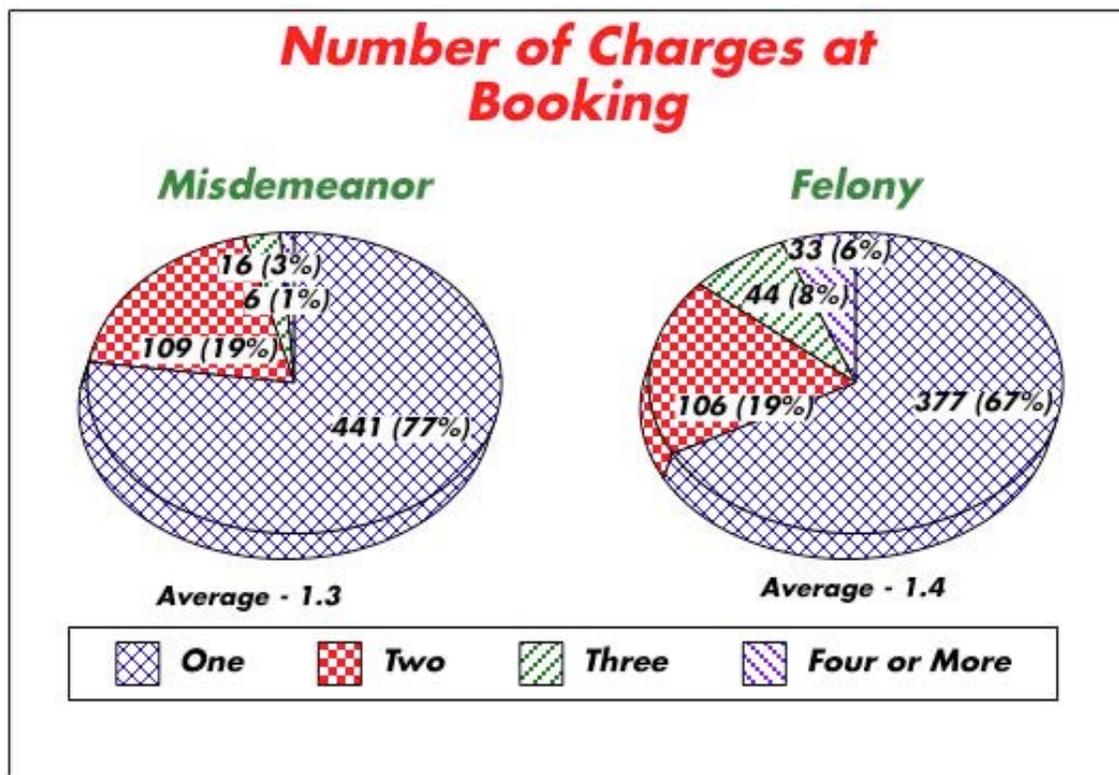


Thirty-seven percent of the misdemeanants and 10 percent of the felons were arrested for domestic violence. Five percent of the misdemeanants and 13 percent of the felons were arrested for another person crime. Three percent of the misdemeanants and 26 percent of the felons were arrested for a property offense; 4 percent of the misdemeanants and 43 percent of the felons were arrested for a narcotics offense; twenty-eight percent of the misdemeanants were arrested for drunk driving; and 13 percent of the misdemeanants and 5 percent of the felons were arrested for a public order offense. The remaining 9 percent of the misdemeanants and 3 percent of the felons were arrested for a traffic offense.

## Spokane County Corrections Master Plan

### b. Number of Charges

The next graphic displays the number of charges at booking



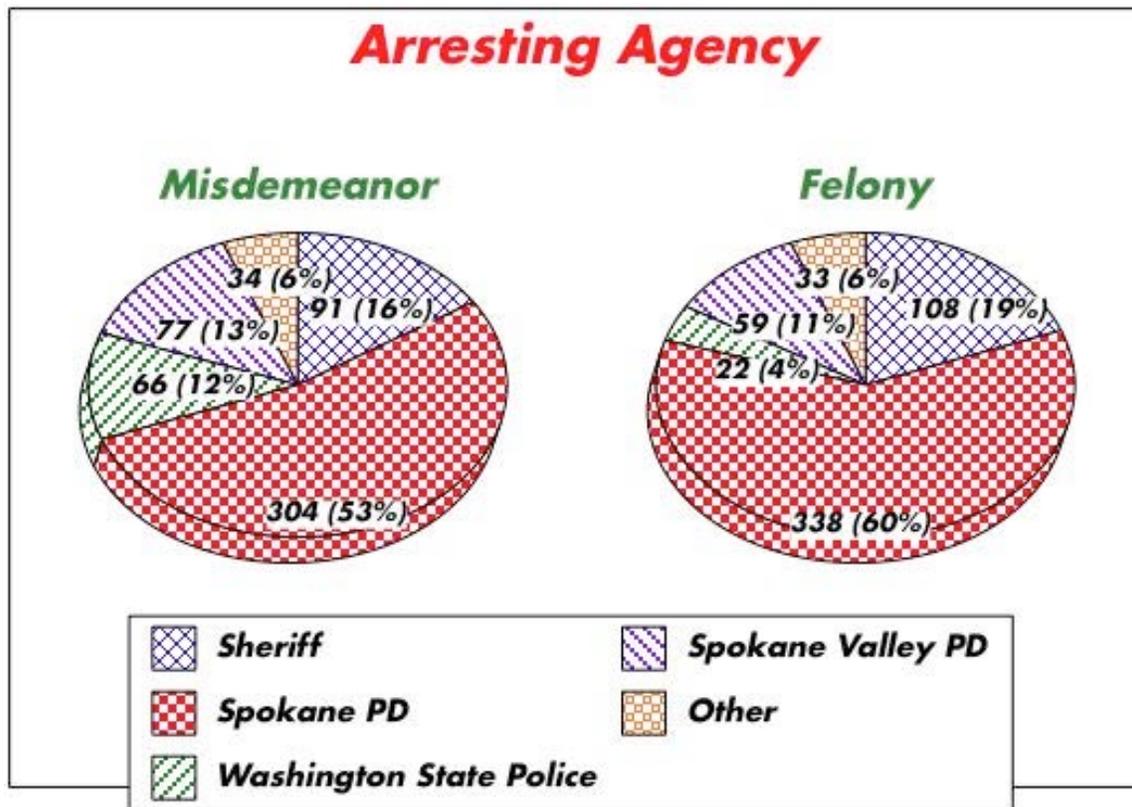
Seventy-seven percent of the misdemeanants and 67 percent of the felons had only 1 charge at booking. Nineteen percent of both the misdemeanants and the felons had 2 charges; and 3 percent of the misdemeanants and 8 percent of the felons had 3 charges. The remaining 1 percent of the misdemeanants and 6 percent of the felons had 4 or more charges.

The average number of charges for the misdemeanants was 1.3 and for the felons was 1.4.

## Spokane County Corrections Master Plan

### 3. Arresting Agency

The next graphic shows the arresting agency.

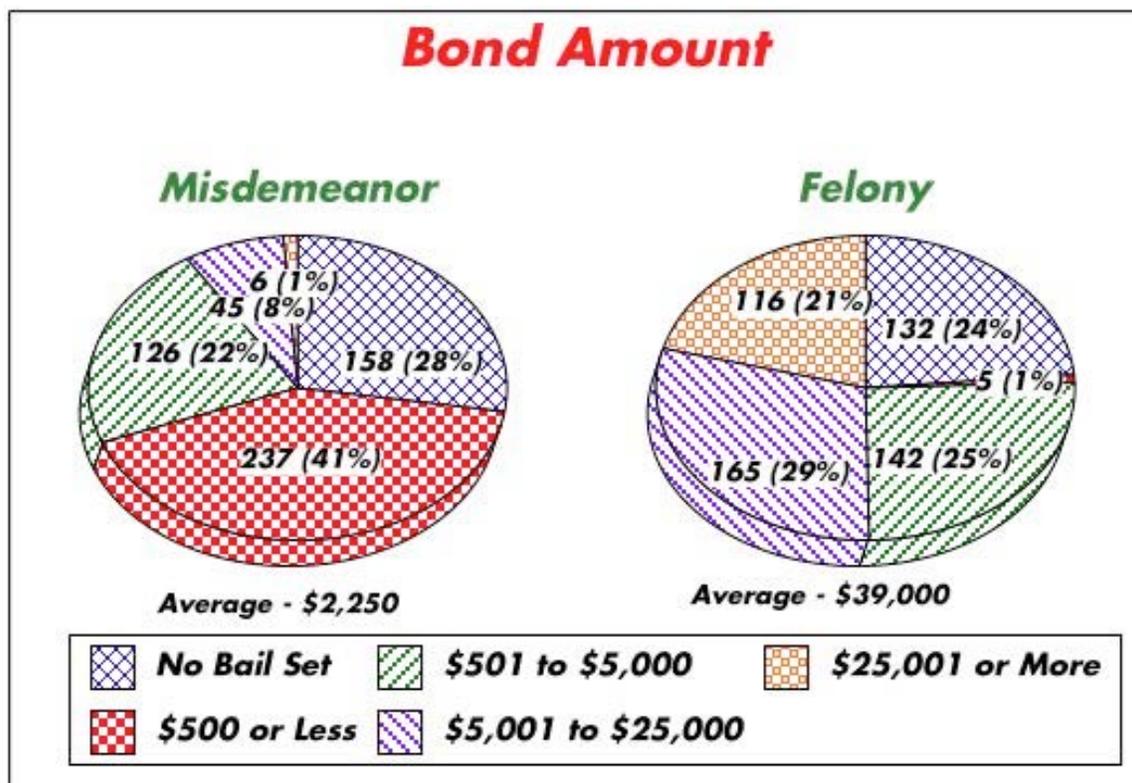


The Sheriff arrested 16 percent of the misdemeanants and 19 percent of the felons. Fifty-three percent of the misdemeanants and 60 percent of the felons were arrested by the Spokane Police Department; the Washington State Police arrested 12 percent of the misdemeanants and 4 percent of the felons; and 13 percent of the misdemeanants and 11 percent of the felons were arrested by Spokane Valley Police Department. The remaining 6 percent of both the misdemeanants and the felons was arrested by other agencies.

## Spokane County Corrections Master Plan

### 4. Bond Amount

The next graphic examines the amount of the bond set for each defendant in the sample.



Twenty-eight percent of the misdemeanants and 24 percent of the felons did not have bond set. Forty-one percent of the misdemeanants and 1 percent of the felons had bond set at \$500 or less; 22 percent of the misdemeanants and 25 percent of the felons had bond set at between \$501 and \$5,000; and 8 percent of the misdemeanants and 29 percent of the felons had bond set between \$5,001 and \$25,000. The remaining 1 percent of the misdemeanants and 21 percent of the felons had bond set over \$25,000.

The average bond for the misdemeanants was \$2,200 and for the felons was \$39,000.

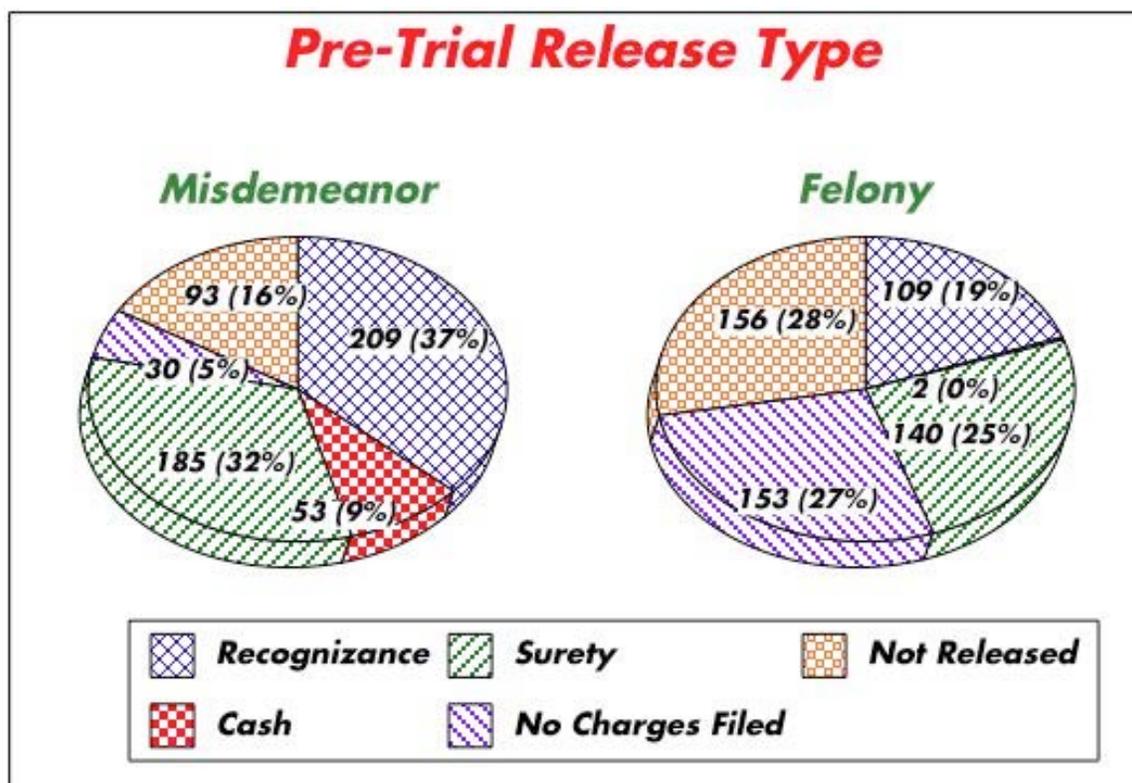
## Spokane County Corrections Master Plan

### 5. Release From Custody

#### a. Pre-Trial

##### (1) Type

The next graphic shows the type of pre-trial release for the persons in the sample.

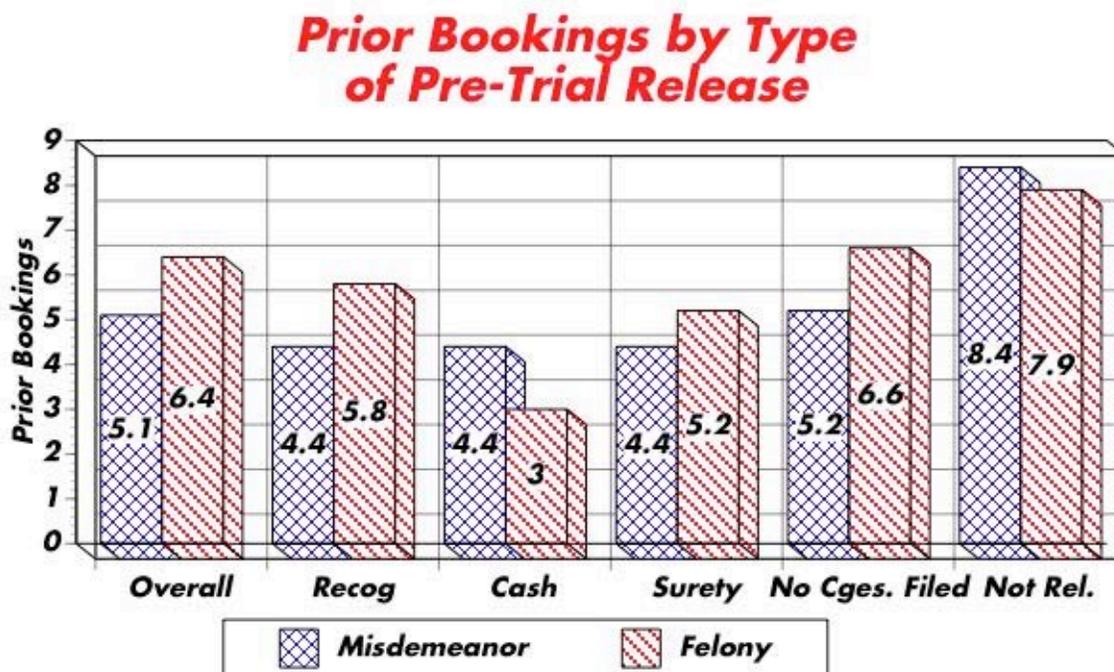


Thirty-seven percent of the misdemeanants and 19 percent of the felons were released on recognizance. Nine percent of the misdemeanants posted a cash bond; thirty-two percent of the misdemeanants and 25 percent of the felons posted a surety bond; and five percent of the misdemeanants and 27 percent of the felons were released when no charges were filed. The remaining 16 percent of the misdemeanants and 28 percent of the felons were not released from jail prior to trial.

## Spokane County Corrections Master Plan

### (2) Prior Bookings

The next graphic shows the average number of prior stays by how defendants were released from jail prior to trial.



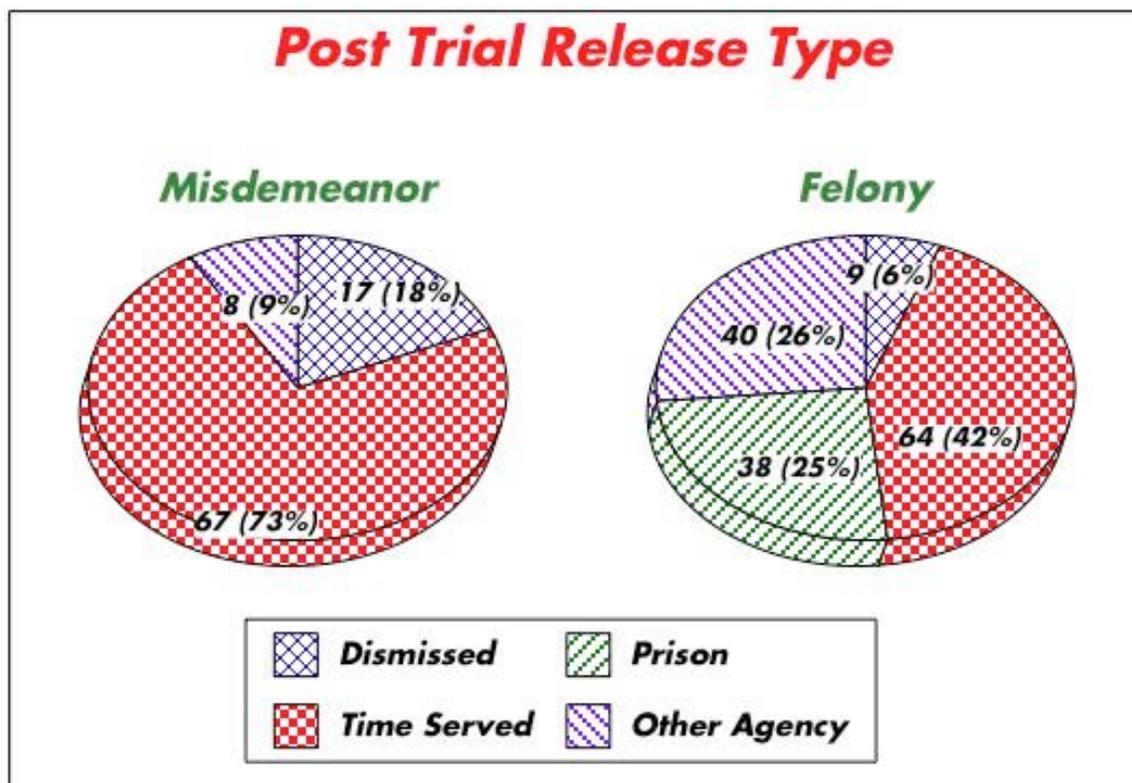
The overall number of prior bookings for the misdemeanants was 5.1 and for the felons was 6.4. Misdemeanants released on recog had 4.4 prior bookings; 4.4 released on cash; 4.4 released on surety; 5.2 released no charges filed; and 8.4 not released from jail prior to trial.

Felons released on recog had 5.8 priors; 3 released on cash (2 cases); 5.2 released on surety; 6.6 released no charges filed; and 7.9 not released from jail prior to trial.

## Spokane County Corrections Master Plan

### b. Post Trial

The next graphic examines how the 93 misdemeanants and 156 felons who were not released from jail prior to trial were released.



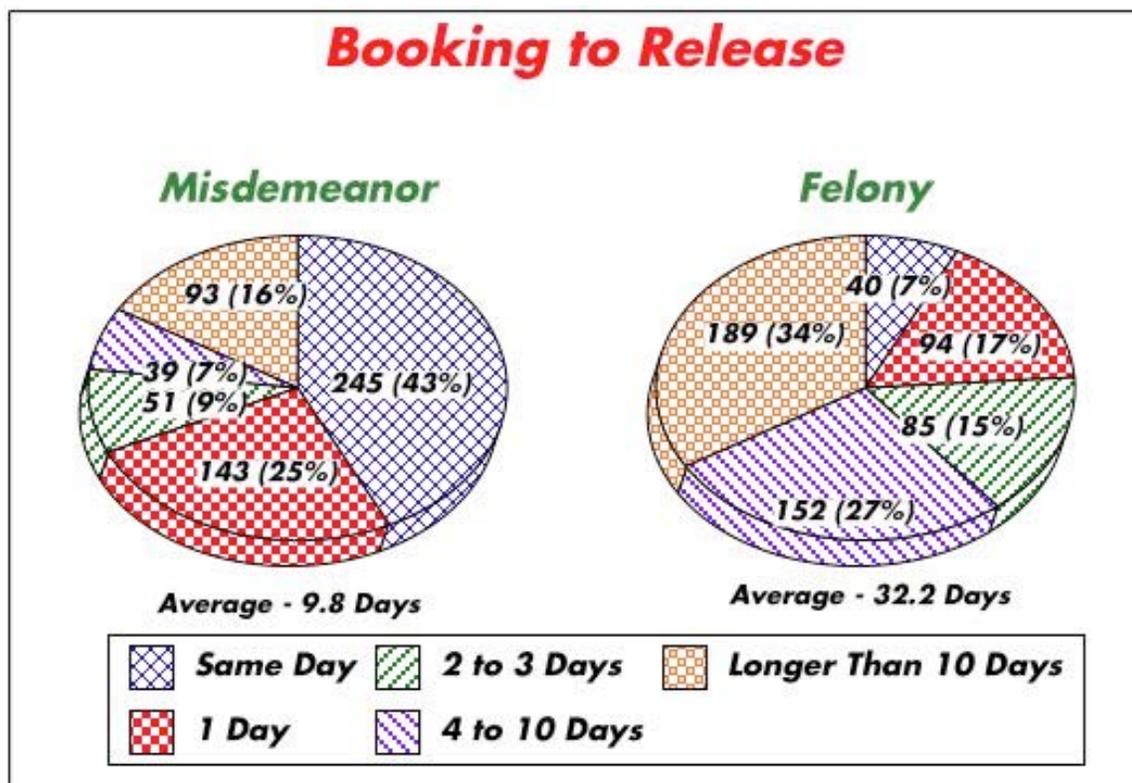
Eighteen percent of the misdemeanants 6 percent of the felons were released post trial after all charges were dismissed. Seventy-three percent of the misdemeanants and 42 percent of the felons were released after serving a jail sentence. A quarter of the felons were released to the state prison. The remaining 9 percent of the misdemeanants and 26 percent of the felons were released to another agency.

## Spokane County Corrections Master Plan

### 6. Time from Booking to Release

#### a. Overall

The next graphic examines the length of time between booking and release.

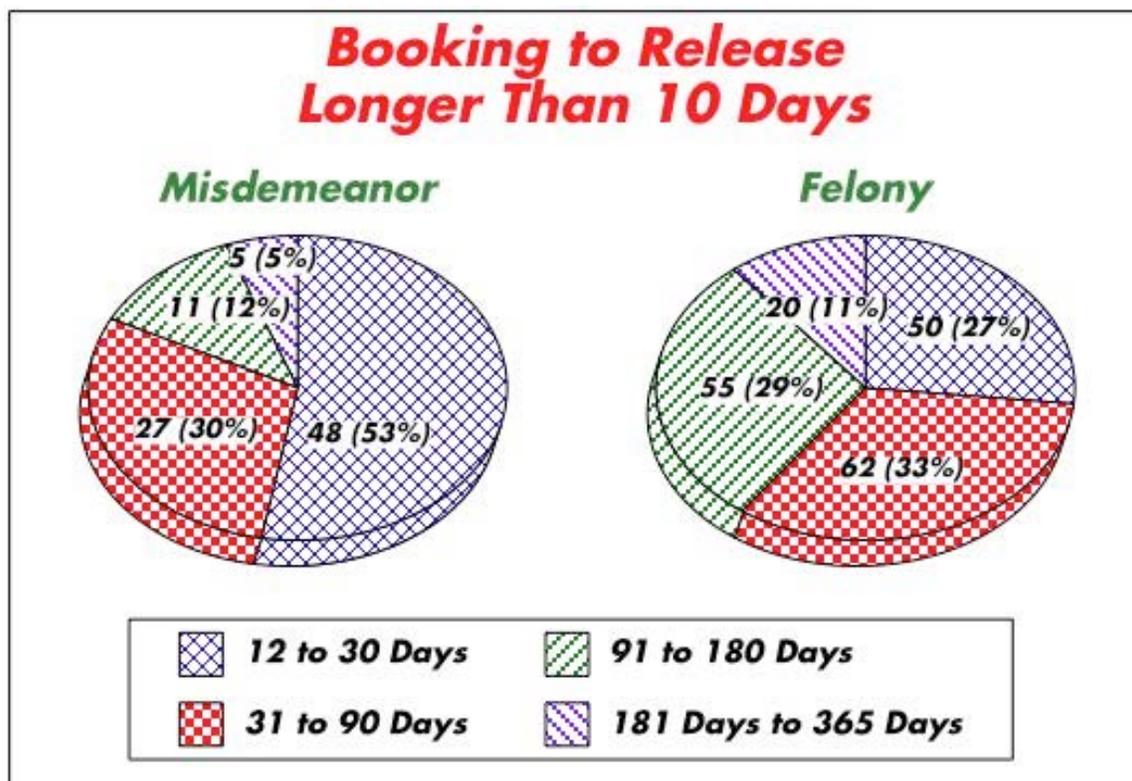


Forty-three percent of the misdemeanants and 7 percent of the felons were released the same day they were booked. A quarter of the misdemeanants and 17 percent of the felons were released after one day; 9 percent of the misdemeanants and 15 percent of the felons were released between two and three days; and 7 percent of the misdemeanants and 27 percent of the felons were released between four and ten days. The remaining 16 percent of the misdemeanants and 34 percent of the felons stayed in jail longer than 10 days. The average length of time from booking to release was 9.8 days for the misdemeanants and 32.2 days for the felons.

## Spokane County Corrections Master Plan

### b. Over 10 Days

The next graphic shows the time from booking to release for the 93 misdemeanants and 189 felons who stayed in jail longer than ten days.

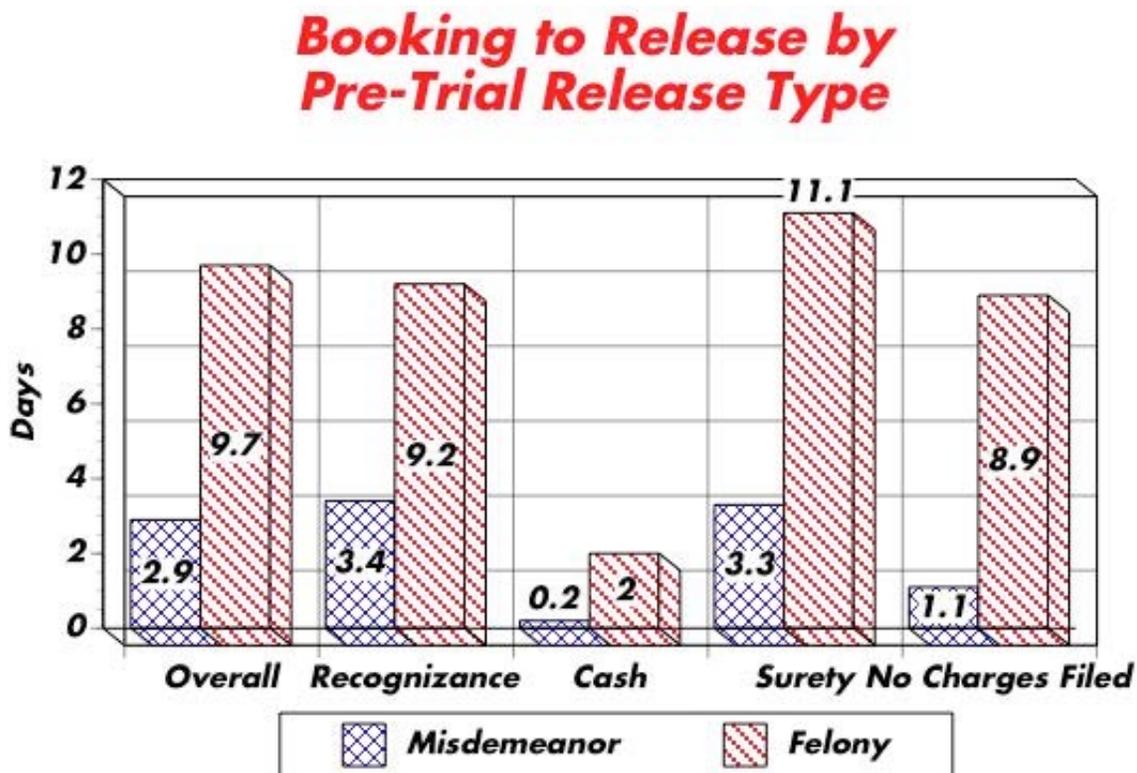


Fifty-three percent of the misdemeanants and 27 percent of the felons who stayed in jail longer than 10 days were there between 12 and 30 days. Thirty percent of the misdemeanants and 33 percent of the felons stayed in jail between 31 and 90 days; and 12 percent of the misdemeanants and 29 percent of the felons between 91 and 180 days. The remaining 5 percent of the misdemeanants and 11 percent of the felons stayed in jail between six months and a year.

## Spokane County Corrections Master Plan

### c. Pre-Trial Release Type

The next graphic details the time from booking to release for those persons released from jail prior to trial by the type of release.

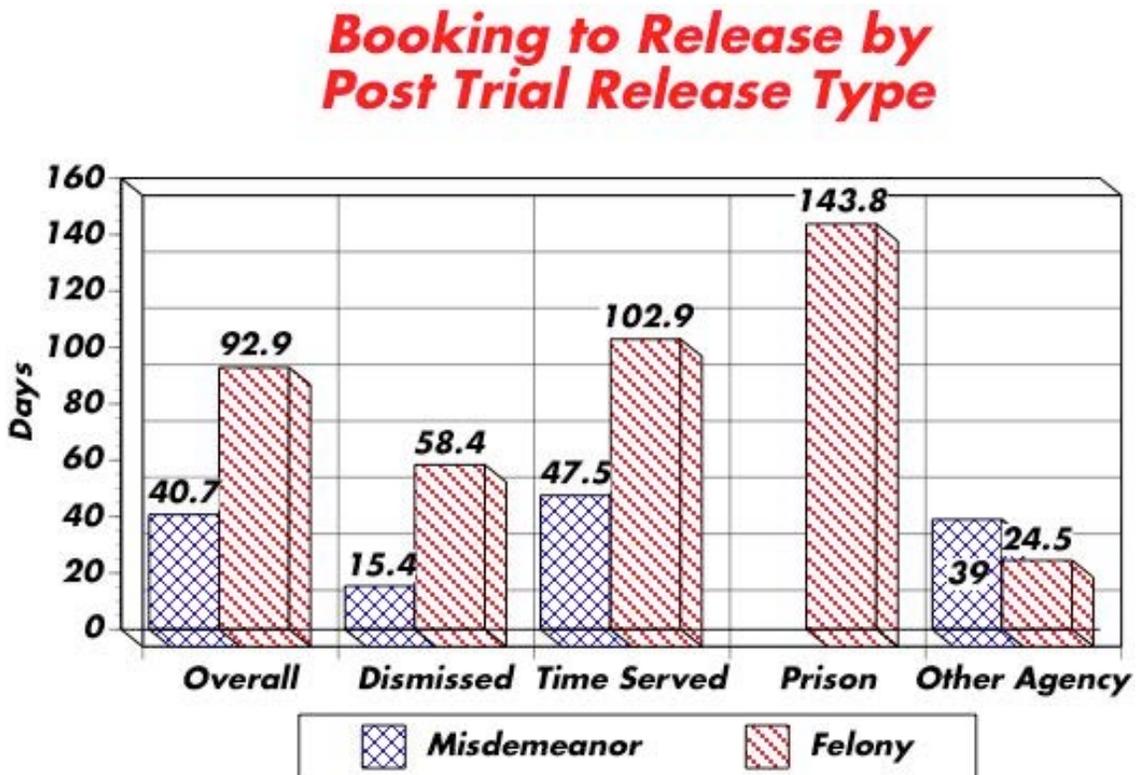


Overall, defendants released from jail prior to trial were released in an average 2.9 days for misdemeanants and 9.7 days for felons. Defendants released on recognizance were released in an average 3.4 days for misdemeanants and 9.2 days for felons; cash bail releases in less than a day for the misdemeanants and 2 days for the felons; and for those released after posting a surety bond in 3.3 days for misdemeanants and 11.1 days for felons. Defendants released when no charges were filed were released in 1.1 days for the misdemeanants and 8.9 days for the felons.

## Spokane County Corrections Master Plan

### d. Post Trial Release Type

The next graphic shows the type of release for those defendants released post trial.



Overall, defendants released from jail post trial stayed an average 40.7 days for the misdemeanants and 92.9 days for the felons. Defendants released when all charges were dismissed were released in an average 15.4 days for misdemeanants and 58.4 days for felons; defendants released time served were released in an average 47.5 days for the misdemeanants and 102.9 for the felons; and felons sent to prison stayed an average 143.8 days. Defendants released to another agency were released in an average 39 days for the misdemeanants and 24.5 days for the felons.

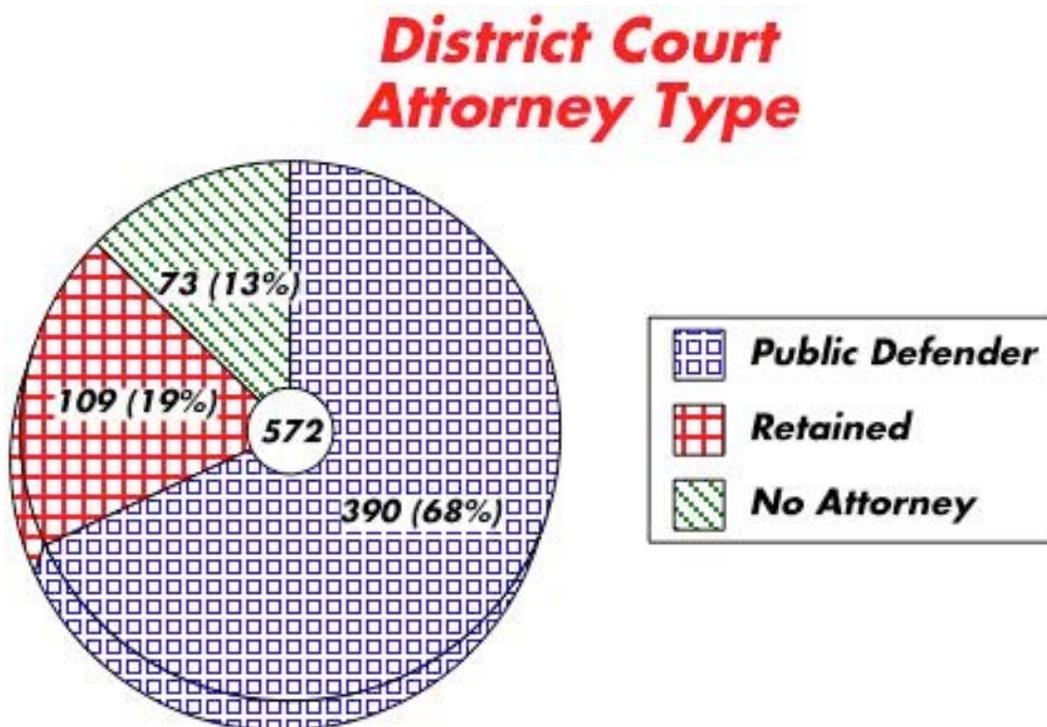
## Spokane County Corrections Master Plan

### C. District Court

This section examines the adjudication process for the misdemeanors in the sample.

#### 1. Attorney Type

The first graphic displays the type of attorney.



Sixty-eight percent of the misdemeanants were represented by the public defender. Nineteen percent retained private counsel and the remaining 13 percent did not have an attorney.

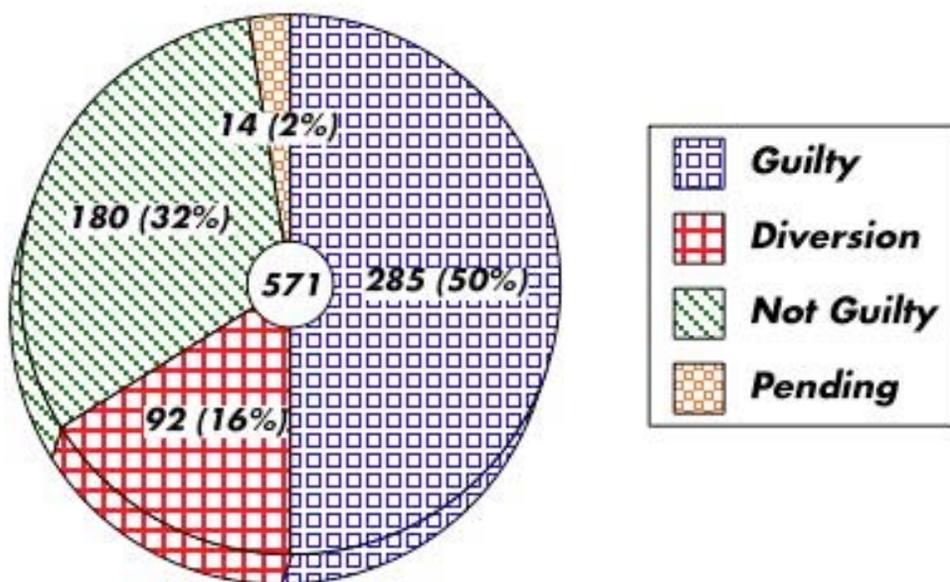
## Spokane County Corrections Master Plan

### 2. Disposition

#### a. Overall

The next graphic shows the district court dispositions for the misdemeanants.

### **District Court Dispositions**



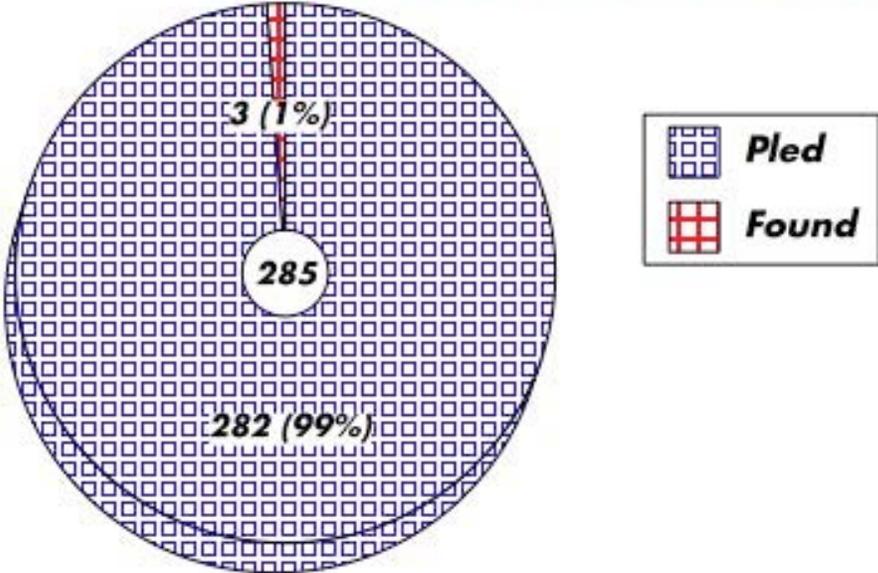
Half of the misdemeanants were convicted in district court. Sixteen percent entered into a diversion program and 32 percent had their cases dismissed. The remaining 2 percent of the cases were still pending.

Spokane County Corrections Master Plan

b. Guilty Verdicts

The next graphic shows the type of guilty verdicts.

**District Court  
Type of Guilty Verdicts**



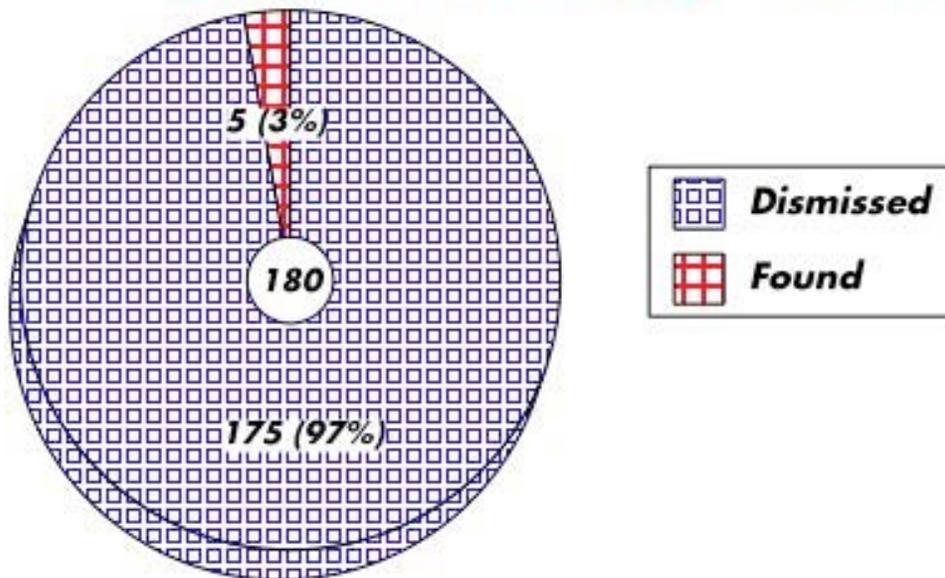
Only 3 cases (1 percent) were found guilty. All of the other convicted cases pled guilty.

## Spokane County Corrections Master Plan

### c. Not Guilty Verdicts

The next graphic shows the type of not-guilty verdicts.

### **District Court Type of Not Guilty Verdicts**



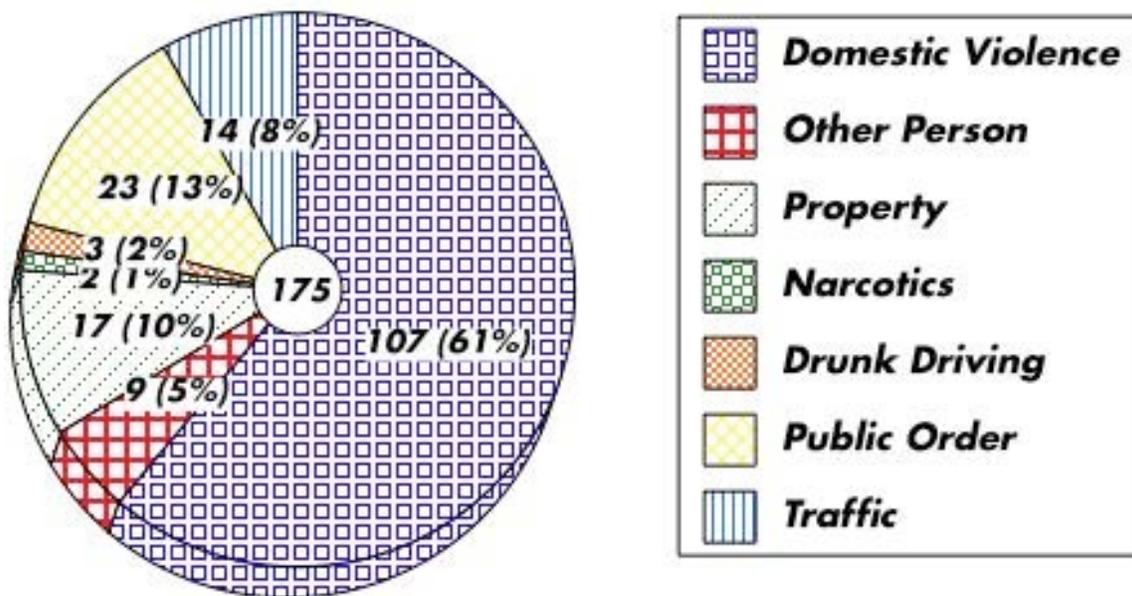
Ninety-seven percent of the defendants not convicted had their cases dismissed. Only 5 (3 percent) were found not guilty following trial.

## Spokane County Corrections Master Plan

### d. Dismissals

The next graphic details the charge category for the dismissals.

## **District Court Dismissals**



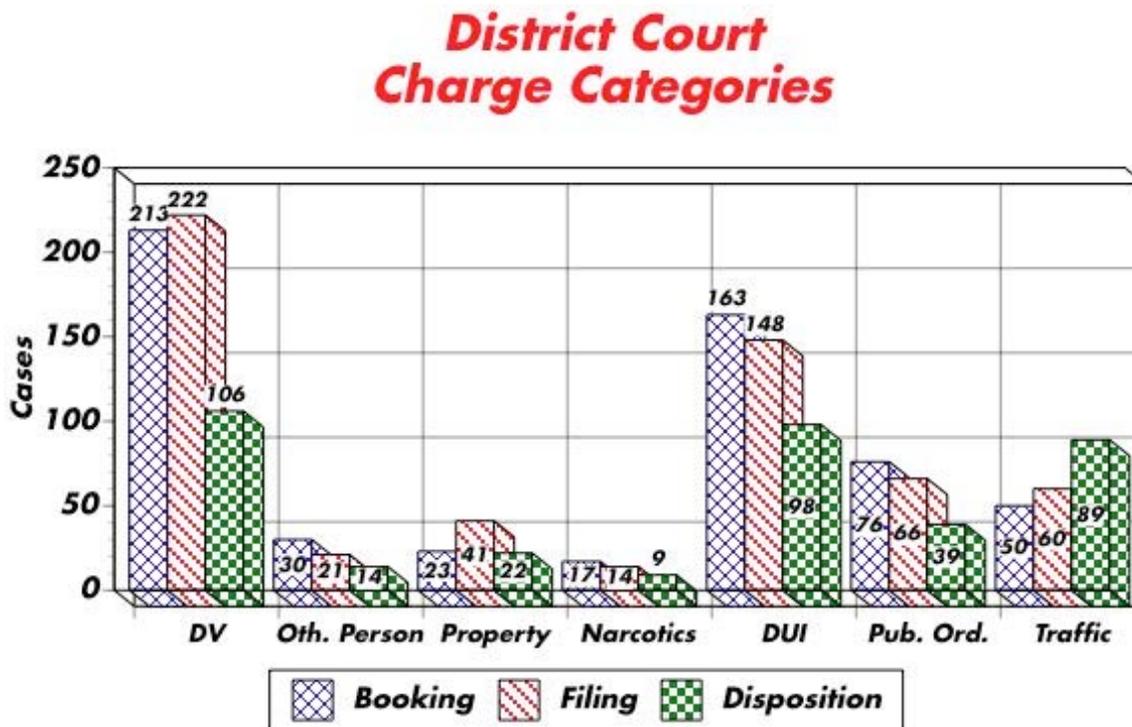
Sixty-one percent of the dismissed cases in district court were domestic violence cases. Five percent of the dismissals were other person crimes; 10 percent property crimes; 1 percent narcotics cases; 2 percent drunk driving and 13 percent public order offenses. The remaining 8 percent were traffic offenses.

## Spokane County Corrections Master Plan

### 3. Attrition

#### a. Number

The next graphic shows the number of cases by charge category at booking, prosecutor filing, and disposition.



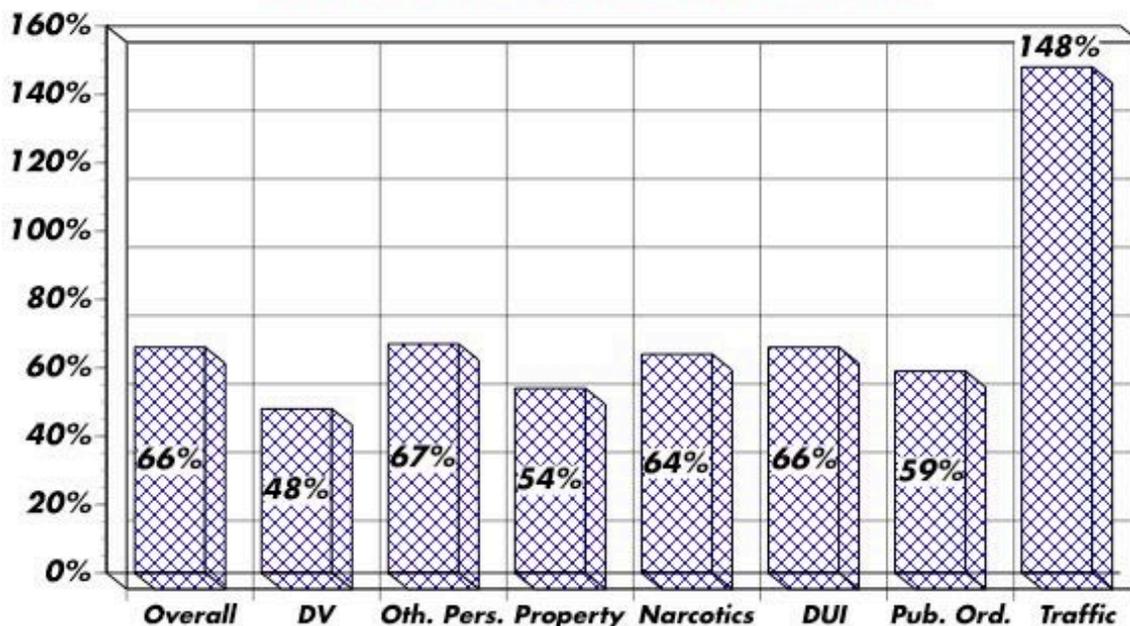
The largest reduction in cases was for the charge category domestic violence. There were 213 domestic violence cases at booking, 222 at filing, and 106 at disposition. The next largest reduction was drunk driving cases where there were 163 at booking, 148 at case filing, and then 98 at disposition.

## Spokane County Corrections Master Plan

### b. Rate

The next graphic displays the conviction rate from filing to disposition.

### **District Court Attrition Rate From Filing to Disposition**



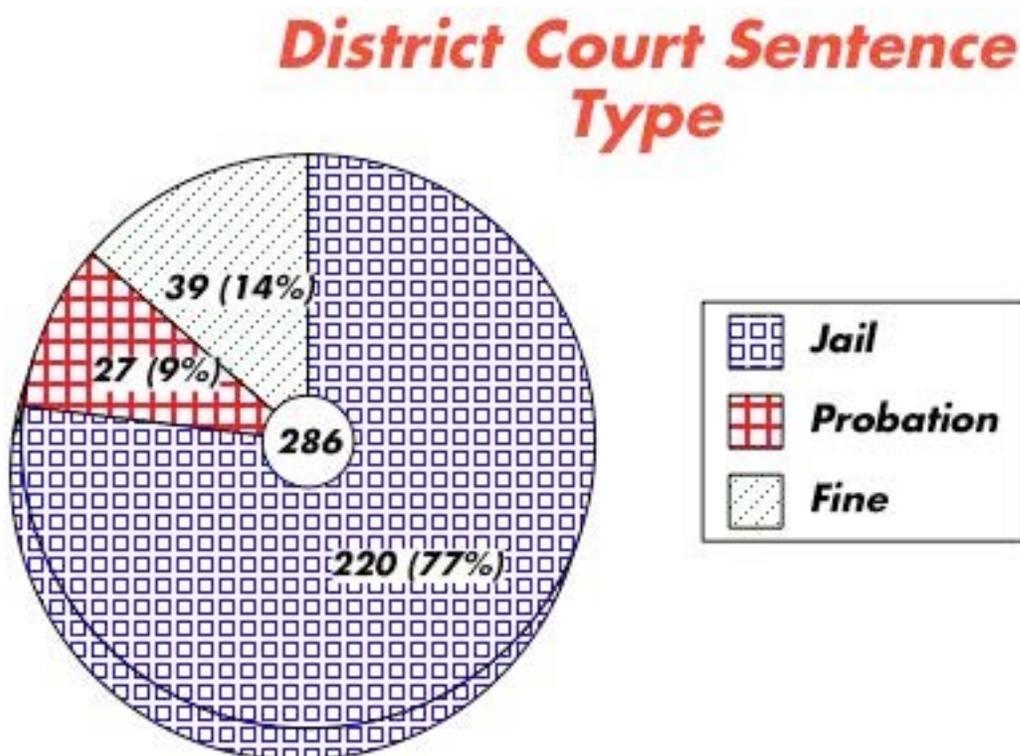
Overall, 66 percent of the misdemeanor cases resulted in a conviction. Forty-eight percent of the domestic violence cases were convicted; 67 percent of the other person crimes; 54 percent of the property crimes; 64 percent of the narcotics offenses; 66 percent of the drunk driving cases; and 59 percent of the public order offenses. Traffic offenses experienced a 148 percent conviction rate as many drunk driving cases were resolved as simple traffic offenses.

## Spokane County Corrections Master Plan

### 4. Sentencing

#### a. Overall

The next graphic shows the type of sentence the 286 convicted offenders received. Most of the offenders received multiple sentence sanctions. This graphic counts each sentence once using the hierarchy contained in the legend. While most defendants received multiple sentence types, for the purposes of this graphic they are only counted once, using the hierarchy in the legend.



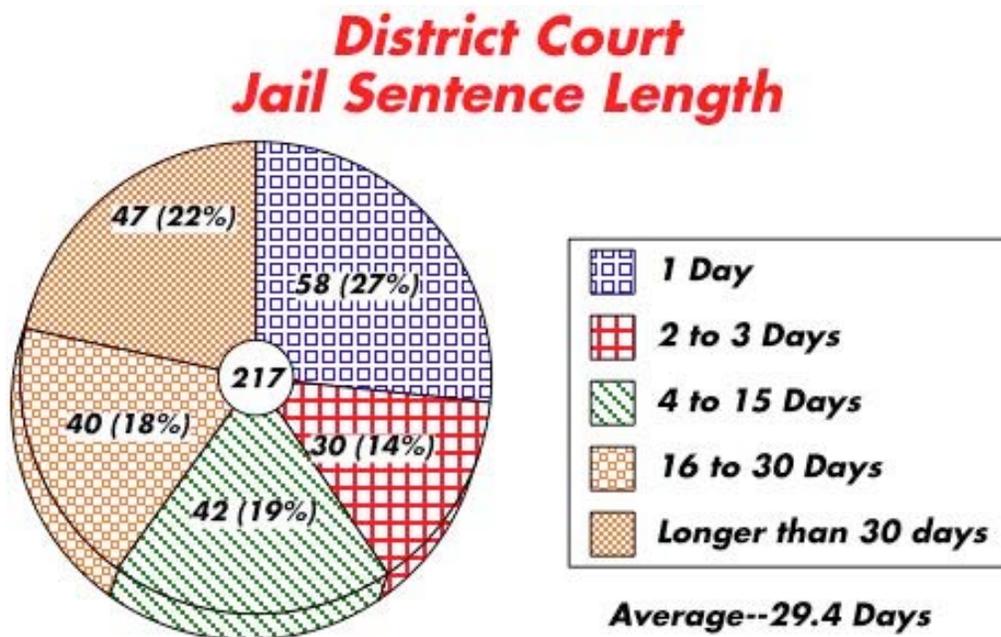
Seventy-seven percent of the misdemeanants were sentenced to jail. Nine percent received a probation sentence and 14 percent were fined.

## Spokane County Corrections Master Plan

### b. Jail Sentence Length

#### (1) Overall

The next graphic shows the length of the jail sentences. Neither good time nor suspended time was counted, only the required amount of time to serve ordered by the court.



Twenty-seven percent of the jail sentences were for 1 day. Fourteen percent were for 2 to 3 days; 19 percent for 4 to 15 days; and 18 percent for between 16 and 30 days. The remaining 22 percent were sentenced to jail for longer than 30 days.

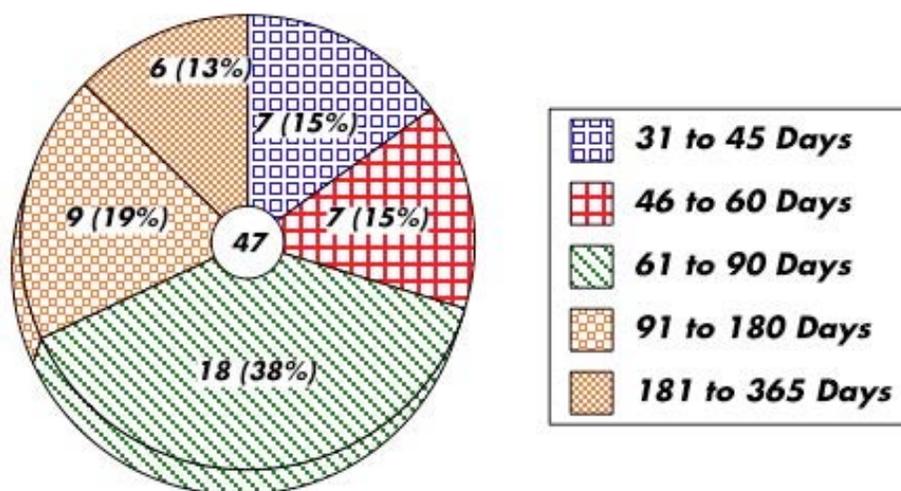
The average jail sentence was for 29.4 days.

## Spokane County Corrections Master Plan

(2) Over 30 Days

The next graphic details the jail sentence length of the 47 offenders who received a sentence longer than 30 days.

### **District Court Jail Sentence Length Longer than 30 Days**



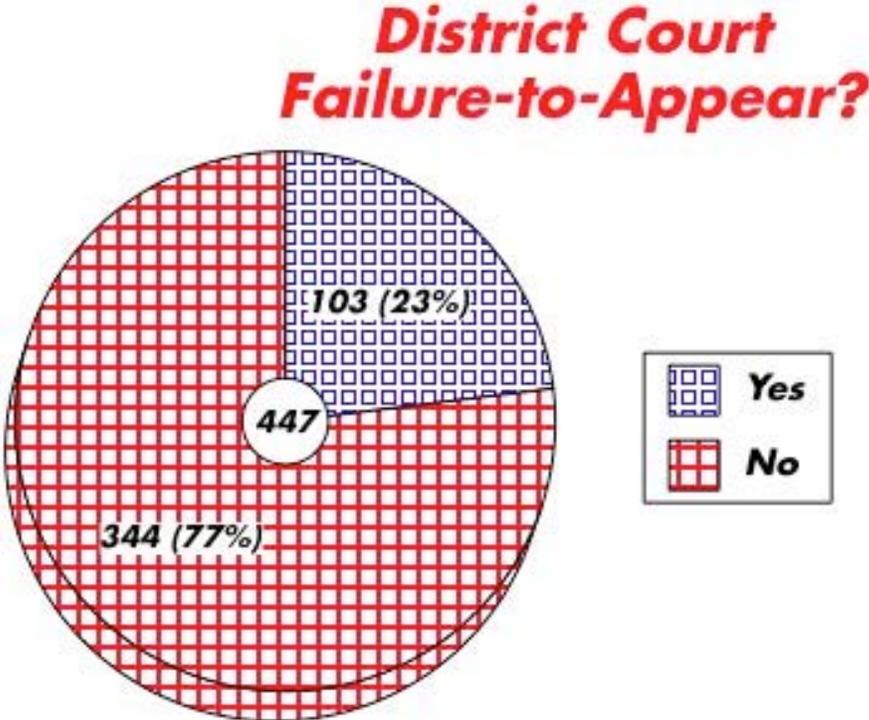
Fifteen percent of the jail sentences longer than 30 days were for between 31 and 45 days. Fifteen percent were for 46 to 60 days; 38 percent for between 61 and 90 days; and 19 percent for between 91 and 180 days. The remaining 13 percent received a jail sentence between six months and a year.

Spokane County Corrections Master Plan

5. Failure-to-Appear

a. Overall

The next graphic shows whether the misdemeanants in the sample failed to appear for a district court appearance.

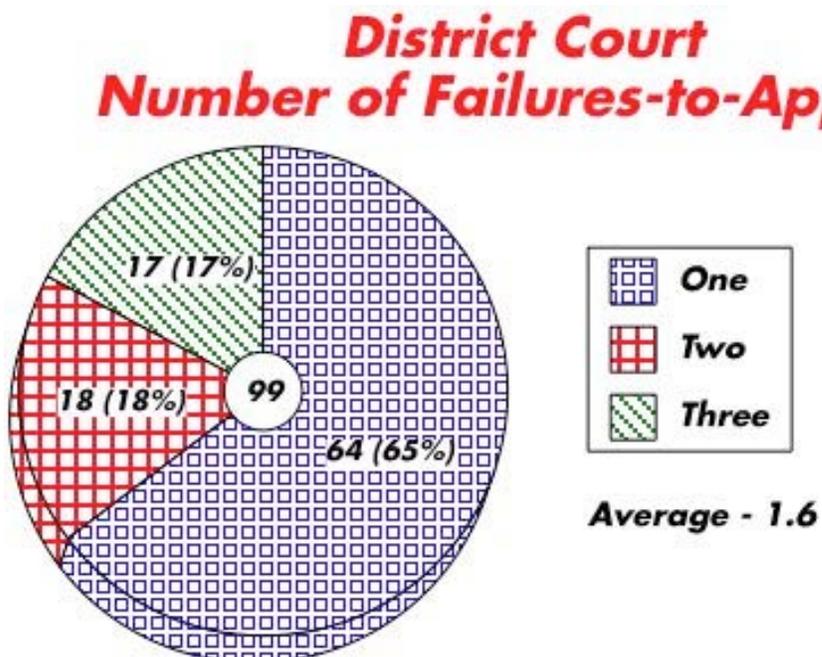


Twenty-three percent of the defendants failed-to-appear for a court appearance.

## Spokane County Corrections Master Plan

b. Number

The next graphic shows the number of failures-to-appear.



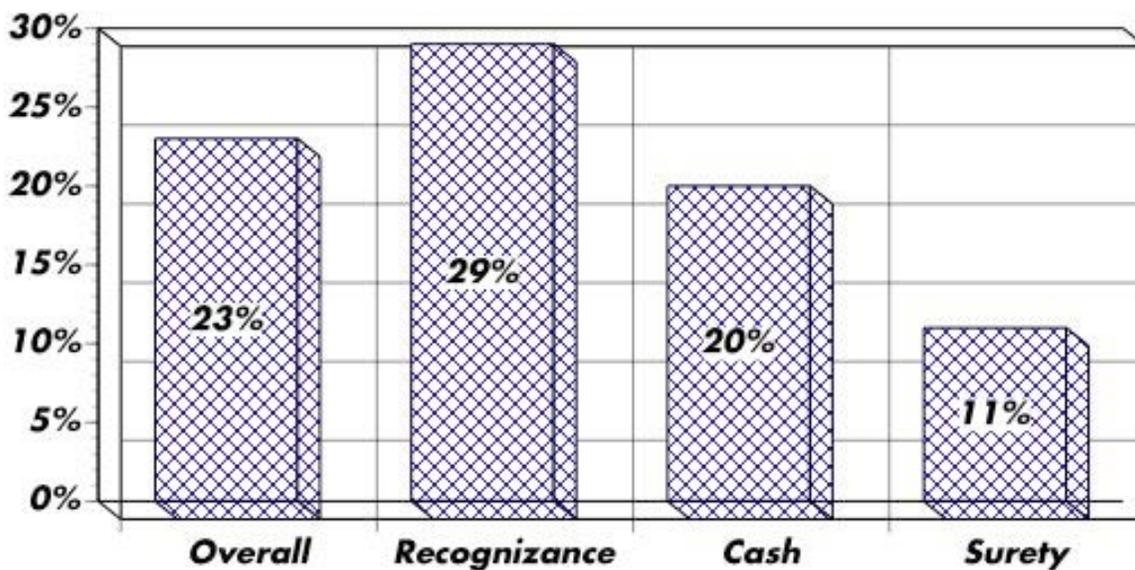
Sixty-five percent of the persons who failed-to-appear only did so one time. Eighteen percent failed-to-appear twice and 17 percent three times. The average number of failures-to-appear was 1.6.

## Spokane County Corrections Master Plan

### c. Release Type

The next graphic shows the failure-to-appear rate by the type of release.

### **District Court Failure-to-Appear by Release Type**



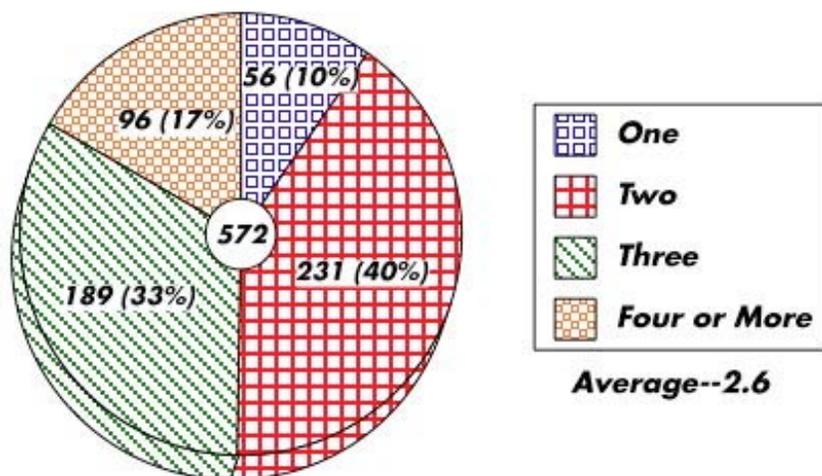
Overall, the failure-to-appear rate was 23 percent. Defendants released on recognizance failed-to-appear at a 29 percent rate and cash bail releases failed at a 20 percent rate. Persons released on a surety bond failed-to-appear at an 11 percent rate.

## Spokane County Corrections Master Plan

6. Process Times
  - a. Number of Appearances

The next graphic shows the number of court appearances between arraignment and disposition.

### ***District Court Appearances Between Arraignment & Disposition***



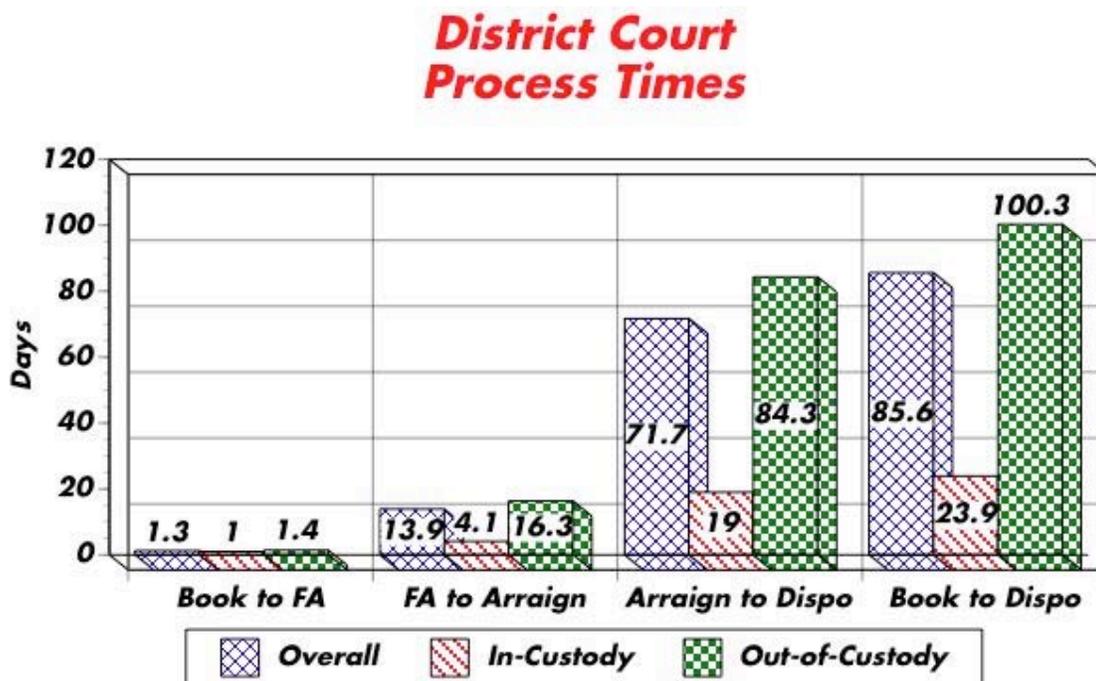
Only 10 percent of the cases were resolved with 1 court appearance. Forty percent took 2 appearances; and 33 percent took 3 appearances. The remaining 17 percent took four or more appearances.

The average number of appearances was 2.6.

## Spokane County Corrections Master Plan

### b. Overall

The next graphic displays the process times for the misdemeanants in district court overall, for those who remained in-custody, and for those released from jail prior to trial.

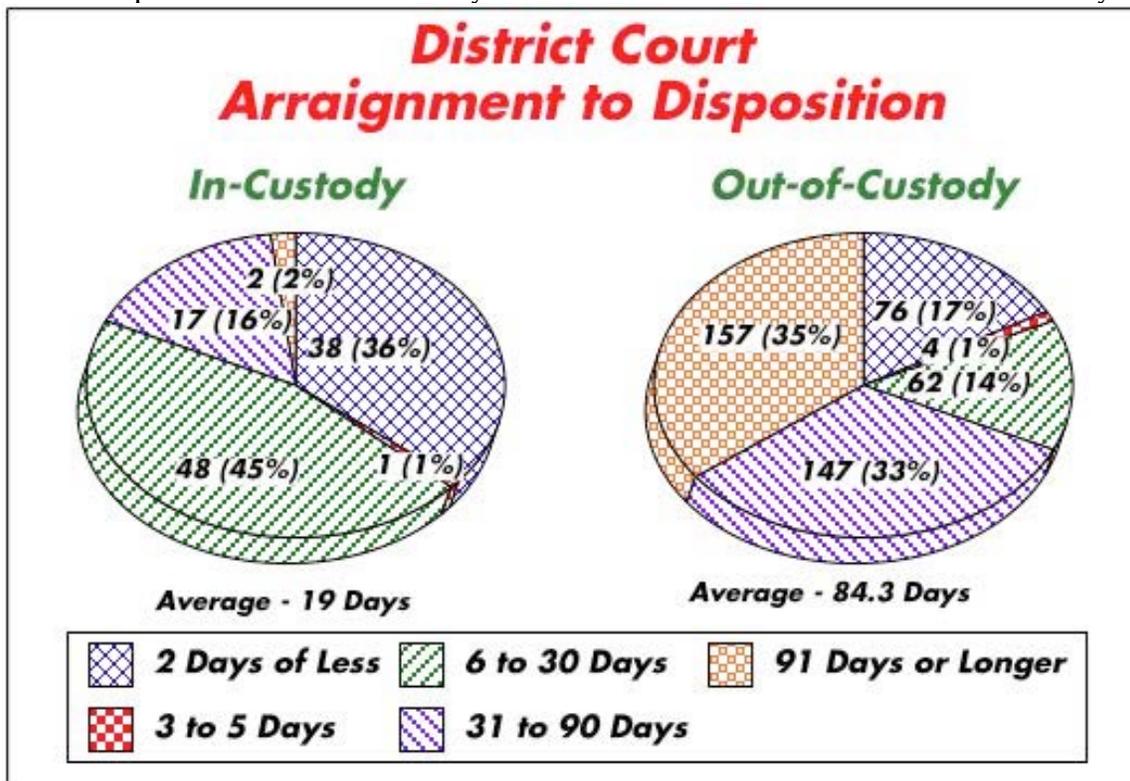


The length of time from booking to first appearance took an average 1.3 days. Persons who remained in jail took 1 day and those released 1.4 days. The length of time between first appearance and arraignment took an average 13.9 days overall, 4.1 days for persons who remained in-custody and 16.3 days for those released from jail. The overall average time from arraignment to disposition took 71.7 days, 19 days for those who remained in-custody, and 84.3 days for those released. Finally, the time from booking to disposition took 85.6 days, 23.9 days for those who remained in-custody, and 100.3 days for those released.

## Spokane County Corrections Master Plan

### c. Arraignment to Disposition

The next graphic details the length of time between arraignment and disposition broken down by whether the defendant remained in custody.



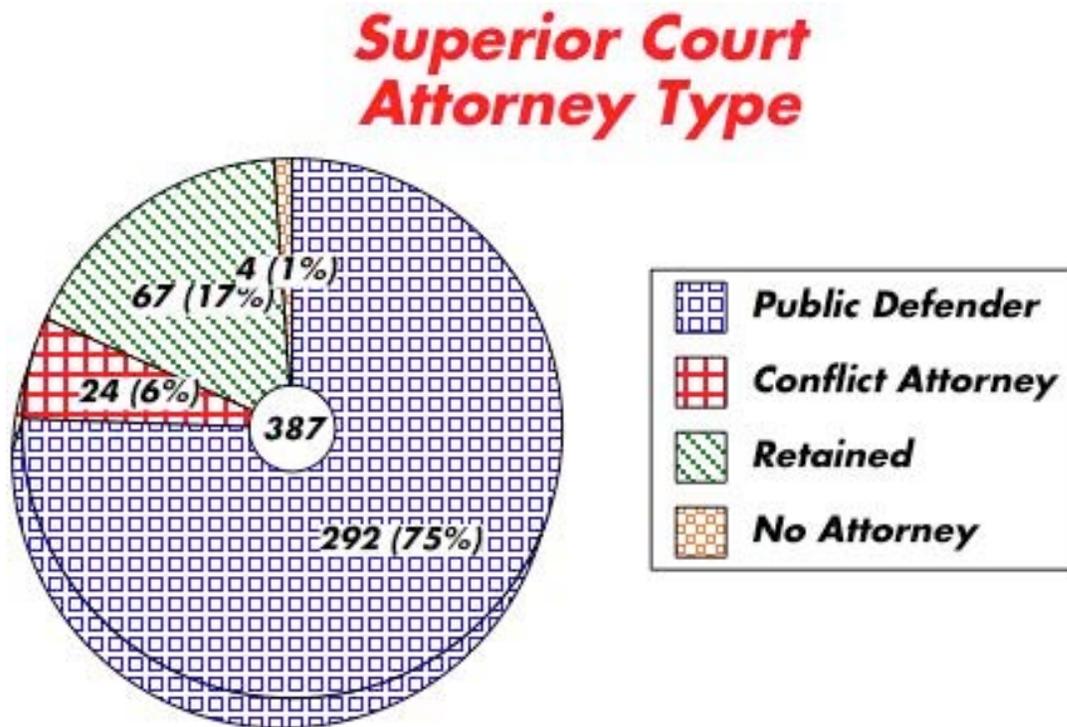
Thirty-six percent of the defendants who remained in-custody and 17 percent who were released were resolved within 2 days. One percent of both the defendants who remained in-custody and those released took between 3 and 5 days; 45 percent of those remaining in-custody and 14 percent of those released took between 6 and 30 days; and 16 percent of the in-custody cases and a third of those not released took between 31 and 90 days. The remaining 2 percent of the in-custody cases and 35 percent of the out-of-custody cases took 91 days or longer. The average number of days from arraignment to disposition to resolve a case took 19 days for in-custody cases and 84 days for out-of-custody cases.

## Spokane County Corrections Master Plan

### D. Superior Court

#### 1. Attorney Type

The next graphic shows the type of attorney for the felonies in superior court.



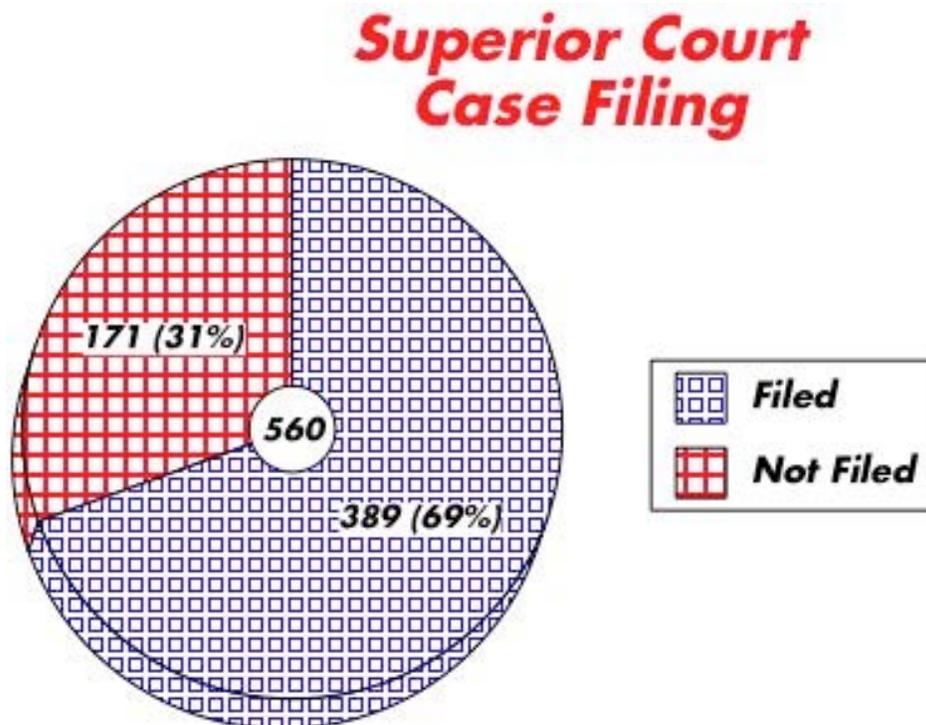
Three-fourths of the defendants were represented by the public defender. The conflict counsel represented six percent of the cases and 17 percent retained counsel. The remaining 1 percent did not have an attorney.

## Spokane County Corrections Master Plan

### 2. Prosecutor Filing

#### a. Overall

The next graphic shows whether the prosecutor filed a charge against the defendant. It should be noted that the not filed cases can be filed within 3-years of arrest.

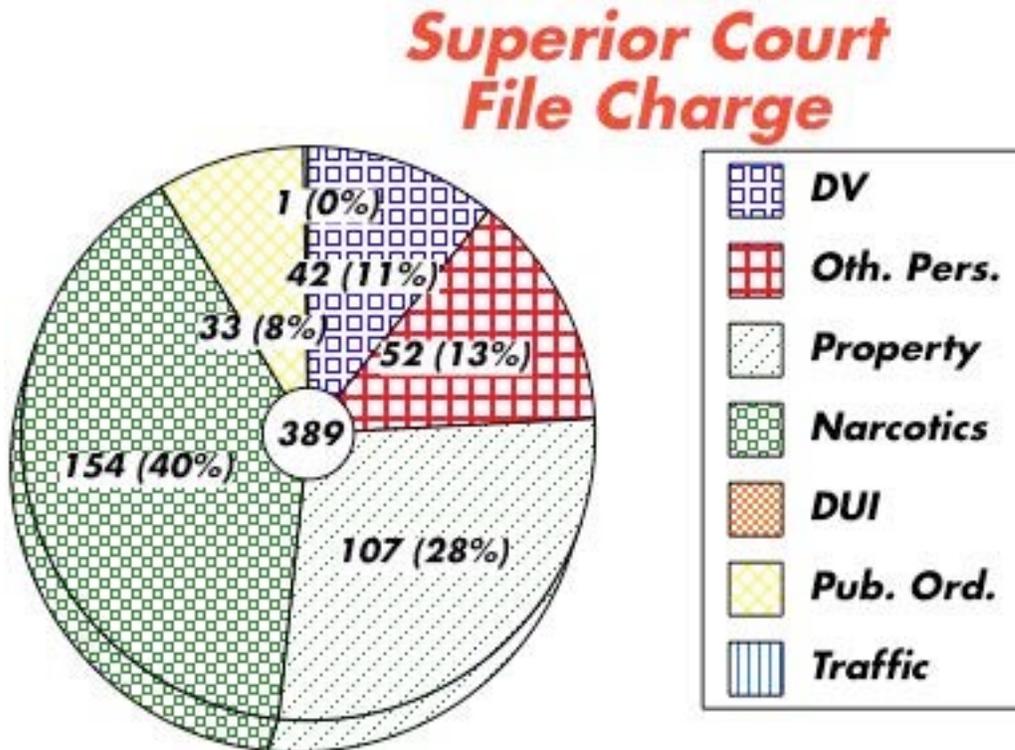


Sixty-nine percent of the defendants arrested for felonies had cases filed.

## Spokane County Corrections Master Plan

### b. Charge Category Filed

The next graphic shows the charged file category.

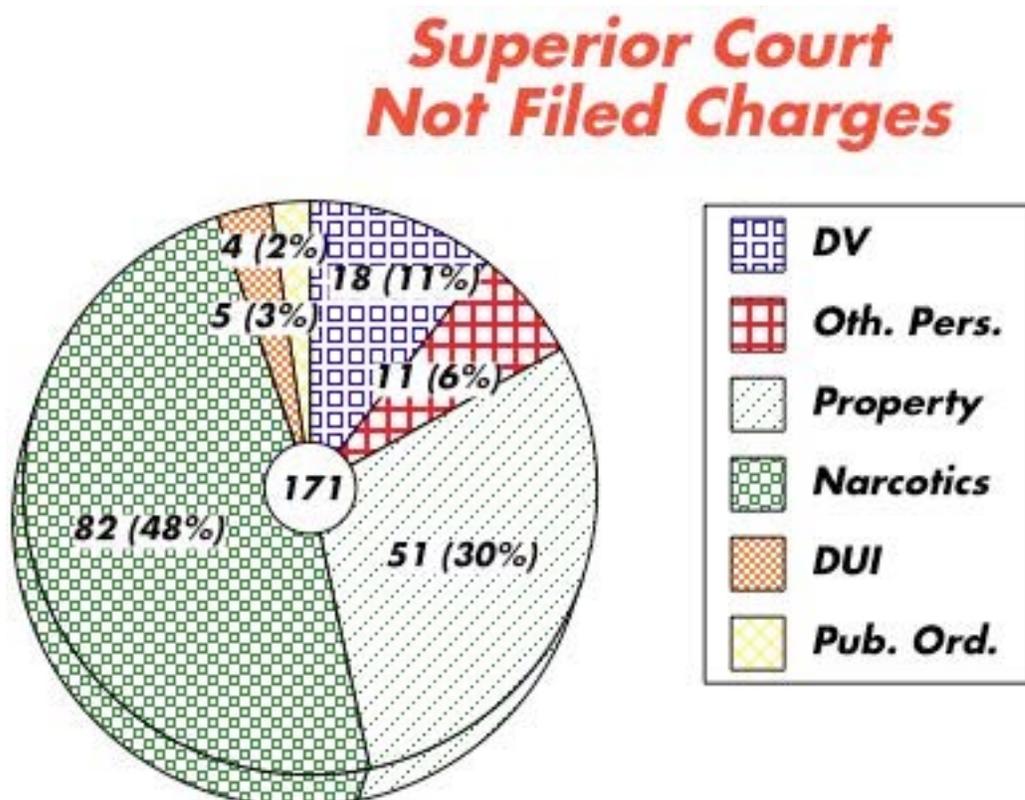


Eleven percent of the defendants were charged with domestic violence. Thirteen percent were charged with another person crime; 28 percent with a property offense; and 40 percent with a narcotics offense. The remaining 8 percent were charged with a public order offense.

## Spokane County Corrections Master Plan

### c. Charge Category for Not-Filed Cases

The next graphic shows the charge category for the cases not filed.



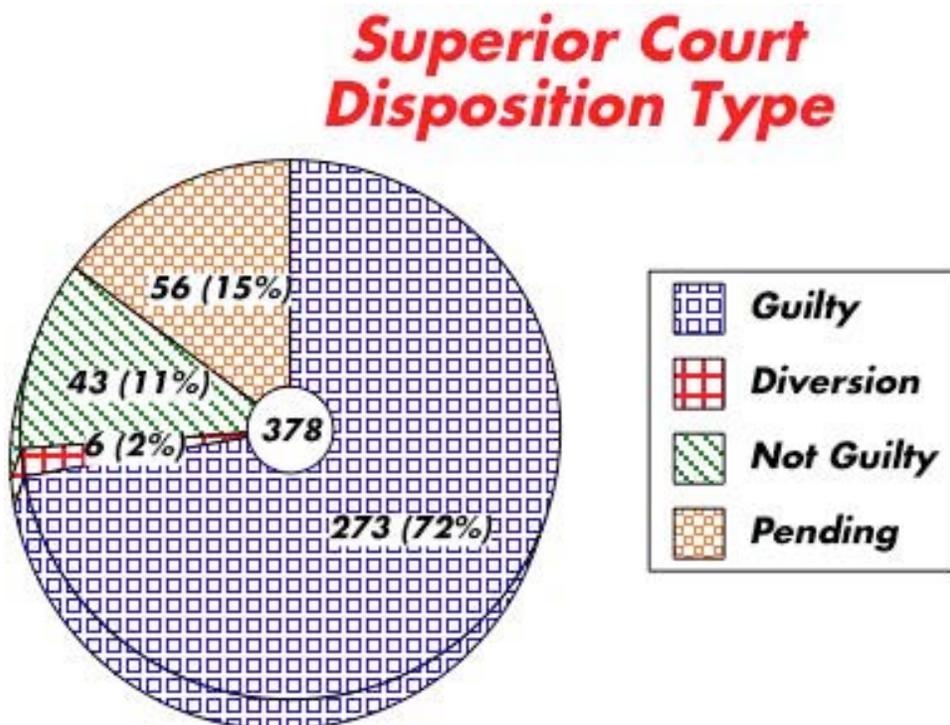
Eleven percent of the not-filed cases were domestic violence. Six percent of the not filed cases were other person offenses; 30 percent were property offenses; 48 percent narcotics offenses; and 3 percent drunk driving. The remaining 2 percent were public order offenses.

## Spokane County Corrections Master Plan

### 3. Disposition

#### a. Overall

The next graphic shows the type of disposition.

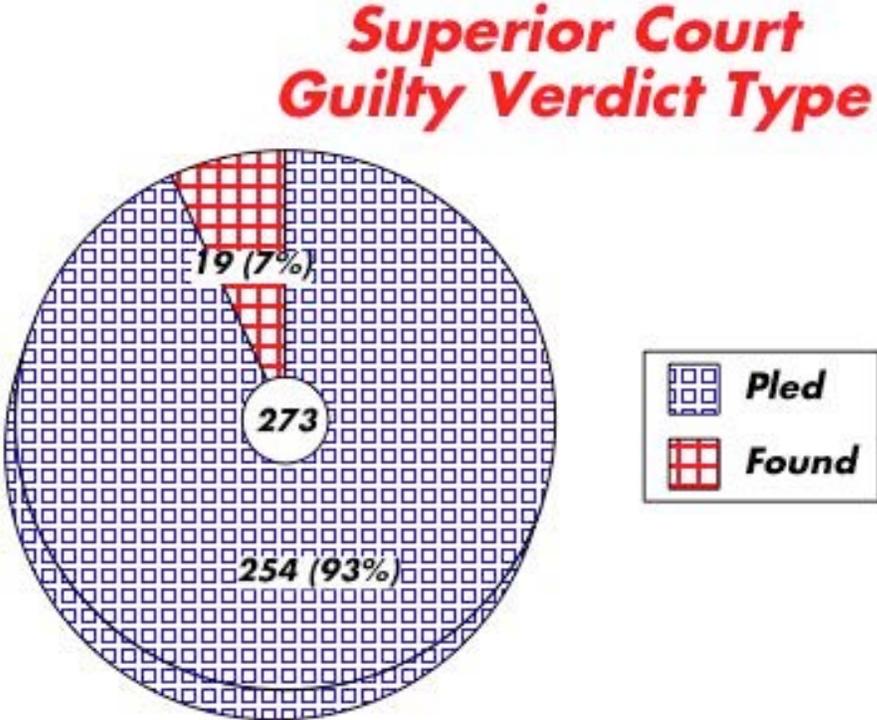


Seventy-two percent of the cases filed in superior resulted in a conviction. Two percent of the defendants entered a diversion program and 11 percent resulted in a not guilty verdict. The remaining 15 percent of the cases were still pending.

Spokane County Corrections Master Plan

b. Guilty Verdicts

The next graphic shows the type of guilty verdict.



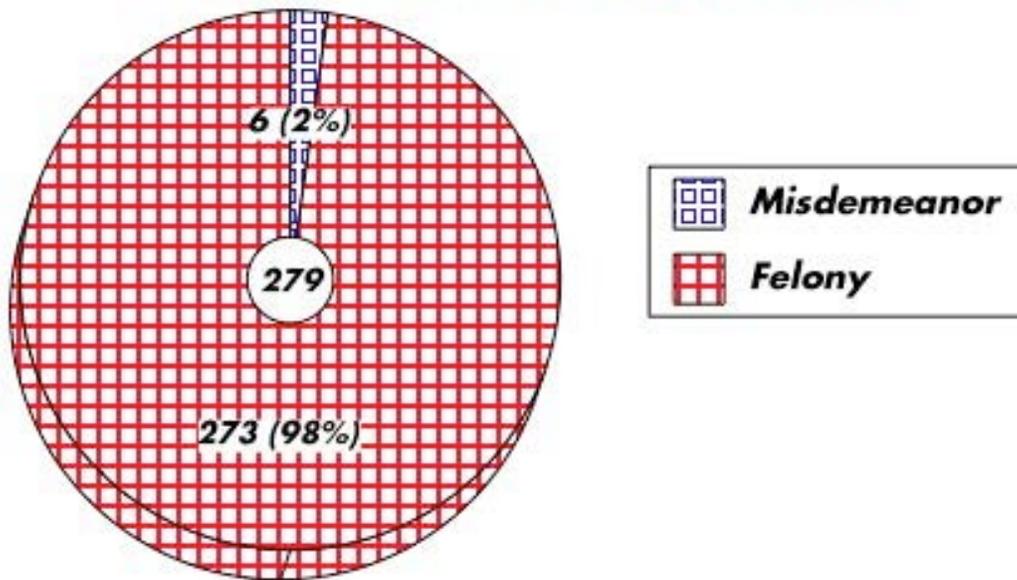
Only 7 percent of the guilty verdicts were as a result of a trial. The rest of the defendants pled guilty.

## Spokane County Corrections Master Plan

### c. Charge Class

The next graphic shows the disposition charge class.

## Superior Court Disposition Charge Class



Ninety-eight percent of the cases were resolved as a felony.

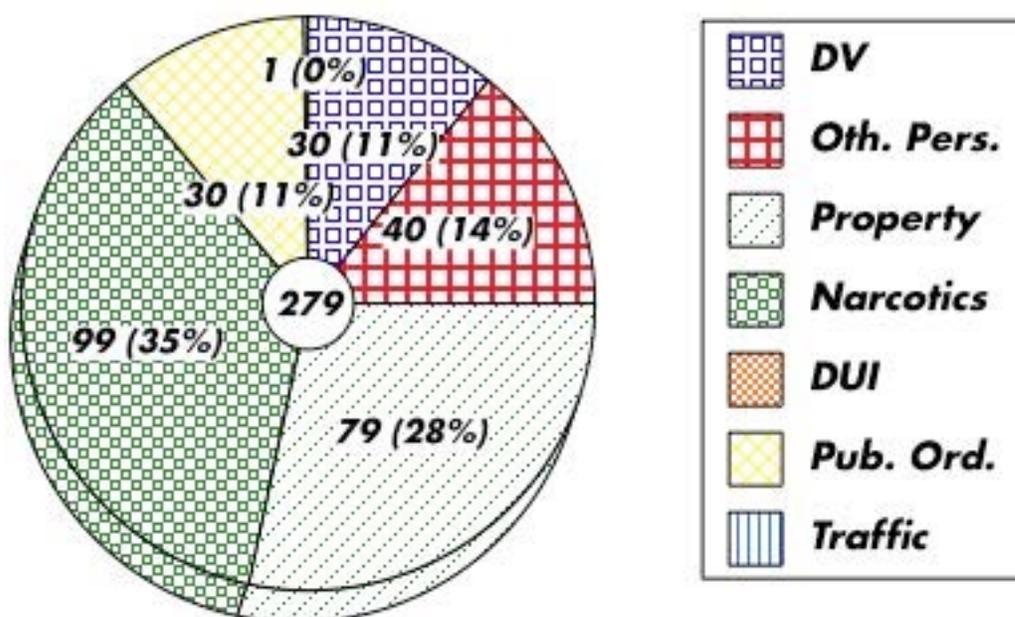
## Spokane County Corrections Master Plan

### d. Charge Category

#### (1) Convictions

The next graphic shows the disposition charge category for defendants who were convicted.

## Superior Court Disposition Charge Category



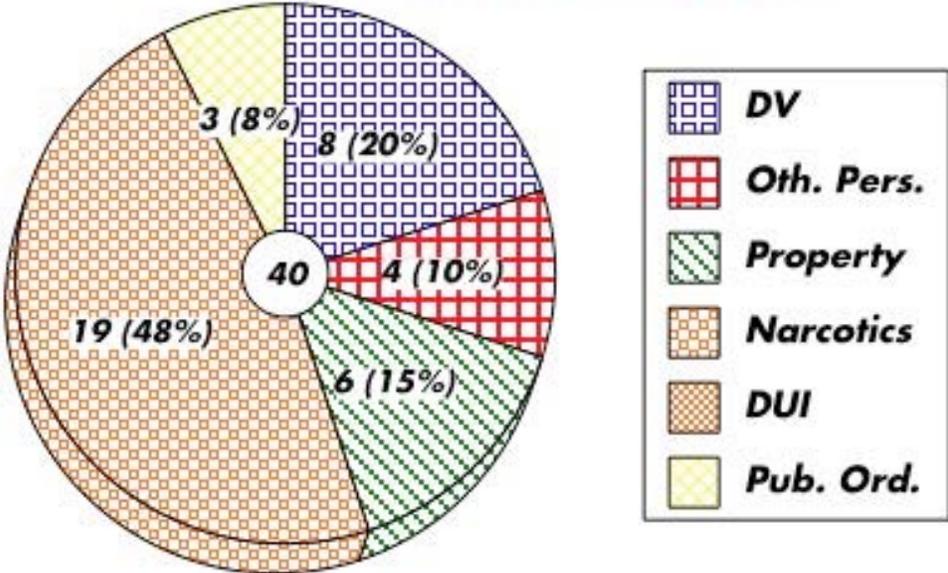
Eleven percent of the defendants were convicted domestic violence. Fourteen percent were convicted of another person crime; 28 percent with a property offense; and 35 percent with a narcotics offense. The remaining 11 percent were charged with a public order offense.

Spokane County Corrections Master Plan

(2) Dismissed

The next graphic shows the charge category for the dismissed cases.

**Superior Court  
Dismissed Cases**

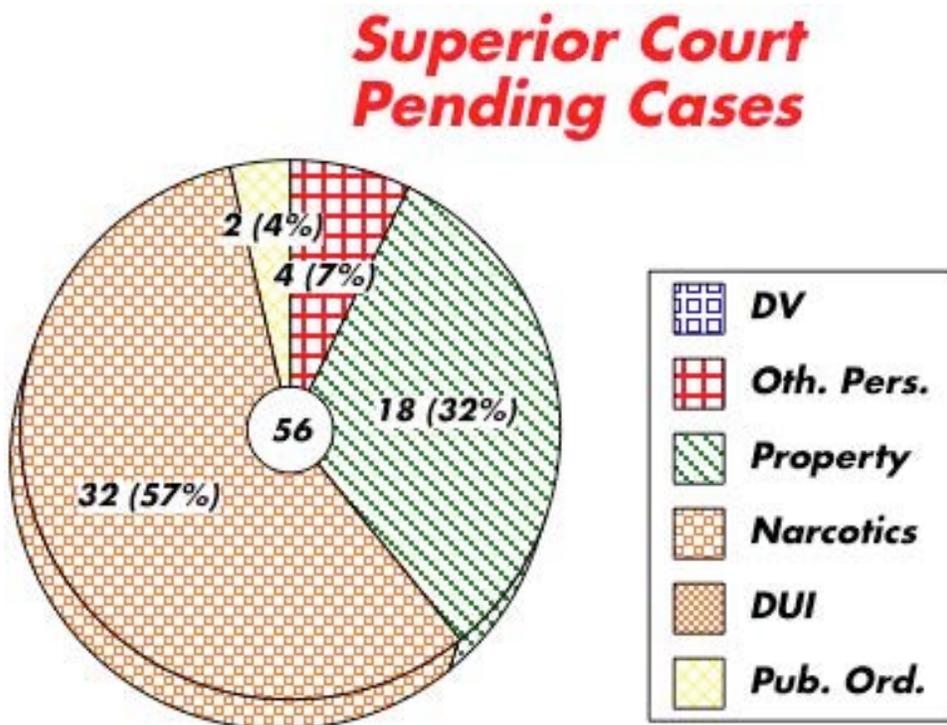


Twenty percent of the defendants whose cases were dismissed were charged with domestic violence. Ten percent were charged with another person crime; 15 percent with a property offense; and 48 percent with a narcotics offense. The remaining 8 percent were charged with a public order offense.

## Spokane County Corrections Master Plan

(3) Pending

The next graphic shows the charge category for the defendants whose cases were still pending.



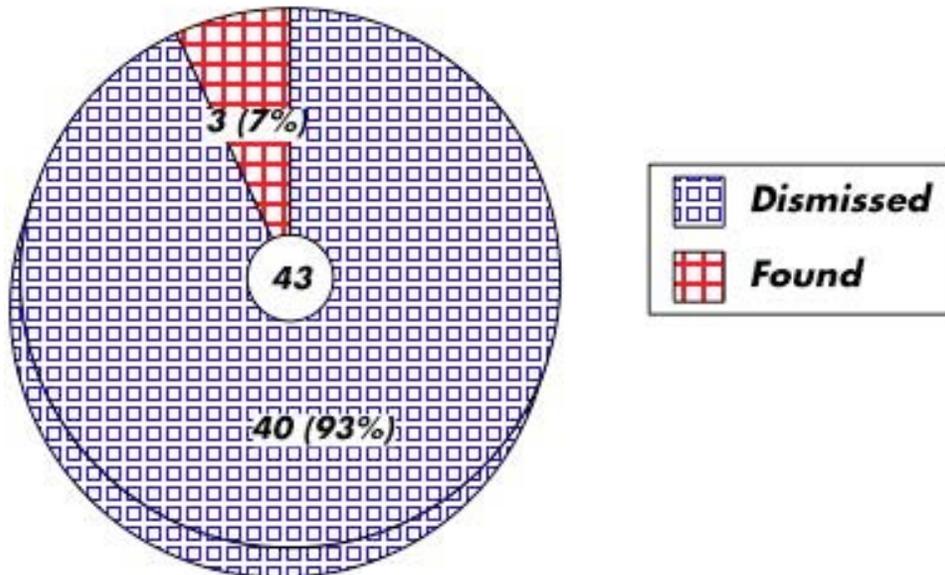
Seven percent of the defendants whose cases were still pending were charged with a person crime. Thirty-two percent of the defendants whose cases were still pending were charged with a property offense; and 57 percent with a narcotics offense. The remaining 4 percent were charged with a public order offense.

## Spokane County Corrections Master Plan

### f. Not Guilty Verdicts

The next graphic displays the type of not guilty verdict.

## Superior Court Not Guilty Verdicts

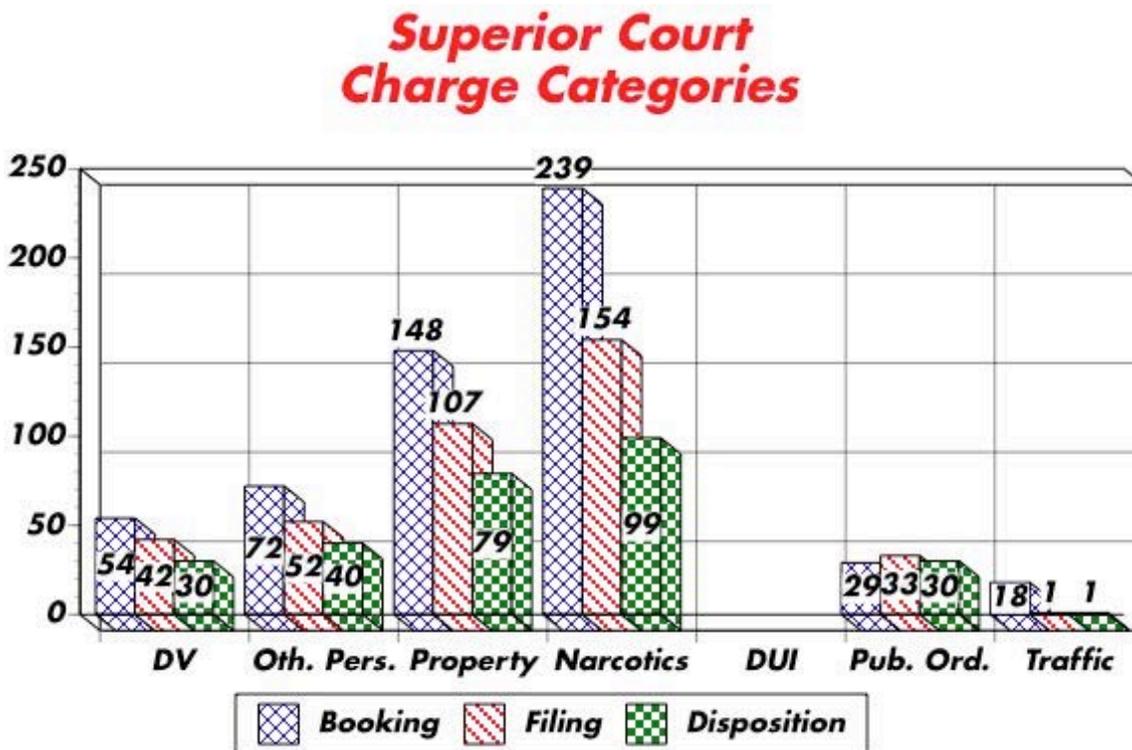


Ninety-three percent of the defendants whose were not convicted had their cases dismissed. The remaining 7 percent were found not guilty.

## Spokane County Corrections Master Plan

4. Case Attrition
  - a. Booking to Disposition

The next graphic displays the number of felony cases by charge category at booking, prosecutor filing, and disposition.



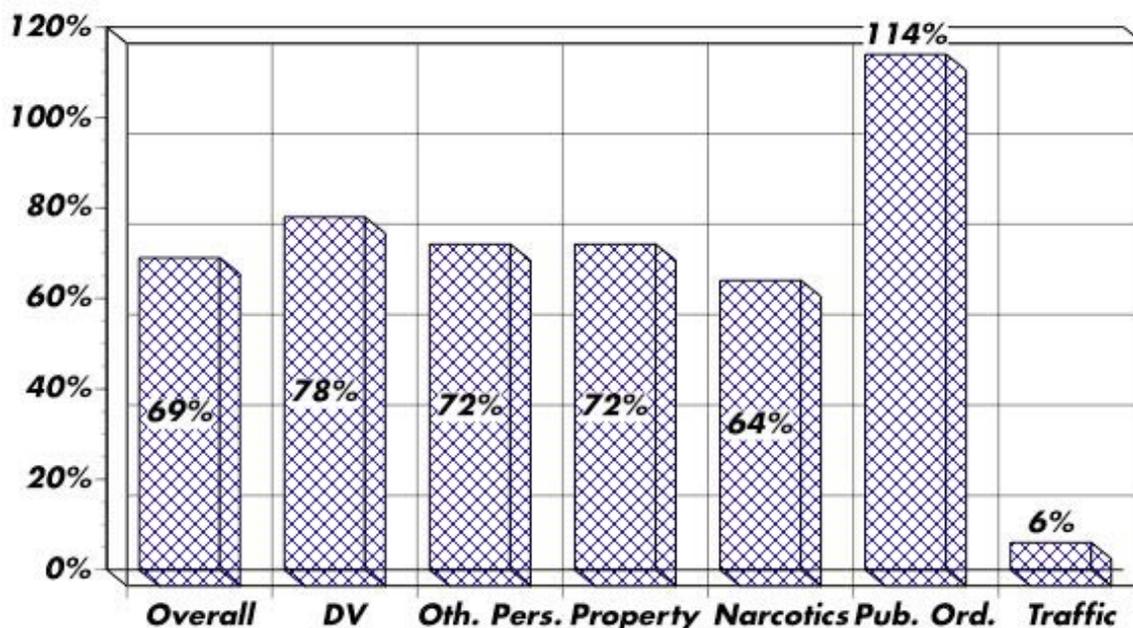
There were 54 domestic violence cases at booking, 42 at filing, and 30 at disposition. There were 72 other person cases at booking, 52 at filing, and 40 at disposition. There were 148 property cases at booking, 107 at filing and 79 at disposition. There were 29 public order offenses at booking, 33 at filing, and 30 at disposition. There were 18 traffic offenses at booking, 1 at filing, and 1 at disposition.

## Spokane County Corrections Master Plan

### b. Case Filing Rate

The next graphic shows the case-filing rate.

### **Superior Court Case Filing Rate**



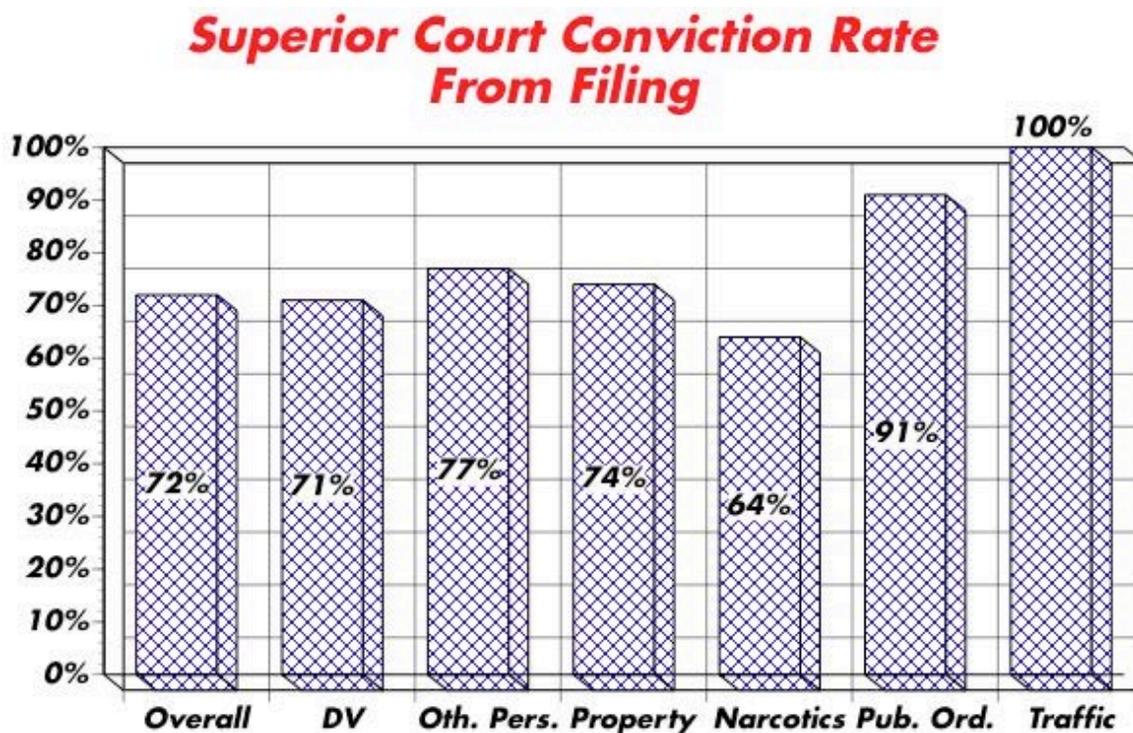
Overall, 69 percent of the defendants arrested on a felony charge were charged in superior court. Seventy-eight percent of the persons arrested on a domestic violence charge were filed in superior court; 72 other person crime; 72 percent property crime; 64 percent narcotics; and 114 percent of public order charges. Only 6 percent of persons arrested for felony traffic were filed on as a felony.

It should be noted that the public order offenses showing a higher than 100 percent filing rate is due to other arrest charges from booking being changed to public order at filing.

## Spokane County Corrections Master Plan

### c. Conviction Rate from Filing

The next graphic shows the conviction rate from filing.



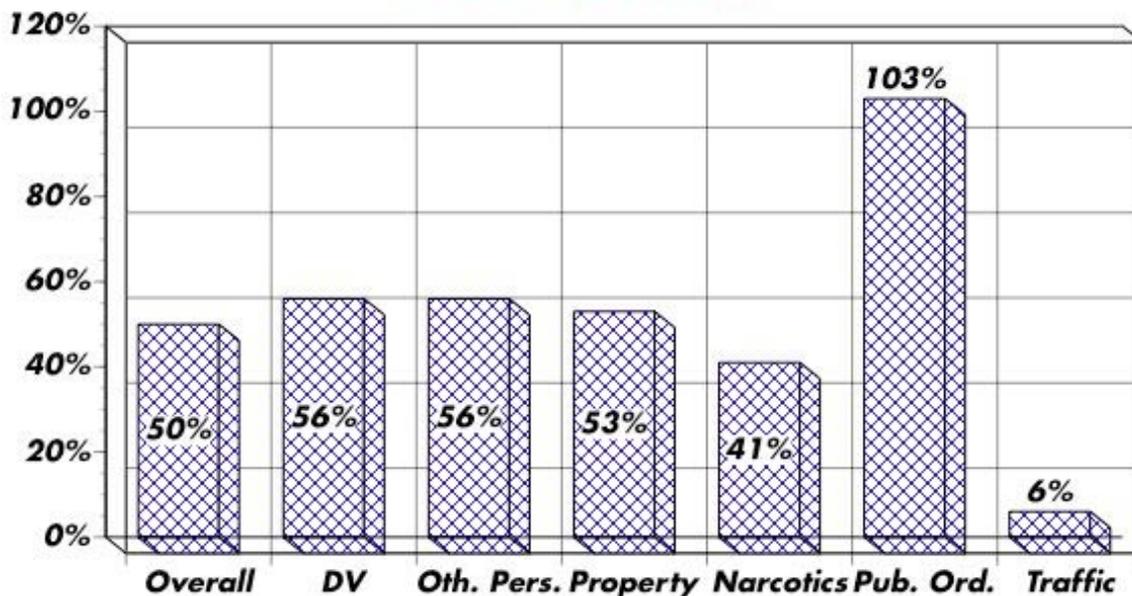
Overall, 72 percent of the defendants who had cases filed were convicted. Seventy-one percent of the domestic violence filings resulted in a conviction; 77 percent of other person crimes; 74 percent of property crimes; 64 percent of narcotics cases and 91 percent of public order offenses. All of the traffic cases resulted in a conviction.

## Spokane County Corrections Master Plan

### d. Conviction Rate from Booking

The graphic displays the conviction rate from booking.

### **Superior Court Conviction Rate From Booking**



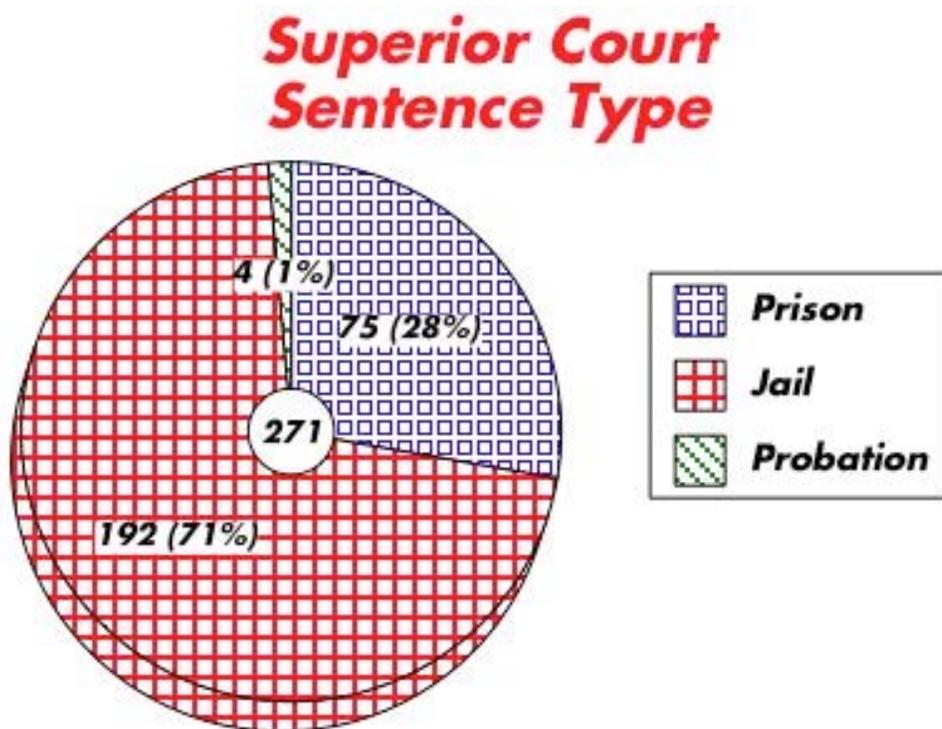
Half of all felony bookings resulted in a conviction. Fifty-six percent of the domestic violence bookings resulted in a conviction; 56 percent of other person crimes; 53 percent of property crimes; 41 percent of narcotics cases and 103 percent of public order cases. Only 6 percent of the traffic cases resulted in a conviction.

## Spokane County Corrections Master Plan

### 5. Sentencing

#### a. Type

The next graphic shows the sentence type for the 271 convicted defendants. While most defendants received multiple sentence types, for the purposes of this graphic they are only counted once, using the hierarchy in the legend.



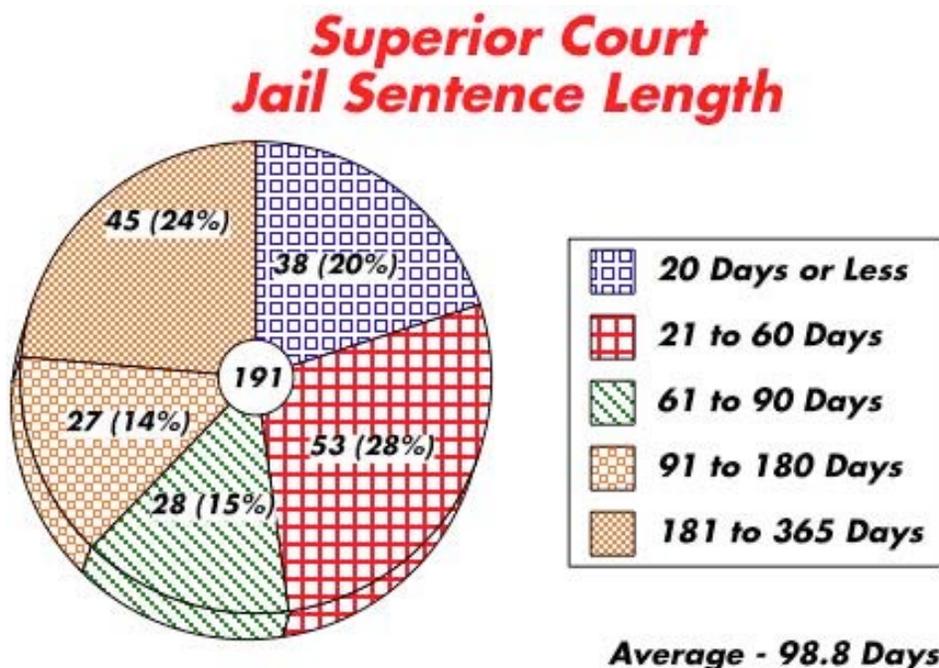
Twenty-eight percent of the convicted felons were sentenced to prison. Seventy-one percent received a jail sentence and only 1 percent received only a probation sentence.

## Spokane County Corrections Master Plan

### b. Sentence Length

#### (1) Jail

The next graphic shows the sentence length of the defendants sentenced to jail. Neither good time nor suspended time is counted in this calculation.



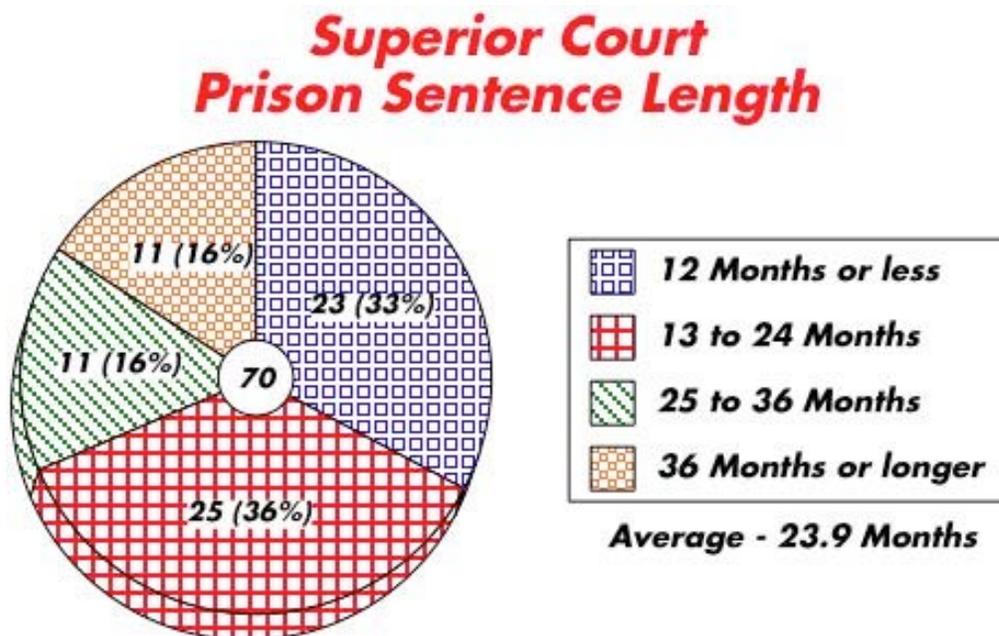
Twenty percent of the defendants sentenced to jail received a sentence of 20 days or less. Twenty-eight percent were sentenced to between 21 and 60 days; 15 percent between 60 and 90 days; and 14 percent between 91 and 180 days. The remaining 24 percent were sentenced between 6 months and a year.

The average jail sentence was 99 days.

## Spokane County Corrections Master Plan

### (2) Prison

The next graphic shows the prison sentence length.



A third of the superior court sentences were to prison. Thirty-six percent were sentenced to between 13 and 24 months; and 16 percent to between 25 to 36 months. The remaining 16 percent were sentenced to 36 months of longer.

The average prison sentence was 23.9 months.

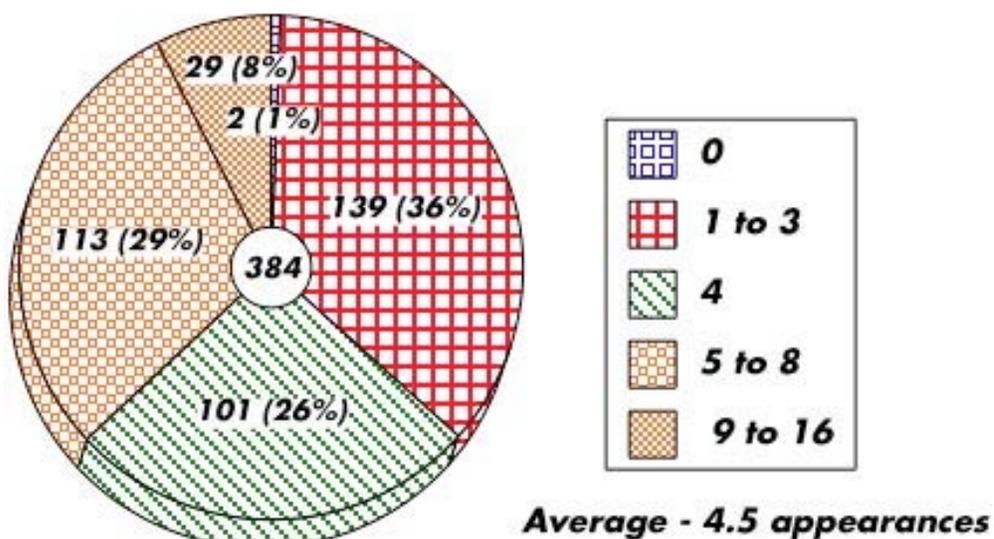
## Spokane County Corrections Master Plan

### 6. Process Times

#### a. Number of Appearances

The next graphic shows the number of court appearances between arraignment and disposition.

### **Superior Court Appearances Between Arraignment & Disposition**



One percent of the cases required no additional appearances. Thirty-six percent had between 1 and 3 other appearances; 26 percent had 4 appearances; and 29 percent had between 5 and 8 appearances. The remaining 8 percent had between 9 and 16 appearances.

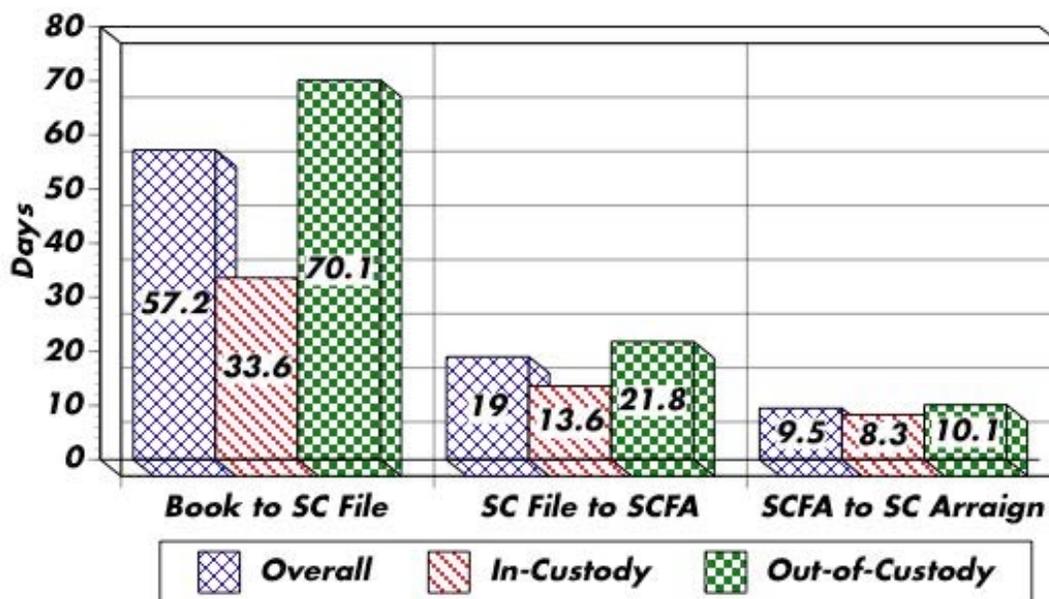
The average number of appearances between arraignment and disposition was 4.5.

## Spokane County Corrections Master Plan

### b. Incremental

The next graphic shows some of the incremental process times broken down by the overall population, those who remained in-custody, and those released from custody.

### **Superior Court Process Times**

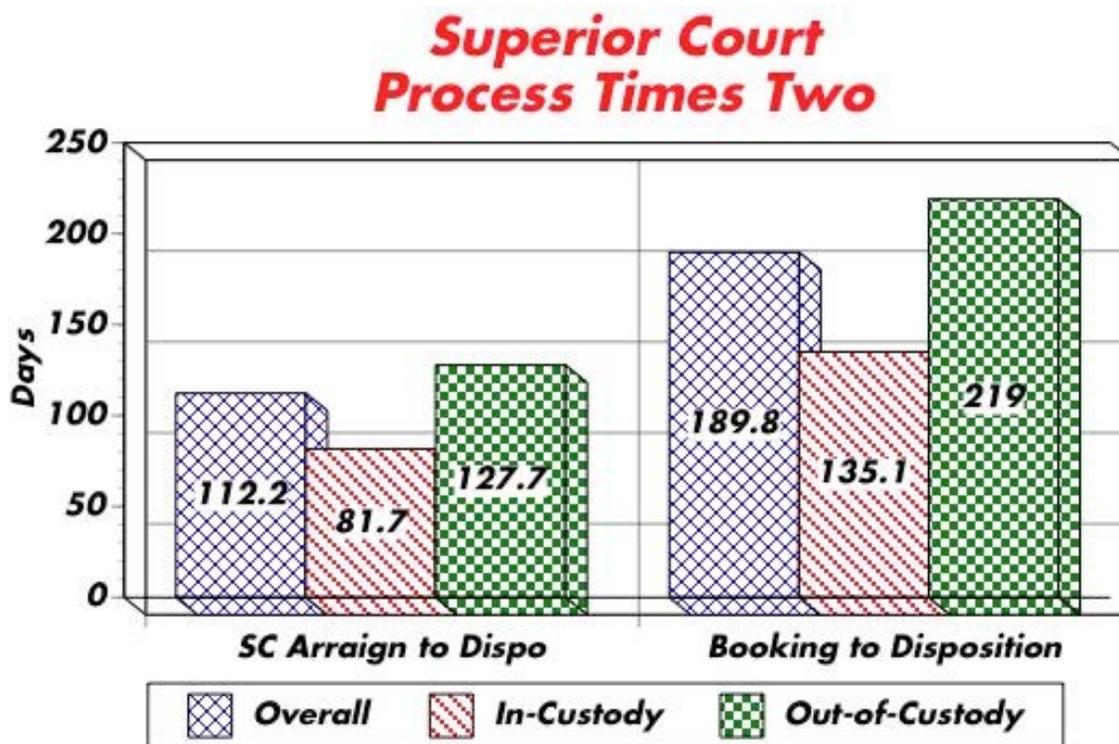


The overall process times from booking to superior court filing was 57 days; in-custody cases 34 days; and out of custody cases 70 days. The overall length of time from superior court filing to first appearance was 19 days; in-custody cases 14 days and out of custody cases 22 days. The overall length of time from first appearance to arraignment took 9 days; in-custody cases 8 days; and out of custody cases 10 days.

## Spokane County Corrections Master Plan

### c. Overall

The next graphic shows the process times for the overall population, those who remained in-custody, and those released from custody.

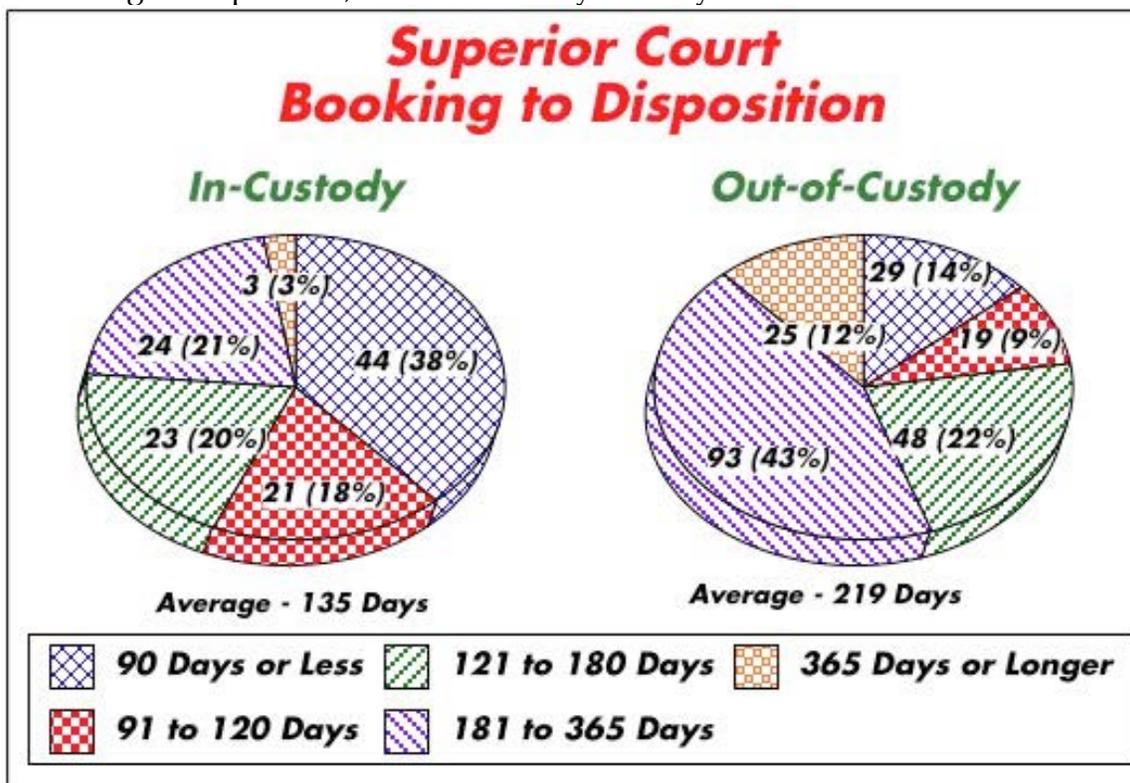


The overall length of time from superior court arraignment to disposition as 112 days; in-custody cases took 82 days; and out of custody cases took 128 days. The overall length of time from booking to disposition was 190 days; in-custody cases took 135 days; and out of custody cases took 219 days.

## Spokane County Corrections Master Plan

### d. Booking to Disposition

The next graphic shows the frequencies for the time from booking to disposition, broken down by custody status.



Thirty-eight percent of the in-custody cases and 14 percent of the out of custody cases took 90 days or less from booking to disposition. Eighteen percent of the in-custody cases and 9 percent of the out of custody cases took between 91 and 120 days; twenty percent of the in-custody cases and 22 percent of the out of custody cases took between 121 and 180 days; and 21 percent of the in-custody cases and 43 percent of the out of custody cases took between 181 to 365 days. The remaining 3 percent of the in-custody cases and 12 percent of the out of custody cases took 365 days or longer.

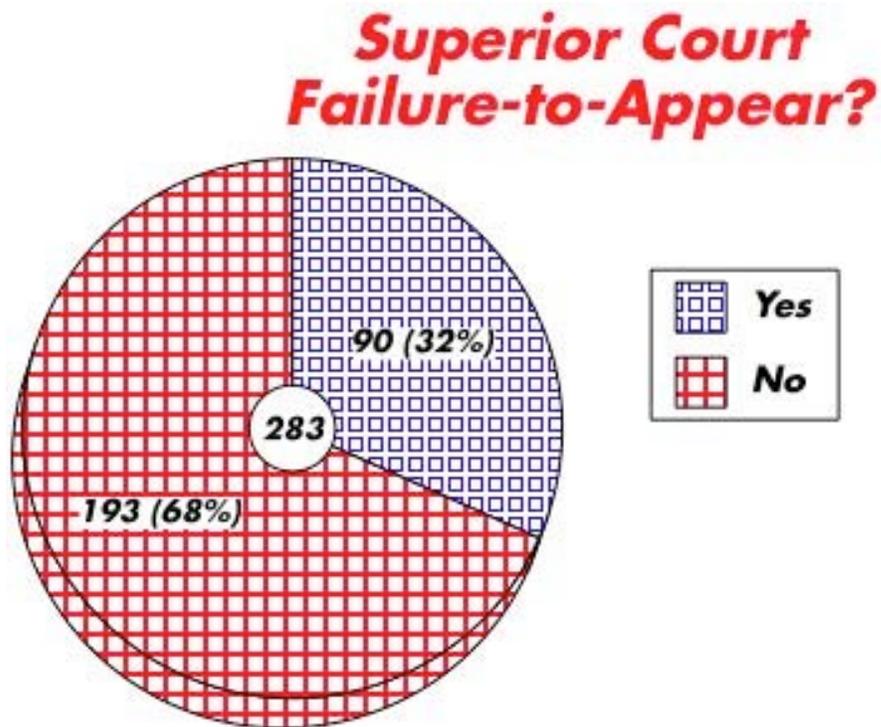
The in-custody cases took an average 135 days and the out of custody cases took an average 219 days.

## Spokane County Corrections Master Plan

### 7. Failure-to-Appear

#### a. Overall

The next graphic shows whether the defendants who were released from custody prior to trial failed-to-appear for a court appearance.



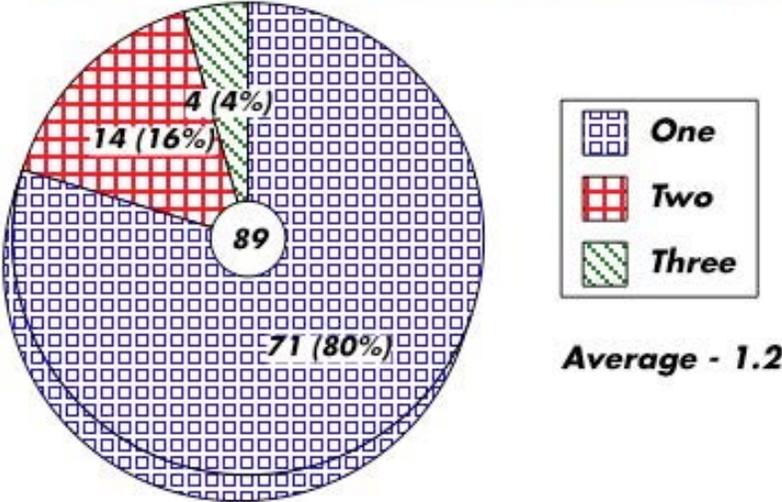
Thirty-two percent of the defendants failed-to-appear.

Spokane County Corrections Master Plan

b. Number

The next graphic shows the number of failures to appear.

**Superior Court  
Number of Failures-to-Appear**

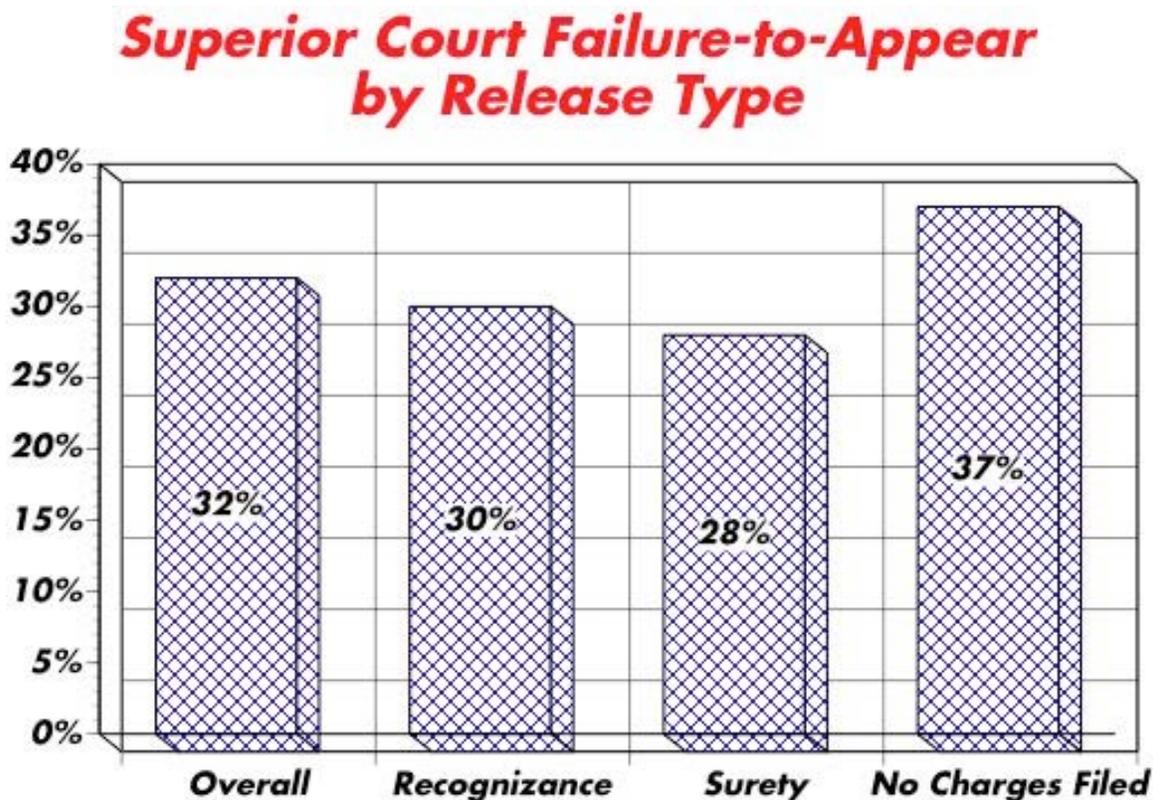


Eighty percent of the persons who failed-to-appear did so only once. Sixteen percent failed-to-appear twice and 4 percent three times. The average number of times was 1.2.

## Spokane County Corrections Master Plan

### c. Release Type

The next graphic shows the failure-to-appear rate by type of release.



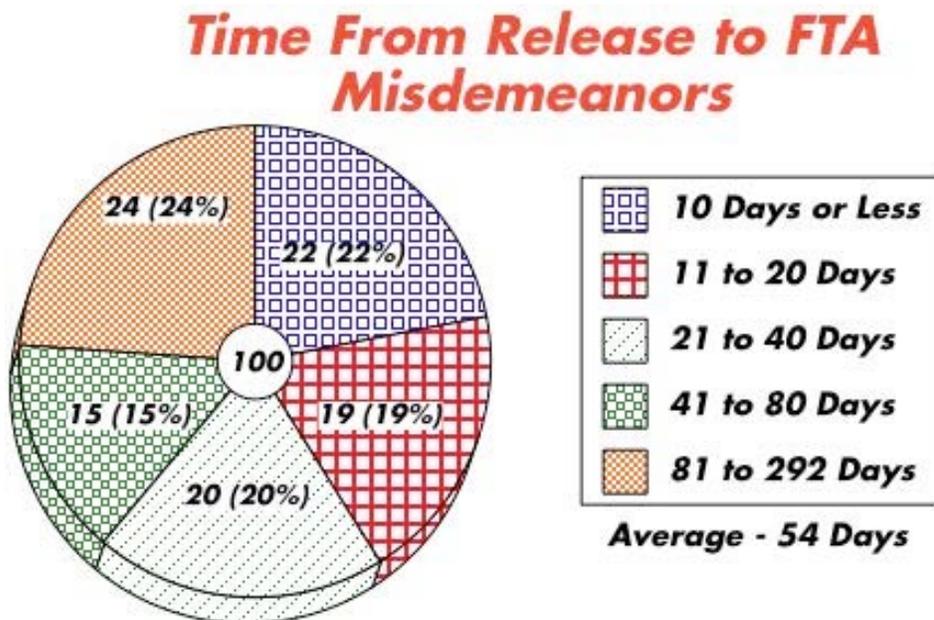
Overall, 32 percent of the defendants failed-to-appear. Thirty percent of the persons released on recognizance failed to appear; and 28 percent released after posting a surety bond. Thirty-seven percent of the defendants released because no charges were filed failed-to-appear.

## Spokane County Corrections Master Plan

### d. Time to FTA

#### (1) Misdemeanors

The next graphic shows the length of time from release to failure-to-appear for misdemeanants.



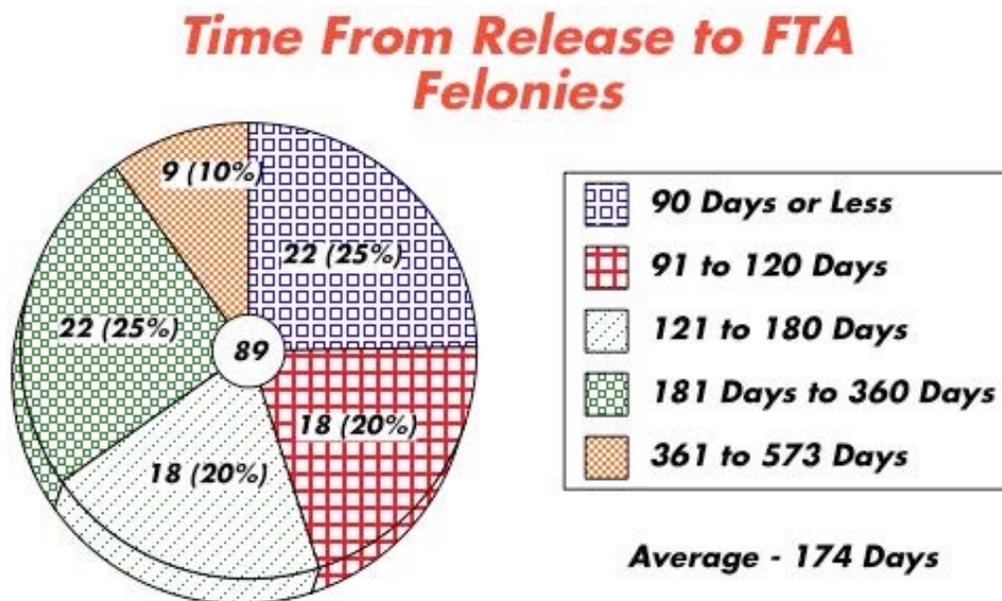
Twenty-two percent of the misdemeanants who failed-to-appear did so in 10 days or less. Nineteen percent failed-to-appear between 11 and 20 days; 20 percent in 21 to 40 days; and 15% in 41 to 80 days. The remaining 24 percent who failed-to-appear did so in 81 to 292 days.

The average length of time from release to failure-to-appear was 54 days.

## Spokane County Corrections Master Plan

### (2) Felonies

The next graphic shows the length of time from release to failure-to-appear for the felons.



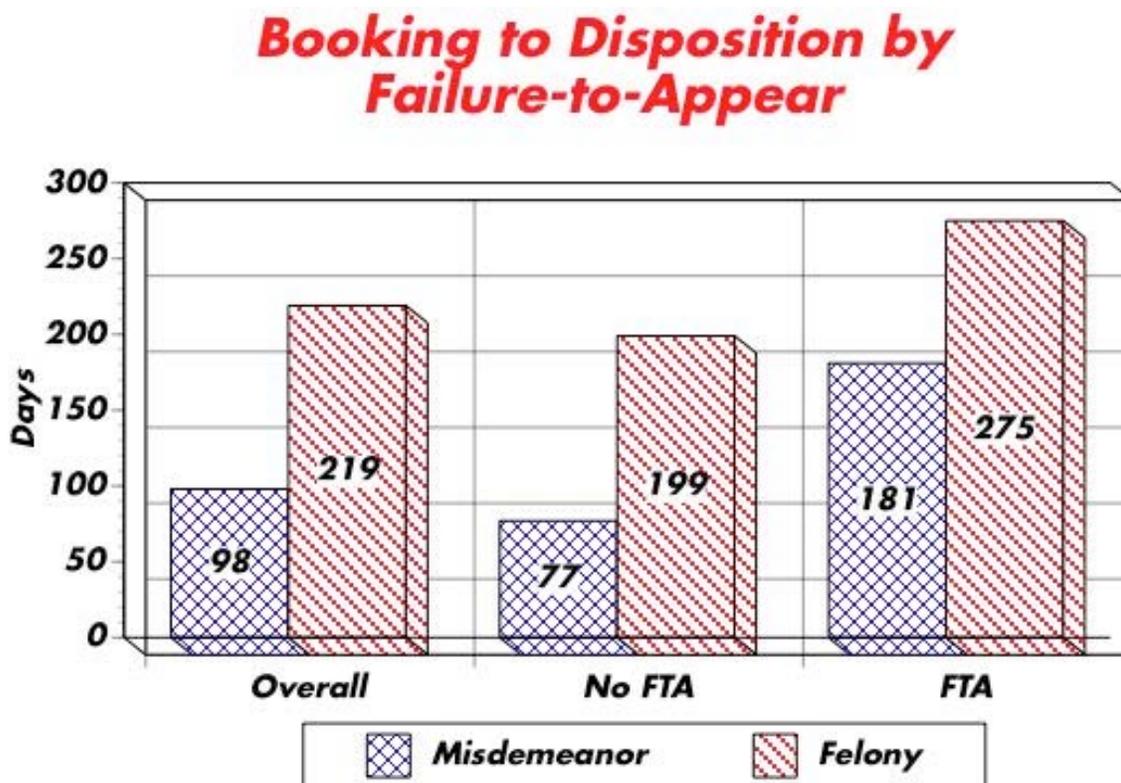
A quarter of the felons who failed-to-appear did so during the first 90 days. Twenty percent failed-to-appear between 91 and 120 days; 20 percent in 120 to 180 days; and 25% in 181 to 360 days. The remaining 10 percent of the felons who failed-to-appear did so between 361 and 573 days.

The average length of time from release to failure-to-appear was 174 days.

## Spokane County Corrections Master Plan

### e. Disposition Time

The final graphic showing the impact of the problem of failure-to-appear shows the overall disposition time for defendants released from custody prior to trial, from booking to disposition by whether the defendant failed-to-appear.



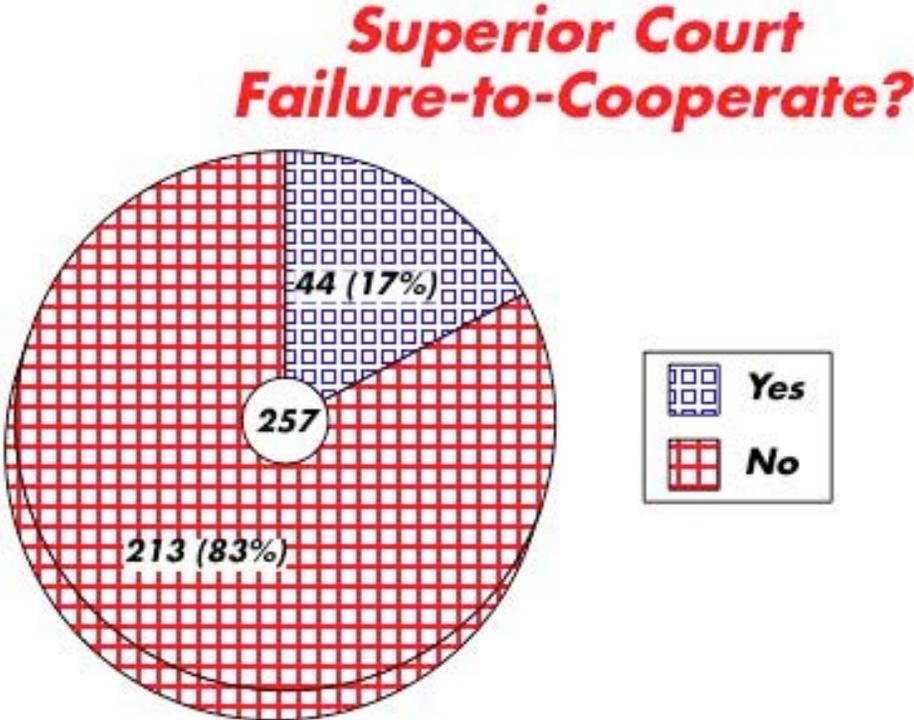
For misdemeanants, the overall average processing time was 98 days. In cases where the defendant did not fail-to-appear, it took an average 77 days compared to 181 days where there was a failure-to-appear.

For felons, the overall average processing time was 219 days. In cases where the defendant did not fail-to-appear, it took an average 199 days compared to 275 days where there was a failure-to-appear.

**Spokane County Corrections Master Plan**

8. Failure-to-Cooperate

The next graphic shows whether the defendants released from custody prior to trial failed to comply with the court’s release conditions.



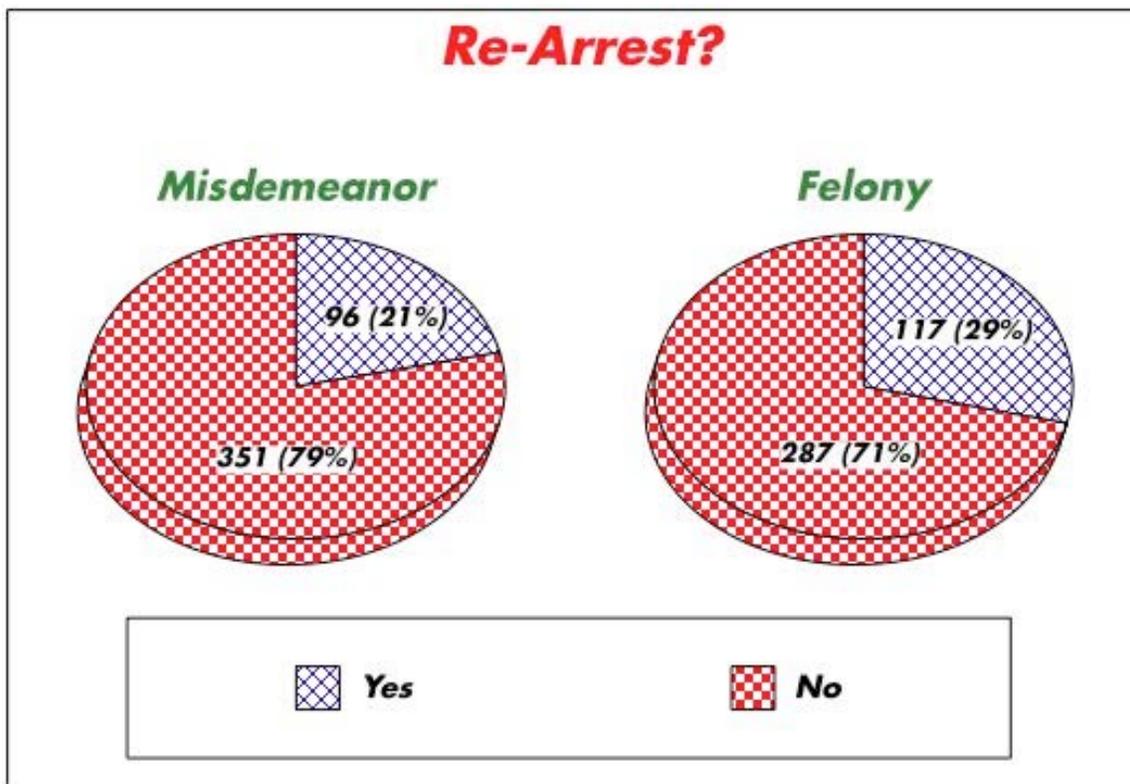
Seventeen percent of the released defendants failed-to-cooperate.

## Spokane County Corrections Master Plan

### 9. Re-Arrest

#### a. Overall

The next graphic shows the overall re-arrest rate for the defendants in the sample who were released from jail prior to trial.

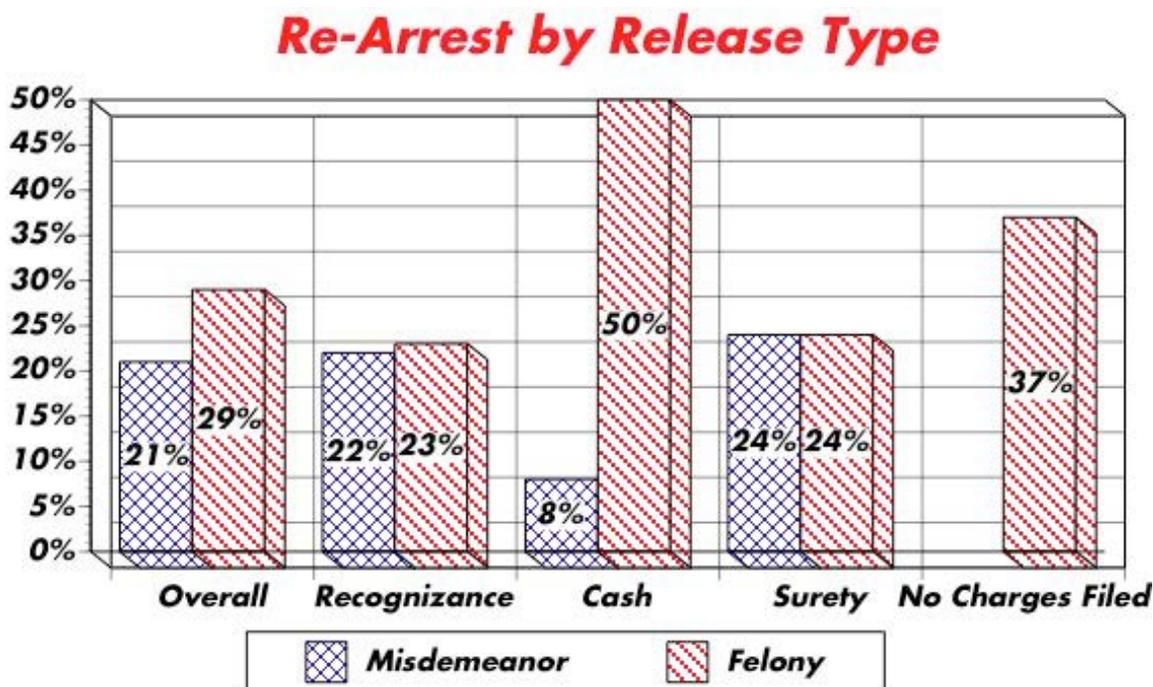


Twenty-one percent of the misdemeanants and 29 percent of the felons were re-arrested for a new criminal offense prior to disposition of the case that was part of this sample.

## Spokane County Corrections Master Plan

### b. Release Type

The last graphic shows the re-arrest rate by the type of release.



Overall, 21 percent of the misdemeanants and 29 percent of the felons were re-arrested. Twenty-two percent of the misdemeanants and 23 percent of the felons released on recognizance were re-arrested. Eight percent of the misdemeanants and half of the felons released after posting a cash bond were re-arrested. Twenty-four percent of both the misdemeanants and the felons released after posting a surety bond were re-arrested. Thirty-seven percent of the felons released from custody when no charges were filed were subsequently re-arrested for a new criminal offense.

# **Spokane County *Corrections Master Plan***

## **Chapter Two Jail Population Breakdown**

# *Chapter Two*

## **Jail Population Breakdown**

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# *Chapter Two*

## **Jail Population Breakdown**

### **Introduction**

William Flatt from the Spokane Police Department developed the routines to complete a daily snapshot of every prisoner in custody. The snapshot methodology uses a hierarchy to determine the most significant charge for which a defendant is being held and from that determines their status. The snapshot is recorded each night at midnight and a monthly composite is prepared at the end of the month.

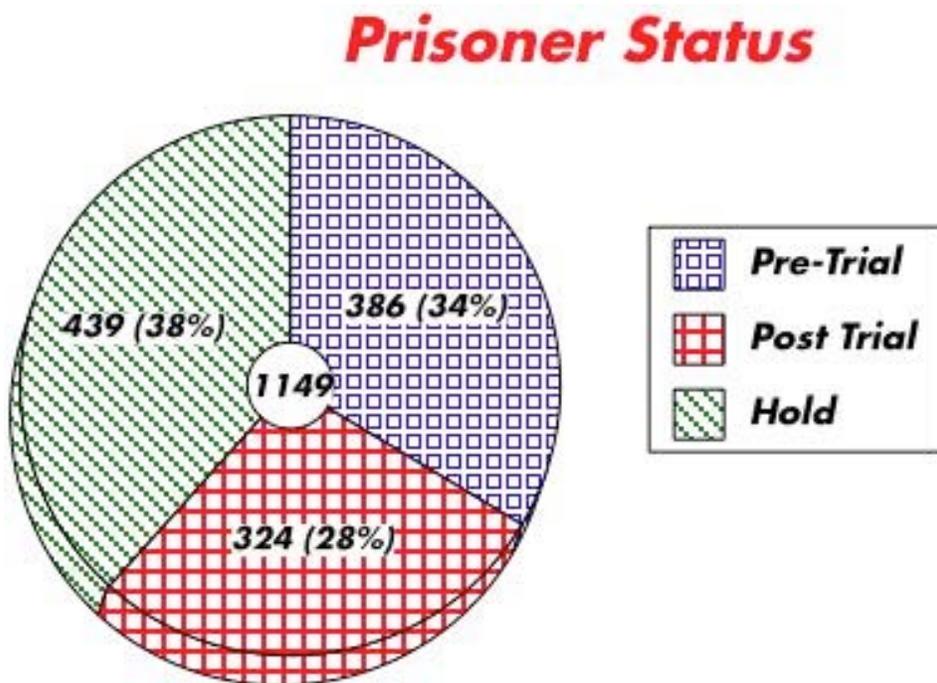
The data presented in this chapter was taken from monthly composites from April through December 2007. It is presented in two sections: the first section details the number of prisoners in each category and the second shows how long they have been in custody. Time in custody is a different measurement than Length of Stay. Time in custody is the average length of time each prisoner in the specific category has been in custody as opposed to average length of stay, which captures all of the prisoners in jail during a given period of time.

## Spokane County Corrections Master Plan

### A. Prisoner Status

#### 1. Overall

The first graphic shows the status of the average 1,178 prisoners in custody.



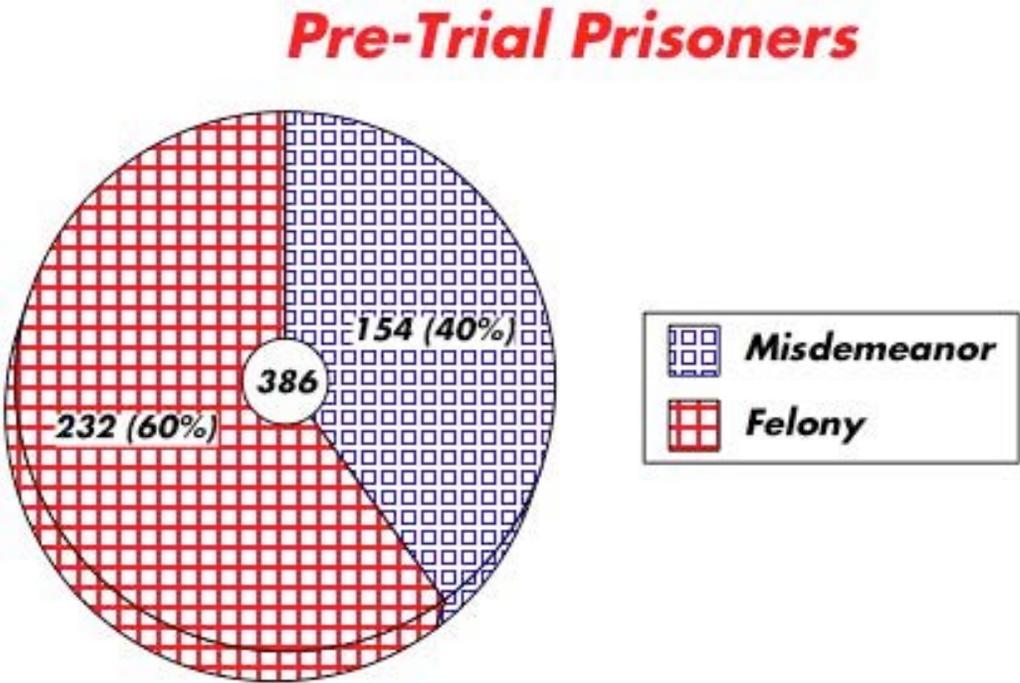
Thirty-four percent of the jail population was there awaiting trial. Twenty-eight percent was serving a sentence and the remaining 38 percent were in jail on holds.

**Spokane County Corrections Master Plan**

2. Pre-Trial Prisoners

a. Charge Class

The next graphic displays the charge class for the 386 pre-trial prisoners.



Forty percent of the pre-trial prisoners were awaiting trial on a misdemeanor and the remaining on a felony charge.

## Spokane County Corrections Master Plan

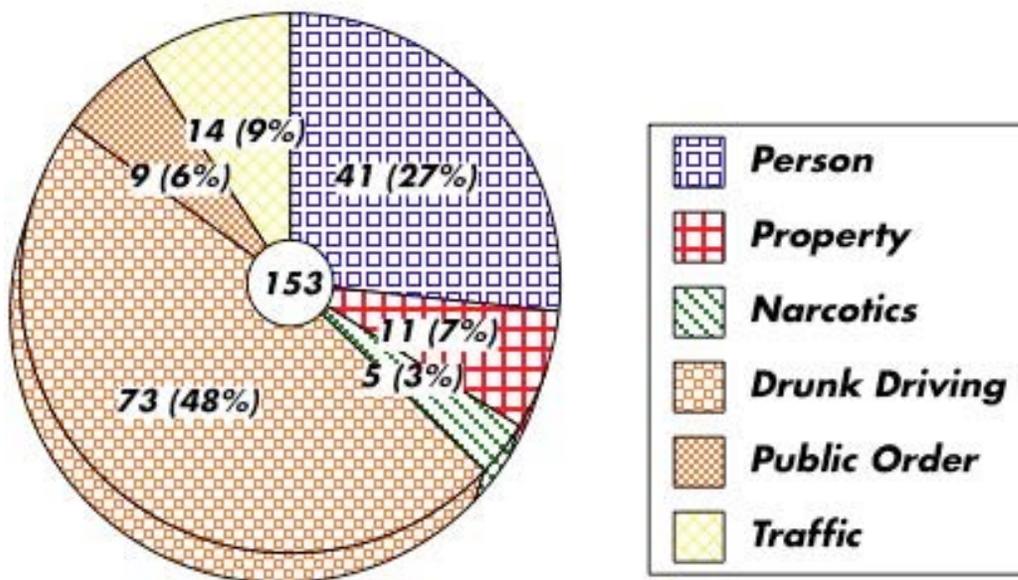
### b. Charge Category

#### (1) Misdemeanors

##### (a) Overall

The next graphic shows the charge category for the pre-trial misdemeanors.

### **Pre-Trial Misdemeanors**



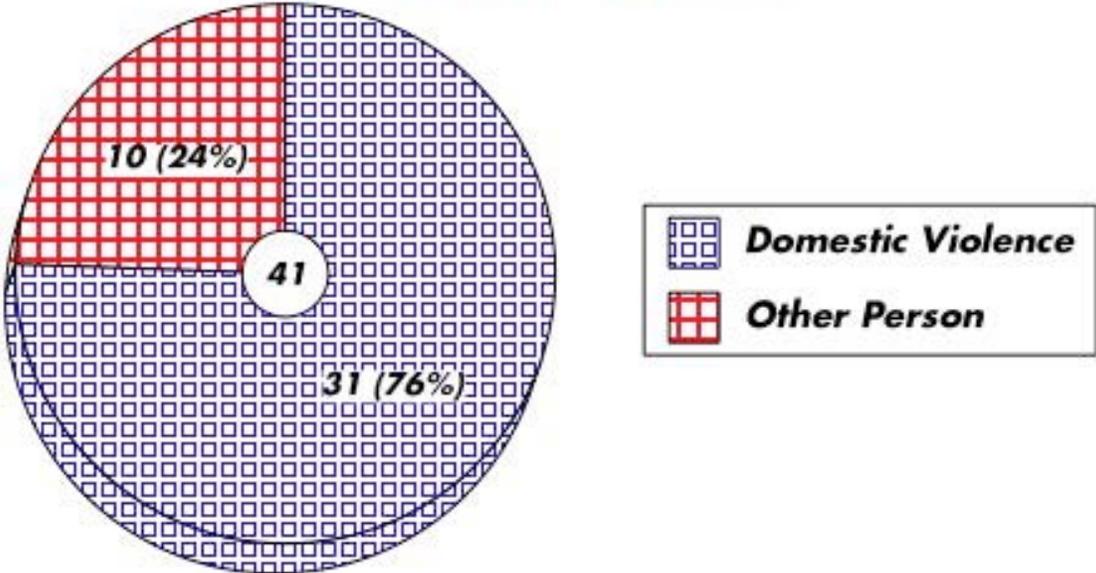
Twenty-seven percent of the pre-trial misdemeanors were in jail awaiting trial for a crime against person. Seven percent were awaiting trial on a property charge; 3% for a narcotics offense; 48 percent for drunk driving; and 6% for a public order offense. The remaining 9 percent were in jail for a traffic offense.

**Spokane County Corrections Master Plan**

(b) Person Crimes

The next graphic examines the 41 person crimes in greater detail.

**Pre-Trial Misdemeanors  
Person Crimes**



Seventy-six percent of the misdemeanants charged with person crimes were charged with domestic violence. The remaining 24 percent were charged with "other" person offenses.

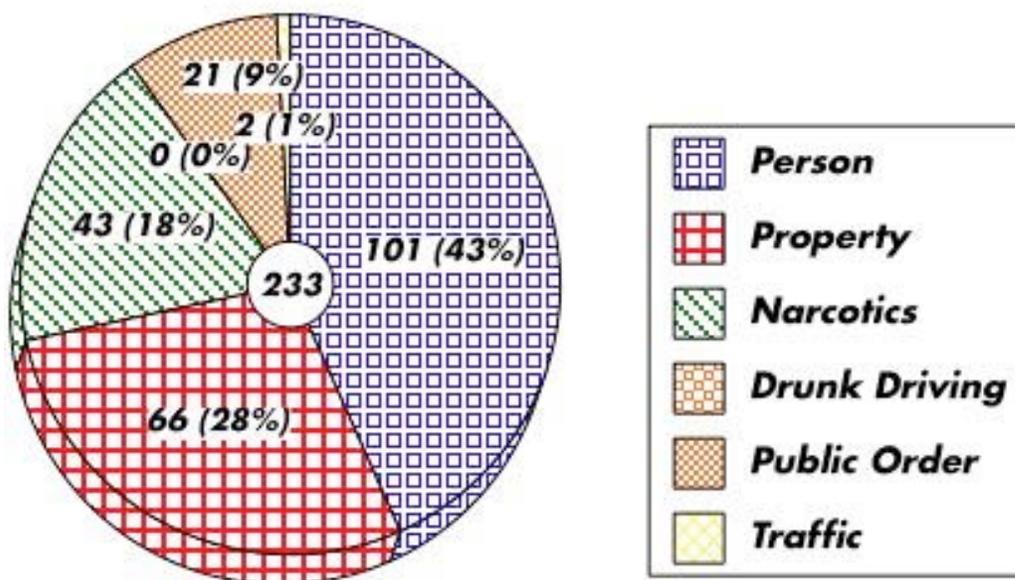
## Spokane County Corrections Master Plan

### (2) Felonies

#### (a) Overall

The next graphic shows the charge category for the 233 pre-trial felons.

### **Pre-Trial Felons**



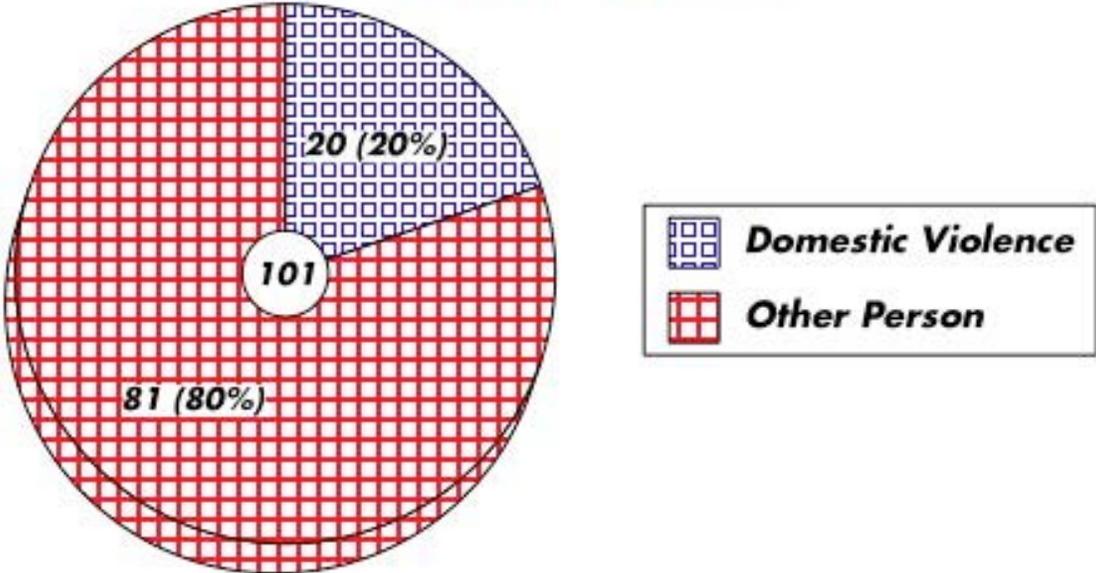
Forty-three percent of the post trial felons were in jail awaiting trial for a crime against person. Twenty-eight percent were awaiting trial on a property charge; and 18% for a narcotics offense; and 9 percent for a public order offense. The remaining 1 percent was in jail for a traffic offense.

**Spokane County Corrections Master Plan**

(b) Person Crimes

The next graphic provides additional detail for the 101 pre-trial felons charged with person crimes.

**Pre-Trial Felonies  
Person Crimes**



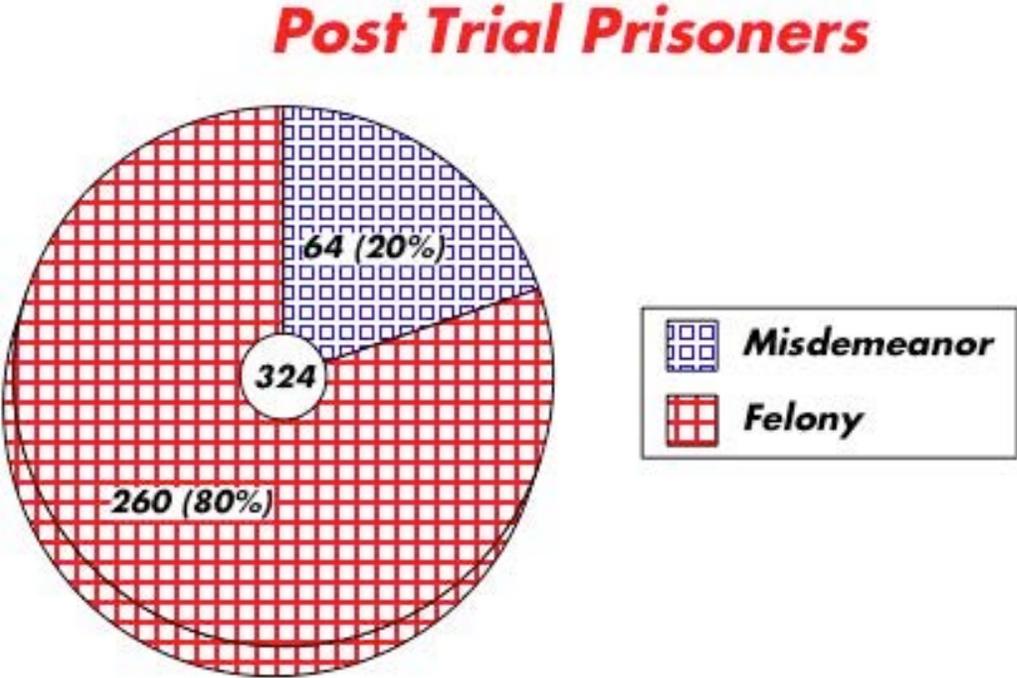
Twenty percent of the felons charged with person crimes were charged with domestic violence. The remaining 80 percent were charged with “other” person offenses.

**Spokane County Corrections Master Plan**

3. Post Trial Prisoners

a. Charge Class

The next graphic shows the charge class for the 324 post trial prisoners.



Twenty percent of the post trial prisoners were serving a sentence for a misdemeanor charge and the remaining had been convicted of a felony offense.

## Spokane County Corrections Master Plan

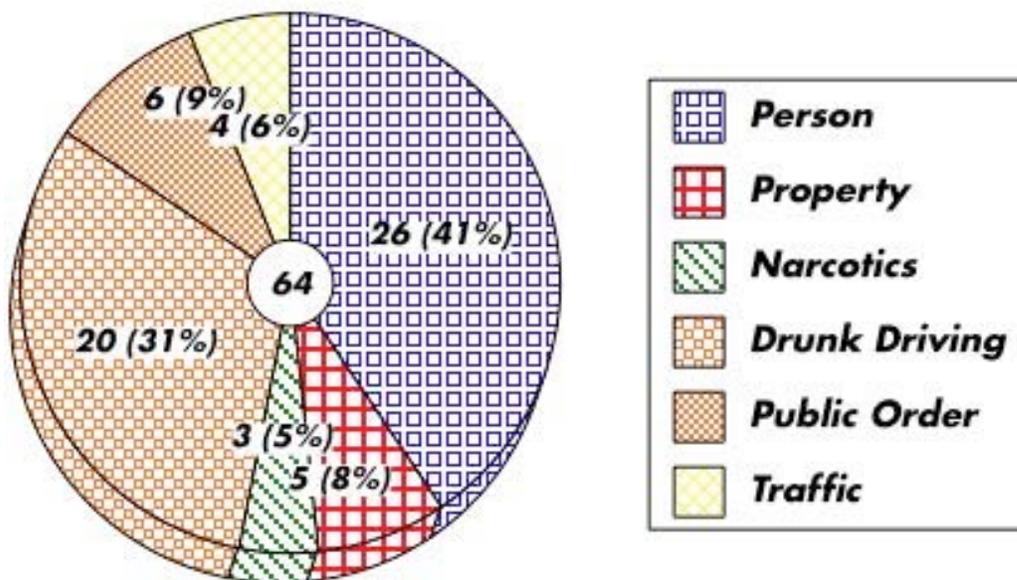
### b. Charge Category

#### (1) Misdemeanors

##### (a) Overall

The next graphic shows the charge category for the 64 sentenced misdemeanants.

### **Post Trial Misdemeanors**



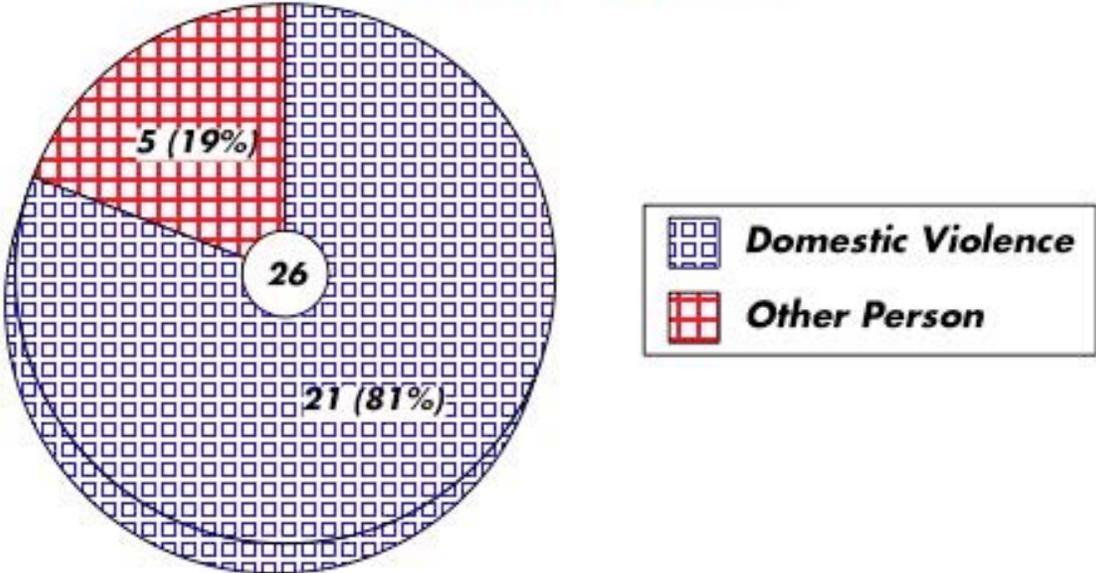
Forty-one percent of the misdemeanants had been convicted of a crime against person. Eight percent had been convicted of a property offense; 5% for a narcotics offense; 31% for drunk driving; and 9 percent for a public order offense. The remaining 6% had been convicted of a traffic offense.

Spokane County Corrections Master Plan

(b) Person Crimes

The next graphic details the type of person crime for the 26 offenders.

**Post Trial Misdemeanors  
Person Crimes**



Eighty-one percent of the sentenced misdemeanants charged with person crimes were convicted domestic violence. The remaining 19 percent were convicted of "other" person offenses.

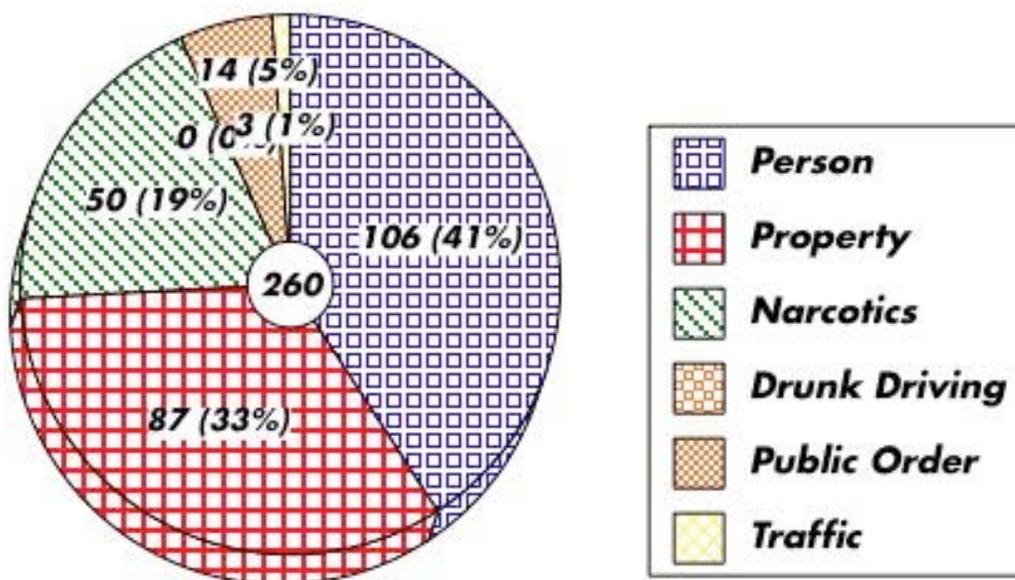
## Spokane County Corrections Master Plan

### (2) Felonies

#### (a) Overall

The next graphic shows the charge category for the 260 sentenced felons.

### **Post Trial Felonies**

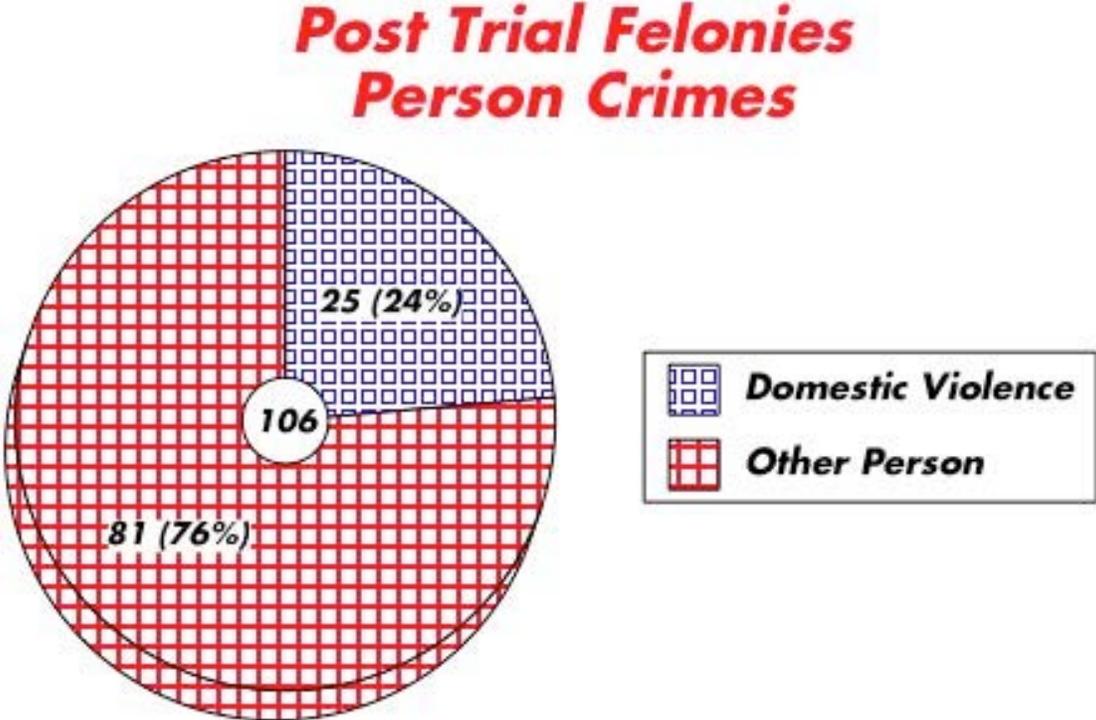


Forty-one percent of the felons had been convicted of a crime against person. A third been convicted of a property offense; 19% for a narcotics offense; and 5 percent for a public order offense. The remaining 1% had been convicted of a traffic offense.

**Spokane County Corrections Master Plan**

(b) Person Crimes

The next graphic details the type of person crime for the 125 offenders.



Twenty-four percent of the sentenced felons charged with person crimes were convicted domestic violence. The remaining 76 percent were convicted of “other” person offenses.

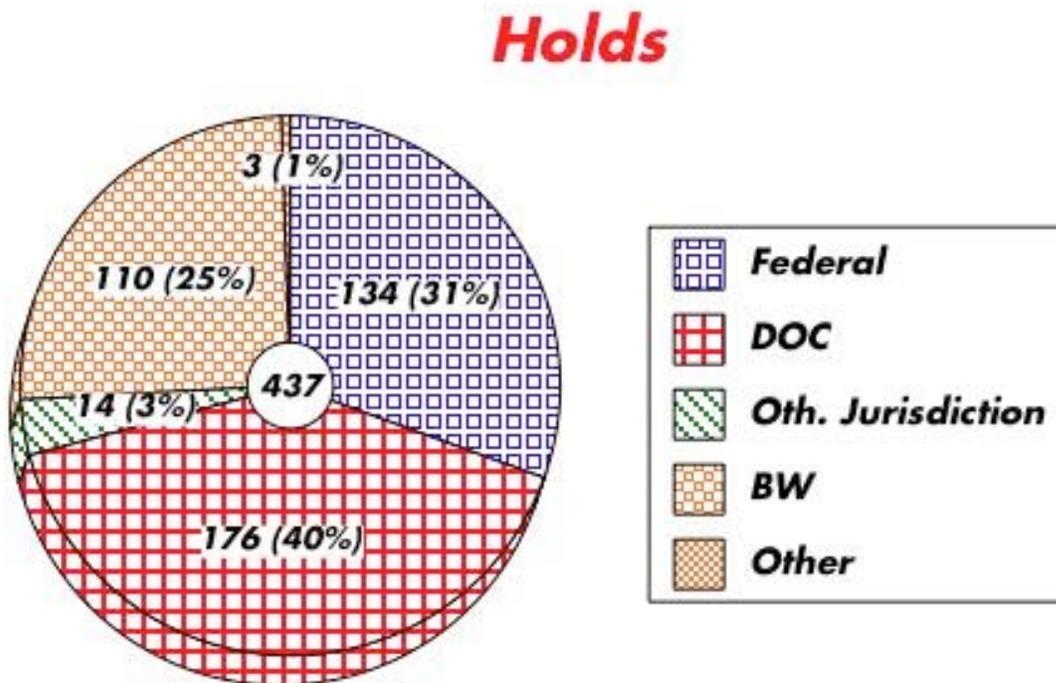
## Spokane County Corrections Master Plan

### 4. Holds

#### a. Type

##### (1) Overall

The next graphic displays the “hold” type.



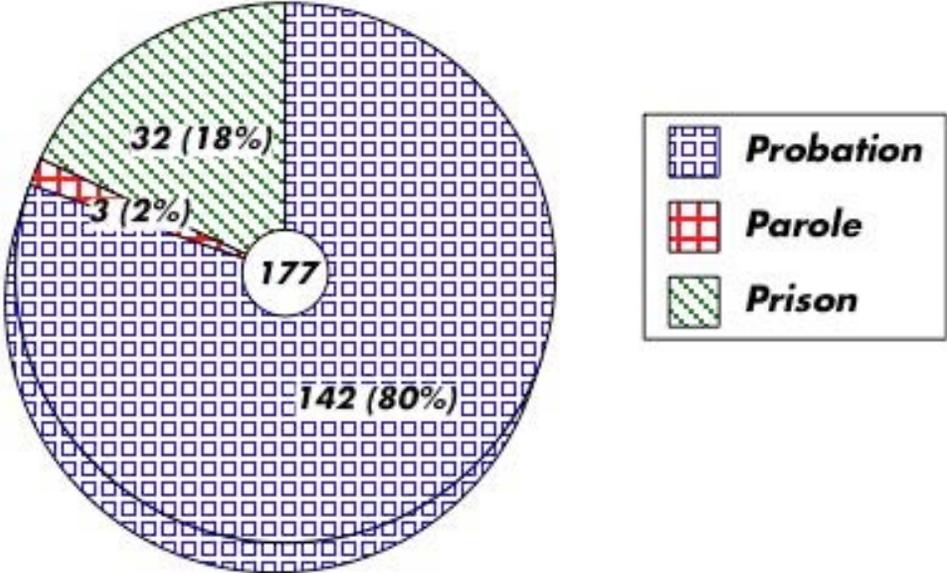
Thirty-one percent of the holds were federal prisoners. Forty percent were for Washington Department of Corrections (DOC); 3 percent were for other counties; and 25 percent were locally issued bench warrants. The remaining 1% were “other” holds.

**Spokane County Corrections Master Plan**

(2) Washington Department of Corrections

The next graphic details the type of holds for Washington Department of Corrections.

**DOC Holds**



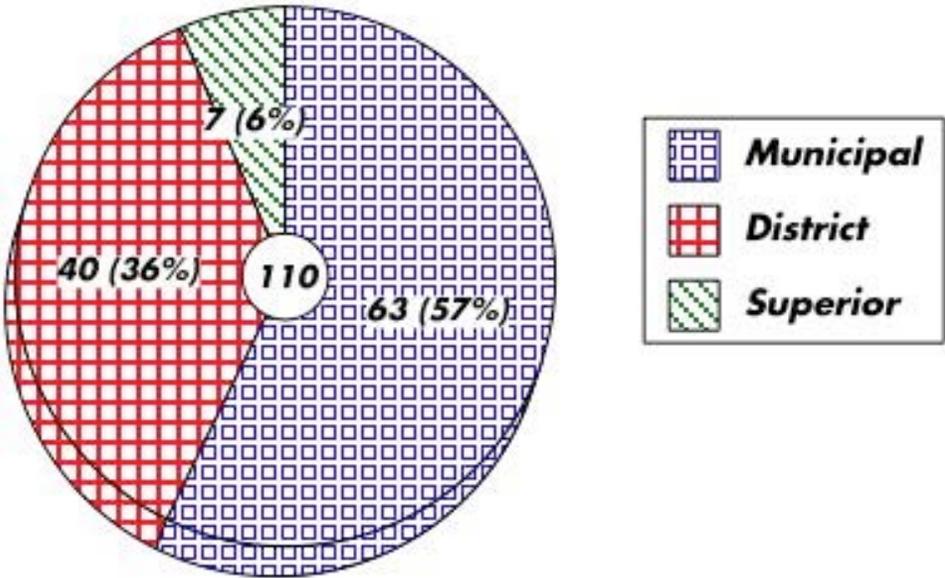
Eighty percent of the DOC holds were for probations violations and 2 percent was for parole violations. The remaining 18% of the holds were for the state prison.

**Spokane County Corrections Master Plan**

(3) Bench Warrants

The next graphic shows the court of jurisdiction for the 110 offenders in-custody on bench warrants, issued primarily for the defendant's failure-to-appear.

**Bench Warrants**



The municipal court issued 57 percent of the warrants. Thirty-six percent were issued by the district court and the remaining 6 percent were issued by the superior court.

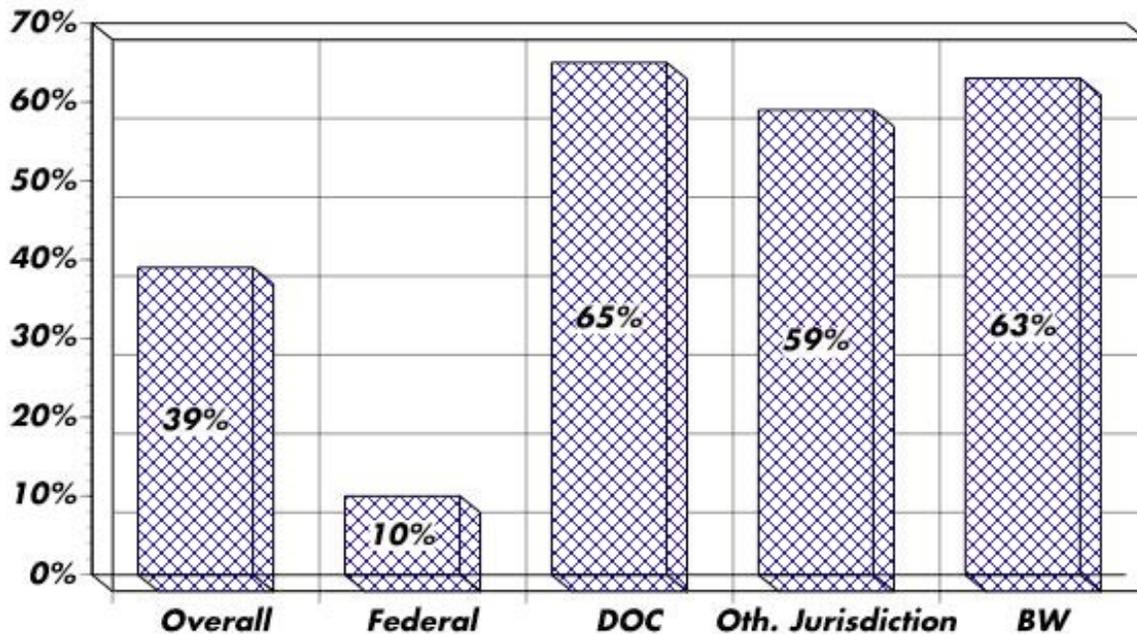
## Spokane County Corrections Master Plan

### b. Local Charges

#### (1) Overall

The next graphic looks at the hold prisoners to determine if they also had local charges.

### *Holds with Local Charges*



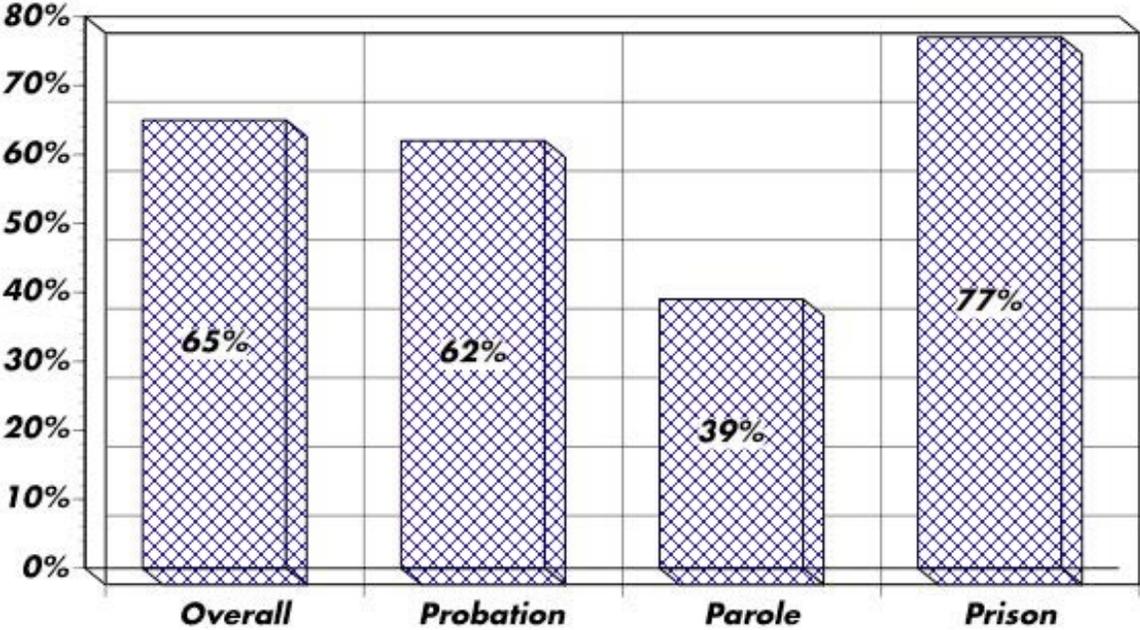
Overall, 39 percent of the holds also had local charges pending. Ten percent of the federal prisoners had local charges; 65 percent of the DOC holds; and 59 percent of the holds for other counties. Sixty-three percent of the prisoners being held on bench warrants had local charges pending.

**Spokane County Corrections Master Plan**

(2) Washington Department of Corrections

The next graphic details the DOC prisoners and the presence of local charges.

**DOC Holds with Local Charges**



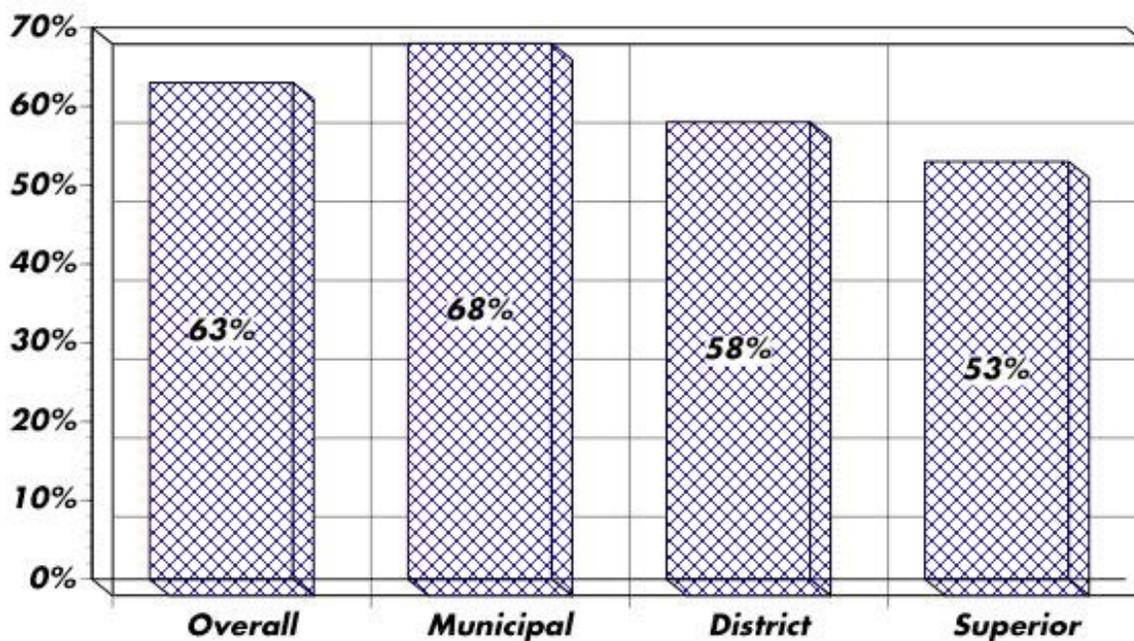
Overall, the CDC prisoners had local charges in addition to the hold in 65 percent of the cases. Probation hold prisoners had local charges in 62 percent of the cases; and parole holds in 39 percent of the cases. The prison holds all had local charges pending in 77 percent of the cases.

## Spokane County Corrections Master Plan

### (3) Bench Warrants

The next graphic examines the presence of local charges for the prisoners being held on bench warrants.

### **Bench Warrants with Local Charges**



Overall, 63 percent of the prisoners being held on bench warrants also had local charges. Sixty-eight percent of the municipal court prisoners had local charges and 58 percent of the district court prisoners had local charges. Fifty-three percent of the superior court bench warrant cases had local charges.

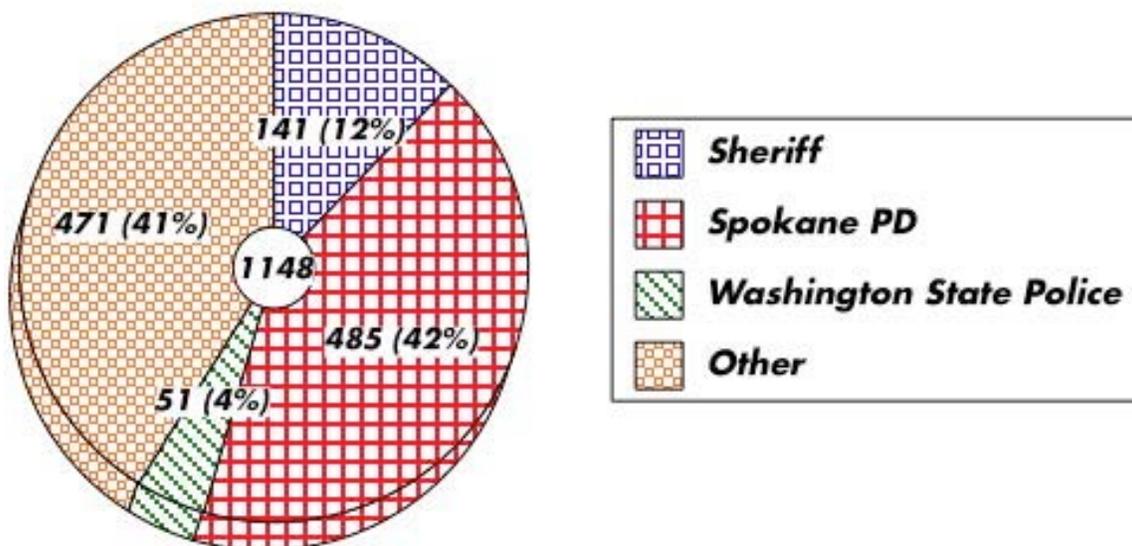
## Spokane County Corrections Master Plan

### 5. Demographics

#### a. Arresting Agency

The next graphic shows the arresting agency.

### Arresting Agency

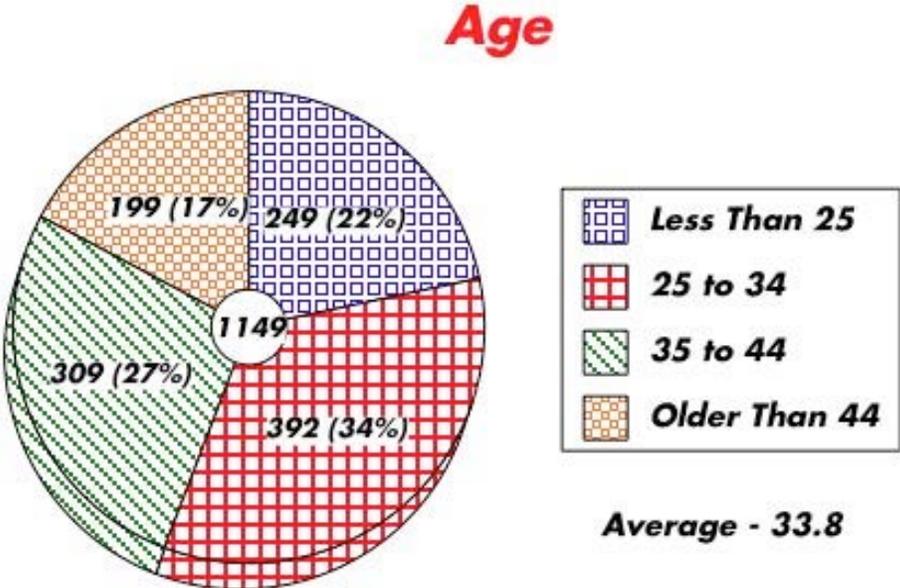


The Sheriff arrested 12% of the prisoners. Spokane Police Department arrested 42 percent of the prisoners; and Washington State Police booked 4 percent. The remaining 41 percent were arrested by other police agencies.

Spokane County Corrections Master Plan

b. Age

The next graphic shows the age of the prisoners in custody.



Twenty-two percent of the prisoners were younger than 25 years old. Thirty-four percent were between the ages of 25 to 34; and 27% between 35 to 44. The remaining 17% were 45 or older.

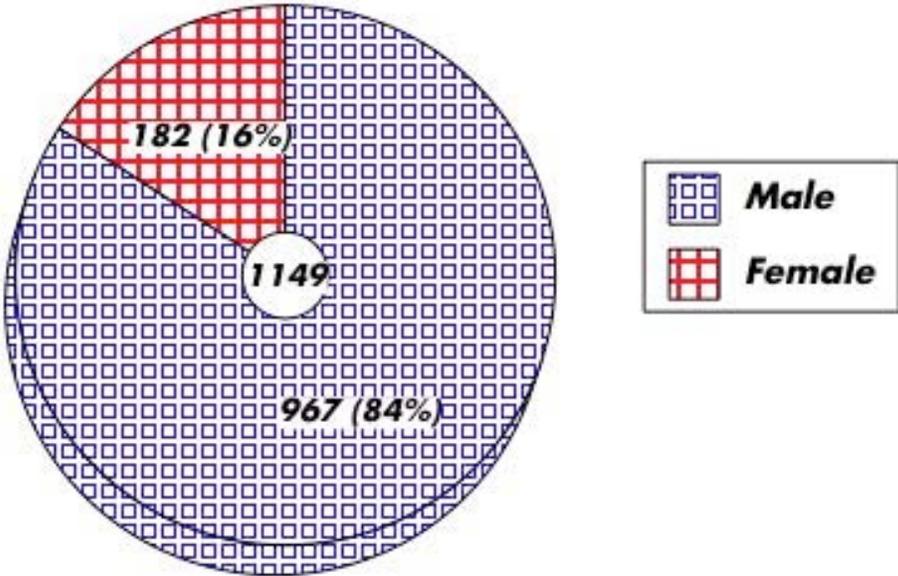
The average age was 33.8 years old.

Spokane County Corrections Master Plan

c. Gender

The next graphic shows the gender of the prisoners

**Gender**

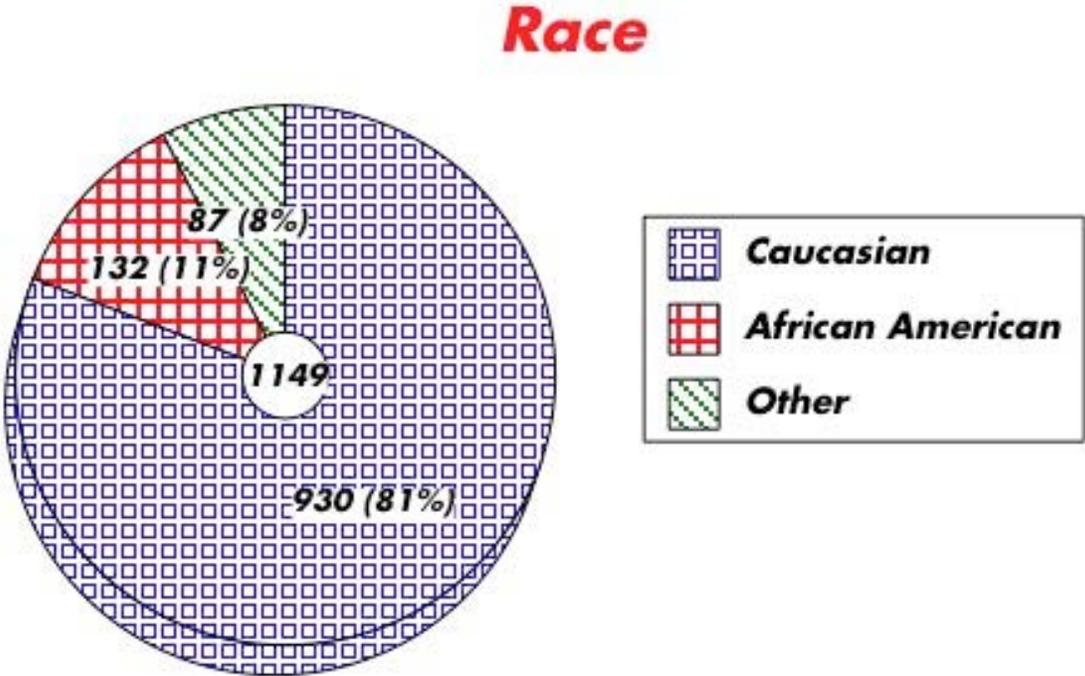


Sixteen percent were female.

**Spokane County Corrections Master Plan**

d. Race/Ethnicity

The next graphic shows the race of the prisoners.



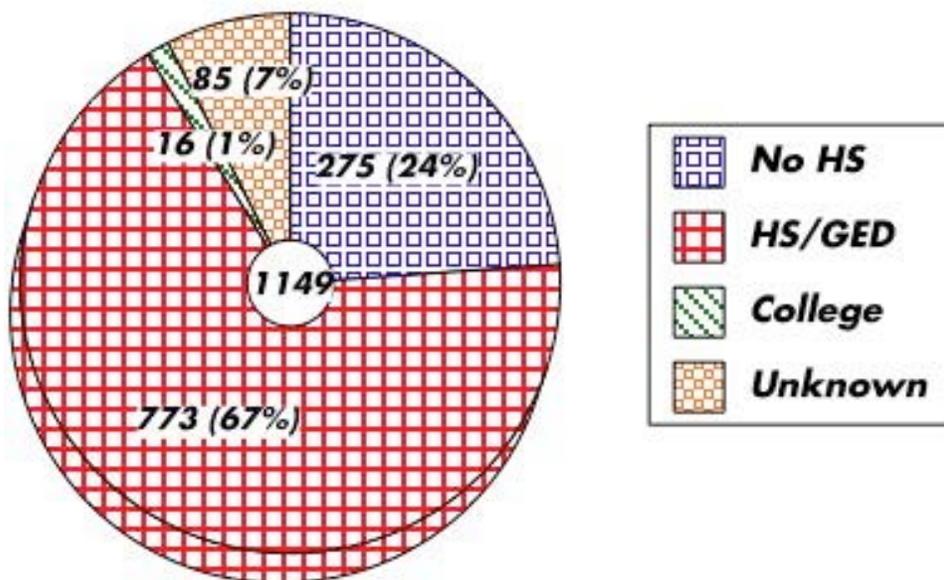
Eighty-one percent were Caucasian and 11 percent were African American. The remaining 8 percent were “other”.

## Spokane County Corrections Master Plan

### e. Education

The next graphic shows the education level attained.

## Education



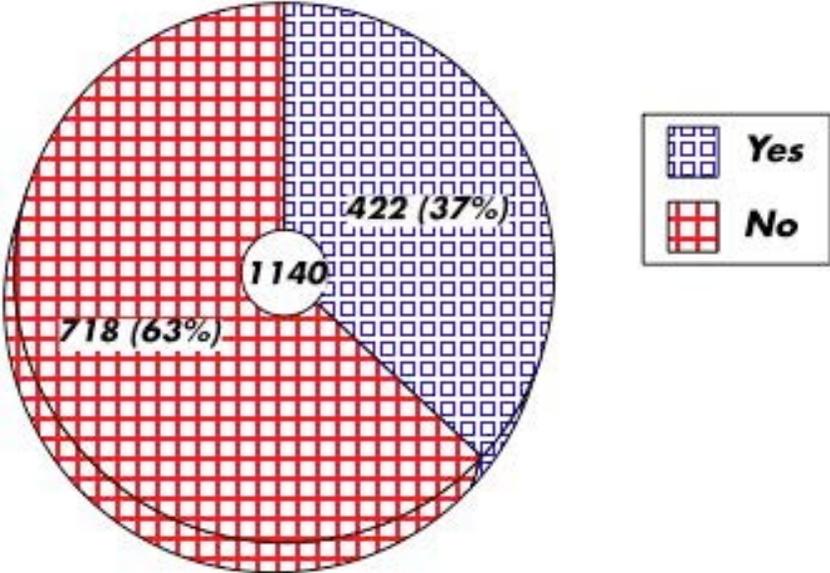
Twenty-four percent of the offenders in custody did not complete high school or attain a GED. Sixty-seven percent had attained a high school diploma or GED and 1 percent had completed college. The education level of the remaining 7 percent is unknown.

Spokane County Corrections Master Plan

f. Employment

The next graphic shows whether the defendants were employed at the time of booking.

**Employed at Booking?**



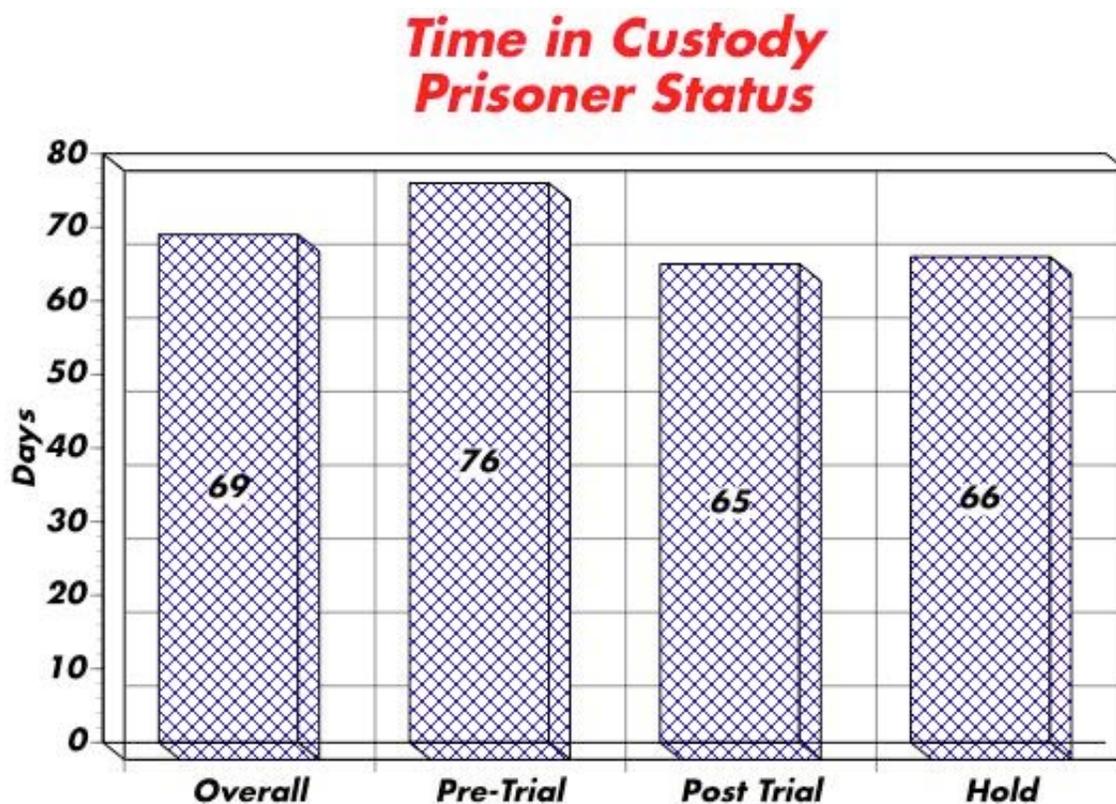
Thirty-seven percent of the prisoners reported that they were employed when they were booked. This information is not verified.

## Spokane County Corrections Master Plan

### B. Time in Custody

#### 1. Status

The next graphic shows the overall time in custody.



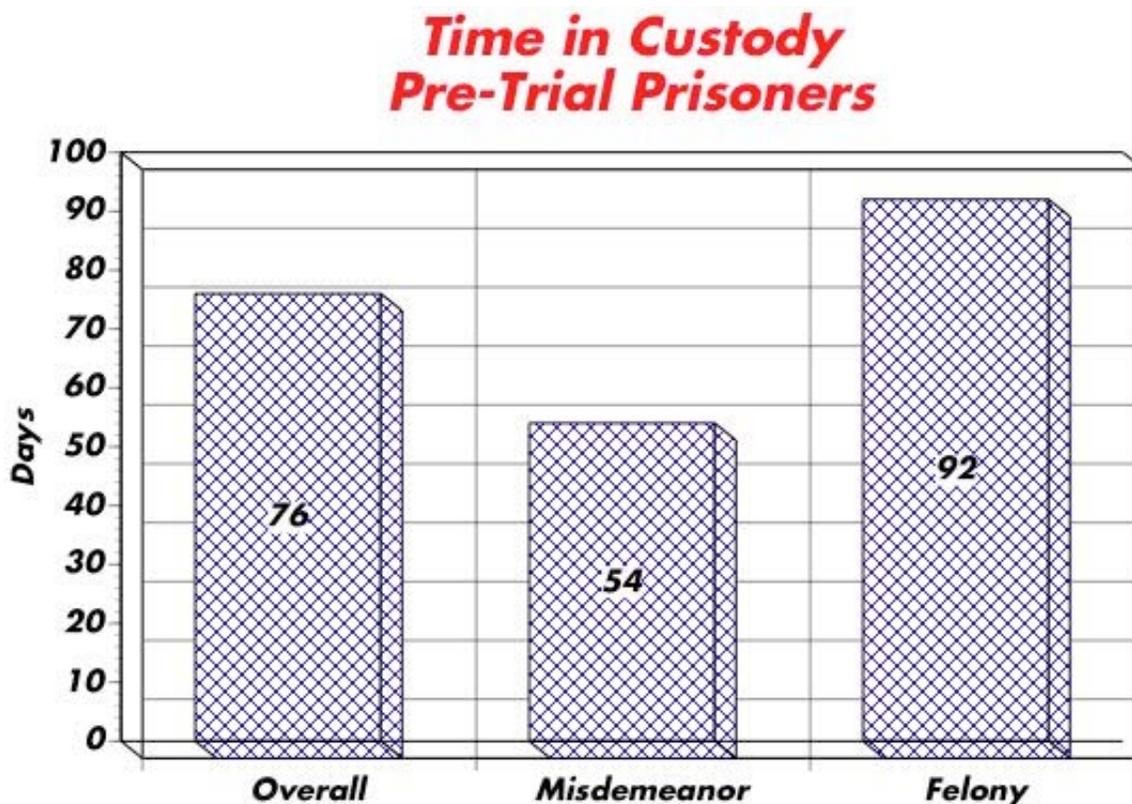
The overall average time in custody was 69 days. Pre-Trial prisoners had been in jail for an average 76 days and post trial prisoners 65 days. Holds had been in custody an average 66 days.

## Spokane County Corrections Master Plan

### 2. Pre-Trial Prisoners

#### a. Charge Class

The next graphic shows the time in custody for the pre-trial prisoners.



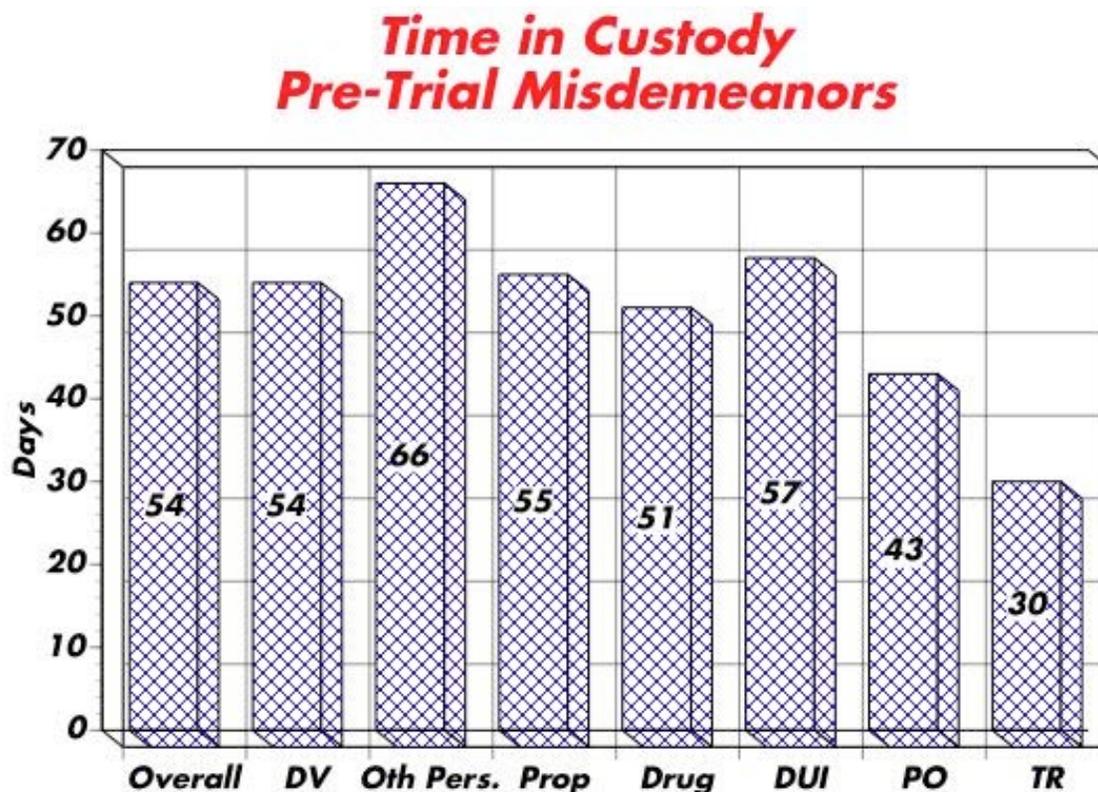
The pre-trial prisoners had been in custody an average 76 days. Pre-Trial misdemeanants had been custody an average 54 days and felons an average 92 days.

## Spokane County Corrections Master Plan

### b. Charge Category

#### (1) Misdemeanors

The next graphic shows the average time in custody for the pre-trial misdemeanants by charge category.

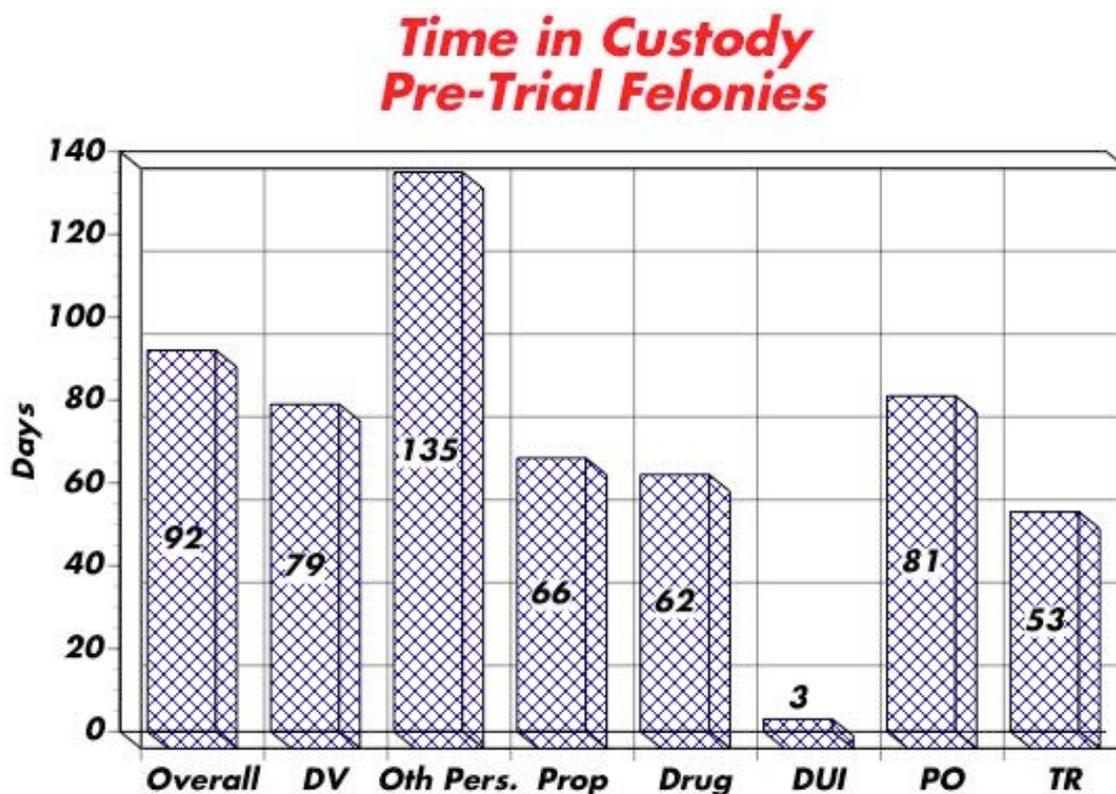


The overall average time in custody for pre-trial misdemeanors was 54 days. Prisoners awaiting trial for domestic violence had been in custody 54 days; other person crimes an average of 66 days; property crime offenders had been in jail an average 55 days; narcotics offenders 51 days; drunk drivers 57 days; and public order offenders 43 days. The traffic offenders had been in custody an average 30 days.

## Spokane County Corrections Master Plan

### (2) Felonies

The next graphic shows the average time in custody for the pre-trial felons by charge category.



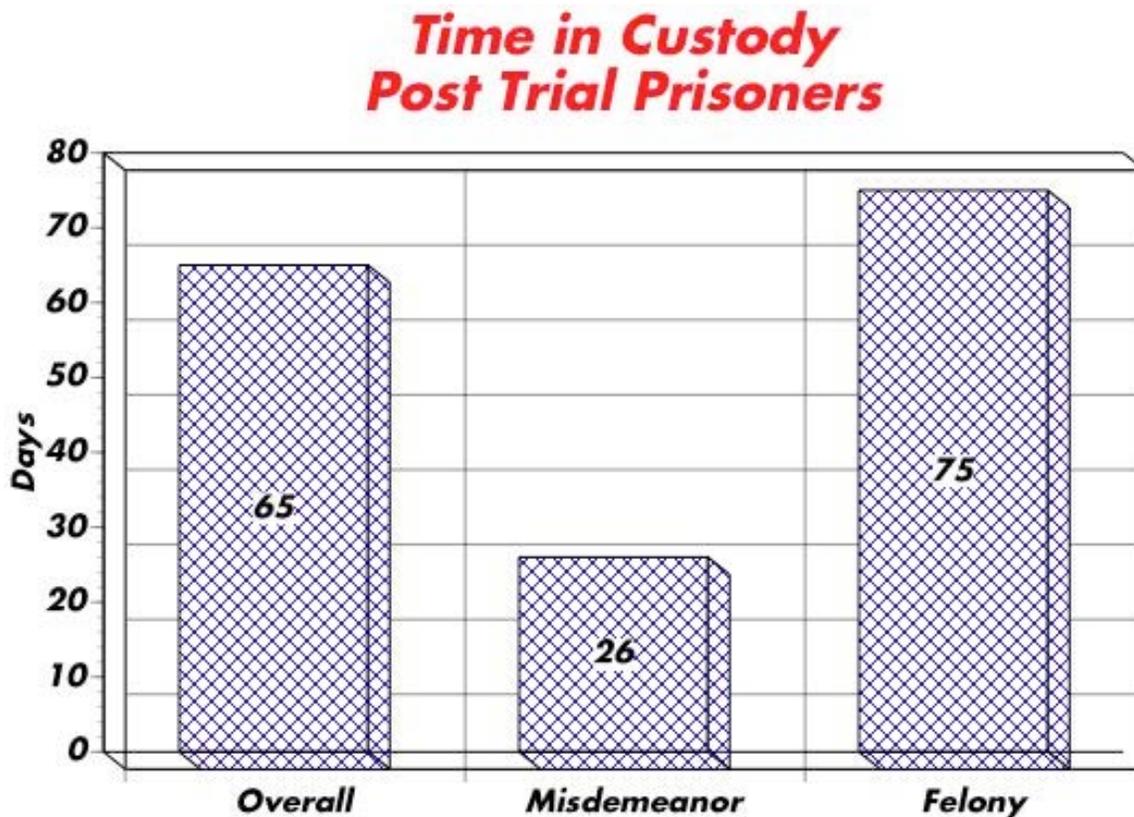
The overall time in custody for pre-trial felons was 92 days. Prisoners awaiting trial for domestic violence had been in custody 79 days; other person crimes an average of 135 days property crime offenders had been in jail an average 66 days; narcotics offenders 62 days; DUI offenders 3 days; and public order offenders 81 days. The traffic offenders had been in custody an average 53 days.

## Spokane County Corrections Master Plan

### 3. Post Trial Prisoners

#### a. Charge Class

The next graphic shows the time in custody for post trial prisoners.



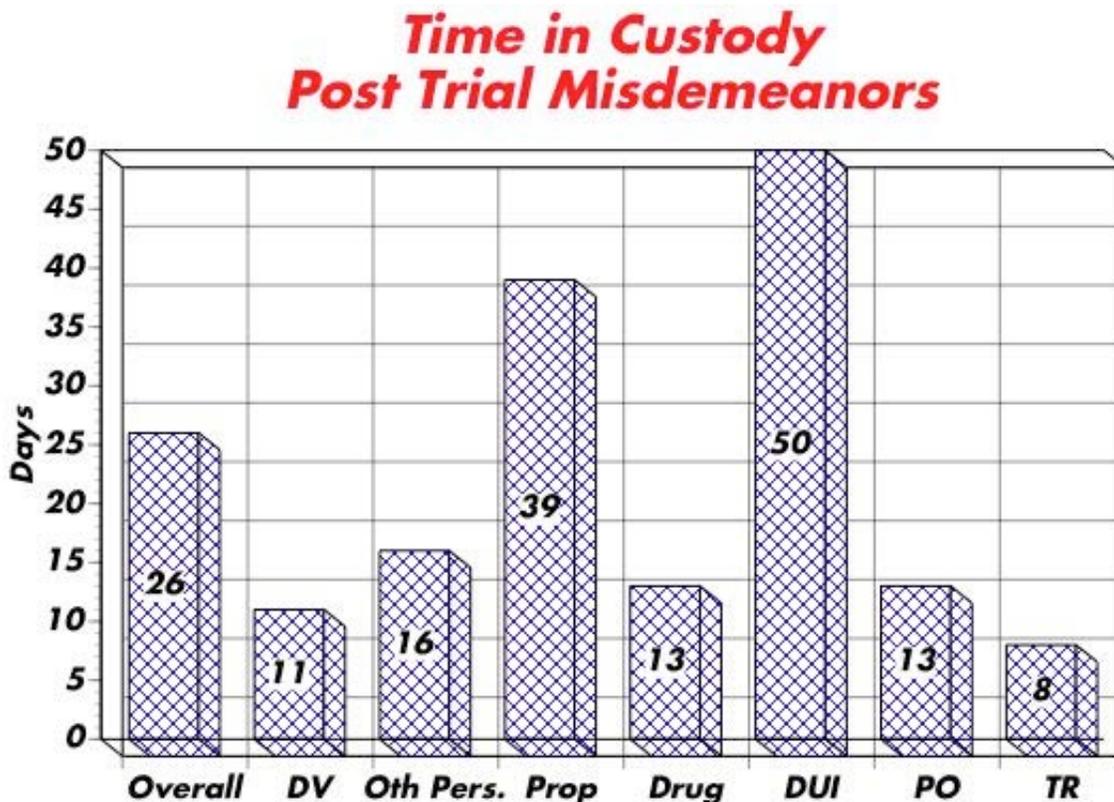
The overall time in custody for post trial prisoners was 65 days. Post trial misdemeanants had been in custody an average 26 days and post trial felons an average 75 days.

## Spokane County Corrections Master Plan

### b. Charge Category

#### (1) Misdemeanors

The next graphic shows the time in custody by charge category for the sentenced misdemeanants.

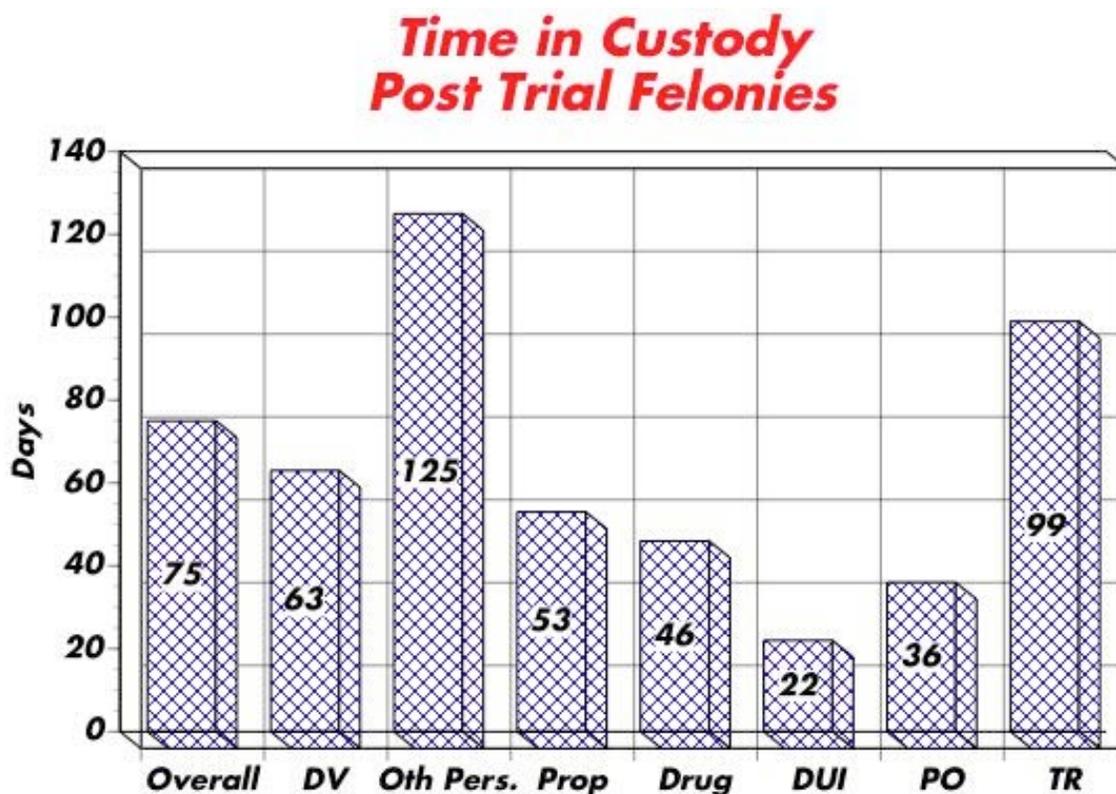


The overall time in custody for post trial misdemeanants was 26 days. Prisoners serving a sentence for domestic violence had been in custody 11 days; other person crimes an average of 16 days; property crime offenders had been in jail an average 39 days; narcotics offenders 13 days; drunk drivers 50 days; and public order offenders 13 days. The traffic offenders had been in custody an average 8 days.

## Spokane County Corrections Master Plan

### (2) Felonies

The next graphic shows the time in custody by charge category for the sentenced felons.



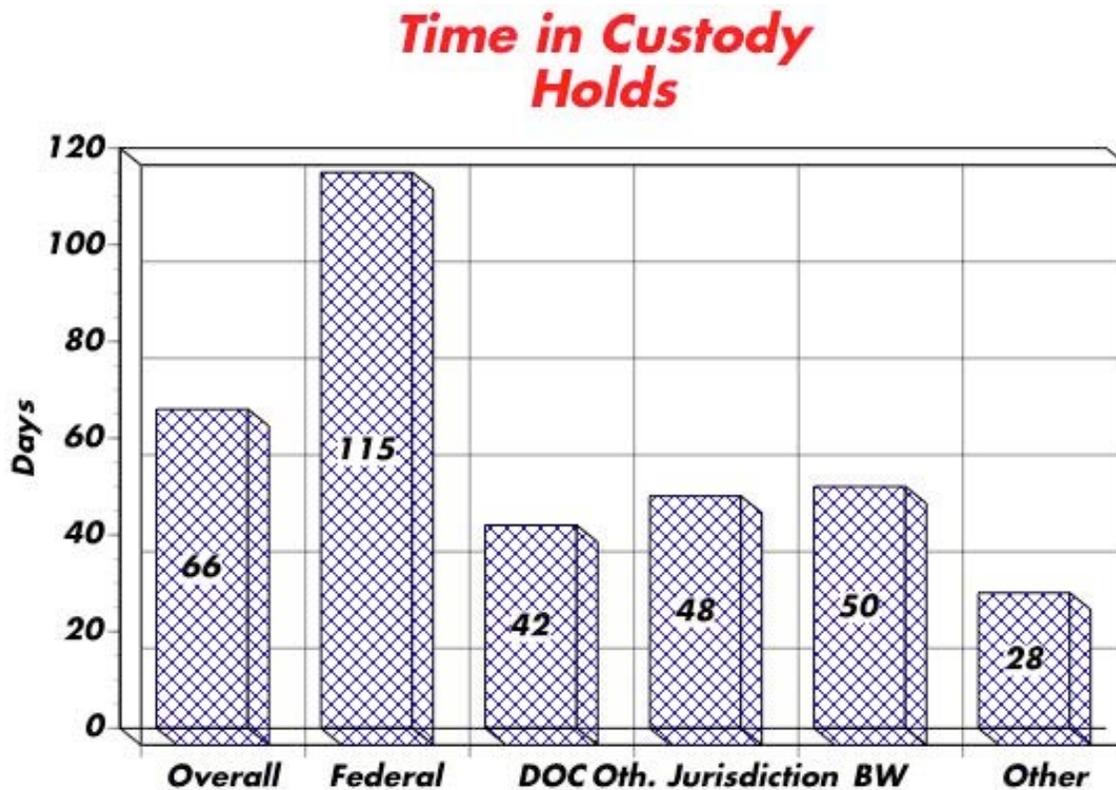
The overall average time in custody for post trial felons was 75 days. Prisoners serving a sentence for domestic violence had been in custody 63 days; other person crimes an average of 125 days; property crime offenders had been in jail an average 53 days; narcotics offenders 46 days; drunk drivers 22 days; and public order offenders 36 days. The traffic offenders had been in custody an average 99 days.

## Spokane County Corrections Master Plan

### 4. Holds

#### a. Overall

The next graphic shows the average time in custody for the holds by the type of hold.

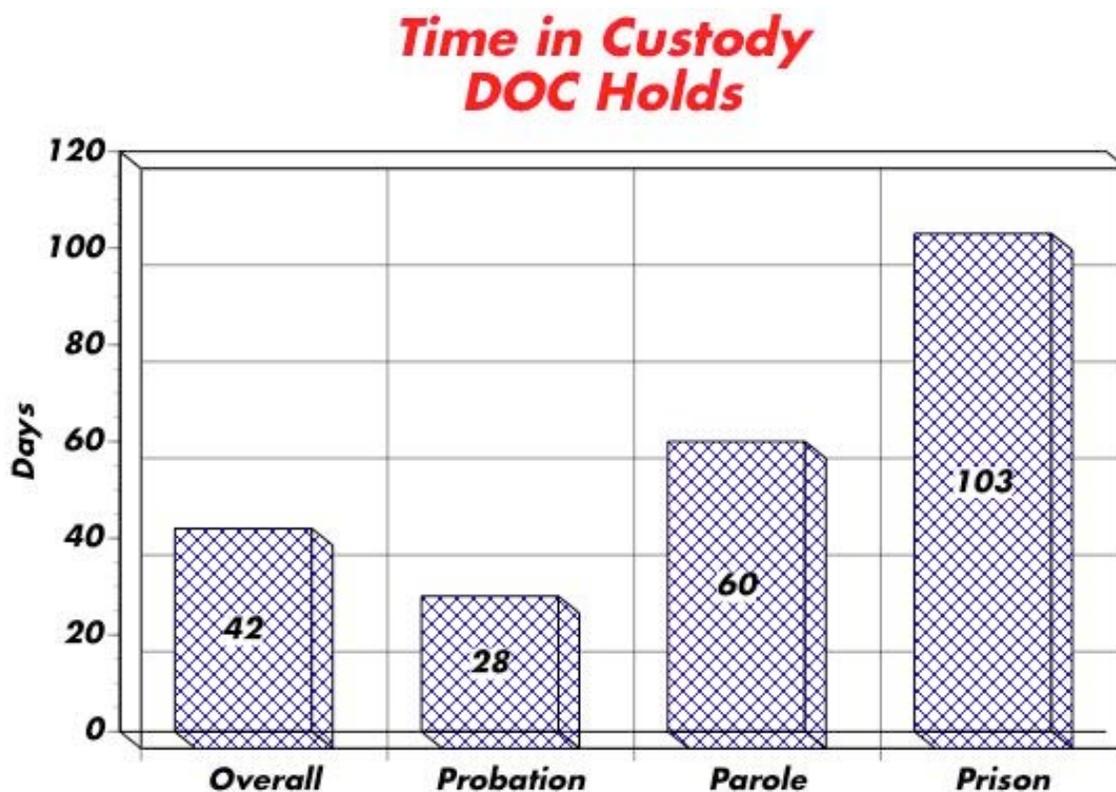


The holds had been in custody an average 66 days. Federal prisoners had been in custody an average 115 days; DOC prisoners an average 42 days; holds for other counties 48 days and bench warrants for 50 days. "Other" holds had been jail an average 28 days.

## Spokane County Corrections Master Plan

### b. Department of Corrections Holds

The next graphic shows the average time in custody for the DOC holds.

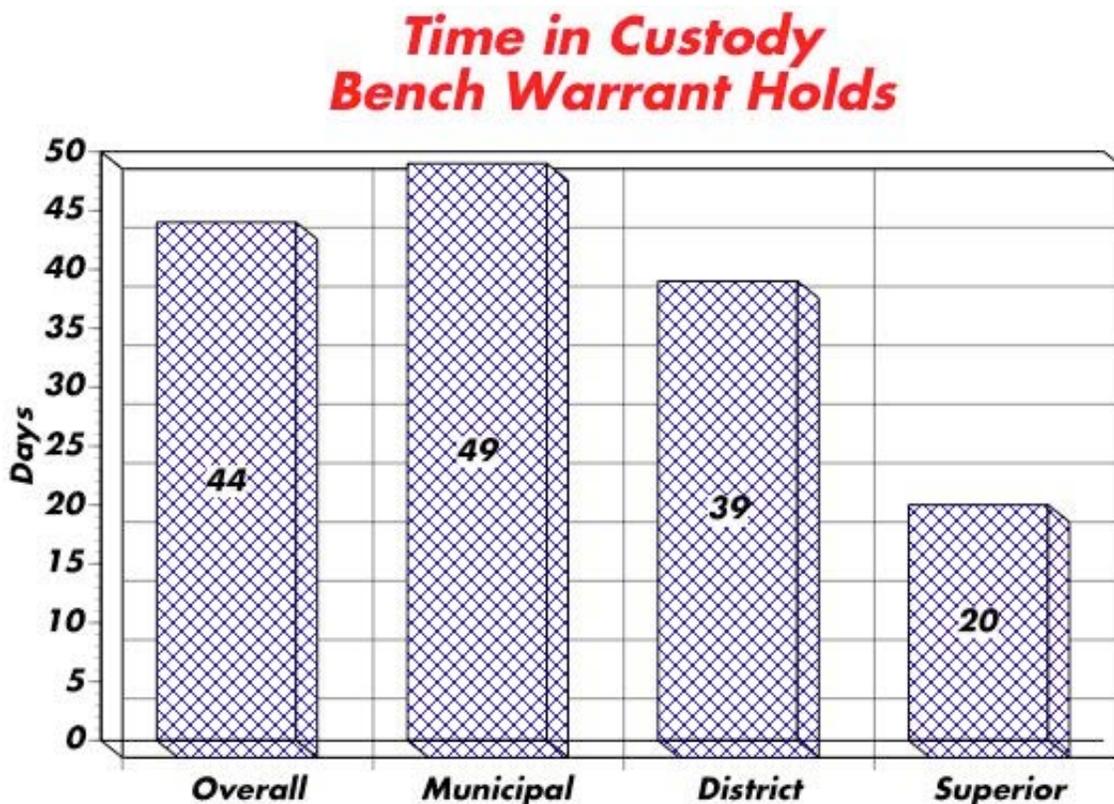


The overall average length of time in custody for DOC holds was 42 days. Probation holds had been in custody 28 days and parole holds 60 days. Prison holds had been in custody 103 days.

## Spokane County Corrections Master Plan

### c. Bench Warrants

The final graphic examines the time in custody for the prisoners being held on bench warrants.



The overall average time in custody for prisoners with bench warrants was 44 days. Municipal bench warrant cases had been in jail 49 days and district court cases 39 days. The superior court cases had been in jail an average 20 days.

# **Spokane County *Corrections Master Plan***

## **Chapter Three Jail Capacity Forecasts**

# *Chapter Three* **Jail Capacity Forecasts**

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## *Chapter Three*

# Jail Capacity Forecasts

Forecasting future jail population sizes is, or should be, a policy-based task. The changes that have occurred in United States jail populations during the last twenty-five years provide considerable evidence that shifts in local policies can bring about dramatic increases or decreases in jail populations within a county. Few planners who did jail population forecasts during the 1970s or 1980s were able to foresee the nation-wide policy-shift trends that would lead to dramatic growth in jail populations in the 1980s and 1990s. They were unable to foresee, for example, the greater focus on persons convicted of drunk driving. In the 1990s, the offenses that impacted most jails in the United States were domestic violence and all of the narcotics and drug-related crime.

Because of this failure of foresight, even those counties that built new jails during the latter half of the 1980s found that space that was supposed to be sufficient until the year 2000 was filled by the early 1990s. In many cases, the decision-makers responsible for the policy shifts at issue had been on hand when the forecasting studies were done; they were no more able than the forecasters to predict where policy emphases would fall during the coming decade.

Too much jail forecasting work done in recent years has assumed that criminal justice system policies in a county will remain the same over the forecast period. In reality, this is rarely the case. When forecasters make their predictions based on the assumption that county decision-makers will make no changes in criminal justice system policy, they doom their predictions to failure. No county criminal justice system today can afford not to *anticipate* change. For better or for worse, all county systems will have to change, with

## Spokane County Corrections Master Plan

increasing frequency, in the years to come. The question is not *whether* but *how* a particular set of policies can be expected to change. Jail forecasters must learn to take the likelihood of such changes into account and try to foresee the various possibilities. As the drunk-driving and domestic violence examples illustrate, forecasters cannot do this without the close cooperation of county decision-makers. Ultimately, the decision-makers are the ones who must decide where the emphasis will fall in the years to come.

Jail capacity forecasts must depend in large part on information made available to forecasters by a county. The forecasts contained in this report are no exception. Historical information exists on the way the Spokane County Jail and Geiger Correctional Facility has been used during the past 9 years. Jail admissions, average length of stay, and average daily population figures are available from 1999 to the present.

While we have 2 additional years of jail data, without having corresponding Geiger data only tells half the story. Attempts to obtain reliable, consistent older data, however, proved impossible — the records simply do not exist or are not reliable. An estimate of the forecast of county population was received from the County Information Systems—GIS Division to the year 2035.

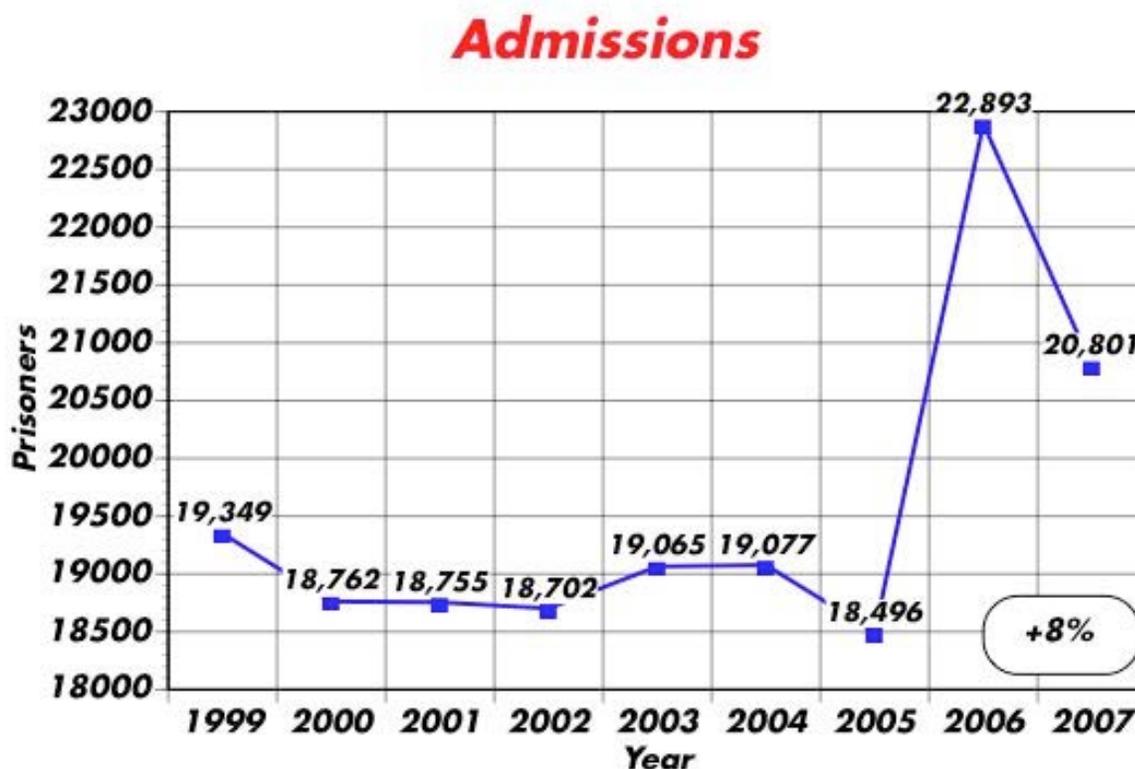
As useful as these numbers may be in constructing a picture of what is to come, they will not aid the county unless a consensus regarding criminal justice system policy for the next twenty-five years is reached. The text, tables, and graphs that follow illustrate several possible population scenarios, scenarios that suggest what the county might expect in terms of Jail bed demand given several possible policy scenarios. No one-policy scenario is the “right” scenario. It will be up to the county decision-makers to select the view of the future that best represents what they believe to be the most likely direction of county decision-makers, and then plan for jail space on that basis.

## Spokane County Corrections Master Plan

The data contained in this section combines the County Jail and Geiger Correctional Facility data.

### A. Admissions

The first graphic presents the total admissions per year for the years 1999 to 2007.

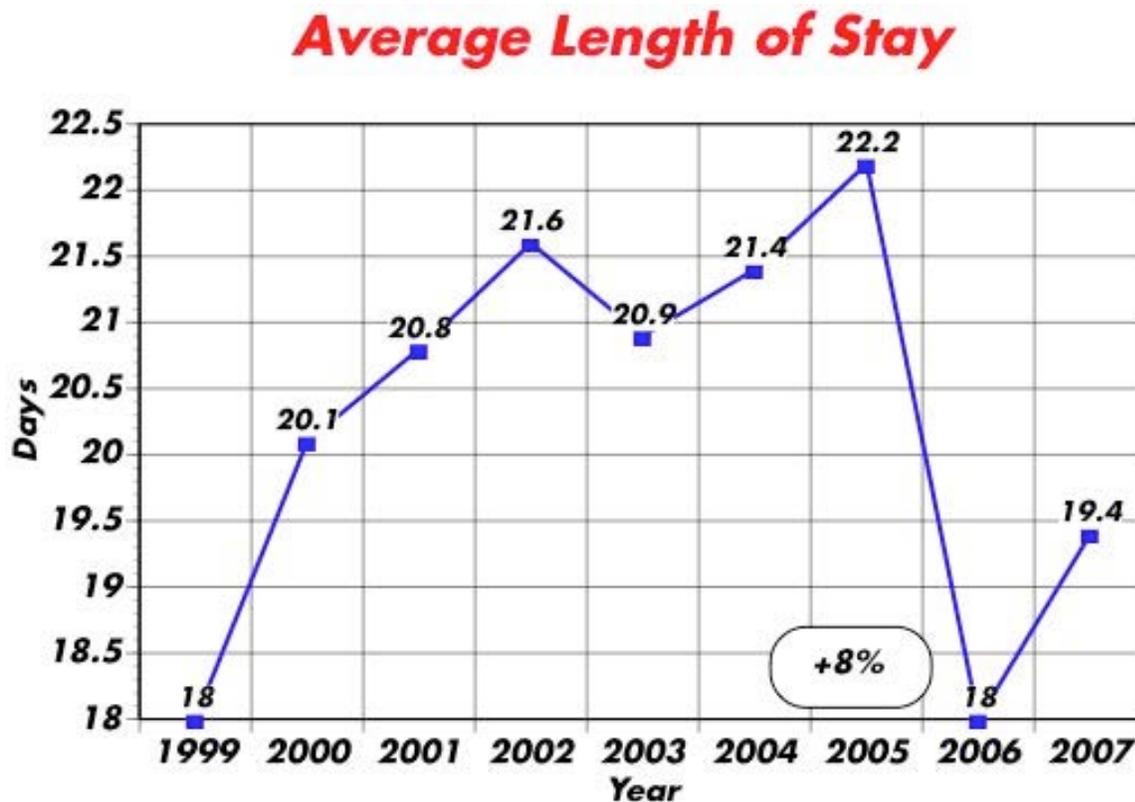


In 1999, the Spokane County Jail admitted a total of 19,349 persons. The number of admissions dropped slightly or remained flat until 2006 and then increased dramatically to 22,893 in 2006. In 2007, admissions dropped to 20,801, representing an 8 percent increase over the period.

## Spokane County Corrections Master Plan

### B. Average Length of Stay

The next graphic shows the average length of stay for 1999 to 2007.

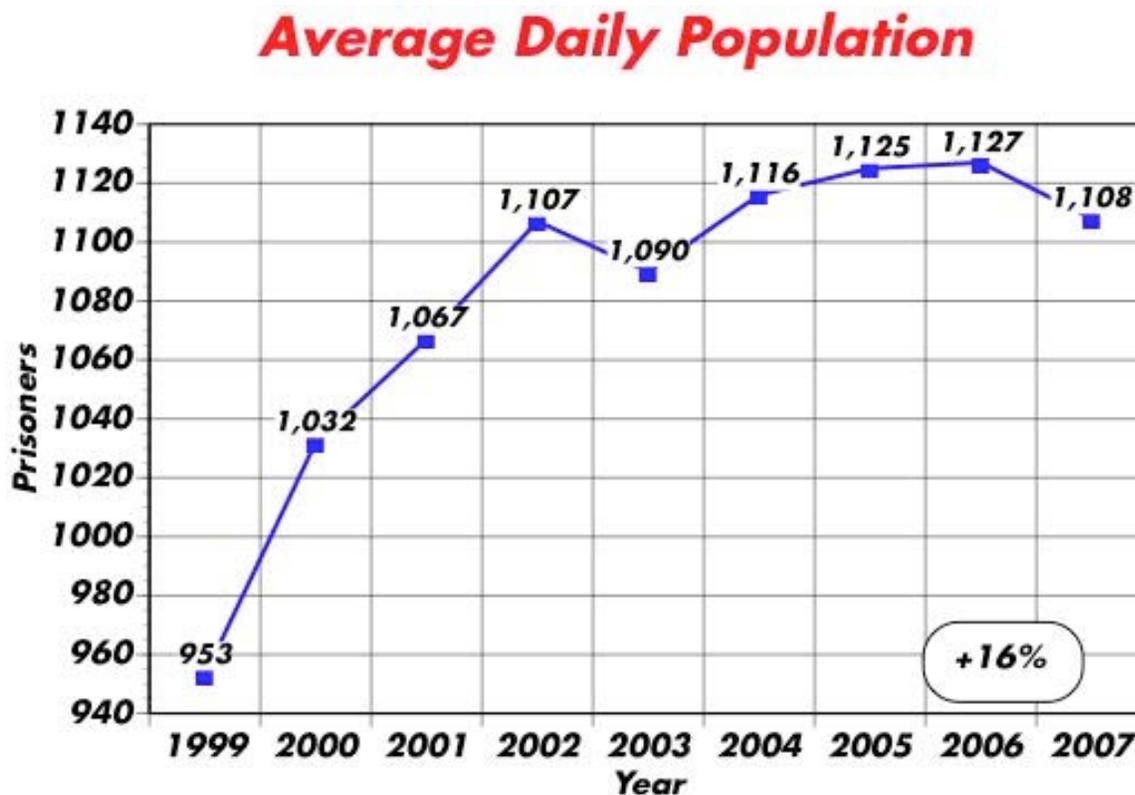


The average length of stay has seen some dramatic changes from a low of 18 days in both 1999 and 2006 and a high of 22.2 days in 2005. The average length of stay in 1999 was 18 days and in 2007 it was 19.7 days, making for an 8 percent increase over the period.

## Spokane County Corrections Master Plan

### C. Average Daily Population

The next graphic presents the historic average daily population (ADP) for the Spokane County Jail and Geiger Correctional Facility over the period 1999 to 2007.



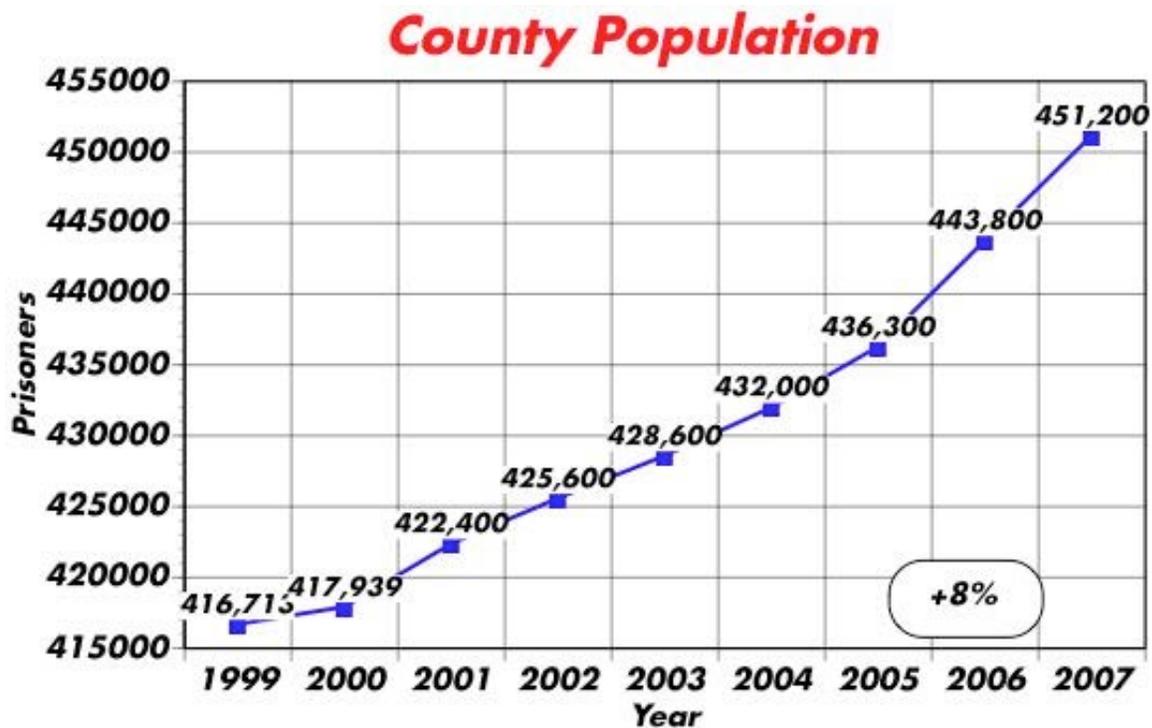
The average daily population was 953 in 1999. The average daily population increased steadily for 3 years before virtually flattening for the last 6 years. In 2007, the average daily population was 1,108, making for a 16 percent increase over the period.

## Spokane County Corrections Master Plan

### D. County Population: Actual and Forecasted — 1999-2035

#### 1. County Population: Actual — 1999-2007

The next graphic shows the actual county population for each year between 1999 and 2007.

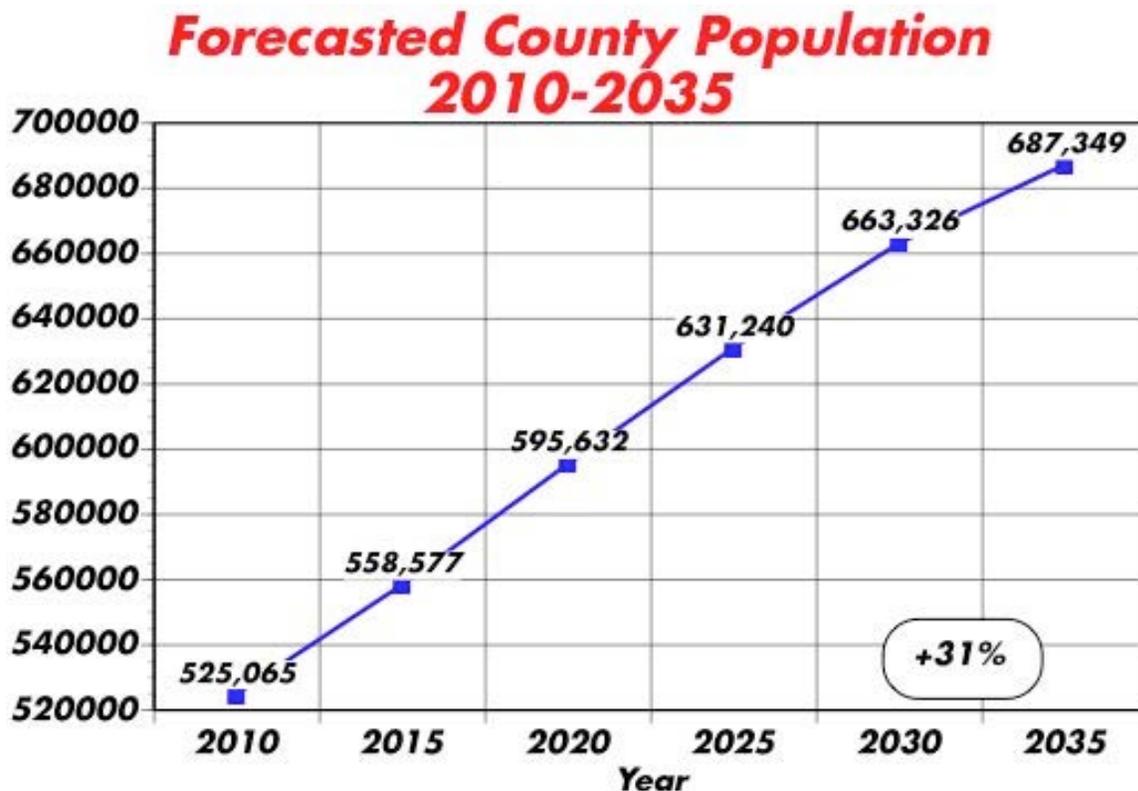


In 1999, 416,713 persons resided in the county. Since then, the population has risen steadily and it is estimated that 451,200 persons lived in the county in 2007, an 8 percent increase over the period.

## Spokane County Corrections Master Plan

### 2. County Population: Forecasted — 2010-2035

The next graphic shows the forecasted county population from 2010 to 2035 as provided by the County Division of Building and Planning.



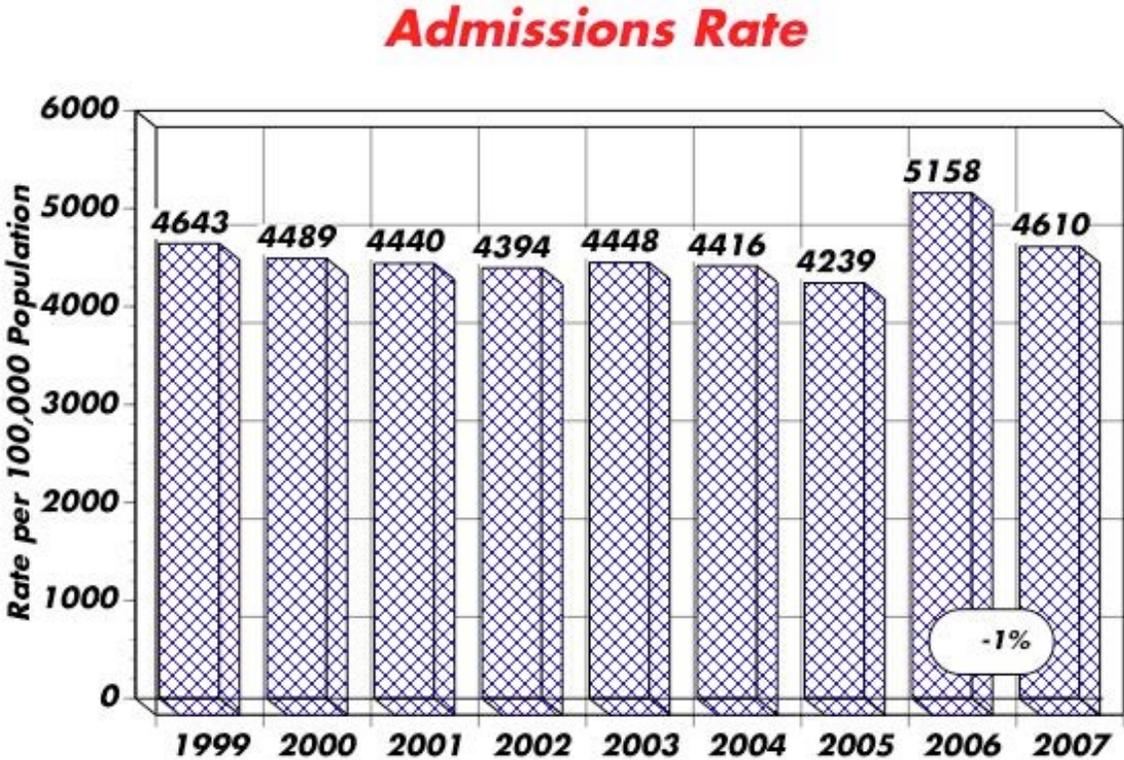
The county population in 2010 is expected to be 525,065. Population is expected to grow to 687,349 persons by 2035, a 31 percent increase.

# Spokane County Corrections Master Plan

## E. Rates

### 1. Admissions

The next graphic shows the rate of admissions to the Spokane County Jail per 100,000 population from 1999 to 2007.



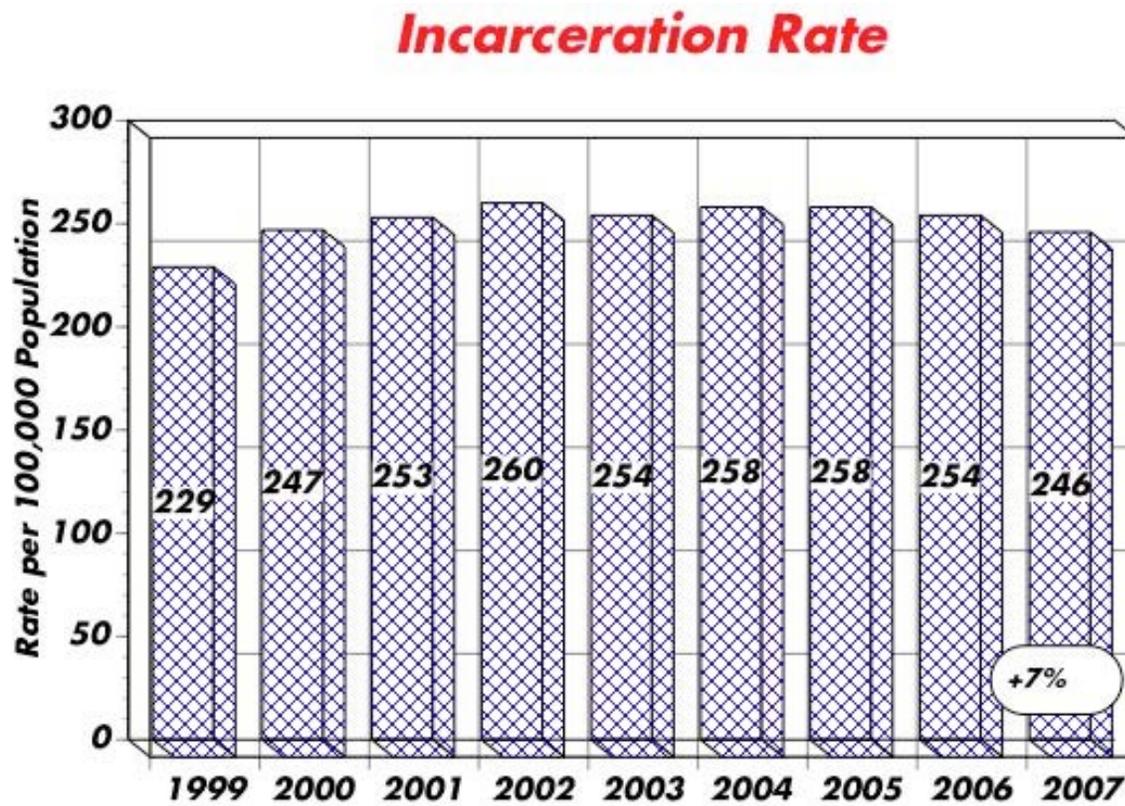
In 1999, the admission rate into the Spokane County Jail was 4,643 per 100,000 population; by 2007, the rate had dropped to 4,610 per 100,000 population, a 1 percent decrease.

## Spokane County Corrections Master Plan

### 2. Incarceration

#### a. Spokane County

The incarceration rate per 100,000 of the population is shown in the graphic below for the years 1999 to 2007.

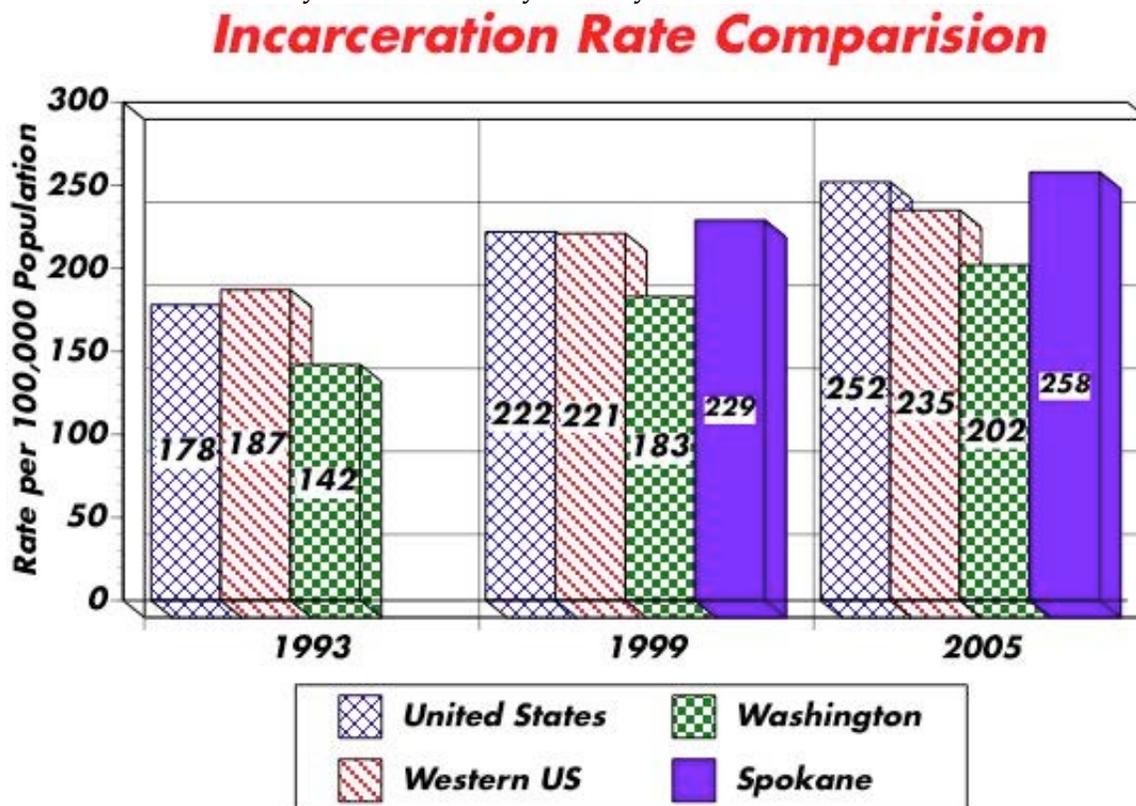


The incarceration rate rose from 229 per 100,000 population in 1999 to 246 per 100,000 population in 2007, a 7 percent increase.

## Spokane County Corrections Master Plan

### b. United States

The next graphic shows the incarceration rates for the United States, Western US, and State of Washington for the years 1993, 1999, and 2005 (Spokane data was only available for 1999 and 2005). The national and state data is taken from the Census of Jails from the Bureau of Justice Statistics. The national data is only collected every 5 or 6 years.



The national incarceration rate has risen from 178 persons per 100,000 population in 1993 to 252 in 2005. The western United States has risen from 187 to 235. The state of Washington has increased from 142 to 202. Spokane County's incarceration rate has increased from 229 per 100,000 population in 1999 to 258 in 2005 which is which is virtually the same as the national average and slightly higher than the state and regional averages. If the federal prisoners are factored out of the rate, it reduces it to about 235 persons per 100,000 population.

## Spokane County Corrections Master Plan

### F. Jail Capacity Forecasts

#### 1. Introduction

A simple method of forecasting the number of Jail beds needed would be to use average daily population increases over the 9-year study period as a predictive base. During that 9-year period, the Jail population increased on average by 17.2 persons each year. Using the above method, one might predict that the average daily population would be 1,590 Jail beds for the year 2035. However, this forecast assumes that the Jail is being appropriately utilized today (that no additional pre- or post trial intermediate sanctions exist that could impact the Jail population) and that the Jail will continue to be used at the same rate over the next 28 years as it has over the past 9 years. Neither of these assumptions is likely to be true. However, a more detailed approach is recommended to be used to develop Jail population forecasts — one in which county officials can help select specific scenarios for the future on which such forecasts can be based.

The average length of stay has not changed significantly over the study period. The average length of stay over the last 9 years averaged 20.3 days; and over the last 5 years 20.4 days. In 2005, the average length of stay was 22.2 days; in 2006 it was 18 days and in 2007 it was 19.4 days. For the purposes of these forecasts, three estimated average lengths of stay have been used for the year 2035: 18, 20, and 22 days.

Admissions have been relatively flat over the study period. The number of persons booked into the jail in 2007 is 8 percent higher than in 1988; however, there have been some swings over the last couple of years. The admissions rate averaged 4,225 over the last 20 years. The admissions rates averaged 4,533 per 100,000 persons over the last 11 years and 4,544 over the last five years. The admissions rate in 2005, was 4,239; for 2006, it was 5,158; and for

## Spokane County Corrections Master Plan

2007 was 4,610. Three different admissions rates are used for these forecasts: 4,500, 5,000, and 5,500 per 100,000 population.

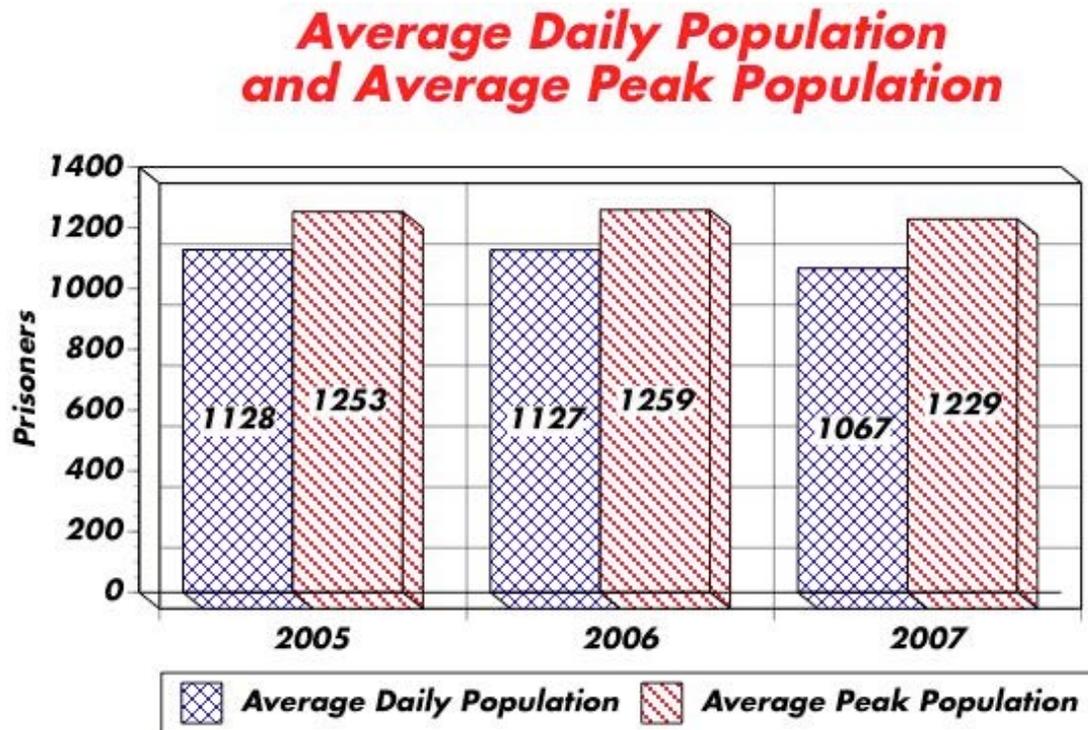
### 2. Adjustments: Peaking and Classification Factors

The expected average daily population for each of the forecast scenarios does *not* mean that the county will only need this number of beds. Since these are daily averages, the county's plans should include allowances for those days (in a given year) when the population surges above the average because of normal fluctuations in admissions and releases.

This situation is similar to a storm drain system. A storm drain sits empty most of the year; however, it needs to be large enough to handle the peak run-off from a summer thundershower or melting snow from the mountains. Jail populations are very similar. During peak periods — traditionally weekends, the end of the month, and the summer months — jail populations climb. A jail needs to be large enough to handle the peak periods.

## Spokane County Corrections Master Plan

The next graphic shows the peaking factor for Spokane County. The Jail and Geiger Correctional Facility provided the three highest population days each month for each of the years 2005-2007.



Each month's average peak population was determined and then compared with the average daily population to develop the peaking factor. In part, the peaks have evened out, artificially, because of overcrowding. The jail is continuously operating at capacity with adjustments made to the inmate population when it would be seeing normal peak populations; however, the three-year average was 13 percent.

A second factor, classification, was used to allow for the daily need, in any jail, to have a few open beds available for new inmates within *each* classification category. In a jail of this size, an appropriate classification adjustment factor would be seven beds for each of the four primary classification categories. That is, the county should increase its estimate for

## Spokane County Corrections Master Plan

each year by 28 beds to come to a final figure of what will be needed for each of the years in this planning cycle.

### 3. The Forecasts for 2035

The next set of graphics gives figures for the year 2035 based on an average length of stay of 18 days, 20 days and 22 days.

The tables below show (1) the average daily population, (2) beds necessary to handle peak periods, and (3) beds necessary for classification purposes. These figures are given for each of the three possible admissions rates. Each table then gives the incarceration rate per 100,000 population for each of the three possible admissions rates per 100,000 population: 4500, 5000, & 5500.

By 2035, it is estimated that 687,349 persons will be living in the county; this figure provides the baseline for the tables.

Spokane County Corrections Master Plan

Year 2035

Average Length of Stay of 18 Days

Admissions Rate per 100,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 100,000 Population
4500	1525	1724	1752	220
5000	1695	1915	1943	250
5500	1864	2107	2135	270

Average Length of Stay of 20 Days

Admissions Rate per 100,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 100,000 Population
4500	1695	1915	1943	250
5000	1883	2128	2156	270
5500	2071	2341	2369	300

Average Length of Stay of 22 Days

Admissions Rate per 100,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 100,000 Population
4500	1864	2107	2135	270
5000	2071	2341	2369	300
5500	2279	2575	2603	330

## Spokane County Corrections Master Plan

### G. Conclusion

#### 1. Types of Beds

Spokane County has a rich history in the use of alternative correctional space. Geiger Correctional Facility was intended to function as a Community Corrections Center (CCC)—designed to provide programs to address sentenced prisoners needs and to transition offenders back into the community. Overcrowding at the main jail has changed the facility's mission. While it does provide some programs and services, it functions as an annex to the county jail, holding those prisoners for whom the jail has no room.

The data in Chapter Two documents the breakdown of the prisoners being held in the county's correctional system. On an average day from April through December 2007, there were 149 post trial prisoners who were classified minimum security. In addition, there were 115 medium security post trial prisoners, many of which would be qualified for a CCC. The exact number can be determined through the administration of a Risk/Needs Assessment such as COMPAS by Northpointe Institute or the LSI-R instrument.

During that month, the jail also held an average 152 prisoners charged with probation violations, 62 percent of who also had local charges. If there had been sufficient space at Geiger, not only could many of these offenders been held at Geiger upon entering the jail with a probation violation, but some of the offenders could have been sanctioned with time at Geiger *prior* to being charged with either a violation or the commission of a new crime.

In addition, 138 of the prisoners with holds were classified as minimum security, many of who could be held in a CCC.

The analysis suggests that the construction of at a minimum a 300-bed Community Corrections Center should be considered as part of the county's future correctional bed system.

## Spokane County Corrections Master Plan

### 2. Summary

The forecasts presented in this report are just starting points. The projections are, at best, estimates of what is likely to occur in the coming twenty-seven years. Should the county decision-makers wish to alter any of the scenarios, they can do so by adjusting the key indices of jail use — county population, admissions rate, expected average lengths of stay, the peaking factor, and the classification factor. By adjusting these factors, the decision-makers will obtain different estimates of the required number of jail beds.

There is no guarantee that criminal justice system policy will not change and push jail populations higher or lower than these numbers indicate. The forecasters of the 1980s did not foresee the dramatic rise in jail populations that took place during the 1990s early 2000s. No one was able to estimate those changes accurately.

Spokane County officials must analyze the data contained in this report and adopt a plan for the future of their criminal justice system. Policy shifts that could change the amount of jail space available are detailed in this report. If the necessary changes recommended in this report do *not* occur, then *more* beds than those predicted in this report will be necessary. Left uncontrolled, the present correctional populations will continue to grow, filling and overflowing whatever facilities are constructed in response to such growth, and leaving Spokane County with *no* alternatives for managing the jail population other than simply building new facilities every few years in response to renewed overcrowding. An approach that emphasizes active management, on the other hand, may make it possible to prolong the sufficiency of *new* correctional space for a *longer* period — giving Spokane County time to explore and try out the many viable alternatives to construction that have become available in recent years and are recommended in the next chapter.

# **Spokane County *Corrections Master Plan***

## **Chapter Four Jail Population Management**

# *Chapter Four* **Jail Population Management**

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# Chapter Four

## Jail Population Management

Based on the data findings and system assessment this Chapter presents system recommendations which, taken as a whole, represent a Master Plan for system reform in Spokane County.

### I. Pre-Trial Services

➤ [Establish a Consolidated, Full-Service Pre-Trial Program](#)

Pre-Trial Services acts as a gatekeeper for the criminal justice system. A comprehensive Pre-Trial Services Program is an indispensable component of a criminal justice system whose benefits are realized in community safety, system integrity, and reduced system costs.

*Spokane County lacks essential elements of a comprehensive Pre-Trial Services program.*

Spokane County Pre-Trial is respected for its work with felony case screening, but as currently operated this program provides only a partial service. Missing elements include:

- Universal front-end screening and verification
- Validated risk assessment
- Indigent screening for attorney assignment for all defendants
- Universal victim contact in cases of violence
- Universal Diversion screening
- Routine review of jail pre-trial population/bail review
- Comprehensive supervision and monitoring
- Court date notification
- Comprehensive tracking (failure-to-appear returns to court)
- 24/7 hour operations

The development of a full-service Pre-Trial program is an essential first step in a move toward a more unified 'systems approach' to case management.

A comprehensive Pre-Trial program would end the bifurcated approach to screening misdemeanor and felony pre-trial defendants and help move Spokane County toward a more coordinated system of services. This not only represents 'good practice' but is a necessary pre-condition for other recommended system reforms.

## Spokane County Corrections Master Plan

*84% of Misdemeanors and 72% of Felony defendants in Spokane County District Court were released from jail prior to trial. (Spokane case processing study)*

The pre-trial release rate for felons in Spokane County is higher than the national pre-trial release rate (62%).<sup>1</sup> Although high release rates are consistent with a 'presumption of release' these release rates are in most instances accompanied by high pre-trial failure rates.

High pre-trial failure rates reflect the lack of universal pre-trial screening, and the lack of comprehensive supervision, monitoring or tracking.

*37% of Pre-Trial Misdemeanor defendants are Released on their own Recognizance.*

A review of pre-trial release types reveals the lack of any middle ground when it comes to supervision options: a defendant is either released with no supervision (own recognizance) or released based on a financial surety arrangement or cash. Unlike other jurisdictions which offer a non-financial conditional release, in which a Pre-Trial program offers supervision and tracking, this option does not now exist in Spokane County.

### Type of Pre-Trial Release (District Ct)

	Misdemeanor	Felony
Own Recognizance	37%	19%
Cash	9	0
Surety	32	25
No Charges Filed	5	27
Not Released	16%	28%

*The pre-trial failure-to-appear rate (FTA) for defendants out of Spokane County District Court is 23%; the FTA rate in Superior Court is 32%. (Spokane County case processing study)*

At 32%, the Superior Court failure-to-appear rate is significantly higher than the national average. These 'no-shows' represent a real cost to the system. Each missed court date requires an extra effort in terms of rescheduling hearings, issuing warrants, and dispatching law enforcement.

In District Court, the impact of failure-to-appear rates is evident in the number of multiple FTA cases.

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<sup>1</sup> BJS, 2002

## Spokane County Corrections Master Plan

*Of those defendants with an FTA in District Court, 35% had 2 or more failure-to-appears. (Spokane County case processing study)*

Multiple failure-to-appear on a single case most likely reflect the lack of timely case disposition, as well as the failure to provide quality pre-trial supervision. On the District Court side, the fact that FTA rates are lower for those who exit on Surety release than those who exit on own recognizance may reflect the selection process employed by the Surety companies: bail bonds companies can accept or deny a case based on the perceived risk.

*At 29%, the pre-trial re-arrest rate for felons in Spokane County Superior Court is significantly higher than the national average of 18%. (Spokane County case processing study)*

Spokane County falls short in pre-trial re-arrest statistics, with a Superior Court rate significantly higher than the national average for both misdemeanants (21%) and felons (29%). Moreover, there is little distinction in re-arrest rates by release type for Superior Court cases, perhaps suggesting that information regarding risk is not well supporting the assignment of release type.

	<u>Re-Arrest Rates by Release Type (Superior Court)</u>	
	Misdemeanor	Felony
All	21%	29%
Own Recognizance	22	23
Surety	24	24

Despite the lack of a full-service program, Spokane County Pre-Trial Intake staff is dedicated to their work and have introduced some noteworthy features: automated case tracking software, a good interview form, expeditious time to interview, the efficient use of laptop computers for interviewing, and court reports that are clear and concise. Pre-Trial also has a presence at First Appearance hearings to act as a resource to the judge, which is recommended.

### ➤ [Provide Universal Front-End Screening](#)

The proposed program should screen all individuals booked into the jail, contact victims, document indigent status, and prepare risk assessments to inform judicial release decision-making—for all misdemeanants and felons booked into Jail.

### *Provides Early Identification of Diversion Candidates*

Pre-Trial Programs serve another important role in the immediate identification of possible candidates for drug court, therapeutic mental

## Spokane County Corrections Master Plan

health court, and other diversion options. This serves to broaden the pool of applicants considered for these programs, and to shorten the time to program entry. Importantly, time to program entry has been shown to be a predictor of positive program outcome.

*In Spokane County Drug Court and Therapeutic Mental Health Court clients are not identified by a universal up-front screening.*

Without a universal, front-end screening process, the identification of potential diversion clients is made more challenging. This is true to some extent in Spokane County, where referrals come from different courtrooms, from district attorneys and public defenders, and from the clients themselves. A Pre-Trial intake unit consolidates what is, in many jurisdictions, a fragmented approach to identifying diversion clients.

*Inmate requests for diversion consideration may drive placement in some cases, instead of through a universal front-end screening.*

The pre-trial screening also provides an opportunity to flag underlying issues that merit further assessment, such as mental health issues or repeated entry into the jail. Pre-Trial screening can serve as the referral point for individuals in need of clinical mental health assessments and referral services.

The lack of pre-trial screening is especially troubling for Domestic Violence (DV) cases. A judge who releases a DV case prior to trial might consult the probation officer for release recommendations. Given that no pre-sentence investigations are completed in DV cases, the lack of a comprehensive record makes even this approach inadequate.

Front-end screening is a central pre-trial function. The process needs to be made uniform and standardized, with all judges receiving the same packet of information that is now made available for felony cases.

### ➤ [Validate a Pre-Trial Risk Assessment Tool](#)

*There is no relationship between the number of prior bookings into jail and the type of pre-trial release. (Spokane County case processing study)*

Using the number of prior bookings into jail as a proxy measure for criminal history reveals a surprising lack of relationship between prior contacts with the local criminal justice system and release type. One would, for example, expect that defendants released on surety would have a more involved history of bookings than those released on their own recognizance, however for misdemeanors no difference exists.

For felony offenders the result is opposite what one would expect. Inmates released on their own recognizance have *more* prior bookings

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than those released on surety. This calls into question the reliability of the existing pre-trial risk screen used to make release decisions.

### Number of Prior Bookings by Type of Pre-Trial Release

	<i>Own Recognizance</i>	<i>Surety</i>
Misdemeanor	4.4	4.4
Felony	5.8	5.2

In any case, Pre-Trial programs should not only rely on objective risk instruments (Spokane County does use one) but have them validated. The validation process is vital to insuring that the tool is accurate and reliable.

#### ➤ [Establish a Pre-Trial Supervision Unit](#)

The program should also develop a supervision unit responsible for monitoring and tracking cases pre-trial cases up to the point of disposition. This unit will also need to work with the court to develop protocols for returning failure-to-appear cases to court, monitoring compliance with release conditions, and providing court date notification and appearance tracking. Pre-Trial programs contribute to reductions in FTA's through systematic case monitoring: providing court date notification, and working to return FTA cases to court without the issuance of a bench warrant. Spokane County does not have the latter system in place.

National data indicate that re-arrest rates for defendants released from jail to pretrial supervision are significantly lower than those released on either deposit bonds or through a forced release: The national re-arrest rate for supervised defendants is almost half that of forced releases.<sup>2</sup> Spokane County has not experienced 'forced' release, but only because periodic limitations on admissions, by crime type, has been used as a management tool.

As this is developed, the intake unit should also broaden its scope and set up a mechanism to continuously review the jail population to identify pre-trial inmates who remain in custody. The goal is to update case information in preparation for a routine bail review.

The benefits of implementing a full-service program are many, and include the following:

#### ***Supports Jail Population Management***

Pre-Trial programs offer a systematic, front-end mechanism for managing jail populations. This replaces the 'back-end' approach seen in many

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<sup>2</sup> "Pretrial Release of Felony Defendants, 1992," BJS, U.S. Dept. of Justice, Nov. 1994.

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jurisdictions that depend on ‘forced’/citation releases of inmates to manage the population when it nears capacity. This is not the way to manage a jail. Pre-Trial programs help forestall jail overcrowding through a risk-based approach that reduces the need to resort to emergency releases.

*On any given day, approximately 34% of Spokane County Jail inmates are in pre-trial status. (Spokane snapshot data)*

A full-service Pre-Trial Services program supervises defendants based on a validated risk assessment. The pre-trial risk assessment structures the frequency of contact and helps inform the setting of conditions. Not only is this assessment vital for public safety considerations, but national data indicate that Pre-Trial programs that rely on more subjective determinations of risk, are more than twice as likely to have a jail that exceeds its capacity than those that rely exclusively on an objective risk assessment.<sup>3</sup>

### ***Reduces Pre-Trial Failure***

*Data from the case processing study reveal that and 23% of defendants released from the Spokane County District Court and 32% of those released by Superior Court pending case resolution failed-to-appear in court at some point in the adjudication process.*

### ➤ **Use Pre-Trial to Support Expedited Case Resolution**

Expediting case processing is predicated on the early collection of comprehensive defendant information. Jurisdictions with front-end screening protocols are in a position to make early and informed decisions about cases that result in increased diversion and expedited disposition. Examples of success include one jurisdiction, which achieved a 40% disposition of felony cases within 72 hours, with early screening and expedited case processing protocols. It all begins with a comprehensive Pre-Trial program.

*Based on a ‘snapshot’ of inmates in the Spokane County Jail, pre-trial defendants had been in custody an average 69 days. (Spokane Jail Snapshot)*

### Time in Custody by Inmate Status

Overall	69 days
Pre-Trial	76
Post-Trial	65
Holds	66

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<sup>3</sup> Clark, John and D. Alan Henry, “Pretrial Services Programming at the Start of the 21<sup>st</sup> Century: A Survey of Pretrial Services Programs,” BJA, July 2003.

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Spokane County does not now have a system in place for comprehensive judicial review of all cases (misdemeanor and felony) at the First Appearance. Expedited release procedures not only accelerate the final disposition of the case, but also accelerate the release of pre-trial defendants.

### Booking to Release by Pre-Trial Release (District Court) Felony Cases

Overall (days to release)	9.7 days
Recognizance release	9.2
Cash release	2
Surety	11.1
No charge filed	8.9

Efforts should also be made to limit the impact of outside factors. For example, defendants released on surety had the longest average time from booking to release.

#### ➤ Provide Uniform Indigent Attorney Screening

##### *Ensures Early Access to Counsel*

*68% of defendants in District Court and 75% of those in Superior Court were assigned a public defender. (Spokane County case processing study)*

The lack of up-front screening can lead to blanket appointments of counsel. That Spokane County lacks universal front-end indigency screening for attorney appointment is reflected in the high percentage of misdemeanant offenders appointed a public defender: more misdemeanants may be assigned public defenders than is warranted.

	<u>Attorney Type</u>	
	<i>District Ct.</i>	<i>Superior Ct.</i>
Public Defender	68%	75%
Conflict Atty.	0	6
Retained Atty.	19	17
No Atty.	13%	1%

A Pre-Trial program assists in the collection of financial information needed to determine indigent status. This up-front documentation of a defendant's assets and liabilities allows informed and early assignment of a public defender, thereby accelerating case processing.

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### ➤ Formalize Victim Contact as part of Pre-Trial Service

In Spokane County the victim advocate is not directly integrated with Pre-Trial operations. Reliance on prosecution-based victim service offices to contact victims at the pre-trial stage is a good approach. At the same time, the coordination of efforts is paramount.

#### *Solicits Victim Input*

A comprehensive Pre-Trial Program also ensures that victim input is universally solicited and presented to the judge to help inform the release decision. Victims are contacted by phone and interviewed in all person-to-person domestic abuse and battery cases. Ideally, a trained victim advocate works alongside pre-trial staff to perform this task.

### ➤ Offer Specialized Pre-Trial Supervision Services

#### *Provides Specialized Pre-Trial Supervision (Domestic Violence)*

There are certain pre-trial populations that merit specialized attention. Domestic violence defendants are one such group.

*At booking into the Jail, 24% of offenders had, as their more serious charge, a domestic violence offense (37% of defendants with misdemeanor charges and 10% of defendants with felony charges). (Spokane case processing data)*

Domestic violence defendants pose special challenges. Given that the majority of these defendants have misdemeanor charges it might be no surprise that they have a higher pre-trial release rate. On the other hand, the volatile nature of the offense, and our inability to accurately predict future violence, argues for a more specialized and intensive tracking of this population.

#### *Provides Specialized Pre-Trial Services (Mentally Ill)*

*It is estimated that on any given day 37% of jail inmates are on medication to address symptoms associated with mental illness. (Spokane Jail mental health staff)*

When it comes to addressing mental health issues in the criminal justice system, the goal is to identify the mentally ill defendant at the point of booking. This is accomplished in two ways: use of a specialized mental health screen, and, access to mental health information regarding current and active case status.

The GAINS Center, in conjunction with SAMSHA, has recently introduced an 8-question mental health screen, which has been validated and is being recommended for use in jails. This instrument or other similar screening tools, provide the first filter for identifying persons who require further

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assessment. The goal, as with the general pre-trial population, is to assess mental health issues within hours of being booked and to generate a report for the court's review.

The access to mental health status supports continuity of services: allowing the jail to alert case managers that their client is incarcerated; providing important information for continued medication and care; and informing release planning and sentencing.

We know that jail inmates with severe mental illness are more likely to spend longer periods incarcerated. Often this is because the person can't post bail, or their condition is seen as too unstable to allow release. The availability of specialized pre-trial supervision can address this. Once on pre-trial supervision the defendant is supported by a staff person with specialized mental health expertise, who works to monitor the defendant's compliance with court conditions while linking them to community services.

### *Improves Utilization of Limited Jail Space*

Spokane County Pre-Trial staff does make recommendations for release, but the percentage of cases recommended for release is extremely low.

*In 2006, 12% of felony defendants interviewed were recommended for release. In 2005, of the 5,330 defendants interviewed from January to October, only 15% were recommended for release.*

One reason for the low recommended release rate is the program policy to not recommend release if the interview information has not been verified. While this is a cautious approach, National Association of Pre-trial Standards Association (NAPSA) encourages a more flexible approach, one that looks at the totality of the information to make a determination. This would be expected to result in a higher percentage of felony releases. Having substantive pre-trial supervision available would also be expected to increase release rates.

*For District Court cases 68% of misdemeanors and 24% of felons are released from custody within one day of booking. (Spokane case processing study)*

Other reasons the Spokane program will not recommend release are: defendant has too many FTA's, and defendant is a perceived danger to community. They also take into consideration residence stability, family ties, education, substance abuse, and mental health issues. Ultimately, a validated risk assessment instrument is needed to lend credibility to the recommendation. As a consequence, the validation study should be one of the initial tasks in the development of a full-service program.

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It was noted that, for the most part, judges follow the Pre-Trial staff recommendation. Judges are also making decisions to put defendants on electronic monitoring.

*43% of misdemeanants booked into the Spokane County Jail are released from custody within one day of booking; for felons only 7% are released within one day. (Spokane case processing study)*

Routine bail review involves pre-trial staff continuously reviewing jail records, interviewing defendants who might have been overlooked during the first round of interviews, and updating and verifying information on defendants who have not been able to make bond. For those defendants who appear to be good candidates for release, a report is submitted to the court and the public defender is notified.

A limited review process is in place in Spokane County. If a Superior Court case remains in custody beyond 72 hrs. Pre-Trial will revisit the case prior to arraignment. After that point, however, the defendant gets no further review. Spokane County does not have an on-going system in place for continuous review of the jail population to identify individuals for bail review.

### *Improves Information Sharing*

The information collected by pre-trial staff can contribute to efficiencies in other areas of the system. For example, information can be used to help shape early dispositions, to set conditions for diversion programs, or inform pre-sentence investigations.

### ➤ [Make Non-Financial Forms of Bail Available](#)

The use of financial conditions for release should only be employed in a manner consistent with principles of 'the least restrictive measure to ensure release', and equitable access. The danger in a bail system that depends on a commercial bail bondsman to approve and effect release is that oftentimes those inmates with low criminal risk but a high financial risk are the most likely to remain in jail.

As an alternative, the federal courts and 4 states have now abolished the commercial bond practice, either by outlawing it or by simply implementing court run 10% deposit programs. This removes jail release decision-making for a profit-based business, allows pre-trial releases to reflect judicial decisions regarding risk, and places the management of financial conditions solely with the courts – thereby ensuring equal treatment.

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### Average Bond Amount (Spokane County)

Avg. Amount	<i>Misdemeanor</i>	<i>Felony</i>
	\$2,250	\$39,000
No Bail Set	28%	24%
\$500 or Less	41	-
\$501 to \$5,000	22	25
\$5,001 to \$25,000	8	29
\$25,000 +	1%	21%

Bail is set by a schedule, except for Domestic Violence cases; and in DV cases the defendant is not released until bond is set.

The bond amount on the felony side reflects the practice of the prosecutor's office in setting an initial high bond.

### Benefits of a Pre-Trial Program

Pre-Trial Programs are an indispensable component of an efficient criminal justice system. They supply the system with accurate information about the defendant to inform decision making; support the early appointment of defense counsel; identify diversion candidates; monitor pre-trial jail inmates and facilitate bail reviews; and monitor, track and supervise pre-trial defendants.

Jail population size and jail overcrowding has been directly linked to the *hours of operation of Pre-Trial programs*: the more coverage the less crowded the jail. Pre-Trial programs that provide the most extensive coverage have been shown to be the least likely to be located in a jurisdiction with a jail that exceeds its rated capacity.<sup>4</sup>

A well-managed jail is, however, not only associated with access to Pre-Trial Services, but to the timeliness of those services. It has been shown that jurisdictions with Pre-Trial programs which *interview defendants prior to the initial court appearance* are less likely to have a jail that exceeds its rated capacity.<sup>5</sup>

And, the role played by Pre-Trial program staff in the *early assignment of defense counsel* has an impact on the jail. According to one study, defendants who are not represented by an attorney at the initial appearance are less likely to be released on their own recognizance, and

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<sup>4</sup> Clark, John and D. Alan Henry, "Pretrial Services Programming at the Start of the 21<sup>st</sup> Century: A Survey of Pretrial Services Programs," BJA, July 2003.

<sup>5</sup> Ibid (7)

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more likely to have an unaffordable bail set, which contributes to higher detention rates.<sup>6</sup>

As another example, Pima County, Arizona put together a Fast-track Program to monitor the pre-trial jail population by providing *routine bail review* for defendants not released at their initial appearance. The program involved the collection of additional information that could form the basis for a release plan. Pre-trial staff was given the authority to schedule bond hearings. In the end, the program has been credited with reducing the felony pre-trial jail population by 20 percent.<sup>7</sup>

Montgomery County, Maryland is another county that found concrete evidence of the cost-effectiveness of Pre-Trial Services. The result of a study conducted to measure the program's impact, concluded that having comprehensive Pre-Trial Services delayed the building of additional local jail beds. After the first year of program operation, in the early 1990's, the county measured drops in average jail days for pre-trial defendants, reductions in failure-to-appear rates for defendants released on pre-trial supervision (the lowest recorded rate in 5 years), and low re-arrest rates: all of which had a positive impact on the jail.<sup>8</sup>

*Pre-Trial Programs achieve system cost savings by reducing failure-to-appear rates. Taking as an example an estimated system cost of \$1346 for each defendant returned to jail on a FTA warrant, based on figures derived from a cost analysis conducted by Multnomah County, Oregon. Based on this, Spokane County can begin to estimate the tremendous cost that FTA's impose on the system.*<sup>9</sup>

Still, the assessment of the value of Pre-Trial Services is best understood, not in isolation, but in crucial role it plays in supporting Early Case Resolution (by providing defendant information), providing a flexible tool for assisting in the management of the jail population, and in its contribution to improving the integrity of the system.

## II. Adjudication

### ➤ Establish an Early Case Resolution Program

Findings from the case processing study show the importance of establishing an Expedited Case Resolution program.

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<sup>6</sup> The Pretrial Reporter, "Maryland Lawsuit Targets Lack of Legal Representation at Bail-Setting Hearings," October/November 2006, Volume XXXII No. 5

<sup>7</sup> Shelby Meyer and Kim Holloway, "The Fastrack Program," Federal Probation, Vol.57, No.19, March 1993, pp. 36-41.

<sup>8</sup> Taxman, Faye S. "Pretrial Services Unit: An Evaluation of First Year Experiences," Criminal Justice Coordinating Council, Rockville, Maryland, March 26, 1992.

<sup>9</sup> Multnomah County's cost analysis breakdown: issuing and clearing a warrant, \$52; police apprehension, \$198; booking, \$291; one day jail detention, \$110; and court hearing, \$695).

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*The average time from booking to sentencing (for all cases: in-custody and out) in Superior Court is 190 days (189.8) (Spokane case processing study)*

At 190 days, the felony case processing time is significantly greater than the national average of 98 days. *The average time from Arraignment to Disposition in District Court is 72 days (71.7).*

In District Court the average time from Booking to First Appearance, at 1.3 days reflects well on the courts. However, the process slows down from there, and the contrast in process times for in-custody versus out-of-custody cases is striking, for both District and Superior Court

### Case Process Times (District Court)

	<i>In-Custody</i>	<i>Out-of-Custody</i>
Arraign– Disposition.	19 days	84.3 days

In District Court, case processing is more than 4 times as long for those defendants released from custody pending resolution.

### Case Process Times (Superior Court)

	<i>In-Custody</i>	<i>Out-of-Custody</i>
Booking to Disposition	135.1 days	219 days

For the Superior Court, out-of-custody case processing time from booking to disposition is 50 percent higher than the in-custody time. This kind of processing delay sends the wrong message to defendants (as well as victims and witnesses of crime).

Overall, the data from this study make a strong case for the adoption of a formalized Early Case Resolution (ECR) program.

*For those not released from jail, the time from booking to filing in Superior Court is 34 days (33.6). (Spokane case processing study)*

The establishment of a Pre-Trial program supports an ECR program. This is because Pre-Trial assumes responsibility for collecting verified defendant information, upon which negotiated decisions can be made; and Pre-Trial assists with quick assignment of public defenders, by helping screen defendants at the time of booking for eligibility. Information is the key.

*The time from booking to the attorney filing of charges in out-of-custody cases in Superior Court is 70 days, more than double the time for those who remain in custody pending filing. (Spokane case processing study)*

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The centerpiece of an ECR program is the assignment of a single judge (in a jurisdiction of this size) to conduct First Appearance hearings, including bail and release decisions. Added to this is the development of case processing expectations and standards. This process structures decision-making and makes the swift resolution of low-level offenses the norm. The key is an early and meaningful offer from the county attorney that is communicated to the public defender/private defense attorney within a matter of days, not weeks.

An ECR program can save the system time and money. The lack of such a program can be seen in failure-to-appear and re-arrest rates, reflecting the time it takes to resolve cases for those released from custody.

Delays in case processing directly contribute to high failure-to-appear rates. This can be seen in the local statistics.

*The average time from jail release to FTA is 174 days for felony defendants.*

### Time from Jail Release to FTA (Felony)

Average: 174 days

25% of FTA's are at 90 days or less from release

75% of FTA's are at 90 days or more from release

*Of all felony FTA's, 55% occur at 120 days or more from release; 35% are at 6 months or more from release; and 19% are at 1 year or more from release.*

These data make a strong argument for a streamlined and expedited process. The data for misdemeanors is equally compelling. The average time from jail release to FTA is 54 days for misdemeanor defendants.

*Of those defendants with a failure-to-appear out of District Court, 20% had 2+ FTA's; for those defendants with a failure-to-appear out of Superior Court, 35% had 2+ FTA's. (Spokane case processing study)*

There is a direct correlation between time to case disposition and failure-to-appear rates: the lack of timely resolution of cases produces higher FTA rates, which in turn further delay case disposition.

*The time from booking to case disposition is more than two times as long for misdemeanor cases with an FTA as for those without one.*

### Average Time from Booking to Disposition (Misdemeanor)

No FTA	77 days
FTA	181 days

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The same is true for felony cases. A missed court appearance results in a time to case disposition that is 50 percent again as long as compared to those without one.

### Average Time from Booking to Disposition (Felony)

No FTA	199 days
FTA	275 days

Spokane County would benefit from an ECR program that streamlines adjudication, reduces continuances, standardizes the process of using motions, and establishes new time expectations for lower level cases.

The County already has some experience with the concept in its broadest form: an expedited process has been set up for low level charges (shoplifting, trespassing, etc.); however, the expedited process is not necessarily accompanied by meaningful interventions. For the most part the defendant pays fine; treatment referrals are limited. An ECR process that can be part of a universal risk assessment process allows more nuanced decision-making.

Jail demand is driven by the number of defendants who come in the front door of the jail, and their average length of stay. An ECR program, working hand in hand with a comprehensive Pre-Trial program is a vital tool for reducing jail demand.

The proposed early case resolution program changes the traditional model of processing that accepts continuances and delays, and which often has a dispersed judicial involvement at the front-end.

There is a problem of excessive continuances. Some judges expressed an interest in reining this in, but noted the difficulty in tracking past warnings that had been given regarding a request for continuance the previous time. An ECR program will streamline the whole process.

### Average Number Appearances (Between Arraignment and Disposition)

District Court: 17% of cases have 4 or more appearances  
Superior Court: 63% of cases have 4 or more appearances

The lack of expedited case processing in Spokane County can be seen in a system with built-in delays and a cumbersome bifurcated process.

Some of the hallmarks of an Early Case Resolution program are: Immediate case review; a mechanism for early entry and negotiation of pleas; assignment of experienced prosecutors and defense counsel to the ECR team; policies regarding quick resolution of specified cases; and improved information sharing.

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An ECR program will address many of the issues associated with less than efficient case processing in the Spokane County system:

- If a case is not filed within 72-hours in District Court the prosecuting attorney may decide to re-file the case in Superior Court, effectively securing an additional 30 days to make a proper decision.
- Only serious cases are filed within the 72 hours in District Court
- Defendants do not leave District Court with a court date in Superior Court; they are told they will receive a notice for appearance
- City does not file an appearance until having met with client and reviewed discovery
- Pleas are not routinely entered at Arraignment in Superior Court, instead defendants are scheduled for an Omnibus date and a trial date
- Discovery can be haphazard
- City police keeps records for both city and county; can be difficult for PD to access early in process
- There are delays in police completing records, and delays in getting the records to the prosecutor
- There are lots of continuances
- A plea can only be entered on a specific plea calendar
- Senior prosecutors not assigned to First Appearance docket
- No individual calendaring except for high profile cases

In the new model one judge, or perhaps one misdemeanor judge and one felony judge, handles all the front-end aspects of the case. The single judge sets bail, makes a release determination for those qualified for release to Pre-Trial Services, appoints counsel, and hears bond/release motions.

The other function that the assigned single judge will handle is the taking of pleas generated by the Early Case Resolution program. The recommendation is for the prosecuting attorney and public defender each to designate a single (or two) experienced, senior attorneys to review all new arrests daily. The criteria will be established, but the goal is to negotiate as many misdemeanors and lower level felonies the day following arrest.

Available discovery will be exchanged, and for felony cases the negotiations may be extended to allow the necessary information to be generated. Where there is a likelihood of an early plea, the case stays in this front-end court.

A team approach to ECR relies on dedicated senior staff from the Public Defender and Prosecutor's Office to work at the front-end of the system,

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and thereafter to have the same prosecutor track the case through the system.

Probation will also be involved in the post-trial supervision function. Persons who are on probation and charged with a technical violation (non-new criminal charge) of their probation will be considered for resolution using this same process. Defendant's who also have a new charge along with the probation violation will result in a probation officer providing the prosecuting attorney, public defender, and the court with recommendations on the resolution of the violations. Once again, the goal is to quickly address issues in the interest of resolving cases up-front.

The goal of the Early Case Resolution (ECR) Program is to expedite the disposition of misdemeanor and lower level felony cases. The mantra is "Same Justice Sooner."

The success of this approach can be measured in saved jail days, reduced adjudication costs, and better outcomes. The move to ECR depends, however, upon a shift in paradigm: From one of accepted continuances to one with a true expectation of swift but fair justice.

The principle benefits of Early Case Resolution are as follows:

- Relieves Crowded Dockets
- Reduces Case Processing Time
- Reduces Number of Pre-trial Defendants
- Reduces Average Length of Stay
- Frees up More Time for More Serious Cases
- Reduces Impact on Jail

An Early Case Resolution (ECR) Program results in increased system efficiency and helps reduce jail crowding. It is a central management tool for the criminal justice system. The program involves early case screening and timely case resolution. And, it depends on the availability of timely and accurate information on each case, information best supplied by a Pre-Trial Services Program.

An ECR Program results in jail bed day savings through the timely resolution of cases. Significant reductions in jail impact have been measured in counties that have adopted this approach.

Orange County, Florida implemented an *ECR program* in response to jail crowding in 2003. A series of actions were taken to achieve the timely processing of inmates, including the assignment of a permanent judge to conduct First Appearance Hearings. Within a short period of time the number of inmates processed in First Appearance Hearings increased from 77 per day to 93 per day. The result was that the Jail's average daily population dropped from 4,000 inmates to 3,413 (a 15% reduction). In 2005 the Orange County was honored by the National Association of

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Counties with an Innovative Programs award for the effect that their 'Meaningful First Appearance Program' had on the Jail. <sup>10</sup>

Lucas County, Ohio, implemented elements of an *ECR Program* in the form of a special prosecutors unit dedicated to immediate screening of felony warrant-less arrests. Prosecutors review the case with the arresting officer and make an immediate filing decision. As a result about 20% of cases are either immediately dropped or reduced to misdemeanors. According to the Lucas County prosecutor, this approach has resulted in a drop in the jail population. <sup>11</sup>

Washoe County, Nevada implemented an *ECR program* that involves a coordinated effort at early case resolution between the judiciary, public defender, and district attorneys. Forty-one percent of felony cases are negotiated within 72 hours of arrest. The offender is released the day that the case is resolved: through diversion, drug treatment, or another alternative. This resulted in an early reduction in the jail population by 32 inmates. <sup>12</sup>

In another example, that involves the back-end of the adjudication process, King County, Washington expedited the time to final case dispositions by *decreasing the time to prepare the pre-sentence investigation (PSI)*. This effort was successful in reducing report completion time by 15 days, which resulted in a decrease in the average daily jail population by about 70 to 75 inmates. <sup>13</sup>

Monroe County, New York took a 'systems approach' to change that they credit with postponing the building of additional jail beds. This approach included the development pre-trial and post-trial alternatives, expediting cases, and improving case management. One specific effort involved *expediting the completion of Pre-Sentence Investigations* for in-custody cases. According to the County this effort was successful in reducing PSI completion time from 4 weeks to 2 weeks, saving 4,319 jail bed days in one year. <sup>14</sup>

Other examples of expedited processing include a project in Maricopa County, Arizona. There, the county focused on *expediting the adjudication of probation/parole violation hearings*. This resulted in a 43% reduction in the average time for case resolution, and an associated decrease in the average daily population of jail inmates. <sup>15</sup>

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<sup>10</sup> National Association of Counties, NaCo Achievement Award Program, 2005.

<sup>11</sup> BJA, 2000, 'A Second Look at Alleviating Jail Crowding,' U.S. Dept. of Justice.

<sup>12</sup> Ibid, (2)

<sup>13</sup> Ibid (2)

<sup>14</sup> Jail Utilization System Team, "Total Quality Management: Comprehensive Community Based Corrections Program," Monroe County, NY: Jail Utilization System Team, October 1994.

<sup>15</sup> BJA, "A Second Look at Alleviating Jail Crowding," October 2000, U.S. Dept. of Justice Office of Justice Programs.

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Washington County, Oregon is a good example of a county that saw immediate results after implementation of an ECR program. After implementing the program last year, 43 percent of all new filings were deemed to be eligible for the ECR program. Six months after implementation the Metropolitan Public Defender reported that approximately 15 to 20 percent of all their cases were now being resolved at the time of arraignment, cases which before the program would have commonly taken months to resolve.<sup>16</sup> The program has achieved the goal of swift, efficient, and a fair resolution of qualified new criminal cases and has saved the system time and money.

### ➤ Reduce Time to Filing

An important pre-condition to the establishment of a quality ECR program is a reduction in the time to filing. At present, this time is exceeding long.

*The average time from booking to case filing in Superior Court is 57 days.*

To bring the time to filing down to an acceptable level will require a concerted effort. To begin with the Prosecutor's Office will need to set new time standards for filing, and expect staff to adhere to them. The goal should be to file all but the most complex cases within 72 hours of booking.

At the same time, there needs to be a strict expectation for law enforcement to submit their reports in a timely fashion. This issue should be reviewed to ensure that time standards for report submission are in place and followed.

#### Booking to Filing Times (Superior Court)

<i>All Cases</i>	<i>In-Custody</i>	<i>Out-of-Custody</i>
57 days	34 days	70 days

(Spokane County case processing study)

The negative effect of delays in case filing can be seen in the large number of 'no complaints' filed. Some of these may be subsequently filed, but the lack of timely decision-making represents a terrible cost to the system. It translates into higher failure-to-appear rates, increased numbers of dismissals, and

Filing times must be brought down to a reasonable level in Spokane County. Filing delays impose an unnecessary cost on the system, and run counter to the principles of an ECR program. This issue should be viewed as a priority.

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<sup>16</sup> Washington County ECR memo, November 21, 2007.

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### ➤ Consolidate City and County Adjudication Resource

Early Case Resolution depends upon a new kind of teamwork. The value of a coordinated and a more streamlined approach to case management cannot be underestimated: a reduction in system costs, better outcomes, improved system integrity, and more. Yet the bifurcated adjudication system in this jurisdiction makes this coordination all the more challenging.

As Spokane County considers implementing an ECR program it should assess the benefits of doing so within the context of fundamental organizational reform that would consolidate city and county prosecution offices, and municipal and county defense.

*One District Court judge estimates that up to 30% of cases have both city and county warrants.*

The offender population is not categorized by neat or discreet categories. That so many cases overlap jurisdictional boundaries, makes a compelling argument for streamlining the process.

*A District Court judge noted that it is not unusual to have an offender seen on the morning misdemeanor docket to again appear on the afternoon felony docket.*

### ➤ Resolve Holds and New Charges at the Same Time

*In the Spokane Jail snapshot composite, 38% of the inmates were in 'hold' status.*

The jurisdiction for those in 'hold' status is as follows:

#### Breakdown of Inmates in Hold Status

Federal	31% of all 'holds'
DOC	40
Other Jurisdictions	3
Bench Warrants	25
Other	1%

(Spokane Jail snapshot)

The snapshot reveals that on any given day there are approximately 130 federal inmates in the Jail on 'hold' status; 191 DOC 'holds'; 15 held for other jurisdictions; and 119 on bench warrant 'holds.'

Each of these categories of holds raises issues of policy and practice. Bench warrant rates, for example, are undoubtedly influenced by the fact that no procedure is in place for Pre-Trial services to work cases related to pre-trial failure-to-appear. Because in most instances the defendant who

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fails to appear has not fled the jurisdiction, a central feature of a Pre-Trial Services program is to facilitate the return to court in an effort to reduce the automatic issuance of warrants.

The system should set a priority on the resolution of holds. Where there are both holds and new charges, both should be resolved at the same court hearing.

### Time in Custody by Hold Type

All Holds	66 days
Federal	115
DOC	42
Other Jurisdictions	48
Bench Warrant	50
Other	26

(Spokane Jail snapshot)

Where the hold refers to a case waiting transport to a state prison, attention should be given by all sides to take the steps necessary to expedite transfer.

*Of those in 'hold' status in the Spokane County Jail, 39% were holds that also had local charges. (Spokane County Jail snapshot)*

For these cases, the resolution of any underlying local charge should be expedited so that the case can be resolved, and where pertinent, the inmate (or DOC prisoner) released to the other jurisdiction.

### Holds with Local Charges

Overall	39% also have local charges
Federal inmates	10
DOC	65
Other Jurisdiction	59
Bench Warrant	63%

(Spokane Jail snapshot)

This issue cuts across courts and jurisdictions. For bench warrant cases, for example, 68% of Municipal cases, 58% of District Court cases, and 53% of Superior Court cases also have local charges.

For Department of Corrections Hold cases the percentage with local charges ranges from 39% of Parole cases in 'hold' status, to 77% of Prison 'hold' cases.

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### ➤ Reduce Number of Continuances

Action should be taken to rein in the number of continuances. This will in large part be addressed by instituting an ECR program, but can also be helped by setting clear standards and making sure judges can track the number of continuances already granted and the cause. The court should adopt a case management plan that dictates how cases not resolved through ECR are processed by the criminal justice system. Time frames and expected outcomes from specific court hearings are part of the plan. The court controls the calendar; stipulations by counsel as to continuances should not govern the resolution of cases.

### ➤ Examine Case Attrition/Dismissal Rates

*In Spokane County 74% of Superior Court cases ended in conviction: 72% found guilty and 2% divert. (Spokane case processing study)*

Spokane County's felony conviction rate compares favorably to the national rate. At the national level, 68% of the felony defendants whose cases were adjudicated within one year of arrest were convicted.<sup>17</sup> Conviction rates, however, only reflect those cases that are actually filed.

*The felony filing rate in Spokane County Superior Court is 69%. Or, in other words, 31% of cases were not filed. (Spokane case processing study)*

A closer look at the 'not filed' category for cases in Superior Court reveals that almost half (48%) of the 'not filed' cases were cases in which the most serious charge was a Narcotics offense.

Narcotic offenses also feature prominently in cases in Superior Court that end in a 'not guilty' disposition. Here again, most of the 'not guilty' dispositions ended in dismissal (93%); and nearly half of these dismissed cases were Narcotic offenses. The high dismissal rate for Narcotics offenses may highlight a lack of timeliness in receiving lab reports, local philosophy regarding adjudication, or case delays.

*On the District Court side an analysis of conviction rate shows a high 'not guilty' rate of 32%.*

#### District Court Disposition

Guilty	50%
Diversion	16
Not Guilty	32
Pending	2%

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<sup>17</sup> BJS, 'Felony Defendants in Large Urban Counties, 2002,' Feb. 2006.

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A more detailed look at 'not guilty' dispositions in District Court reveals that most of the cases were dismissed (97%). Of the dismissals, 61% had a Domestic Violence charge as the most serious offense.

Below is a comparison of reason for case dismissal for both District and Superior Court.

	<u>Reason for Case Dismissal</u>	
	District Ct.	Superior Ct.
Domestic Violence	61%	20%
Other Person	5	10
Property	10	15
Narcotics	1	48
DUI	2	0
Public Order	13	8%
Traffic	8	0

Domestic Violence cases present a challenge for adjudication, but high attrition rates merit review. This may have to do with prosecution practices, a lack of good protocols for contacting and working with the victim, or delays in prosecution.

The possible reasons for high dismissal rates should be explored.

### ➤ [Review Utilization of Diversion and Sentence Alternatives](#)

Spokane County should develop treatment based sentence alternatives to be used in lieu of jail.

*Study data shows that 99% of offenders convicted in Spokane County Superior Court were sentenced to either prison or jail. 71% in Superior Court received a jail sentence, higher than the national average for felons of 28%. (Spokane County case processing study)*

	<u>Sentence Type</u>	
	District Ct.	Superior Ct.
Prison	0	28%
Jail	77%	71
Probation	9	1
Fine	14	0

Case processing data for Spokane County shows that jail is the most used sentence option. This may reflect the lack of community-based options for felons, and lack of a full range of mental health options.

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Distribution of Felony Sentences <sup>18</sup>		
	Spokane Superior Court	National Data
Prison	28%	41%
Jail	71%	28%
Probation	1%	31%
Fine	-	-
Total	100%	100%

A comparison to national data shows that a higher reliance on jail in Spokane County is offset by a lower reliance on prison. At the same time, probation is seemingly used as a straight sentence at a low rate.

*The study revealed that the average sentence length for offenders convicted in Superior Court is 99 days (98.8). This is lower than the national average.*

### Average Jail Sentence Length

Spokane Superior Court	National (felony) <sup>19</sup>
99 days	210 days

The heavy reliance locally on jail as a disposition option is mitigated somewhat by lower sentence lengths. This does not, however, lessen the importance of developing a broad continuum of jail alternatives to address this high utilization rate.

*For those offenders sentenced to Jail from District Court 78% received a sentence of 30 days or less; 22% received a sentence of 30 days or more.*

While jail sentence lengths for District Court do not initially appear excessive, they must be analyzed in the context of another element of case processing: inmate status at exit from jail.

*A high 73% of post-trial offenders convicted of a misdemeanor and 42% of post-trial offenders convicted of a felony are released from jail 'Time Served.'*

The high rate of 'Time Served' releases from jail is a reflection of case processing timelines. When rates are this high offenders are sentenced by default: their time waiting for justice serving as the final sentence.

On the other hand, the average prison sentence is on the low end.

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<sup>18</sup> BJS, 'State Court Sentencing of Convicted Felons, 2002,' May 2005.

<sup>19</sup> BJS, *ibid.* ,

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*The average prison sentence for offenders sentenced from Spokane County is 24 months (23.9). (Spokane case processing study)*

Only 16% of offenders sentenced to prison from Spokane County received a sentence of 3 years or more. The judicious use of prison is reflected in Washington State incarceration rates which are lower than the national average.

In part, this can be attributed to the adoption of structured sanctions which allow the use of community-based sanctions for lower risk offenders or lower level violations. However, these policies tend to shift over time. A recent DOC decision to enforce a higher level of officer compliance with custody requirements (as well as a possible move toward lower tolerance of violation behavior) can have an impact on the Jail as well as the prison.

### Superior Court Filing Rate, By Charge

Overall Filing Rate	69%
Domestic Violence	78%
Other Person	72
Property	72
Narcotics	64
Public Order	100
Traffic	6%

#### ➤ Consolidate City & County Prosecution and Defense

In Spokane County, case management is challenged by a bifurcated system that contributes to redundancy and delay. As such, the adoption of an Early Case Resolution program should be pursued within a new organizational model: one that consolidates the prosecution and defense across jurisdictional boundaries. The goal should be the creation of a seamless system of adjudication.

The costs of the existing fragmented system are clear:

- Extended Times to Case Resolution
- High Number of Court Hearings
- High Rates of 'Time Served'
- Redundancy of Effort

This fragmented structure works against the timely resolution of cases. Fragmentation and the lack of system incentives to move a case has resulted in an institutional habit of continuances and delay.

The jurisdictional boundaries that shape the adjudication of cases in Spokane County do not reflect an offender population defined by such distinctions. By some estimates, around 30% of offenders coming before

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District Court have both city and county warrants. The degree of overlap of these populations is an argument for streamlining the process.

This level of overlap also has real cost implications. A judge in District Court working an afternoon felony docket can expect to see many of the same defendants seen earlier in the day on a misdemeanor docket. A more streamlined, consolidated process allows the resolution of all charges at the first hearing. This saves the entire system time and money.

As an example, a defendant may be approved for pre-trial release on their 'own recognizance' for a misdemeanor charge, but then held in jail for an accompanying felony charge. This is a charge driven, not a case driven approach. This makes no sense. It is a burden to the whole system. And the defendant is caught in between: the defendant in this example may not get released or credit for time served.

Consolidation of prosecution and defense services should also set the stage for consolidation of municipal and county probation services (more on this in the next section) to allow a true unified approach to case management.

The Courts in Spokane have taken positive steps in developing some very progressive efforts that require the system to coordinate its efforts. These include a domestic violence treatment review hearings, a mental health court, drug court, and DUI court. These all lay the foundation for the next stage of system development.

### ➤ [Adopt Caseload Standards](#)

The efficient adjudication of cases requires reasonable workloads. Yearly increases in the number of cases assigned to the Public Defender's Office can, over time, challenge staff's ability to provide quality services. Streamlining case adjudication through expedited resolution processes and consolidating services across jurisdictions will assist in the workload management. At the same time, we also encourage the County to adopt American Bar Association caseload standards.

## III. Alternative Facility: Community Corrections Center

### ➤ [Operate Geiger as a Community Corrections Center](#)

Qualified inmates are shifted from the jail to Geiger to serve their terms of incarceration, but the lack of a full range of step-down options results in a lost opportunity to save money and improve outcomes. The token number of inmates in work release out of Geiger, and the restricted use of the work program to serve only inmates who remain in custody, is not enough.

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In the short-term Spokane County should begin operating Geiger as a Community Corrections Center (CCC); for the long-term it should design a CCC as an integral component of its overall Correction facility plan.

### Status of Inmates Assigned to Geiger

(January to July 2007)

ADP = 562

Jail Confinement:	58%
Work Crew:	15%
Work Release:	6%
Camp:	5%
Federal Work Release:	2%
Electronic Monitoring:	14%

A Community Corrections Center (Re-entry/Work Release Facility) would provide a flexible option to reduce pressure on the Jail, provide a structured but lower cost alternative to incarceration, and address (through programs) the issues that underlie offender recidivism.

A CCC provides an important interim intervention, between jail and the community: a 'step-out' to a work based and program rich facility. It extends the limits of confinement, serves to reduce the jail population, and allows defendants to be productive tax-paying citizens while supporting their families and paying court-ordered restitution and fees.

A rehabilitation-oriented facility provides a setting that promotes positive social behavior through employment programs, counseling, and other services designed to facilitate long-term change.

#### ➤ [Expand Work Release](#)

A Community Corrections Center (CCC) can serve as both a Day Reporting Center for low-risk offenders who have program conditions to satisfy; and as a facility where inmates return in the evening for lock-down, after a day of work in the community. A place where they can address issues of community transition: job preparation, literacy, treatment readiness.

*On January 28, 2008 there were 26 county inmates in Work Release.*

The hallmark of a Community Corrections Center is the focus on facilitating a successful return to the community.

Toward this end services are provided to support job search and preparation, and to monitor and track those in the community working. After an initial Orientation phase and job readiness classes at the CCC inmates begin a structured job search, returning to the Center in the evening. Offenders sleep at the Center.

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*Presently, many inmates at Geiger are deemed ineligible for Work Release because they are not authorized by the court, do not already have employment, or do not have funds necessary to participate (inmates must pay a per day fee for Work Release).*

The financial bar to get into work release is high. The offender must be able to pay fees of \$252 per week.

Work Release should not be reserved for those inmates who already have money and a job; it should not be reserved for those who are already successful. Instead, this program should strive to create and support success, targeting the very persons who are now not eligible. The lack of a full-service Work Release program in Spokane County is a missed opportunity.

### ➤ [Make Work Crew a Non-Custodial Alternative](#)

Geiger makes good use of work crews, using inmates for contracted work for trash collection, shoveling snow, clean-up work at the fairgrounds, ballpark clean-up, and work at the wildlife refuge.

But in most cases inmates on work crews should be sent home and told to report to the Work Program. In most cases, inmates considered low enough risk for work crew can be safely managed from home. For those offenders deemed to need extra monitoring, electronic monitoring can be additionally employed.

*On January 28, 2008 Geiger had 52 inmates on work crews.*

Geiger's work crew program takes inmates volunteers who participate on crews without the inducement of reduced time on their sentence. In fact no activities at Geiger serve to shorten a sentence, nor can they be applied as a substitute for days in custody.

These same inmates on work crew will, in most cases however, be good candidates for a program that allows them to substitute 8 hours on a crew for 1 day in custody, and live at home while satisfying their obligation to the court and the community.

A Community Corrections Center can serve many system goals: jail step-down; treatment for those pending residential placement (instead of waiting in a more expensive jail bed); a constructive sanction for those in programs or probation; etc. Services should focus on employment search, cognitive skills, restitution, and substance abuse.

### ➤ [Develop a 'Step-Down' System from Geiger](#)

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Inmates at Geiger who cannot be placed directly into work release should be moved along a risk continuum from in-house work crews, to work release with electronic monitoring, to straight work release.

This should be facilitated by a blanket judicial order to grant sheriff staff the necessary discretion to place inmates in jail alternative programs along a risk-based continuum.

### ➤ Establish 'Tracks' out of Jail based on Risk and Need

Local policy and risk assessment will dictate who qualifies as a candidate for work release and work crews. These policies should be reviewed. At this time inmates with bonds above a certain dollar amount do not qualify, for example.

The goal is to develop various 'tracks' out of jail and Geiger to accommodate different levels of offender risk.

An assessment of offender risk can guide the level of supervision and treatment received. Jail classification can serve as one risk tool to allocate custody resources across custody levels.

For example, low-risk offenders may exit Jail directly to work crew program, while moderate risk offenders may be shifted to Geiger/the CCC to participate in job readiness coursework and community employment. Moderate risk offenders whose criminality is linked to substance abuse would be shifted to the CCC to participate in intensive treatment. For those with mental health issues, the CCC would offer a graduated transition and case management to ease their return to the community.

A Community Corrections Center represents a lower cost jail population management option and should be an integral part of future planning.

### ➤ Build a Continuum of Programs from Jail to Geiger

Any long term plan for public safety must focus not only on building jail beds but on building programs. This is the only sound strategy for public protection. Jail beds alone cannot solve the crime problem. The best hope is to design a system that can at all times insure one empty bed to provide a swift and certain sanction, but that can also offer the kind of services necessary to address companion factors to criminality: addiction, mental illness, criminal thinking, unemployment, etc. It is only by addressing the risk factors associated with criminality that a community can hope to change the outcomes.

*Geiger has 3 full-time counselors and 1 full-time staff to provide referrals for a population of almost 600 inmates.*

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A Corrections system must be more than courtrooms and jail cells. To protect public safety the system needs to adopt proven approaches that hold offenders accountable while reducing the risk of re-offending. This requires counties to build programs. Incarceration alone will not reduce crime.

The program offerings at Geiger are meager. Treatment offered by contract can serve around 15 inmates per day, each of whom attends sessions two times per week. In addition, volunteers from the community provide Alcoholics Anonymous classes and religious services. A dog training program is available to a limited number of female inmates. A GED instructor is also available, and this person also runs the law library.

Inmates self-refer to the programs, and there is no incentive to participate in terms of sentence reduction or privileges. Those who volunteer do so for their own reasons.

The cost of not addressing the underlying cause of criminal behavior can be measured in the cost of a 'catch and release' program that sees offenders returning to the system over and over again.

The goal is to begin to view jail as the 'gateway' to the community. For every offender who enters the Jail, planning for eventual release should begin immediately. All felony inmates should be screened for release, and an individualized plan developed, moving them toward release to either the CCC or to the community.

The screening proposed goes beyond the existing jail classification. A 'needs' assessment complements the risk assessment and helps make a determination of the level and type of programming needed in-custody or in the community.

*Of those booked into the Spokane County Jail, 39% of misdemeanants and 63% of felons reported they were presently unemployed. (Spokane case processing study)*

This is an especially high rate of unemployment. Offenders who serve their time in a Community Corrections Center are expected to be working in the community during the day. For those who have jobs, this helps ensure that jail time does not contribute to the loss of employment.

*Approximately one-third of both misdemeanants and felons booked into the Spokane County Jail reported that they did not have a high-school diploma (Spokane case processing study)*

*57% of Misdemeanants and 64% of Felons booked into the Spokane County Jail had a history of previously bookings into the facility.*

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Geiger should move towards a program-based Community Corrections Center (CCC) model.

A Community Corrections Center (CCC) is a minimum security residential facility that offers a structured, supervised living environment as a transition from jail to the community. It provides a lower cost option to inmates who can serve their sentence in a minimum security setting while maintaining employment and having the benefit of a range of programs.

The principal goal is to facilitate a successful transition back to the community. Individual case plans are designed to address conditions of supervision, court orders, treatment needs, community safety, victim restitution, and successful transition back to the community. Issues addressed include employment, cognitive programming and substance abuse.

A range of services are offered to address criminal risk. These may include:

- Substance abuse treatment
- Mental health evaluation and services
- Cognitive skills classes
- Employment testing and job search assistance
- GED and literacy classes
- Life skills: parenting, money management, computer

Some Centers, such as the one in Washington County, Oregon provide longer term residential treatment to a sub-set of the population. In Washington County, an intensive 90-day treatment program is offered to a co-ed population.

Community Corrections Centers can serve a diverse population, and can also function as a Day Reporting Center. Populations found in these facilities include:

- Jail inmates in last phase of sentence
- Prisoners re-entering the community
- Probationers in the CCC on a sanction
- Stabilization for those in Drug Court or other treatment programs

Individualized plans are based on the risk and needs of the offender and the anticipated length of stay at the Center. For residents with short stays (less than a couple of weeks) the principal goal is to connect them to treatment prior to release. For those with longer stays the goal is to work with the resident to find employment, engage in treatment, and move into drug and alcohol free housing upon exit.

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Community Corrections Centers can be managed by different agencies. In a Probation model, the CCC is staffed by Corrections Specialists. In either model staff has the responsibility for monitoring the security of the facility, conducting urinalysis tests, and tracking the daily plans of the residents. Residential counselors work with residents to develop individualized plans for services.

### Impact on Jail

Prison and Jail Re-entry has demonstrated good outcomes. In Washington State, a recent study found that DOC work release facilities reduced total recidivism and system costs. Release from prison to a work release facility yielded \$3.82 of benefits per dollar cost (derived from future benefits to taxpayers and crime victims from reduced recidivism).<sup>20</sup>

In Washington County, Oregon, a 215 bed CCC serves a diverse population including: inmates transitioning from jail, short-term stabilization, direct sanctions, and re-entry from prison. The overall success rate, measured by successful completion, is 84%. Of the 16% who are unsuccessful, only 1% of the failure is for the commission of a new crime. As another indicator of success for this particular program, the Washington County CCC houses a residential treatment program for approximately 30 residents, which has been evaluated and ranked in the top 8% of programs nationwide for adherence to evidence based practices.<sup>21</sup>

Another way to look at savings associated with a Community Corrections Center (CCC) is to compare construction costs with a jail. By definition, a CCC is a minimum security facility that has dormitory style housing. It is estimated that *building costs* for a CCC are one-third less than those of a jail.<sup>22</sup> Moreover, the *operating costs* are less: In Washington County, Oregon the per-day cost of operating the CCC is, at \$55 per day, half of the per-day jail cost of \$109.46.<sup>23</sup>

Community Corrections Center, Day Reporting, and the programs associated with them have a good track record.

In Hampden County, Massachusetts, a Pre-Release Facility serves inmates who are within six months of release. Inmates reside at the Facility but work in the community. In a move to reduce jail crowding even more, a Day Reporting component was added. This program serves offenders serving shorter sentences, pre-trial defendants released with a condition to report, and also functions as a step-down from Pre-release. Not only

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<sup>20</sup> Washington State Institute of Public Policy, 'Does Participation in Washington's Work Release Facilities Reduce Recidivism?' November, 2007

<sup>21</sup> Washington County Community Corrections, Biennium Plan 2005-2007.

<sup>22</sup> Estimate given by Rosser International. 9-19-07.

<sup>23</sup> The Washington County CCC per day rate for the small number of residents involved in the in-house residential treatment, is \$71 per day. (John Hartner, Community Corrections Director, Sept. 2007)

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has the program saved jail beds for those who need them most and reduced the costs of holding inmates, but they have found that individuals who earn the opportunity to participate in these programs have an improved chance of successful community re-entry.<sup>24</sup>

In Davidson County, Tennessee, the Sheriff sought grant funds to start a Day Reporting Center in a move to alleviate jail overcrowding. The program, designed for non-violent offenders, provides a program rich environment in order to “give someone an option to turn his or her life around in a positive manner,” noted the Sheriff. The program has been judged a success by the county, with a per diem rate one-third of the jail and residents actively completing program.<sup>25</sup>

In Connecticut, The Office of Alternative Sanctions was established with the state’s judicial branch to expand alternative programs. Day Reporting Centers were developed as part of this approach. These Centers are designed as community-based alternatives to jail for defendants with more serious offenses, who need more structure than straight probation. Participants report to these Centers during the day and are under house arrest at night. It is estimated that this program saves Connecticut 700 jail beds each year.<sup>26</sup>

Many Community Corrections Centers also rely on community service and other community-based programs. Salt Lake County, Utah credits the expansion of alternative to jail programs, such as *community service*, as the principal factor in forestalling jail population increases. They report a significant reduction in the number of defendants serving jail time since the programs began.<sup>27</sup>

Sometimes special populations are targeted for community alternative programs. Quincy, Massachusetts started an alternative to jail program for first and second time *DWI* offenders. The program relies on treatment and probation supervision instead of incarceration. The program is reported to be an effective jail population control measure while yielding good rehabilitation success rates.<sup>28</sup>

### ➤ Design a CCC as part of Jail Facility Planning

Spokane County has, with the Geiger facility, seen the benefit of having a lower custody level facility. It offers flexibility in inmate management and

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<sup>24</sup> Richard McCarthy, “The Hampden County Day Reporting Center: Three Years’ Success in Supervising Sentenced Individuals in the Community,” Hampden County, Massachusetts, Sheriffs Department.

<sup>25</sup> “Davidson County’s Day Reporting Center: An Effective Alternative,” Large Jail Network Bulletin, 2000.

<sup>26</sup> Justice Education Center, Inc. “Longitudinal Study: Alternatives to Incarceration Sentencing Evaluation, Year 3,” Hartford, CT: Justice Education Center, Inc September 1996.

<sup>27</sup> Ibid (2)

<sup>28</sup> Ibid (2)

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a lower cost option to incarceration. We recommend that Spokane County now take this concept to the next level and design a true Community Corrections Center as a companion facility to any jail expansion plan.

*On an average day in October 2008, there were 177 post-trial prisoners who were either at Geiger or classified minimum security at the jail. In addition, there were 114 medium security post-trial prisoners at the jail.*

Many of the minimum and medium security inmates currently incarcerated would be qualified for a CCC, with the necessary provisions of work support and case monitoring.

*From January to July 2007 the average daily population at Geiger was 562 (capacity is 616). On average roughly 20% of the inmates over this seven month period had an out-of-custody status (either on work release or electronic monitoring). And additional 2% were on Federal Work Release.*

Given this we recommend a 300 to 350 bed Community Correction Center be designed to serve Spokane County over the next 20 to 30 years. There are many models to choose from in the design of such a facility. One is to incorporate a jails industry component. Given that Spokane County has a history with jail industries program (Federal inmates used to have access to some in-custody work such as leather working and kiln work, and at one time there was a solid waste contract) this might be considered.

We recommend a two pronged approach that would have the county make the changes needed today to enlist Geiger as a meaningful incarnation alternative CCC (adding job preparation courses and other services, for example), while at the same time planning the design of a CCC that will have the requisite features to fully implement this exciting concept.

### IV. The Jail

#### ➤ [Move Toward Ending Booking Exclusion Practice](#)

When the number of jail bookings exceeds the number of available beds any Sheriff is confronted with a limited number of options. The approach to dealing with overcrowding in Spokane County is to manage the front door to the jail by closing it. Particular offenses no longer qualify for booking when the jail is full. These include the following:

Domestic Violence  
Harassment Offenses  
DUI

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Physical Control  
Hit and Run Attended  
Assault 4 & City Assault  
Prostitution Laws or Ordinances  
Interference with health Care facilities or health care providers  
Violation of chapter 69.50 Uniform Controlled Substances  
Intimidation with a Weapon  
Reckless Endangerment  
Pedestrian Interference

Jail management through charge exclusion compromises the integrity of the system, frustrates law enforcement, and in the worst case scenario threatens public safety.

Implementing key recommendations of this report will go a long way toward jail management. Universal Pre-Trial screening, an Expedited Case Resolution program, expanded non-jail alternatives, and reduced rates of failure will all contribute to reduce the impact on the jail.

### ➤ Develop Core Jail Treatment Programs

The Spokane County Jail lacks the essential core program services one would expect in a facility of this size. Hampered by lack of program space and challenged by crowded conditions, programming has taken a lower priority.

At this time the only programs in jail are a GED program. There is also a limited opportunity for inmates to work in the kitchen, but this does not result in any certification (the inmate does receive a certificate to acknowledge good service). The fact that T.V. viewing has been barred in the jail for some time all but consigns inmates to a state of enforced idleness.

A core set of programs should be developed, and these programs should form a continuum that extends from the jail through Geiger and into the community.

Core programs include:

- Alcohol and Drug pre-treatment/treatment
- Academic, vocational and financial skills courses
- Anger Management Classes
- Cognitive: Criminal Thinking Classes
- Mental Health Counseling and Services

Research has shown that a cognitive-behavioral approach is fundamental to sustained reductions in recidivism. This approach addresses the thinking errors and rationalizations related to criminal activity, helps the person identify 'triggers' for relapse or criminal behavior, and works to

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develop individual strategies for change. It is based in role-playing and activities that help the person practice new behavior. This is in contrast to programs that simply provide information, are grounded in 'talk therapy, are designed to boost self-esteem, or that focus primarily or exclusively on environmental deficiencies (jobs, housing, etc.)

Additionally, there should be separate classes for sex offenders and batterers to ensure that time in jail does not disrupt on-going treatment; and counseling and life skills classes should be available for the mentally ill. Other classes that are recommended include those having to do with parenting and family issues.

In the mental health arena, non-Medicaid dollars need to be available to support sufficient in-custody and transition programs.

### ➤ Focus on Re-entry

The goal in adding programs is to build a continuum of services from the jail to Geiger and out to the community.

Where possible, program curriculum should be shared. Making use of the same cognitive skills curriculum across programs (one designed to specifically address criminal risk factors, for example), would provide continuity of treatment for offenders moving between programs, and offers a common language for treatment providers, probation officers, and offenders alike.

Some programs have been designed specifically for offenders and are commonly offered in jail settings. These include the MRT thinking cognitive program, and a public domain cognitive program developed by the National Institute of Corrections (NIC). Because so many offenders move through the DOC, the tested programs they offer are a good place to start to review curricula.

Designing a re-entry effort requires going beyond the jail and Geiger and involving the larger system. For inmates who already have mental health case managers a 'reach-in' effort should be encouraged to insure a smooth transition. Similarly, DOC and the misdemeanor probation should be involved during the course of an extended incarceration.

### ➤ Fully Integrate Risk into Inmate Management

We applaud Spokane County Sheriff for adopting, four years, ago an objective classification instrument. This is an essential management tool. We now encourage that the application of risk be broadened, using it to guide program placement and step-down opportunities. It is also important that services be in place to respond to all risk levels. It was mentioned during our project that in some cases sex offenders may be

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released directly to the street from jail because their risk level is too high to be handled elsewhere.

### V. Mental Health Services

#### ➤ Integrate Clinical Staff Into Booking Process

Staff in the jail booking must deal with persons in crisis. They are confronted with complex physical and mental health issues. Although the jail has a protocol to address these issues, seeing flagged inmates within 24-hours of booking, the immediacy of crisis situations dealt with in booking calls for clinical staff to have a 24/7 presence in booking to conduct medical screening and provide immediate care. The jail should also review the availability of psychiatric services, ideally having this resource available at least on an on-call basis.

#### ➤ Strengthen Mental Health Services

Spokane County has taken important steps toward the development of a continuum of mental health services. It has a crisis hotline, a crisis triage center, mobile outreach to address crisis calls, Crisis Intervention Training for police and other responders, mental health assessments in the jail upon request, a fast-track placement in Eastern State Hospital, mental health dockets, mental health probation caseloads, an multi-disciplinary case management team for chronic 'high users', and a therapeutic mental health court. There is no doubt that there is a local commitment to providing good services to the mentally ill in Spokane County.

Jail mental health staff has taken some important steps to address the issues surrounding the mentally ill inmate. They are trying to provide discharge planning for as many inmates as possible, providing over 750 discharge referrals in the first six months of 2007; have arranged to have a Department of Health Services staff come to jail to help with financial applications for benefits upon release; and jail staff try to see that mentally ill inmates are released with a prescription for medication.

The lack of dedicated beds in the community for stabilizing the mentally ill discharged from jail poses a real challenge. Of course, this problem is not restricted to the mentally ill. Most crisis beds will not accept sex offenders, persons addicted to methamphetamine, or offenders with a history of violence. It is hoped that the new housing resources coming to the community can help address this.

Follow-up services for those released from jail are also limited. Although a PACT team (intensive, 24/7 case management) has been formed to provide intensive case management for a select group of mentally ill, to date there is no direct connection with the jail for accepting referrals.

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*Jail staff estimate that 28% of inmates in the Spokane County Jail have are seriously mentally ill (have an Axis I disorder).*

At the same time, staff is stretched. Four full-time employees do their best to address the bulk of mental health and medical needs. The task is enormous. Moreover, they do not have the kinds of in-custody programs that are needed to address the emotional and psychological issues at hand. Needed services include: counseling, cognitive sessions, and life skills training preparatory to release.

*50% of inmates in the Spokane County Jail are taking general medications; approximately 37% are on some form of psychotropic medication to address mental health issues.*

Spokane County has adopted many practices that research has shown to be essential for ensuring long-term success. The key for any of the efforts is that they not be single efforts, but are integrated. Recent evidence from more than a dozen studies shows that comprehensive, integrated efforts reduce substance abuse, mental health symptoms and re-arrest.<sup>29</sup>

*Jail discharge planning* also holds promise. Providing immediate and concrete assistance is the key. As one example, a recent study found that those persons with mental illness who had Medicaid benefits upon release from jail had, on average, 16 percent fewer subsequent detentions over the following year than those who were released without Medicaid.<sup>30</sup>

*Mental Health Courts* and Assertive Case Management Programs have also demonstrated a real potential to lower the impact on jails and hospitals. A new study on the San Francisco Behavioral Health Court found that, 18-months after program completion, participants had a 39% lower risk of being arrested for a new offense, and a 54% lower risk for committing a violent offense than a comparable group booked into the jail who did not participate in the specialty court.<sup>31</sup>

Untreated mental illness has a tangible effect on jails. Defendants with low level charges who recycle through the jail (*frequent fliers*) are usually individuals who are struggling with chronic and untreated mental illness, homelessness, and other complex issues. In an effort to document the impact of this population on the jail, a county in Oregon (Multnomah County) took a closer look at their top 20 'frequent fliers.' These 20 individuals had spent a combined 12,712 days in jail, or 35% of each year on average behind bars; 30% had a serious psychiatric diagnosis; all had

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22. Osher, F.C. (2000), "Co-occurring addictive and mental disorders." In Mental Health, United States, Washington, DC: Center for Mental Health Services, 91-98.

<sup>30</sup> Morrissey, Joseph P. "Medicaid Benefits and Recidivism of Mentally Ill Persons Released from Jail," May, 2006. NCJ 214169

<sup>31</sup> American Journal of Psychiatry, "Effectiveness of a Mental Health Court in Reducing Criminal Recidivism and Violence," 164: 1395-1403, September 2007.

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extensive drug records; and the county had spent, on average, \$70,000 for booking and jailing each of the top 20 over a five-year period.

The next step in strengthening these services would include the following:

- Insert clinical staff into booking
- Produce inmate log to be matched against mental health database
- Provide comprehensive Pre-Trial assessment of all inmates booked into jail, with expanded questions regarding mental illness
- Develop reach-in program in which case managers begin work with inmate while incarcerated
- Develop expanded diversion programs
- Establish specialized pre-trial supervision for mentally ill
- Develop range of jail programs for mentally ill
- Ensure jail mental health staffing is at levels recommended by national standards

### ➤ Accelerate and Expand CIT Training

Spokane Mental Health has already held 4-5 Crisis Intervention Team (CIT) trainings. Developed according to model developed in Memphis, Tennessee, whose police department pioneered the use of specially trained law enforcement officers to respond to mental health calls, these trainings are designed to educate first-line responders about mental health symptoms and behavior, and to provide behavior-based strategies for responding. The trainings to date have involved staff from DOC, police agencies, and the sheriff's department. Sessions specific to issues such as identifying instances of 'excited delirium' have also been delivered to firefighters and paramedics.

Jail personnel should be provided this training as well, and a condensed version of the course made available to judges and other system professionals.

### ➤ Continue to Address Information Integration Issues

Spokane County has some excellent information resources. For example, police can access to a local database ('Raintree') to determine whether persons apprehended have had contact with the local mental health system. The 211 call centers are another good resource, offering an updated database on 700 Health and Human Services which outlines information regarding client eligibility, financial requirements, and other relevant placement information.

In addition, Spokane Mental Health has their own database which documents the number and nature of client contacts going back 15 years. Still, there is work to be done.

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The ability to quickly identify at booking persons with chronic mental health needs is vital to providing appropriate care. At this time jail staff does not have access to the 'Raintree' database nor can is there a consistent method to quickly and accurately be informed about mental health issues. This puts staff in the position of operating in crisis mode. Although Spokane Mental Health can be called 24/7 to come to the jail and conduct an evaluation if an inmate is in crisis, a more proactive approach should be the norm.

Other states and jurisdictions have recently been reviewing the issue of sharing health and mental health information in the criminal justice system, in the context of new privacy laws (HIPPA).

Texas has recently passed legislation that will facilitate information sharing between criminal justice and mental health agencies. A mechanism is being established to permit jail staff to quickly identify persons arrested who have a diagnosis or history of treatment and to transmit this information in a uniform manner to the jail while respecting the individual's privacy rights. In Texas, as in Arizona that has already established information sharing mechanisms, jail staff transmits booking rosters to the keeper of a central mental health database for immediate information sharing regarding medications and other needs. This and other options should be explored.

### ➤ Expand Therapeutic Mental Health Court

Spokane County is to be commended for the establishment of a Therapeutic Court and specialized mental health dockets. The good program developed to serve misdemeanor mental health cases should ultimately be considered for expansion to some felony cases. The court is getting some felony reduction cases.

### ➤ Reduce time to Restoration Hearing

Spokane County should join with other counties in objecting to the long waits of up to 6 months for inmates awaiting a court-ordered restoration hearing.

On the positive side there is a short one-day turnaround for the transfer to Eastern State Hospital of inmates deemed to be a danger to themselves.

### ➤ Hold a System-wide Symposium to Address Issues of Mental Health Care

Last year an inmate in the Spokane County jail starved himself to death. This is a regrettable incident and a trauma for all involved.

The issues at play in this incident reside at the intersection of public safety, health, mental health, and law. Legislation that protects the rights of the mentally ill and stringent commitment standards have led to situations

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where the values of privacy and an obligation to provide care come in conflict.

The complexity of this issue argues for a cross-system discussion and review to ascertain whether changes to policies, procedures or practices are warranted; to review and discuss collective roles and responsibilities in such a situation; to debrief an administrative and clinical review of the case; and to identify issues that require further study.

This is also a good time to review jail mental health care standards. We support the adoption of National Commission on Correctional Health Care (NCCHC) standards.

### ➤ [Ensure Full-Service Crisis Center Available to Law Enforcement](#)

For lack of a reliable place for law enforcement to bring persons for behavior related to mental illness, the jail becomes the only option. Police will take persons to Sacred Heart for psychological triage 20 hours per day, and Crisis Triage is available, although this resource is trying to return from budget cut-backs and still does not have 24/7 nursing staff.

But when there is a minor criminal charge the person is usually brought to jail. The broad details from one case observed in Spokane County helps tell the story:

Police receive a complaint about a man who is screaming on a downtown street that 'the world is coming to an end'. When officers arrive and try to speak to the man he runs towards a storefront and, swinging a bag he has in his hands, breaks the window. The man is arrested, booked into the jail, and presents confused and conflicting information during the pre-trial assessment. The information supplied by the defendant cannot be verified the defendant's record is reviewed, and Pre-Trial and the Prosecutor's Office ultimately recommend against release. Bond is set. There is now a high likelihood that the defendant will remain in jail unable to post until his next court hearing. Jails across the country are filled with individuals like this man, charged with low-level crimes or violations that have direct relationship to an underlying, and often untreated, mental illness.

Nationally, a conservative estimate is that 16 percent of the jail population in incarcerated for offenses related to mental illness. Of these, 60 percent to 75 percent were jailed for non-violent offenses. These individuals are often those persons who cycle through the jail door over and over again. Once in jail, the mentally ill defendant is spends on average 15 months longer incarcerated than those without mental illness who commit the same crime.

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The need for a reliable mental health triage resource for law enforcement is an important resource to forestall the booking of the mentally ill, and should be discussed as part of jail facility planning.

Spokane Mental Health's triage center is still rebounding from devastating budget cuts that resulted in a loss of mental health funds and resulted in the closing of crisis triage. As the program rebuilds it would be good to discuss what level of service and staff are needed to best accommodate law enforcement; what level of service would help divert defendants from either expensive hospital crisis beds (Spokane must pay \$500 + per day for any use of state designated hospital beds over its limit) or from expensive jail beds.

Police need a 24/7 drop-off facility that has the necessary clinical support staff. A limited crisis triage resource; a detox unit that cannot accommodate serious cases and must turn individuals away; and the high financial cost of exceeding a hospital bed-day cap, come together to demonstrate the need to plan long-term criminal justice system mental health services within a broader context.

As the county reviews the need for crisis services in the context of jail planning it should track the Washington State funded Integrated Crisis Response program pilots that are being tested in two sites. These pilot cases are testing a model that has designated crisis responders investigating, and detaining, individuals with serious mental illness or substance abuse problems in a unified approach. The pilots also created secure detox facilities to hold involuntarily detained individuals. Preliminary data shows the degree of overlap between the two populations: more than half of the individuals detained in secure detox facilities also received publicly funded mental health services in the previous year.<sup>32</sup>

The goal is to make an assessment and stabilization option available that can serve to prevent some persons from penetrating the criminal justice system.

## VI. Community Supervision and Treatment Programs

### ➤ Consolidate Municipal and County Probation

Often government redundancy is hidden in dry reports and obscure statistics. In Spokane County one need only walk into the reception area of Adult Probation. There, behind a counter two receptionists sit shoulder to

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<sup>32</sup> Washington State Institute of Public Policy, "Integrated Crisis Response Pilots: Preliminary Report on Client Characteristics," December 2007

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shoulder: One serves Municipal offenders and the other serves County offenders.

Although there is no discernible difference between their respective clients, each receptionist can only serve clients from their respective jurisdiction, and must not cross an invisible line that separates paperwork and personnel. This results in the spectacle of two receptionists, two fax machines, and two paper shredders sharing the same space.

As one moves beyond the lobby the separation becomes less apparent. To their credit, the staff has developed a good relationship in working side by side. But behind the scenes the cost of the division is easily apparent. The City will be acquiring new automated case management software. The only problem: It is not the same one used by the County.

No business model would justify this level of duplication.

*The Court has only been able to access the day reporting program as a condition for county cases because facility is not a city program.*

This is a division without a difference. And yet the separation of the supervised misdemeanor population by jurisdiction not only results in absurd redundancies; it results in uneven service.

*Municipal DUI probation cases do not have access to the county DISP program.*

The City and the County each have hard-working and dedicated staff, but these two enterprises need to be joined. There is no business model that would justify the existing arrangement.

### ➤ Foster Case Coordination with Department of Corrections

The bifurcation of misdemeanor probation services aggravates an already fragmented system of supervision, one that has felony probation delivered by the Department of Corrections. This level of fragmentation obscures the fact that many of these cases have both misdemeanor and felony charges. This results in the worst of all worlds; case management is neither consolidated nor coordinated.

*County Probation staff estimate that as many as 1 out of 4 defendants on their caseloads may also be under DOC supervision.*

The place to begin is with information sharing between the respective agencies. There needs to be a mechanism for the county/city departments and the DOC to identify shared clients.

At the next level there should be work toward developing a shared case plan: one that will allow correctional officers – and the offender – to track

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the multiple case requirements. Anything less than this can contribute to failure.

There have been some examples of reciprocal efforts in the past: the DOC agreeing to accommodate low-risk female offenders sentenced to jail, for example; housing them in a specialized program.

At present, the Director of Municipal Probation is exploring whether her staff could co-teach some DOC courses in exchange for gaining access for some misdemeanor clients. This makes sense and should be fully explored across the board.

### ➤ Formalize Use of Risk Assessment in Supervision

One of the principles of effective correctional treatment is the use of accurate risk assessment at intake and at regular intervals during supervision.

Misdemeanor supervision lags behind felony supervision in the use of objective risk assessment. Washington State is recognized as a leader in the research of risk assessment but the advancements in application have been, for the most part, at the felony level.

Risk assessment should guide the intensity of supervision, the sanctioning of violations, and the recommendations to the court regarding supervision and treatment conditions. Both Municipal and County probation are not unfamiliar with risk assessment. They have, to varying degrees, used a tool out of Michigan to address risk. This tool, however, does not assess need, has not been validated for local use, and is not formally and fully applied. It is essential that valid and reliable instruments be used to assess risk and needs and guide decisions about case assignment.

*One judge noted that Probation officers will often give sentencing recommendations that do not seem to comport with the severity of the case, recommending to 'jail them for one year' when other options have not been fully pursued..*

The lack of formalized use of risk and needs assessment reveals itself in the reported inconsistent or 'cookie cutter' recommendations to the court, the lack of any formal sanction policy, and the lack of confidence in quality probation (and treatment) services raised by various segments of the system.

The lack of risk assessment is one part of a problem. In cases involving violence the risk assessment should be conducted as part of a more comprehensive pre-sentence investigation. An example was given of a DV case in which, because no national criminal history screen (NCIC) was run, the court was not aware of past violence and the offender was

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sentenced as a low-risk offender. Remedying this begins with establishing uniform front-end Pre-Trial assessments and the formalization of sentence reports and risk assessment.

### ➤ Reduce Caseload Size

Meaningful supervision requires manageable caseloads. Working to effect positive change is impossible with caseloads of 400 to 750.

Meaningful supervision also depends on having staff with good basic training and specialized expertise. The overall assignment of caseloads according to an alphabet, not risk level or other relevant criteria belies this kind of system.

On the other hand each agency has developed some specialized caseloads, which is to be commended. Municipal Probation has specialized domestic violence and mental health caseloads; County Probation has these two plus a specialized DUI unit.

Adult caseload standards, advanced by The American Probation and Parole Association are as follows:<sup>33</sup>

<u>Case Type</u>	<u>Case to Staff Ratio</u>
Intensive Risk	20:1
Moderate to High Risk	50:1
Low Risk	200:1
Administrative/Bench	No Limit Noted

The formalization of risk assessment will help structure caseload pressures by more precisely targeting the lowest risk cases for monitoring-only options. The manager of County Probation is considering this and estimates that under this approach as many as 50% of cases might be able to be shifted downward to lower supervision status.

Accurate classification of cases will allow a more careful allocation of resources. Evidence suggests that staff resources and programs should be targeted at intensive and moderate to high risk offenders in order to achieve the greatest impact. Minimal contacts and services should be reserved for the lowest risk cases.

The system should formalize the use of risk, set caseload standards, and begin to collect outcome data to help make future adjustments in the supervision of offenders.

### ➤ Expedite the Sanction Process

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<sup>33</sup> APPA Perspectives Journal, "Issue Paper on Caseload Standards for Probation and Parole," Spring 2007.

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To be effective sanctions must be swift and certain. Indeed, when it comes to positively impacting criminal behavior, it is the immediacy and predictability of the sanction that is most important – more important than severity.

*As reported, it is not uncommon for the resolution of a county probation violation to take 6 months to resolve.*

In many cases it takes too long to respond to supervision non-compliance. Oftentimes a violation hearing is set out 4 to 6 weeks, during which period it is not uncommon for the offender to fail-to-appear. With the resetting of court dates and attending to other issues, it can take 6 months to resolve the issue. This does not qualify as a swift response.

The process should be expedited by taking two measures: one is adoption of sanction guidelines that structure correctional officer discretion according to risk; the second is the streamlining of the revocation process itself.

### ➤ Collect and Routinely Prepare Probation Data Management Reports

Effecting organizational change requires good data. This is true with Probation Services where detailed information is not readily available. As an example, one data report to develop would be an accounting of the number and nature of violations, sanctions imposed, and outcomes.

Data on population profile, process data, and outcome data should all be collected and organized in a report format for regular review.

### ➤ Subsidize Treatment for Domestic Violence and High Risk Offenders

No state money is available for domestic violence treatment. Defendants who are court ordered to treatment must pay their own way, and little is mandated or available for those needing both battery and substance abuse treatment.

### ➤ Strengthen Domestic Violence Services

Spokane County has made a commitment to domestic violence (DV) services through its court monitoring program and its specialized DV probation caseload. At the same time there is no subsidized treatment and misdemeanor probation is not capable within existing caseload levels to provide quality supervision. There are numerous issues to address. These include:

- *Orders of Continuance* in domestic violence cases that suspend treatment are recommended for use in a conservative fashion, and only then when based on full risk and needs information. In the opinion of some there is an over-reliance on suspend treatment

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and continue orders, and a concern that they are used not only for first time offenders but for multiple offenders as well. These orders are designed to continue the case, sometimes for 18-24 months, suspending treatment pending further review. This speaks to the need for universal and comprehensive pre-trial assessments to guide diversion and sentencing decisions.

- *Bond* for domestic violence defendants is fairly uniformly set. This reflects again the lack of good pre-trial assessment information. Pre-Trial should be providing criminal history reviews and risk assessments in all domestic violence cases. Furthermore, the development of a Pre-Trial supervision unit should include specialized supervision services for the DV defendant.
- Although there is specialized DV probation supervision, probation officers struggle with large caseloads and cannot conduct field visits or do drug testing, hampering the ability to provide *meaningful supervision*. Municipal probation offenders are seen in the office one time per week until they enter treatment, thereafter they are monitored without any direct contact.
- The lack of formal supervision by DOC for domestic violence cases sometimes results in *felony cases being pled* to a misdemeanor simply to access supervision.
- The *lack of system coordination* results in a terrible duplication of effort. A misdemeanor probation officer in the domestic violence unit noted that it is common for an offender to have two probation officers, each for a different charge: one misdemeanor and one felony. This same officer even has one offender under supervision at this time who has must report to four separate agencies: city, county, state and federal. Spokane County must work to both consolidate and coordinate services.
- Domestic Violence offenders are not consistently ordered to complete a *substance abuse evaluation*. Given the linkage between drinking and drug use and violence an assessment of need for treatment should be standard.
- Domestic *violence treatment is not available in the jail or at Geiger*. Violence coursework should be available in custody in order to insure continuity.
- Some reported DV *treatment completion rates* are exceedingly low.

### ➤ Strengthen DUI Treatment

As reported by multiple sources, DUI treatment is inconsistent, inadequate, and at times inaccessible. Criticisms include the following:

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- DUI Court (The DISP program) *does not subsidize any treatment* and as such has no control over the consistency or quality of programs. All treatment is self-pay. As a result the program cannot insure that the treatment attached to its intensified supervision program conforms to the highest standards.
- Treatment programs vary greatly in the degree to which they *disclose violations* and in their general levels of communication.
- Although defendants must pay for an assessment, much *treatment is simply 'cookie cutter'* in nature, not reflecting individual needs.
- Programs vary in terms of their treatment philosophy and tolerance of relapse. While Drug Court is based on an acknowledgement that relapse is an expected part of the recovery process some DUI programs take *a punitive approach*. Some programs use lie detector tests and recommend the court sanction relapses with time in jail. This is in contrast to drug court where relapse is viewed as an opportunity for a therapeutic intervention.
- Mental health needs are not adequately addressed. For the most part defendants *in need of co-occurring treatment* must go elsewhere.

These issues should be reviewed as part of a larger discussion about treatment quality and the development of court-approved performance standards.

### ➤ Address Treatment Quality and Availability

Spokane County's commitment to treatment and alternative to jail programs is evident in the progressive specialty court programs it has supported; a strong community ethic to provide housing and mental health services; and specialized probation services. It also stands out for the reform efforts of its juvenile justice system which has worked hard to bring their practices in line with best practices in detention reform and service provision.

This foundation can be seen in the continuum Spokane County has put in place over the years:

- ❖ Drug Court
- ❖ Therapeutic Mental Health Court
- ❖ Domestic Violence Court Monitoring
- ❖ DISP Program
- ❖ Specialized probation caseloads
- ❖ FACT team
- ❖ Jail discharge planning

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### ❖ A range of community-based treatment

This is worthy of praise. On the other hand there is discontent among the judiciary, probation officers, sheriff's staff, and others, with program quality. These criticisms included the following:

#### Program Access

- Persons with the most difficulty accessing services are those of middle income. Under a largely self-pay system of treatment, the low income offender pays on the low end of sliding scale, and the high income offender pays the full amount. It is the person in the middle income range who most often struggles to access services.
- No formal *community service program*. Liability concerns have prevented the development of a centralized service, and yet community services are an essential service on the continuum of sanctions. Options should be explored to centralize this service, including having probation responsible for its operation. In this way the program would be better coordinated. The County Probation Manager also mentioned an interest in making community service available to the low income probationer in lieu of probation fees. We strongly support this direction. As more aggressive enforcement of payment of fines and fees is pursued, service in lieu of payment options need to be readily available.
- During our project the *24-hour DUI education program* was given notice that their program space at Geiger would no longer be available. A permanent solution is needed to address this and to ensure that this long-standing court-ordered program has a place to reside.
- Mention has already been made about the *uneven access to services* based on a misdemeanor probationer's jurisdictional status. For example, day reporting is only an option for county offenders, not city offenders on misdemeanor supervision. Program options should be equally available to probationers, an objective served by program consolidation.

#### Program Quality

- During our time in the County the *contracted Day Reporting Program* was woefully underutilized. At the time we met with program staff only 20 offenders were being served; program capacity is 100. Moreover, the program offerings would not normally be considered of sufficient substance or duration to effect long term change. The program serves as a sanction/diversion option (and in some cases pre-trial monitoring option) primarily serving District Court referrals (around 90% of all referrals). The program is for the most part serving non-violent cases (many theft charges) and probation violation cases, for a reported 30 days average length of stay.

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Offenders are asked to report to the program for an intake assessment, but beyond that the program lacks any coursework or substantive activities. Offenders can report in, submit their schedules, and simply spend their time 'being there.' The County should consider several options: developing a program-based day reporting option as part of an expanded Geiger program; working out an arrangement with the DOC to access their excellent community justice center programs; or establishing a stand alone county operated program.

- The DISP program for DUI offenders is an innovative effort. We were told, however, that the quality of *DUI treatment* and the communication between probation and treatment providers is, in many cases, substandard. Probation clients are being served by ten different agencies operating within the county. There has been an issue with providers not routinely notifying probation officers about client non-compliance, and the programs are perceived to have varying levels of quality. The County should join with the DOC and the State to address issues of quality control and oversight. Probation officers should have a system in which to solicit feedback from offenders participating in these programs; and the County should consider contributing funding enough to allow input and program accountability.
- In some cases *domestic violence* offenders are not accessing quality treatment, but are receiving anger management instead. This reflects the difficulty in retaining quality treatment providers (the certification standards are very high) and the cost of treatment which is a barrier to some offenders. Performance standards need to be not only set, but adhered to; probation officers need to solicit formal feedback from offenders in these programs; and an advisory board needs to review reasons for high drop-out rates and monitor quality.
- Spokane County has been exploring the relative benefits of private versus public electronic monitoring. Issues include the time it can take to set up the monitoring, the fact that private companies do not have the power to arrest, and issues of accountability. Electronic monitoring should be viewed as an extension of custody, and be managed by a public entity.

Overall, to address issues of quality the County needs to make sure that in-house and contracted programs conform to the highest standards. Programs that the courts use need to be assessed to make sure they are using evidence based practices, are transparent and accountable.

There are different ways to achieve this goal. Some counties set up quality standards committees to set program benchmarks and monitor quality. In some places like Oregon, all contracted corrections programs (both in-custody and in the community) are now subject to audits to measure the degree to which they are conforming to best practices. This same approach can be adopted by county government to set new high expectations for program performance.

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Evidence based practices target higher risk offenders and deliver tested services in a manner designed to yield the best outcomes. Recent research demonstrates the cumulative benefit of evidence-based practices.

The average reduction in the expected recidivism rate for alternative programs is approximately 10%. However, programs that are of the highest quality, in terms of best practices, have been shown to reduce the expected recidivism rate by up to 30%.

Research shows that to have the greatest impact on recidivism, length of supervision and services provided should be clearly linked to an offender's risk level. Research has shown that programs that achieve the greatest reductions in recidivism share common characteristics:

- Allocate resources to higher risk
- Address at least 3 factors that are predictors of criminal behavior (substance abuse, attitudes, peers, employment, etc.)
- Provide treatment of at least 3 months duration
- Provide sufficient treatment intensity (structuring at least 40% of the person's week)
- Offer more rewards than sanctions
- Deliver programs that are cognitive- behavioral in nature
- Ensure staff are well trained
- Ensure program manager is experienced and has direct oversight
- Conduct program evaluations

Importantly, it has been shown that the quality of the treatment appears to be as important as the content. Not only do the most effective programs triple the reductions in recidivism, but ineffective programs have been shown to actually increase recidivism.<sup>34</sup>

The significance of targeting the higher risk offender is made clear in research that shows that not only do services for this population provide the greatest public safety return, but that intensive services delivered to low risk offenders can also serve to increase recidivism.<sup>35</sup>

Particular treatment models have been shown to be crucial for realizing long-term gains. Cognitive-behavioral approaches that address criminal thinking and help the person understand triggers for addictive/criminal behavior have proven most effective, providing a benefit to the system (after accounting for treatment costs) of \$ 10,299 per person.<sup>36</sup>

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<sup>34</sup> Lowenkamp, Christopher, Latessa, Edward, Holsinger, Alexander, "The Risk Principle in Action: What Have We Learned From 13,676 Offenders and 97 Correctional Programs?" Crime and Delinquency, Vol. 52 No. 1, January 2006.

<sup>35</sup> Ibid, Lowenkamp

<sup>36</sup> Ibid, Aos

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But treatment does not operate in isolation. Effectiveness also depends upon the availability of an empty jail bed to provide a quick sanction in response to program violation. And, the importance of a coordinated system approach has also been demonstrated. For example, outcomes for substance abuse treatment are improved when criminal justice staff works as a team with treatment programs.<sup>37</sup>

### Develop Coordinated Treatment/Supervision Plans

The greatest reductions in recidivism are achieved by providing a balance of treatment and supervision. Surveillance-only or sanction-only approaches demonstrate no positive outcome. A review of 23 control-group studies of surveillance-oriented, intensive supervision showed zero positive effect.<sup>38</sup>

Recent research into evidence-based practices, conducted for the Washington State Legislature is instructive. It found that while intensive supervision alone yielded no reductions in recidivism, intensive treatment-oriented supervision resulted in an almost 22 percent reduction in recidivism. After accounting for the cost of supervision and treatment, the system cost benefits per person are estimated to be \$11,563.<sup>39</sup>

Research has also shown that it is the swiftness and certainty of the sanction that is important, not the severity. An Oregon Department of Corrections study of sanctions confirmed this in a study that matched offender groups by risk level and delivered sanctions of different types and length. They found similar rates of re-conviction for high-risk offenders regardless of time in jail; for most medium risk offenders longer stays in jail were associated with higher recidivism; and, overall, community sanctions yielded lower reconviction rates.<sup>40</sup>

### Train Staff in Motivational Interviewing

While most research on evidence-based practices has focused on the properties of effective programs, recent research is paying attention to the *quality of the interaction* between staff and the offender. Evidence suggests that the quality and nature of the interaction is as important as the program itself. This should not be surprising.

As a result, community corrections agencies are taking steps to train staff in motivational interviewing skills. This approach substitutes confrontational interactions with a model in which communication clear, respectful, and constructive.

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<sup>37</sup> NIDA (July 2006) "Principles of Drug Abuse Treatment for Criminal Justice Populations."

<sup>38</sup> Aos Steve, Miller Marna, and Drake Elizabeth (Oct. 2006) , "Evidence-Based Adult Corrections Programs: What Works and What Does Not," Washington State Institute for Public Policy.

<sup>39</sup> Ibid; Aos.

<sup>40</sup> Oregon Department of Corrections (Sept. 2002), Structured Sanction Study (paraphrased)

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Research is also finding that the degree of recidivism reduction is associated with other staff-related qualities such as the education and experience of the Director and the degree of staff oversight.

### ➤ Expand Drug Court

The Spokane County Drug Court, started in 1997 by Judge White is a pre-plea program for felony defendants. At present, Judge Linda Tompkins presides over Drug Court. Tom Lloyd is the Drug Court Coordinator. The program currently has around 80 clients and can accommodate up to 90 at any one time.

This is a mature Drug Court program with many excellent features:

- A strong team, with long-standing members, and excellent team-work between the Prosecutor's and Public Defender's Offices
- Solid intensive outpatient treatment (provided by North East Washington Treatment Alternatives NEWTA) with individualized treatment plans, good case management, referrals to multiple services, and the ability to refer to in-patient treatment; and gender-specific classes
- DOC supervision
- A dedicated mental health resource
- Funds available to address client support: housing vouchers, dental care, food and clothing
- Access to DOC work crews and community service for sanctions
- Availability of alternative sanctions to respond to violations
- Aftercare

While it is commendable that treatment is subsidized if the defendant cannot afford to pay, not all programs charge defendants for urine tests (the program charges defendants based on a sliding fee scale). This is worth reviewing.

Program funded with state funds and some county. State funds are CJAT and are generated in large part by a 2002 change in drug sentencing laws: the savings in prison costs from this change were set aside for counties. Spokane County has had federal grants in the past, as well.

### Broaden Drug Court Eligibility

The research on Drug Court outcomes makes a compelling case for expansion. A recent analysis of the Multnomah County Drug Court (the second oldest program in the nation) tracked 11,000 drug court eligible offenders over a 10-year period. Results included significantly reduced recidivism for drug court participants up to 14 years after program entry compared to eligible offenders who did not participate. The incidence of

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re-arrest was reduced by nearly 30% for drug court participants. System costs for persons in the drug court were \$1,392 less than the costs for 'business-as-usual' cases.<sup>41</sup>

More generally, substance abuse treatment, in its many forms, has been shown over and over to be a good investment. A study of 44 treatment programs in California across 13 counties revealed that for every dollar spent on drug treatment yielded \$7 in savings: a collective savings in health, criminal justice, welfare, and work productivity.<sup>42</sup>

At this time, the program is not available for offenders with 5+ previous convictions; sex or violence-related charges; or previous drug court participants.

Because many drug courts began with federal funding that excluded violent offenses, programs that are now self-supporting often continue this blanket prohibition. The downside is that this category can include offenders who would benefit from the very services denied them.

Offenders charged with low level assault charges might be reviewed on a case-by-case basis: especially when the Assault charge was part of the juvenile record. A case-by-case review is recommended for cases of delivery (sometimes the amount is very minimal), violence cases involving domestic violence, and weapon possession (not necessarily an definitive indication of dangerousness).

Adhering to narrow criteria can exclude the very offenders who might benefit most from this kind of intensive program.

### Develop Universal Pre-Trial Screening to Identify Clients

Drug Court clients are referred from a number of sources, including private attorneys, the prosecuting attorney office, and at times the defendant himself, who will take the initiative to request consideration. For the most part though the Prosecutor's Office takes the lead. They have a staff assigned to the Court who reviews court dockets and identifies possible candidates. In some cases the inmate comes to the attention of the Prosecutor through a request for review.

Pre-Trial screening would assist this process and, in making review uniform, would be expected to expand the numbers considered and expedite entry. This has been the case in other jurisdiction.

### Address Issue of Incentive to Participate

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<sup>41</sup> Finigan, Michael W. et. al, "Impact of a Mature Drug Court Over 10 Years of Operation: Recidivism and Costs (Final Report)," July, 2007, U.S. Dept. of Justice.

<sup>42</sup> The California Treatment Outcome Project (CalTOP) Final Report, Sept. 2002.

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The Spokane County Drug Court has a high initial drop-out rate. Although the incentive to participate is the ultimate dismissal of charges and free treatment, for many offenders the trade-off between jail time and length of program participation is not enough to encourage involvement.

*50% of defendants drop out during the 2-week trial period*

The drop-out rate is strikingly high. It reflects a number of factors, one of which is the relatively low jail penalty for simple possession cases: in most cases a maximum 90 days in jail.

Other factors include: screening of inappropriate cases (the lack of uniform front-end case identification results in screening many defendants who do not meet basic program criteria); the already noted lack of enough system incentive (jail vs. program time) to encourage participation; and the need for a more concerted effort to discuss the candidate's decision to reject the program.

Since program inception in 1996, almost 14,000 cases have been screened.

Screened:	13,752
Found Not Eligible:	11,598 (85%)
Eligible But Program Full:	139 (1%)
Eligible:	2,015 (14%)
Opted In:	1,639 (81% of eligible opt in)

For the year to date, 2007, program has screened 1,298; found 73% not eligible. However, of those found eligible in 2007, only 17% have opted in, an extremely low rate.

A review of the statistics on the reason the person was denied entry into DRC makes the case for universal pre-trial screening: the vast majority of rejections were due to current or prior criminal factors. The time spent reviewing cases that did not even meet initial eligibility criteria could be saved by having Pre-Trial Services conduct the first screening to identify possible candidates.

Reviewing historical data, the main reasons for a defendant not entering the Spokane County Drug Court was:

Open misdemeanor or felony case:	391
Other current open reports:	263
Five prior felonies:	231
Prior violent conviction:	174
Additional charges with current arrest:	173
Multiple social security numbers:	139
Not a local resident:	124

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Warrants:	34
Pending referrals:	29
Transient:	19
Prior sex conviction:	13
Prior drug court:	6
Other reasons:	133

A uniform Pre-Trial screening would document all of the reasons noted here and help to establish a more pro-active policy to have defendants enter Drug Court.

### Review Sanction Policy

This Drug Court program stands out from many other programs nationwide in its purported limited use of jail to respond to dirty urine tests. This reflects a philosophy of tolerance, which is based on the belief that a least restrictive, therapeutic response should be employed to the greatest extent possible. If the defendant discloses drug use, for example, an alternative sanction is most often employed. In any case, the program will work to address the underlying reason for relapse.

This approach should be studied as part of more extensive outcome study that compares outcomes by different judicial and programs responses over time. Grant funding might be possible to compare this program with other programs that take a more strict approach to sanctions.

### Consider Drug Court Treatment and Reporting Tracks

The Drug Court is delivering a solid program with an exceptional team of professionals. The goal now should be to make the program available to more individuals.

The program is moving the majority of individuals through the program in a reasonable amount of time, although some clients have stayed up to two years, and the program may want to review the policy on maximum time allowed for program involvement. At the same time, consideration should be given to the development of treatment 'tracks' of varying intensity, guided by an assessment of criminal risk.

In four experimental studies, participants who were high risk for recidivism had better outcomes in drug court when scheduled to attend frequent biweekly judicial status hearings. In contrast, high-risk participants had poor outcomes when this level of contact was reduced. However, outcomes for low risk offenders were generally equivalent regardless of how often they were required to appear before the court.<sup>43</sup>

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<sup>43</sup> Marlowe, Douglas B. et. al, "Matching Judicial Supervision to Client's Risk Status in Drug Court," *Crime and Delinquency*, Volume 52: Issue 1: (January, 2006).

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### Conduct outcome study

The Drug Court program has tracked recidivism data for clients, and reports a low 13% recidivism rate two years after graduation. The next step would be to track recidivism rates for a matched group of offenders who do not enter the program. Data should also be tracked and compared by whether a client graduated or not, and by other characteristics (criminal history, drug type, types of services received, etc.). This kind of analysis helps refine and justify program operations.

### ➤ [Expand Detox Continuum](#)

A fully funded Detox program benefits the jail. When Detox is full the overflow often ends up in custody.

Spokane County has the only sobering unit in the state, and has a social detox model program. As a social model it does not have on-site nurses or a physician in the unit and as such cannot accept persons coming off of long-term opiate use, on methadone, or persons who have been using heroin within the last year. This limits the kind of cases it can accept. This does not mean, however, that there is not a place for social detox services. This represents an important least restrictive response on the continuum of crisis and stabilization services. The challenge is insuring that a full spectrum of services exist to accommodate the full range of needs presented.

Not only does the Detox program struggle with the inability to serve particular cases, it is also challenged by a lack of sufficient resources. On a daily basis it is in the position of having to refuse to accept cases.

The program also struggles with the lack of sufficient community resources to accept homeless client needing to transition back to the community within a stable setting. Having adequate residential treatment available as a transition option should continue to be explored (especially in light of the new state dollars available for housing), and should be planned as part of a 'point of exit strategy' that also includes exit from jail.

## VII. Information Systems

### ➤ [Establish Routine Data Reports](#)

The Criminal Justice System should routinely track summary data from each component of the system. This summary information, provided on a quarterly basis, will allow the on-going assessment of system workload, trends, and outcomes.

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The information presented in this Report provides baseline data for the Jail and the system. Routine review of this kind of information is recommended to track changes in population make-up, demands on the system, and improvements in case processing efficiency.

### ➤ Fund a System Data Analyst Position

The County should establish a position responsible for on-going jail and system data collection. Additionally, this person should assume the role of an Expeditor, working with Pre-Trial Services, the court, public defender and other agencies to be available to review an inmate's status and work to get them out of jail. This might include working with a demanding county as to whether they really want to receive the prisoner, working with the court to help facilitate the release of a sentenced prisoner held on a minor charge who has been cleared for release to Pre-Trial, accept calls from the public defender when defendants are in custody for multiple charges and clarification is needed, etc. This person would work closely with the city analyst that provides reports from the jail system.

### ➤ Establish Evaluation Protocol

The measurement of system efficiency must be coupled with the tracking of system and program outcomes. Any data collection protocol should be simple but substantive; and the data should be reviewed on a regular basis. Some of this data is already collected, some is not.

### ➤ Better Integrate Mental Health Data

Continue to explore how to better integrate mental health and criminal justice data. To the extent allowable by privacy laws defendant mental health information needs to be available to support a comprehensive and quality system response.

This issue should be addressed on a number of fronts: establishing protocols for seeking an individual's permission to share mental health information with the criminal justice system prior to such contact; establishing a method for comparing the daily jail log against mental health databases; formalizing reach-in efforts to the jail from mental health case managers; expanding Pre-Trial assessment questions pertaining to mental health; etc.

All of these efforts form the foundation for a humane and respectful approach to the person with mental illness who comes in contact with the criminal justice system.

## VIII. Conclusion

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Some of the recommendations outlined in this Report will require an investment in both time and money. This can be viewed as a 'pay me now or pay me later' proposition. This is because the implementation of these recommendations will result in the more efficient management of existing resources, thereby delaying the day when the county needs to start planning again for more jail beds.

Taken together, these measures form a strategic Corrections Master Plan for Spokane County.