



**Snohomish County
Auditor's Office**
Performance Audit Division

**AUDIT FOLLOW UP:
ILPP CRIMINAL JUSTICE SYSTEM STUDY**
9-7-2005

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1 INTRODUCTION

In January of 2003 Snohomish County contracted with the Institute for Law and Policy Planning (ILPP) to perform an efficiency study of the Snohomish County's criminal justice system was contracted between Snohomish County and the Institute for Law and Policy Planning (ILPP). Entitled *Targeting Opportunities for Improved Cost-Effectiveness in the Snohomish County Justice System*, the contract's objective was to identify ways that justice agencies in Snohomish County could become more efficient. This report is a follow-up to the study completed in 2003.

Specific target issues referred to in the project's Request for Proposal (RFP) included jail overcrowding, growing system-wide budgets, delays throughout the system, lack of alternatives to incarceration, scheduling of deputies, and questions concerning the building and staffing of a new jail.

ILPP stated that their methodology included:

- Population studies of the adult and juvenile systems
- Random data sampling
- Analyses based on earlier reports and memos
- Comparative analyses of national best practices

The final report was submitted to Snohomish County on January 21, 2003 and included recommendations for how the justice system and individual departments/offices could become more cost-effective.

1.1 Summary of Results

Snohomish County's Justice System agencies are working toward effective and efficient processes, programs and collaborations despite the fact that few ILPP recommendations were followed. In all, the ILPP study made 78 separate recommendations. Of these, Snohomish County:

- Followed 5
- Partially followed 5
- Did not follow 47
- Unclear 21

In the "unclear" category we included recommendations that the County had achieved or made progress toward, but this implementation was not a result of ILPP. For example, many recommendations made by ILPP were systems already in place in the target agency.

1.2 Objectives, Scope and Methodology

Our objectives were to determine the degree to which the ILPP recommendations were addressed by Snohomish County and the reasons why they were not followed if that was the case. To gather this information we performed the following tasks:

- Interviews, emails, and phone calls with directors, elected officials, and staff from each agency. The responses noted are directly from interviewees and have not been subject to further analysis or verification. Interviewed agencies included:
 - Clerk
 - Department of Information Services
 - District Court
 - Executive
 - Finance
 - Human Services
 - Corrections
 - Council
 - Law and Justice Cabinet
 - Office of Public Defense
 - Prosecuting Attorney
 - Sheriff
 - Superior Court
- Review of documents prepared in response to the ILPP draft study, these responses are directly from the documents and have not been subject to further analysis or verification, these include:
 - Executive Responses
 - NBBJ Response
 - SNOPAC Response
 - Superior Court Responses
 - Law and Justice Retreat materials
 - Finance Response
 - Clerk's White Paper
 - DIS Response
- Review of the initial study

2 GAS COMPLIANCE STATEMENT

This follow up study was performed in compliance with Generally Accepted Government Auditing Standards (GAS).

3 AUDIT FOLLOW UP DISCUSSION

3.1 General Reactions to the ILPP Study

In gathering information for this report, it became clear that many County officials had concerns about the study. The County officials that we interviewed believed that the study was conducted without appropriate analysis and did not incorporate input offered by the various agencies seriously.

Despite these shortcomings, many agreed that the report raised the County's awareness about certain issues and led to involved law and justice agencies' increased commitment to collaborate and move forward to improve the County's justice system.

3.2 Recent Criminal Justice System Initiatives

The Snohomish County entities involved with the criminal justice system reported that even before the ILPP report was issued they were engaged in a course of continuous improvement efforts and that they will continue these efforts. A sample of current innovations and improvements reported by agencies are listed below.

General:

1. Enhanced communication and cohesion between law and justice agencies
2. Ongoing technology development
3. Innovative new management in many departments

Implemented:

1. Victims notified when offenders are released from custody, Victim Identification and Notification Everyday (VINE) (Corrections)
2. Driving Under the Influence (DUI) Victim Panel and Alcohol Drug Information School information is provided to DUI offenders sentenced to the DUI Alternative Program (Human Services/Corrections)
3. Motorcycle traffic enforcement unit focusing on traffic safety (Sheriff)
4. The Arraignment Project (Prosecuting Attorney and Public Defense)
5. Collections amnesty program (District Court)
6. Three Drug Courts institutionalized (Superior Court)
7. Veterans Services Outreach facilitates treatment and other Veterans Administration services for veterans (Human Services)
8. Directed Patrol Units focusing on problem areas and problem situations in the county (Sheriff)
9. Remodeling has created more effective court spaces and wayfinding (Superior Court)
10. Legal Financial Obligation Project to collect fines and fees (Clerk, Superior Court, Prosecuting Attorney)

11. A subpoena website has been developed to assist Law Enforcement Agencies (LEAs) with decreasing their overtime costs (Prosecuting Attorney)
12. Increased education and offender change programs offered to jail inmates (Human Services/Corrections)

Planning Stage:

1. Development of alternatives to confinement, Center for Incarceration Alternatives and Options(CIAO) (Corrections/Human Services)
2. Plans to utilize certified chemical dependency counselors in the jail (Human Services and Corrections)
3. Space available for increased inmate programs in the jail (Corrections)
4. Planning for warrant amnesty (District Court)

4 STATUS OF ILPP RECOMMENDATIONS

The original ILPP recommendations follow. Each recommendation is shown in the box and is followed by responses gathered by the Performance Audit Division in regard to recommendation implementation or rationale against implementation.

Two similar recommendations: 2.1 and 9.1 are responded to below.

2.1 The County should request the assistance of the Plan Review and The Planning of New Institutions programs offered free of charge by the National Institute of Corrections (NIC) for assistance in finalizing and reviewing plans for the new jail and staffing.

9.1 Continue working on planning the current new jail construction project. A working committee of the proposed Criminal Justice System Management Group should further define the true needs of the jail and develop an improved classification analysis. The County should employ the available independent skills, including substantiation of this analysis, of the National Institute of Corrections.

At the time that the ILPP report was published the jail planning was complete and construction had begun. The County did not request the assistance of NIC.

3.1a Establish a Criminal Justice System Management Group that has the authority to review system issues, establish system goals and a mission statement, and develop and implement system policies to deal with identified issues.

The Executive's Law and Justice Roundtable was initiated in September 2002, prior to the ILPP report. This body was renamed the Law and Justice Cabinet with a budget note from the Council in 2003. Some believe that the issuance of the ILPP report gave this group renewed energy and focus.

3.1b Authorize the Performance Auditor to develop performance goals/program outcomes/operation goals consistent with ILPP recommendations.

The Performance Auditor has not been involved in development of goals for this group.

3.2 Review the continued feasibility of using two separate agencies to provide indigent defense services and research contract service models in other jurisdictions to determine how these services can be best provided.

The Superior Court and Office of Public Defense (OPD) still provide indigent defense services separately. An audit was recently conducted of OPD and made a recommendation to further study the efficiency of separate defense service provision.

Two similar recommendations: 3.3 and 5.5 are responded to below.

3.3 Review options and develop revised procedures for the omnibus hearing that will allow it to become a more meaningful court hearing.

5.5 Establish a task force, appointed by the County Coordinating Committee, to further study the current operation of the omnibus hearing etc. Part of the further study should be to survey how other Washington counties handle the omnibus hearing.

This court calendar continues to evolve through the work of collaborating systems. In 2000 the Executive reviewed this issue and found excessive continuances and unnecessary inmate transports. The Prosecutor and Court have made changes that have decreased continuances; however, most groups involved see this calendar as a useful opportunity for coordination between parties even if the case is continued.

Three similar recommendations: 3.4, 5.3 and 5.6 are responded to below.

3.4 Study the issues presented in cases where there are multiple charges involving the jurisdiction of both the District and Superior Court and develop alternatives to piecemeal adjudication. This should include, but not be limited to, authorizing District Court judges to act as Superior Court judges to resolve minor felonies or giving Superior Court judges authority to dispose of the misdemeanors at the time the felony charges are resolved.

5.3 The County Council and the Court Administration should work to change the current legislative scheme. With the support of the County Council, the two courts could request the state's Administrative Office of the Courts to take the portability issue under state-wide, establish a "best practices" model for vertical management of cases, and sponsor legislative initiatives that would permit counties like Snohomish to improve the portability and vertical processing of their cases.

5.6 The Snohomish County Court system should follow the national trend of consolidating and unifying the upper and lower division courts as much as possible to allow for cross-training and cross-powers, and to increase the efficiency of movement of cases through the system.

Some District Court judges pro tem in Superior Court, but scheduling is a barrier for further crossover. District Court judges are currently completing many felony probable cause and felony complaint hearings.

The unification of courts is an issue that the County can not effectively address at the local level. They do not consider it a priority for action based on other funding crises currently facing the system. Many suspect that unification will continue to be discussed at the state level.

3.5 Create a Domestic Violence Task Force to develop legislation to strengthen current statutes against domestic violence, including minimum sentencing requirements that include anger management; review the feasibility of reorganizing the delivery of domestic violence-related services that are currently spread among at least three different agencies; and plan a domestic violence court, including implementation plan and funding.

On July 28, 2003, Snohomish County convened the Snohomish County Domestic Violence Coalition. The initial purpose of the coalition was to assess the domestic violence system's response to the incidents of DV to victims of domestic violence. There are over 30 members from local government, law enforcement, advocacy, treatment providers, social service organizations and the community. A Domestic Violence Court or some iteration thereof is currently under discussion

4.1 Establish a steering or oversight group comprised of law enforcement managers, and SNOPAC managers and technicians to develop policies and procedures that will ensure the creation and collection of objective and reliable data that can be used to determine personnel needs as well as to develop a data-based management system.

The Sheriff's Department feels that data collection is not necessarily the best way to drive law enforcement decision making. The Sheriff currently has a representative and a board member in SNOPAC; however, SNOPAC is not a county agency and is fully independent beyond Snohomish County representatives on the board. Further SNOPAC data collection has not been pursued.

Two similar recommendations: 4.2 and 4.6 are responded to below.

4.2 Replace the 12.5 hour schedule with an 8.5 hour schedule including the extra half-hour paid overtime.

4.6 Audit criteria should be applied to the 8.5 hour plan. The study should be carried out by a qualified independent group.

The 12.5 hour schedule was a joint venture undertaken at the agreement of both the Deputy Sheriff's Association and the administration. It was eliminated following the pilot period because it did not work for the department overall. At this point the schedule is a mix of 8, 10 and some 12 hour shifts. The Sheriff is not at liberty to change the established hours of work without joint agreement from both the Deputy Sheriff's Association and the Sheriff.

4.3 Separate response time, performance and consumed time figures by precinct (North, South, and East). Modify CAD programming to facilitate generating reports described in the Law Enforcement Section of the ILPP report.

Some collection of response time is calculated by CAD, but data is not broken out by precinct. Modifications have not been done to meet ILPP recommendations. There are many confounding issues when calculating response times by precinct and the Sheriff does not see this as a useful tool.

4.4 SNOPAC should liaison with each agency it serves to arrange a night telephone number for citizens calling with a non-emergency need for a law enforcement officer.

Agencies agree that a night phone number would be useful; however, there are concerns about cost and management. Funding for such a service is not currently available and SNOPAC is not an agency over which Snohomish County has authority. It answers to a Board made up of various local government and agency members.

4.5 Maintain up-to-date training records for all deputies. Insure that all patrol deputies can demonstrate their knowledge of safety training with relevant tests.

Up to date training records for all deputies were in place before the ILPP study was conducted. The following testing is currently conducted:

- Firearms- Monthly training and testing takes place. Most deputies participate six times per year with a twice a year minimum per policy. If deputies do not meet minimum standards they must return for remedial training.
- EVOG (driving)-The expectation is that deputies participate twice per year and meet minimum passing requirements or return for remedial training.
- Defensive Tactics-Monthly training is conducted at each precinct and deputies are tested for competence.

There are also yearly Blood Borne Pathogen trainings and Hazmat trainings among others.

4.6 (see 4.2)

Two similar recommendations: 4.7 and 8.5 are responded to below.

4.7 Implement a monthly management report that tracks the use of the cite/release option. Tighten up cite/release procedures by specifying those specific situations in which a physical arrest is necessary and require the release of all other misdemeanor offenders unless the deputy or officer justifies to a sergeant the delivery of the arrestee to the jail booking area.

8.5 Establish booking criteria in partnership with law enforcement agencies in order to control intake at the front end. Screen defendants who are booked (both misdemeanants and felons) for pre-trial release.

No policy or tracking is in place for the cite/release option. Officer discretion is used but general practice is that officers do not book unless mandated by law or if they have significant concerns for community safety. Feedback that the Sheriff has received from other parts of the system is that they are not overbooking.

Corrections has been working with the Superior Court, Prosecutor and Public Defender on a screening instrument that will provide information to the courts for alternative placement decisions for pre-trial and post-adjudication inmates. OPD has two pre-trial screeners who go to the jail Monday through Saturday to conduct pre-trial interviews. They give the information to the judge, PA and PDA to help them make release determinations.

5.1 Develop policies and procedures that will reduce trial caseloads of the Presiding Judges of both courts to allow more time to handle administrative matters.

Both courts have administrators to handle administrative matters; however, Presiding Judges continue to feel the pressures of their administrative duties. The Washington State Administrative Office of the Courts' (AOC) workload/caseload studies for both court levels include an administrative factor: 18% for a Superior Court judge serving in a court with eight or more judges and 29% for District Court judges. The Snohomish County courts themselves do not utilize these percentages in their caseload distribution.

5.2 The courts and the County should cooperatively address the question of the actual amount and economic implications of uncollected fines. The involved agencies should work together to improve coordination of the collection effort and the adoption of uniform collection practices.

Many new actions have been undertaken regarding fine collection:

- Council has been receiving quarterly reports on fine collection.
- Sheriff fines and fees have been reviewed.
- The Clerk's Office is collaborating with the Prosecuting Attorney and Superior Court to collect non-Department Of Corrections (DOC) cases.
- County Clerks were authorized by the legislature to implement collection processes for DOC obligations and limited funding for that purpose was provided. The Clerk is implementing collection of these financial obligations to the extent that funding allows.
- District Court has some resources to collect fines. They utilize Probation and an internal Clerk's office for enforcement.

5.3 (see 3.4)

5.4 Either the County's Law and Justice Council, or alternatively, the County Council, the County Executive and/or Presiding Judges of both the Superior and District Courts could convene a problem-solving task force to examine the County process of case management from arrest to disposition.

Currently, a corrections-centered high level process flow exists. The development of a more system-wide process of case management is scheduled to begin in the next few months and will be coordinated by Corrections.

5.5 (see 3.3)

5.6 (see 3.4)

6.1 Establish a single probation agency separate from the courts.

This recommendation has been deemed a liability risk. Probation is subject to a simple negligence standard that could open separate probation agencies up to significant liability once distanced from judicial immunity.

6.2 Training should be provided to stakeholders, (Judges, District Attorneys, Defense Attorneys, Victim Advocates, and Probation and Batterer Treatment Agencies) on the "what works" in Probation supervision research. If the County wants to develop and implement best in class programs, all participants must become familiar with this research and be committed to change.

No training has been done to date, but the value of this recommendation is recognized and the courts are moving in this direction.

Two similar recommendations: 6.3 and 13.1 are responded to below.

6.3 Increase the use of sanctioning options like home detention and house arrest.

13.1 Alternative programs to incarceration deserve far greater priority and emphasis in order to make a greater impact on reducing jail overcrowding and improving recidivism.

Corrections is moving forward in partnership with the Courts, Prosecutor, Public Defense, and Human Services in implementing the Center for Incarceration Alternatives and Options (CIAO) which was begun prior to the start of the ILPP study. These alternatives to confinement/sentencing options include:

1. Work Release
2. Home Detention
3. Work Crew
4. Day Reporting Center

Goals are to:

- Develop a continuum of services
- Reduce non-compliance
- Better coordinate resources
- Provide evidence-based offender change programs
- Promote public safety
- Efficiently delegate limited resources

Human Services feels that this recommendation would not produce the savings indicated in the report; however, they have established a partnership with the Department of Corrections and are working to develop alternative programs to be implemented once the new jail is operational.

6.5 Law enforcement should be provided with a list of all active probationers, the names of their Probation Officers, and their probation conditions.

The Sheriff has not received this type of list, but believes that it could be useful if it were available to them. The courts are interested in being able to provide

information but do not currently have the technology to accomplish this easily. They may be able to provide some lists or resources as an interim measure. Fully developing this list could be costly.

6.6 Impose a Fourth Amendment waiver probation condition in all cases except diversion matters, to permit, with the Probation Officer's involvement, the search of a misdemeanor offender's residence and belongings by law enforcement.

The Sheriff's Office reports that if this were in place it is unlikely that they would have the resources to act upon these types of requests in all but the most urgent cases. According to Court Administration, Fourth Amendment waivers have not been regular probation conditions due to added liability that this may create.

6.7 On all misdemeanor cases, require that all able bodied offenders seek and maintain employment as a condition of probation. Unemployed offenders are at higher risk to recidivate and cannot pay restitution, fines and fees. Work with federally funded employment and job training programs to assist offender.

Employment has not been a regularly utilized probation condition. The courts seek to impose conditions that are relevant and achievable to minimize resource use and offender failure when it can be avoided. Providing the necessary support services to make an employment condition successful is not currently a funding priority.

6.8 The District and Municipal Courts should provide Probation officers with more discretion in the handling of technical violations including positive drug tests without returning a case to court.

This is a possibility but has not been acted upon due to liability concerns and competing priorities.

6.9 Consider case bundling in selected cases by permitting the offender to plead to the probation violation in lieu of new charges for non-violent type crimes where prison has been suspended on the initial probation order.

This program is possible but requires further analysis to determine its merits and feasibility. At this time it is not being pursued.

6.10 The County should consider establishing a single public service work program by pooling resources now invested by the County and State DOC.

The County already has state probation violators on its work crews.

6.11 Establish a council of top-level criminal justice leaders and human services staff across the county to address the county's drug and alcohol treatment issues.

The Human Services Division of Alcohol and Other Drug Treatment staff members have worked successfully with the criminal justice system on various drug and alcohol projects.

6.12 Establish a centralized collections function for all agencies and cities that contract with the County for services.

No centralization has occurred. Jurisdiction issues between the County and municipalities necessitate further analysis of such centralization. There are also jurisdiction issues among Superior Court and District Court, they have separate collection functions.

Two similar recommendations: 6.13 and 8.9 are responded to below.

6.13 The County should explore an automated telephone reminder system for those awaiting court hearings.

8.9 Implement an automated telephone reminder system for all offenders released pending a court appearance.

The courts do not currently have reminder systems. There are not resources to implement this recommendation. Other jurisdictions who have implemented reminder systems have found high degrees of error have had difficulty contacting defendants.

The Office of Public Defense makes phone calls to defendants who qualify for their Summons Plus program.

6.14 Consider an increase in probation supervision fees to cover any cost associated with moving toward research based intervention approaches. These probation fee increases need not negatively impact overall collections. When combined with a requirement that offenders be employed, overall collections should increase in all categories (fees, fines, restitution, court costs, etc.)

No changes have been made to District Court's supervision fees¹ since the ILPP report. Fees are currently \$50 for a record check, \$150 for administrative monitoring and \$35/month for active supervision. State law limits use of probation fees collected to fund probation services and may not be used for the recommended "research based intervention approaches."

7.1 Review the feasibility of using private collection agencies to collect delinquent payments and delegate appropriate authority to the County Clerk for establishing such a collection program.

The Clerk hopes to utilize private collection agencies for delinquent cases that are no longer practical to pursue internally but has not yet implemented this process.

7.2 Review the feasibility of moving responsibility for assisting victims of domestic violence to obtain protective orders to another justice agency such as either the District or Superior Court.

This requires further review because state law provides for domestic violence jurisdiction at municipal, district and superior court levels. It is not currently being pursued.

¹ Superior Court supervision is provided by DOC, a separate agency.

8.1 Assign an attorney to meet regularly as a liaison with particular law enforcement agencies. The liaison would discuss charging needs and police report requirements, as well as act as a contact person within the County Prosecutor's office when questions arise for the law enforcement agency.

The Prosecutor's Office has always had liaisons with Law Enforcement Agencies (LEAs). The Chief Criminal Deputy is the primary liaison with all LEAs. He regularly emails LEAs with updates to the Prosecuting Attorney (PA) rotation schedule and changes. The Prosecuting Attorney meets with Police Chiefs from each LEA yearly. The Prosecuting Attorney and Chief Criminal Deputy meet with Police Chiefs as a group quarterly. The Chief Criminal Deputy has quarterly meetings with LEA command staff. The Chief Criminal Deputy or his designee attends regular (often monthly) trainings for LEA staff to improve reporting and other related work. Following a homicide LEAs contact Chief Criminal Deputy and a PA goes to the scene to assist. The office is exploring the possibility of allowing LEAs to access their case control system (read-only) to assist in LEA activities. The office considers themselves communicative, helpful and "cop friendly." The Sheriff is happy with coordination from the Prosecutor.

8.2 Eliminate the filing of felonies in District Court that are not eligible for expedited handling specifically those felonies where additional investigation is required and that will be re-filed in Superior Court after they are dismissed in District Court.

In District Court the PA can file a complaint within the two day limit, and then has two weeks to gather information and evidence to determine if the case is feasible to prosecute. This two week deadline facilitates action on the part of the LEAs to provide information. A defendant has their first significant hearing (and opportunity for dismissal) at the two week date. Superior Court requires a great deal of paperwork and time investment to file. The first significant hearing is usually more than 30 days out, often resulting in much more defendant time in custody before a decision is made about prosecution feasibility. Approximately half of the felony cases initially filed in either court must be dismissed for lack of evidence at the first hearing.

8.3 Review the current policy of spreading intake across several different units to determine the feasibility and efficiency of a central intake unit for all charges.

The Prosecutor's Office once had central intake but for many reasons it was not working efficiently or effectively. They separated out the violent crimes and other difficult cases and the dismissal rates for these types of crimes went down by about half. The reasons for unique intake teams include the following:

- The quality of work for intake of nonviolent and drug offenses vs. violent, sex crimes etc are very different. The latter require a great deal more research and verification from victims, witnesses and other data sources.
- Moving too quickly through the intake process for difficult cases resulted in more filings, more dismissals and more jail time.

8.4 Prior to each in custody arraignment calendar, the Prosecutor's Office should attempt to make copies of all discovery that it has received to date in the calendared cases and send such discovery, along with a plea offer, to the jail or the office of the PDA.

The PA for the Arraignment Calendar receives a list of defendants at 8am. The Arraignment Calendar begins at 9am. It is untenable to be able to provide discovery and plea offer for the defense attorney in this period of time.

At District Court Arraignments the prosecutor makes some offers and settles some cases based on the information available. Offers are generally not made in cases where there is an identifiable victim until that victim is contacted following arraignment. The PA and PDA now attend the Arraignment Calendar when they can to dispose of as many cases as possible given the timeframe and the little information available to make good decisions at this stage of the case.

8.5 (see 4.7)

8.6 Consider the implementation of video meetings between defense counsel and jail inmates as an interim solution during jail construction, as well as a long-term solution to facilitate attorney/client meetings.

The new jail has facilities for video conferencing for defense counsel as well as inmate family members. The capability for off-site hook-up to Public Defense agencies is in process.

8.7 Utilize an objective risk predictive scale to determine who is a good risk for pre-trial release. This will result in more defendants qualifying for release and improve overall decision-making.

The staff for the Law and Justice Cabinet worked on this project for some time for OPD. The results were not satisfactory and the department is still without a useful tool. It is not currently a top priority for OPD, but they are working with Corrections to develop an appropriate screening tool for use with their CIAO program.

Three similar recommendations: 8.8, 8.15 and 9.14 are responded to below.

8.8 Empower the pre-trial release officer with the authority to affect releases in accordance with guidelines established by the Court.

8.15 Expand authority and responsibilities for Pre-trial Services.

9.14 Expand authority and responsibilities for Pre-trial Services to conduct an early screening process for all new arrests to divert those appropriate for release.

Due to Judicial immunity, jail release decisions are best left to Judges to avoid significant liability risk to the County. Currently, Pre-Trial Services does not seek information from the victims in the case, but the Prosecutor's Office does do this. Pre-Trial Services screens inmates within 24 hours of booking to assure that Judges have background information.

The PA reports that costs increase when release of defendants lead to warrants, re-arrests, rebooking, jail and return to court. Many of these defendants commit

new crimes in the interim making prosecution more complex and costs to the community much higher in the long run.

For these recommendations and others, it is important to gauge resource availability with need and judicial interest in new program developments. Currently, Judges have not requested additional levels of service.

8.9 (see 6.13)

8.10 Implement a pre-trial supervision program that requires regular call in and drug and alcohol testing for offenders booked on alcohol and drug type offense.

The Snohomish County pretrial program does not currently supervise defendants who are released before trial for both a resource and liability reasons. Corrections' CIAO program may provide resources for drug testing as it develops.

8.11 Station an Alcohol and Drug Specialist in the jail booking area during peak booking periods to assess and refer substance abusers to appropriate treatment and or detoxification agencies prior to the initial court appearance.

Corrections is working to develop a risk/needs screening tool, to implement at booking. This screening will determine the need for further evaluation by a certified service provider. 60-70% of those booked are released within 24 hours so it would not be efficient to assess each person booked.

8.12 Move the pre-trial services function back to the County DOC and station it in the booking area.

Pre-trial services remains a responsibility of OPD due to lack of evidence that a change in responsibility for the program would yield improved results.

8.13 Develop a pre-trial management information system that allows for the detection of problems, and the targeting of solutions. Such data should include: number of defendants screened, risk score, type of release decision, reason for non-release decisions, FTA rates, and judicial concurrence rates.

DIS may work with OPD to develop a system to track this data as resources allow. Much of this data exists within OPD but is not used in a coordinated way at this time.

8.14 Once major changes recommended in this report are implemented, the respective attorney staffing levels in the Prosecutor's and Public Defender's offices should be re-examined in light of reduced recidivism. Although the recommendations should save staff in both offices, in order to more closely evaluate whether they are adequate to serve the expected and actual caseload, further study is needed.

The Prosecutor's Office reports that their workload has not decreased. They state that LEA referrals increased 22% last year as staffing in their office

decreased. They believe that only decreased population, decreased crime, or changes in criminal law will decrease staffing needs. The same holds true for OPD, and PDA staffing is already fluid and is determined by caseloads.

8.15 (see 8.8)

9.1 (see 2.1)

9.2 Enforce a firm capacity for each facility. The County must identify the person or agency responsible for establishment of a jail capacity.

There is a firm capacity set for the old jail, 477. The new facility has a capacity of 674 including specialized beds. If these numbers are to be exceeded, it will be a result of a deliberate decision process by Corrections management.

9.3 The County Executive should seek an external management assessment by the National Institute of Corrections of the current corrections leadership.

The “current corrections leadership” at the time of the ILPP study is no longer a part of Snohomish County. A management assessment has been done internally by the new leadership rather than utilizing NIC. There is widespread satisfaction with the changes implemented by the new corrections administration.

Two similar recommendations: 9.4 and 9.5 are responded to below.

9.4 Develop a release matrix to achieve population capacity.

9.5 Bring the main jail population down to the established capacity. Move expeditiously to reduce the current main jail population to its rated capacity of 477. Immediately identify offenders who can be diverted to other forms of sanction or release mechanism in order to reduce the current main jail population.

Corrections reports that release matrices are primarily utilized by jurisdictions that are under a federal court order to manage facility population. With the opening of the new facility it is unlikely that Snohomish County will be in this position for the foreseeable future.

9.6 Create a full time jail population management officer to monitor and implement a jail capacity limit.

This is only necessary in institutions where the court has ordered a capacity lid. These officers monitor and manage the release matrix to maintain daily population limits. There is not currently a full time population manager in corrections. However, Corrections does have a Population Management Team that meets to discuss population management short- and long-term. Also, these issues are addressed by the senior management team.

Two similar recommendations: 9.7 and 9.8 are responded to below.

9.7 Review recommendations of the Murray Report and document action taken on issues of jail crowding outlined in the report since April 2000.

9.8 Develop and implement alternatives to incarceration recommended in the Murray report.

Some of the issues in the Murray report² need reassessment based on assumptions made for the report vs. current conditions in the County. Many of the report's recommendations are useful and it continues to be utilized by Corrections management.

Alternatives to incarceration are a very high priority for Corrections, but the report does not appear to recognize the court and bar roles in affecting increased use of these alternatives.

9.9 Increase attorney access to prisoners.

Attorneys were allowed in the modules and other visiting rooms during the elevator renovation and throughout construction of the new jail. The video conferencing system further increases access. The new jail has 14 Professional Visiting rooms and 35 video monitors that are available for direct or indirect attorney visits.

9.10 Implement a warrants reduction strategy.

OPD currently contacts defendants on specific calendars to remind them of their court appearances and warrants are issued if a defendant fails to appear in court, but overall a warrant reduction strategy has not been implemented. Warrants are rarely served outside of the normal course of Sheriff duties except for Drug Court warrants. No resources currently exist to pursue this recommendation.

9.11 Establish authority for the County Department of Corrections to move offenders to appropriate programs.

Corrections has worked with the Prosecuting Attorney, OPD, Public Defenders and Courts to develop the CIAO program to provide more alternative sentencing options that would include offender change programs and alcohol and other drug treatment. Liability concerns had previously existed in allowing DOC to move offenders independently. In 2004, the Snohomish County Council passed ordinance 04-090, which gave the court the direct sentencing/sanctioning authority for placement into an alternative to confinement program. In 2006, with the completion of the jail renovation program, the Work Release Facility will relocate to the new space in the Wall Street Building and the CIAO programs will operate out of the basement of the Carnegie Building.

² Snohomish County Regional Justice Center Utilization and Needs Assessment", April 2000 (Murray and Associates)

9.12 Carry out an independent staffing analysis for the facility.

A staffing analysis was done internally in May 2004 and presented to Council in response to a budget note.

9.13 Develop a memorandum of understanding to be signed by all affected agencies.

Contracts are in place for municipalities and others who work closely with the jail. Most intra-County collaborations are conducted via committee and ongoing communication.

9.14 (see 8.8)

10.1 Establish a law enforcement liaison [from the Juvenile system] to work with and educate law enforcement personnel about intake policies and charging needs.

There has been no new pursuit of this goal; however, Juvenile Services believes that they are already effectively communicating with other law enforcement agencies on this issue.

10.2 Work with Probation to identify ways to get a completed probable cause packet to prosecutors as early as possible on the morning of the probable cause hearing.

This issue was resolved during the ILPP study. Protocols have been set and are going well. There are multi-system meetings to address case flow quarterly within Juvenile Court.

10.3 Establish a council of top level criminal justice leaders and human services staff across the County to address the County's drug and alcohol treatment issues (see adult-probation section). Begin immediately to shift treatment services to a strong research based cognitive behavioral approach to enhance outcomes and better address the special needs of the dually diagnosed offender.

The State mandates that publicly funded treatment be delivered in accordance with standards established by the American Society of Addictive Medicine (ASAM) - an individualized, cognitive treatment methodology. Providing chemical dependency treatment to indigent and low-income people is challenging given that often they have mental health needs but their needs are not sufficient to meet mental health system criteria. Also, juveniles in publicly funded treatment often have little or no family support or positive role models in their lives.

10.4 Implement a community assessment center, i.e. "one stop shop," for families to get help before their children come to the attention of the juvenile justice system.

Since the completion of this study community feedback solicited by Human Services indicates that a one stop facility may not be the best approach at this time.

Two similar recommendations: 11.1 and 11.2 are responded to below.

11.1 The County and municipal governments should adopt a common integration and data flow policy. Each agency should review their databases and either replace or modify them if they are unable to produce and transmit information in standard ASCII or XML database formats.

11.2 The County should acquire data integration software that permits day-to-day operational information from each agency to be relayed to the next user downstream without duplicate entry of data.

Replacement and upgrade of County information systems is taking place as funding is available. When replacement occurs, integration with other justice systems is a priority.

11.3 The integration software and agency databases should be accessible to report writing software that can be utilized by a skilled agency employee rather than requiring the services of a central information services employee or outside consultant.

New software allows agency employees to create their own reports rather than requiring DIS or consultant assistance.

11.4 Each agency should make sure its system will permit competitive bidding to meet future needs rather than being restricted by a proprietary system that requires that improvements be made by a sole provider.

DIS reports that proprietary systems are acceptable for use. They have been developing integration processes that interact with proprietary systems to glean necessary data.

11.5 Databases that need replacing should, if possible, be paralleled for a number of years by a new more flexible data system that does not require double entry of data.

DIS reports that paralleling systems is standard practice and that they use this process.

11.6 The DIS and several County criminal justice agencies created the Law and Justice Integration Committee to do planning on data integration and automation. While the committee has been making progress over the past two years no definite plan is yet in place. Since further fragmented database applications result in delays and inefficiencies, which further generate unnecessary costs, the County should hire an independent data integration expert very soon to assist the committee in the formulation and implementation of a final plan.

An individual was hired to staff the Law and Justice Cabinet integration and automation project; however, their skills did not ultimately match the needs of the County. Integration is a very expensive and ongoing process.

13.1 (see 6.3)

13.2 Increase the utilization of cognitive-behavioral approaches to drug treatment.

The State (WAC 388-805) and the Budgeting Accounting Reporting System (BARS) manual that is part of the Chemical Dependency contract with the State mandates that publicly funded treatment be delivered in accordance with

standards established by the American Society of Addictive Medicine (ASAM)—an individualized, cognitive treatment methodology. These standards were followed prior to the ILPP study.

13.3 Planning at the highest level should be undertaken in order to integrate public health and human services planning and budgeting into the County's investment in local corrections in order to capitalize upon major existing opportunities. Instead of pointing out the limitation of funds, statutes and guidelines, a plan is needed, sponsored by the County Executive, to maximize what HSD and Public Health might accomplish to lower criminal federal and state justice costs and lower the detrimental social and public health impacts of a crowded justice system that emphasizes custody without programs.

The majority of funding for Human Services is from state and federal grants with specific target populations and stringent grantee regulations. Under current state guidelines, persons who are incarcerated or institutionalized are not eligible to receive Medicaid funded services. The County has invested \$300,000 to provide treatment for drug court participants in 2004. \$285,000 has been committed in 2005. Human Services has established a partnership with the Department of Corrections and is working to implement alternative programs once the new jail is operational.

13.4 Increase efforts to apply for and secure grants and assistance from human service and health agencies in order to protect the County's large criminal justice investment.

Federal and state funding opportunities are very limited at this time. Human Services continues to research potential sources of new funding on an ongoing basis. Last year they implemented grant seeking software. In 2005 there was no funding available for re-licensing of the software.