



**Snohomish County
Office of the County Performance Auditor**

**AUDIT FOLLOW UP:
The Snohomish County
Criminal Warrant Process**

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1 BACKGROUND

The audit of Snohomish County's Criminal Warrant Process was completed in March of 2007. This audit follow up report reflects the degree to which recommendations made in the audit have been addressed by the county's criminal justice community.

Elected officials, management, and staff from the eight criminal justice related entities have dedicated time and energy addressing recommendations made in the audit report. Positive changes have been made or are in development, enhancing and improving the county's criminal warrant processes.

Noteworthy Accomplishments

In addition to addressing audit recommendations:

- The Justice System Workgroup led by the Prosecuting Attorney has spearheaded warrant-related activities. The group includes people from all departments, offices, and courts involved in the Criminal Warrants Audit. The workgroup meets twice a month and plans to continue as a subcommittee of the Law and Justice Council when it is implemented.
- The District Court recalled warrants after they determined that they did not meet probable cause standards as a result of preparing for the warrant sweeps. Thousands of warrants were reviewed and hundreds dismissed during this process.
- The Prosecuting Attorney is in the process of "remodeling" the probable cause process. This may decrease the number of persons charged and reduce the number of continuances; both of these outcomes may reduce the number of failures to appear. The new process will also eliminate specific court dates on citations and all charged defendants will be summoned via mail, so accurate address information will be especially important.
- The County Clerk's collection program will increase the number of defendants included in non-judicial collections processes, resulting in a decrease in the number of hearings and possible resultant FTAs related to monetary obligations.

2 OBJECTIVES, SCOPE, AND METHODOLOGY

The purpose of this audit follow up is to determine if the recommendations made by the Office of County Performance Auditor in the Criminal Warrants Audit have been addressed.

In order to determine whether recommendations were addressed the auditors:

- met with elected officials, managers, and staff;
- reviewed documents and reports; and
- attended Justice System Workgroup meetings.

3 OVERVIEW

Report Structure

The follow up report includes the three areas of focus from the audit with corresponding recommendations and policy options. The three areas are failures to appear, backlog, and administration. Comments are provided in each section describing the progress made toward addressing the recommendations and activities related to each policy option. In some cases, independent verification of information and analysis of data was not possible.

Color Coding

The Office of County Performance Auditor uses the following color system to show progress on audit recommendations:

	The audit recommendation has been addressed or the issue has been resolved by alternate means.
	Resolution of this audit recommendation has been initiated or plans are in place to resolve the issue.
	Little or no progress has been made toward addressing the recommendation.

Recommendation Status

When recommendations are fully addressed (color coded green), they are considered “closed”. Recommendations that are color coded yellow or red are considered “open” and will be evaluated annually until closed.

The law and justice community has addressed or partially addressed all of the audit recommendations. A number of activities focusing on the warrant backlog have been implemented, closing recommendation 2. The Performance Auditor will assess activities related to recommendations 1 and 3 in a review as part of the office’s annual report.

4 FOCUS ISSUES, RECOMMENDATIONS, AND PROGRESS

4.1 WARRANTS AND FAILURES TO APPEAR

Recommendation 1

The law and justice community should:

1. decrease the cost and time impacts of warrants on the system;
2. decrease the risk to the community;
3. reduce failure to appear rates; and
4. improve communication with arrestees/defendants/offenders.

A reduction in the number of warrants issued and failures to appear would decrease costs, increase revenues, and improve defendant accountability.

The audit found that:

- warrants consume significant county resources;
- Snohomish County felony and misdemeanor FTA rates are high; and
- communication with defendants could improve.

There has been law and justice action focused on reducing failures to appear and many activities have been initiated but not fully carried out. In particular, further action related to determining if felony defendants are in custody prior to issuing warrants; identifying further opportunities to utilize existing data; implementing processes to notify defendants of court dates; and more focus on collecting and verifying contact information may reduce resources spent on warrants over time and help achieve other law and justice goals.

POLICY OPTIONS: Reducing Failures to Appear

Policy Option 1: Check Custody Status in the Courtroom

Determine if individuals who have not appeared for court are in the Snohomish County Jail before issuing a warrant.

District Court

District Court reports that Evergreen District Court staff regularly check custody status of defendants before issuing warrants. Many other District Court divisions have implemented custody checks as well.

Policy Option 2: Effective Use of Existing Law and Justice Databases

Seek additional information from existing databases to make law and justice activities more efficient.

Corrections

Corrections staff is in the process of developing a system to cross-reference the outstanding warrants web site with the jail population. They found defendants in

custody on 240 different warrants. The jail is now checking for outstanding warrants early in the booking process so that matters can be promptly addressed.

District Court

Snohomish County District Court divisions review the jail's felony probable cause list for District Court warrants.

County Clerk

The County Clerk's Office uses information from the Law and Justice databases to update the new warrant website.

Sheriff's Office

The Sheriff's Office utilizes law and justice databases to obtain warrant information to compile lists for warrant sweeps.

Policy Option 3: Provide FTA Information to Individuals at Sheriff Contact

Inform defendants of the consequences of failing to appear at the time of sheriff contact.

Sheriff

The Sheriff reports that deputies are communicating the importance of appearing for court dates, but we were unable to verify this.

Policy Option 4: Court Date Reminder Contacts

Implement programs to make calls to defendants in the week prior to their court date reminding them of the date, time, and location they are to appear.

Department of Information Services/Office of Public Defense

DIS is working with the Office of Public Defense to evaluate vendors of automated systems to make court date reminder calls. No final determination or launch date has been set.

Office of Public Defense

The Office of Public Defense telephones defendants to remind them of Superior Court arraignment dates when resources are available.

Policy Option 5: Systematic Collection and Verification of Contact Information

Make efforts to ensure accurate defendant address and phone contact information.

District Court

District Court staff verify contact information each time they have a phone or in-person contact with a defendant and update it directly in DISCIS. Some District Courts ask defendants to verify current addresses and phone numbers on the record each time they appear in court.

Prosecuting Attorney

The Prosecuting Attorney's Office added a place on Detention/Release and Sentencing Orders for defendants to enter their address and a new form to collect address and other information by officers at first contact is in development.

Superior Court/County Clerk

Superior Court reports that addresses are often being verified on the record, but that the practice is not systematic. When in-custody defendants are released on their own recognizance pretrial services verifies addresses.

Office of Public Defense

Defendants sign an acknowledgment of rights form that includes a space for their mailing address. The OPD attorney confirms the mailing address with the defendant and warns the defendant about the negative impact to the defendant of the court having a faulty address.

Policy Option 6: Make hearing Information Available on the County Website

Make court hearing dates, times, and locations available for defendants on County websites.

District Court

The District Court recently added information on their website providing weekly court calendars.

In addition, the District and Superior Court websites have links to the state courts website to find court dates and case information.

Policy Option 7: Court Information at Release

Provide specific court information to defendants when they are released from custody.

This policy option has not been identified as an action area by the law and justice community.

Policy Option 8: Court Services at the Jail

Implement a court services program at the jail.

This policy option has not been identified as an action area by the law and justice community.

Policy Option 9: Failing to Appear has Substantial Consequences

Foster a reputation for being “tough on crime”.

Sheriff

The Sheriff's Office put up posters advertising the County's new outstanding warrants inquiry website and potential warrant sweeps, encouraging people to come in and clear any outstanding warrants.

Prosecuting Attorney

The Prosecuting Attorney files “bail jumping” charges for felony defendants and may extend this to misdemeanants in the future.

4.2 REDUCING WARRANT BACKLOG

Recommendation 2

The law and justice community should take actions to reduce the backlog of outstanding warrants.

Decreasing the outstanding warrant backlog will reduce the number of wanted persons who are not answering to charges brought against them and who may pose a threat to community safety. The audit found that there is a backlog of 10,000 outstanding warrants dating back to 1969.

The law and justice community has made efforts to address the backlog of warrants. Although the number of outstanding warrants in the system has not decreased, the activities undertaken in this area have contributed to a commitment to defendant accountability.

POLICY OPTIONS: Reducing Warrant Backlog

Policy Option 10: Active Warrant Service

Actively serve warrants.

Sheriff/Prosecuting Attorney/District Court/Corrections

The county has conducted two warrant sweeps since the audit. The process has been a rallying point for the law and justice community and has fostered teamwork and communication across systems.

The first warrant sweep in October 2007 resulted in five arrests. The law and justice community took the opportunity to evaluate processes and then streamlined actions for the second sweep in February. The outcome of the February sweep included 12 arrests and 17 warrants served. The Sheriff's Office reports that they plan to implement regular warrant sweeps including felony warrants in the future.

The Office of Public Defense

The Office of Public Defense and the Public Defender Association provide defense representation at special calendars after warrant sweeps.

Policy Option 11: Warrant Amnesty Programs

Provide incentives for persons with outstanding warrants to come to court in order to reschedule missed court dates.

This policy option has not been identified as an action area by the law and justice community; however, District Court reports that there are informal "amnesty" processes set by individual judges.

Policy Option 12: Publicizing Outstanding Warrants

Utilize websites or newspapers to publish photos, names, and public safety information regarding warrants.

District Court

Felony and misdemeanor warrant lists are now available on the District Court website along with a FAQ section with information about how to resolve a misdemeanor or felony warrant. The paper ran an article in October 2007, publicizing the new website and upcoming warrant sweep.

Superior Court/County Clerk

The Superior Court and County Clerk websites have a link to the outstanding felony warrants list. The County Clerk is responsible for maintaining information on the website and responding to inquiries.

Sheriff

The Sheriff's Office put up posters informing people of the new Outstanding Warrants Inquiry website. They also implemented an anonymous tip line for citizens to call in to report information that could lead to outstanding warrant arrests and have received over 20 tips.

Department of Information Services

DIS reports that the District and Superior Court outstanding warrant inquiry websites have received more than 1100 visits as of May 2008.

Policy Option 13: Warrant Recall Fee

Charge a fee for missing a court date and for rescheduling another hearing date.

This policy option has not been identified as an action area by the law and justice community.

Policy Option 14: Warrant Notification

Devise a warrant notification system informing defendants of outstanding warrants and how to resolve them.

District Court

District Court is evaluating whether this function could be added on to the automated court date reminder system that is being reviewed.

Policy Option 15: Re-Issuing of Misdemeanor Warrants

Actively manage the re-issuance of misdemeanor warrants.

Prosecuting Attorney

The Prosecuting Attorney's Office has established new criteria for re-issuing misdemeanor warrants. The criteria restricts misdemeanor and gross misdemeanor warrants from being re-issued after the initial three years the warrant is outstanding and limits the number of warrants that can be re-issued a second time.

4.3 WARRANT ADMINISTRATION

Recommendation 3

The law and justice community should:

1. decrease time from warrant order to warrant entry; and
2. decrease redundancies in data entry.

Effective administration of the warrant process will increase efficiency, effectiveness, and timeliness.

The audit found that:

- warrant management should be more timely and efficient; and
- data entry in the law and justice system is inefficient.

POLICY OPTIONS: Warrant Administration

Policy Option 16: Misdemeanor Electronic Warrant Upload

Electronically upload warrant data directly into the state criminal information database to make the information available to law enforcement right away.

Department of Information Services

Uploading warrants from one database into another requires consistency in data systems. Plans to upload warrants are currently on hold until decisions are made about the longevity of the Sheriff's RMS database.

Policy Option 17: Integrated or Partially Integrated Data Systems

Law and justice system data integration could eliminate the need for redundant warrant data entry and ensure that there are fewer information gaps.

Department of Information Services

Integrating data systems is an ongoing and iterative process. DIS and other systems administrators at the state and federal levels are making continuous efforts to improve and integrate law and justice information systems.

Recently, DIS has provided planning and support: enabling the navy to share Snohomish County booking photos; providing a daily corrections extract to assist with immigration enforcement; and sharing corrections data with other entities across the country. Internally, DIS has developed look-up processes that blend jail and prosecutor information and the reader board project has made data from the state level available on screens in the courts.