

## Pierce County Pretrial System Processes Map Narrative - v.2

### ***1 – 5 describes steps Law Enforcement Contact (Intercept 1)***

- 1) Civilian/witness-initiated call to dispatch - any call pending has a victim or witness attached to it
- 2) Officer initiated through
  - a) Direct observation
  - b) Traffic stop
- 3) Agency Assist
  - a) CPS or APS request help during a side investigation and want LE present for protection
- 4) LE conducts investigation report is filed in centralized records department (ENFORCER/RMS) and/or
- 5) DCRS conduct assessment - decision about whether one/both intervene made on a case by case basis
  - a) Designated crisis responders (DCRs) make the call to send them to the hospital for an IC consideration as they're part of the mental health system

### ***6 – 10 describes Potential Outcomes (applicable to officer or witness initiated)***

- 6) The incident "self-resolves" for a number of reasons
  - a) No criminal element
  - b) Report of a suspicious person but on LE arrival no one is present.
  - c) No report from law enforcement – there was a crime or a reportable event but the officer did not complete report
  - d) Different agency should be involved, e.g., call is a code enforcement issue and not a police issue
  - e) Behavior Correction
  - f) Civil Fine/Infraction
- 7) Medical - transfer to medical facility
  - a) Jail will divert individual to hospital for stabilization
  - b) Obvious medical problem will lead LE to sometimes charge person with MD and leave them to get medical care
- 8) Mental Health commitment (voluntary and involuntary)
  - a) 3 prong criteria to determine: Unable to care for self, threat to self, or threat to others
  - b) Individual who meets any of three criteria will be transported to MH facility for involuntary commitment
  - c) For individuals who don't meet any of three criteria, LE officer will attempt to convince them to voluntarily self-admit to a MH facility (assuming capacity at facility and medical suitability)
  - d) Officers use discretion which is refined by the MH training offered by the state academy. All officers are equipped to do this (2 hours of annual CIT training).

e) This is going to be the bulk of their calls as MH and homelessness are a major focus of many issues in Pierce

9) Cite and Release

- a) Decision usually driven by officer discretion
- b) Low level crime, individual is cooperative
- c) Suspect is already in the system and therefore fingerprinting is unnecessary
- d) Misdemeanor Warrants
- e) No space in County Jail
  - i) System issues also influence this decision
  - ii) Officers can look at the computer and get an estimated wait time for jail booking. They can see if it's going to take two hours to book someone and take the officer off the streets

10) Custodial arrest

- a) Officer determines probable cause (PC)
- b) All felonies, DV arrests, DUIs (state law requires first timers)
- c) Person determined a danger
  - i) Element of deadly force
  - ii) LE have to use deadly force
  - iii) Arrest, bring to hospital, or morgue
- d) Person is known to local law enforcement from prior contacts which may result in arrest versus citation and release
- e) Warrants
  - i) Felony Warrants
  - ii) DOC non-compliance - in the system, but non-compliant with DOC
  - iii) Qualifying FTA (warrant) in the system
  - iv) PC warrant
  - v) Misdemeanor Warrants carry a dollar amount
    - (1) If above a certain amount they go to jail (varies by jurisdiction)
    - (2) If it's one warrant, below dollar amount threshold they're not going to get arrested.
- f) Driven by population of the jail – if there aren't enough of a particular type of bed available in the jail the jail will send out an email blast informing LEA of limits
  - i) TPD sometimes uses Nisqually

**11 – 17 describe jail booking decisions and Pretrial Services actions (Intercepts 1-2)**

11) Jail screening for booking eligibility

12) Book and transport to medical or mental health facility

- a) People booked are determined in need of MH or medical care
  - i) 24/7 nurse that will screen people at the jail who will look for medical issues. They have a full pharmacy and medical doctor who can handle stuff. Central question is whether they're able to book them in

- (1) Pierce Co pays for the medical expenses and hospitalization. On a case-by-case basis jail contacts PAO and/or PTS for alternatives options.
- 13) Book and Release - SIP (special identification process) - for Misdemeanors only
- a) Low level crime
  - b) Jail ID's, fingerprints, and checks for warrants
  - c) Gives court date
    - i) Serves purpose of creating a record
- 14) Book into Jail
- a) Jail staff compile criminal history, do warrant check
  - b) Send for booking up until noon.
- 15) Pretrial Services screens for indigency on all felony and misdemeanor bookings since last business day
- a) Get booking list by 5:30
  - b) Meet w/individual in the jail
    - i) Conduct indigency screenings for all bookings (SC and DC)
      - (1) Separate indigency screening from risk assessment
      - ii) No risk assessment or PTS interviews completed on DV, Assault 1<sup>st</sup> degree, Sex offense and Capital offenses charges, DOC holds, open Superior Court cases, or misdemeanor cases
    - c) Indigency screenings are sent to the SC, DC, and DAC
- 16) Return to office, run criminal history (both state system and NCIC), attempt to verify address/employment by contacting persons reported by individuals in the jail.
- 17) Send list to court, PAO, and DAC w/PTS risk assessment and monitoring recommendation

***18 – 26 Describes Pre-arraignment, charging and defense processes (Intercept 2)***

- 18) Prosecuting Attorney's Office receives notice of persons in the jail prior to midnight the previous day for a review of a filing decision to be made by noon and police report if available in LINX. Criminal history check is completed which includes review for any active warrants. Based on the information contained in the police report, information is screened by appropriate unit in the Prosecuting Attorney's Office:
- 18a) General Crimes Charging Unit
  - 18b) Sexual Assault Unit
  - 18c) Homicide Unit
  - 18d) Domestic Violence Unit
- 19) General Crimes Charging Unit contains three units
- 19a) General Crimes
  - 19b) High Priority Offender
  - 19c) Violent Crimes
- 20) Charges filed
- a) Assigned unit prepares charging documents
  - b) Drafts PC statement

- i) Prosecutor files its own PC declaration (different from other WA counties) which allows the court to set conditions of release
  - c) Prepares a bail sheet the deputy will use to argue bail
  - d) Victim advocates the receive information on the charges
    - i) outreach to the victim
    - ii) usually not present in arraignments, with exception of very serious cases where they are present with the victim or the victim's family
- 21) Probable Cause Document is e-filed in LINX and available to the public
- 22) Case determined to be NCF (No Charges Filed) with three possible outcomes
- 23) No charges filed – Pending: Before a charge is determined case is put on pending status.
- a) 72 hour hold - Prosecutor requests that LE provide additional information in order to determine whether there is probable cause to charge (rtn to 20)
    - i) If additional information leads to PC determination, will proceed to charge filed (#28)
    - ii) If additional information leads to no charges filed, will proceed to NCF Final (#26)
- 24) The original felony charge may be deferred to Court of Limited Jurisdiction for review of charging decision
- 25) No charges filed – final: Decision made to not charge
- a) Legal assistants notify the jail if person has been NCF'd so the jail can release (assuming no additional warrants/holds)
- 26) DAC receives files/charge list generated for those arrested/booked prior to midnight of prior day
- a) Indigency screening info (if form is missing, they may help clients fill out the form at arraignment and the judge makes the determination to appoint DAC later)
  - b) Criminal history
  - c) Pretrial screening info and risk assessment provided at Court

**27 – 34 Describes Arraignment Processes and Decisions (Intercept 2)**

- 27) Arraignment (Felony/In Custody)
- d) Judicial officer reviews info from Prosecutor, PTS, and may review JABS (officer may review prior to arraignment)
  - e) During the hearing, Prosecutor is simultaneously reading information into the record while the Defense attorney meets w/client (always for 1<sup>st</sup> time), explains charges, and attempts to get information needed to respond (information is extremely limited or there is no time to have a discussion with client)
  - f) Prosecutor makes release/bail recommendations
  - g) Defense may present information re: flight risk
  - h) ECO is only available in 250, 260, and 270
  - i) Judge determines if there is Probable Cause for individual to be held and to be in compliance w/48 hour rule
- 28) Indigency Determination

- a) Court enters finding (*before or after PC is found?*)
- 29) DAC opens file if defendant is eligible for DAC representation
  - a) In custody arraignment is first time DAC meets individual
    - i) DAC handles all arraignment hearings unless private attorney is present
  - b) Client receives form letter alerting them to the process and rights, if DAC is appointed they get info on how to contact the office and get assigned an attorney
- 30) If defendant does not qualify by arraignment for DAC representation must return for subsequent hearing with attorney
- 31) No PC found on all charges
  - a) Person is released on offense in question
- 32) Defendant's competence requires evaluation (can occur at any time in pretrial process)
  - a) No ruling on PC
  - b) No plea is entered
  - c) Person is returned to jail pursuant to 10.77 order
  - d) No bail hold is issued
- 33) Probable Cause is found
  - a) Judicial officer enters not guilty plea
  - b) Indigency determined and counsel appointed (*before or after PC is found?*)
- 34) Pretrial Conference, Omnibus and Trial dates are set

**35 – 45 are possible decisions, not all mutually exclusive (Intercept 2)**

- 35) Released with standard conditions pursuant to charge and criminal history, and/or
- 36) Person is released on Personal Recognizance (PR)
- 37) Person released PR with Pretrial Services monitoring
- 38) In some cases DAC requests to reserve bail
- 39) Monetary bail imposed
- 40) Pretrial Services referral with EHM (jail will not release until EHM provider arrives at jail)
- 41) Pretrial Services referral with monetary bail imposed
- 42) Pretrial Services referral with EHM and monetary bail
- 43) Person is detained
  - a) Seriousness of charge required by statute
  - b) Person unable to pay bail
  - c) ICE or IMM hold
  - d) No bail hold pending competency evaluation
- 44) Referral to Jail Transitional Services (can happen any time after arraignment)
- 45) DAC schedules motion to modify conditions of release – scheduled by AOR to review release conditions (can happen at any time after arraignment)

**46 – 79 Describes Pretrial Conference and Omnibus Processes and Decisions through Trial – actions can occur anytime from Arraignment through trial (Intercept 3)**

- 46) Pretrial Conference

- a) Approximately 14 days from arraignment
- b) For in custody and out of custody defendants with no new charges
- c) Not all cases get Pretrial Conferences, some go straight to Omnibus Hearing
- d) Prosecution sends "Negotiator"
- e) Defense is present
- f) Defendant expected to appear
  - i) no-show or late appearance results in FTA and may result in ordering of bench warrant.
  - ii) Currently, appearance at PTC is required due to defendant signing for hearing at arraignment
- g) Goals:
  - i) Maintain time to continue negotiations – often multiple continuances
- 47) Discovery begins, information shared between parties
- 48) Motions identified
- 49) Plea negotiations scheduled
- 50) Pretrial Conference is not held: goal is one PTC; however, multiples are often held out of necessity
- 51) No plea
- 52) Plea entered
- 53) Dismissal
- 54) Defendant fails to appear for hearing and bench warrant is issued (same process for any missed hearing where warrant has been issued)
  - 54a) At request of defendant, DAC schedules quash hearing
  - 54b) Warrant served by law enforcement agency
- 55) Referral to/enrollment in Alternative Courts
- 56) Diversion to Friendship Diversion
  - 56a) Person is non-compliant with Friendship Diversion
    - a)Charges refiled (return to #18, re-enter charging process)
  - 56b) Person successfully completes Friendship Diversion program
  - 56c) Charges are dismissed
- 57) Compliant PTS monitoring outcome
- 58) PTS files violation reports for noncompliance on defendants out of compliance with conditions of their release.
  - 58a) New charges – may or may not track with already filed case and may or may not be referred on secondary case
  - 58b) Failure to appear to/make contact with Pretrial Services or failure to appear for court.
  - 58c) Technical Violations (examples: address change, illegal drug use, etc.)
- 59) Violation reports submitted to PAO for action to be taken. VRs also submitted to Court and AOR.
  - 59a) No action taken
  - 59b) Bail hearing is scheduled to address violations

- 59c) PAO files motion and bench warrant is ordered/issued
- 60) Bail Hearing – set at discretion of PAO regarding violations of pretrial release conditions (can occur at any time following arraignment)
  - 60a) No change in release conditions
  - 60b) Release conditions modified
  - 60c) Monetary bail imposed/increased and remanded into custody
- 61) Omnibus Hearings – at this point no further negotiations between parties
  - a) Judge there to manage case
- 62) Discovery and information shared
- 63) Motions identified and motion date set
- 64) Plea negotiation
- 65) FTA and BW issued (see #54)
- 66) Plea scheduled
- 67) Plea and sentence
  - a) Ruling and disposition
  - b) Sentencing can occur on same date as plea or set for later date
- 68) No Plea
- 69) Trial Readiness scheduled for any cases aged more than 180 days at scheduled trial date
- 70) Failure to appear and bench warrant issued (see #55)
- 71) Referral to/Enrollment in Alternative Courts
- 72) Dismissal
- 73) Case proceeding to trial and trial dates set
- 74) Trial
  - a) Speedy Trial Rule:
    - i) Within 60 days of arraignment if in custody
    - ii) Within 90 days of arraignment out of custody
- 75) Guilty finding
  - a) Disposition
- 76) Sentencing
- 77) Not guilty finding
  - a) Defendant exits system
- 78) Mistrial
- 79) Not guilty by reason of insanity