

Skagit County, Washington
Community Justice Center
Master Plan
2012 Update

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Prepared by:



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Executive Summary

This analysis is limited to updated population and criminal justice trends and a resulting population forecast. Due to time constraints, the inmate profile was not updated and opportunities to discuss this information have been limited.

County Population Trends

- 1) Skagit County will continue to grow although the rate of growth is slower in 2012 than it was in 2005. As in 2008, Skagit County population is closest to the State's median estimate of future populations.
- 2) Since the 2008 update was completed, the Washington State Office of Financial Management has extended its future population estimates from 2030 to 2040. This provides a planning window of nearly 30 years.
- 3) The rate of growth is more significant in the municipalities (65% since 1990) than in the unincorporated areas (27% in the unincorporated areas).
- 4) The 2040 projection for Skagit County ranges from 132,558 to 210,828. The most likely based on a comparison of actual population at the census to the State's estimate follows the median estimate (162,738 residents at 2040).

Crime Trends

- 1) The trends noted in the 2005 master plan and the 2008 master plan update continue.
- 2) Skagit County is fortunate that the violent crime rate continues to be below both the State and the Nation. The 2004 peak has subsided, but the overall increases are concerning.
- 3) The property crime rate continues to trend above both the State and the National averages. Unfortunately, the decrease which was seen after the 2005 peak appears to be reversing itself, showing an increase from 2007 to the present.
- 4) It is worth noting that the significant amount of retail development within the County and the prevalence of larceny as the prevailing property crime suggest that the index property crime rate may be influenced by the non-resident population.

Arrest Trends

- 1) Arrest clearance rates for index crimes for combined police agencies have been increasing in Skagit County, varying between 17% and 24% from 2006 – 2010. These arrests are likely to result in jail bookings since they involve felony level offenses.
- 2) Juvenile arrests account for between 16% and 23% of arrest clearances in the County.
- 3) Domestic violence arrests have increased 24% between 2007 and 2011. The most common reasons for arrest are simple assault (65%) and violation of a protection order (26%). These are likely to result in jail bookings because of the presumption of arrest on domestic violence charges.

- 4) NIBRS arrest data is not available for all law enforcement agencies at this time, but provides a fuller spectrum of offenses and arrests in the County.
- 5) All of the police agencies report increasing periods of time when the jail is closed to bookings; during these periods, only the most serious types of offenses are likely to be brought to the jail. It is likely that this perception has gradually changed the arrest behavior of all law enforcement agencies within the county – particularly when the arrest is for less serious offenses.

Superior Court Trends

The 2008 master plan update focused on the role of the courts because of their powerful impact on the local jail. There were a number of significant cases before the court. Superior Court data, in particular, provides some insight into prosecutorial practices. There were a number of changes in this arena during that period.

- 1) Trends identified in the 2005 master plan and the 2008 update have continued in terms of the number of cases filed in Superior Court.
- 2) There are some indications that the Superior Court and the Prosecutor's Office are working more efficiently at this time and may have gotten through a difficult period when there were particularly difficult matters before the court.
 - a) The gap between filings and resolutions is less today than in 2008.
 - b) There are far fewer proceedings per case today than in the past.
 - c) There are indications that the Court has been successful in reaching criminal case resolutions more expeditiously.
- 3) The number of cases resolved by trial continues to be very small.
- 4) There continue to be indications that workload is an issue for the Superior Court. This can be seen indirectly in the number of cases which are not resolved within 9 months (a State Time Standard). Direct workload measures shows that Skagit County lacks 1 judge needed to manage its current case load – in spite of the addition of one judge since 2008.
- 5) Criminal case filings continue to increase as noted in both the 2005 and 2008 master plans.
- 6) Counts per criminal case have increased significantly since 2007. This may reflect prosecutorial practices as well as increased efficiency in combining cases.
- 7) Patterns in the types of criminal case resolutions continue to show that:
 - a) Most cases are resolved without trial.
 - b) The trend noted in 2008 toward increasing dismissals continues to the extent that in 2011 30% of these cases resulted in a dismissal. In 1998 15% of these cases resulted in dismissals.
 - c) Of cases that do go to trial, the proportion convicted has generally trended higher since 2006. One potential interpretation of this data is that the right cases are going to trial and prosecution has been increasingly effective.

- 8) Felony sentences show a clear divided between cases going to the Department of Corrections (approximately 25% and increasing) and those who receive some form of community based sanction (approximately 75%).
 - a) The most common non-DOC sanction is jail only (about 40% of these sentences).
 - b) Jail with continued community supervision and probation s the next most common non-DOC sanction (30%).
- 9) Jail continues to be an important element of these sanctions. This has several significant implications for the future:
 - a) These have the potential to be relatively long sentences – up to one year. As a result, they use a significant amount of jail space.
 - b) The sentenced population includes both felons and misdemeanants.
 - c) This population is likely to re-offend in the absence of programs (about 70% do re-offend within three years).
 - d) Developing a structured plan for re-entry and “relapse prevention” such as that outlined in the plan for an alternative sentencing unit will be critical to reducing recidivism.
- 10) Overall, as noted in the 2008 master plan, increases in Superior Court activities have a strong relationship to population growth in the County (correlation = +.94, in 2011 identical to that seen in 2008).

District Court Trends

This Court has a strong relationship with the jail and is the primary court for disposition of misdemeanor and traffic offenses.

- 1) Filings in District Court continue to increase in all areas except small claims and felony complaints filed in District Court. As in earlier studies, non-traffic misdemeanors and traffic misdemeanors continue to increase. The most significant increase is in the area of DUI/Physical Control cases which have a statutory impact on the jail.
- 2) After a period in which charges per filing decreased, as noted in 2008, this trend is reversing.
- 3) DUI/Physical Control cases typically are resolved by a guilty plea (45%), a guilty plea to a reduced or amended charge (35%) or dismissals (20%).
- 4) Other traffic misdemeanors (such as driving under suspension) continue to increase – and appear to include multiple incidents of the same behavior.
- 5) Non-traffic misdemeanors, such as a misdemeanor drug possession charge, are essentially flat although there are increasing numbers of proceedings required to resolve these cases. Nearly half of these cases result in dismissal.
- 6) The number of domestic violence charges is decreasing. Over this period, about 58% of these cases resulted in dismissals – typically when the petitioner withdraws his or her petition.
- 7) The relationship between County population and case filings in District Court is stronger in 2011 than it was in 2008 (.92). It seems that population growth is a primary driver of the number of District Court cases.
- 8) There are indications of increasing efficiency in District Court as well. However, increasing volumes will erode these gains over time.

Jail Trends

- 1) As seen in 2005 and again in 2008, facility bookings are decreasing. While there is considerable variation from month to month, the overall trend continues downward. There is considerable evidence that the system is prioritizing the use of the jail – and that the jail deals with facility crowding by closing booking to specific types of offenses – much to the frustration of the local law enforcement community. In the past, local justice system officials have expressed concern that this practice contributes to the perception that people will not be held accountable for criminal behavior. This in turn has been viewed as having a negative impact on quality of life in the community.
- 2) Average daily population of people under the supervision of the Sheriff's Office continues to increase – 697% since 1984. This trend is very strong and has a strong correlation with county population growth.
 - a) The proportion of females under supervision has increased more rapidly than the male population. This is consistent with national trends.
 - b) On average, 17% of the offenders under Sheriff's Office supervision are on community-based programs and not living in the facility. This **exceeds** national norms, which have ranged between 7% and 10%. These programs are in addition to work release (on average 4% of the in-facility jail population).
 - c) The predominant alternative program is electronic monitoring (about 65% of inmates in alternative community-based programs use electronic monitoring).
- 3) In-facility ADP is predominantly male and housed in the north wing. This population is growing, while the population of in-facility workers and work release inmates is decreasing. The populations in these programs are limited by the capacity that is available for them. As a result, the north end becomes the only available area for male population not appropriate for the worker dorm. This practice contributes to the need to use cells in the booking area to house inmates with special needs who are disruptive in larger groups in crowded housing units.
- 4) Seasonal and monthly variations noted in the 2005 and 2008 master plans continue. This, together with classification, results in the need to plan capacity which exceeds a projected average population.
- 5) Length of stay has increased significantly since 1991, from an average of 6.94 days to 20.6 in 2012. This trend, first noted in 2005, continues to accelerate. It is consistent with the use of jail time as a sanction in lieu of placement with the Department of Corrections.
- 6) Like the nation, the western region, and the State of Washington, Skagit County's incarceration rate has increased. Skagit County's incarceration rate continues to be **lower** than the US, western region and the State of Washington.
- 7) In 2010, Skagit County:
 - a) Had the largest discrepancy between design capacity and average daily population.
 - b) Had a daily per diem rate (\$68) that was below and consistent with the state average (\$68.88).
 - c) Had an incarceration rate which is similar to Whatcom County and 25% higher than Snohomish County.

Conclusions from the 2008 Inmate Profile

- 1) The master plan update found many similarities between the population in 2005 and that in 2008.
- 2) Differences which emerged appeared to relate to shifts in charging practices – and potential use of weapons charges as a change in tactics.
- 3) The jail population was seen as an increasingly felony level population. While there was evidence of efforts to move pretrial felons expeditiously, the proportion of sentenced felons was increasing as was their length of stay. This seems very consistent with the 2008 – 2012 data analyzed in this effort.

Conclusions from Prior Analyses of the Physical Plant

- 1) Deficiencies in the existing facility have been documented in multiple efforts. Although the jail was functional when it was designed, for the population it was intended to serve, crowding and changes to the inmate population make the jail increasingly less functional.
- 2) The most effective portion of the jail was the north cell housing area and subsequent analyses explored multiple options for re-use of the existing jail. First efforts focused on maintaining it as a jail and subsequent efforts focused on the viability of converting it to secure and non-secure juvenile services.
- 3) Pre-design work in the facility found a number of potential issues with building code compliance (due to change to the International Building Code), Americans with Disability Act compliance (due to changes in law), and potential non-compliance with current energy code requirements.
- 4) Efforts to maintain the building result in a fair number of serviceable systems. In general, these will need upgrades and replacement to keep the facility functioning.
- 5) Jail populations have exceeded a functional capacity of 168 since 2003. Current strategies that focus on adding mattresses and “boats” (a sleeping form that lifts inmates the required number of inches off the floor) push the facility farther into non-compliance and into areas which increase the County’s risk.

Population Projections

- 1) Although there is evidence that the justice system is becoming increasingly efficient, there continues to be a need to expand proven alternatives. This should include revisiting the case expediter position, continuing to expand viable alternative programs, and potentially expanding the use of electronic monitoring for inmates not currently eligible.
- 2) Of the baseline scenarios, the “best guess” scenario, which is based on the degree to which Skagit County’s actual population has varied from the State’s median estimate of population, is likely to be most accurate.
- 3) A lowered incarceration rate scenario, based on expansion of the programs discussed in this section, is viable and achievable.
- 4) A planning window of 30 years is viable to establish jail core capacity; the core of 600 inmates continues to be appropriate.

- 5) An initial housing phase of 15 years is also viable; the capacity suggested by the “best guess” scenarios results in a need for 431-464 beds.
- 6) The table which follows provides information about the range within which jail capacity requirements are most likely to fall.

Year	Future Population	Expected Incarceration Rate	Expected Facility ADP	Capacity	Year	Future Population	Expected Incarceration Rate	Expected Facility ADP	Capacity
Best Guess Baseline with Lower Incarceration Rate					Best Guess Baseline with Historical Incarceration Rate				
2010	116,901	183	214.00	246	2010	116,901	183	214.00	246
2015	118,477	205	242.36	279	2015	121,624	210	248.55	286
2020	124,254	226	280.89	323	2020	128,249	237	293.87	338
2025	131,537	248	325.63	374	2025	136,410	263	346.25	398
2030	139,194	269	374.52	431	2030	144,953	290	403.61	464
2035	146,984	291	427.08	491	2035	153,632	317	465.47	535
2040	155,193	312	484.30	557	2040	162,738	343	532.94	613

Recommendations

Please see Section 11.

Section 1 Introduction

Background Information

Skagit County has acted to address its criminal justice issues since the 2005 Master Plan was developed. These actions include:

- Development of a pre-architectural program to define space needs for the Community Justice Center,
- Retained an architect to develop concepts for the CJC,
- Analyzed 12 sites for the CJC with the assistance of the architect,
- Developed recommendations for siting the facility,
- Implemented a number of programmatic recommendations from the master plan to expand the use of alternatives to incarceration,
- Projected space and workload volumes for other criminal justice agencies including the Courts, Prosecutor, Public Defender, Office of Assigned Counsel, and Youth and Family Services,
- Identified options for renovation of the current jail facility to address other County secure facility needs,
- Conducted a series of public forums regarding these issues,
- Updated the 2005 master plan in 2008,
- Continued to work collaboratively with other jurisdictions and criminal justice agencies through the Law and Justice Council, and
- Worked to address pressing criminal justice needs in spite of the significant economic downturn faced by the County beginning in 2008.

Four years after this significant economic downturn, the County needs to update information in this master plan to identify how the intervening period may have impacted future jail capacity needs.

Correctional Mission and Philosophy

Skagit County has made a commitment to a public safety system and facility which holds people accountable for their behavior in the community and provides options that address the causes of recidivism, while addressing community safety concerns. The themes which began in the 2004 criminal justice retreat continue to be relevant.

Community Justice Center Themes and Philosophy

The CJC is a cost-effective, socially responsible means of transitioning offenders from jail and a means to hold offenders accountable for compliance with alternative sanctions.

CJC has been planned around a strategy of reducing recidivism.

CJC promotes accountability. As part of release planning, an individual responsibility plan, which has personal binding obligations, with sanctions for non-compliance is developed.

Document Sections

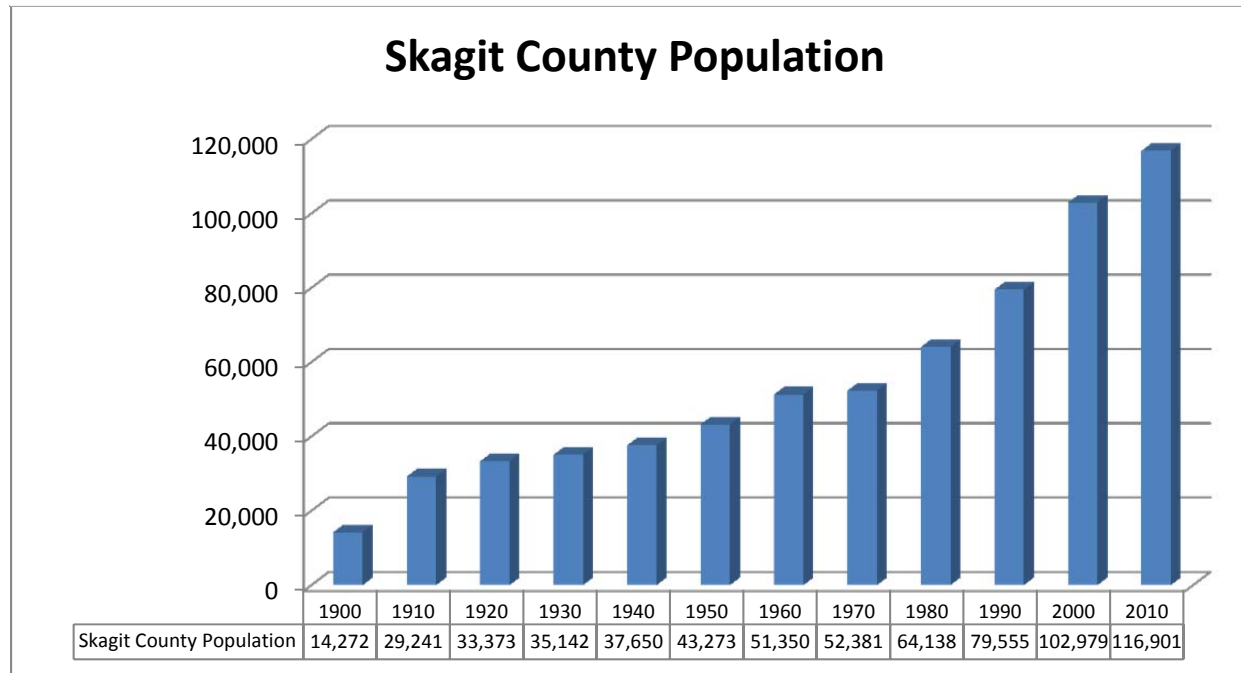
- Section 2, County Population Trends,
- Section 3, Crime Trends,
- Section 4, Superior Court Processing Trends,
- Section 5, District Court Processing Trends,
- Section 6, Jail Population Trends, and
- Section 7, Population Projections.

Section 2 Population Trends

This section examines trends in Skagit County’s population. Changes in the size and demographics of this population have an impact on all functions of government – including criminal justice agencies.

Historical Population Levels

Figure 1 Historic County Population Trend



Skagit County growth continues to be significant although the rate of growth between 2000 and 2010 is less than the rate of growth from 1990 – 2000. The rate of growth in the three decades from 1970 – 2000 was 25% per decade. From 2000 to 2010, the rate of growth was 14%. As the population base increases, the rate of growth may be smaller, but the actual number of new residents continues to be significant.¹

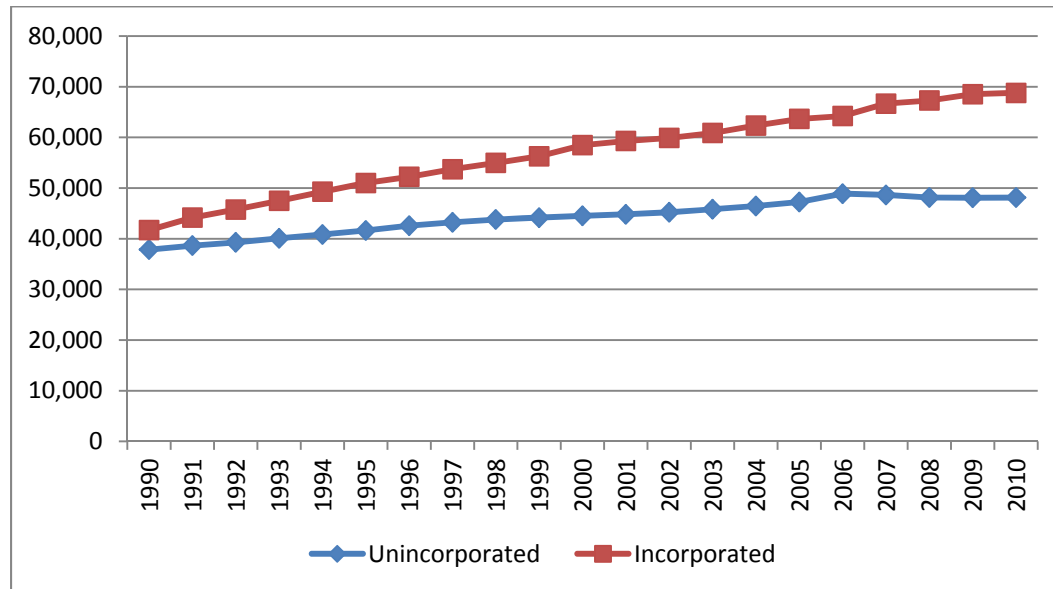
¹ This data is taken from the US Census Bureau Website.

Locus of Growth

Table 1 Population Growth in Incorporated and Unincorporated Areas

According to the Washington State Office of Financial Management website (the State’s Data Center), in 1990, population was divided almost equally between the unincorporated and incorporated areas. In 2010, unincorporated areas account for about 40% of the County population. Between 1990 and 2010, County population has increased 47%. Population in incorporated areas has increased 65%; population in the unincorporated areas has increased 27%.

Figure 2 Trends in Population Growth in the Incorporated and Unincorporated Areas



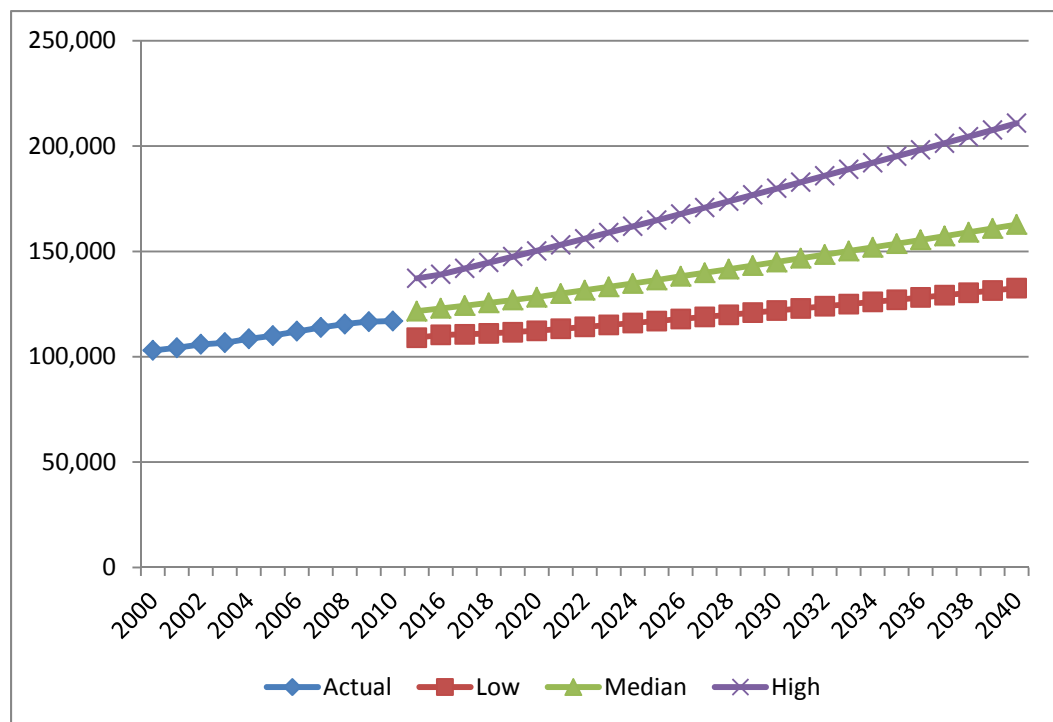
Year	County	Unincorporated	Incorporated
1990	79,545	37,841	41,704
1991	82,803	38,637	44,166
1992	85,023	39,270	45,753
1993	87,550	40,077	47,473
1994	90,120	40,834	49,286
1995	92,627	41,622	51,005
1996	94,781	42,566	52,215
1997	96,950	43,228	53,722
1998	98,750	43,779	54,971
1999	100,421	44,144	56,277
2000	102,979	44,506	58,473
2001	104,100	44,815	59,285
2002	105,100	45,205	59,895
2003	106,700	45,830	60,870
2004	108,800	46,455	62,345
2005	110,900	47,250	63,650
2006	113,100	48,886	64,214
2007	115,300	48,640	66,660
2008	115,422	48,135	67,287
2009	116,612	48,083	68,529
2010	116,901	48,112	68,789

County Population Projections

Population is the canvas on which local criminal justice policy and practice are reflected. It is worth noting that although resident population is the most common measure used to estimate future need, many jurisdictions actually have significant non-resident populations. Skagit County is likely to have at least two sources of non-residents who may “use” criminal justice resources:

- People who pass through the County on major highways and other means of transportation, such as the ferries, and
- People who have second homes in the County or who come for other recreational purposes.

Figure 3 Trend in County Population Projections



Based on requirements of Washington State Statute, the Office of Financial Management (OFM) is responsible for development of County population projections. They use a low, median and high estimate of growth. Since the master plan was last updated, OFM has extended their forecasts from 2030 to 2040. This suggests that Skagit County can expect a population between 132,600 and 210,800 in **2040**. This is a reduction from the 2030 projections which suggested a population between 146,000 and 221,000 in **2030**. In general, the State has experienced a decrease in the rate of population growth. A review of Table 2 on the next page provides more detail. The most telling comparison is between the 2010 actual population from the census and the 2015 projections.

The low estimate of **2015** population is lower than the **2010** actual population. This suggests that the actual population is likely to fall closer to the median estimate of population growth. This is consistent with the 2008 update and the 2005 master plan. For additional information on how projections are used, please refer to Section 6.

Conclusion

- 1) In spite of an overall state-wide slow-down in the rate of growth, Skagit County continues to grow as anticipated in the 2005 and 2008 master plans.
- 2) The rate of growth is more significant in the municipalities (65% since 1990) than in the unincorporated areas (27% in the unincorporated areas).
- 3) Skagit County's future population continues to trend just below the State's median population projection.

Table 2 County Population Projections

Year	Population Estimate		
	Low	Median	High
2010		116,901	
2015	109,035	121,624	137,198
2016	110,348	122,945	139,058
2017	110,631	124,246	141,920
2018	111,044	125,567	144,734
2019	111,589	126,902	147,494
2020	112,268	128,249	150,196
2021	113,265	129,992	153,067
2022	114,144	131,567	155,942
2023	115,045	133,158	158,865
2024	115,969	134,760	161,836
2025	116,918	136,410	164,858
2026	117,913	138,175	167,728
2027	118,901	139,873	170,734
2028	119,897	141,570	173,770
2029	120,903	143,262	176,835
2030	121,918	144,953	179,930
2031	122,915	146,735	182,816
2032	123,932	148,463	185,856
2033	124,958	150,185	188,925
2034	125,993	151,907	192,023
2035	127,038	153,632	195,149
2036	128,123	155,451	198,189
2037	129,218	157,270	201,276
2038	130,322	159,090	204,411
2039	131,435	160,912	207,595
2040	132,558	162,738	210,828

Section 3 Crime Trends

Crime trends are a good indicator of the total potential volume of criminal justice activities in an area. Since they are gathered on a state-wide basis, there is some potential for comparison across jurisdictions. Index crimes reported in an area is a good indicator of serious crime patterns, but it is by no means a measure of all crime, since it does not include offenses that are not reported to police and less serious offenses not included as an index crime.

Index Crime Reporting

Table 3 Index Crimes Reported

Year	Violent Crimes					Property Crimes					
	Murder	Rape	Robbery	Aggravated Assault	Violent Crime	Arson	Burglary	Larceny	Motor Vehicle Theft	Property Crimes	Index Crimes
1985	3	23	24	93	143	10	1,044	2,788	138	3,980	4,123
1986	1	26	33	100	160	14	908	2,538	120	3,580	3,740
1987	5	16	13	70	104	16	873	2,483	182	3,554	3,658
1988	2	16	27	94	139	6	837	2,626	138	3,607	3,746
1989	0	30	25	77	132	37	753	2,101	170	3,061	3,193
1990	3	37	15	57	112	12	467	1,836	196	2,511	2,623
1991	1	55	25	53	134	18	651	2,547	110	3,326	3,460
1992	0	42	41	96	179	23	786	3,474	176	4,459	4,638
1993	6	47	32	75	160	32	756	3,633	217	4,638	4,798
1994	3	49	28	89	169	46	716	3,845	196	4,803	4,972
1995	3	40	32	73	148	43	884	5,112	223	6,262	6,410
1996	1	39	45	98	183	52	821	4,929	174	5,976	6,159
1997	2	37	37	72	148	43	790	4,406	213	5,452	5,600
1998	2	44	44	58	148	29	907	4,762	229	5,927	6,075
1999	2	34	39	90	165	13	1,210	4,730	260	6,213	6,378
2000	4	36	39	62	141	32	998	4,615	317	5,962	6,103
2001	3	51	43	75	172	34	1,007	4,940	328	6,309	6,481
2002	4	61	39	93	197	34	1,105	5,018	407	6,564	6,761

Year	Violent Crimes					Property Crimes						Index Crimes
	Murder	Rape	Robbery	Aggravated Assault	Violent Crime	Arson	Burglary	Larceny	Motor Vehicle Theft	Property Crimes		
2003	1	74	47	105	227	46	1,367	5,153	424	6,990	7,217	
2004	2	67	62	150	281	38	1,288	5,721	464	7,511	7,792	
2005	3	60	52	126	241	56	1,592	6,229	587	8,464	8,705	
2006	2	71	60	126	266	68	1,150	5,010	529	6,757	7,023	
2007	2	42	67	117	235	35	1,183	4,918	480	6,616	6,851	
2008	9	50	55	129	248	44	1,069	3,939	342	5,394	5,637	
2009	3	51	54	123	236	42	1,012	4,191	266	5,511	5,742	
2010	0	50	54	148	257	30	1,144	4,605	215	5,994	6,246	
2011	4	47	64	125	245	24	1,180	3,750	256	5,210	5,450	
Total	71	1,195	1,096	2,574	4,970	877	26,498	109,899	7,357	144,631	149,581	

Anacortes PD, Burlington PD, Mount Vernon PD and Skagit County SO have reported all years. Sedro Woolley PD has reported some years as have Swinomish Tribal PD and LaConner PD. Data in this table was taken from the Washington State Association of Sheriffs and Police Chief's website.

Between 1985 and 2011, the violent index crimes have accounted for 3% of the index crimes reported in Skagit County; the most common violent index crime is aggravated assault (52% of these offenses). Property index crimes have accounted for 97% of index crimes reported; the most common property index crime is larceny (76% of property index crimes).

Table 4 Summary of Index Crimes Reported

Change	Violent Crimes					Property Crimes					Index Crimes
	Murder	Rape	Robbery	Aggravated Assault	Violent Crime	Arson	Burglary	Larceny	Motor Vehicle Theft	Property Crimes	
Average	3	44	41	95	184	32	981	4,070	272	5,357	5,540
Low	0	16	13	53	104	6	467	1,836	110	2,511	2,623
High	9	74	67	150	281	68	1,592	6,229	587	8,464	8,705
Increase	33%	104%	167%	34%	71%	140%	13%	35%	86%	31%	32%

Table 4 shows the range of index crimes reported between 1985 and 2011; the percentage is the percent of increase in this type of offenses since 1985. Overall, index crimes increased 32% since 1985. This is largely driven by increases in property crime. However, the increase in violent index crimes was 71%. Although violent crimes are a small percent of all index crimes, the increase is significant.

Figure 4 Trend in Reported Property Index Crimes

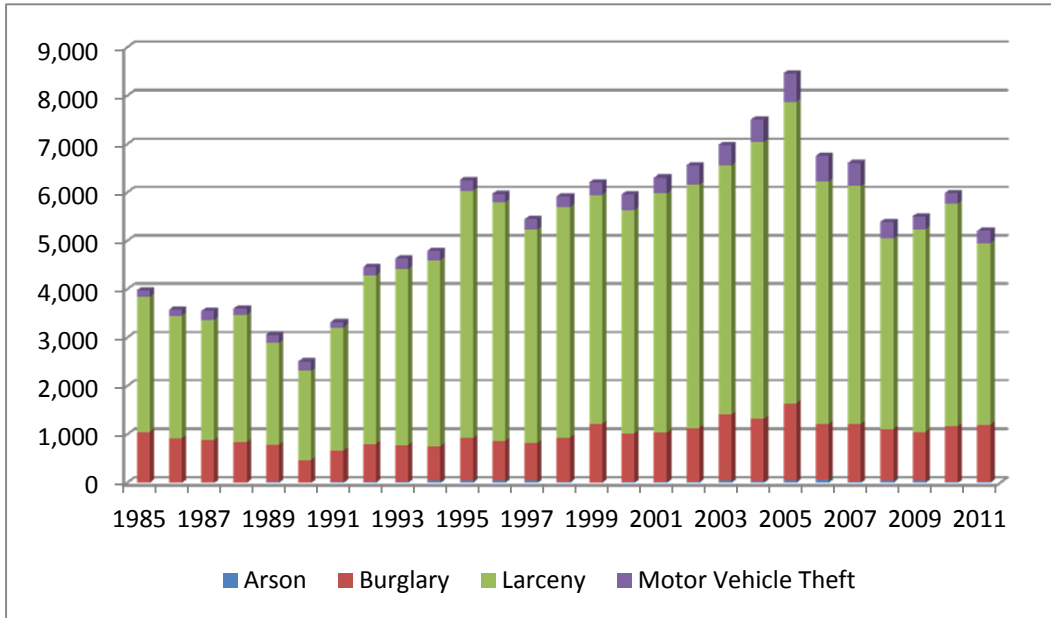


Figure 4 clearly shows patterns in property crimes. Peaks in the early portions of the 2000's were thought to relate to methamphetamines.

Figure 5 Trend in Reported Violent Index Crimes

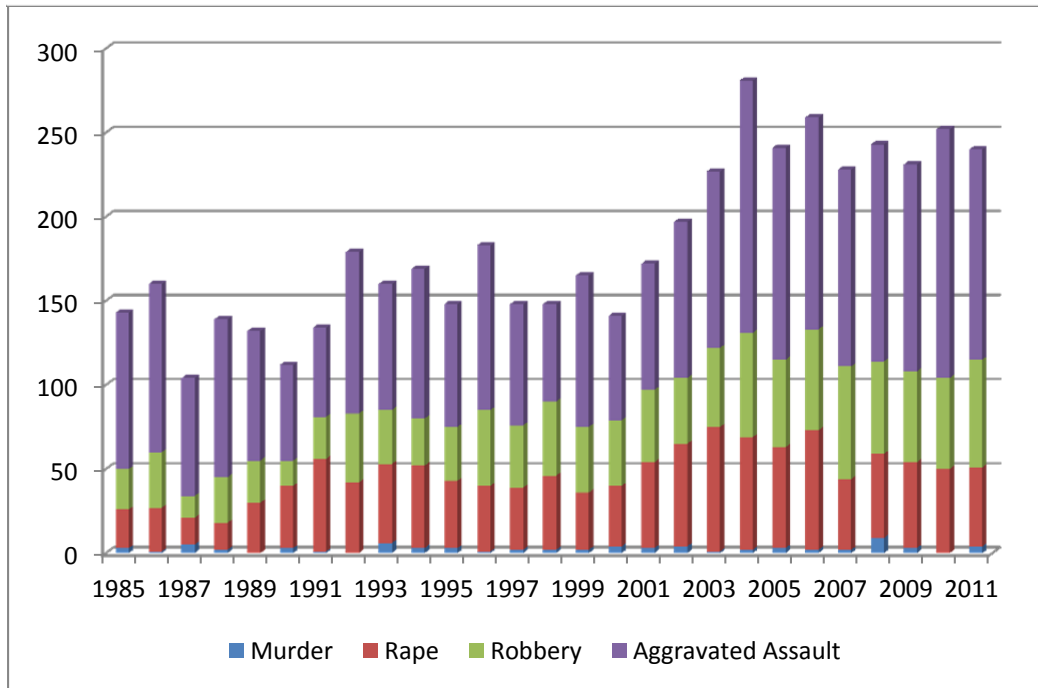


Figure 5 clearly shows the pattern of increases in violent index crimes.

Index Crime Rates

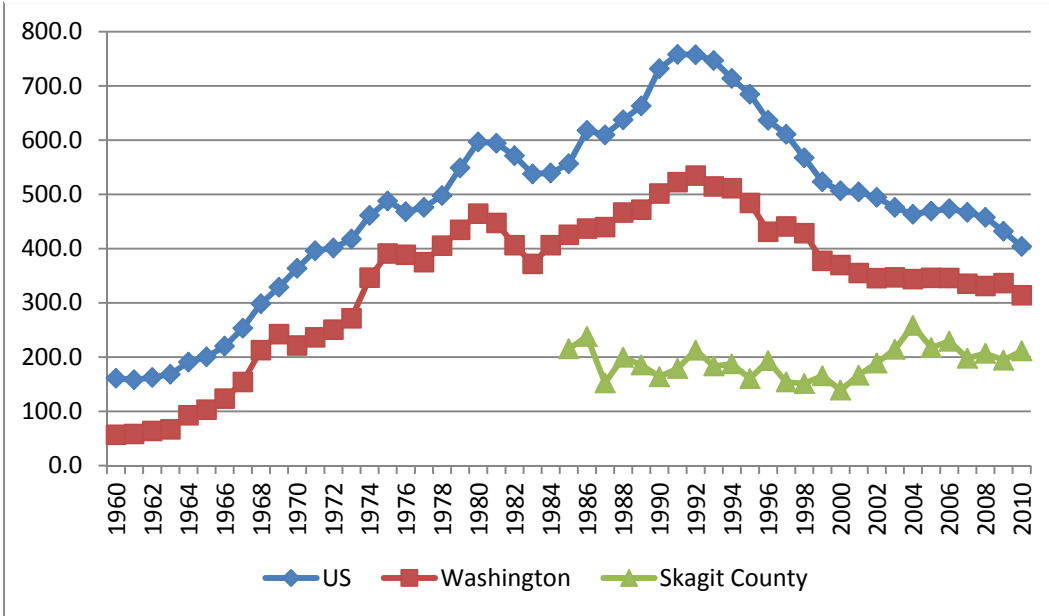
Since 1960, police agencies have reported information about the following key offenses to the Federal Bureau of Investigation: murder, forcible rape, robbery, aggravated assault, burglary, larceny and motor vehicle theft. In 1979, an 8th offense (arson) was added to the reporting requirements. These charges were selected to because they are serious offense (felonies), are among the most frequently reported offenses, and tend to have similar elements in the statutes. When “crime rates” are generally reported, these are the **only** offenses considered. The FBI computes violent and property crime rates for the offenses.

Table 5 Comparison of Crime Rates for Property and Index Offense

Year	Violent Crime Rate			Property Crime Rate		
	US	Washington	Skagit County	US	Washington	Skagit County
1985	556.6	425.4	215.1	4,650.5	6,103.4	5,985.4
1986	617.7	437.0	237.9	4,862.6	6,442.6	5,322.1
1987	609.7	439.5	152.1	4,940.3	6,577.6	5,198.8
1988	637.2	466.4	199.6	5,027.1	6,646.6	5,178.8
1989	663.1	471.7	185.3	5,077.9	6,122.1	4,296.7
1990	731.8	501.6	163.5	5,088.5	5,721.3	3,664.9
1991	758.1	522.6	178.7	5,139.7	5,781.5	4,435.0
1992	757.5	534.5	212.5	4,902.7	5,638.3	5,293.2
1993	746.8	514.6	183.4	4,737.7	5,437.7	5,316.0
1994	713.6	511.3	187.2	4,660.0	5,516.3	5,321.3
1995	684.6	484.3	160.2	4,591.3	5,785.5	6,780.0
1996	636.5	431.2	193.2	4,450.1	5,478.2	6,308.1
1997	610.8	440.7	154.0	4,311.9	5,485.6	5,671.5
1998	567.5	428.5	151.2	4,052.5	5,438.9	6,053.2
1999	523.0	377.3	165.3	3,743.6	4,878.3	6,224.2
2000	506.5	369.7	138.9	3,618.3	4,736.0	5,872.7
2001	504.4	355.0	166.5	3,656.1	4,796.8	6,106.9
2002	494.4	345.5	188.9	3,630.6	4,762.9	6,292.8
2003	475.8	346.9	214.3	3,591.2	4,755.0	6,599.3
2004	463.2	343.6	258.3	3,514.1	4,846.7	6,903.5
2005	469.0	346.0	217.3	3,432.0	4,890.0	7,632.1
2006	473.5	345.9	229.0	3,334.5	4,480.0	5,974.4
2007	466.9	335.2	197.7	3,263.5	4,026.0	5,738.1
2008	457.5	331.1	206.8	3,211.5	3,775.2	4,590.6
2009	431.9	336.3	194.3	3,041.3	3,679.6	4,635.0
2010	403.9	313.8	211.2	2,941.9	3,706.6	5,024.3

Data in this table was taken from the Department of Justice UCR website for the US and the State of Washington; data for Skagit County was computed from the Washington State Association of Sheriffs and Police Chiefs website.

Figure 6 Comparison of Violent Crime Rates



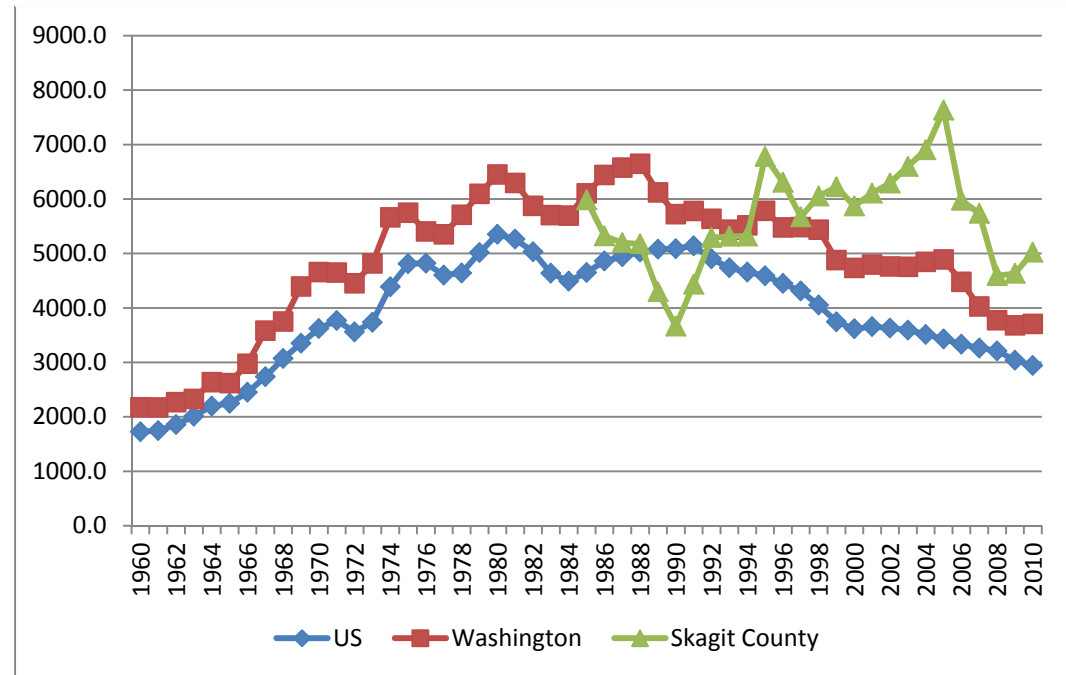
The violent crime rate in Washington State is consistently lower than the US violent crime rate although it follows similar patterns. Skagit County is consistently lower than Washington State’s but has experienced increases at times when the national and state rates were falling.

While Washington State’s property crime rate has consistently been below the US property crime rate, Skagit County has had a different experience. The property crime rate in Skagit County has exceeded both the US and Washington State trends since the mid 1990’s.

Conclusion

- 1) The trends noted in the 2005 master plan and the 2008 master plan update continue.
- 2) Skagit County continues to be fortunate that the violent crime rate continues to be below both the State and the Nation. The 2004 peak has subsided.
- 3) The property crime rate continues to trend above both the State and the National averages. Unfortunately, the decrease which was seen after the 2005 peak appears to be reversing itself, showing an increase from 2007 to the present.
- 4) It is worth noting that the significant amount of retail development within the County and the prevalence of larceny as the prevailing property crime suggest that the index property crime rate may be influenced by the non-resident population.

Figure 7 Comparison of Property Crime Rates



Section 4 Arrests

Arrests statistics represent one of two primary inputs to the jail. Law enforcement agencies play a significant role in determining the number of people who enter the justice system. There are two primary types of arrests:

- Arrests based on multiple types of warrants in which the court directs a law enforcement agency to bring someone before them, and
- On-view arrests in which a law enforcement officer observes an offense and follows statute and policy to arrest or cite and release and individual.

In prior studies, arrest information was not included because it was adequately represented by booking information. It is included at this time because this analysis will not be able to include a detailed analysis booking information due to time constraints.

Part I Arrests

These arrests are for index crimes discussed in the previous chapter. These offenses – particularly violent offenses - often result in lengthy periods of time in custody.²

Table 6 Part I Arrests by Law Enforcement Agency

Agency	2006	2007	2008	2009	2010	Total
Skagit SO						
Index Crimes	1,990	1,748	1,581	1,257	1,571	8,147
Total Cleared	266	214	228	247	239	1,194
Juvenile Cleared	39	26	23	45	16	149
% Cleared	13%	12%	14%	20%	15%	15%
% Juvenile Clearances	15%	12%	10%	18%	7%	12%
Anacortes PD						
Index Crimes	728	588	532	483	580	2,911
Total Cleared	128	81	97	92	108	506
Juvenile Cleared	41	16	30	10	30	127

² Data in this table is taken from the Washington State Association of Sheriffs and Police Chiefs website.

Agency	2006	2007	2008	2009	2010	Total
% Cleared	18%	14%	18%	19%	19%	17%
% Juvenile Clearances	32%	20%	31%	11%	28%	25%
Burlington PD						
Index Crimes	1,202	1,359	1,050	1,178	1,150	5,939
Total Cleared	318	448	445	487	508	2,206
Juvenile Cleared	83	117	109	75	89	473
% Cleared	26%	33%	42%	41%	44%	37%
% Juvenile Clearances	26%	26%	24%	15%	18%	21%
Mount Vernon PD						
Index Crimes	2,253	2,413	1,851	2,223	2,206	10,946
Total Cleared	364	449	394	416	446	2,069
Juvenile Cleared	80	89	67	66	57	359
% Cleared	16%	19%	21%	19%	20%	19%
% Juvenile Clearances	22%	20%	17%	16%	13%	17%
Sedro Woolley PD						
Index Crimes	749	712	553	508	586	3,108
Total Cleared	122	122	69	91	94	498
Juvenile Cleared	28	26	30	24	25	133
% Cleared	16%	17%	12%	18%	16%	16%
% Juvenile Clearances	23%	21%	43%	26%	27%	27%
All						
Index Crimes	6,922	6,820	5,567	5,649	6,093	31,051
Total Cleared	1,198	1,314	1,233	1,333	1,395	6,473
Juvenile Cleared	271	274	259	220	217	1,241
% Cleared	17%	19%	22%	24%	23%	21%
% Juvenile Clearances	23%	21%	21%	17%	16%	19%

Clearances fall into two general categories: by arrest or by exception. Clearances by exception must meet specific criteria, but generally occur when circumstances make it impossible for the law enforcement agency to arrest the person they believe responsible for the crime, such as if

the offender has died. Clearance rates for these agencies vary considerably, but they are consistent with those the consultant has seen for this type of offense. These are among the most difficult and time-consuming cases to investigate. Overall, clearance rates have been increasing in Skagit County, varying between 17% and 24% between 2006 and 2010. Juveniles have accounted for between 16% and 23% of index crime clearances.

Domestic Violence Arrests

Domestic violence arrest trends have a direct impact on the jail, because there is a presumption of arrest for at least one and sometimes both parties.

Table 7 Trend in Domestic Violence Arrests

DV Offense Type	2007	2008	2009	2010	2011	Total	% of Total
Murder	1	0	1	0	1	3	0.1%
Rape	3	4	5	3	8	23	0.5%
Robbery	0	2	1	3	3	9	0.2%
Aggravated Assault	34	35	53	62	42	226	4.6%
Simple Assault	580	628	660	678	672	3,218	65.0%
Burglary	15	12	16	31	31	105	2.1%
Larceny	7	7	9	12	38	73	1.5%
Motor Vehicle Theft	0	2	0	0	4	6	0.1%
Arson	0	0	0	0	0	0	0.0%
Violation of Protection Order	251	201	227	299	308	1,286	26.0%
Total	891	891	972	1,088	1,107	4,949	100.0%

Table 7 provides a summary of domestic violence arrests for Anacortes PD, Burlington PD, Mount Vernon PD, Sedro Woolley PD, and the Skagit County Sheriff's Office. Between 2007 and 2011, arrests for domestic violence increased 24%. The most common type of domestic violence arrests are for simple assaults (65%) and for violation of protection orders (26%).

All arrest information presented to this point is likely to result in a jail booking since these are among the most serious offenses.

National Incident-Based Reporting System (NIBRS) Statistics

In the last 10 years, there has been a movement away from Uniform Crime Report (UCR) reporting, which only focuses on index crimes, to NIBRS, which includes a broader spectrum of crimes. As a result, NIBRS is a better indicator of crime within an area. In 2011, Washington State began to provide NIBRS reports by agency, if all 12 months were reported. Only the Skagit County Sheriff's Office met this requirement. As a result, this section only provides information about crime which is within the unincorporated areas.

Table 8 2011 NIBRS Offenses, Clearances and Arrests by Skagit County Sheriff's Office

Group A Offenses	Offenses	Clearances	Arrests
Murder	2	2	5
Manslaughter	0	0	0
Forcible Rape	11	4	4
Forcible Sodomy	4	2	0
Sexual Assault w/Object	1	1	1
Forcible Fondling	29	6	1
Robbery	7	6	10
Aggravated Assault	62	50	27
Simple Assault	249	180	148
Intimidation	118	39	14
Burglary	443	59	54
Larceny	658	100	88
Motor Vehicle Theft	56	12	12
Arson	4	0	1
Kidnapping	6	6	1
Bribery	0	0	0
Counterfeiting/Forgery	22	9	9
Vandalism	491	89	38
Drugs/Narcotics	106	67	56
Drug Equipment	63	44	8
Embezzlement	0	0	0

Group A Offenses	Offenses	Clearances	Arrests
Extortion	0	0	0
Fraud	130	17	2
Gambling	0	0	0
Pornography	7	0	0
Prostitution	3	2	0
Incest	0	0	0
Statutory Rape	7	4	1
Possession of Stolen Property	68	62	27
Violation of No Contact/Protection Order	105	76	45
Weapon Law Violation	66	15	12
Total Part A	2,718	852	564

In 2011, the Sheriff's Office reported a total of 2,718 Part A Offenses, which include all of the Index Crimes, but also report a significant number of other offenses, such as drug possession and sales, that impact the local jail. 31% of the Group A Offenses was cleared; 66% of clearances were by arrest.

The most common offenses in order are:

- 1) Larceny,
- 2) Vandalism,
- 3) Burglary,
- 4) Simple Assault,
- 5) Fraud,
- 6) Intimidation,
- 7) Drugs/Narcotics,
- 8) Violation of No Contact/Protection Order,
- 9) Possession of Stolen Property, and
- 10) Weapon Law Violation.

Conclusion

Arrest clearance rates for index crimes for combined police agencies have been increasing in Skagit County, varying between 17% and 24% from 2006 – 2010.

- 1) Juvenile arrests account for between 16% and 23% of arrest clearances in the County.
- 2) Domestic violence arrests have increased 24% between 2007 and 2011. The most common reasons for arrest are simple assault (65%) and violation of a protection order (26%).
- 3) NIBRS arrest data is not available for all law enforcement agencies at this time, but provides a fuller spectrum of the types of offenses and arrests seen in the County.
- 4) All of the police agencies report increasing periods of time when the jail is closed to bookings; during these periods, only the most serious types of offenses are likely to be brought to the jail. It is likely that this perception has gradually changed the arrest behavior of all law enforcement agencies within the county – particularly when the arrest is for less serious offenses.

Section 5 Superior Court Trends

If law enforcement influences jail population through the number of arrests, courts influence jail population by their ability to define the length of time someone stays in custody through a broad spectrum of policies and practices. Many court-based policies influence the jail, but among the most influential are the courts’ positions on the use of pretrial release, the length of sentences, and the ability of the courts to process cases efficiently.

Superior Court is a court of unlimited jurisdiction. It has broad jurisdiction over matters beyond criminal cases. It is critical to remember that Superior Court’s workload is far larger than just criminal cases. In criminal matters, it is the venue for prosecution of felony level cases. Superior Court’s relationship with the jail relates to:

- Pretrial detention of felony level inmates,
- Sentences of those felony inmates which include time in a local correctional facility in lieu of a sentence to the Department of Corrections, typically as a condition of probation, and
- Other matters, such as a variety of violations and writs.

Types of Case Filings

Table 9 Trend in Superior Court Case Filings

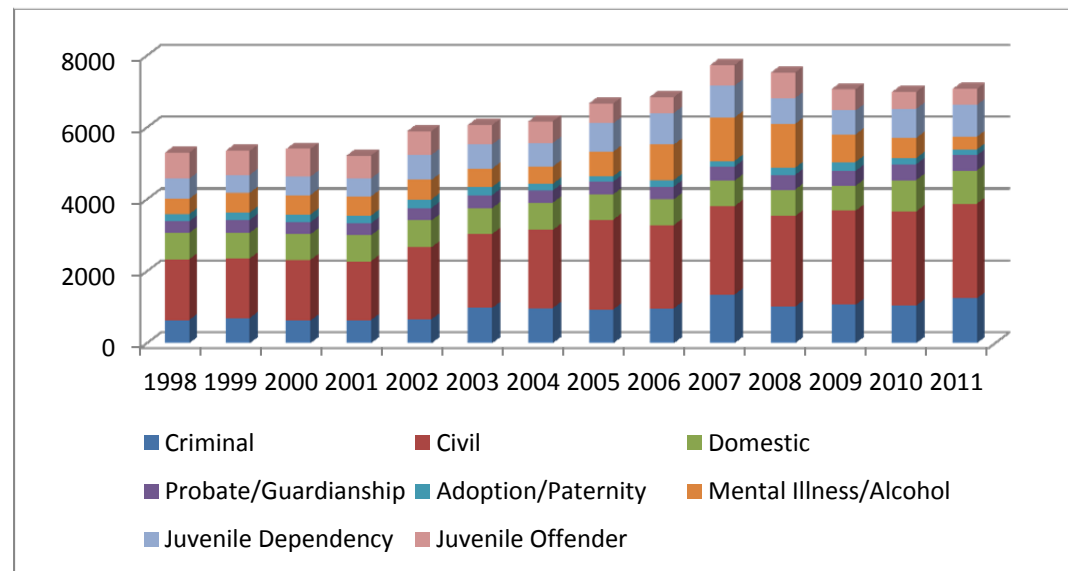
Type of Filing	Criminal	Civil	Domestic	Probate/ Guardianship	Adoption/Pat ernity	Mental Illness/ Alcohol	Juvenile Dependency	Juvenile Offender	Total	% Criminal
1998	647	1,686	736	318	205	427	557	727	5,303	12%
1999	702	1,657	713	361	207	547	499	667	5,353	13%
2000	627	1,688	715	336	216	540	512	773	5,407	12%
2001	644	1,638	719	334	215	533	501	640	5,224	12%
2002	667	2,006	745	346	241	541	696	660	5,902	11%
2003	981	2,059	718	363	227	511	672	543	6,074	16%
2004	977	2,173	759	338	187	479	657	606	6,176	16%
2005	941	2,499	704	355	150	683	788	555	6,675	14%

Type of Filing	Criminal	Civil	Domestic	Probate/ Guardianship	Adoption/Pat ernity	Mental Illness/ Alcohol	Juvenile Dependency	Juvenile Offender	Total	% Criminal
2006	973	2,315	720	352	182	986	880	444	6,852	14%
2007	1,352	2,461	709	390	160	1,209	886	576	7,743	17%
2008	1,017	2,519	737	410	201	1,220	718	709	7,531	14%
2009	1,069	2,620	693	415	249	766	666	591	7,069	15%
2010	1,047	2,618	876	441	172	559	813	467	6,993	15%
2011	1,248	2,634	925	422	163	355	882	447	7,076	18%
Total	8,511	20,182	7,238	3,493	1,990	6,456	6,648	6,191	60,709	
% of total	14%	33%	12%	6%	3%	11%	11%	10%	100%	
% change	93%	56%	26%	33%	-20%	-17%	58%	-39%	33%	

Case filings are one of the best measures of the total volume of activity in a court. Trends identified in the 2005 master plan have continued:

- 1) Civil case filings continue to be the largest category at 33% of all filings.
- 2) Criminal case filings continue to increase. In 2011, they were 18% of all filings, an increase from about 12% in 1998. This trend continues to increase.
- 3) Mental illness and substance abuse filings peaked in 2007 and 2008 and subsequently returned to lower levels.
- 4) Juvenile dependency filings have continued to increase, while juvenile offender filings have

Figure 8 Trend in Superior Court Case Filings



decreased during this period. A separate 2008 study examined juvenile offenders in considerable detail and noted that the use of alternatives for these offenders has increased significantly.

5) The overall volume of cases in Superior Court has increased 33% during this period.

Case Resolutions

Cases filed must ultimately be resolved.

Figure 9 Trend in Superior Court Filings and Resolutions

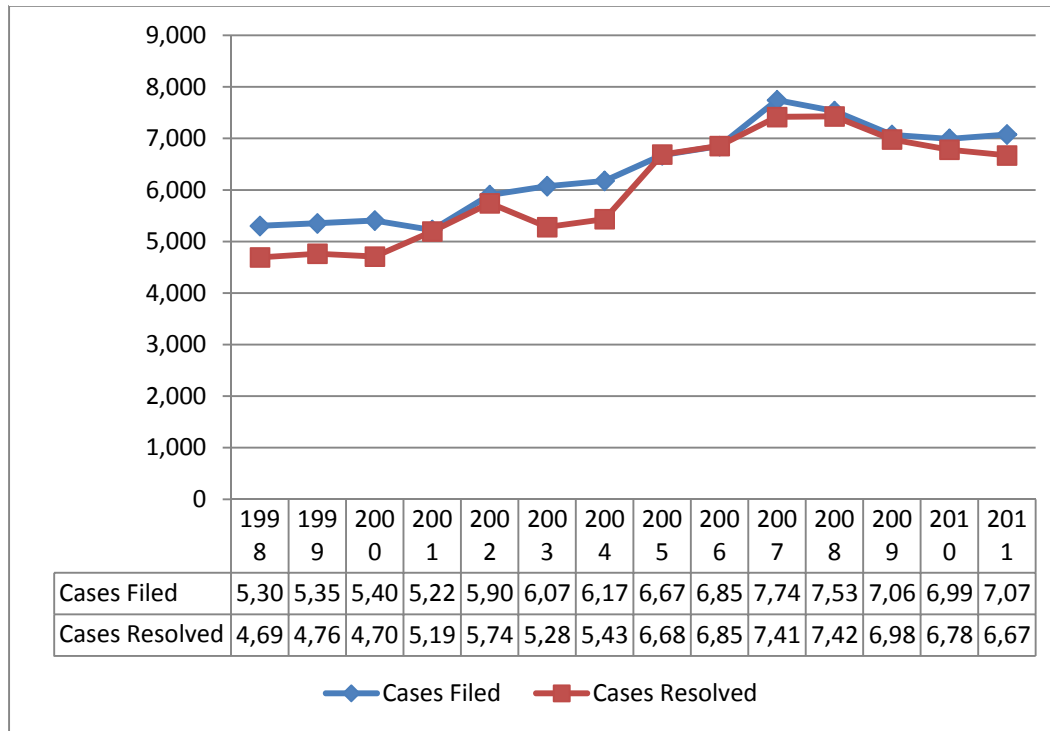


Figure 9 looks at the number of cases filed and resolved by year since 1998. Resolutions have consistently been less than case filings in Superior Court and there are periods (2003 – 2005) when they were significantly less. This often reflects workload within the court and the Prosecutor’s Office. Workload is not simply a matter of the number of cases; it is significantly influenced by the type of cases as well.

Trials by Type

Table 10 Trials by Type

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Criminal	27	33	26	16	28	30	42	42	55	20	42	35	37	39
Civil	39	35	41	45	40	27	26	43	19	28	31	22	23	11
Domestic	54	67	89	94	54	80	62	69	41	50	44	57	50	53
Probate/Guardianship	1	2	2	3	3	4	0	4	2	4	0	3	1	0
Adoption/Paternity	6	10	10	15	15	16	11	7	10	9	9	6	5	8
Mental Illness/Alcohol	0	0	0	0	0	0	0	0	1	0	0	0	1	0
Juvenile Offender	20	12	16	277	14	1	2	2	7	0	0	5	2	1
Total	147	159	184	450	154	158	143	167	135	111	126	128	119	112
% of cases resolved by trial	3%	3%	4%	9%	3%	3%	3%	2%	2%	1%	2%	2%	2%	2%

Public opinion to the contrary, the Court does not resolve most matters by going to trial. As noted in the 2005 and 2008 master plans, typically no more than 3% of cases reach resolution through a trial. Criminal trials account for 21% of all trials, but 18% of all filings. The 2001 number of juvenile trials was determined to be a coding error.

Proceedings by Type

If cases filed and resolved describes

how many cases come into and out of the system, the term, “proceedings ,” describes how many times the justice system schedules a specific event to conduct business related to that case. As a result, it can be considered as an indicator of efficiency.

Table 11 Trend in Superior Court Proceedings

Year	Criminal	Civil	Domestic	Probate/ Guardian- ship	Adoption/ Paternity	Mental Illness/ Alcohol	Juvenile Dependency	Juvenile Offender	Total
1998	5,887	1,252	1,502	88	647	391	2,222	4,283	16,272
1999	6,654	1,204	1,583	110	541	529	2,146	2,888	15,655
2000	6,178	1,244	1,709	104	501	615	1,724	3,930	16,005
2001	6,708	1,177	1,723	108	616	668	1,181	2,760	14,941
2002	7,075	1,498	1,639	134	658	639	2,260	3,561	17,464
2003	8,266	1,268	2,190	137	944	652	2,226	3,105	18,788
2004	8,956	1,104	2,527	166	1,077	635	2,575	3,227	20,267

Year	Criminal	Civil	Domestic	Probate/ Guardian- ship	Adoption/ Paternity	Mental Illness/ Alcohol	Juvenile Dependency	Juvenile Offender	Total
2005	8,975	1,159	2,418	154	1,040	993	3,119	3,185	21,043
2006	9,527	1,030	2,312	155	1,056	1,235	3,462	2,331	21,108
2007	10,396	1,226	2,130	172	915	1,519	4,805	2,509	23,672
2008	9,426	1,189	2,000	157	842	1,477	3,790	3,366	22,247
2009	8,970	1,117	1,861	162	793	1,014	2,621	2,786	19,324
2010	5,949	1,133	1,482	167	329	744	2,079	1,836	13,719
2011	6,552	1,131	1,521	221	196	320	2,223	1,560	13,724
Total	109,519	16,732	26,597	2,035	10,155	11,431	36,433	41,327	254,229
% of total	43%	7%	10%	1%	4%	4%	14%	16%	100%
% change	11%	-10%	1%	151%	-70%	-18%	0%	-64%	-16%

Figure 10 Proceedings by Type

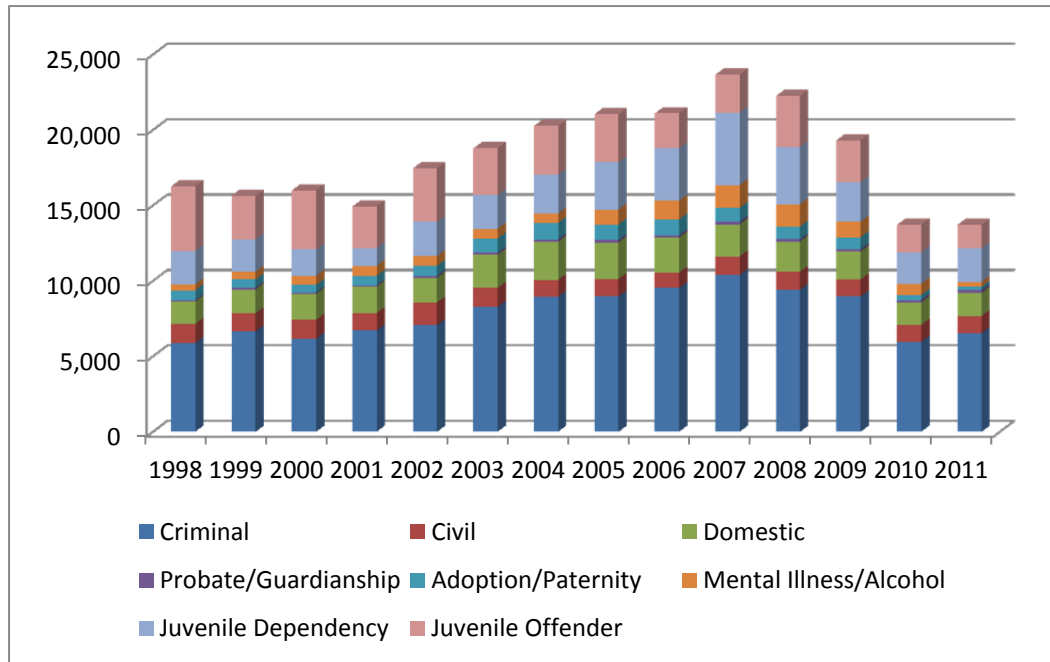
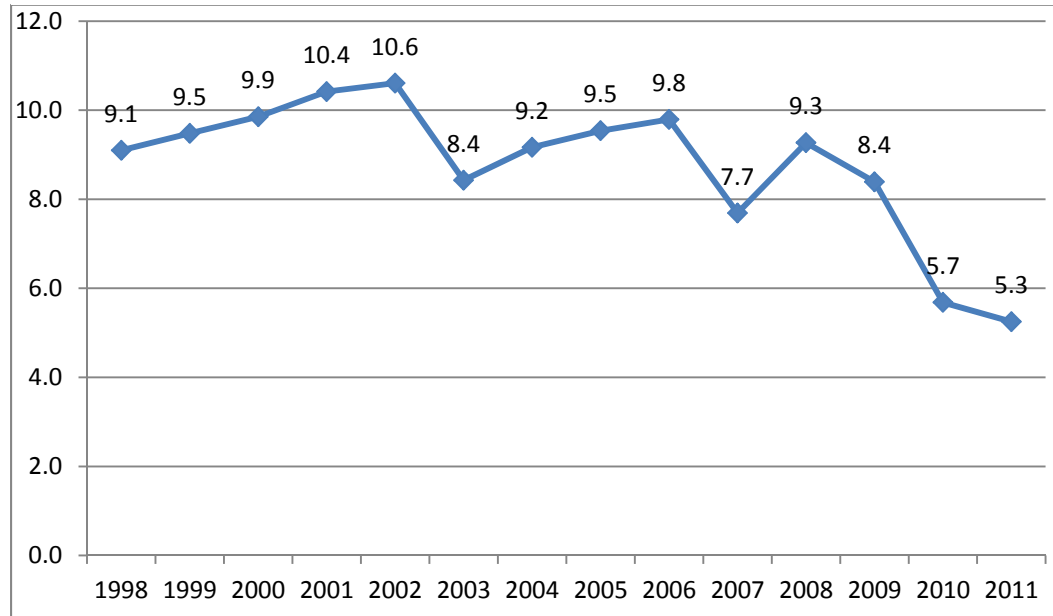


Figure 10 shows the impact that criminal cases have on Superior Court. Criminal proceedings accounted for 43% of proceedings between 1998 and 2011. There are clear peaks in this pattern (2007 and 2008 may relate to specific very serious cases within the County) as well as various judicial and prosecutorial policies. Proceedings of all types decreased in 2010 and 2011.

Table 12 Number of Proceedings by Type of Filing

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Criminal	9.1	9.5	9.9	10.4	10.6	8.4	9.2	9.5	9.8	7.7	9.3	8.4	5.7	5.3
Civil	0.7	0.7	0.7	0.7	0.7	0.6	0.5	0.5	0.4	0.5	0.5	0.4	0.4	0.4
Domestic	2.0	2.2	2.4	2.4	2.2	3.1	3.3	3.4	3.2	3.0	2.7	2.7	1.7	1.6
Probate/Guardianship	0.3	0.3	0.3	0.3	0.4	0.4	0.5	0.4	0.4	0.4	0.4	0.4	0.4	0.5
Adoption/Paternity	3.2	2.6	2.3	2.9	2.7	4.2	5.8	6.9	5.8	5.7	4.2	3.2	1.9	1.2
Mental Illness/Alcohol	0.9	1.0	1.1	1.3	1.2	1.3	1.3	1.5	1.3	1.3	1.2	1.3	1.3	0.9
Juvenile Dependency	4.0	4.3	3.4	2.4	3.2	3.3	3.9	4.0	3.9	5.4	5.3	3.9	2.6	2.5
Juvenile Offender	5.9	4.3	5.1	4.3	5.4	5.7	5.3	5.7	5.3	4.4	4.7	4.7	3.9	3.5
Total	3.1	2.9	3.0	2.9	3.0	3.1	3.3	3.2	3.1	3.1	3.0	2.7	2.0	1.9

Figure 11 Proceedings per Criminal Filings



As in the 2005 master plan, criminal cases generate the highest number of proceedings per filing. Figure 12 shows patterns of increasing filings (1998 – 2002 and 2004 - 2006), followed by steep decreases in 2003 and 2007. 2010 and 2011 show significant decreases as well. One potential interpretation of this pattern is that the courts are operating more efficiently – potentially being able to reach a negotiated conclusion to the case more expeditiously.

Time Standards

The Supreme Court sets time standards for case resolution along with measures of efficiency. These are listed in the first column in Table 13. This table shows that the Superior Court has increasingly experienced difficulty in resolving cases within the

time standards and that the ratio of active cases pending to cases resolved continues to increase. The number of cases pending resolution over 9 months has also increased.

Table 13 Trend in Cases Meeting Time Standards

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
90% @ 4 months	72	66	64	65	65	69	59	50	51	57	47	49	48	52
98% @ 6 months	89	84	81	82	79	83	75	69	66	73	65	68	65	69
100% @ 9 months	97	95	88	91	87	93	89	82	79	85	83	84	83	85
Cases Filed	640	692	621	635	653	898	936	912	955	1,348	1,004	1,053	1,037	1,241
Total Cases Resolved	549	605	583	620	622	676	765	765	943	1,197	991	1,070	1,009	1,098
Active Cases Pending Resolution	235	278	292	284	303	454	558	667	517	567	571	576	588	690
Ratio of Active Cases Pending to Cases Resolved	0.43	0.46	0.5	0.46	0.49	0.67	0.73	0.87	0.54	0.47	0.58	0.54	0.58	0.63
Cases Pending Resolution over 9 months	30	57	64	101	100	156	224	273	113	109	128	143	159	208

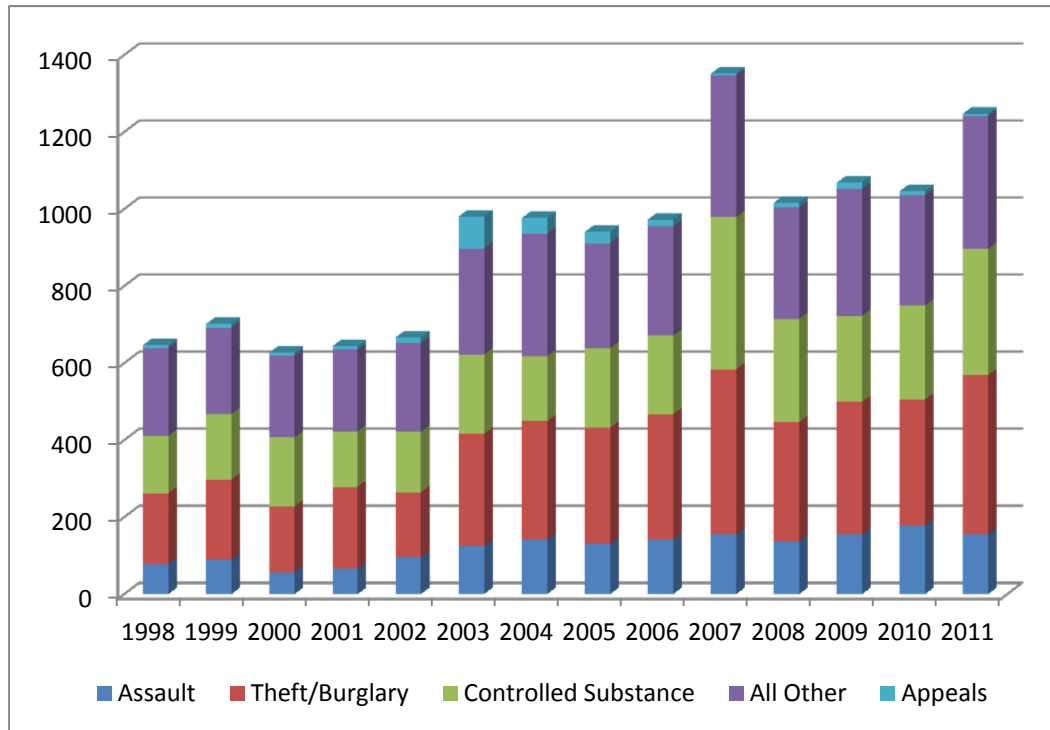
The ability to meet these standards is dependent on the type of cases and the resources available to resolve them. In 2011, the Supreme Court identified a need for 6.31 Superior Court judges and commissioners in Skagit County. At this time, the County has 4 judges (an increase of 1 since the 2005 master plan) and 1.25 commissioners, resulting in a continuing deficit in resources to resolve cases. As noted in 2005 and again in 2008, the resources required to do the work have not kept pace with the workload.

Criminal Cases

This analysis shifts to examining the trends in criminal cases in greater detail. Each criminal case referred to Superior Court can include multiple charges; this is particularly true if there is a practice of combining cases – which is ultimately more efficient for the court. Lesser included charges follow the felony charge to Superior Court.

Most Serious Charge Referred to Superior Court

Figure 12 Most Serious Charge Referred to Superior Court



The most commonly referred offense is larceny/burglary, which has increased 126% since 1998. Violations related to controlled substances are the second most commonly referred offense and these have increased 120%. Assaults are the most commonly referred person offense, and these have increased 97%. Since the mid 2000's there has been a trend to refer certain gross misdemeanors and misdemeanors to Superior court. It is important to note that very small numbers of actual events, like homicide, need to be considered within a range and for consistency within that range. For additional information on these offenses, see Table 14 on the following page.

Table 14 Trend in Most Serious Charge Referred to Superior Court

Year	Homicide	Sex Crimes	Robbery	Assault	Theft/ Burglary	Motor Vehicle Theft	Controlled Substance	Other	Misdemeanor / Gross Misdemeanor	Appeals	Non-charge	Total Criminal
1998	6	49	17	79	183	16	149	137	4	7	0	647
1999	4	60	18	89	209	10	170	124	2	10	6	702
2000	8	34	12	57	171	20	179	132	0	8	6	627
2001	4	47	7	67	212	17	144	135	1	9	1	644
2002	8	46	13	96	169	15	156	142	3	14	5	667
2003	2	52	15	125	291	14	206	190	2	83	1	981
2004	10	41	23	141	308	8	169	153	81	41	2	977
2005	6	43	25	130	302	16	207	108	74	29	1	941
2006	9	62	15	141	326	14	204	124	60	18	0	973
2007	7	75	28	155	429	17	395	161	81	4	0	1,352
2008	8	69	22	137	310	15	268	130	45	13	0	1,017
2009	12	78	37	155	344	13	224	124	65	16	1	1,069
2010	2	65	28	179	327	12	244	104	76	10	0	1,047
2011	4	68	44	156	413	26	328	118	80	7	4	1,248
Total	64	509	173	1,080	2,600	147	1,979	1,406	308	223	22	8,511
% of Total	1%	6%	2%	13%	31%	2%	23%	17%	4%	3%	0%	100%
% change	-33%	39%	159%	97%	126%	63%	120%	-14%	1900%	0%		93%

Trend in Criminal Counts

Defendants may be charged with multiple counts of the same offense. One way to examine this is to calculate the number of counts per each case filed. Table 14 provides that information for the categories shown above.

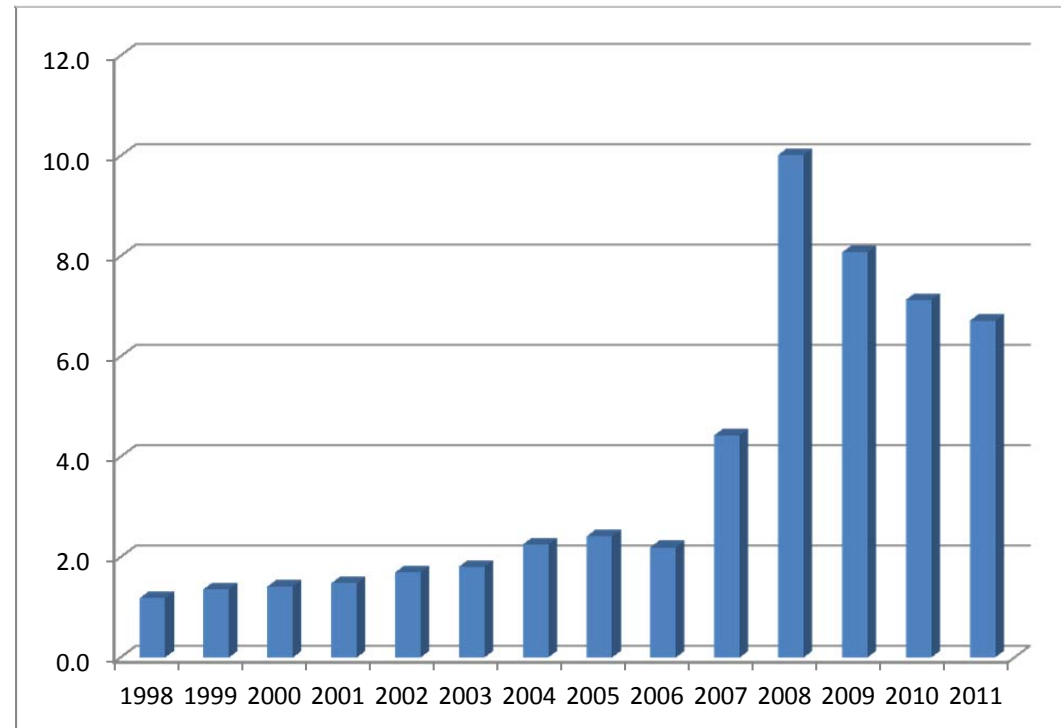
Table 15 Counts per Case Filing

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Homicide	1.00	1.25	1.00	1.00	1.00	1.00	1.10	1.00	1.56	1.14	2.63	1.33	1.00	1.00
Sex Crimes	1.12	1.08	1.18	1.28	1.39	1.54	2.56	2.95	2.52	1.72	1.72	1.67	1.94	1.65
Robbery	1.12	1.17	1.00	1.00	1.00	1.00	1.04	1.44	1.27	1.07	1.32	1.49	1.07	1.02
Assault	1.09	1.20	1.26	1.16	1.21	1.34	1.40	1.58	1.52	1.39	1.54	1.43	1.32	1.47
Theft/Burglary	1.19	1.38	1.27	1.38	1.23	1.70	2.03	2.09	1.89	1.65	1.64	1.81	1.79	1.60
Motor Vehicle Theft	1.25	1.50	1.60	1.53	1.47	1.71	2.25	2.81	1.71	1.82	1.67	2.15	3.42	1.54
Controlled Substance	1.07	1.21	1.42	1.51	2.10	1.75	1.78	2.14	1.75	1.60	1.45	1.81	1.87	1.92
Other	1.30	1.64	1.56	1.80	2.10	2.59	3.46	4.42	3.73	2.91	2.75	2.48	2.58	2.35
Total Criminal	1.18	1.36	1.41	1.48	1.70	1.81	2.25	2.42	2.20	4.43	10.02	8.08	7.13	6.71

Figure 13 clearly shows a shift in the number of counts per case that began in 2007. There are several potential reasons for this:

- Actual change in the number of events that are being prosecuted at one time,
- Incidence of some offenses, such as check fraud, which are likely to result in multiple counts of the same offense, and
- Change in prosecutorial policy regarding filing multiple counts.

Figure 13 Counts per Criminal Case



Criminal Case Resolutions

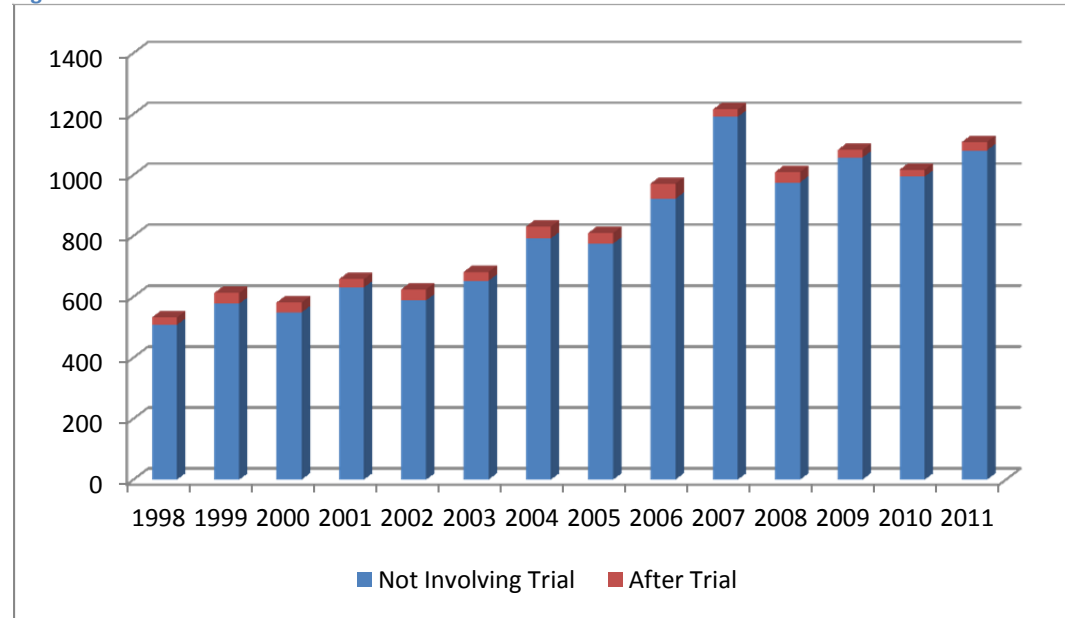
On average since 1998, very few criminal cases have actually been resolved by trial (on average 4%). averaged 4%, ranging from a low of 2% to a high of 5%. This is consistent with patterns seen nationally and within Washington State.

Resolutions essentially describe the effectiveness of the justice system. They suggest that:

- The right arrests are made,
- The right cases are filed at the right level,
- The cases are prosecuted and defended well,
- The courts are effective in managing this process.

The next series of tables and charts examine the outcomes of the resolutions before and after trial.

Figure 14 Trend in Criminal Case Resolutions



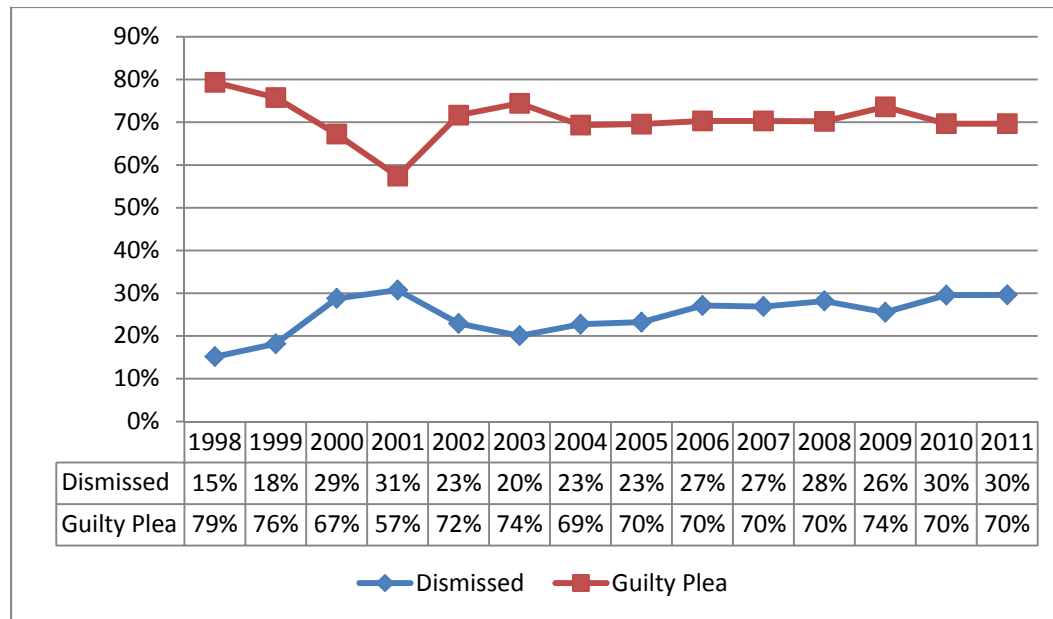
Type of Resolution before Trial

Table 16 Type of Resolution before Trial

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total
Change of Venue	0	0	0	1	1	0	0	0	3	4	1	0	1	0	11
Extradition	0	1	3	16	13	26	19	11	5	5	0	2	1	0	102
Deferred Prosecution	7	10	11	15	13	6	4	1	6	10	0	0	0	0	83
Decision on Lower Court Appeal	17	23	8	43	5	4	40	44	9	15	15	7	6	6	242
Dismissed	77	105	158	194	135	131	180	180	250	320	275	270	294	320	2,889
Guilty Plea	403	438	369	362	422	486	549	539	648	837	685	778	693	753	7,962
Other	4	1	0	0	0	0	0	0	1		0	0	0	2	8
Pretrial Total	508	578	549	631	589	653	792	775	922	1,191	976	1,057	995	1,081	11,297

The most common type of resolution prior to trial is entry of a guilty plea. Over this period, guilty pleas have accounted for 70% of resolutions before trial. The second most common type of resolution before trial is a dismissal (25% of total). The pattern is more evident when these two types of resolutions are viewed as a percentage of all resolutions. The increases in felony completion are most significant since 2006.

Figure 15 Resolutions before Trial



The percent of resolutions before trial resulting from a guilty plea has been essentially flat since 2004, while the percentage of resolutions before trial resulting from a dismissal has increased.

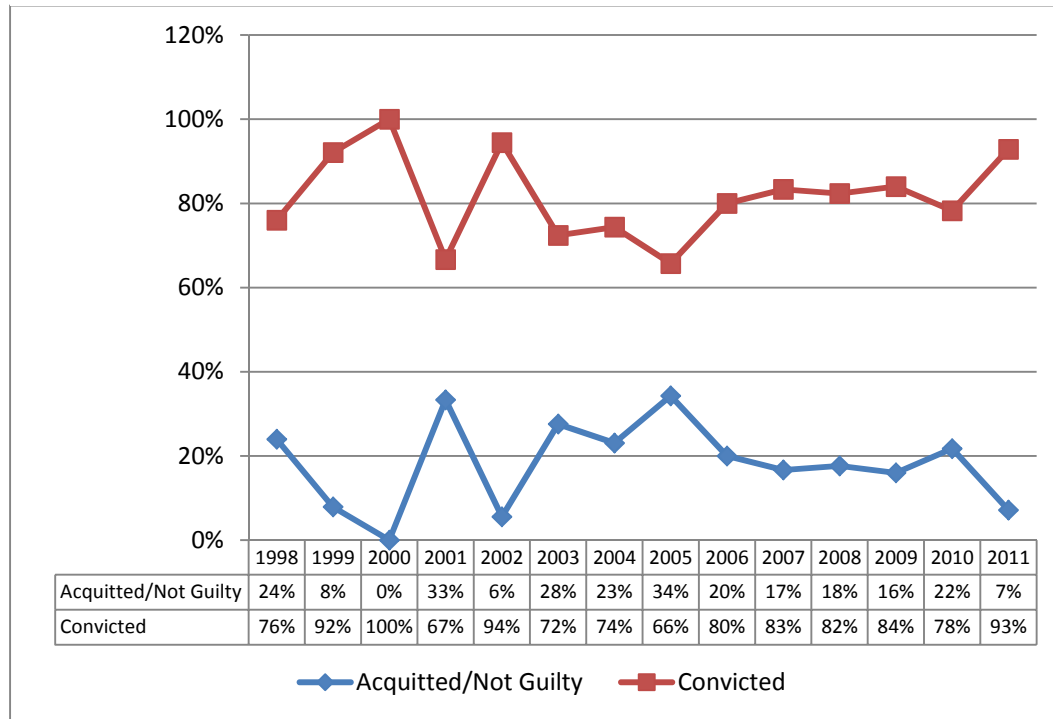
It is also worth noting that deferred prosecution has not appeared as a resolution since 2008.

Resolution after Trial

Table 17 Resolutions after Trial

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Dismissed	0	0	0	0	0	0	1	0	0	0	0	0	0	0
Guilty Plea	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Acquitted/Not Guilty	6	3	0	9	2	8	9	12	10	4	6	4	5	2
Convicted	19	35	33	18	34	21	29	23	40	20	28	21	18	26
Post-Trial Total	25	38	33	27	36	29	39	35	50	24	34	25	23	28

Figure 16 Trend in Percent of Acquittals and Convictions after Trial



The most common form of resolution after trial is conviction. To some degree, this measures the effectiveness of prosecution at the Superior Court level. It also suggests the degree to which the “right” cases are going to trial. If a plea can be obtained or if the case is not strong enough, then that decision is made before trial. This is an efficient use of both judicial and prosecutorial resources. Examining the ratio of acquittals to convictions may be instructive.

Although the number of these cases is small, they have a significant impact on the jail because these are among some of the most likely defendants to be in custody when trial occurs. Knowing their chance of being acquitted at trial can factor into whether a defendant will enter a plea. Both impact length of stay.

Sentences for Superior Court Criminal Cases

Table 18 Sentences for Superior Court Criminal Cases Disposed

Offense	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	% of Total
With DOC Sentence																
Homicide	1	7	6	1	5	1	3	6	5	11	6	7	5	5	69	1%
Sex Crimes	13	14	16	12	10	9	10	9	7	23	14	17	26	29	209	3%
Robbery	9	6	5	5	6	6	3	6	6	8	13	12	11	13	109	1%
Assault	5	19	9	9	25	21	27	24	37	34	30	38	34	34	346	4%
Theft/Burglary	28	25	33	25	36	45	68	69	93	91	65	75	61	57	771	9%
Motor Vehicle Theft	0	0	2	3	3	1	3	0	5	2	6	6	8	2	41	0%
Controlled Substance	24	36	22	15	33	39	28	53	34	43	42	38	38	52	497	6%
Other	13	9	7	13	15	15	14	22	24	20	25	22	14	26	239	3%
Misdemeanor/ Gross Misdemeanor	0	0	0	0	0	1	1	2	1	1	2	1	2	1	12	0%
Subtotal	93	116	100	83	133	138	157	191	212	233	203	216	199	219	2,293	27%
% of Case Completions w/DOC sentence	22%	25%	26%	22%	29%	28%	27%	34%	31%	26%	28%	27%	27%	27%		
With No DOC Sentence																
Homicide	0	0	0	0	1	0	2	0	0	0	0	0	0	0	3	0%
Sex Crimes	17	24	11	11	18	17	6	8	10	16	15	22	8	14	197	2%
Robbery	2	0	3	0	3	1	1	4	2	1	1	0	4	6	28	0%
Assault	44	44	32	30	32	40	50	50	55	47	51	67	58	63	663	8%
Theft/Burglary	90	86	83	83	86	88	116	97	107	132	122	151	121	132	1,494	18%
Motor Vehicle Theft	7	11	8	4	7	9	8	5	6	12	5	7	7	6	102	1%
Controlled Substance	63	71	65	73	68	68	74	83	129	208	158	131	123	138	1,452	17%
Other	53	47	51	60	56	72	70	51	51	74	57	70	49	66	827	10%
Misdemeanor/ Gross Misdemeanor	54	58	33	38	53	61	98	73	113	157	106	143	158	156	1,301	16%
Subtotal	330	341	286	299	324	356	425	371	473	647	515	591	528	581	6,067	73%
% of Cases w/o DOC sentence	78%	75%	74%	78%	71%	72%	73%	66%	69%	74%	72%	73%	73%	73%		
Total of Criminal Cases	423	457	386	382	457	494	582	562	685	880	718	807	727	800	8,360	100%

When criminal cases result in a plea or conviction, the Superior Court has to attend to statutory requirements of the sentences as well as Department of Corrections’ (DOC) policy regarding the presumption of incarceration or a community-based sanction. DOC presumptive placement essentially places violent offenders in the DOC institutions and property offenders in one of several potential community-based

corrections sanctions – one of which is the local jail. At the state level, this shows a clear divide between institutional and community-based alternatives for felons. Table 18 shows that just over 25% of felony convictions result in a DOC sentence. Since 1998, the trend in the use of the DOC has increased from 22% of cases in 1998 to 27% in 2011. That percentage has been stable since 2007.

Figure 17 Percent of Superior Court Felony Convictions by DOC/non-DOC Status

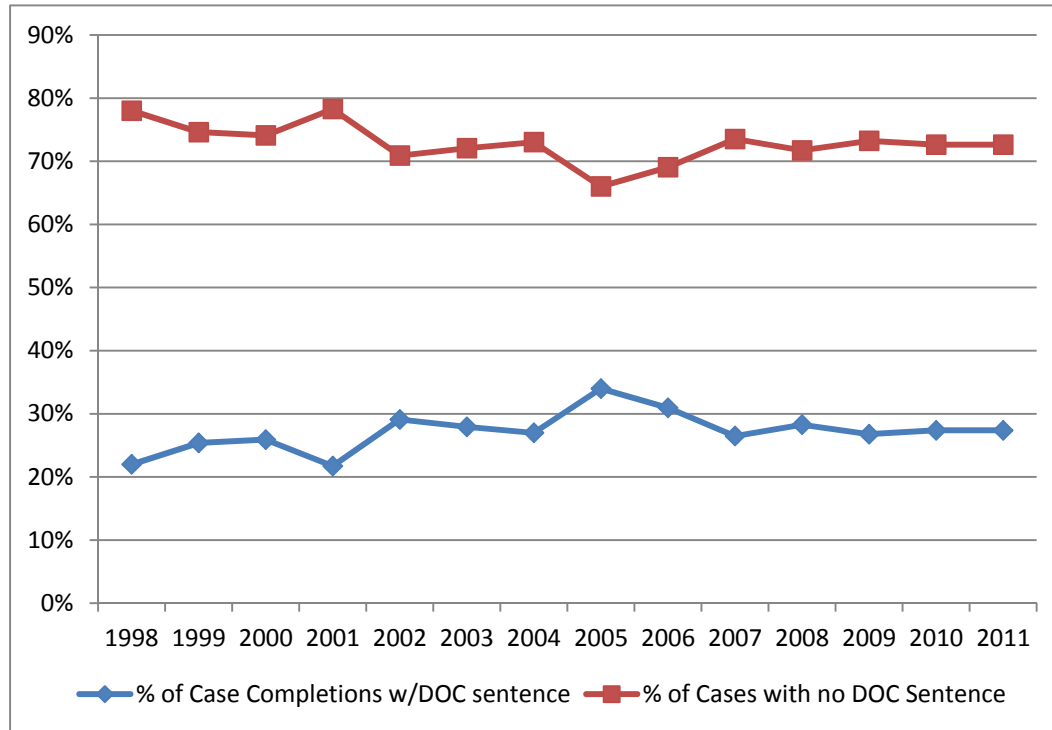


Figure 17 shows a gradual increase in the percent of cases with non-DOC sentences and a gradual decrease in the percent of cases with non-DOC sentences (from 1998 to 2005). These patterns have been stable since 2008.

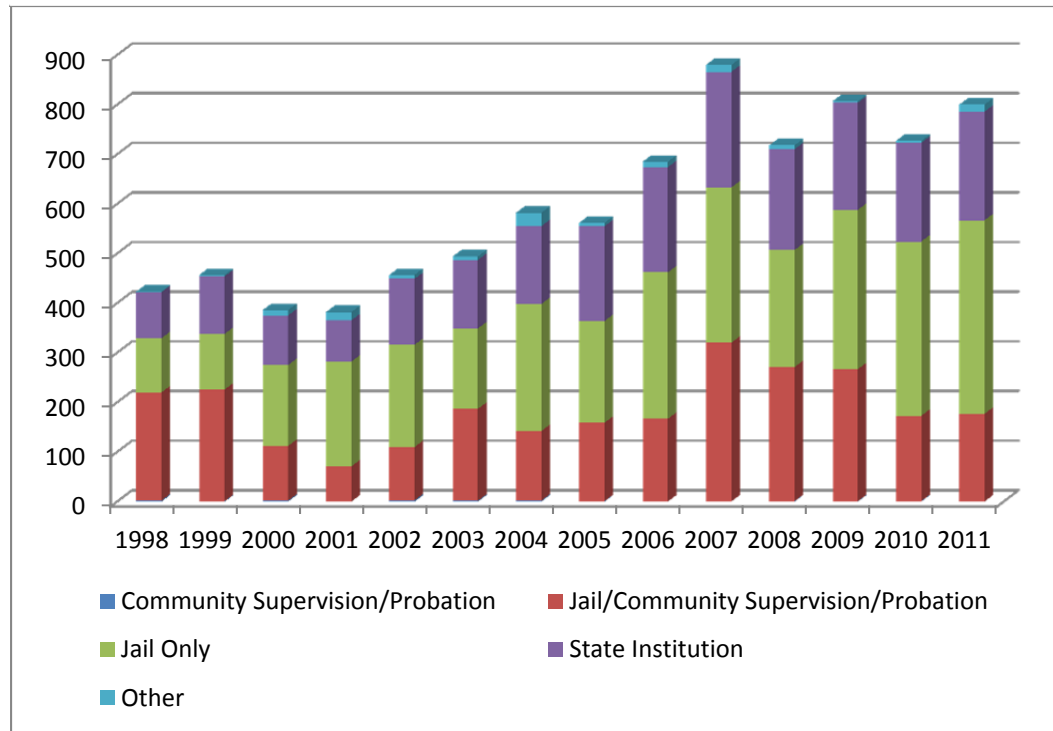
Sentence Detail

Table 19 Detail of Superior Court Criminal Sentences

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	% Total
Total Completions	575	610	575	659	628	672	830	810	978	1,236	1,021	1,095	1,021	1,105	100.0%
Community Supervision/ Probation	2	1	2	0	3	2	2	1	0	0	1	1	1	0	0.2%
Jail/Community Supervision/ Probation	218	225	110	71	107	185	140	158	167	320	270	266	172	177	30.9%
Jail Only	109	112	163	211	206	162	256	205	295	313	236	321	351	390	39.8%
State Institution	93	116	100	83	133	138	157	191	212	233	203	216	199	219	27.4%
Other	1	3	11	17	8	7	27	7	11	14	8	3	4	14	1.6%
Total Sentences	423	457	386	382	457	494	582	562	685	880	718	807	727	800	100.0%
% jail	77	74	71	74	68	70	68	65	67	72	70	73	72	71	

Table 19 divides felony sentences into five categories. The most common over the period analyzed is jail only (40%); in this case, jail is used as an alternative to prison and may include time spent in jail prior to conviction. The next most common sentence is jail, community supervision and probation (31%), which can also include time spent in jail prior to conviction. Clearly jail is being used as an alternative to prison.

Figure 18 Trend in Superior Court Felony Sentences



Sentences which included jail, community supervision and probation have decreased 19% during this period, while jail only sentences have increased 258%. Sentences to state institutions have increased 135% during this period. “Other sentence types” have also increased significantly. It is clear that the jail is used as a sanction for felony offenses. As a result, its sentenced inmates will include felons, *not just misdemeanants*.

Conclusion

- 11) Trends identified in the 2005 master plan and the 2008 update have continued in terms of the number of cases filed in Superior Court.
- 12) There are some indications that the Superior Court and the Prosecutor's Office are working more efficiently and may have gotten through a difficult period when there were particularly difficult matters before the court.
 - a) The gap between filings and resolutions is less today than in 2008.
 - b) There are far fewer proceedings per case today than in the past.
 - c) There are indications that the Court has been successful in reaching criminal case resolutions more expeditiously.
- 13) The number of cases resolved by trial continues to be very small.
- 14) There continue to be indications that workload is an issue for the Superior Court. This can be seen indirectly in the number of cases which are not resolved within 9 months (a State Time Standard). Direct workload measures shows that Skagit County lacks 1 judge needed to manage its current case load – in spite of the addition of one judge since 2008.
- 15) Criminal case filings continue to increase as noted in both the 2005 and 2008 master plans.
- 16) Counts per criminal case have increased significantly since 2007. This may reflect prosecutorial practices as well as increased efficiency in combining cases.
- 17) Patterns in the types of criminal case resolutions continue to show that:
 - a) Most cases are resolved without trial.
 - b) The trend noted in 2008 toward increasing dismissals continues to the extent that in 2011 30% of these cases resulted in a dismissal. In 1998 15% of these cases resulted in dismissals.
 - c) Of cases that do go to trial, the proportion convicted has generally trended higher since 2006. One potential interpretation of this data is that the right cases are going to trial and prosecution has been increasingly effective.
- 18) Felony sentences show a clear divided between cases going to the Department of Corrections (approximately 25% and increasing) and those who receive some form of community based sanction (approximately 75%).
 - a) The most common non-DOC sanction is jail only (about 40% of these sentences).
 - b) Jail with continued community supervision and probation s the next most common non-DOC sanction (30%).
- 19) Jail continues to be an important element of these sanctions. This has several significant implications for the future:
 - a) These have the potential to be relatively long sentences – up to one year. As a result, they use a significant amount of jail space.
 - b) The sentenced population includes both felons and misdemeanants.
 - c) This population is likely to re-offend in the absence of programs (about 70% do re-offend within three years).
 - d) Developing a structured plan for re-entry and “relapse prevention” such as that outlined in the plan for an alternative sentencing unit will be critical to reducing recidivism.

20) Overall, as noted in the 2008 master plan, increases in Superior Court activities have a strong relationship to population growth in the County (correlation = +.94, in 2011 identical to that seen in 2008).

Section 6 District Court

District Courts are courts of limited jurisdiction. There are District Courts in Anacortes, Burlington, Mount Vernon, and Sedro Woolley (in addition to municipal courts). Data reported in this section is aggregated. Of these courts, the County District Court accounts for the highest case volume. In general, if Superior Courts are about time-consuming cases, District Courts are about volume.

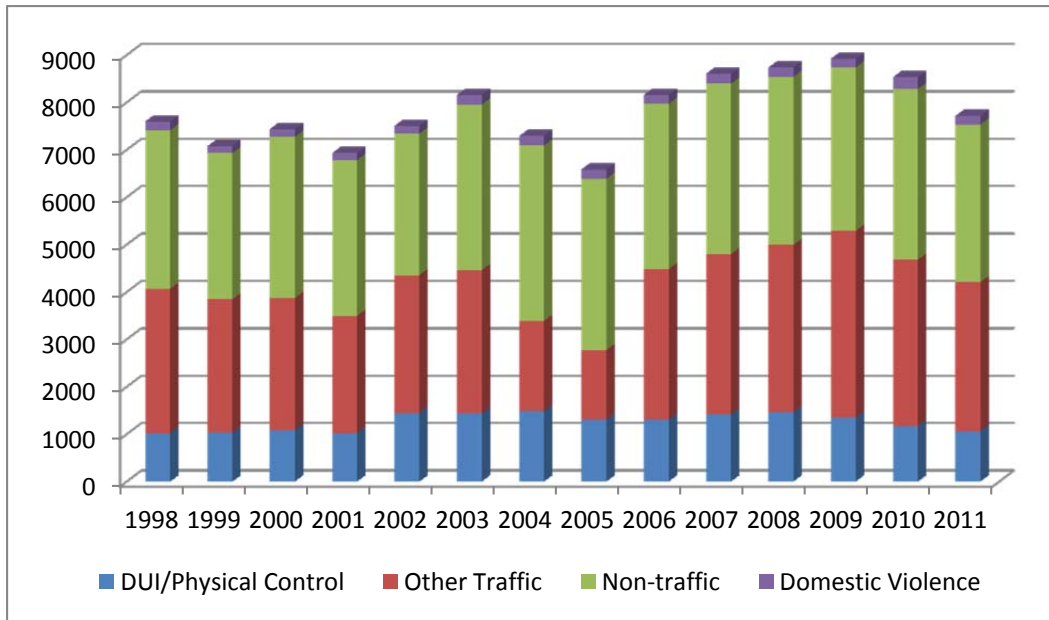
Case Filings

Table 20 Trend in District Court Case Filings

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	% Total	% Change
Infractions																
Traffic	17,150	16,281	15,389	14,332	18,918	21,494	23,081	21,839	22,168	26,222	25,572	25,816	25,613	24,587	60%	53%
Non-traffic	133	126	205	209	197	241	330	495	403	370	353	451	354	461	1%	178%
Misdemeanors																
DUI/Physical Control	1,027	1,037	1,091	1,028	1,455	1,436	1,489	1,312	1,308	1,422	1,465	1,359	1,176	1,068	4%	38%
Other Traffic	3,043	2,815	2,781	2,476	2,903	3,030	1,905	1,466	3,179	3,381	3,530	3,934	3,509	3,143	8%	11%
Non-traffic	3,344	3,083	3,401	3,281	2,984	3,490	3,703	3,612	3,485	3,596	3,544	3,446	3,598	3,327	10%	8%
Domestic Violence	188	149	169	150	168	205	197	202	191	211	201	185	253	181	1%	12%
Civil	2,196	2,214	2,323	2,042	2,267	2,161	2,063	1,975	1,786	2,328	2,242	2,069	2,011	2,011	7%	6%
Small Claims	472	422	444	467	455	411	376	434	427	362	453	379	356	292	1%	-23%
Felony Complaint	46	34	14	7	12	11	13	19	19	10	8	8	15	18	0%	-78%
Parking	2,225	2,245	2,678	3,149	2,860	2,422	3,171	2,654	2,597	2,883	2,744	3,381	3,179	2,875	8%	30%
Total	29,824	28,406	28,495	27,141	32,219	34,901	36,328	34,008	35,563	40,785	40,112	41,028	40,064	37,963	100%	37%
% infractions	58%	58%	55%	54%	59%	62%	64%	66%	63%	65%	65%	64%	65%	66%		

As in 2005 and in 2008, traffic and non-traffic infractions continue to account for the majority of District Court filings. This percent continues to increase. These are generally not significant for the jail ***except when failure to comply with court requirements occurs***. The District Court cases which are most likely to have an impact on the jail are misdemeanors.

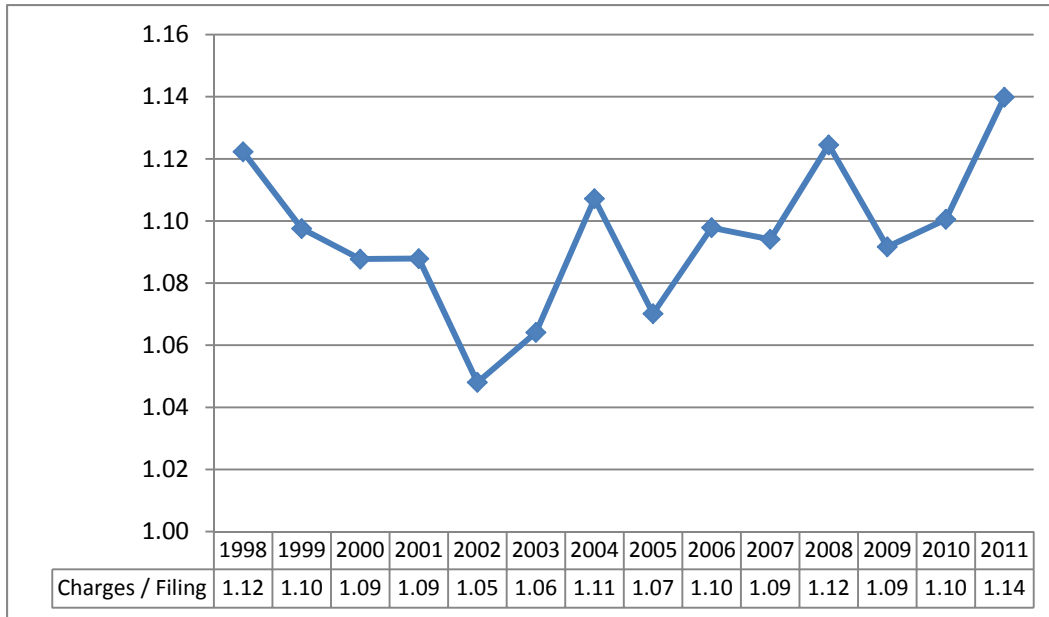
Figure 19 Trend in District Court Misdemeanor Filings



Of these filings, non-traffic misdemeanors have accounted for 45% of these misdemeanor cases; they have increased 8%. The second largest group is traffic misdemeanors (36%) and they have increased 11%. The most significant increase in this group of case filings is in the DUI/Physical Control category (38%). This is significant for the jail since these cases have sentences based on statute. This is a continuation of trends seen in the earlier studies.

Charges per Filing

Figure 20 Charges per District Court Filing



The number of charges per filing is now 1.14. As noted in 2008, the trend toward a decreasing number of charges per filing has reversed itself.

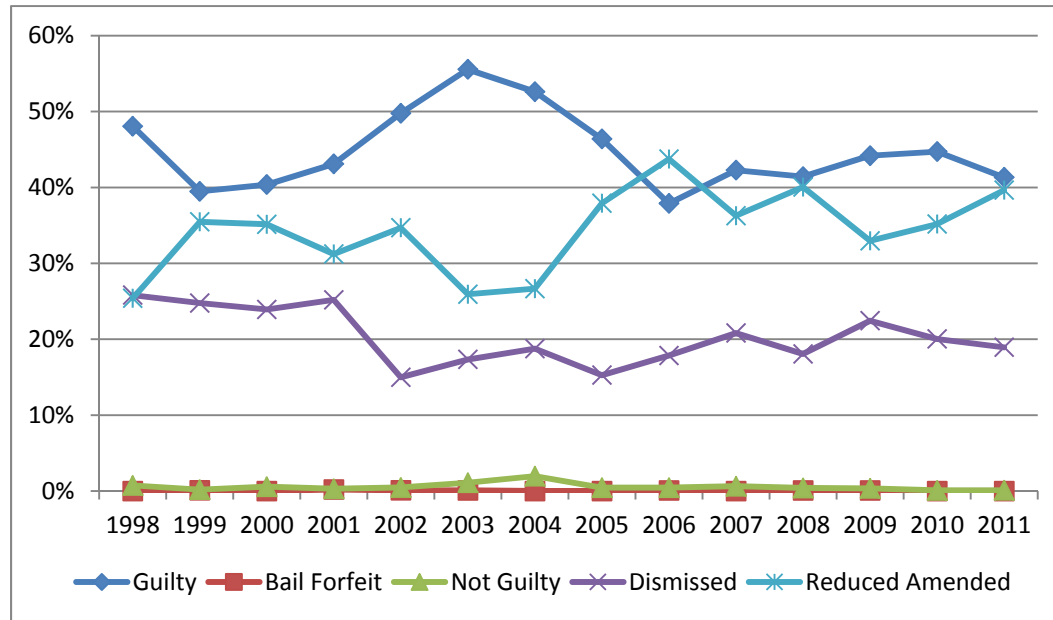
DUI/Physical Control

DUI/Physical Control cases are likely to impact the jail because of mandatory sentencing laws.

Table 21 Trend in DUI/Physical Control Cases

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	% of Total	% Change
Filings	1,027	1,037	1,091	1,028	1,455	1,436	1,489	1,312	1,308	1,422	1,465	1,359	1,176	1,068	17,673		4%
Charges	1,029	1,039	1,102	1,031	1,459	1,436	1,498	1,319	1,310	1,429	1,469	1,356	1,180	1,069	17,726		4%
Violations Disposed																	
Guilty	458	432	432	443	538	660	673	635	518	536	633	646	585	467	7,656	45%	2%
Bail Forfeit	0	1	0	2	1	1	0	0	1	0	1	1	0	0	8	0%	
Not Guilty	7	2	6	3	5	13	25	6	6	8	6	5	1	1	94	1%	-86%
Dismissed	246	271	256	259	162	206	240	209	244	264	276	328	262	214	3,437	20%	-13%
Reduced Amended	242	388	376	321	375	308	341	519	598	460	612	482	460	448	5,930	35%	85%
Total	953	1,094	1,070	1,028	1,081	1,188	1,279	1,369	1,367	1,268	1,528	1,462	1,308	1,130	17,125	100%	19%
Proceedings																	
Jury Trial	16	10	17	16	16	45	89	35	37	21	15	15	10	15	357	0.3%	-6%
Non-Jury Trial	2	1	0	0	4	17	5	2	4	1	1	2	3	0	42	0.0%	-100%
Stipulate to Rec	6	0	0	0	0	1	6	8	5	6	3	6	7	13	61	0.0%	117%
Arraignment	1,052	1,317	1,416	1,340	1,927	2,015	1,936	1,887	1,888	1,966	2,131	1,813	1,554	1,228	23,470	18.2%	17%
Other Hearing	5,459	5,290	5,307	5,527	5,833	8,042	9,106	8,580	6,092	8,235	9,110	9,382	8,980	7,591	102,534	79.6%	39%
Deferred Prosecution	231	181	131	146	150	200	229	147	144	150	175	148	138	124	2,294	1.8%	-46%
Cases Appealed	2	5	3	5	7	7	8	20	11	2	8	8	5	5	96	0.1%	150%
Total Proceedings	6,768	6,804	6,874	7,034	7,937	10,327	11,379	10,679	8,181	10,381	11,443	11,374	10,697	8,976	128,854	100.0%	
Proceedings per case																	
	6.59	6.56	6.30	6.84	5.45	7.19	7.64	8.14	6.25	7.30	7.81	8.37	9.10	8.40	7.29		
Disposition																	
Guilty	48%	39%	40%	43%	50%	56%	53%	46%	38%	42%	41%	44%	45%	41%	45%		
Bail Forfeit	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%		
Not Guilty	1%	0%	1%	0%	0%	1%	2%	0%	0%	1%	0%	0%	0%	0%	1%		
Dismissed	26%	25%	24%	25%	15%	17%	19%	15%	18%	21%	18%	22%	20%	19%	20%		
Reduced Amended	25%	35%	35%	31%	35%	26%	27%	38%	44%	36%	40%	33%	35%	40%	35%		
Total	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%	100%		

Figure 21 Trend in DUI/Physical Control Outcomes



The number of DUI/Physical Control filings peaked in 2004 – 2008 and then began to decline. Over the entire period, about 45% of these cases resulted in a guilty plea on the original charge, 35% resulted in a guilty plea on a reduced or amended charge, and 20% of these charges were dismissed. For District Court, these cases generate a significant amount of proceedings per case.

Bail forfeitures and not guilty pleas have never been more than 1% of this type of case. During this period guilty pleas peaked in 2003 and reached a low in 2006. There is an inverse relationship with pleas to reduced or amended charges. Dismissals have varied just above and below 20% during most of this period.

Other Traffic Misdemeanors

These offenses include charges (such as driving under suspension, driving without an operator's license, eluding, and careless driving) are more serious than infractions and can include jail penalties, especially if they are repetitive.

Table 22 Trend in Other Traffic Misdemeanors

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	% Total	% Change
Filings	3,043	2,815	2,781	2,476	2,903	3,030	1,905	1,466	3,179	3,381	3,530	3,934	3,598	3,143	41,184		3%
Charges	3,558	3,323	3,448	2,918	3,450	3,596	2,383	1,926	3,914	4,106	4,342	4,711	4,204	3,689	49,568		4%
Violations Disposed																	
Guilty	1,944	1,935	1,876	1,603	1,929	1,745	1,212	1,078	1,709	1,861	1,666	1,772	1,650	1,432	23,412	49%	-26%
Bail Forfeit	730	695	704	641	596	615	500	213	537	562	314	152	131	72	6,462	14%	-90%
Not Guilty	6	1	3	1	4	3	3	2	1	0	1	5	1	2	33	0%	-67%
Dismissed	1,076	1,021	996	1,169	1,025	1,088	2,585	635	1,103	1,760	1,379	1,331	1,252	1,086	17,506	37%	1%
Total	3,756	3,652	3,579	3,414	3,554	3,451	4,300	1,928	3,350	4,183	3,360	3,260	3,034	2,592	47,413	100%	-31%
Proceedings																	
Jury Trial	9	2	10	4	6	8	15	3	6	2	4	2	2	0	73	0.1%	-100%
Non-Jury Trial	13	3	3	2	1	7	8	3	5	1	1	3	0	2	52	0.0%	-85%
Stipulated to Rec	107	34	18	12	24	49	42	38	55	67	52	53	63	70	684	0.5%	-35%
Arraignment	3,374	3,577	3,649	3,479	4,242	4,976	2,914	1,939	4,512	5,043	4,904	5,396	4,881	3,749	56,635	44.8%	11%
Other Hearing	5,706	4,557	4,367	4,090	4,771	5,486	4,598	2,684	4,984	5,715	5,071	5,704	5,612	4,858	68,203	54.0%	-15%
Deferred Prosecution	54	42	33	45	50	39	44	42	51	57	72	57	64	50	700	0.6%	-7%
Cases Appealed	4	4	2	2	2	5	14	2	2	0	3	1	1	0	42	0.0%	-100%
Total	9,267	8,219	8,082	7,634	9,096	10,570	7,635	4,711	9,615	10,885	10,107	11,216	10,623	8,729	126,389	100.0%	-6%
Proceedings Per Case																	
Guilty	52%	53%	52%	47%	54%	51%	28%	56%	51%	44%	50%	54%	54%	55%	49%		
Bail Forfeit	19%	19%	20%	19%	17%	18%	12%	11%	16%	13%	9%	5%	4%	3%	14%		
Not Guilty	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%		
Dismissed	29%	28%	28%	34%	29%	32%	60%	33%	33%	42%	41%	41%	41%	42%	37%		

The number of charges continues to be significantly higher than the number of filings, suggesting that these are likely to involve multiple violations. However, about half of the cases involve a guilty plea and 37% involve a dismissal. The number of proceedings per cases is lower in

this category than in the DUI/Physical Control group. The relationship of pleas and dismissals was influence in 2004 by a Washington State Supreme Court case which was under appeal.

Non-Traffic Misdemeanors

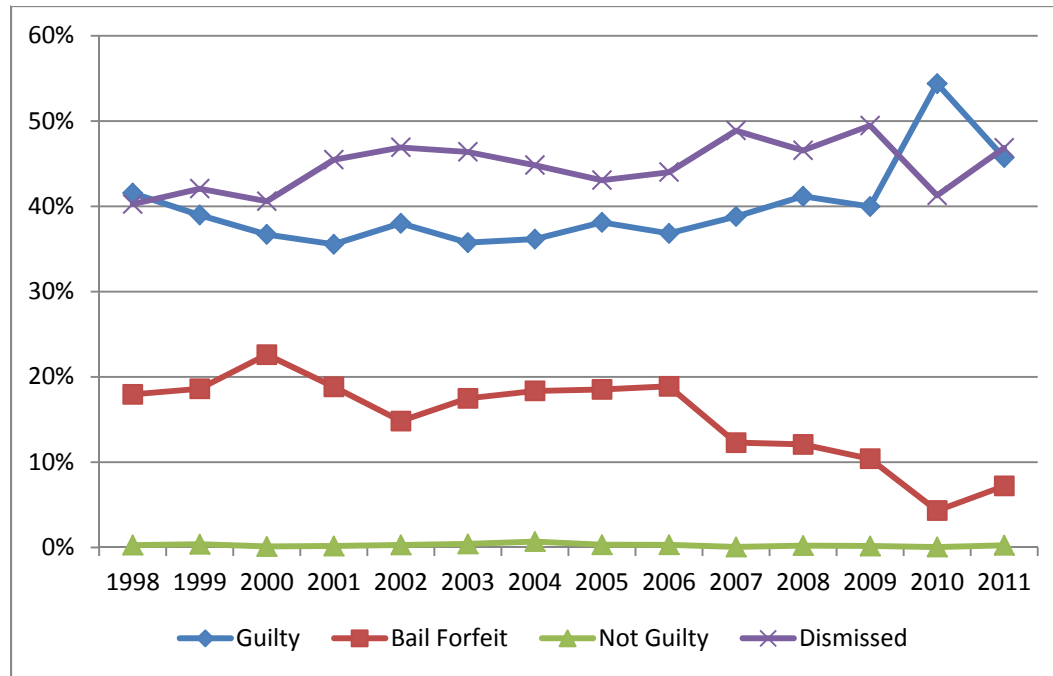
Table 23 Trend in Non-Traffic Misdemeanors

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	% Total	% Change
Filings	3,344	3,083	3,401	3,281	2,984	3,490	3,703	3,612	3,485	3,596	3,544	3,446	3,598	3,327	47,894		-1%
Charges	3,966	3,683	4,207	4,032	3,650	4,215	4,519	4,376	4,440	4,585	4,479	4,373	4,204	4,290	59,019		8%
Violations Disposed																	
Guilty	1,588	1,385	1,387	1,384	1,357	1,413	1,442	1,606	1,605	1,745	1,808	1,765	1,650	1,879	22,014	40%	18%
Bail Forfeit	686	661	854	733	529	691	732	780	823	552	530	459	131	296	8,457	15%	-57%
Not Guilty	10	13	4	6	10	16	27	13	13	2	9	7	1	10	141	0%	0%
Dismissed	1,539	1,495	1,534	1,770	1,675	1,834	1,788	1,814	1,918	2,198	2,044	2,184	1,252	1,926	24,971	45%	25%
Total	3,823	3,554	3,779	3,893	3,571	3,954	3,989	4,213	4,359	4,497	4,391	4,415	3,034	4,111	55,583	100%	8%
Proceedings																	
Jury Trial	21	15	15	16	21	41	65	40	40	6	11	12	2	12	317		-43%
Non-Jury Trial	6	2	1	5	6	13	15	6	5	5	3	8	0	2	77		-67%
Stipulated to Rec	45	19	7	15	27	52	61	79	79	68	85	99	63	48	747		7%
Arraignment	3,976	3,771	4,145	4,328	4,268	5,417	5,405	5,598	5,493	5,552	5,846	5,208	4,881	4,520	68,408		14%
Other Hearing	7,445	5,867	6,332	7,390	7,991	9,078	10,853	10,667	10,019	9,227	10,629	10,887	5,612	10,483	122,480		41%
Deferred Prosecution	24	74	87	146	133	122	132	125	126	116	146	172	64	248	1,715		933%
Cases Appealed	2	5	4	3	5	6	9	5	7	2	2	7	1	1	59		-50%
Total Proceedings	11,519	9,753	10,591	11,903	12,451	14,729	16,540	16,520	15,769	14,976	16,722	16,393	10,623	15,314	193,803		
Proceedings/Case	3.44	3.16	3.11	3.63	4.17	4.22	4.47	4.57	4.52	4.16	4.72	4.76	2.95	4.60			
Outcomes																	
Guilty	42%	39%	37%	36%	38%	36%	36%	38%	37%	39%	41%	40%	54%	46%			
Bail Forfeit	18%	19%	23%	19%	15%	17%	18%	19%	19%	12%	12%	10%	4%	7%			
Not Guilty	0%	0%	0%	0%	0%	0%	1%	0%	0%	0%	0%	0%	0%	0%			
Dismissed	40%	42%	41%	45%	47%	46%	45%	43%	44%	49%	47%	49%	41%	47%			

Non-traffic misdemeanor cover a broad spectrum of criminal offenses; simple assault, petty theft, and a variety of simple drug possession charges are good examples of this group. As in the traffic misdemeanor category, there are more charges than cases. The outcomes in these

matters result in about 45% dismissals and 40% guilty pleas. Bail forfeitures occur when bail is forfeited if an individual does not appear. This is likely to occur if the person charged is not from this County. The number of proceedings per case has generally been increasing.

Figure 22 Trend in Non-Traffic Misdemeanor Outcomes



Since 2009, the number of guilty pleas, which had been trending up, peaked in 2010 and then returned to level consistent with earlier trends. Dismissals continue to exceed guilty pleas (except in 2008). The direction of these trends is generally consistent with that seen in 2005 and in 2008.

Domestic Violence / Protection Orders

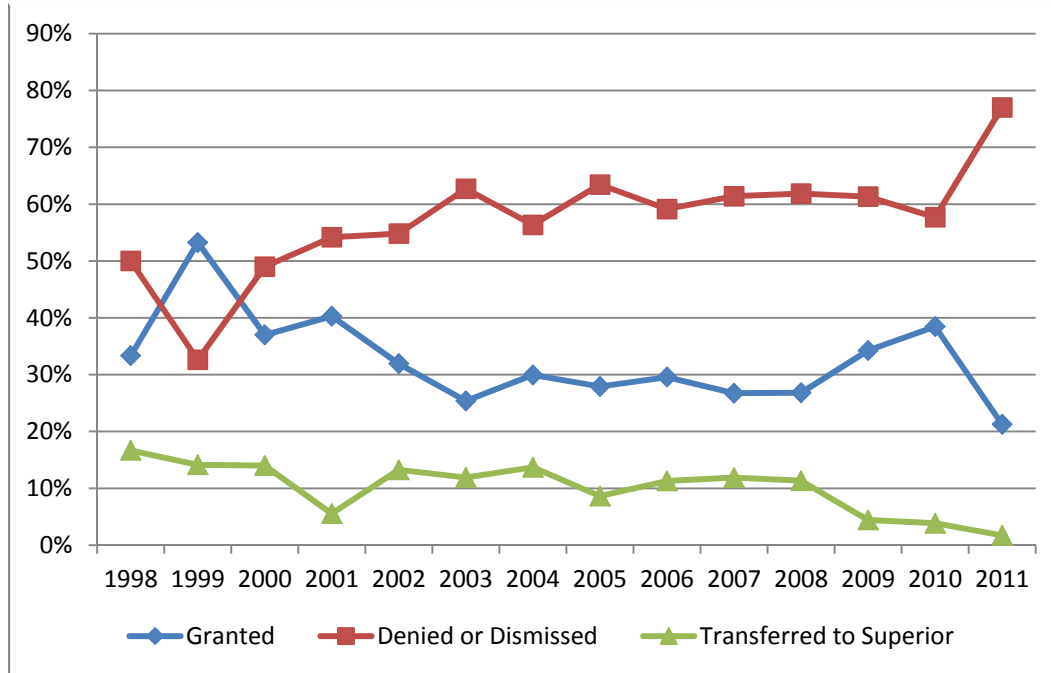
Domestic violence cases have the potential to have a significant impact on the jail. Having noted in in Section 3 that simple domestic assaults are the most common type of domestic violence charge, this is the court responsible for their disposition. As person offenses, these are the type of misdemeanor offenses that are likely to result in jail time beyond an initial detention on arrest. They are also among the most likely cases to result in a dismissal when the petitioner decides to withdraw the complaint.

Table 24 Trend in Domestic Violence and Protection Orders

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	Total	% Total	% Change
Petitions Filed																	
Domestic Violence				0	0	0	0	0	0	0	0	0	0	0	0		
Anti-harassment				150	168	205	197	202	191	221	201	185	253	181	2,154		
Sexual Assault Protest													0	0	0		
Total	188	149	169	150	168	205	197	202	191	221	201	185	253	181	2,660		-4%
Proceedings																	
Exparte Hearings	171	136	166	136	154	181	167	192	169	169	182	172	235	158	2,388		-8%
Full Order Hearing	125	149	146	155	140	168	157	196	132	147	162	151	192	129	2,149		3%
Petitions Disposed																	
Granted	60	49	41	58	53	49	59	55	55	54	52	62	90	37	774	32%	-38%
Denied or Dismissed	90	30		78	91	121	111	125	110	124	120	111	135	134	1,380	58%	49%
Transferred to Superior	30	13	15	8	22	23	27	17	21	24	22	8	9	3	242	10%	-90%
Total	180	92	56	144	166	193	197	197	186	202	194	181	234	174	2,396	100%	-3%
Granted	33%	53%	73%	40%	32%	25%	30%	28%	30%	27%	27%	34%	38%	21%	32%		
Denied or Dismissed	50%	33%	0%	54%	55%	63%	56%	63%	59%	61%	62%	61%	58%	77%	58%		
Transferred to Superior	17%	14%	27%	6%	13%	12%	14%	9%	11%	12%	11%	4%	4%	2%	10%		

Since 1998 there has been a 4% decrease in domestic violence petitions file although current levels are within an expected range. 58% of the cases result in denied or dismissed petitions; about 10% are transferred to Superior Court. The rest of these petitions are granted.

Figure 23 Trend in Domestic Violence Protection Orders



These patterns were relatively consistent until 2011 when there is a marked increase in denials or dismissals and a corresponding decrease in orders granted. This may represent a change in prosecutorial or judicial practices.

Trials Set and Held

Table 25 Trend in District Court Jury and Non-jury Trials Set and Held

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	% Change
All Jury Trials															
Set	864	749	697	734	696	1,709	2,489	2,109	1,719	840	1,070	851	907	600	-31%
Held	49	27	43	36	46	95	174	78	83	29	34	29	39	27	-45%
% of Trials Held	6%	4%	6%	5%	7%	6%	7%	4%	5%	3%	3%	3%	4%	5%	
All Non-Jury Trials															
Set	156	132	86	92	85	159	113	64	61	30	29	57	64	48	-69%
Held	39	35	12	25	27	49	50	22	23	11	11	19	13	17	-56%
% Held	25%	27%	14%	27%	32%	31%	44%	34%	38%	37%	38%	33%	20%	35%	

As in Superior Court, there are far more trials set than held. There are far more jury trials than non-jury trials. The percent of jury trials held has ranged from 3% to a high of 7%. If used, non-jury trials are much more likely to be held. Overall, all of these trends have been decreasing significantly; this continues a trend toward increasing efficiency noted in the 2008 master plan update.

Staffing Resources

Unlike Superior Court, in general, staffing resources are in line with need.

Conclusions

- 1) Filings in District Court continue to increase in all areas except small claims and felony complaints filed in District Court. As in earlier studies, non-traffic misdemeanors and traffic misdemeanors continue to increase. The most significant increase is in the area of DUI/Physical Control cases which have a statutory impact on the jail.
- 2) After a period in which charges per filing decreased, as noted in 2008, this trend is reversing.
- 3) DUI/Physical Control cases typically are resolved by a guilty plea (45%), a guilty plea to a reduced or amended charge (35%) or dismissals (20%).
- 4) Other traffic misdemeanors (such as driving under suspension) continue to increase – and appear to include multiple incidents of the same behavior.
- 5) Non-traffic misdemeanors, such as a misdemeanor drug possession charge, are essentially flat although there are increasing numbers of proceedings required to resolve these cases. Nearly half of these cases result in dismissal.
- 6) The number of domestic violence charges is decreasing. Over this period, about 58% of these cases resulted in dismissals – typically when the petitioner withdraws his or her petition.
- 7) The relationship between County population and case filings in District Court is stronger in 2011 than it was in 2008 (.92). It seems that population growth is a primary driver of the number of District Court cases.
- 8) There are indications of increasing efficiency in District Court as well. However, increasing volumes will erode these gains over time.

Section 7 Jail Trends

Jail population levels result from:

- 1) Trends previously examined in this document,
- 2) Policies and practices of the state and local justice systems, which are reflected in these trends,
- 3) Statutes and case law which drive how justice organizations “do business” and the penalties which may be imposed for various offenses,
- 4) The socio-economic characteristics of a specific jurisdiction, and
- 5) Larger social changes that impact all these agencies.

As in earlier studies, there are three basic jail trends to review: bookings (the number of people arrested and brought to the jail), average daily population or ADP (the number of people in the jail during a specific time period), and length of stay or LOS (how long the average person who is booked actually remains in jail).

Jail Bookings

The 2008 master plan update noted that bookings had increased from 1988 to 2003. Since that time, bookings have decreased from a high of 6,380 in 2003 (17 bookings per day) to 4,490 in 2011 (12 bookings per day average). There is considerable evidence that crowding has forced the jail to restrict the types of offenses and, at times, close the jail to bookings. This creates an artificial picture of this trend and if capacity were available, bookings would increase.

Figure 24 Trend in Bookings

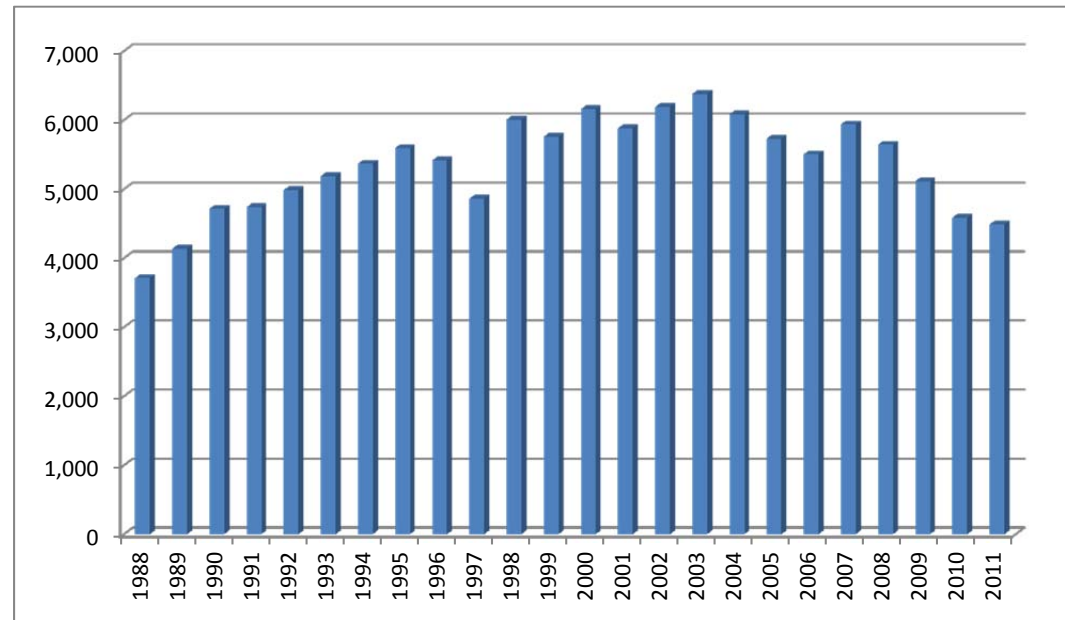


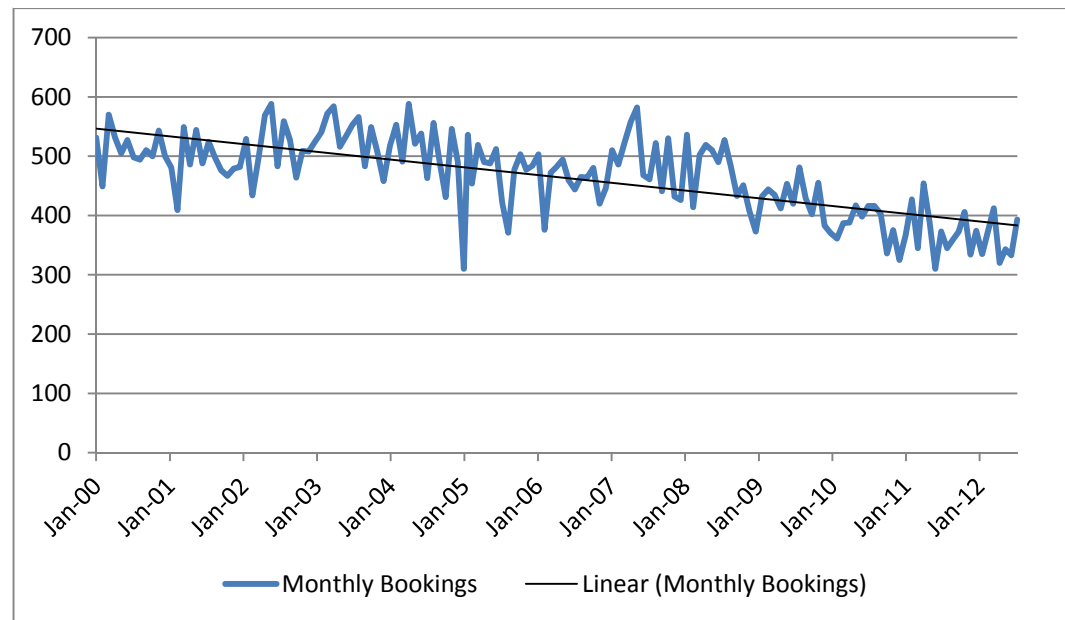
Table 26 Trend in Annual Bookings

Year	Bookings	Year	Bookings
1988	3,712	2001	5,883
1989	4,139	2002	6,192
1990	4,716	2003	6,380
1991	4,738	2004	6,086
1992	4,986	2005	5,733
1993	5,190	2006	5,505
1994	5,369	2007	5,939
1995	5,595	2008	5,645
1996	5,417	2009	5,116
1997	4,863	2010	4,589
1998	6,008	2011	4,490
1999	5,758	2012	2,509

2012 bookings are for January – July; an estimate for 2012 based on year to date would be 4,301. This is consistent with booking levels seen in the late 1980’s. This trend is statistically quite strong ($r=-.70$ and inverse); this means that as time passes, the number of bookings is decreasing. This is a continuation of trends noted in 2005 and 2008. In addition, the relationship between County population and jail bookings is $.40$ for the period between 1988 and the present. However, the current trend, which began in 2003, shows a strong, negative relationship with County population ($r=-.79$). This means that as the County population increases the number of bookings decreases. Given the fact that other measures of criminal justice activity (crime, arrests, and case filings) are increasing, this suggests that the system is continuing to prioritize use of the jail.

As in the 2005 master plan and the 2008 update, bookings continue to vary by month with peaks during the summer months. However, the overall decreasing trend continues to be clear.

Table 27 Trend in Monthly Bookings



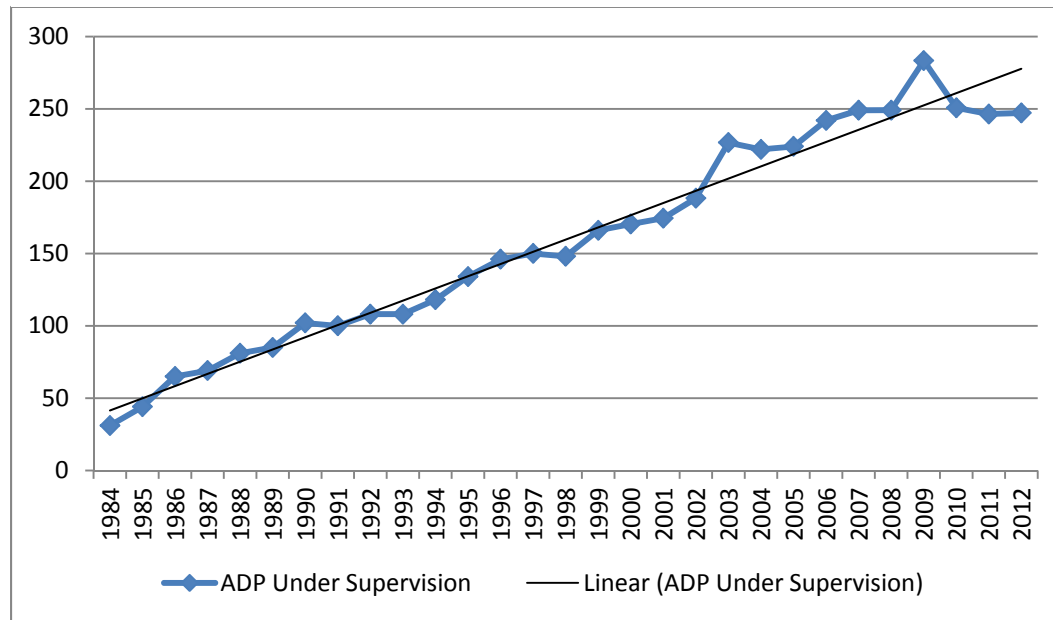
Average Daily Population (ADP)

When the jail opened in 1984, it is safe to assume that all persons under the supervision of the Sheriff’s Office were in jail. However, beginning in 1995, as the jail became crowded the Sheriff’s Office initiated the use of a variety of alternatives to jail and eventually began boarding prisoners in other facilities as their budget allowed. As a result, beginning in about 2000, when the Sheriff’s Office began recording information about inmates in their community service and electronic monitoring programs, two different measures of ADP emerged:

- Inmates under Sheriff’s Office Supervision which includes inmates in the facility and those on community-based programs (ADP under Supervision in this document), and
- Inmates in the facility or boarded in other locations (In Facility ADP).

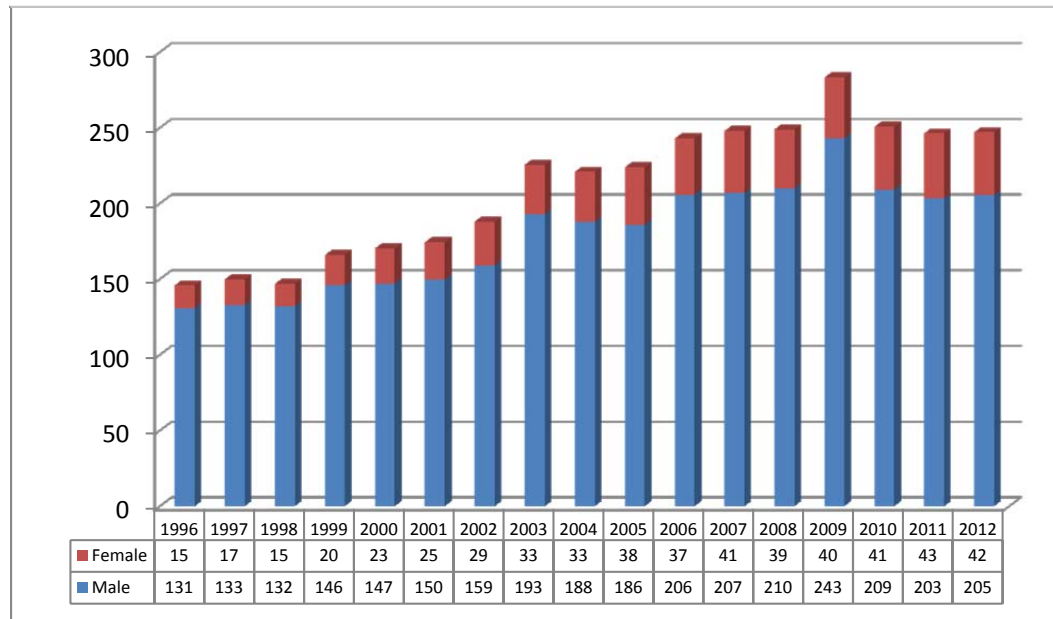
ADP under Supervision

Figure 25 Trend in ADP under Supervision



Since 1984, the ADP of people under the supervision of the Sheriff’s Office has increased 697%. This trend is very strong ($r=.80$). ADP peaked in 2009 at 283 (including inmates boarded out of County). Since that time, there have been budgetary restrictions on out of County boarding. 2009 provides a good indication of what the County’s jail population would be if space and budget were available. The relationship between the population under supervision and the County’s population is also positive and strong ($r=.9721$).

Figure 26 Trend in Gender of ADP under Supervision

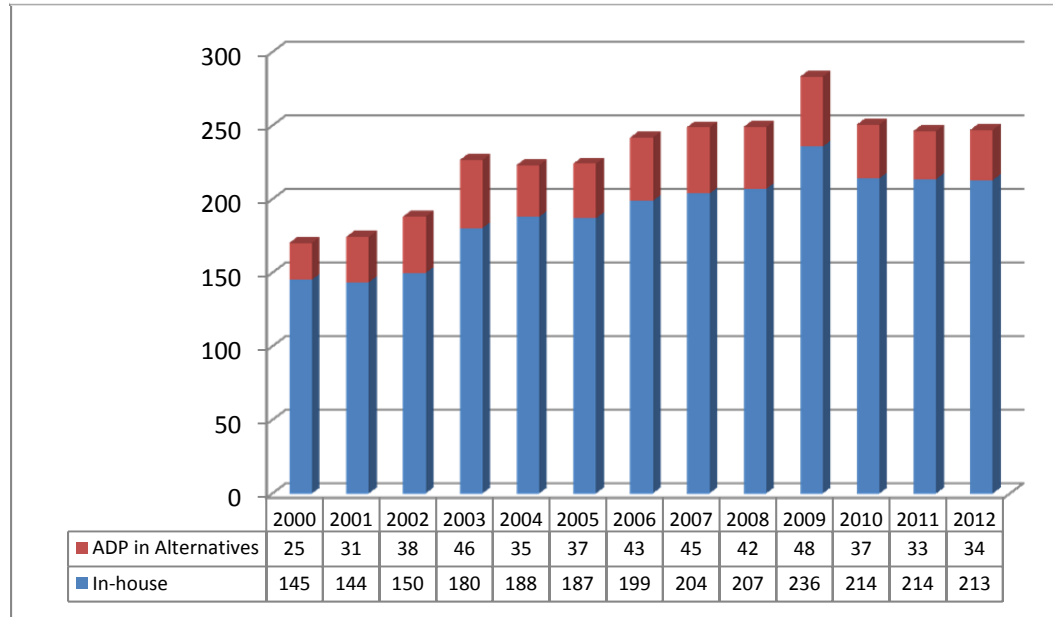


Gender of ADP under Supervision

Since 1996, when the Sheriff’s Office information systems allowed them to capture this information, the ADP under Supervision has increased 69%. The ADP of males under supervision has increased 57%, but the ADP of females under supervision has increased 178%. In 1996, women were 10% of the population under supervision; since 2010, women have been 17% of the population under supervision. The increase in female offenders under correctional supervision is consistent with national trends.

ADP in Facility and in Community-Based Programs

Figure 27 Trend in In Facility and In Community ADP



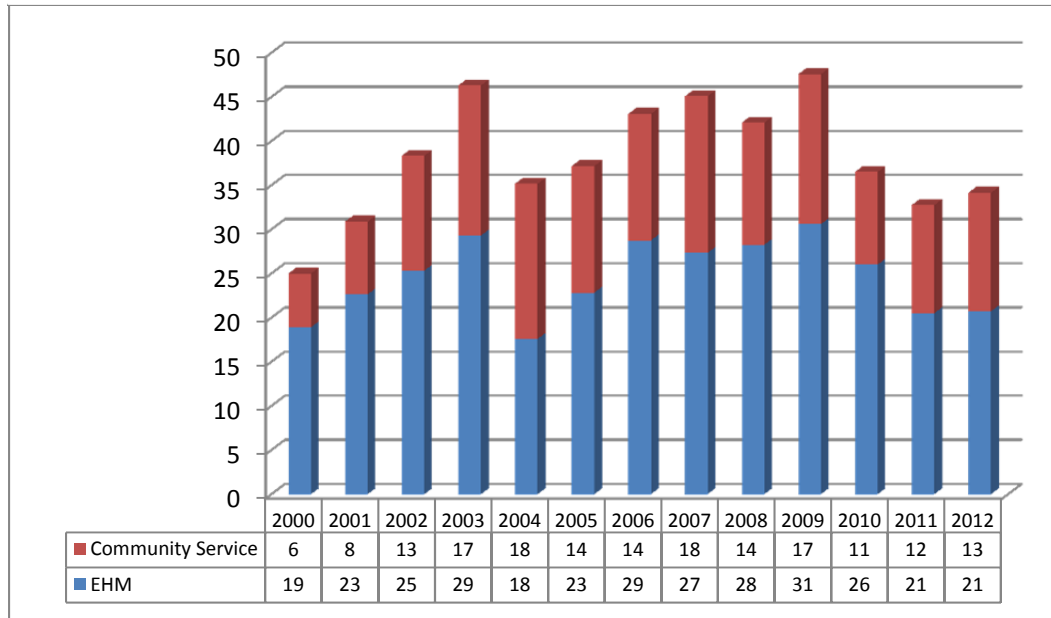
Beginning in 2000, with the support of the Law and Justice Council, the Sheriff’s Office began to expand the use of jail alternatives as a way of managing the jail population. During this time, the ADP of jail inmates under supervision in the community has ranged from a low of 13% to a high of 20%. On average, 17% of the inmates under the supervision of the Sheriff’s Office are living outside the jail on either electronic monitoring or as part of a community service work crew. This is in addition to work release inmates who work outside the jail and return at night. Since 2000, this population has increased 37%. In the absence of these alternative programs, these offenders would be in jail. The Bureau of Justice Statistics provides information about all jails in the US and reports selected statistics based on a national survey.

Table 28 National Proportion of Jail Inmates Supervised in the Community

	All persons under jail supervision	Held in jail	Supervised outside of jail	% outside jail
2000	687,033	621,149	65,884	10%
2006	826,041	765,819	60,222	7%
2007	848,419	780,174	68,245	8%
2008	858,407	785,556	72,852	8%
2009	837,833	767,620	70,213	8%
2010	809,360	748,728	60,632	7%

Skagit County has consistently exceeded these norms.

Figure 28 Trend in Electronic Monitoring and Community Service



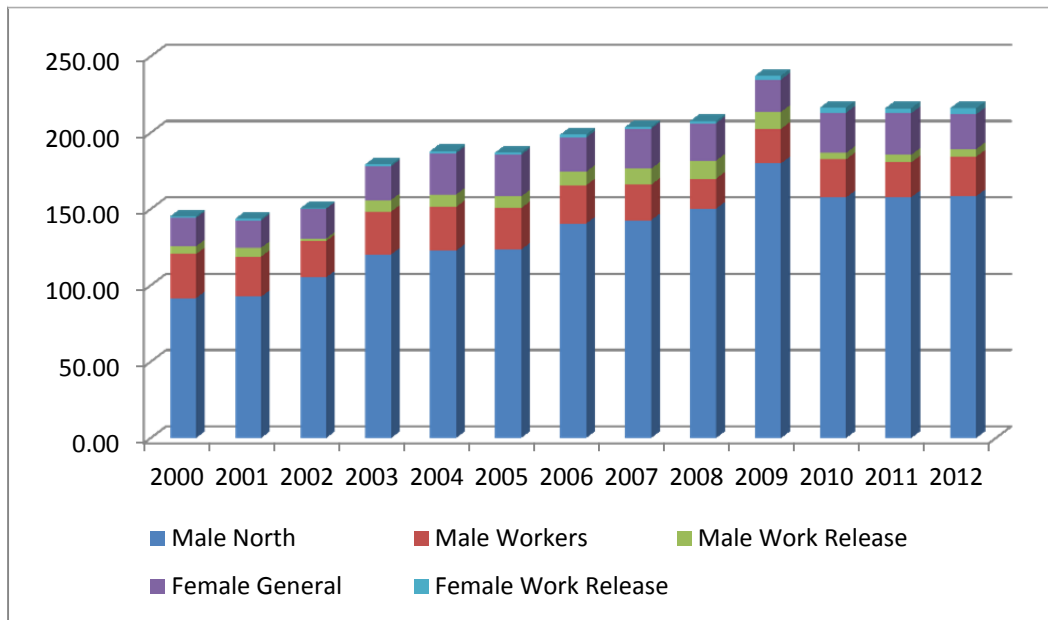
Since 2000, most inmates in community-based programs are on electronic monitoring (65% on average). Because of the type of monitors used, this essentially creates a day reporting program – without a specific area in which to do this. Experiences with these inmates – as well as the presence of a significant number of felons who receive jail as a sanction (and who are returning to the community) led to the development of the Alternative Sentencing Unit, which is included in the adopted program for the new jail.

In Facility ADP

Since 2000, the Sheriff’s Office has tracked housing assignments of inmates who are held at the jail and do not participate in alternative community programs. Housing location in the jail provides some

general information about security level and in-jail program participation although crowding has had an impact on the ability to classify inmates appropriately and to provide the necessary separations.

Figure 29 Trend in In-Jail Housing Assignment



The north wing, which is male housing, is the largest (and most functional) area of the jail. It houses all males except those who are inmate workers or on work release. In 2000, this area housed just under 65% of the in facility population. In 2010 – 2012, this unit has housed about 75% of inmates.

The south wing provides housing areas for work release males and females, male inmate workers, and women. In 2000, the male worker dorm housed 20% of the population; since 2011, it has housed 11% of the population. The decreasing percent reflects an increase in the number of inmates held in the facility.

Male work release has ranged from 2% - 6% of the population. Female general population has ranged from 9% - 15% of in-facility population, and female workers and work release has ranged from 1% - 3% of

the jail population. Work release inmates and inmate workers must be housed separately from other inmates to minimize the potential for introduction of contraband. This essentially results in a situation in which the capacity of the unit determines the size of the population.

Table 29 ADP under Supervision

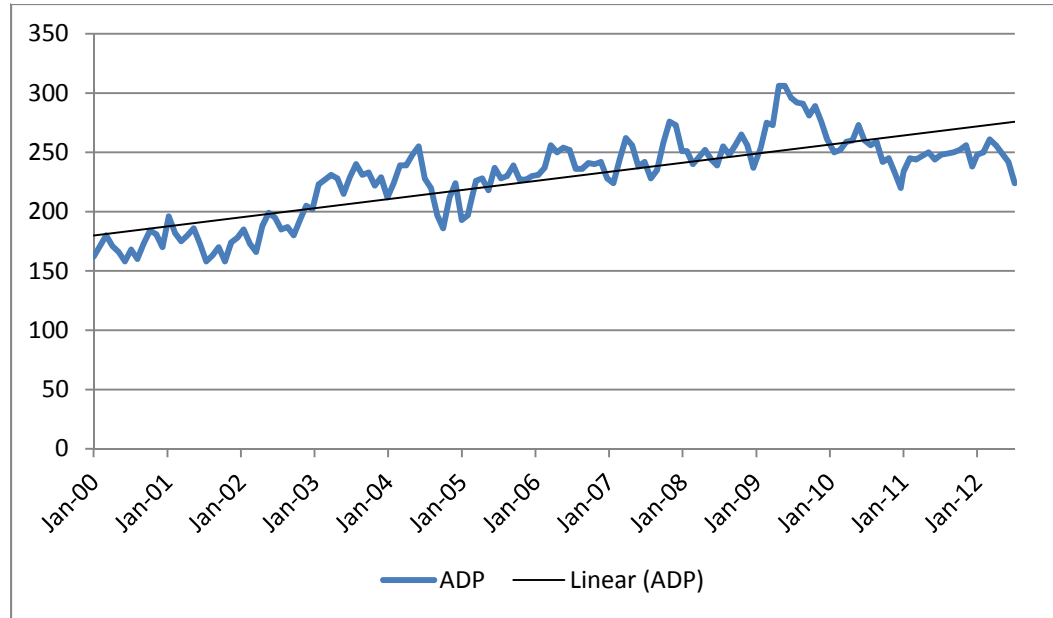
Year	Total ADP Under Supervision							In Facility Male			In Facility Female	
	ADP	Male	Female	% female	EHM	Community Service	In-house	North	Workers	WR	General	WR
2000	170.33	147.08	23.25	14%	18.92	6.08	145.33	91.75	28.83	5.08	18.58	1.08
2001	174.42	149.75	24.67	14%	22.63	8.25	143.54	92.58	26.33	5.75	17.92	1.08
2002	188.17	159.25	29.00	15%	25.33	13.01	149.83	105.25	23.78	1.71	19.58	0.17
2003	226.67	192.92	32.83	14%	29.30	17.00	180.37	120.30	28.08	7.58	22.17	1.17
2004	222.08	188.33	33.75	15%	17.58	17.58	188.05	122.72	28.67	8.17	27.17	1.33
2005	224.25	185.92	38.25	17%	22.83	14.33	187.08	123.42	27.25	7.58	27.33	1.50
2006	241.92	205.58	36.67	15%	28.75	14.33	198.83	140.50	25.08	8.83	22.42	2.00
2007	248.92	207.75	41.25	17%	27.33	17.75	203.83	142.75	23.25	10.42	26.33	1.08
2008	249.08	210.25	38.83	16%	28.25	13.83	207.00	150.33	19.67	11.83	24.50	1.42
2009	283.33	243.33	40.00	14%	30.58	17.00	235.75	180.08	22.58	11.08	21.17	2.58
2010	250.75	209.33	41.42	17%	26.00	10.50	214.25	157.67	25.00	4.17	26.33	3.42
2011	246.42	203.42	43.00	17%	20.50	12.25	213.67	157.75	22.83	4.92	27.25	3.33
2012	247.14	205.43	41.71	17%	20.71	13.43	213.00	158.43	25.86	5.00	22.86	4.00
% change	45%	40%	79%		10%	121%	47%	73%	-10%	-2%	23%	269%

Table 28 summarizes the information provided in the earlier charts. Between 2000 and 2012, ADP under supervision and ADP in the facility have both increased. The increases are significant. Overall ADP under supervision has increased 45%. Female ADP under supervision has increased 79%. Inmates in the electronic monitoring program have increased 10% and the number of inmates in the community service program has increased 121%. The ADP in the facility has increased 47%, and the ADP of inmates in the north wing (males who are not participating in programs) has increased 73%. Female in facility population has increased 23%. Both the number of inmate workers and the number of males on work release have decreased (10% and 2% respectively). This may relate to two very different factors:

- The size of the housing units for this population are fixed – as a result even if there were candidates for these programs, the facility does not have the capacity for them, and
- This population typically falls into minimum security classifications – and the presence of long-term inmates in these categories may be declining.

Monthly and Seasonal ADP

Figure 30 Trend in Total ADP under Supervision by Month



To this point, all information about ADP has been provided by year. However, there is considerable monthly variation.

Table 30 Monthly Variation in Total ADP under Supervision

Month	% of Total ADP Under Supervision
January	97%
February	99%
March	101%
April	103%
May	102%
June	100%
July	99%
August	98%
September	99%
October	101%
November	102%
December	97%

Figure 30 shows total ADP under supervision by month as well as the trend line. As noted previously, the strength of this trend is strong ($r=.80$). Monthly variation above and below the trend line is also significant – particularly because the jail, with very limited capacity - has to accommodate these peaks and valleys. The jail tends to be above the annual ADP for each year in March, April, May, October and November.

As in the 2005 and 2008 master plan, jail ADP under supervision and jail ADP in the facility continue to increase.

Length of Stay (LOS)

The third basic jail statistic is length of stay. This statistic has a strong relationship to the others. LOS is the factor that explains one of Skagit County’s questions, “If bookings are decreasing, why is ADP increasing?”

$$ADP = \frac{Bookings * Length\ of\ Stay}{Time\ (365\ days)}$$

Figure 31 Trend in Length of Stay

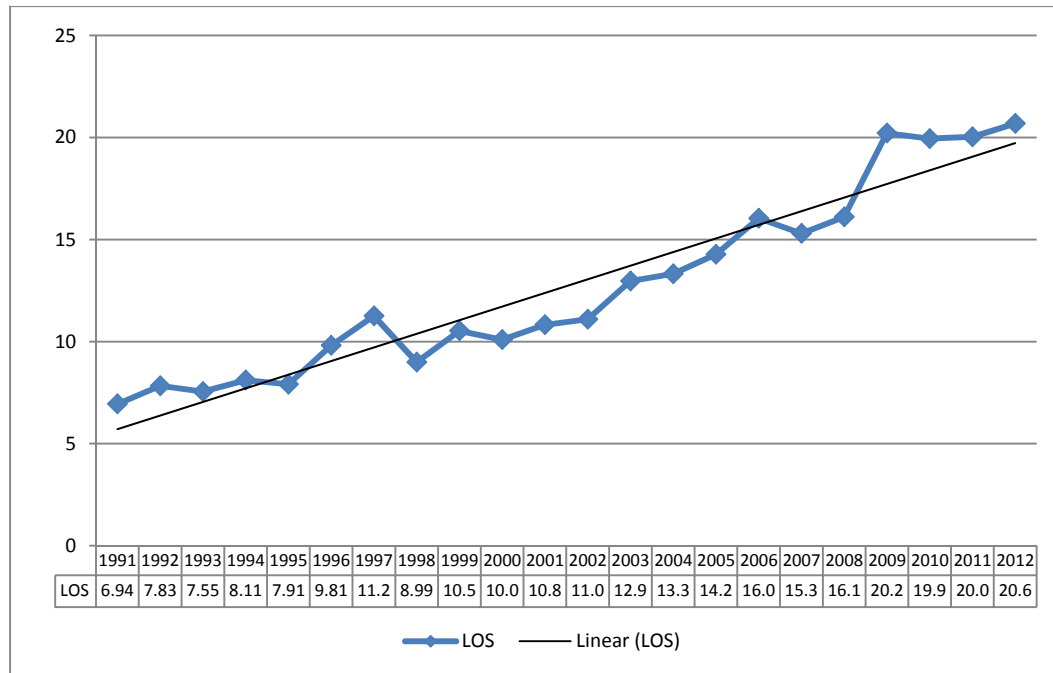


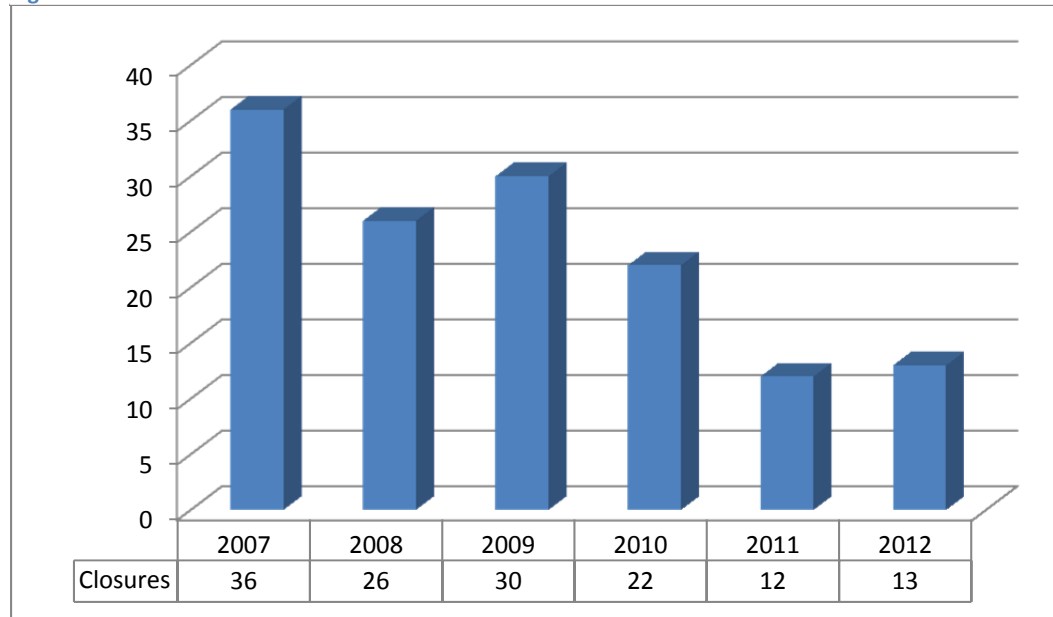
Figure 31 shows a trend which was first identified in 2005 and reported again in 2008. Length of stay is increasing significantly (198% since 1991). The trend noted in 2008 is continuing to accelerate. The degree to which the jail is used as a sanction for inmates who would otherwise be state DOC candidates may be a part of this issue.

Population Management Efforts

The Sheriff’s Office has been proactive in their efforts to manage the jail population. The most evident forms of that are the development of electronic monitoring and work detail programs. However, these programs have not been able to deal with the daily variations in population the jail must manage. There have been two strategies added to this: 1) closing booking to all new admissions, and 2) “turn-away”, in which a specific booking is denied because they don’t meet the threshold for booking.

On average, at the present time, the Sheriff’s Office turn-away 300 bookings per month. This would put current booking levels at about 8,000, nearly double actual bookings.

Figure 32 Trend in Closures



Closures are used less presently than in 2007, when this practice began to be documented. The reason why this practice is declining appears to be a decrease in the number of warrants confirmed when people are picked up in other jurisdictions. The closure typically occurred when the Shuttle which moves inmates from other locations arrived, effectively overloading booking capacity.

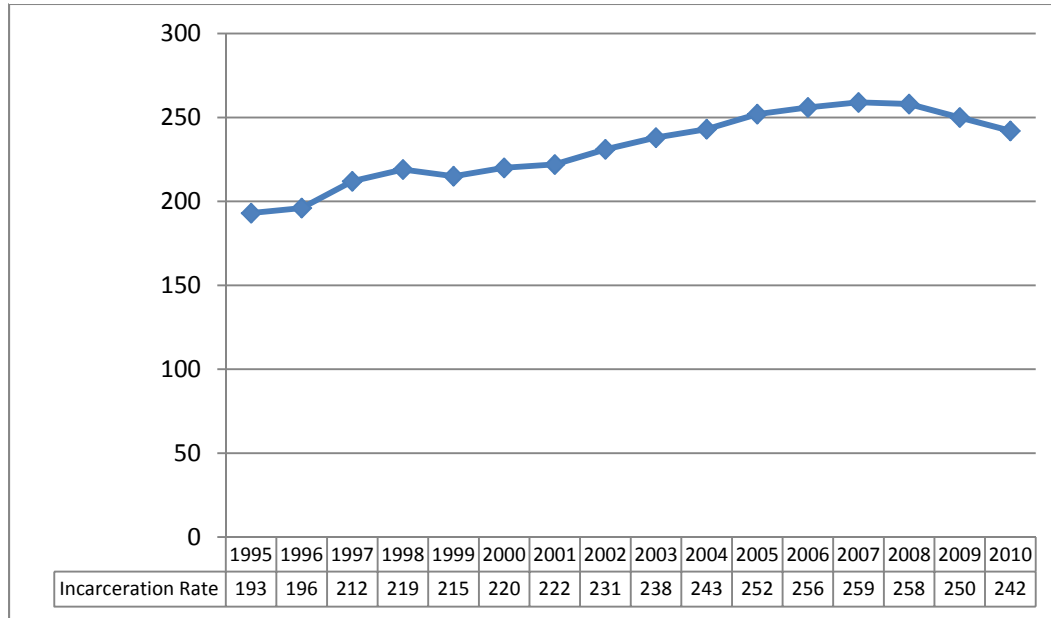
Incarceration Rates

Jurisdictions often wonder if they are similar or different in their use of the jail. Incarceration rates help to answer the question by allowing comparisons among jurisdictions of varying sizes. They are computed in the following way:

$$\text{Incarceration Rate} = \text{ADP} / \text{County Population} * 100,000$$

The Bureau of Justice Statistics (BJS) computes national incarceration rates annually and publishes them in a publication series, Prison and Jail Inmates at Midyear. Every five years, BJS conducts a national jail census; this includes regional and state incarceration rates. As computed by BJS and in this analysis, ADP refers only to inmates held in the jail – not those under supervision of the Sheriff’s Office in community based programs.

Figure 33 National Incarceration Rate



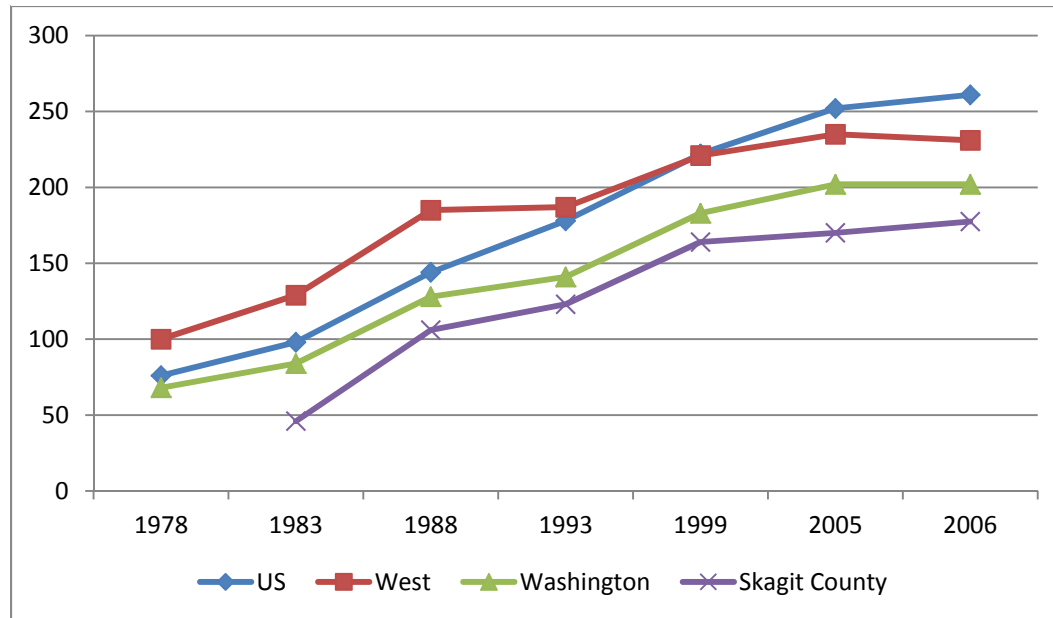
Nationally, the incarceration rate peaked in 2008 at 258. Since that time, the incarceration rate has decreased. BJS reports that most of the decreases in jail population have come from the 50 largest jail systems in the US.

National, regional and state incarceration rates have all increased during the period from 1978 – 2006 (the last year for which regional and state data is available from BJS). Table 31 below and Figure 33 on the following page clearly show that Skagit County’s incarceration rate has been lower than the US, Western Region and Washington State incarceration rates.

Table 31 Trend in US, Regional, Washington and Skagit Incarceration Rates

Jurisdiction	1978	1983	1988	1993	1999	2005	2006	% Change
US	76	98	144	178	222	252	261	232%
NE	54	82	126	144	193	178	209	230%
Midwest	49	67	85	116	155	187	186	282%
South	98	113	171	235	297	341	336	248%
West	100	129	185	187	221	235	231	135%
Washington	68	84	128	141	183	202	202	197%
Skagit County		46	106	123	164	170	177	270%

Figure 34 Trend in US, Western Region, Washington State and Skagit County Incarceration Rates



Skagit County Person under Supervision and Incarceration Rates

There is an important distinction between these two rates. The rate of persons under supervision includes offenders who are not housed in the jail. As a result, it should not be used to project future capacity unless the County intends to eliminate the electronic monitoring and community service programs. However, the ADP of persons under supervision is the statistic reported to the State. As a result, rates based on that number will overstate Skagit County’s needs. Both the 2005 and 2008 master plans made this distinction. Figure 34 and Table 32 in the following page show the difference between these rates and the degree to which they parallel trends in County growth.

Table 32 Skagit County under Supervision and Incarceration Rates

Year	County Population	In facility Incarceration Rate/100,000	Under Supervision Incarceration Rate/100,000
1984	70,305	44	44
1985	71,847	61	61
1986	73,388	89	89
1987	74,930	92	92
1988	76,472	106	106
1989	78,013	109	109
1990	79,555	128	128
1991	81,897	122	122
1992	84,240	128	128
1993	86,582	125	125
1994	88,925	133	133
1995	91,267	147	147
1996	93,609	144	144
1997	95,952	156	156
1998	98,294	151	151
1999	100,637	165	165
2000	102,979	141	165
2001	104,246	137	167
2002	105,861	142	178
2003	106,647	169	213
2004	108,494	173	205
2005	109,977	170	204
2006	112,113	177	216
2007	113,890	179	219
2008	115,442	179	216
2009	116,612	202	243
2010	116,901	183	214

Figure 35 Skagit County Incarceration Rates

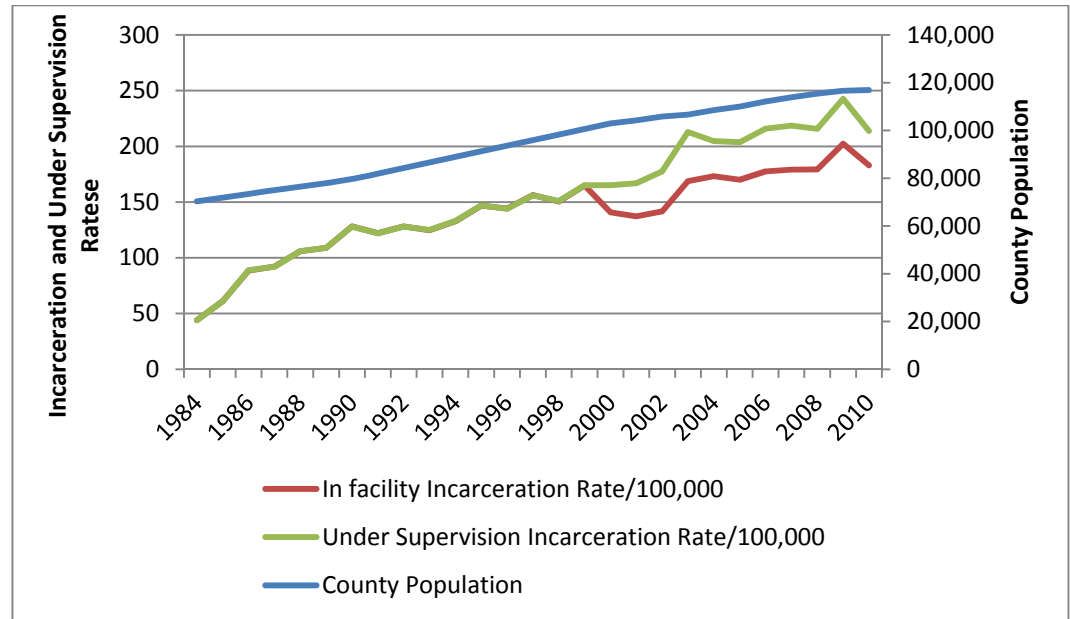


Figure 34 provides a good sense of the relationship between population growth and the rates which are constructed from population growth. In general, both rates increase at the same slope as county population. The periods when the slope is different are instructive. In the early 1980's as jail capacity became available, the rate of jail use increased. This could suggest that there was a "backlog" at that time. In 2000, when the Sheriff's Office began tracking the use of alternative programs, there was a clear "dip" in the in-facility incarceration rate. Since that time, the difference between these two rates is quite consistent. Since 1984, the average change in Skagit County's incarceration rate is 5.34 inmates/100,000 county residents per year. The average annual change in the County's incarceration rate since 2000 is 4.2 inmates per 100,000 county residents per year. This reflects a time period when access to jail space has been constrained.

2010 Washington State Incarceration Rates by County

Using information from the Washington State Sheriffs and Police Chiefs Association website, it was possible to compute incarceration rates as well as some additional summary statistics. Because the sites Jail Booking Reporting System does not count or compute information in exactly the same way as the Sheriff's Jail Management System, there are small differences in average daily population. However, the information provided does provide a good context for this analysis.

Key Facts

- 1) There are 39 counties; 37 have jails.
- 2) There are 22 city and tribal jails.
- 3) Not all entities report all information to WASPC.
- 4) Based on design capacity, there are 13,989 jail beds in the State.
- 5) The average daily population (excluding non-reporting entities, but including the City jails) in 2010 was 11,491.
- 6) When taken together, just below 85% of design capacity is being used. This percent is often used to describe the point at which a jail will begin to experience crowding because of seasonal variation and the need for classification separations.
- 7) Skagit County has the largest discrepancy between design capacity (83) and ADP.
- 8) Excluding population from non-reporting counties, the overall State incarceration rate in 2010 is estimated at 192/1000. The rates shown for Skagit include offenders on community based programs.
- 9) The average per diem cost for all counties is \$68.88; Skagit County's per diem cost is \$68 per day.

There are 11 counties with populations larger than 100,000. Table 32 provides information about the above factors in these counties.

Table 33 2010 Key Facts Washington Counties over 100,000

County Jail	2010 Census	Capacity/100,000	Incarceration/ 100000	Design Capacity	Average Daily Bed Rate	Average Daily Population	Percentage of Use
Benton	175,177	417	357	730	\$66.00	625	86%
Clark	425,363	178	161	758	\$76.83	685	90%
Cowlitz	102,410	348	322	356		330	93%
King	1,931,249	157	121	3,039	\$126.00	2,338	77%
Kitsap	251,133	168	152	421	\$80.80	382	91%
Pierce	795,225	227	165	1,808	\$83.50	1,311	73%
Skagit	116,901	71	208	83	\$68.00	243	293%
Spokane (non-reporting)	471,221	250		1,178			
Snohomish	713,335	185	163	1,321	\$62.50	1,163	88%
Thurston	252,264	162	163	408	\$54.00	410	100%
Whatcom	201,140	148	216	298	\$68.00	434	146%
State Total/Average	5,435,418	191	146	10,400	\$76.18	7,921	114%
State Total - Non reporting	4,964,197	186	160	9,222		7,921	

Review of Table 32 shows an average of 186 jail beds (capacity) per 100,000 residents with incarceration rates that average 160/100,000. There is considerable variation in these rates from 357/100,000 in Benton County to a low of 121/100,000 in King County. It is likely that King County's incarceration rate doesn't include any inmates in municipal jails. Skagit County has the lowest number of jail beds per 100,000. The per diem for these counties is higher, an average of \$76.18.

It is worth noting that the incarceration rates in Skagit and Whatcom County are very similar. Skagit County's incarceration rate (actually the rate of persons under supervision by the Sheriff's Office) is higher than Snohomish County by about 25%. It is possible that some of this difference relates to county size and the availability of other resources. There is a negative correlation ($r=-.55$) between county size and incarceration rate. Table 32 provides a good measure of the jurisdictions which are crowded (counties with an incarceration rate that is higher than their bed capacity per 100,000 are crowded). Skagit, Thurston and Whatcom are currently experiencing crowding.

Conclusion

- 1) As seen in 2005 and again in 2008, facility bookings are decreasing. While there is considerable variation from month to month, the overall trend continues downward. There is considerable evidence that the system is prioritizing the use of the jail – and that the jail deals with facility crowding by closing booking to specific types of offenses – much to the frustration of the local law enforcement community. In the

past, local justice system officials have expressed concern that this practice contributes to the perception that people will not be held accountable for criminal behavior. This in turn has been viewed as having a negative impact on quality of life in the community.

- 2) Average daily population of people under the supervision of the Sheriff's Office continues to increase – 697% since 1984. This trend is very strong and has a strong correlation with county population growth.
 - a) The proportion of females under supervision has increased more rapidly than the male population. This is consistent with national trends.
 - b) On average, 17% of the offenders under Sheriff's Office supervision are on community-based programs and not living in the facility. This ***exceeds*** national norms, which have ranged between 7% and 10%. These programs are in addition to work release (on average 4% of the in-facility jail population).
 - c) The predominant alternative program is electronic monitoring (about 65% of inmates in alternative community-based programs use electronic monitoring).
- 3) In-facility ADP is predominantly male and housed in the north wing. This population is growing, while the population of in-facility workers and work release inmates is decreasing. The populations in these programs are limited by the capacity that is available for them. As a result, the north end becomes the only available area for male population not appropriate for the worker dorm. This practice contributes to the need to use cells in the booking area to house inmates with special needs who are disruptive in larger groups in crowded housing units.
- 4) Seasonal and monthly variations noted in the 2005 and 2008 master plans continue. This, together with classification, results in the need to plan capacity which exceeds a projected average population.
- 5) Length of stay has increased significantly since 1991, from an average of 6.94 days to 20.6 in 2012. This trend, first noted in 2005, continues to accelerate. It is consistent with the use of jail time as a sanction in lieu of placement with the Department of Corrections.
- 6) Like the nation, the western region, and the State of Washington, Skagit County's incarceration rate has increased. Skagit County's incarceration rate continues to be ***lower*** than the US, western region and the State of Washington.
- 7) In 2010, Skagit County:
 - a) Had the largest discrepancy between design capacity and average daily population.
 - b) Had a daily per diem rate (\$68) that was below and consistent with the state average (\$68.88).
 - c) Had an incarceration rate which is similar to Whatcom County and 25% higher than Snohomish County.

Section 8 Key Findings of the 2008 Inmate Profile

Given time and resource constraints, it was not possible to update the inmate profile. In 2008, the profile noted that the jail population was in many ways unchanged since 2003. This section of the 2012 update provides summary information from the 2008 study. For additional detail, please refer to Section 7 of the 2008 Master Plan Update.

Rate of Release and Bed Space Use

- 1) The jail has become more efficient in moving people through the booking process and expediting their release within the first 24 hours – if they are going to be released. More than half 56% are released within the first day after their booking.
- 2) Only 18% of people booked at the jail stay longer than 15 days, but they use 86% of the available jail beds. This is a continuation of trends seen in the 2005 study – and suggests a more difficult jail population to move through the facility.

Demographics

- 1) As noted earlier, the population of female offenders is growing – even in the long-term population.
- 2) The population continues to become more culturally diverse and there is significant growth in the Hispanic population. Given current issues regarding immigration status, this could become even more of an issue for the jail.
- 3) The jail population's age has continued to increase.
- 4) About 80% of jail inmates list Skagit County as their residence; Whatcom and Snohomish Counties are the most frequent other Washington Counties listed as residence. 90% indicate they are US citizens; Mexican citizens are the largest group of other nationals.
- 5) The jail population continues to lag in educational achievement (10th grade was the average last grade attended) and employment (42% were unemployed at the time of arrest).

Charge History

- 1) The most serious offense at the time of booking was a gross misdemeanor (just under 50% of persons booked). Felonies accounted for just over 25% of the most serious offense. Since 2005, the proportion of misdemeanor bookings has decreased. The long-term population is much more likely to be charged with a felony (53%).
- 2) 99% of all persons booked were charged with a State offense.
- 3) Three categories of offenses account for 60% of all jail bookings (persons, property and alcohol).
 - a) There were increases in person, property, drug and weapons offenses between 2005 and 2008.
 - b) There were decreases in traffic-related offenses.

- c) There was a decrease in the use of parole and probation violations – suggesting that technical violations without a new charge were not being used.
- 4) Long-term inmates (those staying more than 16 days) were more likely to be charged with person, property, alcohol, or weapons offenses. Between 2005 and 2008, long-term inmates charged with a person offense increased from 19% to 26% and the frequency of weapons offenses was noted as troubling.
- 5) DUI continued to be the most frequent charge for all populations.
- 6) When all charges of which an offender was booked are considered:
 - a) 25% had some type of person offense; 36% of the long-term population had some person offense.
 - b) 18% had a domestic violence offense; 13% of the long-term population had a domestic violence offense.
 - c) 26% were charged with some type of alcohol offense (a decrease from 42% in 2005); 35% of the long-term population had an alcohol offense.
 - d) 19% were charged with some type of drug offense; 25% of the long-term population had a drug charge.

Court Information, Disposition and Sentencing Information

- 1) Basic patterns in jurisdiction and court did not change between 2005 and 2008. However, the long-term population was increasingly likely to be involved with superior court.
- 2) There is clear evidence of effort to move people through the system and to create pretrial release options.
 - a) 31% of all bookings result in a release on own recognizance.
 - b) 18% of all bookings are released by a “misdemeanor book and release” process.
 - c) 31% of all bookings are ultimately released by entry of a guilty plea. The long-term population is much more likely to have their cases resolved by entry of a guilty plea (60%).
- 3) The most common event that led to booking continues to be a warrant (54% of all bookings included a warrant). About 20% were sentenced. The long-term population is significantly different:
 - a) They are more likely to be sentenced (45% in 2008, an increase from 39% in 2005).
 - b) The average length of jail sentence increased from 27 days in 2005 to 30 days in 2008.
 - c) In 2008, about 80% of all persons booked were pretrial on their most serious offense.

Inmate Behavior

- 1) Nearly 80% of all inmates classified during intake are medium security; about 5% are maximum security.

- 2) There is clear evidence that the Sheriff’s Office has made efforts to move long-term inmates who present a lower risk – those serving sentences in particular – to electronic monitoring (about 22% of long-term inmates are ultimately assigned to a community-based program). However, the long-term population was lower in 2008 than it was in 2005, suggesting that potential candidates may be decreasing.

Impact of Inmates by Legal Status

The 2008 master plan analyzed the relationship of legal status (whether an inmate is pretrial or sentenced), charge status (whether an inmate is charged with a felony, misdemeanor, DUI or other offense) and their length of stay. The following table summarizes relevant findings which were used to shape the types of alternatives and system changes that could assist the County in managing their jail population both until and after addition jail space was made available.

Table 34 Comparison of Inmate Impact by Legal Status

	2005		2008		Change in LOS
All Persons Booked					
Main Judicial Status	% of people	LOS in days	% of people	LOS in days	
Pretrial Felons	16%	21.59	21%	15	(6.59)
Pretrial Misdemeanants	31%	2	34%	2	0.00
Pretrial DUI	9%	5.45	7%	4	(1.45)
Sentenced Felons	5%	34	9%	54	20.00
Sentenced Misdemeanants	9%	15	16%	19	4.00
Sentenced DUI	9%	15	16%	19	4.00
Long-term Population (inmates who stay longer than 16 days)					
Pretrial Felons	33%	102	21%	83	(19.00)
Pretrial Misdemeanants	3%	69	4%	65	(4.00)
Pretrial DUI	4%	108	1%	57	(51.00)
Sentenced Felons	19%	104	38%	101	(3.00)
Sentenced Misdemeanants	22%	81	22%	82	1.00
Sentenced DUI	11%	97	11%	99	2.00

- 1) Table 34 identifies the shifts in these populations.
- 2) As noted in Sections 5 and 6, there is considerable evidence that the courts are moving more efficiently in 2012 than they were previously. This table suggests that they were more efficient in 2008 than in 2005.

- a) When all bookings are considered, the length of stay of most pretrial inmates decreased; this is significant in both populations, but especially in the long-term group. This suggests that those inmates that the Court is willing to release are moving through the system more efficiently.
- b) When all bookings are considered, the proportion of sentenced felons has increased and, more significantly, their length of stay has increased significantly as well, by 20 days. This seems consistent with court data suggesting the increased use of the jail as a sanction for sentenced felons.

Conclusions from the 2008 Master Plan Update

- 1) The master plan update found many similarities between the population in 2005 and that in 2008.
- 2) Differences which emerged appeared to relate to shifts in charging practices – and potential use of weapons charges as a change in tactics.
- 3) The jail population was seen as an increasingly felony level population. While there was evidence of efforts to move pretrial felons expeditiously, the proportion of sentenced felons was increasing as was their length of stay. This seems very consistent with the 2008 – 2012 data analyzed in this effort.

Section 9 Physical Plant Considerations

Time constraints and resources limited the degree to which physical plant issues could be updated. The 2008 master plan update also did not address these issues. However, a 2010 study regarding the potential re-use of the existing jail for an alternative function did include an assessment of the current facility. This section will present key issues that have been noted in previous studies. For additional information, please refer to the 2005 Master Plan and the Initial Pre-Design Summary Report for Skagit County Youth and Family Services, February 2010.

Key Findings from 2005 Master Plan

- 1) Functional deficiencies were noted in the following areas:
 - a) Sallyport (which cannot accommodate buses used by the Northwest Cooperative Shuttle Service),
 - b) Holding areas (inadequate visual separation between male and female areas),
 - c) The lack of an appropriately sized core (food service, maintenance, storage, laundry, and mechanical spaces),
 - d) Booking
 - i) A functional choke point,
 - ii) Public observation of this area,
 - iii) Loss of holding cells to accommodate long-term inmates who cannot function in existing housing,
 - iv) Storage of inmate property,
 - v) Impact of automation on this space
 - e) Housing
 - i) Designed for single occupancy with remote observation results in a facility that would be highly efficient to operate using direct supervision.
 - ii) Cells are not sized to meet applicable standards for multiple-occupancy as they are currently used.
 - iii) Inadequate number of cells for an increasingly difficult female offender population.
 - iv) Inadequate numbers of toilets, sinks, and showers to meet code for the population held.
 - v) The location of equipment in control restricts view into housing.
 - vi) A significant number of blind spots presenting safety and security issues for staff doing cell checks.
 - f) Program Services (Health, Visitation, Education, Counseling, Exercise)
 - i) Limited amount of space for inmate activities.
 - ii) Requirement to move all inmates from housing to access these services.
 - g) Support Services (Food Service and Laundry)

- i) Grossly undersized areas for the population currently held.
- ii) Separation of areas in which inmates work, resulting in difficulty providing adequate supervision of this population.
- h) Staff Support Areas
 - i) These are extremely limited and not adequate for staff required to operate the facility.
- i) Dual Controls
 - i) The master control (located adjacent to the public lobby and booking) and the housing control were identified as an inefficient way in which to operate a facility of this size.
 - ii) Further analysis explored how these controls might be combined to increase staffing efficiency.
- 2) The 2005 analysis found that the north end of the facility had a number of strengths if the population could be reduced to more manageable levels. This led to development of a number of options that focused on attempting to retain all or part of the existing jail, expanding capacity either at this location or in very close proximity. For additional information on these options, please refer to the 2005 Analysis of Options.

Findings from the 2005 Analysis of Options

- 1) Three options were explored:
 - a) Option 1. Construct all program components, discontinuing use of the current jail as a secure facility.
 - i) If this did not occur at or adjacent to the courts, potentially include construction of criminal courts at the new location or transportation of inmates to court. This would likely result in keeping the existing jail in some fashion as a staging and court holding facility.
 - ii) If a connection to the courts were possible, this would allow re-use of the jail for another criminal justice or governmental function. Ultimately, this is what led to exploration of the re-use of this facility for juvenile detention.
 - b) Option 2. Retain the existing jail “as is” with no connection to the new facility. Members of the Facility Task Force reviewed potential uses for the facility and determined that the use which is most consistent with its design was maximum security housing (north end) and inmate worker housing (south end).
 - c) Option 3. Retain the existing jail with a secure connection to the new facility and replacement of the current main control, operating this facility from a new central control.
 - d) Differences in spaces and staffing required for each option were analyzed.
 - i) Options 2 and 3 required less square footage (approximately 26,500) less than Option 1.
 - ii) Options 2 and 3 required more staff.
 - e) 30-year life cycle costs were analyzed using 2005 square footage and staffing costs.
 - i) Option 2 cost \$59 million more than Option 1.

- ii) Option 3 cost \$30 million more than Option 1.
- f) Construction costs showed that Option 1 cost \$7.5 million more than the least expensive capital option (Option 2) and Option 3 cost \$2 million more than Option 2.
- g) Operational costs shows that Option 2 cost \$1.8 million per year to operate than Option 1 and Option 3 cost \$973,000 more to operate per year than Option 1.

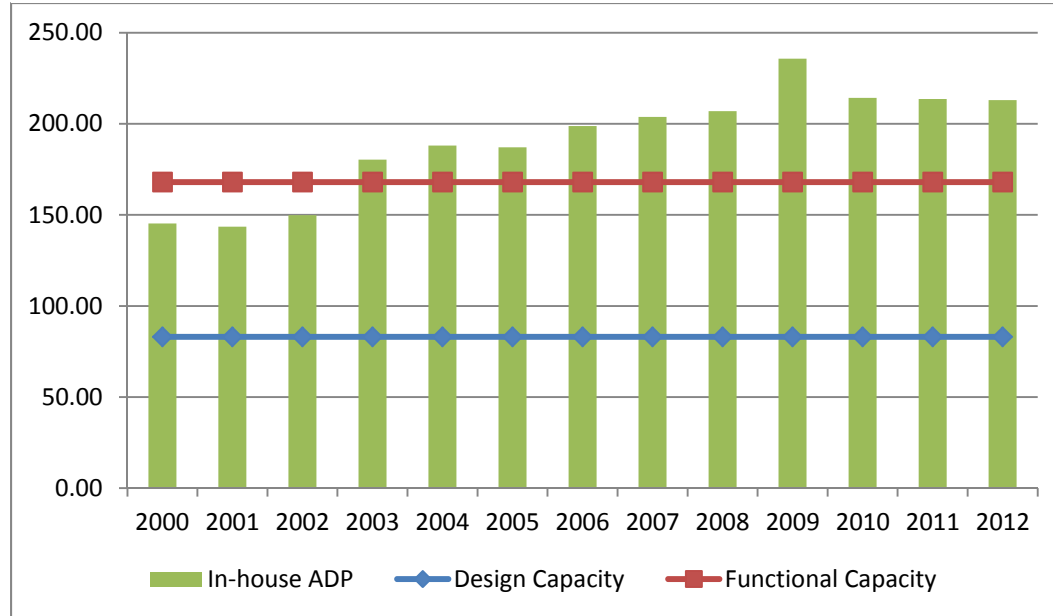
Findings from the 2010 Pre-Design Report

This document focused on issues that were noted in the existing jail building as part of an exploration of its re-use for Youth and Family Services.

- 1) Although this report did not include a code analysis of the existing facility, observations suggested:
 - a) Renovation would have to address the new building code requirements of the International Building Code, including exiting requirements from the mezzanines (which are not currently compliant) and changes to air exchanges in cell areas.
 - b) Renovation would have to address requirements of the Americans with Disabilities Act since it has accessibility issues in multiple areas.
- 2) The roof was last replaced about 10 years ago and is assumed to be serviceable.
- 3) The individual cells are load-bearing. Renovation to change these will result in the need to provide alternative structure for the mezzanine.
- 4) The exterior structure has minimal insulation and is not likely to meet current energy code.
- 5) Doors and windows appeared serviceable.
- 6) Interior finishes are extremely worn and require either repair or replacement throughout the facility.
- 7) Mechanical and electrical system findings include:
 - a) Fixtures are generally serviceable, but there have been on-going issues with hot water heaters (5 replacements in the life of the facility). Water is often not hot enough to meet operational requirements.
 - b) Fire suppression systems are seen as serviceable, but there are questions as to whether the current locations of sprinklers would be considered compliant today.
 - c) Automatic control systems have been added with each expansion and automation of building controls was not in place in 2010. However, the air compressor system is now undersized for the load.
 - d) Existing HVAC systems use heat pumps, which provide adequate cooling, but not as effective in heating. There have been multiple replacements of the compressors and as of 2010, R-22 refrigerant, which will not be available much longer, was still in use.
 - e) Multiple central air handling systems are in relatively good condition and serve different areas of the facility.
 - f) The electrical service was viewed as adequate although the existing control boards in both control centers are no longer manufactured.
 - g) The lighting in use is predominantly T12 lamps and magnetic ballasts which uses more energy than is desirable.
 - h) The building electronic security system is obsolete and in poor condition. The County had planned to replace this system in 2010.

Jail Capacity

Figure 36 Comparison of In-Facility ADP, Design Capacity and Functional Capacity



Both the 2005 and 2008 master plans analyzed the capacity of the existing jail – particularly when re-use was considered. Figure 35 compares the initial design capacity of the facility, functional capacity which was developed as part of analyzing re-use of the existing jail, and in-facility ADP. Currently in-facility ADP exceeds both functional and design capacity. Table 35 on the following page provides the details.

Table 35 Comparison of Jail Capacities

Unit	Classification	1983 Capacity	1992 Addition	Capacity in 2005	Functional Capacity for Re-use	Every Cell Doubled or Tripled
Cells						
A	General Population	14	14	28	28	42
B	General Population	14	14	28	28	42
C	Lock down	10	10	10	10	20
D	Segregation/mental health	4	4	4	4	8
E	General Population	12	12	24	24	36
Subtotal		54	54	94	94	148
Dorms						
F-1 Isolation	Female Isolation	2	2	2	2	4
F-2	Female Dorm	12	16	16	16	16
G	Female Dorm		20	20	20	20
Inmate Workers	Worker Dorm	8	12	12	relocated to work location	18
Work Detail	Male Dorm		28	28	28	30
M&M	Female Work release	6	6	6	6	6
Infirmary	Infirmary	2	2	2	2	3
Subtotal		30	86	86	74	97
Total		84	140	180	168	245

Table 35 provides a history of “capacity” at the Skagit County Jail. When the building was originally built, capacity based on our best estimate of what existed at that time was 84 inmates, assuming all cells and dorms could be filled with an appropriately classified inmate. In 1992, when an area of the first floor was enclosed for the Sheriff’s Office (the only area funded by the County since the jail was built by grant from the State of Washington), additional capacity was added in the form of dormitory space. This was captured by enclosing an exercise yard. This resulted in a capacity of 140 beds. By 2005, crowding was already a problem for the County and had been for several years. Capacity in the north housing

area had been expanded by double celling all the general housing units. This resulted in a capacity of 180. The 2005 effort to explore re-use of the existing jail considered several options:

- Returning all cells to single occupancy for use as maximum security and segregation and maintaining the dorms, resulting in a capacity of 128,
- Using a mixture of single and double occupancy in the cell areas and maintaining the dorms, resulting in a capacity of 168,
- Double celling all the cells and maintaining the dorms, resulting in a capacity of 186,
- Keeping only the north cell housing area, resulting in capacity between 54 and 108, depending on the degree to which multiple occupancy housing was used.

Ultimately the option which was most consistent with classification needs and staffing efficiency was to maintain a mixture of single and double occupancy in the north cell housing area and to keep the dorms although their functions would change. This led to a planning capacity of 168 for the existing building.

Current crowding and the inability to board in other locations because of financial constraints have forced the jail to consider what they could house if every cell was either double or triple-celled. That would result in a capacity of 245. There are several concerns with this approach:

- Not every inmate is appropriate for single occupancy housing. Professional standards require that single occupancy be provided for maximum and close custody inmates, inmates with severe medical disabilities, inmates suffering from serious mental illness, sexual predators, inmates likely to be exploited or victimized by others, and other inmates who have special needs for single occupancy housing. No less than 10% of the rated capacity of the facility is available for single occupancy.
- There are inadequate numbers of toilets, showers and sinks for the population held – at double occupancy. Triple occupancy only further complicates this issue.
- Cell and dayroom size do not meet square footage requirements for the population held.
- Standards associated with compliance with the Prison Rape Elimination Act (PREA), which applies to jails as well as prisons, place an affirmative duty on the confining agency to take action to detect and prevent sexual abuse within their facility.

All of these tend to raise the level of risk the County faces in its current facility. The Sheriff's Office clearly recognizes this risk and tries to maintain capacity in the north housing area at 115. It typically exceeds this, ranging from 125-130.

Conclusion from Prior Studies

- 1) Deficiencies in the existing facility have been documented in multiple efforts. Although the jail was functional when it was designed, for the population it was intended to serve, crowding and changes to the inmate population make the jail increasingly less functional.
- 2) The most effective portion of the jail was the north cell housing area and subsequent analyses explored multiple options for re-use of the existing jail. First efforts focused on maintaining it as a jail and subsequent efforts focused on the viability of converting it to secure and non-secure juvenile services.
- 3) Pre-design work in the facility found a number of potential issues with building code compliance (due to change to the International Building Code), Americans with Disability Act compliance (due to changes in law), and potential non-compliance with current energy code requirements.
- 4) Efforts to maintain the building result in a fair number of serviceable systems. In general, these will need upgrades and replacement to keep the facility functioning.
- 5) Jail populations have exceeded a functional capacity of 168 since 2003. Current strategies that focus on adding mattresses and “boats” (a sleeping form that lifts inmates the required number of inches off the floor) push the facility farther into non-compliance and into areas which increase the County’s risk.

Section 10 Population Projections

Introduction and Facility Planning Implications

This analysis uses the same methodology as both prior studies. However, in the four years since the 2008 update was completed, the Washington State Office of Financial Management has updated estimates of Skagit County future populations through 2040 based on the 2010 census. In addition, more information on jail use and alternatives is available for this analysis.

Population forecasting is not an exact science. Multiple factors influence facility bookings and length of stay. Law, criminal justice policy and practice, economics, and the social environment of any jurisdiction change. As a result, estimates of future capacity requirements must be viewed as baselines that exist within a range. A baseline forecast identifies ***what the jail population is likely to be if the current trends continue.*** It is possible to calculate the impact of known changes, there are many items that will have an impact on the County's criminal justice system in years to come that are simply unknowable today.

Jurisdictions typically confront this problem by using two strategies:

- Modifying the baseline to include known changes in criminal justice practices, and
- Providing an easily expandable and adaptable building that is flexible enough to change.

Modifying the Baseline

In 2004, in conjunction with the Facilities Task Force of the Law and Justice Council, all categories of inmates held at the jail were reviewed and associated with potential alternatives to jail. Based on the success rates of comparable programs, a target for reducing length of stay was developed. Overall, this approach resulted in a 20% reduction in days spent in custody. The strategies focuses on increasing efficiency by reducing length of stay, which has been increasing, rather than focusing on diverting people from the jail. Two basic approaches to do this were identified.

- 1) A case expediter position was created to coordinate all an inmate's cases, warrants, detainers, etc. to facilitate their movement out of jail when their cases in Skagit County were resolved. A typical problem to be addressed was a felony inmate with cases in multiple jurisdictions who misses a court appearance while in custody, resulting in a new warrant found at the time scheduled for their release from jail in Skagit County. This position also assisted municipalities. This position was eliminated during budget cuts, but did not achieve some of its desired goals perhaps because it was located in the jail rather than in the courts or prosecution. This position continues to have merit. The 2008 master plan update recommended the use of a case management approach to address these issues.

- 2) Movement of a significant proportion of sentenced inmates into community based sanctions. The Sheriff's Office has been successful in reaching these goals.

These are known changes that were viewed as desirable by the Law and Justice Council. Their impact will be seen in "what if" scenarios provided later in this section.

Expandable and Adaptable Buildings

In the consultant's opinion, the most significant problem with the existing Skagit County Jail was that it was not planned to provide for expansion. Members of the Law and Justice Council and County staff who were involved with that project indicated that the State refused to allow any areas to be sized to support a larger population – and expansion options on the site are limited. For information about efforts to expand on the existing jail site, please refer to the 2005 Site Analysis (a work product for the County). The decision to limit expandability seems short-sighted in retrospect and may be instructive to this process.

The subsequent pre-architectural program and decisions reflected in both master planning efforts were based on an expandable and adaptable building. In facility planning, this strategy is based on sizing the core to accommodate anticipated expansion needs and constructing housing in phases, as it becomes needed. Adaptability relates to housing type and associated construction as well as how housing is sized.

The ***planning window*** for this facility was identified at 20 years at the 2005 Law and Justice Council retreat – as noted in both the 2005 and 2008 master plans. In the consultant's opinion, 20 years should be the absolute minimum. A 30 year planning window is often used since it is linked to a typical correctional facility life-cycle. A 30 year planning window is now feasible given the latest state population projections. In the 2008 update, the consultant used population levels, rather than time limits, to establish the core. The core was based on the jail population level that could reasonably be expected when the County reached 200,000 residents.

The planning window was used to size the core areas of the facility. Core areas included food service, laundry, some mechanical areas, and some centralized functional areas, such as booking, which are extremely difficult to expand or which become land-locked. This approach allows expansion to occur by adding housing as it is needed. The decentralized strategy for delivery of programs and services necessary for this approach results in more efficient operations and eliminates the need to "over-build" centralized program areas of the jail to accommodate future populations. This contributes to facility adaptability. Other adaptability features included the blend of single, double and multiple occupancy and the creation of easily modified dormitory space for inmates involved in the alternative sentencing unit, which was geared toward a mixture of residential programs (such as work release and re-entry) and non-residential programs (electronic monitoring, work crew and day reporting).

At the 2005 Law and Justice Council retreat, ***the first phase of housing*** was planned for 10 years. In the opinion of the consultant, this approach would have resulted in a facility that would need to begin planning for its first expansion within 5 years of opening. As a result, the consultant recommended that the County consider an alternative approach – either building the initial housing phase for a 15 year planning window or using population levels to establish the capacity. The first housing phase was based on meeting the County’s needs until population levels exceeded 150,000. In 2008, that would have occurred between 2020 and 2025.

Forecast Methodology

As in prior planning studies, the methodology used in this analysis linked future jail population to future county population by using the incarceration rates. This results in an estimate of future average daily population (ADP). To address seasonal variation in ADP and the need for separation of inmate classifications, the future ADP is multiplied by a peaking factor that is based on the normal bell curve. This forecast requires the analyst to make a series of assumptions:

- 1) The likely future county population during the planning window,
- 2) The likely rate of change in the incarceration rate, and
- 3) The percent over average that “high” ADP would be.

Scenarios for Future Jail Capacity

Baseline Scenarios

Baseline scenarios describe what the future jail needs will be if the County essentially continues to its criminal justice business in the future as it has in the past. These scenarios are based on the following assumptions:

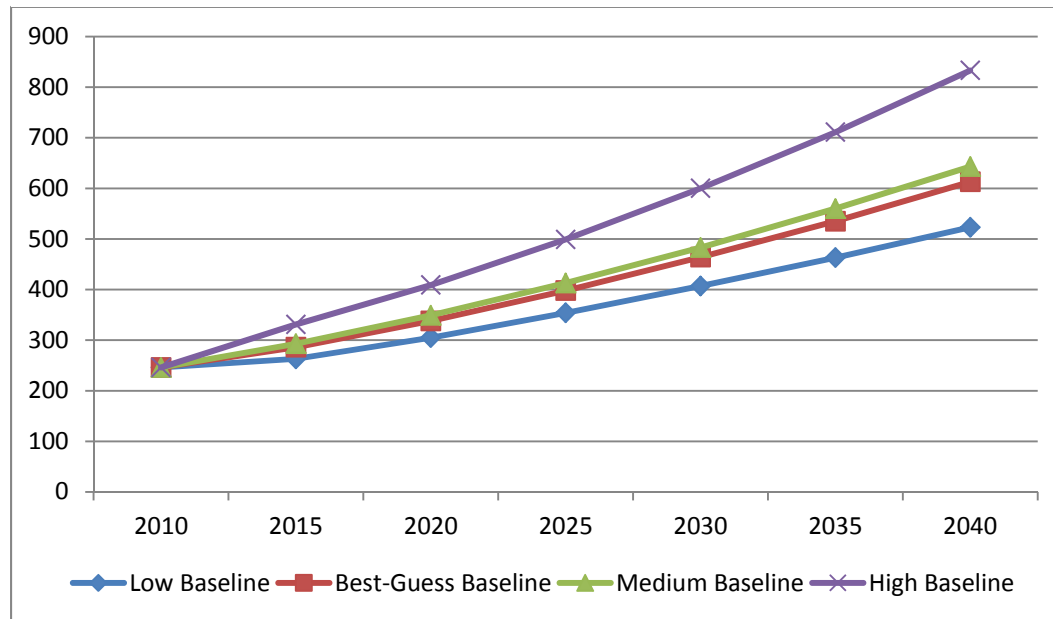
- 1) The County population will grow as projected by the State Office of Financial Management. Three scenarios are based on low, median and high estimates of County growth. A fourth, the “best guess” scenario has been created based on how actual county population has related to historical estimates. Since actual County population has trended about 75% of the way between the low and median estimates of County population, in the consultant’s opinion, this is the most likely of the baseline scenarios.
- 2) The County’s incarceration rate will increase in the next 20 years as it has in the last 25 years. This includes both increases and decreases in the incarceration rate. The consultant considered using the rate of increase for the last 10 years, but believes this represents a time when capacity was so constrained that it reflects a capacity driven system rather than one which is based on need.
- 3) The peaking factor used includes both a seasonal and classification factor (115% of average). This is a typical factor for facilities in this size.

Table 36 Baseline Scenarios for Jail Capacity

Year	Future Population	Expected Incarceration Rate	Expected Facility ADP	Required Capacity	Year	Future Population	Expected Incarceration Rate	Expected Facility ADP	Required Capacity
Low Baseline					Best Guess Baseline				
2010	116,901	183	214.00	246	2010	116,901	183	214.00	246
2015	109,035	210	228.74	263	2015	118,477	210	248.55	286
2020	112,268	237	265.52	305	2020	124,254	237	293.87	338
2025	116,918	263	307.77	354	2025	131,537	263	346.25	398
2030	121,918	290	353.51	407	2030	139,194	290	403.61	464
2035	127,038	317	402.31	463	2035	146,984	317	465.47	535
2040	132,558	343	455.21	523	2040	155,193	343	532.94	613
Medium Baseline					High Baseline				
2010	116,901	183	214.00	246	2010	116,901	183	214.00	246
2015	121,624	210	255.15	293	2015	137,198	210	287.82	331
2020	128,249	237	303.32	349	2020	150,196	237	355.23	409
2025	136,410	263	359.08	413	2025	164,858	263	433.96	499
2030	144,953	290	420.30	483	2030	179,930	290	521.72	600
2035	153,632	317	486.53	560	2035	195,149	317	618.00	711
2040	162,738	343	558.85	643	2040	210,828	343	724.00	833

In the consultant's opinion, both the low and high baselines are unlikely. The low baseline estimate of county population has consistently underestimated actual county growth; the high baseline appears over-optimistic and while the County clearly has the potential to reach these population levels, it is not likely to occur within a 30 year planning window (2040 in these scenarios). In the consultant's opinion, this suggests that the County's jail ADP and resulting capacity is most likely to fall between the "best guess" baseline and the medium baseline. At the end of the 30 year planning window, this would suggest capacity needs between 613 – 643 beds, which would be used to size the core of the facility. An initial housing phase of 15 years (2030) would provide housing for 464-483 inmates. Figure 37 on the following page shows these scenarios.

Figure 37 Comparison of Baseline Scenarios



In 2008, the consultant recommended sizing the core areas of the facility to accommodate 600 inmates. This analysis suggests that 600 is a reasonable number for a 30 year planning window.

“What If” Scenario

During the 2005 Law and Justice Council retreat, participants were asked to determine if the justice system should change its practices regarding use of the jail, and, if so, how those practices should change. There was a strong consensus that the system should make all reasonable efforts to maintain what is good and working while focusing their efforts in two specific areas: increased efficiency of processing cases through the court and development of alternative programs that have the ability to slow the recidivism rate from its 2005 level (60% re-offense

within 3 years) to 40% or less for those who participate in programs. There is evidence in the court statistics that courts are, in fact, more efficient in their processing. As to the recidivism rate, without completing the inmate profile, it isn’t possible to answer that question. However, it is clear that the Sheriff’s Office has implemented the programs that it can control and during this period some efforts to address substance abuse in the jail population (the predominant underlying issue) have been implemented. This section provides a “what if” scenario based on implementing the recommended alternatives, using the “best guess” estimate of future county population.

Table 37 Comparison of Best Guess Baseline with Lower Incarceration Rate and "Best Guess" Baseline

Year	Future Population	Expected Incarceration Rate	Expected Facility ADP	Capacity	Year	Future Population	Expected Incarceration Rate	Expected Facility ADP	Capacity
Best Guess Baseline with Lower Incarceration Rate					Best Guess Baseline with Historical Incarceration Rate				
2010	116,901	183	214.00	246	2010	116,901	183	214.00	246
2015	118,477	205	242.36	279	2015	121,624	210	248.55	286
2020	124,254	226	280.89	323	2020	128,249	237	293.87	338
2025	131,537	248	325.63	374	2025	136,410	263	346.25	398
2030	139,194	269	374.52	431	2030	144,953	290	403.61	464
2035	146,984	291	427.08	491	2035	153,632	317	465.47	535
2040	155,193	312	484.30	557	2040	162,738	343	532.94	613

Table 37 shows what the addition of effective alternatives can do to reduce facility capacity. At the end of a 30 year planning window, the County could expect to see a reduction of 56 beds. The first housing phase (to 2030) would reduce the number of beds needed to 431 from 464, a savings of 33 beds. In the consultant's opinion, this scenario continues to be achievable.

Conclusions

- 1) Although there is evidence that the justice system is becoming increasingly efficient, there continues to be a need to expand proven alternatives. This should include revisiting the case expediter position and potentially expanding the use of electronic monitoring for inmates not currently eligible.
- 2) Of the baseline scenarios, the "best guess" scenario, which is based on the amount that Skagit County's actual population has varied from the State's median estimate of population, is likely to be most accurate.
- 3) A lowered incarceration rate scenario, based on expansion of the programs discussed in this section, is viable and achievable.
- 4) A planning window of 30 years is viable to establish jail core capacity; the core of 600 inmates continues to be appropriate.
- 5) An initial housing phase of 15 years is also viable; the capacity suggested by the "best guess" scenarios results in a need for 431-464 beds.

Section 11 Conclusions and Recommendations

Conclusions

Conclusions made in the 2008 master plan update continue to be valid today.

- 1) Crowding at the jail is so significant that it has become potentially dangerous to both staff and inmates. While regulating bookings helps to manage this issue, it is not adequate to address the issue. The County needs to find ways to reduce the population in the facility.
- 2) The age and current condition of the jail suggest that it will need modification and/or renovation to continue its useful life.
- 3) Skagit County is going to continue to grow. All indications are that an estimate of population between the State's low and median estimates will continue to be most accurate.
- 4) Skagit County has higher than typical property crime rates; this is likely to be related to the availability of commercial development which is a target for various forms of larceny and the presence of a non-resident population that impacts these crime statistics.
- 5) There is considerable evidence that the justice system is working more efficiently now than it was in 2005 and even more so in 2012. These efforts help to manage the population, but they are not sufficient.
- 6) Much of the jail crowding is related to increases in length of stay which is continuing to crime. There is clear evidence that the jail is used as a sanction for felons. Bookings are reduced significantly from levels seen earlier in this decade – but when “turn-aways” are considered, they are at a level comparable to times when crowding was not an issue in the jail.
- 7) Alternatives used by the Sheriff's Office, primarily electronic monitoring and work details, serve just under 20% of the population under their supervision. This is more than twice the rate at which these programs are used nationally. In the absence of these programs, Skagit County would have a much higher average daily population, which is continuing to grow as anticipated.
- 8) Incarceration rates in Skagit County continue to be lower than those in the nation and the state. Even when a higher measure of ADP under supervision rather than in-facility ADP is used, Skagit County's incarceration rate is consistent with Whatcom County. At present, both are significantly crowded.

Recommendations

- 1) Skagit County needs to take steps to reduce the in-facility jail population as a way of managing the level of risk that crowding brings. The consultant continues to recommend two interim solutions:
 - a) Expand functions previously assigned to the case expediter to provide a more targeted approach to reducing the length of stay of pretrial inmates, and
 - b) Boarding inmates in other locations.

- 2) Move forward to construct additional jail capacity. The consultant recommends that capacity be based on the scenario, which results from our “best guess” estimate of County population and a lowered incarceration rate based on continued program development.
 - a) Size the core at 600 based on a 30 year planning window – limiting future expansion to housing. This is the core which was recommended in 2008.
 - b) Size the initial housing phase at 428 which is consistent with the 2030 capacity in the same scenario. This suggests an initial housing phase of 15 years. This is the housing phase which was recommended in 2008.