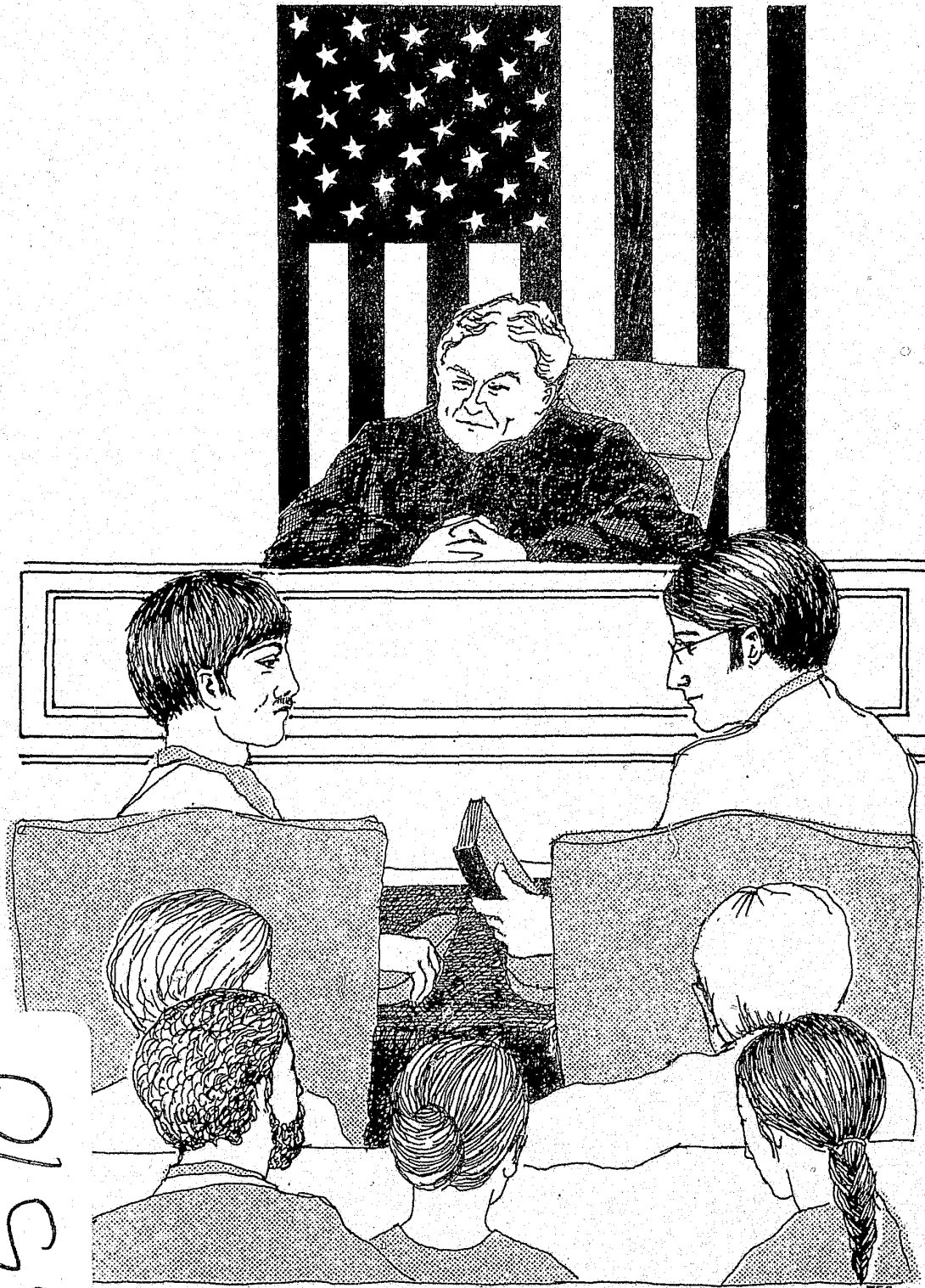


THE PEOPLES COURT



SECOND ANNUAL REPORT ON MISDEMEANANT CORRECTIONS
IN THE STATE OF WASHINGTON
1976

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Misdemeanant Corrections Association

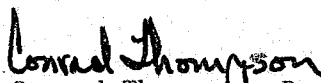
This report on Misdemeanant Corrections in the State of Washington for 1976, is appropriately entitled "The People's Court". The volume of citizens adjudicated by the misdemeanor courts is staggering; these courts affect hundreds of thousands of lives each year.

"The People's Court" is authored and provided by the members of the Misdemeanant Corrections Association of the State of Washington. The report is forwarded to you as it is vitally important that all citizens, professionals, and community leaders be knowledgeable of the correctional activities and programs of the misdemeanor courts in our state.

We encourage you to contact the Association regarding any comments, critique, or questions you might have of this report.

With appreciation, the Association acknowledges the probation directors and the Annual Report Committee for their dedicated service. The committee members are: Bill Cobb, Dick Lee, Karen Lindsay, Fred Miller, Sig Slette, and Tom Watling.

Sincerely,


Conrad Thompson, President
Misdemeanant Corrections Association
State of Washington

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ACQUISITIONS

SECOND ANNUAL REPORT
ON MISDEMEANANT CORRECTIONS
IN THE STATE OF WASHINGTON
1976

TABLE OF CONTENTS

Misdemeanant Corrections Association	Page 1-2
Organizational Chart MCA	3
Map of Misdemeanant Probation Departments In The State	4
Introduction	5-7
Probation Services To The Court And Community	7-8
Pre-Sentence Investigations	8-9
Probation Supervision	9
Community Service Work Programs	9
Citizen Involvement In Probation Services	10
Work Release Programs	10-11
Bail Studies And Indigency Reviews	11
Restitution To Victims	11
Supervised Fine And Child Support Collections	11-12
Pre-Trial Diversion	12
Referrals To Community Treatment	12
Alcohol Information Schools	13
Alcohol Treatment Programs	13
Mental Health And Drug Referrals	13-14
Statistical Chart Misdemeanant Correctional Activities, 1976	15
Graph A-1, Probation Referrals By Offense	16
Graph A-2, Impact On Local Jails	16
Graph A-3, Referrals To Community Resources	17
Graph A-4, Revenues Produced And Services Contributed	17
Summary	18-19

MISDEMEANANT CORRECTIONS ASSOCIATION

HISTORY - GOALS - ACTIVITIES

The Misdemeanant Corrections Association of the State of Washington consists of 26 independent probation departments serving local district and municipal courts in 24 counties. The Association was formed in 1971 to provide a format for the exchange of knowledge and techniques for solving a variety of common problems.

The membership established quarterly meetings to accomplish this goal. During the first quarterly meetings, procedures were established whereby offenders who resided out of the arresting jurisdiction could be transferred to the probation department nearest their home for supervision. Time was also spent sharing and comparing forms and procedures used by each department.

The success of these early efforts verified the importance of the quarterly meetings and, soon after, formalized in-service training became an integral part of the meetings. The in-service training is devoted to increasing the knowledge and skills of the probation officers in dealing with offenders. The training has been conducted by a wide variety of specialists drawn from many different disciplines. The association also encourages its members to participate in training offered by the Washington State Criminal Justice Training Commission and has regular input into the planning and presenting of correctional training by that commission.

As the number of departments increased across the state, our membership also increased, and other areas of concern began to be addressed by the Association. A number of specific goals were established and the activities of the association have been directed toward achieving these goals. The goals are:

- o To achieve statewide coordination of misdemeanor services

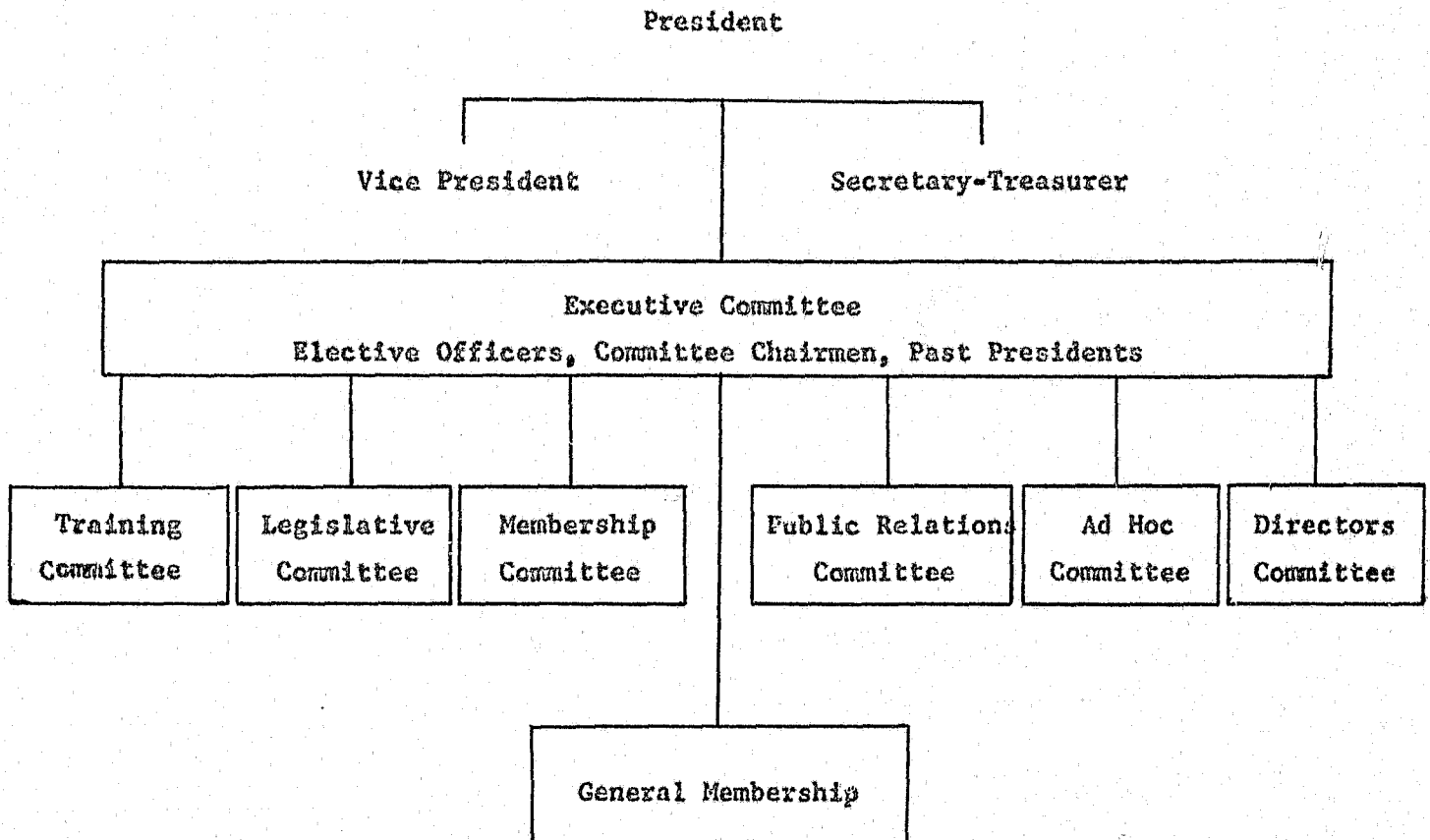
- o To develop a uniform data base for evaluative and informational purposes
- o To promote formalized training for misdemeanor personnel
- o To assist in the development of legislation pertaining to misdemeanor corrections
- o To provide information on misdemeanor services to the community and to encourage the utilization of community resources for offenders.

To achieve these goals, appropriate committees were established (see organizational chart page 3). These committees have influenced the correctional courses now being offered by the State Training Commission, proposed legislation, news coverage of misdemeanor courts and their correctional activities, and have prepared formal reports such as this.

The Association has given a high priority to working closely on common problems with the state's Magistrate's Association and with local community alcoholism programs. The Association in 1976, opened its membership to local alcoholism counselors and others working with misdemeanor court and probation department referrals.

The Misdemeanor Corrections Association of Washington has through training sessions and committee activities, greatly increased the professionalism of misdemeanor correctional personnel and has improved the quality, continuity, and effectiveness of misdemeanor probation services within our state.

MISDEMEANANT CORRECTIONS ASSOCIATION ORGANIZATIONAL CHART



1976 - 1977 Officers & Committee Chairpersons

President: Conrad Thompson Whatcom Co. Probation Vice-Pres: Thomas Watling Seattle Mun. Probation Sec.-Treas: Fred Miller Skagit Co. Probation	Training Comm: Richard Ward Skagit Co. Probation Legis. Comm: Dick Lee Clark Co. Probation Membership Comm: Jim Williams Clark Co. Probation
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Immediate Past President:

Larry Young
 Yakima Co. Probation

INTRODUCTION

This is the second Annual Report on Misdemeanant Corrections in the State of Washington. In the year that has passed, the problem of crime in our state continues to remain a major concern of our citizens, legislators, and criminal justice agencies. Yet, few of our citizens really understand the workings of the criminal justice system. Few realize that only a small percentage of court activity is devoted to felony crimes and that a large percentage is devoted to serious misdemeanor crimes and traffic offenses. In 1976 the superior courts of our state heard 11,000 felony cases while the district and municipal courts heard 103,000 criminal cases and 745,000 traffic cases. These misdemeanor courts are indeed the "People's Court" and touch hundreds of thousands of lives each year.

While the majority of those cited into our district and municipal courts are normally law abiding citizens, many others are not. In fact, a considerable number of misdemeanor criminal cases originate from felony arrests. "The Theory and Practice of Probation and Parole" a basic text on corrections states the following regarding misdemeanor offenders:

"Among misdemeanants are found the alcoholic, the drug addict, the petty thief, certain types of sex offenders, and the serious traffic offender. All of these tend to be more disorganized personally, and less capable of solving their problems than are felons. And in individual instances they may be more dangerous than the latter. Yet, the public considers misdemeanants lessor offenders."

Each year the judges of our district and municipal courts are faced with an increasing number of cases which require sentencing decisions. Prior to the mid-1960's there were no organized probation and/or community resources to assist judges in the sentencing process. The President's Commission on Law Enforcement and Administration of Justice, in The Challenge of Crime in a Free Society, 1967, addressed this prominent problem, stating:

"Lack of community treatment facilities for misdemeanants....means the neglect of one of the most important lines of defense against serious crimes, since many persons with....misdemeanant records graduate to graver offenses....Lack of probation supervision may mean the jailing of many minor and first time offenders who would be more suitably and economically dealt with in the community. Lack of adequate probation supervision also means that the community is being exposed to unnecessary risks and that offenders are going without assistance in re-establishing themselves in jobs and schools."

Faced with this lack of resources for misdemeanor offenders, many of our state's district and municipal court judges responded by establishing probation departments to serve the courts and the community. As the benefits of misdemeanor probation services became apparent, other courts across the state established probation programs. In 1965 there were no misdemeanor probation departments in the state; by 1976 there were 26 departments.

Community based misdemeanor probation services have proven effective because of citizen involvement at the local level. Accountability to the immediate community and elected officials has resulted in programs which are more sensitive to the needs of the community. A strong emphasis is placed on community service programs, utilization of volunteers, restitution to victims, referrals to and development of local treatment resources, and close coordination and cooperation with all local criminal justice agencies.

Misdemeanant probation personnel have played a major role in developing local out-patient alcohol treatment programs and court alcohol information schools. Active participation by probation professionals on alcohol administration boards, boards of directors for alcohol in-resident treatment facilities, mental health boards, and other community advisory committees has resulted in improved treatment and rehabilitation programs as demonstrated in the handling of Driving While Under the Influence offenders. A 1974 study revealed that at least one in three persons arrested for D.W.I. is repeating the offense, (Thompson & Desler, "A Five Year Study

Of Drinking Driving Arrests, 1974).

In 1976, 444 deaths, in our state, resulted from persons driving while intoxicated. This is over two and one half times the number of our citizens who were victims of homicides during the same year. And yet, driving while intoxicated is a misdemeanor offense that is dealt with by district and municipal courts. To curb this menacing problem, we must treat and rehabilitate those persons suffering from alcoholism or alcohol abuse. In a report to Congress and the President, the U. S. Department Of Transportation reported that "in 1971, alcohol related traffic fatalities totalled 28,000". Of these fatalities, "approximately two thirds (19,000 deaths) involved problem drinking drivers". It is in this area that misdemeanor probation services have their greatest impact. Illustrating this is a recent letter from the Veterans Administration alcoholism treatment program to a referral agency in which the following statement was made, "Our experience has been that those court referred veterans specifically instructed that their probation is contingent on successfully completing our treatment program are more likely to persevere and succeed in treatment."

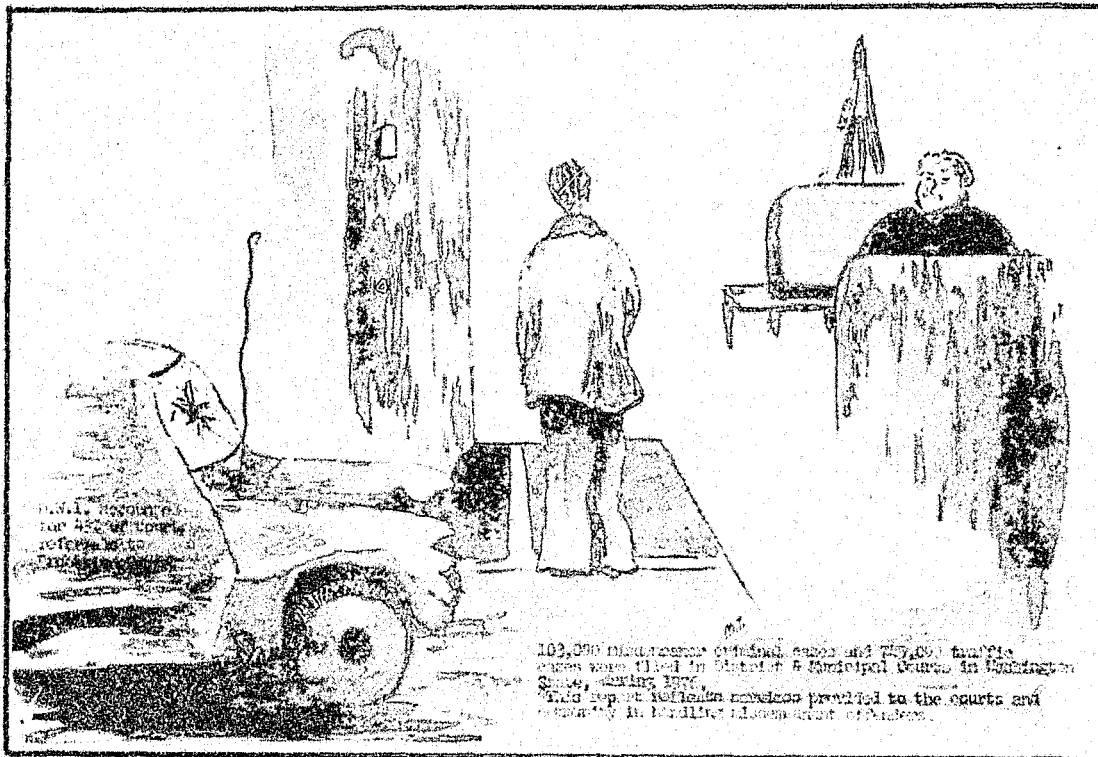
PROBATION SERVICES TO THE COURT AND COMMUNITY

Misdemeanor probation departments provide a wide variety of services to the court and community. These services include:

- Pre-sentence Reports
- Probation Supervision
- Bail and Indigency Reviews
- Work/School Release
- Pre-trial Diversion
- Deferred Prosecution
- Citizen Volunteer Programs
- Referrals to Community Treatment
- Community Service Work Programs
- Collection of Restitution/Fines
- Collection of Child Support
- Liason with Community Agencies

This section on Court and Community Services will detail these services and programs. The basic concept under which these programs

are carried out is client accountability. The probation officer insures that the client follows through with court-ordered programs.*



PRE-SENTENCE INVESTIGATIONS

With rare exception, judges know almost nothing about the personal history or criminal records of persons convicted. To assist judges in the sentencing function, pre-sentence investigations are frequently ordered. These investigations include an examination of the offender's background, his current life situation, his educational and vocational history, the quality of his relationships with others, his police record, and the source and type of major problems in his life. In some courts, these reports may also include specific sentence recommendations.

*Individual probation departments in the state vary in the selection of the above services provided. This is often determined by the availability of other local correctional facilities and programs, as well as, geographic and funding considerations.

When appropriate, community diagnostic resources, such as evaluations from mental health, alcoholism, drug and vocational agencies are incorporated into the pre-sentence report. This information is utilized in developing sentencing recommendations tailored to meet the individual needs of the offender and the protection of the community. In 1976, 23 misdemeanor probation departments conducted 11,441 pre-sentence investigations.

PROBATION SUPERVISION

Probation supervision is the enforcement of those conditions imposed by the court at sentencing. Frequently, the probationer may be unwilling or finds it difficult to carry through with the conditions of his sentence without the supervision of a probation professional. The probation officer, utilizing the pre-sentence report when available, helps the offender to determine the source of problems in his/her life. The officer motivates and aids the offender in locating and utilizing available community resources, such as; alcohol and mental health treatment programs, vocational and educational opportunities, job placements, veterans benefits, community volunteer sponsors, as well as other human services. In 1976, 14,408 offenders were supervised on active probation.

Through the efforts of the Misdemeanant Corrections Association, inter-county agreements have been developed which resulted in courtesy supervision of 686 offenders in 1976.

COMMUNITY SERVICE WORK PROGRAMS

Community service work programs are a sentence alternative for the courts to use in lieu of jail or fines if the defendant is indigent and is also used as a therapeutic tool. It has proven beneficial to both the offender and the community. Offenders are assigned to work at private non-profit and public agencies. In 1976, 18 departments reported that a total of 3,220 probationers completed 94,505 community service work hours. If computed at \$2.50 per hour, these service hours amounted to \$236,262.50.

CITIZEN INVOLVEMENT IN PROBATION SERVICES

Citizen involvement in probation services falls into two categories: volunteer staff and volunteer sponsors. Volunteer staff, recruited from colleges and the community, participate in probation departments as para-professionals doing pre-sentence reports, case-load management and provide specialized services according to the needs of the individual departments.

Volunteer sponsors with specialized skills and interests can be matched with probationers, providing a positive citizenship example and assistance in the following areas:

- Tutoring
- One-to-one friendship
- Job finding
- Financial Counseling
- Aiding the probationer in locating and using community resources

By recruiting, training and supervising community volunteers, the quality and quantity of services is improved with minimal dollar cost. The offender and the community both gain positive results. In 1976, 25,101 citizen hours were contributed to 16 Misdemeanant Probation Departments. If computed at \$4.00 per hour, the value of these services would be \$100,404.00.

WORK RELEASE PROGRAMS

In counties where misdemeanor work/school release programs are in existence, misdemeanor probation personnel may recommend as a sentencing alternative these programs to the courts.

The work/school release program allows the offender to leave the jail or private facility for work or school purposes only. Participants are required to pay a fee into the program fund. On work release, the offender is continuing his employment or schooling, helping to pay his incarceration costs and is supporting his family and paying taxes. Work release is a valuable program which saves the taxpayer from supporting the offender's dependants on welfare during his incarceration or subsequent job loss.

In the 16 counties that provided this service in 1976, 445 offenders were placed in work release programs. Total amount of room and board collected was \$39,678.

BAIL STUDIES AND INDIGENCY REVIEWS

During the past decade, state and federal courts have ruled that persons charged with crimes must be released from jail pending trial unless there is compelling reason not to release them, whether or not they have the money to post a financial bond. The courts have similarly ruled that all persons charged with crimes must have access to adequate legal representation regardless of their financial situation.

As judges seldom have information regarding the personal and criminal histories of defendants, they also generally have little information on the defendant's financial situation. Most misdemeanor courts in our state utilize their probation departments in gathering information which will aid the judges in determining under what conditions defendants should be released pending trial and whether or not they qualify for court-appointed counsel. In 1976, 14 departments reported doing 14,870 bail studies.

RESTITUTION TO VICTIMS

Some misdemeanor courts and their probation departments have placed an emphasis on the payment of restitution by the offender to victims. Data from 16 departments showed supervised collections from 410 defendants amounting to \$94,624.

SUPERVISED FINE AND CHILD SUPPORT COLLECTIONS

Studies are conducted by probation personnel to determine the defendant's ability to pay fines assessed by the court. All courts experience offenders who have a history of non-payment of fines and those who need financial counseling to improve their budgeting skills and practices. In 11 departments, court probation officers supervised the collection of \$592,280.00. In addition, some probation

departments are becoming more involved in child support cases referred by the courts. In Clark, Whatcom and Skagit Counties, probation officers supervised the collection of \$27,370.00 in child support payments. When these payments are not enforced, the citizenry must support these families through costly welfare program.

PRE-TRIAL DIVERSION AND DEFERRED PROSECUTION

Some courts utilize pre-trial diversion, a program for halting or suspending the formal criminal justice proceedings for selected misdemeanor offenders, usually first offenders, provided that they follow specific conditions. Its goals are to reduce recidivism for the first offender, and to substantially reduce court costs. This also avoids the stigma that may be detrimental to this type of offender. In the Seattle Municipal Court Probation Department, 1,468 offenders were screened, and 1,338 were accepted into pre-trial diversion. Of these, only 1.7% were re-arrested during the 90-day program, and 5.6% did not complete.

In 1975, a state law went into effect allowing deferred prosecution of charges for defendants who are alcoholic, mentally ill, or drug addicted, on the condition that they receive appropriate treatment, and not re-offend for two years. This law has been most generally applied to those who have had multiple offenses of Driving While Under the Influence Of Alcohol (DWI), and in many jurisdictions, this period of deferment is supervised by misdemeanor probation counselors. In 13 departments submitting data, 265 deferred prosecution cases were handled in 1976.

REFERRALS TO COMMUNITY TREATMENT

Most misdemeanor probation departments function on a "broker of services" model. Large caseloads have necessitated that probation departments concentrate on the assessment of the problems of the offender. Referrals are made to appropriate community resources for treatment of personal, emotional and alcohol or drug-related problems.

ALCOHOL INFORMATION SCHOOLS

Individuals convicted in the misdemeanor courts of offenses that are alcohol related are, in most cases, referred to Alcohol Information Schools. These schools are open to the public free of charge. Most court-referred offenders are required to pay a fee which makes the schools self-sustaining. The schools emphasize the physical effects of alcohol on driving and the laws pertaining to D.W.I. in the State of Washington. From 17 departments, 3,199 individuals were referred to Alcohol Information Schools in 1976. This indicates 37% of the client caseload of these departments were referred to alcohol information schools.

ALCOHOL TREATMENT PROGRAMS

Driving While Under the Influence and other alcohol-related misdemeanor offenses have provided the courts with an excellent opportunity to evaluate and identify persons suffering from alcoholism or alcohol abuse. Identification and treatment recommendations are often made by alcoholism specialist usually through local Alcohol Information and Referral Centers. The court can through probation conditions require appropriate treatment.

In-resident alcohol treatment followed by strong community out-patient programs and probation supervision have proven to be effective in rehabilitating alcoholics and alcohol abusers. These programs help cut D.W.I. recidivism and other potential alcohol-related offenses. In the 18 departments reporting data, 742 defendants were required to complete in-patient alcoholism treatment; 2,875 offenders referred by 20 departments participated in outpatient alcoholism programs.

MENTAL HEALTH AND DRUG REFERRALS

A substantial number of individuals convicted of misdemeanors can and have benefited from mental health programs. Whether it is individual counseling, group therapy, family counseling or drug

treatment, referrals are made when appropriate. Eleven departments reported 39 persons entered in-resident drug treatment programs in 1976; 18 departments made 792 referrals to mental health counseling facilities.

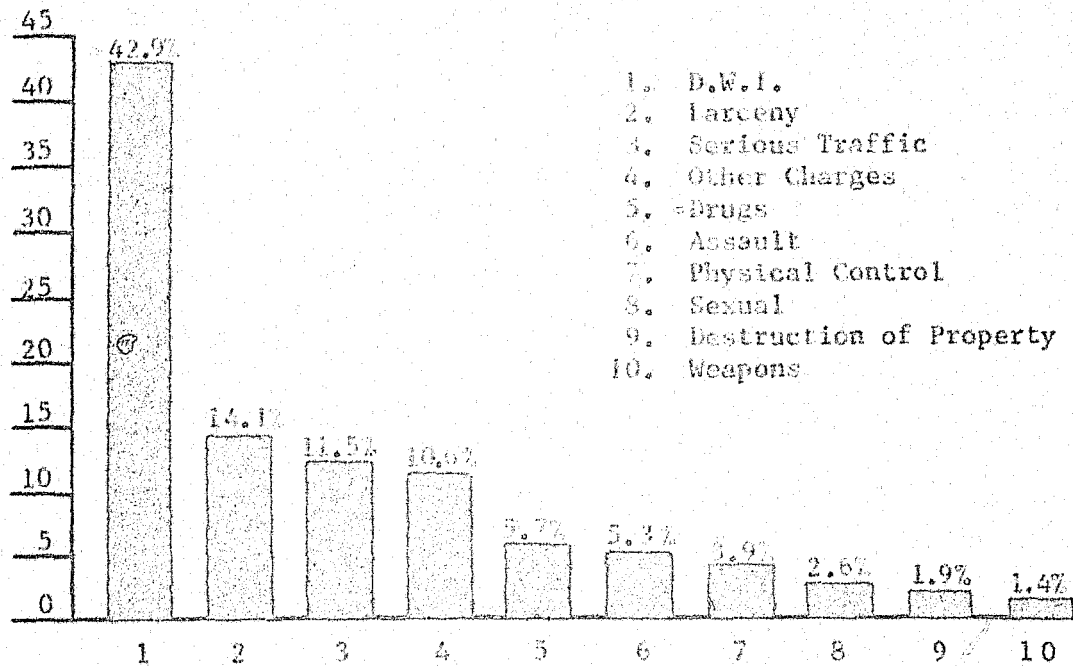
STATISTICAL CHART
MISDEMEANANT CORRECTIONAL ACTIVITIES
STATE OF WASHINGTON 1976

	PRE-SENTENCE REPORTS	PROBATION DEPARTMENT	STATE PRISON	LOCAL PROBATION DEPARTMENT	STATE PROBATION DEPARTMENT	STATE PRISON RECEIVING	STATE PRISON RECEIVING	STATE PRISON RECEIVING	STATE PRISON RECEIVING
Bellevue	498	418	0	0	0	0	0	0	2
Benton-Franklin	79	162	21	0	0	0	0	0	0
Chelan	208	655	15	0	0	0	0	0	1
Clallam	69	16	0	0	0	0	0	0	0
Clark	312	431	1372	27	4	11	1229	0	4
Cowlitz	453	404	38	35	0	15	340	0	2
Grant	231	218	0	0	0	0	0	0	4
Grays Harbor	450	610	0	0	0	0	3032	0	8
Island	58	269	0	0	0	0	511	0	2
King	2978	3750	2166	119	0	0	0	0	22
Kitsap	184	741	04	8	0	0	0	0	1
Kittitas	102	180	0	34	0	0	0	0	3
Lewis	150	200	25	24	0	0	3500	0	4
Mason	112	249	32	10	0	0	0	0	2
Pierce	427	657	0	31	1	0	80	0	13
Seattle Mun.	2624	2899	9124	20	10	0	1450	0	5
Skagit	58	277	0	18	0	0	1340	0	9
Snohomish	709	1066	0	34	0	0	600	0	7
Spokane	372	259	899	34	0	0	2340	0	5
Thurston	470	424	4	57	0	0	3120	0	4
Walla Walla	6	249	0	0	0	0	0	0	4
Whatcom	733	561	108	33	28	33	1000	0	3
Yakima	198	297	0	30	0	0	2275	0	4
TOTALS	11,441	14,408	14,800	656	209	269	25,194	0	116

* This chart reflects available statistics from misdemeanor probation departments in the state. Other services provided by the departments are covered elsewhere in the report.

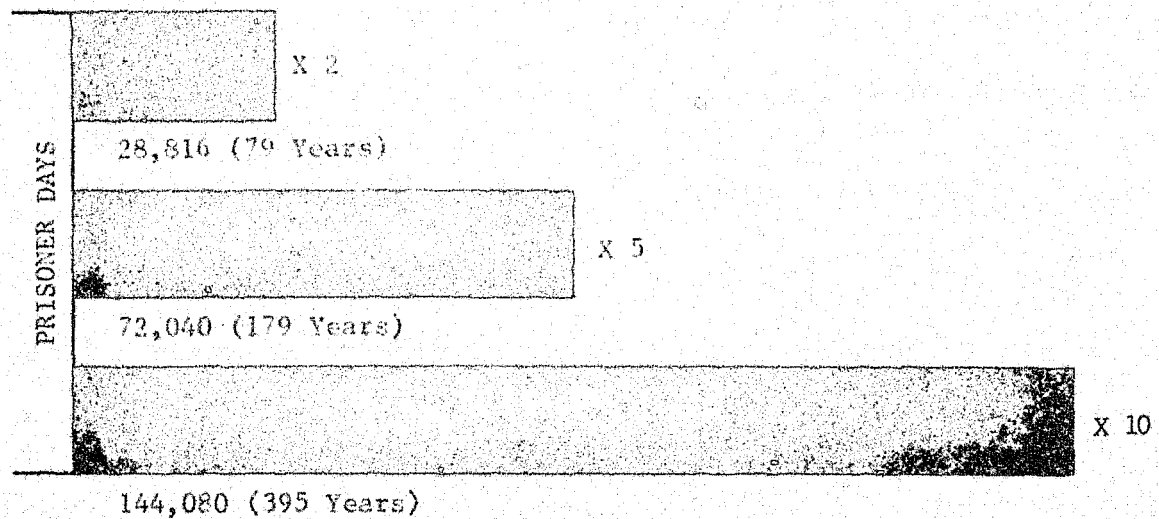
-- Denotes statistical information not available.

Probation Referrals By Offense

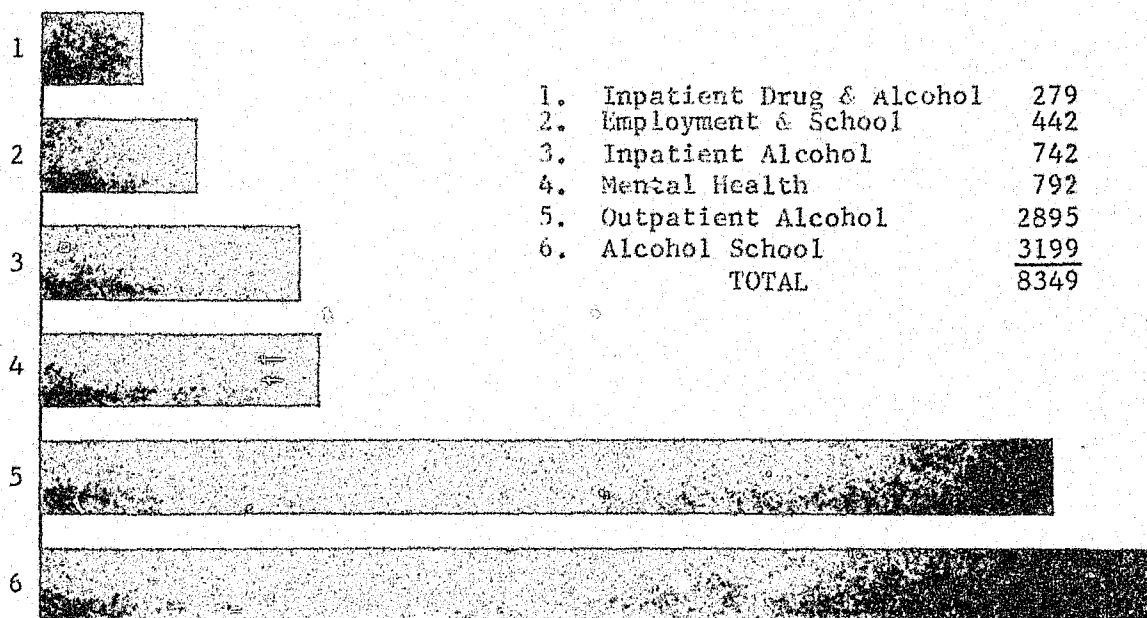


Impact On Local Jails

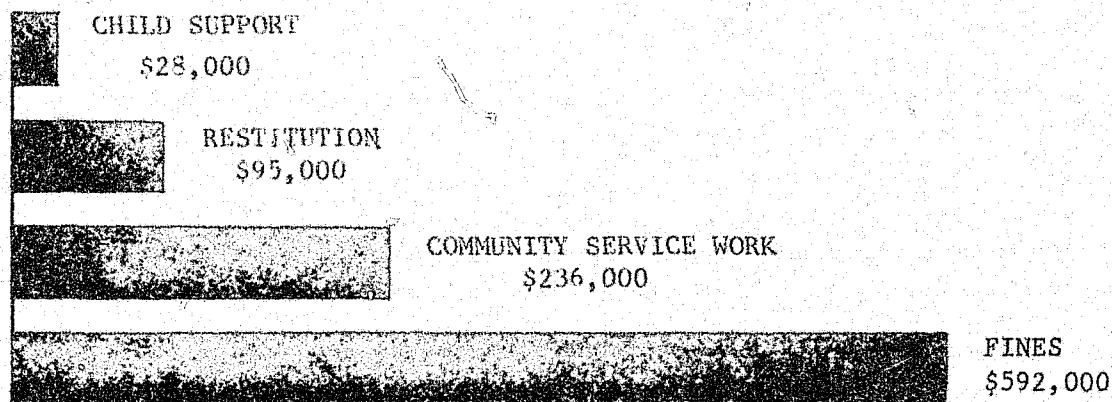
If each of the 14,408 offenders referred to the probation department in the state were sentenced to just 2, 5, or 10 days in custody, the impact on our local jails would be as follows:



Referrals to Community Resources



Revenues Produced & Services Contributed



The probation officer is responsible for insuring that offenders placed on supervision comply with all conditions set down by the court. This includes payment of fines, restitution, in some cases child support, and the enforcement of community service work. This graph only partially reflects the impact of probation supervision on revenues produced and services contributed.

SUMMARY

The MCA is hopeful that the Second Annual Report On Misdemeanant Corrections in the State of Washington, 1976, has provided useful information regarding district and municipal court probation services. This report points to the importance and need for probation services at the misdemeanor court level.

The degree of community involvement and the broad scope of programs at the local level are important elements that have determined the success of our correctional efforts. However, without adequate funding, no correctional program can present itself as a viable alternative, to the court or the taxpayer. We agree with the United States Comptroller General's 1976 report entitled "A Report to the Congress on State and County Probation Services" which states:

"Our study showed that services provided do lead to success on probation." Page 39

"Probation cannot effectively rehabilitate offenders and protect society so long as problems in delivering services exist. Eliminating these problems depends on the commitment of resources by all levels of government." Page 51

As members of the Misdemeanant Corrections Association of Washington, we are vitally concerned with the question of what resources will be available in future years to provide misdemeanor probation services within our state. Meaningful services can only exist when adequate resources also exist. The services that we provide are vital to the operation of our courts and are essential for the safety of our citizenry.

There has not been adequate emphasis or attention given to the problems of the "People's Court". Often our programs are confused or identified with State Parole and Probation Services or County Juvenile Programs. The fact is we are a local, county/city funded branch of the misdemeanor courts, providing services to and supervision of thousands of adult offenders yearly.

It is important that all elected officials be knowledgeable of the services we provide to the community and the court and of the impact of these services on public safety and public coffers. Public safety is only served when sentences are based on adequate information and when there are assurances that the conditions of the sentences are actually being carried out. This accountability is provided by misdemeanor probation departments.

The impact of probation services on local government budgets is best demonstrated by considering what the increased pressure would be on our already crowded city and county jails if such services did not exist. For instance, if each of the 14,408 offenders who were supervised by our misdemeanor probation departments in 1976 had not been placed on probation but rather had each been required to serve just 10 days in jail, the load on our jails would have increased by almost 144,080 prisoner days or 395 prisoner years. As evidenced in this report, other services provided by misdemeanor probation departments also result in savings of tax dollars and increased revenue through collection of fines, court costs, work release fees and community service work. Of additional significance is the money collected in restitution to victims and money saved by utilization of volunteers in probation.

We are also hopeful that this report will be of value in developing local programs and legislation, concerning misdemeanor probation services. The MCA looks forward to improving future services to the courts, the offender, and the community.

END