

2017 Pilot Summary: Mainstream PFD Program

Overview

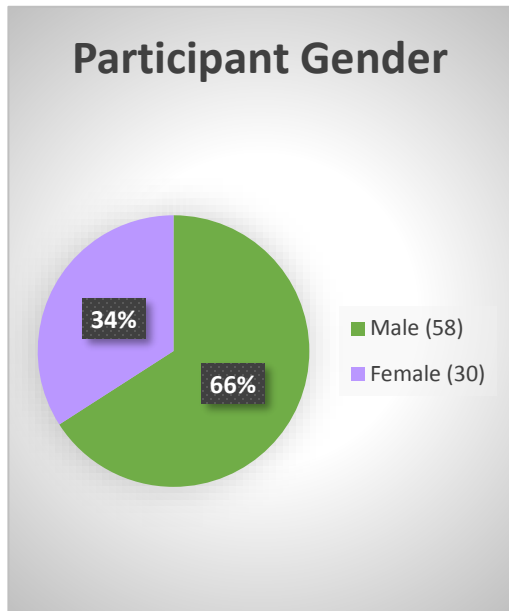
In 2017, the Seattle City Attorney’s Office (CAO) in partnership with a community non-profit organization, Choose 180, diverted 98 fileable cases involving 88 young adult participants across four workshops from September 2017 through December 2017. Six of the participants diverted were diverted on more than one criminal case. We referred 199 participants on 246 reports.¹

As for the charges diverted, 10 of the 98 incidents would have resulted in more than one charge. Thus, these statistics reflect that at least one of the diverted charges would have been:²

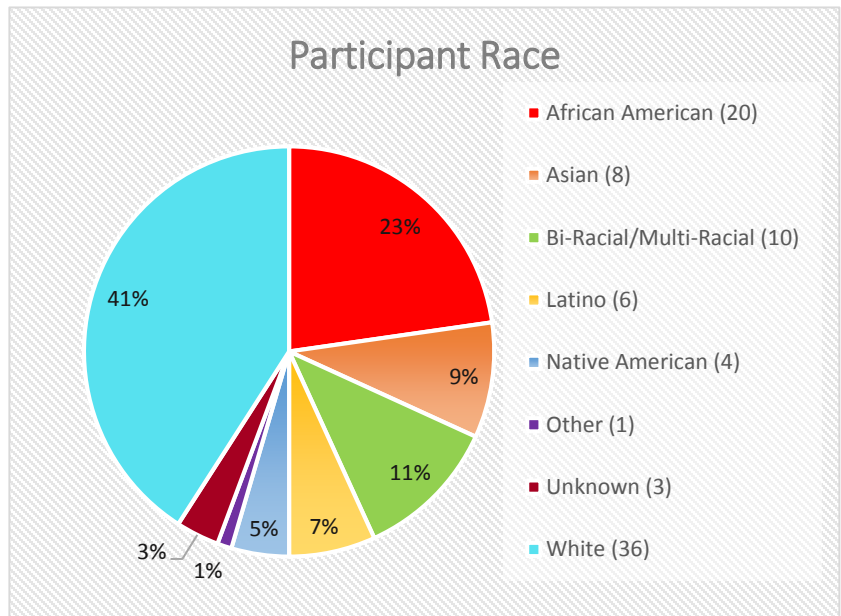
- 72% Theft;
- 17% Criminal Trespass;
- 16% Minor in Possession of Alcohol;
- 5% Obstruction;
- 5% Vehicle Prowl;
- 3% Property Destruction;
- 3% False Reporting;
- 2% Resisting Arrest.

Self-Reported Participant Data

Gender:



Race:

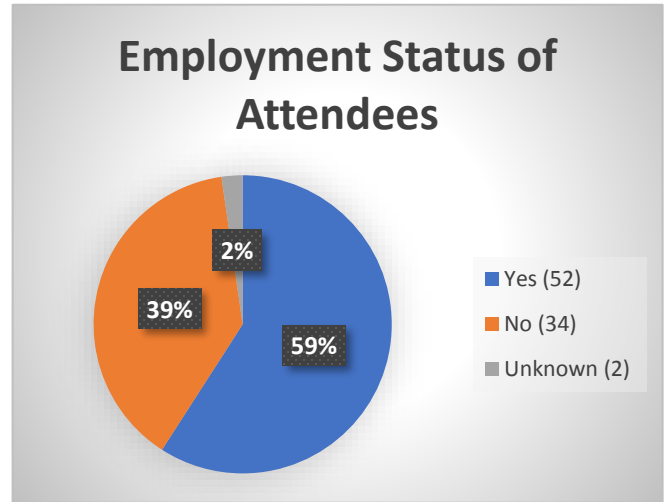
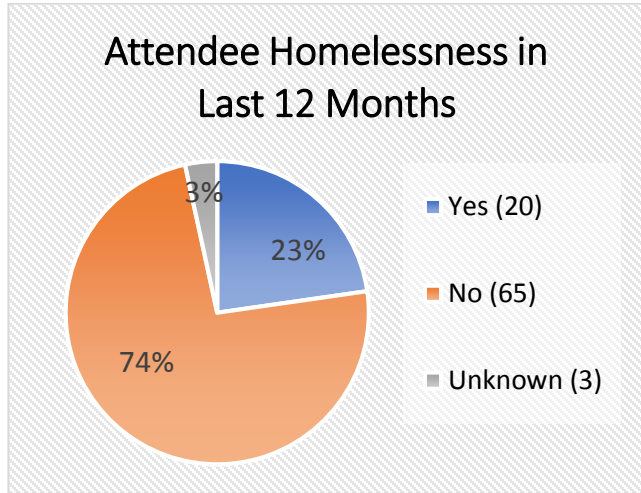


¹ In general, the individuals referred to diversion were alleged to have committed incidents toward the end of 2016 and throughout 2017. Thus, there was a delay for some of the referrals. The CAO is current with PFD review and hopes that faster turnaround will yield a higher percentage of participants completing the workshop as compared to those referred.

² Property destruction and vehicle prowling were not initially considered eligible crimes, but we expanded the criteria to include them in certain circumstances by the last workshop.

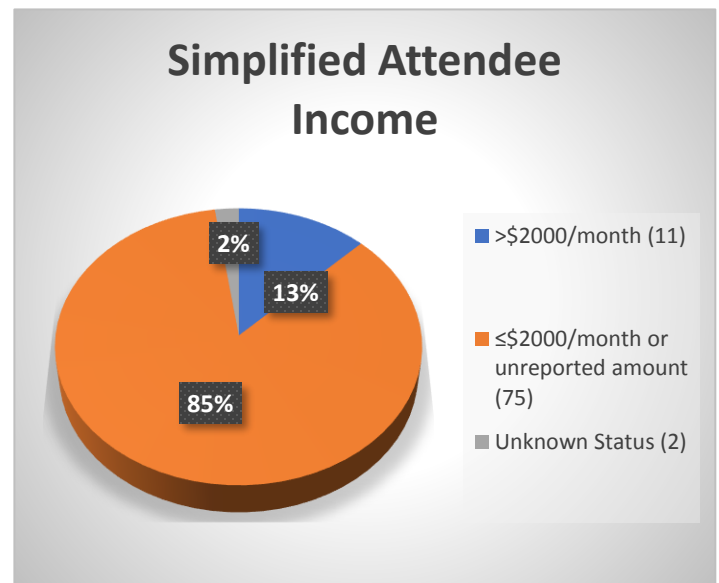
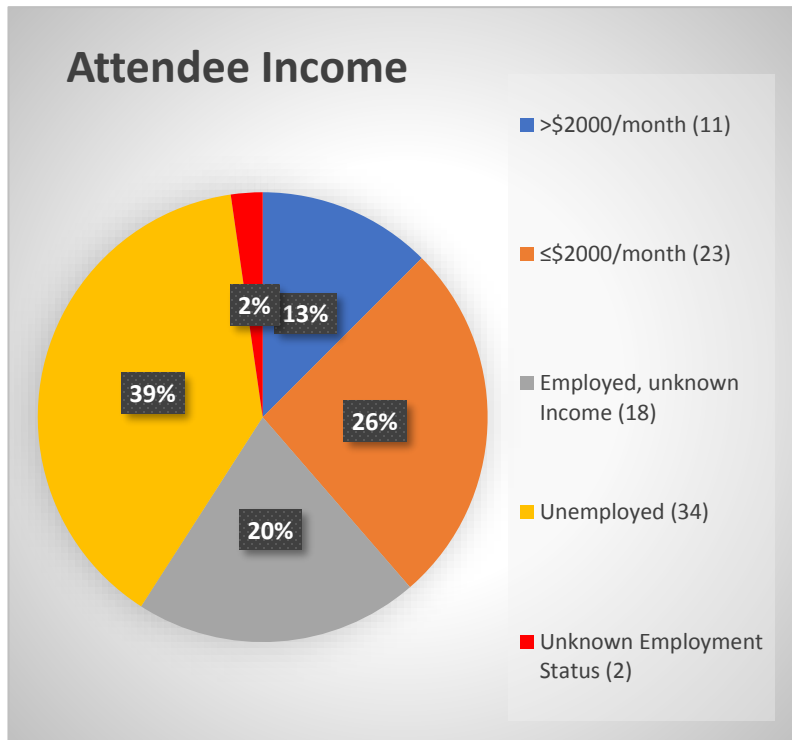
As shown in the figure below, *Attendee Homelessness in Last 12 Months*, almost a quarter of attendees have reported experiencing homelessness in the last 12 months. We expect this number to increase as we continue to work on strategies for how to best notify individuals of the diversion opportunity when the only contact information provided is a shelter address.

As shown in, *Employment Status of Attendees*, more than half of attendees reported having some level of employment.



As shown in the figure below, *Attendee Income*, almost 40% of participants reported being unemployed.

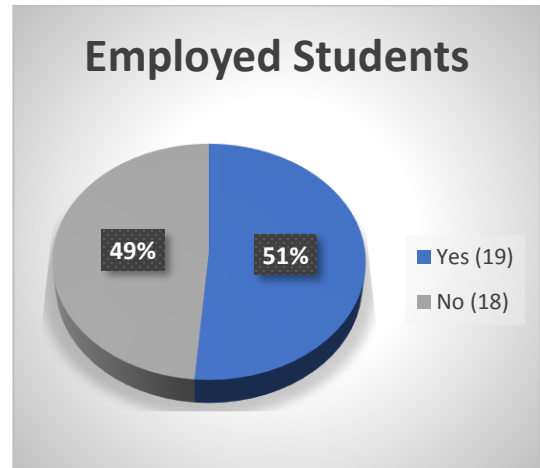
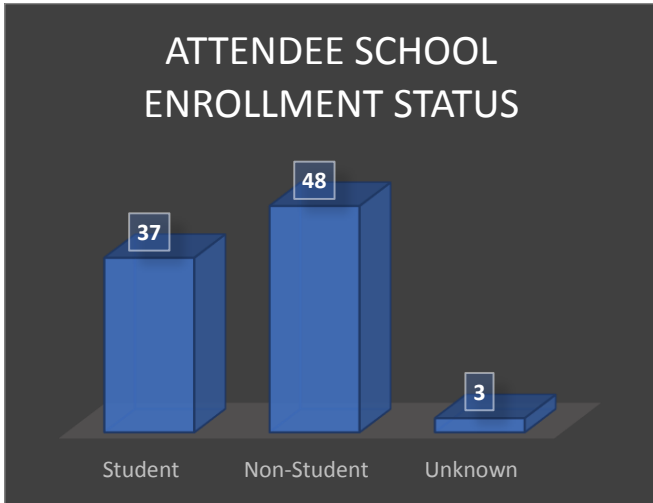
As demonstrated in, *Simplified Attendee Income*, only 13% of participants reported making more than \$2,000/month.



**Income figures does not reflect any cash benefits received.*

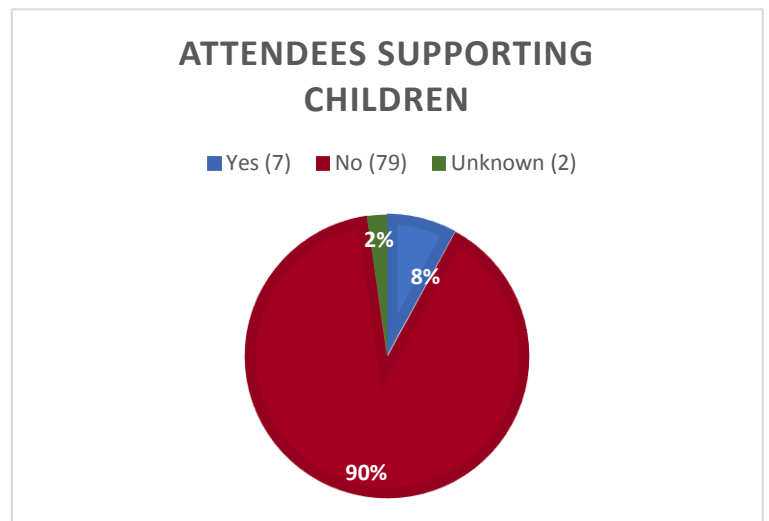
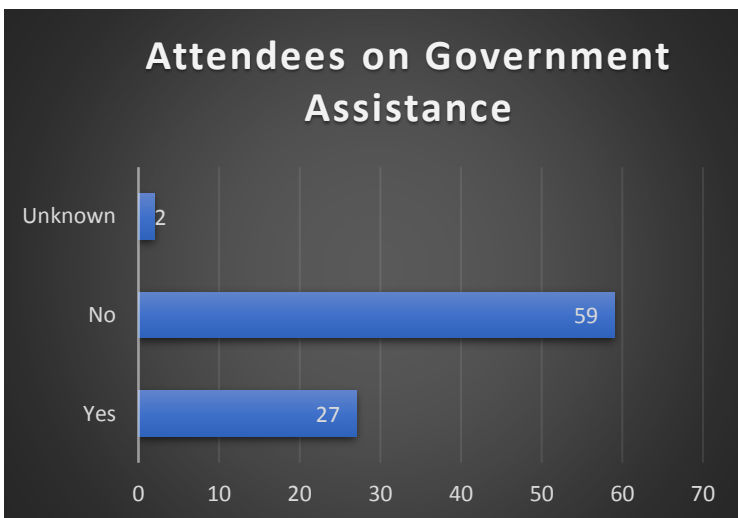
As shown in the figure below, *Attendee School Enrollment Status*, almost 40% of attendees are in school.

As shown in, *Employed Students*, more than half of attendees who reported being in school also reported being employed.



As shown in the figure below, *Attendees on Government Assistance*, more than 30% of attendees reported receiving some level of government assistance.

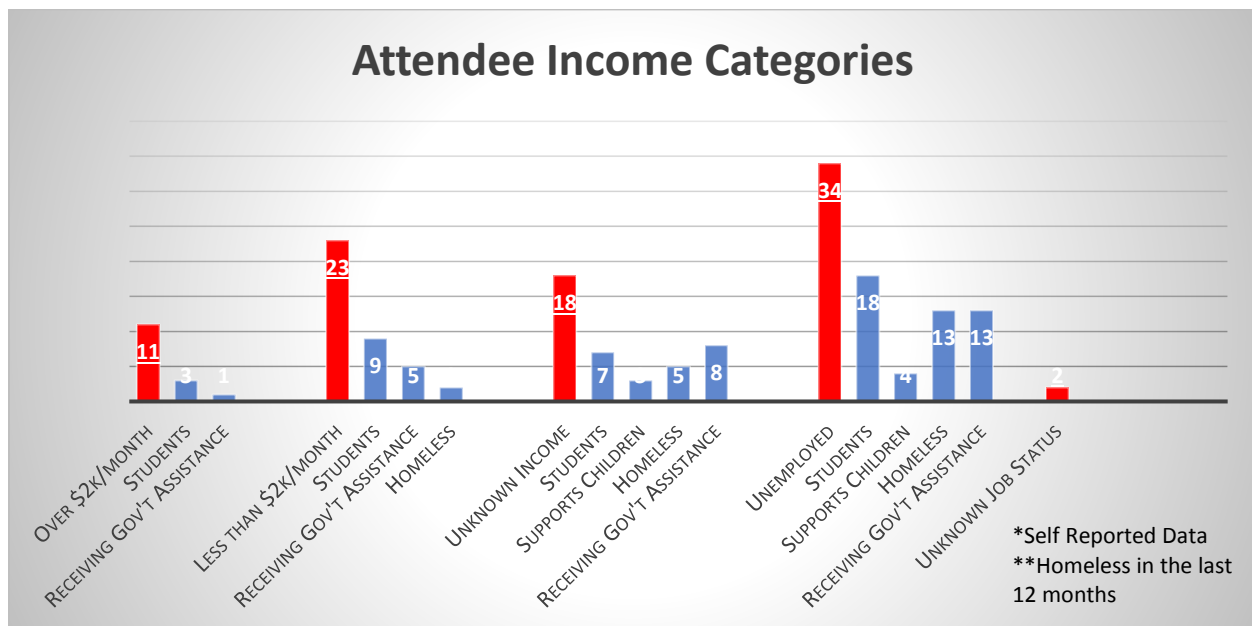
As shown in, *Attendees Supporting Children*, almost 8% of attendees reported supporting children.



Public Defender Fees

One of the reasons that the CAO has attempted to collect so much of the socio-economic data of the participants is to try to assess whether the individuals would have qualified for public defender representation had their cases gone to court. Before embarking on the pilot, the CAO consulted one of the personal recognizance screeners at Seattle Municipal Court (SMC) to gain information about what criteria are considered when determining edibility for public defense representation. What we found was that the determination often takes weighing many factors. Furthermore, even if the young adults ultimately did not qualify for public defender assistance many of the young adults would have received public defender assistance at intake or arraignment hearings. Thus, we will provide what we do know.

The approximate cost in 2017 for appointment of a public defender was \$430 per credit³. Of the 88 young adult participants in 2017, 25 participants representing 28% of the total number of participants had prior criminal history. Of those 25 individuals, 20, representing 80%, reported being represented by a court appointed public defender in the past. A person automatically qualifies for a public defender if they are receiving government assistance. Of the 88 young adult participants, 27 participants, representing 31% of the total number of participants reported, receiving government assistance. Perhaps the most telling, though, is that only 11 participants, accounting for 13% of the group reported wages exceeding \$2,000/month.



Jail and Booking Costs

Like the difficulty in calculating public defender savings, there is no exact way to measure the exact jail savings. Some young adults being diverted would not likely have spent a day in jail. Others quite likely could have spent several days in jail across numerous bookings.

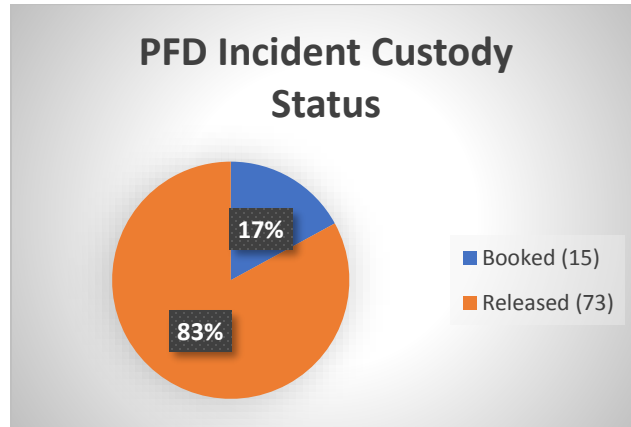
From the 2017 Jail Usage Data, we know that the overall use of the jail was down by 11,722 daily uses and that the average daily use was down by 31 persons⁴. In 2017, the booking cost for the King County

³ Public Defender Rates provided by Central Budget Analyst Linda Taylor-Manning.

⁴ City of Seattle Jail Use Data; Seattle City Budget Office 3-27-18.

Jail was \$81.47 and each day of jail was a minimum of \$176.60⁵. The Mainstream Pre-Filing Diversion Program is responsible for some of the jail usage decrease and associated costs.

Of the 88 young adult participants, 15 were initially booked on the SMC offenses that became the subject for their pre-filing diversion. Those 15 individual bookings resulted in a total of 22 days of jail for offenses later diverted. That represents approximately \$1,222.05 in total booking costs, and \$3,885.20 in total daily maintenance costs for a total of \$5,107.25.⁶



Because those individuals were not filed on, none of them were subsequently booked or served time for failures to comply with pre-trial hearing conditions or post-disposition non-compliance, which we know would have likely occurred for at least some of those participants. Although we cannot say with certainty how much was saved in jail costs across the 73 individuals not booked on SMC charges and the 15 who did not serve subsequent time, we can provide some insight through the following examples:

- (1) An individual who completed the program in October had a previous SMC case where she did 9 days of jail across 3 separate bookings and had 9 court hearings. That represents approximately \$1,589.40 in total daily maintenance costs and \$244.41 in total booking costs for a total of \$1,833.81 for this individual alone.
- (2) An individual who completed the program in October had a previous SMC case where he did 6 days of jail across 3 separate bookings and had 9 court hearings. That represents approximately \$1,059.60 in total daily maintenance costs and \$244.41 in total booking costs for a total of \$1,304.01 for that individual alone.
- (3) An individual who was eligible for the program had a previous SMC case where she did 17 days of jail for non-compliance with a pre-trial diversion agreement across 2 bookings and had 7 court hearings. That represents approximately \$3,002.20 in total daily maintenance costs and \$162.94 in total booking costs for a total of \$3,165.14 for that individual alone.
- (4) An individual who is eligible for the program had a previous SMC case where she did 18 days of jail across 5 separate bookings and 16 court hearings. That represents approximately \$3,178.80 in total daily maintenance costs and \$407.35 in total booking costs for a total of \$3,586.15 for that individual alone.

Grand Total for 4 examples: \$9,889.11

⁵ *Id.*

⁶ It should be noted that 21 of the participants were booked on the same day they were contacted by the police for their pre-filing diversion incident; however, 6 of the 21 did not serve anytime for the incident that was the subject of the pre-filing diversion incident.

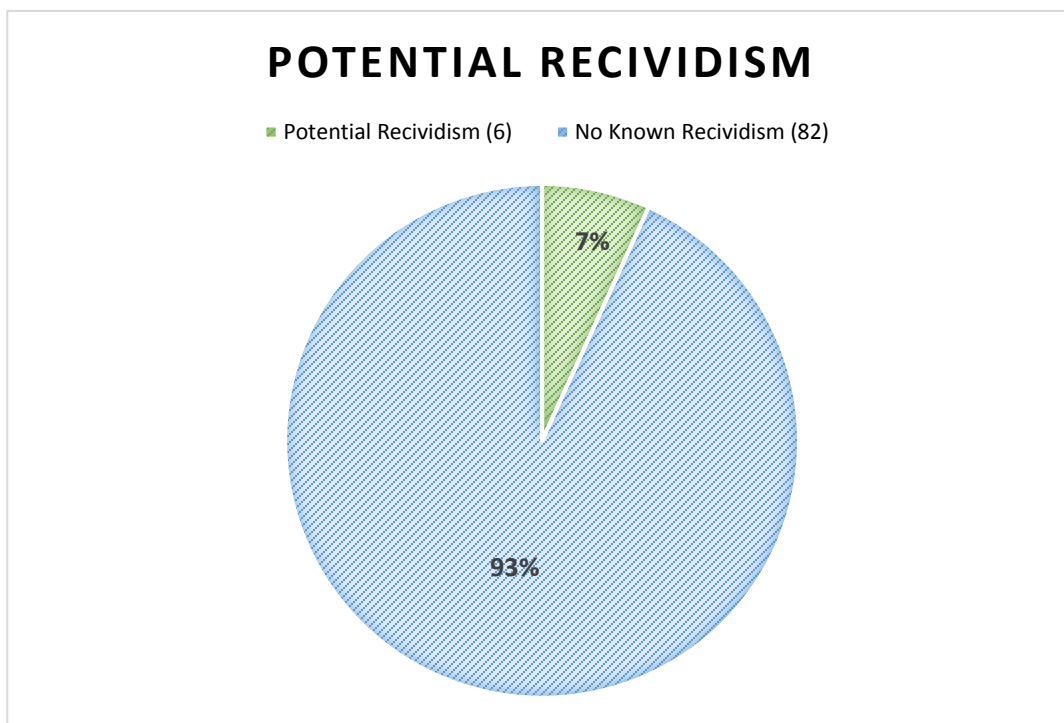
The above referenced examples are the minimum amount of money spent as they do not take into consideration any possible surcharges. We acknowledge that not all filed cases result in jail or bookings. We further acknowledge that these examples do not fully represent a pattern or trend across the cases and individuals that were ultimately diverted in 2017. However, they do illustrate the savings potential that the Pre-Filing Diversion program can provide over a longer period of time across a greater number of fileable cases and eligible individuals. Furthermore, we plan to work with SPD on how to eliminate the number of young adults being initially booked on charges eligible for Pre-Filing Diversion.

Additional Costs Avoided

The above analysis does not consider the savings associated with Court time and probation services. At a bare minimum, each case would be heard on the record at least once and could have been heard upwards of 16 times. This equates to work for Judges, clerks, bailiffs, probation, marshals and other supportive court records and compliance staff.

Recidivism

As of March 28, 2018, none of the 88 participants from 2017 have had new criminal convictions. Only six participants have had new activity on their criminal histories.⁷ We are reporting activity because we recognize that activity may result in eventual convictions.



⁷Activity is some new allegation and/or booking that has not resulted in a conviction.