



Performance Audits

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To: Performance Audit Committee

From: William Vetter, Research Analyst *WV*

Re: Chronic Minor Offenders in Pierce County

Introduction and Summary

As part of the 2010 work program, performance audit staff conducted a brief study to analyze the impact of chronic minor offenders (CMOs) on unincorporated Pierce County. In 2009, the Criminal Justice Task Force developed the term "chronic minor offenders" to describe individuals who are repeatedly arrested and jailed for minor offenses, are often homeless, and are likely to have substance abuse or mental health issues. According to the task force, CMOs consume inordinate public resources for a small public safety benefit.

The present analysis has two objectives:

1. Identify the number of CMOs arrested and jailed by the Pierce County Sheriff's Department between 2006 and 2009, and
2. Estimate the costs to the county of arresting and incarcerating CMOs over this time period.

The analysis found that between 2006 and 2009, the Pierce County Sheriff's Department made 245 arrests of 60 individuals who fit the definition of chronic minor offender used in this report. These 60 CMOs spent 6,379 days in jail. Of these individuals, 75% had a history of homelessness.

The estimated cost to the county of repeatedly arresting and jailing these chronic minor offenders was \$394,132. In addition, the County incurs court, prosecution, and assigned counsel costs, and funds mental health and substance abuse treatment for these individuals.



Background

In March 2008, the Pierce County Council re-established the Criminal Justice Task Force and charged it with analyzing the criminal justice system and reporting on approaches to managing the jail population. In its September 2008 report, the task force recommended that the county establish effective alternatives to arresting and jailing chronic minor offenders that would result in more cost-effective use of public funding.¹

In 2009, a CMO work group spent several months studying how to “more cost-effectively invest tax dollars to reduce the likelihood that CMOs will continue to be chronic consumers of jail and other costly public resources.”² The work group, which included representatives from criminal justice agencies and social service providers, proposed a pilot project for chronic minor offenders based on a successful program in Portland, Oregon.

The target population for the pilot project included 41 CMOs identified by the Tacoma Police Department. These individuals had been arrested five or more times between July 2006 and June 2009 in the defined study area, which included downtown Tacoma and the Hilltop neighborhood, for specified drug, theft, or trespassing offenses.

The CMO work group estimated that these chronic minor offenders cost Tacoma \$402,810 in arrest and jail costs, plus other costs incurred by Pierce County, Washington State, and public and private health and social service providers. Over the same period, these individuals had been arrested and jailed by Pierce County, the Washington State Department of Corrections, and other jurisdictions.

Based on the previous research, the Performance Audit Committee authorized performance audit staff to analyze the financial impact of chronic minor offenders arrested in unincorporated Pierce County. Our work was similar to the analysis conducted by the task force, but it covers a larger area, spans a longer period, and uses a modified definition of chronic minor offender. Thus the two analyses cannot be compared directly.

Methodology

To determine the impact of chronic minor offenders on Pierce County, we analyzed the following data:

¹ Report of the Criminal Justice Task Force to the Pierce County Council, September 10, 2008, p. ii. Available at: <http://www.co.pierce.wa.us/xml/abtus/plans/perf-audit/CJTF%20Report%20-%20Sept%202008%20-%20Final.pdf>.

² Chronic Minor Offender Work Group Report and Recommendations to Criminal Justice Task Force, October 1, 2009, p. 1. Available at: <http://www.co.pierce.wa.us/xml/abtus/plans/perf-audit/10-1-09%20CMO%20Wk%20Grp%20Report%20to%20CJTF.pdf>

- All arrests by the Pierce County Sheriff’s Department and the Tacoma Police Department between 2006 and 2009.
- All bookings and releases from the Pierce County Jail between 2006 and 2009.

Chronic minor offenders were defined as having:

- Five or more arrests for drug offenses, theft, trespassing, obstructing police, or violations of narcotics and prostitution court orders between 2006 and 2009,³ and
- Ten or more total arrests between 2006 and 2009.

The task force’s 2009 analysis included individuals identified by the Tacoma Police Department who had five or more arrests for CMO charges in downtown Tacoma and the Hilltop neighborhoods over a three-year period. Our analysis covered unincorporated Pierce County and all of Tacoma, spanned four years, and included individuals with five or more arrests for CMO charges and 10 or more total arrests.

In each analysis, the existence of five or more arrests for CMO activity serves as an indication of chronic substance abuse and mental health issues that could be addressed through a CMO pilot program. We restricted our analysis to individuals with ten or more total arrests in order to provide more assurance that these individuals were frequently arrested for minor charges, and that other charges against them were not serious enough to result in prolonged incarceration.

Ultimately, if a pilot program is established, we assume that law enforcement and social service providers would be involved in identifying individuals that are eligible for CMO programs.

Chronic Minor Offender Arrests

We analyzed all arrests by the Pierce County Sheriff’s Department and the Tacoma Police Department between 2006 and 2009, and found that these agencies made 85,857 arrests. These arrests included 52,318 individuals.

Further analysis was conducted to identify the number of repeat offenders in this population. Specifically, we analyzed how many individuals had been arrested five or more times on any charges between 2006 and 2009.

Table 1. Persons with Five or More Arrests, 2006-2009

	Number	Total	Percentage of Total
Individuals	2,450	52,318	4.7%

³ A full list of CMO charges can be found in Appendix A.

Arrests	17,145	85,857	19.9%
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As Table 1 indicates, the 2,450 individuals arrested five or more times make up 4.7 percent of all arrestees, but are responsible for almost 20 percent of all arrests.

Many of these individuals were arrested by both Tacoma and Pierce County. Of the 2,450 individuals with five or more arrests, 1,487 were arrested at least once by the Sheriff’s Department, and 2,230 were arrested at least once by the Tacoma Police Department. In total, 1,267 (52%) were arrested at least once by both departments.

We analyzed this group of repeat arrestees to identify individuals who fit this study’s definition of chronic minor offender and were arrested by the Sheriff’s Department at least once for a CMO charge. As mentioned above, chronic minor offenders were defined as individuals who were arrested at least ten times between 2006 and 2009, with at least five of those arrests for CMO charges.

Table 2. CMOs Arrested and Booked by Pierce County Sheriff

n = 60 individuals

	PCSD	TPD
Arrests (including citations)	245	593
Bookings	234	542

According to arrest records, 45 (75%) of these 60 individuals had a history of homelessness or unstable living situations. The ten most frequent arrestees in this group accounted for 232 arrests (28%).

We also calculated the number of days that these 60 individuals spent in jail between 2006 and 2009, and determined how many of those days resulted in costs to Pierce County. The county is responsible for jail costs for:

- All individuals arrested in unincorporated Pierce County, and
- All felony charges, no matter where arrested in the county.

Table 3 shows the number of jail days according to the jurisdiction with financial responsibility.

Table 3. CMOs Incarcerated in Pierce County Jail

	Pierce County	All Other Jurisdictions	Total
Jail Days	6,379	6,111	12,490

As Table 3 indicates, Pierce County was responsible for the costs of 6,379 jail days, or 51 percent of the jail days spent by these individuals in the Pierce County Jail.

Chronic Minor Offender Costs

To estimate the costs for arresting chronic minor offenders, we used the rate of \$165 per arrest developed by the Tacoma Police Department for the chronic minor offender work group in 2009. This estimate includes three hours per arrest at \$55 per officer hour, including wages, benefits, and equipment.⁴

To estimate the costs to Pierce County of booking and incarcerating chronic minor offenders, we used a marginal cost rate of \$107.37 for booking inmates and a marginal cost rate of \$51.51 for housing inmates, developed in 2009.⁵ The marginal cost rate may underestimate the costs of housing chronic minor offenders, who often require more services than the average inmate while incarcerated.

Table 4. Estimated CMO Costs to Pierce County

Arrests	\$40,425
Bookings	\$25,125
Incarceration	\$328,582
Total Costs	\$394,132

In addition to the \$394,132 in arrest and jail costs, the county may also incur additional jail expenses related to mental health and addiction treatment for these individuals. For example, in 2009, the Criminal Justice Task Force estimated that Pierce County Human Services provided \$278,162 in psychiatric inpatient services for the chronic minor offenders in their study.⁶

Other jurisdictions and agencies also incurred costs due to the arrest and incarceration of chronic minor offenders in this study. We used the available data to estimate costs to such agencies, including local cities and towns and the Washington State Department of Corrections. Whereas Table 4 uses marginal cost rates for bookings and incarceration, Table 5 uses the booking and incarceration rates actually charged to other jurisdictions.

⁴ Estimate provided by Captain Mark Langford, Tacoma Police Department. The Sheriff's Department may incur more costs per arrest due to additional officer travel time from the unincorporated county to the jail.

⁵ Marginal cost estimates were developed by Christopher Murray in "Process Evaluation of Breaking the Cycle, Report to Performance Audit Committee, September, 2009. Available at: http://www.co.pierce.wa.us/xml/abtus/plans/perf-audit/BTC_Process_Eval_FINAL_REPORT-for_web.pdf.

⁶ Chronic Minor Offender Work Group Report and Recommendations to Criminal Justice Task Force, October 1, 2009, p. 15.

Table 5. Estimated CMO Costs to Other Law Enforcement Agencies

Arrests (Tacoma only)	\$89,430
Bookings (All other agencies)	\$165,420
Incarceration (All other agencies)	\$488,880
Total Costs	\$743,730

Thus, adding the figures in Tables 4 and 5, the estimated total costs to local agencies for repeatedly arresting and incarcerating these chronic minor offenders was in excess of \$1.1 million.

Conclusion

Cost estimates for the arrest and incarceration of CMOs will vary depending upon the specific definition of “chronic minor offender.” However, under any definition, an analysis of chronic minor offenders will identify a small number of individuals who account for a disproportionate amount of expenditures.

The costs associated with arresting and jailing these individuals are often shared among law enforcement agencies, as individuals commit minor offenses in various jurisdictions. In fact, it is likely that some of the chronic minor offenders identified in this analysis were also included in the analysis of chronic minor offenders in downtown Tacoma and the Hilltop neighborhood.

The above analysis suggests that Pierce County is responsible for much of the cost arising from the arrests and incarceration of chronic minor offenders. Although arrests of chronic minor offenders are more concentrated in the city of Tacoma, the county clearly incurs expenses due to arrests, incarcerations, and social services provided to these individuals.

These estimates do not include county mental health and addiction treatment costs, which can be significant. The prevalence of homelessness in this group also suggests that there are further social service costs borne by providers in the county.

Appendix A

Chronic Minor Offender Charges

Disorderly Conduct/Unlawful Bus Conduct	Theft - Pick Pocket
Drug - Amphetamine - Possess	Theft - Purse-Snatching - No Force
Drug - Amphetamine – Sell	Theft - Shoplifting
Drug - Amphetamine (Other)	Theft - US Govt Property
Drug - Barbiturate – Possess	Theft by Bailee (other than motor vehicle)
Drug - Cocaine – Possess	Theft/Larceny - Postal
Drug - Cocaine – Sell	Theft/Larceny From a Building
Drug - Cocaine (Other)	Theft/Larceny From Mail
Drug - Hallucinogen - Possess	Trespass Notification/Warning
Drug - Heroin - Possess	Trespass of Real Property / Criminal Trespass
Drug - Heroin - Sell	Unauthorized Use of Motor Vehicle - Trespass
Drug - Marijuana - Possess	Vehicle Prowl / No Theft / Trespass
Drug - Marijuana - Sell	Violation of Court Order - SOAP
Drug - Marijuana (Other)	Violation of Court Order- NARC or SODA
Drug - Opium or Deriv - Possess	
Drug - Paraphernalia	
Drug - Synth Narcotic - Possess	
Drug - Synth Narcotic - Sell	
Drug - Synth Narcotic (Other)	
Drug Equipment - Possess	
Drug Other/Unknown Type	
Drug/Narcotic Investigation - Buy	
Loitering / Vagrancy	
Obstructing - False Statement to Police	
Prostitution	
Theft - All Other Theft/Larceny	
Theft - From Banking-Type Inst	
Theft - From Coin-Operating Machine or Device	
Theft - From Motor Vehicle - Vehicle Prowl	
Theft - From Yards	
Theft - Gas or Fuel	
Theft - Motor Vehicle (MVTR)	
Theft - Motor Vehicle (MVTR) - Boats, Watercraft	
Theft - Motor Vehicle (MVTR) - Trailers, Utility trailers	
Theft - Motor Vehicle By Bailee	
Theft - Motor Vehicle Parts or Accessories - Veh Part	