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To: Performance Audit Committee

From: Rick Talbert, Performance Auditor 

Re: Planning Study of Warrants

The Performance Audit Committee requested committee staff to prepare a report outlining the process involved in executing a warrant.

We have had discussions with and interviewed staff from the District Courts, the Superior Courts, and the Sheriff/Corrections departments in preparing for this planning study.

The report examines the following areas and concludes with a recommendation on further audit work;

1. Definition of a warrant
2. How are warrants handled by the courts when a defendant appears before them
3. Data on outstanding warrants
4. Impacts of warrants on the criminal justice system

What is a Warrant

A warrant is an order of a court which directs a law enforcement officer to arrest and bring a person before the judge, such as a person who is charged with a crime or convicted of a crime but failed to appear for a hearing.

A bench warrant is an order to appear issued by the court when a person does not appear for a hearing, which can be resolved by posting bail or appearing. This is the most common type of warrant issued by the courts. Warrants are not issued on defendants who

fail to pay fines. Warrants are issued on defendants who fail to appear or fail to comply with the conditions of a sentence. Overdue fines and fees are sent to collections.

A search warrant is another type of warrant permitting a law enforcement officer to search a particular premise and/or person for certain types of evidence, based on a declaration by a law enforcement official.

Two Courts Two Different Approaches

Superior Court

In Superior Court if a defendant appears with outstanding warrants they are instructed to go to the department of Assigned Counsel to schedule a warrant quash (hearing). If they have private counsel they are instructed to contact their attorney so a hearing can be scheduled. If their warrants are in another jurisdiction or court, they are instructed to take care of the outstanding warrant with that jurisdiction or court. Court security is not called.

District Court

In District Court, court security will be called to place a defendant under arrest for outstanding warrants when the following conditions are met. Cash only bail of \$2500 on any charge, \$1,000 cash or \$10,000 bond for domestic violence warrants, and \$2,500 cash or \$25,000 bond on DUI warrants.

How Many Warrants are Out There

As of November 30, there are 14,314 outstanding warrants in District Court. Included in this number are 1,283 domestic violence warrants. Table 1 is a breakdown of outstanding warrants.

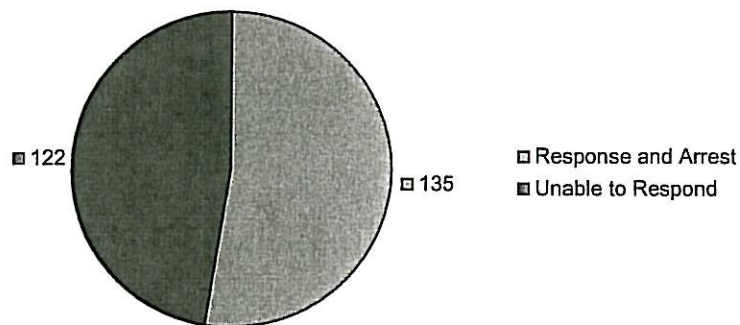
TABLE 1	DUI Warrants	Criminal Non-Traffic	Criminal Traffic	Civil	Total
6 months or less	788	993	1,164	1	2,946
7 months-12 months	354	418	319	1	1,092
1-2 years	577	598	259	3	1,437
2-3 years	485	386	289	3	1,163
3-4 years	388	348	232	9	977
4-5 years	306	271	149	1	727
Over 5 years	2,329	2,284	1,338	21	5,972
TOTAL	5,227	5,298	3,750	39	14,314

What are the Impacts on the System

In the Courts

During the twelve month period from October 1, 2005 through September 30, 2006 committee staff reviewed data compiled by District Court on the number of times a request was made to court security for arrest and booking on outstanding warrants before the court. The data was separated into two categories; request for court security unable to respond, and request for court security response and arrest. During the period of our review there were 257 requests for court security. As illustrated in graph A, court security was able to respond to 135 of these requests.

Graph A



Stated another way, 47% of the requests for arrest were unable to be responded to. Although there are multiple reasons listed for non-response; by far the most often is no officer available.

The current court security detail consists of one Sergeant and four deputies. The County Executive proposed and the Council kept in an additional deputy along with overtime in the 2007 budget.

In addition to responding to requests for arrest at District Court, court security's primary responsibility is providing security throughout the CCB. Additionally, at least one court security officer is required daily for the domestic violence docket. A Judge may also request that one or more officers be assigned to a courtroom during a potential volatile trial.

In the Jail

When a defendant is arrested by court security on outstanding warrants they must be booked into the Pierce County Jail.

The arresting officer escorts the defendant to the jail to begin the booking process. This process can take up to 1 ½ hours depending on the circumstances. This removes the court security officer from the CCB during this period.

Once the defendant is booked they are placed into custody until they either bail out or appear before the court for arraignment.

In our discussion with correctional staff, a number of concerns were raised with regard to booking individuals on outstanding warrants. Chief among these concerns were the amount of time it took to book these defendants (most of whom would quickly post bail) and the effects it can have on the jail's requirement to adhere to the agreement that was reached with regards to compliance release.

It was suggested that as the jail was booking a defendant on an outstanding DUI warrant it is possible that due to compliance release another inmate with a potentially greater risk to the community may be being released out the other end.

Our planning study was unable to test this suggestion, however if further audit work is performed this is an area that should be further examined.

Conclusion/Recommendation

Understanding warrants and identifying issues associated with them has proven to be more difficult than anticipated. There are many variables that come into play; the severity of the charge, the amount of the warrant, differing or competing perspectives depending on which court or department is involved.

Within the court system alone, District Court and Superior Court have a different approach when dealing with defendants who appear before the court with warrants. District court's policy is to arrest and book defendants who meet certain minimum requirements. Superior Court on the other hand directs the defendant to the appropriate venue to schedule a hearing on the warrant. The scope of this study did not include making recommendations on either of these approaches.

With the addition of another deputy and additional overtime funding, we recommend that no additional audit work be scheduled at this time. We suggest that performance audit staff continue to monitor this topic and return to the committee if there is a need for further examination.