



955 Tacoma Avenue South, Suite 302A  
Tacoma, Washington 98402  
(253) 798-4927 • FAX (253) 798-4906

December 9, 2010

To: Interested Readers

From: Matt Temmel, Performance Audit Coordinator

Re: **Update on Felony Case Backlog and Jail Population**

This memo discusses pending felony cases (“the backlog”) in Pierce County Superior Court as of the end of November 2010. To summarize:

- ❑ The felony backlog included 1,579 cases at the end of November.<sup>1</sup>
- ❑ The felony backlog is down 855 cases, or 35%, from the high point of 2,434 pending felony cases in September 2007. The next month, the audit report by Justice Management Institute came out, and the backlog started to decline.
- ❑ The felony backlog is down 574 cases, or 27%, since the Prosecuting Attorney’s backlog reduction project started in April 2009.

Attachment 1 is a graph of the pending felony cases by month since the high point in September 2007.

Attachment 2 shows the old cases (over nine months old) going back to 2001. The latest figure of 184 old cases is similar to the level as of early 2007, but it is still very high compared with the number of old cases in 2002 and 2003.

Jail population can be analyzed based on the data in the LINX jail occupancy report as of December 7, 2010. The following table shows the jail’s average daily population on an annual basis going back to 2000.

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<sup>1</sup> There are two ways of counting pending felony cases. Justice Management Institute (JMI) excluded “TU8” (fugitive cases) and other categories such as Attorney General prosecutions, whereas the Superior Court reports include those cases. At the end of November 2010, the number of pending felony cases was 1,579 (JMI method) or 1,597 (Superior Court method).



### Average Daily Population

2000	1,260
2001	1,264
2002	1,241
2003	1,201
2004	1,251
2005	1,306
2006	1,363
2007	1,467
2008	1,333
2009	1,262
Projected 2010	1,310

The felony backlog has a great influence on the size and composition of the jail population.

Attachment 3 shows felony and misdemeanor bed days in the jail since 2000 as percentages of the jail population. The felony pre-sentence population rose to 66% of the jail population in 2007, the year that the felony case backlog reached its zenith, and it then declined each year as the felony backlog has fallen.

Attachment 4 shows felony and misdemeanor bed days. Besides the decrease in **pre-sentence** felony inmates, this graph clearly shows the large decline in felony **post-sentence** bed days, that is, jail time for inmates after felony convictions. Felony post-sentence bed days reached a high in 2002 of 131,000, and the number will fall to a projected 68,000 in 2010.

Reasons for this striking change have not been studied. The trend may mean that inmates with felony convictions are now being transferred more quickly to state prison, or it could be connected with sentencing changes or other factors.

Attachment 5 shows the bigger picture by combining pre and post-sentence bed days so that just two categories, felony and misdemeanor bed days, are shown.

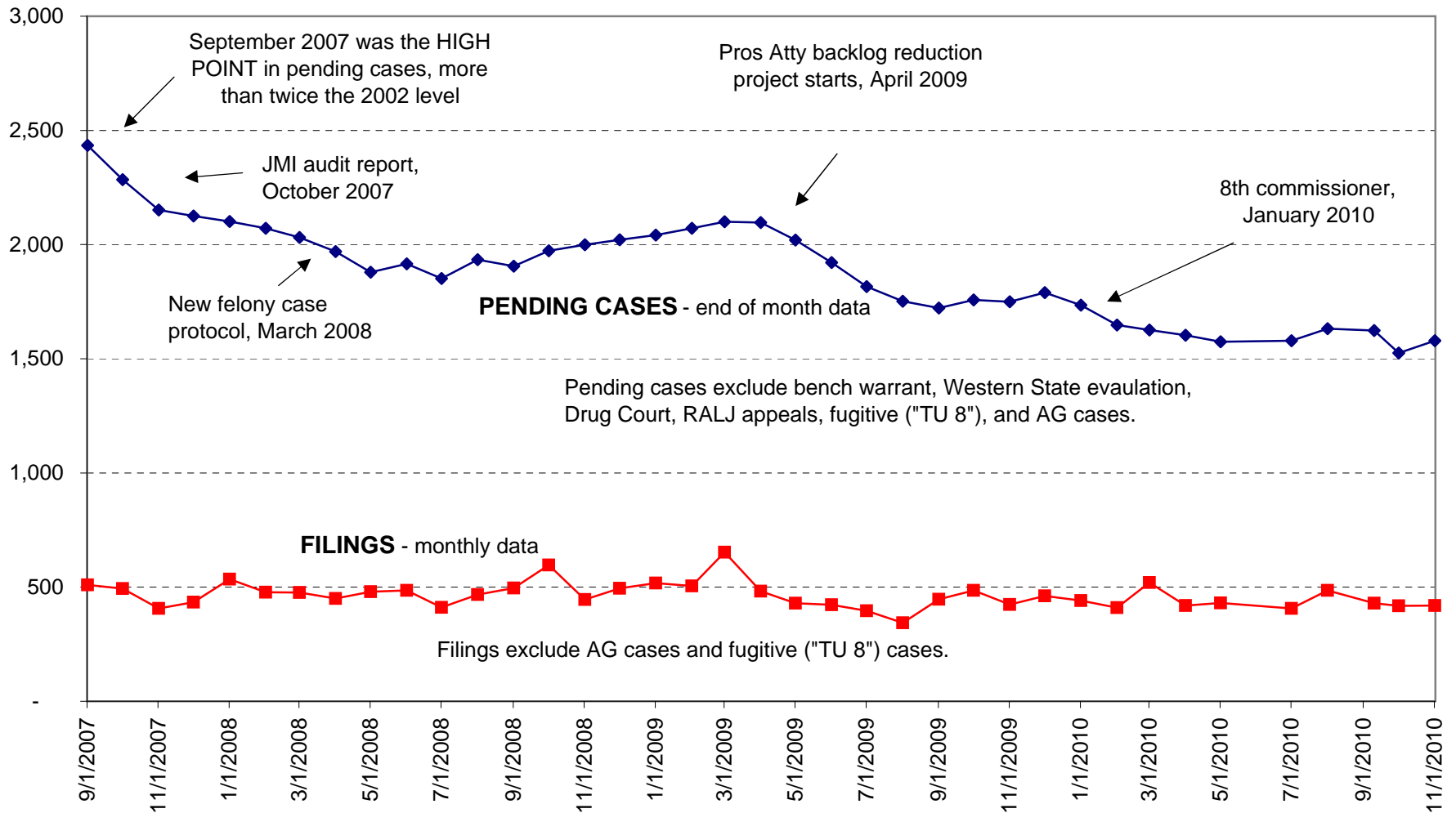
- The felony bed days projected for 2010 will be the lowest number since data collection started in 2000.
- As felony bed days have declined, the misdemeanor bed days have increased to a projected 149,882 in 2010, or the highest level since 2000.

A word should be added about the different ways to count the jail felony population – for example, as a head count of individuals and as a count of the number of felony bed days. Reports by the Corrections Bureau to the County Council often state the felony population in the jail two or three percentage points higher than the figures shown in this report. Our figures are counts of felony bed days as reported in the LINX jail occupancy reports. In future, we should try to reconcile the data reported by the Corrections Bureau with what is reported here. That can probably be accomplished when the anticipated Criminal Justice dashboard report is up and running.

Attachments

## Felony Pending Cases and Filings since September 2007

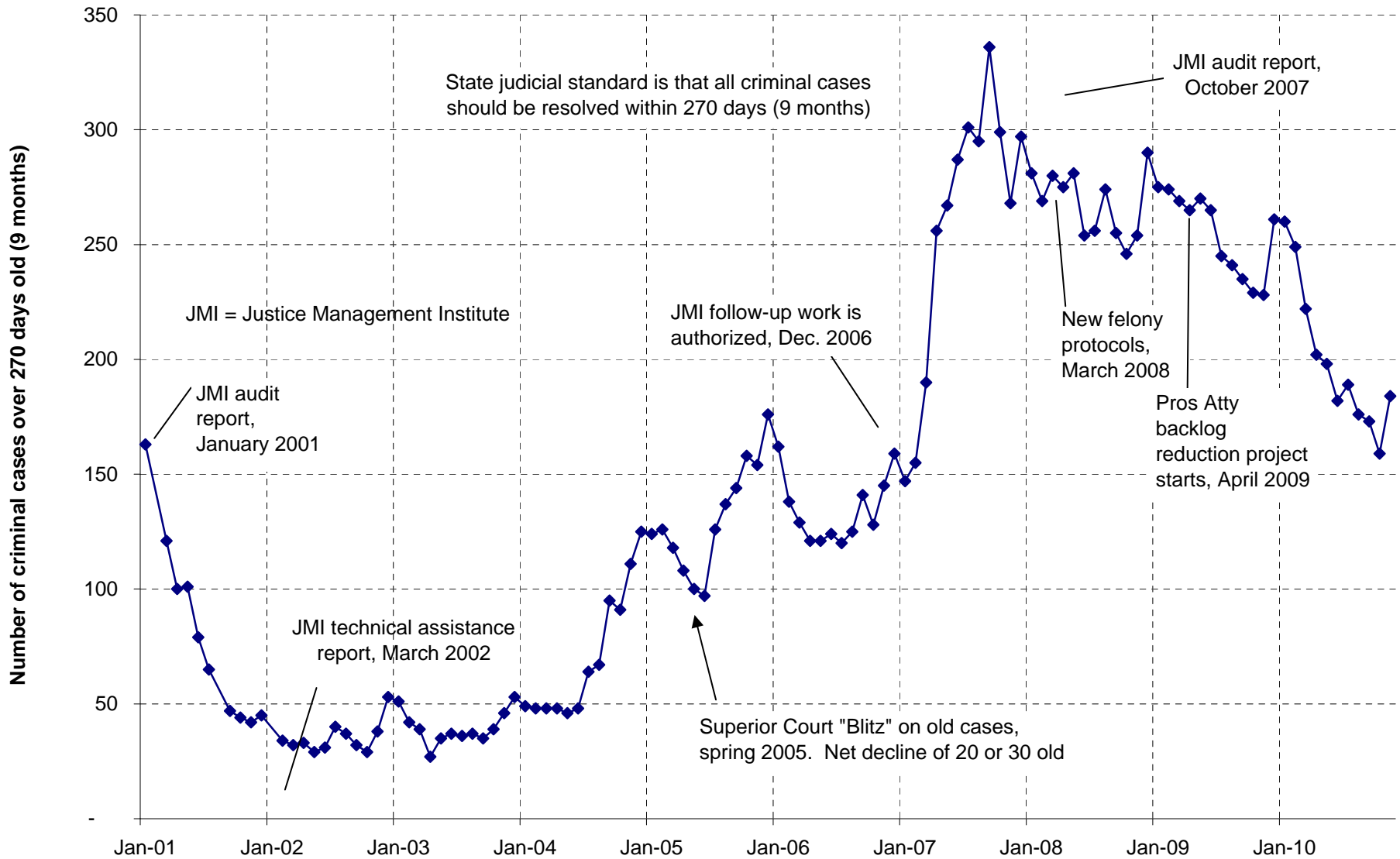
At the end of Noember 2010, the backlog was 1579 pending felony cases.



Source: Performance Audit Office, from LINX data, as of Dec. 1, 2010

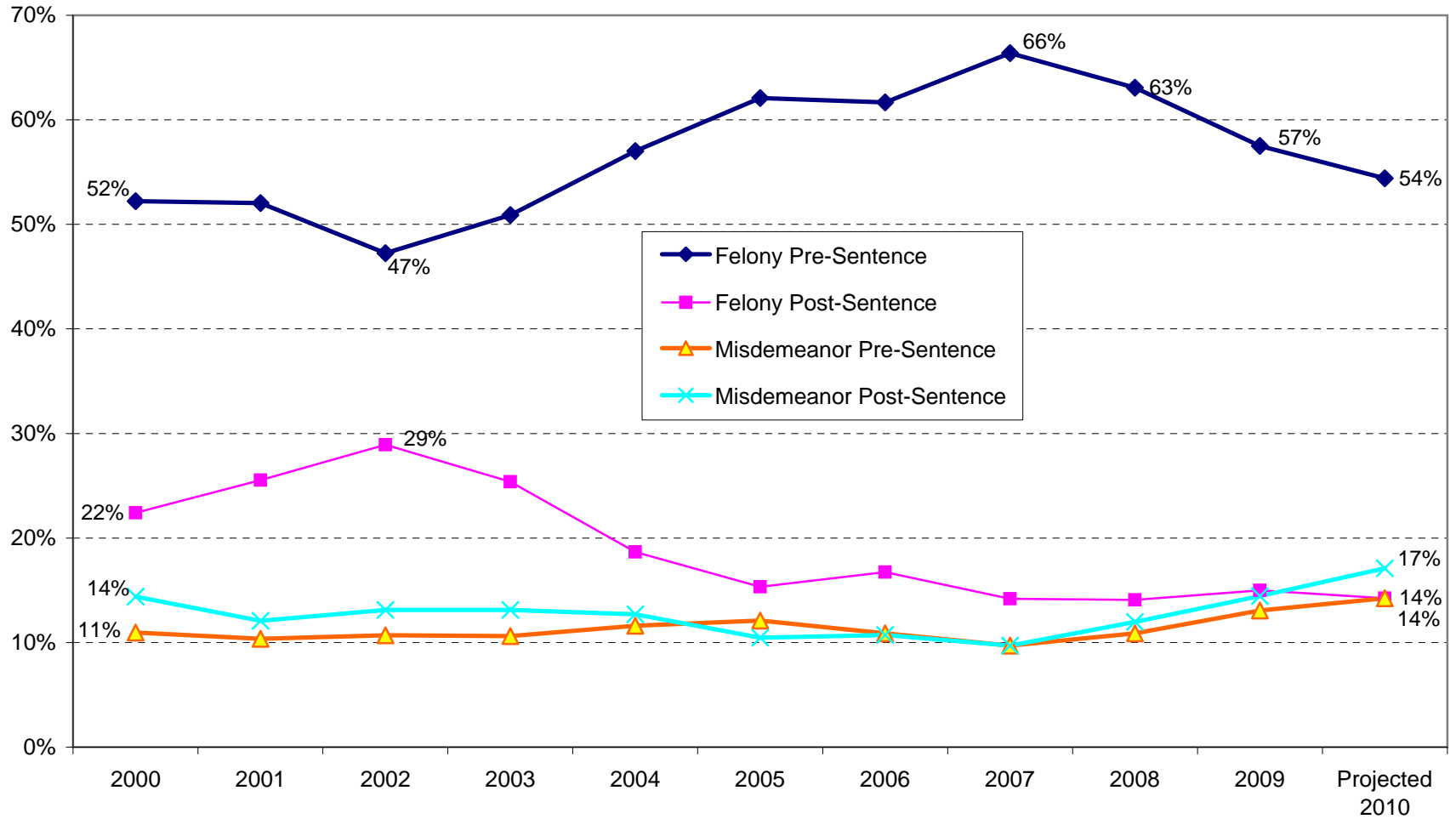
## Pierce County Superior Court Felony Cases over 9 Months Old

Data from January 2001 to November 2010 (end of month)



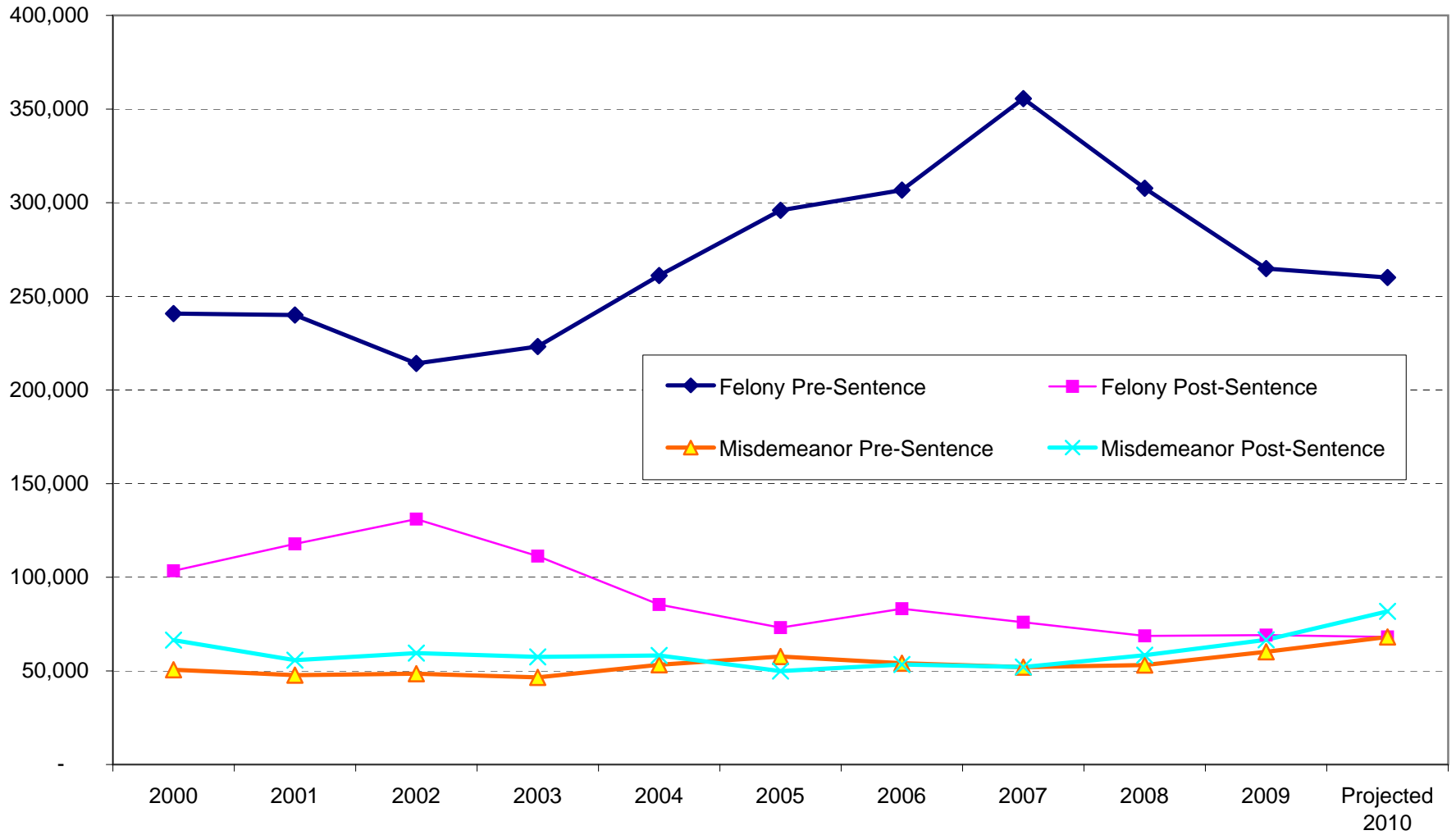
Source: Performance Audit Office, from LINX data

### Felony and Misdemeanor Bed Days as Percentage of Jail Population



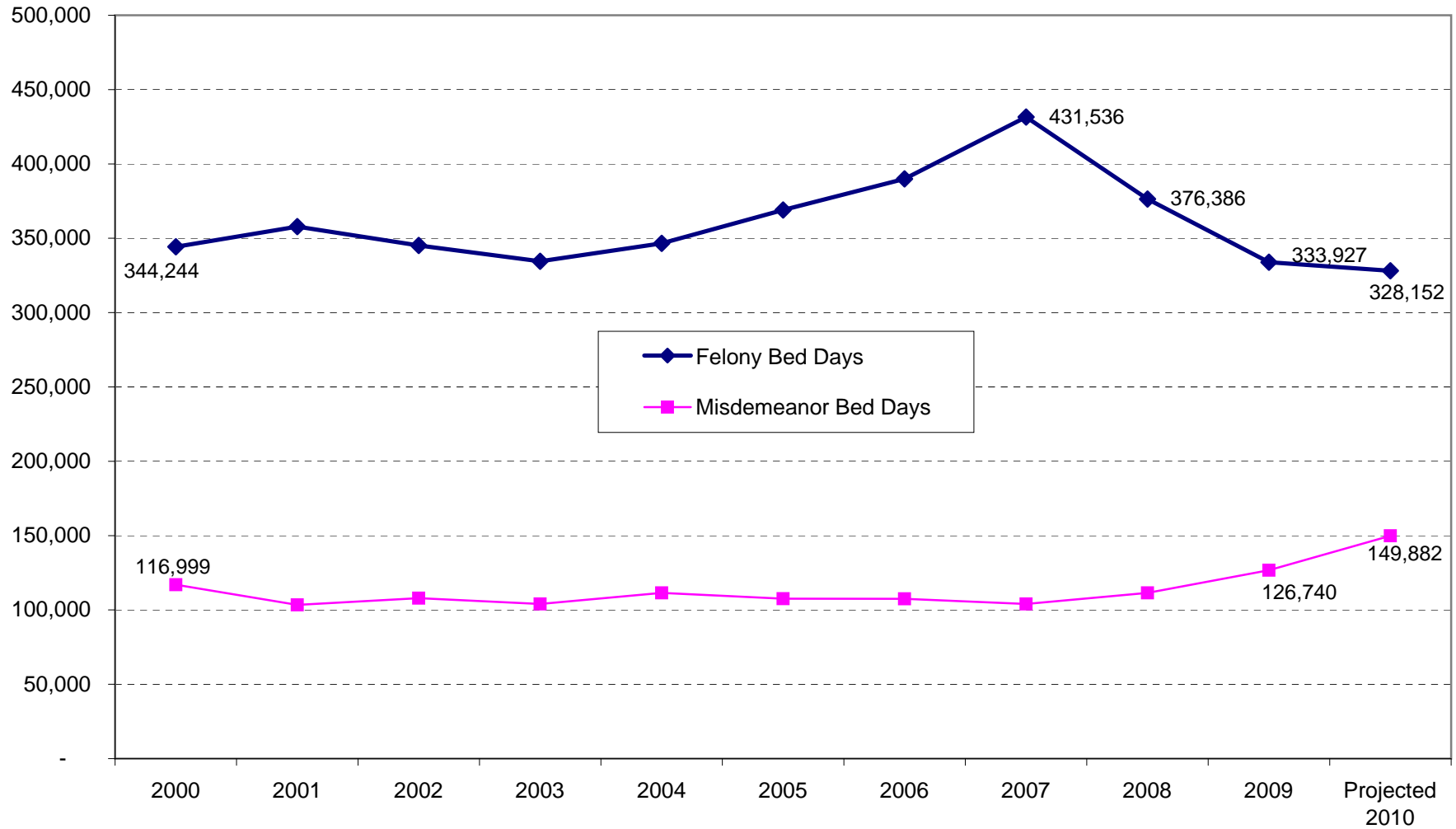
Source: Performance Audit Office, from LINX data (jail occupancy report, as of Dec. 7, 2010)

### Felony and Misdemeanor Bed Days since 2000



Source: Performance Audit Office, from jail occupancy reports as of Dec. 7, 2010

### Felony and Misdemeanor Bed Days since 2000



Source: Performance Audit Office, from jail occupancy reports as of Dec. 7, 2010