

J. Wesley Saint Clair, Presiding Judge
King County District Court

Department of Adult and Juvenile Detention (DAJD)

Personal Recognizance Release – Misdemeanant Procedures for King County District Court Bookings

1. Purpose

Establish the criteria and procedures used by DAJD pre-trial screeners to process defendants booked on misdemeanor and gross misdemeanor charges which may be filed with King County District Court and on all warrants issued by the Court, for release or a release/hold recommendation.

2. Key Words and Definitions

Personal Recognizance Release: A type of release that is based on the defendant's promise to appear. A PR release eliminates the need to post bail to obtain release.

Pre-trial Screener (also known as PR Investigator): A job classification within the Department of Adult and Juvenile Detention. Pre-trial screeners interview defendants to obtain information that is used to make release decisions and recommendations.

Domestic Violence (DV): (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault between family or household members; or (b) sexual assault of one family or household member or another.

Family or Household Members: Spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time; adult persons related by blood or marriage; adult persons who are presently residing together or who have resided together in the past; persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; persons sixteen years of age or older with whom a respondent sixteen years of age or older has, or has had, a dating relationship and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.

No Contact Order: An order forbidding any type of contact between a detainee and an alleged victim, typically issued in a Domestic Violence case.

AFIS: Automated Fingerprint Identification System

PROMIS: Prosecutor's data management system

Booking History: Listing of current and historical booking which is obtained via inquiry to the DAJD booking system (SIP).

JIS: Judicial Information Systems

WASIS: Washington State Identification and Criminal History Section

NCIC: National Crime Information Center – NCIC III (Interstate Identification Index) is the name of the database that stores criminal history information.

3. POLICIES

Pre-trial Screeners shall:

- Interview eligible defendants who have been booked on new charges which may be filed in King County District Court and on warrants issued by the Court.
- Release eligible defendants on their own recognizance utilizing criteria established by the Court.
- Provide a written report to the Court with a release recommendation for defendants who were not released by a pre-trial screener.
- In certain circumstances seek judicial approval for bail and the issuance of a temporary NCO for defendants who are booked on domestic violence charges.

4. Criteria for Determining Which Misdemeanants Can Be Considered For Release

Pre-Trial Screeners may consider releasing:

- Defendants booked on direct bookings, except for domestic violence-related charges.

**Note: Judicial approval must be obtained in order to release any DV booking in advance of their initial court appearance – see Section 6 for DV criteria.*

- Defendants booked on any misdemeanor warrant with a bail amount that is less than \$5,000 cash.

Screeners may not release:

- Defendants booked for domestic violence-related charges listed in RCW 10.99.020 or a similar city ordinance (for those cities that contract with KC District Court) without judicial approval.
- Defendants booked on any warrant with a bail amount that is \$5,000 cash or greater.

5. Release Criteria

For defendants who may be considered for release, the following guidelines should be used:

Issue a PR Release if:

- Identity has been verified
- A residential address (mailing address or street address) is verified.
- Local ties have been verified.
- Input from references is positive.
- Favorable appearance/compliance history.

**Note: the number of FTAs may not be as significant as the pattern of FTAs. Ongoing FTAs in general or repeated FTAs on a specific case would indicate a continuing pattern of irresponsibility. Intermittent or previous (when there has been a lapse in time) FTAs might suggest a more responsible attitude at the present time.*

- Defendant does not appear to be a risk to the particular victim.
- There are no holds that preclude release or indicate that the defendant may not be able to meet court obligations.

Deny a PR Release if:

- Identity cannot be verified
- Inability to obtain or verify any residential address.
- Defendant appears to be transient.
- Unfavorable/negative input from references or veracity of reference is in question.
- Limited or no local ties.

**Note: The lack of ties to the immediate vicinity would not necessarily preclude release if the defendant is well-established elsewhere and meets other criteria.*

- Ongoing history of FTAs and/or non-compliance.
- Repeated FTAs on matter for which defendant is in custody.
- Safety risk to the particular victim is indicated.

6. Confirmation of the above factors may be achieved in the following manner:

Identity:

- Established by either law enforcement agency or AFIS.

Address:

- Verified by contact with personal references or via other sources that may include landlord, employer, documentation in personal property, directories, prior interviews, community resources, other criminal justice agencies, public records.

Ties to the community:

- Confirmed by contact with personal references or via other sources that may include landlord, employer, documentation in personal property, directories, prior interviews, community resources, other criminal justice agencies, public records.

Probability of making court appearances:

- Determined via record checks, which will consistently include PROMIS, DAJD booking history and JIS. Depending upon circumstances and system availability additional checks may include WASIS and NCIC III. Input from references will also be considered.

Risk to specific victim:

- Determined based on interview with defendant, contact with victim and/or references, review of police reports and evaluation of prior records.

7. Domestic Violence Bookings.

Anyone arrested and booked for a domestic violence offense will be held without bail until the person appears before a judge.

In unusual circumstances an arresting officer or pre-trial screener may contact a judge by telephone to request the setting of bail prior to the detainee's first appearance. Circumstances that warrant judicial review prior to the first court appearance may include:

- The detainee has a health-related problem that requires immediate attention
- Both parents/guardians have been arrested and there is no one available to care for minor children.

For state cases, the pre-trial screener should contact the judge who is currently assigned to the domestic violence court for the geographic area where the offense occurred. A list of currently assigned judges is provided to the jail. If the appropriate judge is not available, contact another judge within that division of the District Court. If none of those judges are available, contact any District Court judge. For city cases, where the municipality contracts with King County District Court for court services, contact any judge in the District Court division where the city is located. A listing of those judges is provided to the jail. The following information should be provided to the judge:

- Case information, including the probable cause statement.
- Criminal history including any record of FTAs or non-compliance.
- General information about defendant.
- Recommendation regarding bail amount including an indication of how much the detainee might be able to post. A cash only amount means that the detainee would have to post the entire bail amount in cash.
- Recommendation regarding the need for a temporary NCO.

- Detainee's alternate living arrangements if he/she lives with the alleged victim.

Should the District Court judge authorize bail or a PR release, the judge will direct the pre-trial screener regarding which paperwork to complete from the following list:

- Bail authorization form
- PR release agreement
- Temporary No Contact Order

If the detainee is released prior to first court appearance on personal recognizance or posts bail, the pre-trial screener shall attempt to advise the alleged victim of that fact and whether a temporary NCO has been issued by a judge.

A complete copy of all the paperwork shall be immediately sent, via facsimile, to the appropriate division of the Court