Market Connections Committee
Meeting Agenda

Date: Monday, November 4, 2019
Time: 4:00 p.m. – 6:00 p.m.
Location: Economy Building Classroom, 1433 First Avenue (3rd Floor)
Committee Members: Colleen Bowman (Chair), David Ghoddousi (Vice-Chair), Devin McComb, Mark Brady, Matt Hanna, JJ McKay, Betty Halfon, Ray Ishii

<table>
<thead>
<tr>
<th>4:00pm</th>
<th>I. Administrative:</th>
<th>Chair</th>
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</thead>
<tbody>
<tr>
<td></td>
<td>A. Approval of Agenda</td>
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<td>B. Approval of the Market Connections Committee October 14th, 2019 Meeting Minutes</td>
<td></td>
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</tbody>
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| 4:05pm  | II. Announcements and/or Community Comments | Chair |

<table>
<thead>
<tr>
<th>4:15pm</th>
<th>III. Key Issues and Discussion Items</th>
<th>David Blandford, Visit Seattle Mary Bacarella</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A. Report on Prolific Offenders and Follow-Up Report</td>
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<td></td>
<td>B. Executive Director Report and Construction Impacts</td>
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| 5:45pm  | IV. Public Comment | Chair |

| 5:50pm  | V. Concerns of Committee Members | Chair |

| 6:00pm  | VI. Adjournment | Chair |
Market Connections Committee Meeting Minutes

Monday, October 14, 2019
4:00 p.m. to 5:00 p.m.
Economy Building Classroom, 1433 First Avenue (3rd Floor)

Committee Members Present: Colleen Bowman, David Ghoddousi, Mark Brady, Ray Ishii, Devin McComb, JJ McKay

Other Council Members Present:

Staff/Consultants Present: Mary Bacarella, Karin Moughamer, Angela Battazzo, John Turnbull

Others Present: Bob Messina, Howard Aller, Sarah Butler, Angela Brady

The meeting was called to order at 4:01 pm by Colleen Bowman, Chair.

I. Administration
   A. Approval of the Agenda
   Colleen Bowman proposed the addition of two items to the agenda. The first is recognition of Indigenous Peoples’ Day and the second is adding the Executive Director Report and Construction Impacts under section IV, item B.

   The agenda was approved as amended by acclamation.

   B. Approval of the Market Connections Committee September 9th, 2019 Minutes
   The September 9th, 2019 meeting minutes were approved by acclamation.

II. Announcements and Community Comments
   Bob Messina would like to see ADA signage addressed during the garage modifications, specifically adding messaging/signage where the covered walkway meets Western Avenue. He would like an ADA pathway highlighted that helps people understand how they can get around in the Market.

   Howard Aller commented that it is impossible to provide direction at all opportunities throughout the Market. He feels navigating the Market is organic and would like to see signs but cautions the PDA from going overboard on signs.

   Colleen Bowman acknowledged that today is Indigenous People’s Day. Colleen shared an image created by Louie Gong from Eight Generation and a quote from Louie that read “The image represents a city in rapid transformation and serves as a reminder that indigenous people and indigenous values will be crucial in making Seattle ‘home’ for all people.”

   Colleen Bowman asked Karin Moughamer to get a card for the full council to sign and send to Louie Gong.
III. Executive (Closed) Session
The Committee Chair stated the committee would go into closed session at 4:06 p.m. to consult with legal counsel regarding pending or threatened litigation (RCW 42.30.110(i)) and return into open session at approximately 4:40 p.m.

The committee entered into closed session at 4:07 p.m.

The committee entered into open session at 4:57 p.m.

The committee discussed with legal counsel pending or threatened litigation during the closed session.

IV. Key Issues and Discussion Items
A. PC-1S Garage Modifications
Mary Bacarella began by noting that also in attendance is Angela Brady with Office of the Waterfront as well as Angela Battazzo and John Turnbull.

Sarah Butler from the Office of the Waterfront, began by introducing herself and her relationship with the project.

Sarah Butler shared a rendering of the finished waterfront design in front of the Market, which includes the Overlook Walk, the Ocean Pavilion, and Alaskan Way. Designs for the road improvements for the new Alaskan Way was shared. Sarah highlighted that Alaskan Way will move closer to the Market from its current location and there will be a storage space where the current entrance of the garage sits. The new Alaskan Way grade will be higher than it currently exists and the biggest change is that the entrance to the garage moves up to the second level and the entrance and exit will be consolidated into the same opening. A rendering of the Overlook Walk and the entrance to the garage was shown as well as a rendering of the Fix Madore Plaza and the new pedestrian walkway from Alaskan Way to the garage.

Sarah Butler discussed the project schedule. The project is between 60-100% design. 100% plans are estimated to be submitted in November. The permitting process will then begin as soon as 100% plans are submitted. Contractor bids will be advertised with a deadline of June 2020 with a construction window October 2020 through May 2021. A pre-submittal meeting with SDCI on October 31\textsuperscript{st}. This is the first chance to ask questions before submitting 100% plans. The permit intake meeting with SDCI is anticipated for December 2019 or January 2020. Permitting will be completed in February or March 2020.

Sarah Butler reviewed the plan for Level 1 at both 60% and 100%. This includes plans for new storage space as well as a new pedestrian exit from Level 1 into the Fix Madore Plaza and a larger door for accessing the storage.

Sarah Butler reviewed the plan for Level 2 at both 60% and 100% design. This includes plans to redesign the entrance and pay stations, including the removal of a short retaining wall, redesign of the ramps, and relocating overhead pipes. They are currently working to level out the new pedestrian access from Alaskan Way to the garage in order to make it ADA accessible. They are studying to make this pathway an ADA zone as well as ensure there is plenty of room for people to gather as they wait to pay at the station.
Mark Brady asked if any parking spaces are going to be lost during the modifications. Sarah Butler responded some parking spaces are being gained on Level 1 where the exit currently is. A few spots will be lost on Level 2 to make the new entrance and exit. In all she estimates four spots will be lost.

JJ McKay asked how big of a drop it is from Alaskan Way into the Fix Madore Plaza. John Turnbull responded 10 feet. Sarah Butler responded there will be a planter separating Alaskan Way from the Fix Madore parking area.

Ray Ishii asked if new security features will be included in the plan. Sarah Butler responded several cameras are being relocated and several cameras are being added. Mary Bacarella responded Market security will need to include Level 1 in their rounds.

Colleen Bowman asked if the height clearance is changing. Sarah Butler responded no, the height is not changing.

Mark Brady asked if there will be a sign at the exit indicating cars can only turn right. Sarah Butler responded yes, there will be a sign. It will be right in, right out.

Colleen Bowman suggested for future consideration and conversation they would like to know how traffic from the north will be able to access the Market garage.

David Ghoddousi added signage is important and how will cars go south from the garage.

Colleen Bowman commented when 100% design is complete there are members of the council that would like to see it.

Howard Aller asked how where the closest signaled crosswalks are if someone exits from Level 1 (into Fix Madore Plaza) or Level 2 (Alaskan Way). Sarah Butler responded there are crosswalks at both Pike and Pine, both of which are about a ½ block walk from the garage exits.

Bob Messina asked if someone gets out of the elevator on Level 1, are they able to walk on public property to the Hillclimb. There was a discussion on where the private property ends for the Fix Madore building, but there is a small public sidewalk closer to the building that will connect to the stairwell exit from the garage. Sarah Butler noted that signage will encourage people to get off on Level 2 to get access to Alaskan Way rather than go to Level 1 and exit through the Fix Madore Plaza/parking lot.

Bob Messina asked if people can walk down the driveway from Alaskan Way through the Fix Madore parking lot. Sarah Butler responded they can use the public sidewalk next to the Fix Madore building, much like they can now.

B. Executive Director Report and Construction Impacts
Mary Bacarella highlighted the following topics in her report:

- The main corridor work will begin in November. Work in front of the Market will start in January, at the earliest. When that work begins, cars will be allowed to enter from Alaskan Way but will have to exit on Western.
• Regarding The Showbox, the City is paying roughly $1M to Mr. Forbes to settle the lawsuit. The City now has exclusive rights to buy the property for $41.5M and has until March to decide.
• Pike/Pine corridor meetings are anticipated to start in January.
• No updates on the Overlook Walk design meetings.
• Viaduct demolition is scheduled to wrap up in November.
• Regarding Victor Steinbrueck Park, Mary is setting up a meeting with David Graves at the Parks Department to discuss the connection with MarketFront. The design was approved by the Market Historical Commission. Parks has approval to remove the totem poles for construction. John Turnbull added the Historic Commission will have to approve returning the totem poles after construction.
• The aquarium will provide a design update in early 2020. JJ McKay asked how much the aquarium has raised so far. Mary Bacarella responded she doesn’t know the exact amount raised so far but she understands the aquarium is positive about the current state of fundraising.
• The Convention Center will open in spring 2022.
• Still waiting to hear more on the Hahn building. A meeting is scheduled for next week.
• Mary, John and Angie Battazzo met with the project manager and the streetcar and transit corridor manager last week to get an update on the streetcar. The approved $9M is to study design modifications to the existing South Lake Union and First Hill to accommodate larger cars. According to them there are no changes to the overall intent of the project. Construction is estimated to start in 2022. There have been studies conducted on load and unload in the Market and Mary has asked that they come and present on that topic. She also requested receiving 100% design before they begin construction.

V. Public Comment
None.

VI. Concerns of Committee Members
None.

VII. Adjournment
The meeting was adjourned at 5:40 p.m. by Colleen Bowman, Chair

Meeting minutes submitted by:
Karin Moughamer, Executive Administrator
System Failure

REPORT ON PROLIFIC OFFENDERS IN SEATTLE’S CRIMINAL JUSTICE SYSTEM

Abstract
An analysis of 100 individuals with a high frequency of criminal activity in Seattle focused on understanding their impact on public safety in the city’s busiest neighborhoods, the root causes of their problem behaviors, and why Seattle’s criminal justice system fails to reduce their recidivism.

February 2019

Scott P. Lindsay
splindsay@gmail.com
## Contents

Executive Summary ................................................................. 2
Methodology and Note to Readers ........................................... 7
1. Prolific Offenders Repeatedly Victimize Seattle’s Busiest Neighborhoods while Cycling through the Criminal Justice System ............................................................. 9
2. Many Prolific Offender Crimes Involve Theft to Pay for Drugs .............................................. 18
3. Some Prolific Offenders with Severe Mental Health Issues Pose a Serious Threat to Public Safety ........................................................................................................ 24
4. Some Prolific Offenders Pose a Serious Threat to Officer Safety ........................................... 31
5. Prolific Offenders Fail to Comply with Court-ordered Conditions in Almost Every Case .. 40
6. Seattle’s Prolific Offenders Struggle with Addiction, Mental Health Conditions, and Homelessness ........................................................................................................... 44
7. Many Prolific Offenders Manipulate the System in Order to Avoid Being Booked into Jail 50
8. Case-Filing Delays Hamper Seattle’s Retail Theft Program ....................................................... 55
9. Prolific Offenders Struggling with Homelessness Are Often Released from the Jail at Midnight ................................................................. 58
Conclusion ........................................................................................................ 60
Executive Summary

A substantial portion of the criminal activity that has the greatest impact on Seattle’s busiest neighborhoods is committed by prolific offenders who are well known to Seattle police officers and have a large number of criminal cases in Seattle and King County courts. For many of these individuals, that means 10 or more bookings into jail in the past year and 50 or more criminal cases over a multi-year span. These individuals cycle through the criminal justice system with little impact on their behavior, repeatedly returning to Seattle’s streets to commit more crimes.

This report was commissioned by multiple Seattle neighborhood districts - representing Pioneer Square, Chinatown/International District, SODO, Downtown, Ballard, the University District - and Seattle’s tourism industry in order to better understand prolific offenders’ impact on public safety in Seattle’s busiest neighborhoods, the root causes of their problem behaviors, and why Seattle’s criminal justice system fails to reduce their recidivism.

The research methodology for this report was to examine recent bookings into King County Jail and identify a sample of 100 individuals with a significant number of bookings in the past 12 months. At a high-level, here is what this sample prolific offender population looks like:

100 Seattle Prolific Offender Profiles

| Total number of Washington State criminal cases | 3,562 |
| Average WA cases per offender                  | 36    |
| Highest number of WA cases for individual      | 112   |

| Total number of Seattle Municipal Court misdemeanor cases | 1,612 |
| Average SMC cases per offender                       | 16    |
| Highest number of SMC cases for individual           | 53    |

| Total King County Jail bookings in past 12 months    | 636   |
| Average per offender                                 | 6     |
| Highest ind. number of KCJ bookings in 12mo.         | 16    |

| Demographics¹                                      |
| Average age of offenders                            | 37    |
| Male/Female                                        | 78/22 |
| White                                              | 66    |
| Black                                              | 24    |

¹ The demographics of this sample population roughly match the demographics of the larger population of those incarcerated at King County Jail. A 2015 study described the jail population as 80 percent male, 20 percent female, 64 percent white, and 26 percent black: https://www.kingcounty.gov/~/media/elected/executive/constantine/initiatives/hhs-transformation/documents/familiar-faces/uploads/Population_analysis_combined_6_26_16.ashx?la=en
Asian/Pacific Islander  4
Native American  4
Hispanic/Latino  2

Behavioral Health Indicators
\% with indicators of homelessness  100\%
\% with indicators of substance use disorders  100\%
\% with mental health flags in court records  38\%

Measures of judicial compliance\(^2\)
\% of prolific offenders who fail to appear in most cases (where opportunity exists)  100\%
\% of prolific offenders who fail to comply with other conditions of pre-trial release in most cases  100\%
\% of prolific offenders who fail to comply with conditions of suspended sentences in most cases  100\%

The key findings of this report are:

1. Prolific offenders repeatedly victimize Seattle’s busiest neighborhoods while cycling through the criminal justice system.

The sample group of prolific offenders analyzed here had consistent patterns of criminal behavior - they very often committed the same crimes in the same neighborhood over a period of months or years. In some cases, a single individual had 40 or more criminal cases related to a single neighborhood, and often a small multi-block area, over the course of several years. In the most extreme cases, a single individual was responsible for near constant harassment of a business or public establishment over an extended period. Police reports for these incidents often note that the suspect is “well known to officers” and sometimes directly ask for the justice system to provide relief for the community. Instead, the individuals sampled in this report cycled through the criminal justice system with little accountability and no apparent impact on their behavior.

2. Many prolific offender crimes involve theft to pay for drugs.

For individuals in the prolific offender sample whose primary issues were substance use disorders and homelessness (but not severe mental health issues), most of their criminal cases stemmed from thefts in order to obtain money for drugs. A typical narrative for this population involves shoplifting at major retail establishments across the city followed by trading those stolen goods for cash through a stolen property broker, often at 3\(^{rd}\) and Pike.

\(^2\) For the sample population, I examined court records from recent cases in Seattle Municipal Court and King County Superior Court to see whether the defendant appeared at court dates if given pre-trial release and complied with pre-trial and post-sentence court conditions in cases where those were given. All 100 of the defendants failed to appear or comply in at least some of these cases. In the course of reviewing hundreds of cases for the 100 defendants, I was only able to identify a handful of occasions in which one of the sample group of defendants appeared for a court hearing voluntarily when not already in custody.
Street. These individuals reported to police that they typically earned 10 cents to 20 cents of retail value and would sometimes shop with lists provided by the organized retail theft brokers.

The drugs of choice for this group were heroin and meth, with a smaller percentage involved in crack cocaine and only a handful with alcohol addictions. Their drug habits reportedly cost $70 to $150 per day, or more. Several of these individuals reported to police that the theft-for-drugs ecosystem was their full-time, daily occupation.

3. Some prolific offenders with severe mental health conditions pose a serious threat to public safety.

Approximately 40 percent of the sampled prolific offender population showed clear signs of significant mental health conditions, based on court and police records. Roughly half of those (20 percent of the total population) had a lengthy history of serious, unprovoked assaults on innocent victims. This group poses an ongoing public safety hazard. Most of the individuals in this sub-group had undergone multiple prior court-ordered mental health evaluations. Because they had previously been found not competent to stand trial, new cases were dismissed and the individual was released back into the public after a period of incarceration ranging from one day to several weeks or months. Despite the threats posed by individuals in this small group, there was little evidence that prosecutors had sought recent involuntary commitments.

4. Some prolific offenders pose a serious threat to police officers.

Some prolific offenders with mental health and substance use disorders (particularly addiction to methamphetamines) repeatedly resist arrest and threaten or assault police officers when they are detained. Police reports will often note that the individual is flagged in police data systems as a hazard to officer safety. The response of the criminal justice system to these threats is often lackluster. The report provides a detailed example of how a single offender repeatedly fought with officers over a two-and-a-half-year period, often requiring 8 or more officers to control him.

5. Prolific offenders fail to comply with court-ordered conditions in almost every case.

Every individual included in the prolific offender sample had multiple cases in which they were given court-ordered conditions of their pre-trial release or sentence. These conditions include requiring the defendant to appear for all court dates; requiring the defendant to not commit further law violations; and conditions that the defendant report to ‘day reporting’ or comply with terms of probation. For this prolific offender sample set, in virtually every case in which the defendant was provided a court-ordered condition, the defendant failed to comply with that condition, usually triggering a bench warrant. As a result, some defendants accrued multiple bench warrants in each case where there was an opportunity and some likely had over 100 bench warrants issued during their lifetime.
6. **Seattle’s prolific offenders struggle with addiction, mental health conditions, and homelessness.**

The three predominant underlying issues for the prolific offender population studied for this report were substance use disorders, mental health conditions, and homelessness. Of the 100 individuals examined based on significant recent criminal activity, all 100 of them had indicators that they struggle with substance use disorders. These indicators included police reports, prior recent arrests for drug possession, and court-ordered drug evaluations. 38 of the 100 had been identified for a mental health evaluation in at least one or more of their recent court cases but undoubtedly others in this population have mental health challenges that are serious but did not arise to the level of requiring a court competency evaluation. All 100 individuals had indications that they are currently or recently homeless based on police reports and court records.

7. **Many prolific offenders manipulate the system to evade booking into jail.**

In many of the cases reviewed as a part of this analysis, a suspect detained by police would claim to be suffering from an injury or to have swallowed heroin so that King County Jail would decline to book them until they had been seen at Harborview. If Seattle Police officers want to book the individual into jail, they must transport the suspect to Harborview (or an alternative hospital), guard them at the hospital for up to several hours, and re-transport the suspect back to the jail. Because following these steps often requires two or more officers being off the streets for an extended portion of their shift, the officers will often instead be forced to release the suspect at the hospital. In the words of one police report: “this is a tactic that is frequently deployed by misdemeanor arrestees to prevent their brief incarceration at King County Jail.” The result on many occasions was that prolific offenders arrested for significant crimes were released at Harborview and did not face charges for several months.

8. **Case filing delays hamper Seattle’s retail theft program.**

When the defendant is not in custody, it takes on average six months for the City Attorney’s Office to file theft cases stemming from incidents at most of Seattle’s major retailers, including Uwajimaya, Goodwill, Target, TJ Maxx, Nordstrom, Macy’s, Home Depot, Lowe’s, Fred Meyer, and Safeway. Those establishments have their own loss prevention personnel and report thefts through the ‘Retail Theft Program,’ allowing them to directly report the case without requiring a police officer present at the scene or arrest of the suspect. The program was intended to save officer time and reduce incarceration for basic theft cases. But the filing delays mean that a prolific offender who has dozens of prior theft convictions and steals from the same stores every day faces very little likelihood of short-term consequences.
9. Prolific offenders struggling with homelessness are often released from the King County Jail at midnight.

Many of the individuals included in this report were regularly released from the King County Jail at 12:00am. For homeless individuals struggling with substance use disorders and mental health conditions, this practice can be hazardous to the individual and to the immediate surrounding neighborhood. The report provides an example of a woman with significant behavioral health challenges who was released at midnight in five of her past ten bookings. Based on sampling of jail booking records, it appears that, for the prolific offender population, midnight release is used over 30 percent of the time.

* * *

The Seattle Police Department’s program to coordinate data-driven crime reduction, SEASTAT, has a mantra: “focus on problem locations, prolific offenders, and repeat and vulnerable victims.” For Seattle’s busiest neighborhoods, this strategy is particularly apt - the same individuals repeatedly commit the same crimes in many of the same few places.

Based on this review of 100 individuals with almost 3,600 criminal cases in Washington state, Seattle’s police officers are in fact following this strategy and arresting prolific offenders in hot spot locations every day. Most of these defendants have cycled in and out of the criminal justice system for years with no apparent impact on their problem behaviors and no relief for the neighborhoods that they victimize.

Seattle’s criminal justice system also fails the defendants who most often interface with it. Cases drag on for months or years; obligations are imposed even where there is virtual certainty that the defendant cannot meet them; bench warrants hang over their lives creating the risk of incarceration at any moment; vulnerable individuals are released from the jail at midnight; and there is little meaningful effort to address the underlying causes of their criminal behavior.3

This report is intended to start the difficult conversation of how and why our criminal justice system is not working for prolific offenders and the neighborhoods that they victimize. There is no simple answer. The hard work still lies ahead. But only by understanding the problem can we hope to fix it.

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3 The scope of this report was focused on what I could show through police reports, court records, and jail booking information. What I did not see in those records, except in a handful of cases, was evidence of a coordinated, sustained effort to address the underlying substance use disorders, mental health conditions, and homelessness that were the major causes of instability for these defendants. A recent article in Crosscut by David Kroman discusses some of the lack of coordination between the criminal justice system and homeless service providers and the negative personal consequences of the criminal justice cycle: https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless.
Methodology and Note to Readers

I began this report by examining King County Jail bookings over the course of two months, looking for individuals who had been booked into the jail four or more times in a rolling 12-month period. After selecting 100 individuals fitting this profile, I used publicly available records to determine the approximate number of criminal cases the person had accumulated in Washington state and the number of years the person had apparently been criminally active. I did not examine criminal records from other states but reference them on a handful of occasions where prosecutors included these records in court documents. I then reviewed publicly-available police reports and court records from recent cases (generally the past 2-3 years) to identify the types of crimes the individual was alleged to have committed, the neighborhoods where these crimes occurred, whether the individual complied with pre-trial or post-sentence court-ordered conditions in recent cases, and whether the records included indicia of substance use disorders, mental health conditions, or homelessness.

The sample group identified for this report is intended to be roughly representative of a larger population of individuals who are frequently involved in criminal activity in Seattle’s busiest neighborhoods. The individuals referenced in this report are included for illustrative purposes only. I identify only their first name and last initial and ask readers to focus on the larger themes brought to light by these stories rather than on any single incident or person.

This report relies exclusively on publicly-available court and police records. If a police report describes a crime, I have relied on that police report, regardless of how the case was ultimately adjudicated. If court records indicate that an individual has a substance use disorder or suffers from homelessness, I have relied on those records for the purposes of this analysis knowing that those records cannot begin to capture the complex sets of challenges faced by these defendants or changes in their circumstances.

All of the individuals identified in this report struggle with behavioral health conditions. That is consistent with past studies of this population and a critical fact to understanding their behaviors and developing system reforms. But please do not conflate this sample population with the larger population of people struggling with addiction, mental health conditions, or homelessness.

Responsibility for Seattle’s criminal justice system is spread among two prosecutors’ offices (the Seattle City Attorney’s Office and King County Prosecutor’s Office), three courts (the Seattle Municipal Court, King County Superior Court, and King County District Court), and two law enforcement agencies (the Seattle Police Department and King County Sheriff’s Office). There is no single office or individual within the criminal justice system that is responsible for its shortcomings. The men and women of the criminal justice system make difficult decisions

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4 I did not include individuals whose principal crimes were related to domestic violence or driving. I did include 13 individuals who did not meet the four-booking threshold but who had lengthy histories of criminal activity and had recent involvement with Seattle police. For example, I included a woman who had only one booking into King County Jail in the past 12 months but who had recently admitted to committing 22 commercial burglaries in Chinatown/ID, Pioneer Square, and SODO over the course of 2 months.
every day. The factors that go into those decisions are often not reflected in public records and a particular outcome in a specific case (e.g., a case dismissal) might make more sense with more information. Readers are therefore asked to consider individual cases included herein as illustrative examples that cumulatively shed light on how the system functions.

Finally, the scope of this report is limited to documenting the actual experience of these sample defendants in the criminal justice system. I do not attempt to review or assess programs within the criminal justice system (e.g., Mental Health Court), past or present, or discuss theories of criminal justice. This report is solely intended to identify the problems in the current criminal justice system so that Seattle’s political leaders can start the hard task of fixing it.
1. **Prolific Offenders Repeatedly Victimize Seattle’s Busiest Neighborhoods while Cycling through the Criminal Justice System**

The individual prolific offenders analyzed here had consistent patterns of criminal behavior—they very often committed the same crimes in the same neighborhood over a period of months or years. In many cases, a single individual had 30 or more criminal cases related to a single neighborhood, and often a small multi-block area. In the most extreme cases, one person was responsible for near-daily harassment of a business or public establishment over an extended period.

Jail booking records, court records, and publicly-available police reports make clear that Seattle police officers and King County Sheriff’s Deputies contact these prolific offenders frequently, and often arrest them. Many police reports refer to these suspects as “well known to police officers” and politely ask for relief. With few exceptions, however, these prolific offenders are back on the street committing the same crimes in a matter of days or weeks. For this group, the criminal justice system has little or no impact on their problem behaviors.

Below are six examples of prolific offenders who have a significant impact on Seattle’s busiest neighborhoods and are cycling through the criminal justice system.

(1) **Alexander L.** is addicted to methamphetamines, according to police and court records. In 2018, he was booked into King County Jail on 13 occasions for theft, burglary, criminal trespass, assault, disturbance, possession of drug paraphernalia, and carrying a concealed weapon. In every single case where charges were filed and pursued, Alexander failed to appear for court hearings (except when he was already jailed) and failed to comply with conditions of release from jail. As his 2018 King County Jail bookings reflect, he...
is repeatedly arrested, incarcerated, and released without any apparent impact on his behavior. [See above].

Most of Alexander’s arrests were in or around the Lake City commercial district:

- January 13, 2018 - arrested for theft at the Lake City Fred Meyer;
- February 25, 2018 - arrested for refusing to pay and then creating a disturbance on a Metro Bus in Lake City;
- March 6, 2018 - detained and released for an unlawful weapon following a car crash of a stolen vehicle where the other occupants fled;
- March 17, 2018 - he created another disturbance on a bus and then assaulted police officers when they arrested him;
- April 30, 2018 - arrested for shoplifting and trespass at Fred Meyer (police report noted that store officials said he had stolen from the store at least 10 times in the past month);
- May 5, 2018 - arrested for harassment and assault on an elderly couple at their residence in South Seattle;
- May 24, 2018 - arrested for another theft in Lake City;
- July 7, 2018 - arrested for theft at Fred Meyer again;
- August 8, 2018 - arrested for criminal trespass at a frequent squatter house in the University District;
- November 6, 2018 - arrested for felony burglary after breaking the door and forcing his way into the closed Chase Bank building in Lake City where he charged at a security guard and subsequently tried to break several windows [See below];
- December 5, 2018 - less than 24 hours after release from King County Jail, he was arrested for theft at the Lake City Fred Meyer and for carrying a meth pipe;
- December 18, 2018 - arrested for trespass and drug possession by King County Sheriff’s Deputies in Lake City after he boarded a bus and created a disturbance while on meth.
Alexander’s 13 arrests in 2018 only represent a fraction of his total impact on the Lake City neighborhood. Uncounted are the number of times he committed thefts or disturbances that went unreported to police or were reported to police but where no arrest was made.

(2) **Dorian M.** has been booked into King County Jail 16 times since March 2018. In January 2019 alone, Dorian was arrested and charged in four new cases, including a felony burglary case. Almost all his offenses were on the University of Washington campus, including trespass, malicious mischief, theft, and burglary. Most of his cases were handled by the King County District Court. In his first 12 arrests in 2018, he never spent more than 36 hours in jail despite conditions of release from his prior bookings that specified no new law violations. [See right].

(3) **Kelly J.** is a 52-year-old male who moved to Seattle from Utah and Colorado in 2015 after an extensive criminal history there. Kelly is addicted to methamphetamines, according to court records. Since arriving in Seattle, Kelly has accrued 25 criminal cases, including 13 misdemeanor cases in Seattle Municipal Court, 1 felony theft case in King County Superior Court, and additional drug cases in King County District Court. According to police reports, those cases only account for a small fraction of Kelly’s daily criminal activity. Over the course of three years, he has become an enormous strain on the Pike Place Market and surrounding areas, committing dozens of thefts, disturbances, and trespasses. Below are 15 of the cases filed against him accounting for over 30 criminal incidents.

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<thead>
<tr>
<th>Date</th>
<th>Charge</th>
<th>Summary</th>
<th>Result</th>
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<tbody>
<tr>
<td>5/12/16</td>
<td>Assault Property Destr.</td>
<td>Kelly assaulted a bystander</td>
<td>Case dismissed 7/16</td>
</tr>
<tr>
<td>8/11/16</td>
<td>Robbery Assault (3rd degree)</td>
<td>Kelly was arrested for felony robbery after stealing almost $500 in merchandise from Nordstrom Rack and then assaulting two store security</td>
<td>Sentenced by Superior Court to 3 months in jail followed by 12 months of Dept. of</td>
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<tr>
<td>Date</td>
<td>Charge</td>
<td>Summary</td>
<td>Result</td>
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<tr>
<td>10/14/16</td>
<td>Theft, Harassment</td>
<td>Almost immediately after release from jail on his felony charge, Kelly stole several items from Walgreens at 2nd and Pike St.; he then told the female employee who asked him to stop “I’m going to punch you in your fucking face” and “I’m going to kill you” before making movements to assault her; he was later identified using video evidence</td>
<td>Sentenced to 34 days in jail with credit for time served; 330-day suspended sentence on condition of no new law violations and no contact with Walgreens; served 21 days in jail</td>
</tr>
<tr>
<td>11/2/16</td>
<td>Theft</td>
<td>Theft from SODO Home Depot</td>
<td>Case dismissed in 12/16</td>
</tr>
<tr>
<td>12/2/16</td>
<td>Criminal Trespass</td>
<td>Pike Place Market seeks criminal trespass after recording 15 theft, trespass, and drug incidents with Kelly over the course of 2016 Perp</td>
<td>City Attorney’s Office recommends 364-day suspended sentence with no time in jail; judge sentences him to 364 suspended days on condition of no contact with Pike Place and no new law violations</td>
</tr>
<tr>
<td>4/20/17</td>
<td>Theft</td>
<td>Misdemeanor theft case filed one year later, on 4/25/18. No explanation for why the case was delayed for one year. Particularly relevant given that his immediate prior plea agreement contained a substantial suspended sentence conditioned on no new law violations</td>
<td>Two bench warrants were issued in 2018 when Kelly failed to appear following summons; case eventually dismissed pursuant to plea in later case</td>
</tr>
<tr>
<td>7/17/17</td>
<td>Theft</td>
<td>Kelly caught stealing $162 worth of goods from Home Depot in SODO</td>
<td>Case dismissed pursuant to a plea in another case</td>
</tr>
<tr>
<td>7/23/17</td>
<td>Arson</td>
<td>Kelly arrested for arson underneath the Alaskan Way Viaduct after starting large fire at homeless encampment that grew to 20' high and required temporary closure of Viaduct and major SFD response</td>
<td>Released from jail after charges filed in King County District Court; no further action in that case</td>
</tr>
<tr>
<td>8/8/17</td>
<td>Theft</td>
<td>Theft case filed based on a report of a theft of liquor and camping</td>
<td>Sentenced to 20 days in jail; serves 14</td>
</tr>
<tr>
<td>Date</td>
<td>Charge</td>
<td>Summary</td>
<td>Result</td>
</tr>
<tr>
<td>---------</td>
<td>-------------------------</td>
<td>---------------------------------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>11/17/17</td>
<td>Obstruction</td>
<td>Kelly was arrested for obstruction and felony warrants at Aurora and 107th St N</td>
<td>City Attorney’s Office (CAO) declined to file charges on the obstruction</td>
</tr>
<tr>
<td>12/17/17</td>
<td>Malic. Mischief Assault</td>
<td>Kelly arrested for throwing urine at nurse at North end hospital then trying to break a sliding door in the ER waiting room resulting in an altercation with two security guards who suffered minor injuries. Kelly told security guards that he wanted to go back to jail.</td>
<td>CAO declined to file the misdemeanor assault charge</td>
</tr>
<tr>
<td>7/18/18</td>
<td>False Reporting</td>
<td>Officers contacted Kelly at a makeshift encampment in Licton Springs Park where he was masturbating in public; he provided a false name and was arrested for false reporting and outstanding felony warrants</td>
<td>Sentenced to 15 days and served 9 days in KCJ before being released. As a part of his plea, the Target theft case was dismissed</td>
</tr>
<tr>
<td>8/14/18</td>
<td>Felony vehicle prowl VUCSA</td>
<td>Kelly was arrested after prowling a motor home in the North end near Aurora Ave which triggered a fight with the owner involving a gun; Kelly had meth on him when arrested</td>
<td>KCPO stated: “At the time of this offense, the defendant was under active DOC supervision and committed at least 4 crimes within a short period of time.” Kelly was released to CCAP (day-reporting) but failed to appear resulting in bench warrants; he was sentenced to 60 days in conjunction with other cases and DOC detainers</td>
</tr>
<tr>
<td>9/15/18</td>
<td>Theft False Reporting</td>
<td>Kelly was arrested by SPD anti-crime team units after shoplifting at Home Depot on Aurora. He provided false information and was booked on those charges plus two felony warrants (vehicle</td>
<td>Sentenced to 20 days with no other obligations; he served 40 days for these crimes plus the felony car prowl case</td>
</tr>
</tbody>
</table>
Report on Prolific Offenders in Seattle’s Criminal Justice System

<table>
<thead>
<tr>
<th>Date</th>
<th>Charge</th>
<th>Summary</th>
<th>Result</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/16/18</td>
<td>Theft, Harassment, False Reporting</td>
<td>Kelly attempted to steal multiple items from the HD Market on Aurora Ave N. When the store manager tried to stop him he said: “don’t come near me or you’ll get stabbed.”</td>
<td>Sentenced to 20 days with no other obligations; he served 17 days for these violations and a DOC violation. He was released on 1/2/19 at 12:00am</td>
</tr>
</tbody>
</table>

(4) Terry E. is 40 years-old and from Seattle. Since 1997 - the year he turned 18 - Terry has accrued 112 criminal cases in the Seattle area. In 2018, he was booked into the King County Jail on 5 separate occasions. Most of his cases involve brazen day-light thefts followed by threats, harassment, or assaults on employees that intervene. For example, in March 2018, when Terry was confronted by an employee of Big 5 in West Seattle for stealing sunglasses, he threatened to shoot the staff member. He was then arrested just minutes later while shoplifting from the nearby QFC.

On September 5, 2018, Terry began a representative day of crime in Ballard [see right]: at 10:00am he stole several items from 7-11, putting them into a shopping cart he was pushing; at 10:45am he stole beer and chips from Walgreens; 15 minutes later he walked into the Mud Bay pet store and stole dog toys and added them to his shopping cart; at 11:14am he walked into Safeway and stole more items (he had allegedly assaulted an employee there the day before and so they immediately recognized him); and finally, at 11:56am, he tried to steal from Market Street Shoes before being stopped and forced out by employees. At
each of these stores, staff tried to intervene to stop him and/or called the police. Two hours after the first call, Seattle police officers apprehended Terry in the center of Ballard’s shopping district with his shopping cart of stolen merchandise.

In other cases, Terry repeatedly enters buildings or stores where he has been formally trespassed and creates disturbances. In May 2018, Terry was formally trespassed for two years from all Seattle public libraries after numerous incidents at the Ballard branch. Over the next several days, he re-entered the Ballard library 13 times until he was finally arrested after refusing to leave while highly intoxicated. He was released from King County Jail 24-hours later on condition that he commit no new law violations and that he stay away from the Ballard library. Five days later, Terry was arrested in front of the Ballard library after the Bartell Drugs across the street reported that he had just shoplifted there. The police report noted that Terry was a frequent shoplifter at this location. He was again released 24-hours later on condition of committing no new law violations and that he stay away from the Bartell’s.

(5) Betru S. lives in the University District. According to court records and police reports, Betru has mental health and substance use disorder issues. He has accrued 46 Washington State criminal cases since 2001 and 8 bookings into King County Jail in the past year. His modus operandi is to create multiple disturbances in a neighborhood until arrested, most often the University District in a 5-block stretch of University Way.

In November 2018, he took a knife and entered a restaurant in the middle of University Way, waving the knife indiscriminately. While police were investigating that call, an employee of the Pizza Mart nearby reported that Betru had just entered that restaurant with a knife while waving it around the business. Betru told the employees and customers that he was waving the knife at the people chasing him. “[The employee] further reported: Betru has been ‘terrorizing’ the neighborhood for some time. He commonly smashes vehicle windows and causes disturbances up and down the street.” The police report went on to request some form of relief:

On Christmas Day 2018, Betru was arrested after several hours of criminal activity in Little Saigon, including throwing rocks at cars in the middle of King Street and smashing several windows until confronted by local shop owners who he then threatened with the rocks.

Betru was released from jail on December 26, one day after his arrest in Little Saigon. He was re-arrested on December 28 at 2:00am after throwing a rock and smashing the window of an occupied vehicle on University Way. He was released again on December 31, 2018.
On January 9, 2019, officers contacted Betru for being in the doorway of a business on University Way where he had an active no-contact order for prior harassment. Betru ran from the officers and then actively fought with them when they tried to place him in handcuffs. It ultimately took four officers to place him under control and two officers were assaulted by him during the process (one officer was kicked in the stomach twice and the other was punched in the face). In their police report, the North Precinct officers again asked for relief for the University District community, concluding that “Betru is, and will continue to be, a danger to the community and businesses in the area”:

> Of note, Betru is rarely cooperative when being detained or placed under arrest, as Officer Carter and I were reminded most recently during SFPD Incident #: 19-6829, where Officer Carter and I again, had to place Betru up against a wall and down to the ground to involuntarily commit him. In the past month, Betru has been arrested for assault on a police officer (SPD Incident #: 18-475714), assault with a weapon (SPD Incident #: 18-480281), and non-residential property damage (SPD Incident #: 18-483365). I believe Betru's mental health is continuing to deteriorate and I believe his paranoia and physical resistance to law enforcement intervention is only being exacerbated by his routine methamphetamine usage. Tonight, Betru indicated no acknowledgement of the court order placed against him and due to his mental health history, his drug abuse history, his active resistance when being placed under arrest, and his disregard or possible inability to understand his legal standing in the University District area, Officer Carter and I believe Betru is, and will continue to be, a danger to the community and businesses in the area.

(6) Trina D. is 49-years old and struggles with substance use disorders and mental health issues, according to police reports and court records. She appears to have moved to Seattle from California approximately five years ago. Since then, she has had charges filed against her in 31 cases in Washington, almost all of them in Seattle. In 2018, she was booked for multiple assaults, theft, and burglary. Many of her assaults are on innocent and vulnerable victims.

In July 2017, Trina attacked a female caretaker pushing a stroller with a young child. [See below]. She chased the woman and child into a nearby shop and then rammed the victim into a display case. Employees intervened and Trina threw water at them and knocked over items in the store. While police investigated this incident they received several additional reports of disturbances from Trina, including banging on occupied cars, and making racial slurs. [See below]. Officers wrote that Trina “is well known to Officers who work the B sector areas [Ballard, Fremont, Phinney]. She has an extensive RMS history and has been arrested on numerous occasions.”
In May 2018, Trina entered a homeless encampment in SODO at 6th and Massachusetts and stole food from a young homeless couple. When they tried to stop her, she threatened to stab them with a dirty syringe she held like a knife. Soon after, she threatened a King County Metro employee with the same syringe.

In July 2018, Trina entered the Ballard Community Center where she was stopped by staff after she tried to enter closed spaces. She was asked to leave and became disruptive before grabbing a four-year old girl and slamming her into the floor.
2. Many Prolific Offender Crimes Involve Theft to Pay for Drugs

A substantial portion of all crime involving the sample prolific offender population involved theft to support their drug addiction. In these cases, the defendant would typically shoplift, prowl cars, or burglarize commercial establishments and then trade the stolen items for cents-on-the-dollar to organized retail theft brokers. While the thefts occurred across the city, the goods were often traded for cash or drugs Downtown at 3rd Avenue and Pike Street.

These theft-related crimes often resulted in many other associated crimes, including:

- **Criminal trespass**, when the defendant returned to a property or establishment where they had been previously trespassed or entered a clearly closed area;
- **Assault**, when the defendant assaulted store personnel, customers, or pedestrians in the process of a theft;
- **Burglary**, when the defendant entered an establishment while closed or entered knowing that they had been trespassed;
- **Robbery**, when the defendant pushed past security after being stopped;
- **Possession of stolen goods**, when the defendant was found in possession of stolen goods but there was no immediate evidence of who stole the goods;
- **VUCSA**, when the defendant was arrested and found to be in possession of drugs; and
- **False reporting**, when the defendant provided a false name to police after they were detained.

Police reports often provide direct links between drugs and theft, as in the examples below:

(1) An individual with 27 criminal cases in 2 years was arrested for burglary at QFC on Capitol Hill; she told officers that she stole to support a $150/day drug habit of heroin and meth. [See right].
(2) A prolific shoplifter was arrested for theft at Macy’s Downtown store and told security personnel that the reason for his stealing was that he was a “heavy drug user”. [See below].

(3) In many instances, suspects are caught with both drugs and stolen merchandise. Here, an individual with more than 50 criminal cases in Washington State since 2011 was injecting heroin in an alley 100 feet away from the entrance to Pike Place Market while in possession of goods that he had stolen from Northgate. [See right].

(4) The area known as “3/P” or the “Blade” - the 1500 block of 3rd Avenue between Pine Street and Pike Street - is the center of the organized retail theft trade. Individuals struggling with substance use disorders are able to quickly trade stolen merchandise for cash or drugs there, 24 hours a day. Below, a prolific offender who arrived from Alaska in 2014 after accruing multiple drug offenses there was arrested for theft after walking down 3rd Avenue with the security tag and price tag still affixed to the outside of a backpack that he had stolen from one block away. The retail establishment reported to police that they had identified 8 shoplifting incidents in the first hour that they were open. [See below].
On 10/21/18 I was working uniformed bicycle patrol as 2-Mary-94 with Officer Pratt and Officer Willoughby in the City of Seattle. At approximately 1104 hours we were conducting active patrol in the 1500 block of 3 AV. This area is known to have an abnormally high amount of narcotics and retail theft activity. 

On the southwest corner I observed a male, later verbally identified as [redacted]. He was holding a backpack with a visible RFI security tag and a TJ Maxx price tag. The security tags are always removed if the item is sold. TJ Maxx is located a block south 1419 3 AV. TJ Maxx is routinely shoplifted from.

I detained [redacted] on suspicion of possessing stolen property. [redacted] stated he had recently purchased the backpack for cash from another male. [redacted] stated he had also purchased two items inside the backpack, two coats. Both coats also had security tags.

I took the backpack and coats to the TJ Maxx while Officer Pratt and Officer Willoughby stood by with Baird. 

When I walked into TJ Maxx the items set off the security sensors indicating they had come from the store. I contacted store "key holder" Zachary Tangonan and store manager Jim Macdonald. They scanned the items and confirmed that they had come from the store and were not sold. The items had been stolen. Tangonan told me there had been 8 shoplifts from the store in the first hour it was open. Tangonan stated that their loss prevention was not working today and they did not have access to surveillance footage. Macdonald gave me a receipt with the total number of items stolen.

The final dollar amount was $275.21. 

I gave Macdonald a business card with incident number, my name and serial. I advised Macdonald to alert his loss prevention and to review relevant footage.

I returned to [redacted] and took him into custody possession of stolen property.

I read [redacted] his Miranda Warnings from my department issued Miranda Warnings Card.

Officer Willoughby searched [redacted] incident to arrest.

Officer Sandlin transported [redacted] to the West Precinct.

SGT Moore screened the arrest at the West Precinct.

Post-Miranda [redacted] admitted that he should have known the items were stolen, although he denied stealing them.

During search incident to arrest of a back pack by Officer Pratt Baird was wearing when contacted, 6 people’s mail were discovered inside the backpack. Mailbox and mail theft is another crime with a high frequency of occurrence in
(5) A prolific shoplifter with over 60 Washington state criminal cases from 2009 through 2018 stated to officers that he had stolen to support his drug habit which cost him $70 to $100 per day. Each $50 bottle of liquor he stole he could sell for roughly $10 on the street. [See below].

The same subject later told officers in a different arrest that he stole to buy crack. [See below].

(6) A suspect who shoplifted from the Downtown Macy’s “almost every day” told a loss prevention officer that he steals for “drug money.” [See below].
(7) A suspect with an outstanding felony warrant was arrested for shoplifting at Goodwill after smoking crack cocaine and heroin. [See below].

(8) A suspect with 82 criminal cases since 2012 was detained while shoplifting and stated that she planned to trade the goods on 3rd Avenue for drugs. [See below].

(9) An individual arrested for car prowling in a secure residential facility (charge of burglary) and VUCSA “admitted to frequent vehicle prowls seeking cash to support a drug habit.” [See below].
Officers Maes and Reyes, who know Suspect personally from multiple contacts in the course of their duty, positively identified Suspect from the bulletin images and viewing video of related case 2018-67415. On 3-20-2018, Officers Maes and Reyes arrested Suspect for VUCSA (case filed separately) and Probable Cause on burglary 2018-67415. During this arrest, Suspect was wearing the same style and color clothing as during this burglary. While in custody, Sgt. Crumb of West Detectives, interviewed Suspect. Officer Maes advised Suspect of his Miranda Rights, to which Suspect waived. Suspect admitted to frequent vehicle prowls seeking cash to support a drug habit. Suspect stated that he uses porcelain chips to break car windows. Sgt. Crumb showed Suspect still images on bulletins, including this case. Suspect viewed the bulletin for this incident, containing a surveillance image of the Suspect, and identified the person in the image as himself to Sgt. Crumb.
3. Some Prolific Offenders with Severe Mental Health Issues Pose a Serious Threat to Public Safety

From the sample group of 100 prolific offenders with recent criminal history, 20 of them had severe mental health issues and showed a pattern behavior of frequent, random assaults on innocent victims in busy commercial areas. These defendants were often found incompetent to stand trial but were released because their misdemeanor offenses did not arise to the level warranting involuntary medical rehabilitation. The result is a small cohort of violent offenders who repeatedly reoffend after release from jail. The following are examples of this hazard:

(1) Dranon B. moved to Seattle from Chicago in late 2015. In Chicago, public records show, he had accumulated criminal cases for violent offenses. Court records from our region suggest that he was immediately homeless upon arrival in Seattle. In a little over 3 years in Seattle, he has accumulated over 50 criminal cases, most of those in the University District, University of Washington campus, or Capitol Hill.

In the past year alone, Dranon has been booked into King County Jail on 16 separate occasions for trespass, assault, harassment, malicious mischief, disturbance, property destruction, illegal use of a weapon, and theft. [See above]. His pattern behaviors are repeat trespasses at the UW campus and refusals to leave, violent property destruction, threats and harassment, and random attacks on pedestrians near bus stops.
At 4am on June 28, 2018, Dranon caused a series of serious incidents on University Way when he threatened pedestrians with a stick, smashed windows on two storefronts, and chased and threatened a woman getting off her bus. [See below].

Dranon was arrested and booked into King County Jail for illegal use of a weapon and property destruction. Despite his extraordinary criminal record and failures to appear in prior cases, he was released the next day on personal recognizance and the court set the first preliminary hearing date for five weeks later. [See below].
In the interim, Dranon returned to the University District and was arrested again in July 2018 for investigation of malicious mischief and released the following day. On August 1, 2018, he was arrested after shoplifting at Safeway and threatening employees there. He was released six days later. On August 10, 2018, Dranon was arrested for assault on a mother with two young children at a bus stop at Broadway and Pine Street on Capitol Hill. [See below].
Dranon plead guilty in a multi-case deal with prosecutors and received a sentence of 60 days in jail with 304 days suspended on condition that he commit no new law violations. [See below].

Dranon has been booked into King County Jail on 9 additional occasions since his release in October and has never been held for longer than 10 days.

(2) Nicholas L. is 30 years-old with a lengthy record of criminal cases in the Puget Sound region and a recent spate of cases in Seattle, including 8 bookings into King County Jail in the past 12 months for harassment, assault, criminal trespass, malicious mischief, and reckless burning. [See right].

In November 2018, according to police reports, Nicholas created a series of threatening incidents at a restaurant Downtown when he repeatedly entered the restaurant and refused to leave, several times per day for several days in a row. In one incident, he threatened to “kill everyone” when confronted by restaurant staff who asked him to leave after he re-entered the restaurant only one hour after being trespassed by police. When police arrested him, he resisted arrest and had to be handcuffed by multiple officers on the floor.

On December 3, 2018, Nicholas was arrested for assaulting a psychiatric counselor who tried to rouse him at Swedish Hospital on First Hill. He was released the following day.

On December 8, 2018, Nicholas was arrested at 10:30am for charging and threatening pedestrians in the middle of Pike Street and 10th Avenue East. He was held in King County Jail for 19 days pending mental health evaluations and then released.

On January 7, 2019, Nicholas again threatened hospital staff, this time at Swedish Hospital in Ballard. In that incident, nurses reported that he balled up his fists and charged them, stating: “I’m feeling homicidal! I’m feeling homicidal! I’m gonna beat you up!” When police arrived, Nicholas resisted arrest and had to be detained in the lobby. [See below].
(3) James C. is in his mid-30s and, according to court records, arrived in Seattle around 2011 after an extensive criminal history in Texas and Idaho. He has accrued 30 criminal cases in a little over eight years including six jail bookings in the last 12 months for felony harassment, assault, trespass, property destruction, and theft. His pattern behavior is to attack and harass retail employees.

In a representative case, James attacked a Starbucks store manager as she was arriving to work in the early morning hours on the waterfront underneath the Viaduct. A bystander intervened and she locked herself inside the store until police could arrive. He was arrested for harassment and assault. [See below].
(4) **Melonie T.** is in her late 40’s and has a criminal history in Washington state and Seattle dating back to 1997, including over 50 criminal cases in Seattle Municipal Court. She has been arrested on multiple occasions for assault on innocent victims Downtown and in Pioneer Square. In the past year she has been booked into King County Jail four times on charges including assault, malicious mischief, and property destruction.

In a representative incident from 2018 in Pioneer Square, Melonie punched a random woman who had just exited a nearby building and then threatened the woman with further assault. [See below]. It was one of several reported incidents in 2018 in which she attacked innocent passers-by without provocation or notice.

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![Seattle Police Department Incident Report](image)
Officers noted that Melonie was “extremely mentally ill” and asked for intervention from the justice system. She was held in King County Jail for 12 days before being released. Her assault case was dismissed because Melonie was incompetent to assist in her own defense due to mental illness and the fact that it was unlikely she could be restored to competency. [See below]. In her prior court-ordered mental health examination, the reviewing psychologist recommended involuntary civil commitment proceedings. I did not find evidence that civil commitment was pursued in 2018.

![Image of Order Dismissing Case](image-url)
4. Some Prolific Offenders Pose a Serious Threat to Officer Safety

Some of the sample group of prolific offenders repeatedly threaten and assault Seattle police officers and King County Sheriff’s deputies. These individuals all have indicators of mental health issues and substance use disorders (usually meth). Police reports will often note that the suspect is “well known to officers” and that police data systems flag the person as a hazard to officer safety. The response of the criminal justice system to these threats is often lackluster. Below is one example of an illustrative prolific offender’s recent violent interactions with Seattle police officers. [Note: this case example was selected for illustrative purposes only].

Travis B. arrived in Seattle from Nevada/New Mexico in 2014. He has accumulated more than 30 criminal cases in Seattle in the last four years and dozens of civil infractions. Many of his cases involve disturbances or assaults followed by resisting arrest. He was also convicted of attempted rape of a young homeless woman in Capitol Hill.

Police reports suggest that officers have contacted Travis on over 100 occasions. According to court records, he is addicted to meth and struggles with mental health issues. Travis resists arrests and fought with officers on almost every occasion that he was arrested in the past two-and-a-half years.
On June 15, 2016, Travis confronted officers on 3rd Avenue between Pike and Pine Street while they were responding to another incident. He clenched his fists and took a fighting position, trying to provoke officers. He tried to grab the arm of an officer when he was arrested. [See above]. Travis claimed that he had swallowed heroin in order to avoid being booked into King County Jail. Charges were not filed in the case until one month later. Travis ultimately plead guilty to resisting arrest and was sentenced to 19 days and served approximately 12 days in jail.

On March 10, 2017, Travis was arrested in the 400 Block of Pine Street while in a state of crisis and apparently on methamphetamines. He actively resisted arrest, requiring 8 police officers to restrain him. When he arrived at the jail, he claimed that he’d swallowed heroin. The jail refused to book him and he was transported by Seattle police officers to Harborview where police officers stood guard. He was on active DOC supervision at the time and DOC officers later took over the hospital guard before booking him into jail for resisting arrest and on a DOC detainer. [See below].
The police report stated: “I was familiar with [Travis] having dealt with him on a number of prior occasions in the downtown core. I knew [Travis] to be a drug user with mental health issues, and knew him to be a volatile threat to officers and the public at large due to his instability. [Travis] has an officer safety caution in WACIC for threatening to kill police officers.”

The City Attorney’s Office did not file a complaint against Travis for resisting arrest until eight months later - October 19, 2017. [See right]. Travis was not in custody at that time and a bench warrant was issued for his appearance. He was booked into jail one month later and held on bail. He plead guilty to resisting and was sentenced to 30 days, with credit for time served and no probation conditions. He served 20 days and was released.

In the interim, Travis had several additional incidents with police. On May 27, 2017, Travis was contacted by police in the Armory Building of Seattle Center during the Folk Life Festival. He was apparently trying to access employee-only areas and refused to leave when contacted by security. Travis struggled with officers in the center of the crowded building. He was sentenced to 20 days with no conditions (e.g., no probation or suspended sentence).

On August 4, 2017, Travis created a disturbance in Pioneer Square and led multiple officers on a chase. The police report noted: “[Travis], aka TRAVELTRON, is mentally ill and very aggressive. He is listed in RMS with a caution for ASSAULTIVE TO OFFICERS. MENTAL. THREATS TO OFFICERS. WEAPON.” The report noted that Travis had been responsible for five public safety incidents in the prior two days. [See below].
Travis was booked into King County Jail but released the next day on condition that he report to Day Reporting. [See below].

Charges:

1. OBSTRUCTION - [AMENDED from PED. INTERF.]
2. OBSTRUCTION - (NCF)
3. RESISTING - (NCF)

It is hereby ordered that the defendant is:

Released from King County Jail

☑️ Upon the posting of cash bail or bond in the amount of $1,000 OR release to a representative of Seattle Municipal Court Day Reporting Program when other holds are lifted.
Travis failed to report to Day Reporting (he had previously failed on conditions of release and probation requirements in over a dozen cases from 2014 and 2015) and a bench warrant was issued for his arrest. He was later re-booked into King County Jail. He pleaded guilty to the charge of resisting arrest and was sentenced to credit for time served (amounting to 7 days in jail), with no conditions. [See below].

On August 24, 2017, very soon after he was released from jail on the resisting charge, Travis was arrested at 2:30am in Belltown for misdemeanor assault and booked into King County Jail. The City Attorney’s Office did not file charges and he was released the next day. [See below].
On September 7, 2017, Travis was arrested for creating a disturbance and walking naked in the middle of the street in SODO. He again resisted arrest, breaking free from officers and leading them on a chase through a homeless encampment before they could detain him. [See below].

Travis was held in jail on bail and plead guilty. He was sentenced to 30 days jail time with 150 days suspended on condition of no further law violations. He served 20 days in jail and was released. [See right].
On January 17, 2018, officers contacted Travis at 1st and Pike Street where he was smashing bicycles, throwing garbage cans, and blocking traffic. Approximately 10 officers closed Pike Street and attempted to engage with Travis for over an hour. He spit at officers and attempted to punch and bite them when they approached the dumpster where he had taken refuge. Ultimately, officers used a taser before several officers could secure him. [See below].
Travis was held in jail with a $3,000 bond requirement. He agreed to plead guilty and was sentenced to 56 days in jail with a suspended sentence of 304 days. His sentence included conditions that he commit no new law violations, not use drugs, and comply with probation. [See below].

After release, Travis did not appear for probation and a bench warrant was issued for his arrest. Travis continued to fail probation requirements over the course of 2018, triggering additional bench warrants, brief periods of incarceration, and release. In November 2018, probation asked to close Travis’ probation requirements, stating: “Probation does not believe that having Mr. [Travis] on probation is a particularly good use of resources. He continues to violate his abstain condition and his engagement in mental health services appears neither appropriate nor useful. Probation does not believe Mr. [Travis’] behaviors will change as long as he continues to use non-prescribed substances. Probation defers to the Court regarding how to proceed with Mr. [Travis’] case.” The court agreed to strike active probation but did not revoke any of the 304 days of his suspended sentence.
In the interim, Travis continued to be assaultive toward law enforcement. In July 2018 he grabbed a bottle from Sheriff’s Deputies while they were responding to another incident and then resisted arrest.

The King County Prosecutor’s Office declined to file charges for resisting or obstruction and the King County District Court released Travis from jail 36 hours later.

In early January 2019, Travis was featured on a KIRO news report while injecting meth in broad daylight at his makeshift encampment at the corner of 3rd and Pike Street. Nearby officers did not intervene.
5. Prolific Offenders Fail to Comply with Court-ordered Conditions in Almost Every Case

Of the prolific offenders examined in this report, all 100 failed to appear at court hearings, failed to comply with conditions of pre-trial release, and failed to comply with conditions of their suspended sentences in virtually every case in which they had the opportunity. These failures triggered the courts to issue bench warrants for the defendants to be brought before the court. For this prolific offender sample population, bench warrants were issued in almost every case in which a defendant was released from jail or sentenced with conditions. The result is often cases that dragged out for more than a year with the court issuing multiple bench warrants.

Typical conditions of release include: appearing at all future court hearings, committing no new law violations, reporting to Day Reporting at the court between one and five times per week, and staying away from the victim. [See example below].

When a judge from Seattle Municipal Court issues a bench warrant for a defendant who fails to comply with his or her conditions of release, there is no ‘warrant squad’ or SPD bulletin for the defendant’s detention. Rather, prolific offenders are typically only booked into jail for the warrant in instances where they are arrested on other charges. Once booked, the defendant is brought back before the judge for an in-custody hearing. In most cases, the defendant is then re-released under the same conditions within 24 to 48 hours.

According to a recent report, Seattle Municipal Court has 9,849 outstanding bench warrants.⁵ Some of the defendants analyzed for this report had up to six bench warrants over the course of one year in an individual case in Seattle Municipal Court. These defendants often accumulated additional criminal cases with additional bench warrants during this period.

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⁵ [https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless](https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless).
This process repeats itself until a defendant accumulates a critical mass of fail to appear (FTA) and fail to comply (FTC) warrants in multiple different cases. For example, on January 28, 2019, a prolific offender named Daine W. was booked into King County Jail with warrants in six Seattle Municipal Court theft and trespass cases. [See below]. In those instances, the defendant will often negotiate a global deal resolving multiple cases at the same time.

Failure to Appear in Court

Washington state law and court rules establish a strong presumption that a defendant will be released pending trial except where there is a likelihood that they will commit a violent crime or fail to appear. In instances where there is a likelihood that a defendant will fail to appear, the court is directed to set the least restrictive possible conditions of release (e.g., a bail amount that the defendant can afford).

As a result, for most of the cases involving the individuals analyzed here, the court, at first appearance, ordered that the defendant be released on personal recognizance on condition that the defendant appear at all further court hearings. With only a few exceptions, these defendants universally failed to appear at their subsequent court dates except when already in custody. The result was the accumulation of bench warrants and bookings for FTA [See right].

Failure to Comply with Day-Reporting

Day Reporting at Seattle Municipal Court or Community Custody Alternative Programs (CCAP) at King County Superior Court are supposed to provide supervision of pre-trial defendants without incarceration. The idea is that the defendant will report to the respective office one to five times per week, depending on the court’s requirements. Obligations at Day Reporting and CCAP can then include urinalysis (UAs), drug counseling, classes, or de minimis check-ins.

The prolific offender sample population failed to fulfill their court-ordered requirements for Day Reporting or CCAP in virtually every case. [See example below].
Some of the defendants in the prolific offender sample group accumulated so many compliance failures that the Seattle Municipal Court probation department asked to have them removed from the program.

**Failure to Comply with Terms of Suspended Sentences**

For the prolific offender sample group, most cases that were not declined or dismissed were resolved with a negotiated plea agreement. In many of these cases, the deal included a substantial suspended sentence with conditions (e.g., “364/344” means a 364-day sentence with 344 days suspended and 20 days of immediate jail time). The conditions for the suspended sentences typically require no new law violations and no-contact with the victim. Additional conditions used in some cases include abstention from drugs or alcohol and compliance with probation.

In theory, the suspended sentence allows the court to reduce incarceration and incentivize good behavior. In practice, suspended sentences were rarely revoked (in the court’s parlance) even where a defendant had committed a significant number of additional law violations or compliance failures.

For example, Kelly J. (discussed above) agreed to a 364-day suspended sentence on a criminal trespass case stemming from 15 separate theft, trespass, and drug incidents in Pike Place Market. The conditions for the suspended sentence were that he commit no new law violations for 24 months and that he stay away from Pike Place Market. [See next page]. Kelly committed at least 10 additional law violations in the following two years. None of the 364 suspended sentence days were revoked.
The City of Seattle, Plaintiff

Defendant

The defendant has been found guilty of the following charges by: [Redacted]

Domestic violence was pled and proven.

The court imposes the following sentence:

Count 1: charge of Criminal Trespass

Suspended Sentence 24 months

Count 2: charge of...

Suspended Sentence 24 months

Count 3: charge of...

Suspended Sentence 24 months

As a condition of deferred sentence, the defendant shall...

JUDGMENT & SENTENCE ORDER

Case # 42526

CONDITIONS OF DEFERRED OR SUSPENDED SENTENCE

☐ Commit no criminal violations of law.

☐ Report change of address to the Court within twenty-four hours of obtaining a new address.

☐ Do not drive a motor vehicle without a valid license and proof of insurance.

☐ Commit no alcohol/drug-related infractions.

☐ Use no alcoholic beverages or non-prescribed controlled drugs, including marijuana.

☐ Do not refuse to take a breath test when asked to do so by a law enforcement officer.

☐ Complete National Traffic Institute. Level 1 ☐ Aggressive Driving

☐ Obtain a substance abuse evaluation and complete follow-up treatment as required by treatment agency.

☐ Treatment Agency ☐ Probation

☐ Complete Alcohol & Drug Information School within ___ days.

☐ Complete Victim Panel within ___ days.

☐ Enter and successfully complete Certified Domestic Violence Treatment.

☐ No contact with [Name Redacted]

☐ Possess no weapons. ☐ Firearm weapons by

☐ Complete anger management class. ☐ Complete parenting classes.

☐ Provide biological sample for DNA identification analysis.
6. Seattle’s Prolific Offenders Struggle with Addiction, Mental Health Conditions, and Homelessness

Of the 100 individuals examined based on significant recent criminal activity, all 100 of them had indicators that they had severe substance use disorders. 38 of the 100 had received a mental health evaluation in at least one or more of their recent court cases but undoubtedly others in this population have mental health challenges that are serious but did not arise to the level of requiring a court competency evaluation. And all 100 in the sample had indicators that they were struggling with homelessness based on police reports and court records.

The results of this report are consistent with the results of a detailed look at the prolific offender population that King County initiated in 2013, called the “Familiar Faces Initiative.” That effort, which is still ongoing today, identified 1,273 individuals who had been booked into a King County Jail four or more times in a 12-month period in 2013 or 2014. Approximately 60 percent of that population (750 individuals) had a significant number of their arrests occur within the City of Seattle. According to the County, “[m]any of these individuals experience chronic health conditions including: histories of trauma, substance use disorders, mental health and chronic homelessness. These individuals experience instability in many aspects of their lives and are familiar to the various service and provider crisis systems.”

Specifically, the Familiar Faces Initiative found “nearly all people with 4+ bookings in a year have a behavioral health indicator” - either substance use disorder or mental health challenges. And the Familiar Faces study found that more than half of the population had indications of homelessness, but acknowledged that this was likely a significant undercount because their methodology was to cross-reference against a homelessness database that is largely based on shelter registries, which many in this population avoid.

Substance Use Disorders

Of the 100 prolific offenders identified and examined for this report, all 100 had indicators that they struggled with serious substance use disorders. The principal drugs involved were heroin and methamphetamines (or a combination thereof), with a smaller number of references to crack cocaine. Only a handful of individuals profiled were alcoholics.

The high rate of substance use disorders for the prolific offender population is consistent with the findings of King County’s Familiar Faces Initiative which found that almost 90 percent of

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individuals with 4+ bookings into King County Jail in a 12-month period struggled with chemical dependency (as indicated by jail booking screeners).

The factors that I examined to determine whether an individual prolific offender appeared to struggle with a substance use disorder included:

(1) VUCSA history

Many offenders were arrested for other crimes while in possession of drugs. If the drugs amounted to a material amount, officers had the choice to test the narcotics and add a charge of VUCSA (Violation of the Uniform Controlled Substances Act). [See example at right].

(2) Police reports

In many cases, police officers state either that the suspect volunteers information about their addiction or is “well known to officers” because of their addiction. [See example below].

(3) Court records

Both Seattle Municipal Court and King County Superior Court can take multiple steps in cases where the judge has reason to believe that addiction is an underlying cause of criminal behavior, including: ordering abstention from drugs and alcohol and periodic drug testing; ordering a drug evaluation report with a drug counseling service [see right]; and/or agreeing to have the defendant released to in-patient or out-patient treatment programs.
Mental Health

Of the 100 sample prolific offenders identified by recent criminal activity, at least 38 have been evaluated by the courts for mental health issues. Some of these defendants are found to be incompetent to stand trial in some cases. Based on the exhibited behaviors, the real number of persons in the sample size with serious mental health issues is likely larger. As a group, individuals with mental health issues were much more likely to engage in violence like assaults, disturbances, property destruction, and malicious mischief.

For the purposes of this report, any defendant in which the court ordered an initial mental health evaluation is identified as having mental health issues, regardless of whether the person was found competent to stand trial and aid in their own defense. [See example below]. The competency standard is a higher threshold and would result in a significant undercount of the total number of individuals with significant mental health issues.

Because frequent offenders had often undergone multiple prior mental health evaluations, the result was often that the case was dismissed because “competency restoration treatment unsuccessful or unlikely to be successful.” [See example below].

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7 This is a likely undercount because I only reviewed court records in cases from the past few years for most individuals in the sample set.
Report on Prolific Offenders in Seattle’s Criminal Justice System

Homelessness

Every individual examined for this report had multiple indicators that they suffered from chronic homelessness. This analysis was conducted by reviewing publicly-available court records and police reports. While each individual circumstance and story differed, it is significant to understand that chronic homelessness is universal or near-universal for those with the greatest involvement in the criminal justice system. This is also important because the criminal justice system provides little support in addressing underlying homelessness.

The fact that so many of those with a high frequency of interaction with the criminal justice system are unhoused is an important piece of information that could be used to provide better solutions to this underlying need.

There are many ways in which homelessness presents itself in court records and police reports. In Seattle, police officers and the judicial officers will often record a person’s address as “77 S. Washington St.” if the person says they are homeless or there are other indicators that they are homeless. That is the address for the Compass Center, a homeless services site that includes mail box services for the homeless. This address is used as a placeholder address regardless of whether the individual has an agreement with Compass to hold their mail.

For example, a white female in her 20’s was arrested on 1/24/19 during a burglary in Chinatown/ID. She subsequently admitted to 22 unsolved burglaries in Chinatown/International District, Pioneer Square, and SODO. In the police report for her most recent arrest, she told officers that she lived in an unauthorized encampment in the Chinatown/ID area and that she had been homeless in Seattle for the past 10 years. Her address on police reports and court document is listed as 77 S. Washington St. [See below].
While every defendant profiled for this report had recent indicia of homelessness, less than half of the cases provided more precise evidence of the types of individual living circumstances (e.g., living in an encampment, vehicle, doorways, or shelter). As a result, I only provide examples of some of the common living situations that were reported and do not try to quantify based on the limited sample size.

A number of individuals examined for this report indicated that they lived in unauthorized encampments or move between camp sites and other homeless living situations. Police often describe the health and safety in these encampments in their reports. To reach one defendant with over 40 cases in Seattle Municipal Court, police wrote that they had to follow a path of “cascading garbage, broken glass, and needles flowing down” from their sleeping area underneath an I-5 overpass. [See above].

Police reports related to several prolific offenders indicated that they lived in temporary squatter houses and are frequently arrested for trespassing at these sites. In August 2018, for example, a male and female individual with 78 Washington state criminal cases between them were arrested for trespassing into a closed and boarded up home in Mt. Baker. Neighbors called the police and it turned out the couple had multiple outstanding felony warrants.

In many cases, police repeatedly contacted a prolific offender or group of prolific offenders at the same abandoned building, often providing warnings several times before making an arrest. In one representative case, an individual with a record of significant criminal activity in 2018 was arrested for trespass and reckless burning after accidentally starting a fire while trying to dry clothes at a business that had ceased operations off Aurora Avenue in lower Queen Anne.
A small handful of prolific offenders appear to reside in Downtown homeless shelters. In more cases, however, police reports indicated that individual prolific offenders had been barred from specific homeless shelters following incidents there (e.g., assault, harassment, drugs).

Recent research from David Kroman of *Crosscut* identified that 19 percent of all Seattle police bookings into jail in 2018 were of homeless individuals where the address was listed as “77 S. Washington St.” The article acknowledges that is likely an undercount of the total percentage of bookings where the individual is homeless.\(^8\) In Portland, a comprehensive review of arrest records by the *Oregonian* found that homeless individuals constituted 3 percent of the Portland population but 52 percent of all arrests.\(^9\) Many of those arrests and bookings were for bench warrants after a failure to appear at court for existing charges.

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\(^8\) [https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless](https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless).

7. Many Prolific Offenders Manipulate the System in Order to Avoid Being Booked into Jail

King County Jail has strict rules on booking individuals with medical conditions. Prolific offenders are aware of these rules and frequently try to evade being booked into jail by telling jail staff that they have “swallowed heroin” or “swallowed pills.” The jail staff declines to book the person until they have been screened at Harborview Hospital, a process that can take several hours. If Seattle Police officers want to book the individual into jail, they must transport the suspect to Harborview (or an alternative hospital), guard them at the hospital for up to several hours, and re-transport the suspect back to the jail. Because following these steps often requires two or more officers being off the streets for an extended portion of their shift, the officers will often instead be forced to release the suspect at the hospital, even following serious crimes. Charges in these cases are typically not filed by the City Attorney’s Office until 1-3 months later.

Based on the police reports for this sample population, and according to officers, the practice of falsely claiming to swallow heroin in order to ‘run out the clock’ on officers and evade booking is common among the prolific offender population.

For example:

(1) Colin M. (29 criminal cases in Washington state since 2009, 6 bookings into KCJ in the last year) was arrested after security guards at Northgate Mall tried to remove him and he threatened them with a knife. Once arrested, he claimed he had swallowed heroin, requiring Seattle Fire Department to evaluate him and a Seattle police officer to transport him to the hospital. [See below].

Colin was released from custody at the hospital and not booked into jail. A total of 8 Seattle police officers were involved in Colin’s arrest and the process of guarding him at the hospital. The City Attorney’s Office did not file charges against Colin until three months later. He was not in custody at that time and a bench warrant was issued for his appearance.
(2) Felix E. and his partner were arrested in August 2017 for prowling cars on the waterfront at Alaskan Way and University Ave. They both claimed to have “swallowed pills.” The partner was released at the West Precinct and Felix was declined by the jail and then released at Harborview. [See below].

After being placed in custody [redacted] and [redacted] both began complaining of having ingested multiple pills, the variety of which were uncertain. This incident was screened by SGT Schenck.

[redacted] was released from custody at the West Precinct to seek medical treatment.

We transported [redacted] to KCJ where he was medically declined for his claim of swallowing unknown pills. We transported [redacted] to HMC where he was released to seek medical treatment.

I recommend this completed misdemeanor investigation of Suspect/ Felix [redacted] be referred to the Seattle Law Department for the crime of theft, SMC 12A.08.060.
(3) Roland L. (52 Washington state criminal cases since 2010, 13 bookings into King County Jail in the past 12-months) was arrested in November 2018 following multiple incidents at two establishments on Capitol Hill, including entering a restaurant, creating a disturbance, and then refusing to leave. Multiple officers were required to arrest him. Upon arrival at the jail he told staff there that he had swallowed heroin, requiring officers to transport him to Harborview and wait with him while he was examined by nurses and doctors at Harborview.

(4) Adam A. (23 criminal cases in Washington state since 2016) was arrested in April 2018 in Downtown Seattle after shoplifting over $300 in goods from the Gap and then stealing the backpack from a security guard of a neighboring building. He claimed to have swallowed heroin and meth, telling EMT's that he had done so in order to “not get in trouble.” Officers asked the City Attorney’s Office to file additional charges against him for obstruction, even including the statutory language in the police report. [See below].

The City Attorney’s Office refused to file the obstruction charges. Charges were timely filed because Adam was in custody.
Soon after Adam’s release from jail on the Gap theft charges he was arrested again Downtown after stealing over $600 in goods from Niketown. He was transported to King County Jail where he was declined after he claimed to have swallowed heroin. Adam told officers that “he did so because it will trigger a declination from King County Jail.” The officers noted that “this is a tactic that is frequently deployed by misdemeanor arrestees to prevent their brief incarceration at King County Jail.” [See right].

Adam was released from custody at Harborview.
Charges were not filed against Adam until over three months later. [See below]. The City Attorney's Office did not include the obstruction charge that had been requested by Seattle police.

IN THE MUNICIPAL COURT OF THE CITY OF SEATTLE
KING COUNTY, WASHINGTON

THE CITY OF SEATTLE,

Plaintiff,

vs.

ADAM

Defendant.

On or about June 2, 2018, in the City of Seattle, King County, Washington, the above-named defendant did commit the following offense(s):

Count 1

commit the crime of theft/stealing by knowingly obtaining or exerting unauthorized control over the property of NIKE TOWN with the intent to deprive the owner of such property.

Contrary to Seattle Municipal Code Section(s): 12A.08.060(A)(1)-1

Dated: 9/24, 2018

Assistant City Attorney
8. Case-Filing Delays Hamper Seattle’s Retail Theft Program

Many of Seattle’s major retailers report thefts through Seattle’s retail theft program. Participating retailers include: Uwajimaya, Goodwill, Target, TJ Maxx, Nordstrom, Macy’s, Home Depot, Lowe’s, Fred Meyer, and Safeway. The program was originally designed to allow major retailers to directly report shoplifting incidents without requiring that Seattle police officers show up for every incident. Rather, the suspects are detained by store security personnel (also known as loss prevention officers), identified, given a trespass notice, and released at the scene. The incident is transmitted to the Seattle Police Department who reviews it and forwards the case to the City Attorney’s Office. The City Attorney’s Office is then supposed to review the case and file charges as appropriate. The Seattle Municipal Court then issues a summons for the defendant to appear before the court and face the charges.

Case records for prolific offenders reflect that charges in these cases are not filed until one to twelve months after the incident. For the cases I reviewed, the average time it took between a theft incident and when charges were filed in the retail theft program was over six months. These delays were confirmed by people with direct knowledge of the program. For prolific offenders involved in the theft-for-drugs ecosystem, the delays in filing cases means very little likelihood of facing consequences in the short-term.

For example, Noah B. is 36 years-old and has accrued over 60 cases in Washington state in the past decade. According to court documents and police reports, he is addicted to meth and crack cocaine. He funds his addiction through theft at major retailers across the city but principally Downtown. He has had 39 cases in Seattle Municipal Court, most of them for theft and/or criminal trespass. And he has a large number of felony cases, including VUCSA, possession of stolen property, residential burglary, felony harassment (DV), death threats, assault, disorderly conduct, etc. In 2016, he threatened to kill a loss prevention officer at Nordstrom and “then stated he would commit a mass shooting at Nordstrom when released.” According to court documents, he has had 60 warrants issued for failure to appear and failure to comply. He readily admits to officers responding to the location and positively identified [redacted] as the suspect who stole three jackets from the Mt. Hardware Store. Each jacket was valued at $500 for a total of $1,500.00. At that time [redacted] was advised of his Constitutional Rights. [redacted] stated that he understood rights and was willing to speak with officers. [redacted] admitted to stealing three jackets and then selling all three items to a male he knows as “Peru” for approximately $100.00. [redacted] stated that it was his intent to use the money to purchase crack cocaine. Officers located approximately $100.00 in [redacted]’s front right pocket.
that he steals to support his addiction. [See above].

Noah has been processed through the retail theft program on over a dozen occasions. The time between the theft incidents and when charges were filed varied from one month to just over one year. [See examples below].
One of the consequences of the delay in filing retail theft cases comes when a prolific offender has accumulated a large number of pre-trial or post-sentence court-ordered obligations in other cases. In most cases, the court will allow pre-trial release of the defendant on condition that they not commit any law violations. And most suspended sentences are nominally conditioned on no new law violations. If the defendant commits a new offense but charges are not filed for months, the court has no way of enforcing its orders in a timely manner.

For example, in December 2016 Kelly J. (discussed in the first section) plead guilty to criminal trespass following 15 separate incidents at Pike Place Market. He was sentenced to a 364-day suspended sentence conditioned on no new law violations and staying away from Pike Place Market (he served no immediate jail time). Hypothetically, if he violated those conditions within a two-year period, then some portion of his suspended sentence could be revoked and he would be held accountable. The suspended sentence is supposed to therefore serve as an incentive to keep Kelly from committing new crimes.

Five months after receiving his two-year suspended sentence, however, Kelly was caught shoplifting at Target (one-block away from Pike Place Market). That incident was transmitted to the City Attorney’s Office through the retail theft program but charges were not filed until one year later, April 2018. [See below].
9. Prolific Offenders Struggling with Homelessness Are Often Released from the Jail at Midnight

King County Jail records reflect that prolific offenders struggling with homelessness and other behavioral health conditions are routinely released by King County Jail at midnight. The result is to place a homeless person back out into the street at a time when almost all night-shelters stop admitting new clients and transit services are limited. Common sense tells us that this practice could have serious negative consequences for the individual defendant and for the surrounding neighborhood.

For example, Kalinda is 37-years old and has been incarcerated 10 times in the past twelve months. According to police reports, Kalinda tells officers that she has been homeless for several years. She has also been evaluated by the court for mental health conditions. In 5 of her last 10 periods of incarceration, King County Jail records reflect that she was released at 12:00am. [See below].

The 100 individuals analyzed for this report had over 600 bookings into King County Jail in the past 12 months. Based on a sample of jail release records, it appears that midnight releases are used over 30 percent of the time for the most of this group. [See examples below]
### Report on Prolific Offenders in Seattle's Criminal Justice System

#### Current booking #219000605, Booked: 01/07/2019 12:12 PM, Released: 01/29/2019 12:00 AM
- Booking #218032717, Booked: 11/22/2018 01:57 PM, Released: 12/04/2018 12:00 AM
- Booking #218027771, Booked: 09/30/2018 07:41 AM, Released: 11/07/2018 01:11 PM
- Booking #218023873, Booked: 08/22/2018 11:07 AM, Released: 08/26/2018 11:35 AM
- Booking #218021567, Booked: 07/31/2018 12:58 PM, Released: 08/16/2018 12:00 AM
- Booking #218018761, Booked: 07/04/2018 10:03 PM, Released: 07/19/2018 12:00 AM
- Booking #218014104, Booked: 05/21/2018 06:55 AM, Released: 06/05/2018 12:00 AM
- Booking #218006132, Booked: 03/01/2018 11:31 PM, Released: 03/13/2018 01:40 PM
- Booking #218004659, Booked: 02/15/2018 09:29 AM, Released: 02/20/2018 12:00 AM

#### Current booking #219002952, Booked: 01/31/2018 05:06 AM, Released:
- Booking #218035646, Booked: 12/26/2018 08:50 AM, Released: 01/16/2018 12:00 AM
- Booking #218029852, Booked: 10/23/2018 02:05 AM, Released: 12/17/2018 04:21 PM
- Booking #218026568, Booked: 09/18/2018 02:30 AM, Released: 10/15/2018 12:00 AM
- Booking #218021655, Booked: 08/01/2018 09:46 AM, Released: 08/31/2018 12:00 AM
- Booking #218018249, Booked: 06/29/2018 04:27 PM, Released: 07/27/2018 12:00 AM
- Booking #218013606, Booked: 05/16/2018 08:52 AM, Released: 06/07/2018 12:00 AM
- Booking #218011594, Booked: 04/26/2018 11:20 AM, Released: 05/10/2018 12:00 AM
- Booking #218009333, Booked: 04/03/2018 03:02 PM, Released: 04/13/2018 12:00 AM
- Booking #218007361, Booked: 03/14/2018 03:35 AM, Released: 03/22/2018 12:36 PM

#### Current booking #218035955, Booked: 12/29/2018 01:14 AM, Released: 01/28/2019 01:18 PM
- Booking #218003959, Booked: 11/27/2018 02:37 AM, Released: 12/27/2018 12:00 AM
- Booking #218031250, Booked: 11/06/2018 05:18 PM, Released: 11/19/2018 12:00 AM
- Booking #218027566, Booked: 09/28/2018 03:17 AM, Released: 10/26/2018 12:00 AM
- Booking #218024277, Booked: 08/25/2018 11:49 PM, Released: 09/19/2018 12:00 AM
- Booking #218019868, Booked: 07/15/2018 01:56 PM, Released: 08/22/2018 12:47 PM
- Booking #218012837, Booked: 05/09/2018 01:17 AM, Released: 05/06/2018 10:05 AM
- Booking #218008951, Booked: 03/29/2018 07:27 PM, Released: 04/28/2018 12:00 AM
- Booking #218008309, Booked: 03/23/2018 11:14 AM, Released: 03/26/2018 11:40 AM
- Booking #218006407, Booked: 03/04/2018 09:52 PM, Released: 03/22/2018 12:00 AM

#### Current booking #219002650, Booked: 01/28/2019 09:37 AM, Released: 02/05/2019 12:00 AM
- Booking #219011105, Booked: 01/12/2019 06:15 AM, Released: 01/15/2019 12:00 AM
- Booking #218035285, Booked: 12/20/2018 10:56 PM, Released: 12/21/2018 03:59 PM
- Booking #218031146, Booked: 11/05/2018 05:55 PM, Released: 11/19/2018 05:18 PM
- Booking #218025844, Booked: 09/10/2018 10:05 PM, Released: 09/12/2018 12:00 AM
- Booking #218023641, Booked: 08/20/2018 06:34 PM, Released: 08/22/2018 12:00 AM
- Booking #218016845, Booked: 06/16/2018 07:39 AM, Released: 06/18/2018 01:56 PM
- Booking #218014290, Booked: 05/22/2018 04:50 PM, Released: 05/29/2018 12:00 AM
- Booking #218011283, Booked: 04/23/2018 06:43 PM, Released: 04/24/2018 04:36 PM
- Booking #218004965, Booked: 02/18/2018 03:02 PM, Released: 02/19/2018 05:08 PM
Conclusion

For this sample prolific offender population, and for the neighborhoods where they commit crimes, Seattle’s criminal justice system is broken. By any measurement of effectiveness - protection of public safety, reducing recidivism, fair treatment of defendants, addressing underlying root causes of problem behavior, timely resolution of cases, reducing incarceration, or efficient stewardship of public dollars - the way Seattle’s criminal justice system responds to individuals who frequently commit crime is not working.
System Failure
Part 2

DECLINES, DELAYS, AND DISMISSALS - WHY MOST SEATTLE MISDEMEANOR CASES NEVER GET RESOLVED AND THE IMPACTS ON PUBLIC SAFETY

September 2019

Abstract
A report by a former public safety advisor to the City of Seattle commissioned by neighborhood business groups examines new data from city agencies showing that most non-traffic criminal cases that Seattle Police send to the City Attorney’s Office never result in a meaningful resolution because of case declines, case filing delays, and a high rate of dismissal. The report discusses how the poor performance of Seattle’s criminal justice system results in under-reporting of crime from chronic victims, low police morale, and helps perpetuate crime and incarceration cycles for vulnerable individuals.

Scott P. Lindsay
A letter to the reader:

Nine months ago, we commissioned the System Failure report that demonstrated how a substantial portion of high-impact criminal activity in Seattle’s busiest neighborhoods is committed by repeat offenders. The report focused on an initial sample of 100 prolific offenders and how the current criminal justice system had failed to meaningfully respond to or change their behaviors.

In the months that followed, Seattle and King County leaders, criminal justice stakeholders and human services representatives began a dialogue about the report’s findings and how action is needed to address them. Seattle Mayor Jenny Durkan convened leaders of our criminal justice system in a “High-Barrier Individual Workgroup” to look at the underlying issues facing prolific offenders as well as the systems set up to support them and hold them accountable.

Earlier this month, the Mayor and County Executive announced a series of public safety-related investments in their proposed 2020 budgets and stood together to announce some a series of pilot programs recommended by the High Barrier Individual Workgroup. These investments focused on rapid re-entry, enhanced probation services and supervision, inter-agency case conferencing and new beds at the County Jail for placed-based services. We thank the Mayor and the County Executive for their leadership on these issues, while also acknowledging that the work is far from done. In fact, since our initial report was released in late February, 87 of the 100 prolific offenders have been booked into jail again more than 220 times, with a dozen of them booked into jail more than 5 times each.

System Failure, Part 2: Declines, Delays and Dismissals is a continuation of our efforts to better understand and shed light on the failures within our criminal justice system. The report finds that less than one out of three cases find a meaningful resolution and that system inefficiencies and discord have rippling effects that impact victims, the police and repeat offenders. In releasing this report, we call on the City Attorney to develop and share a detailed plan on how to achieve better outcomes through improved coordination and effective use of criminal justice resources. Only with a thorough understanding of these system breakdowns can we accomplish the reforms and accountability we need to address the public safety issues impacting our business districts and neighborhoods.

Sincerely,

Lisa Howard, Alliance for Pioneer Square  Jon Scholes, Downtown Seattle Association
Mike Stewart, Ballard Alliance  Erin Goodman, SODO BIA
Monisha Singh, Chinatown-ID BIA  Tom Norwalk, Visit Seattle
Contents

Executive Summary ................................................................. 3

Primer on Misdemeanor Criminal Justice ........................................ 6

1. **Declines**: The City Attorney’s Office declines to file charges in almost half of all non-traffic-related criminal cases that Seattle police refer for prosecution. ........... 8

2. **Delays**: The City Attorney’s Office takes on average 6 months to file cases when the suspect is not in custody. ............................................................... 10

3. **Dismissals**: Four-in-ten non-traffic-related misdemeanor cases filed by the City Attorney’s Office achieve no meaningful resolution. ........................................ 22

4. **Consequences**: The dysfunction of Seattle’s criminal justice system has real impacts on victims, policing and defendants. .................................................... 28
   A. Impacts on Victims ................................................................... 28
   B. Impacts on Policing.................................................................... 31
   C. Impacts on Vulnerable Defendants............................................. 36
   Conclusion .................................................................................. 39

Appendix: Methodology .............................................................. 40
Executive Summary

The ineffectiveness and inefficiency of Seattle’s misdemeanor criminal justice system is well known to those who interface with it the most: police, offenders and victims. Police investigate and refer thousands of cases every year that see no resolution. Repeat offenders appear emboldened to commit crimes in plain sight. Victims of chronic criminal activity see very few resolutions of their cases and report only a fraction of the crimes they experience every day.

According to new data obtained from the City of Seattle, the City Attorney’s Office declines to file almost half of all misdemeanor non-traffic cases that Seattle police refer every year. It takes on average six months for prosecutors to file cases in which the defendant is not in custody. And only one-in-three cases referred by Seattle police ever reach any meaningful resolution.¹

*System Failure, Part 2: Declines, Delays, and Dismissals* builds on the findings of the *System Failure: Prolific Offenders in Seattle’s Criminal Justice System* report and takes a deeper look beyond the people who are cycling through our local criminal justice system to examine the central causes of its dysfunction.

In many instances, the criminal justice system may not be the appropriate place to resolve issues that are often at the root of criminal activity. But as discussed in the first *System Failure* report and acknowledged by the efforts of the inter-governmental High Barrier Individual Working Group, currently very few of the prolific offenders who are struggling with mental illness, substance use disorders or homelessness receive any alternative interventions that might address those issues. Instead, defendants are trapped in a cycle of arrest, incarceration (for failing to appear at hearings for criminal incidents that happened a year or more before), and release.

This report examines why so few misdemeanor cases reach a meaningful resolution and the consequences this dysfunction creates for people who depend on this system to work effectively. The findings in this report fall into four areas: Declines, Delays, Dismissals, and Consequences.

1. **Declines:** The City Attorney’s Office declines to file charges in almost half of all non-traffic-related criminal cases that Seattle police refer for prosecution.

¹ The next chapter offers a primer on misdemeanor criminal justice—including some definitions for the terminology used in this report. The concept of a “meaningful resolution” is more clearly defined in *Chapter 3: Delays.*
In 2017 (the most recent year for which data is available), the City Attorney’s Office filed only 54 percent of all non-traffic criminal cases referred by police. According to data from the City Attorney’s Office, the rate at which misdemeanor prosecutors declined cases increased dramatically over the past decade from 17 percent in 2007 to 46 percent in 2017. Most of that change is driven by the City Attorney’s Office not filing 65 percent of out-of-custody cases (when the suspect is not in jail) that Seattle police refer for prosecution.

2. **Delays:** The City Attorney’s Office takes on average 6 months to file cases when the suspect is not in custody.

When someone has been arrested and is in custody, the City Attorney’s Office must make a filing decision within 48 hours of booking the suspect into jail. For cases where the suspect is not in custody, however, there is no filing deadline other than the statute of limitations. These out-of-custody incidents account for almost half of all cases Seattle police refer to the City Attorney’s Office. An examination of filing times for all out-of-custody cases shows that it takes prosecutors on average six months or more to file charges on even serious misdemeanor crimes like assault, harassment, sexual exploitation, property destruction and reckless endangerment. In many instances, these delays allow repeat offenders to commit multiple new crimes while older cases stack up without prosecution.

3. **Dismissals:** Four-in-ten non-traffic-related misdemeanor cases filed by the City Attorney’s Office achieve no meaningful resolution.

For the 7,081 non-traffic criminal misdemeanor cases that the City Attorney’s Office filed in Seattle Municipal Court in 2017, 42 percent had no meaningful resolution as of August 2019. These cases were dismissed with proof issues, remained pending with bench warrants outstanding, or were dismissed for reasons of incompetency. The report analyzes 1,806 retail theft cases filed in 2017 through 2019 and finds that only 11 percent had a meaningful resolution. Not surprisingly, cases with significant filing delays had even poorer results. For example, in 92 assault cases filed one year or later after the incident, only 21 percent achieved a meaningful resolution.

4. **Consequences:** The dysfunction of Seattle’s criminal justice system has real impacts on victims, policing and vulnerable defendants.

The systemic dysfunction of Seattle’s criminal justice system has real consequences. Prolific offenders commit daily crimes in plain sight and cycle through the criminal justice system with no meaningful intervention. Police spend tens-of-thousands of hours developing misdemeanor cases that either never get filed or the cases sit at the
City Attorney’s Office for such a long time that they eventually get dismissed. And many businesses that face major issues with crime under-report it because doing so seems fruitless. A survey of 12 large stakeholders with private security (retailers, public shopping areas and hotels) found that they report on average less than 5 percent of the daily crime they experience. Ultimately, the dysfunction of Seattle’s criminal justice system supports an ecosystem of criminal activity that is taking a toll on Seattle.

For defendants who are struggling with homelessness or behavioral health issues, significant case filing delays and long periods to resolution set up a trap of recurring failure to appear warrants followed by brief incarceration and release. According to King County Jail Health, 45 percent of bookings into King County Jail in 2017 were of homeless individuals, many on failure to appear warrants.

* * *

In many other cities, prosecutors, police, judges and elected leaders work together to clearly identify what types of cases, crimes and defendants are appropriate for the criminal justice system and which are better suited for other systems that can resolve what are often complex underlying issues. Prosecutors communicate to the police under what circumstances they will or will not file cases. In turn, the Police Department instructs its officers to minimize the cases that will not produce meaningful results. When police and prosecutors encounter chronic criminal challenges ill-suited for traditional policing practices like arrest and booking, those are elevated to policy leaders to come up with alternative solutions to keep the public safe.

That is not the way it works in Seattle.

Instead, data from Seattle’s misdemeanor criminal justice system shows that there is a significant disconnect between the City Attorney and other criminal justice system actors on how Seattle’s laws should be enforced. The result is that Seattle police churn thousands of misdemeanor case referrals every year, only to see them declined, delayed or dismissed. Prolific offenders know they are unlikely to be held accountable, even when arrested. Police know that most of their hard work is discarded. And repeat victims understand that there is little relief in sight for the daily grind of crime.

The dysfunction highlighted in this report suggests that it is time for a significant review and reform of Seattle’s misdemeanor criminal justice system.
Primer on Misdemeanor Criminal Justice

Every year, Seattle experiences tens of thousands of misdemeanor crimes, including theft, assault, harassment, car prowl and property destruction. Misdemeanors are crimes that by law can receive a maximum of up to one year in jail. Misdemeanors represent approximately 75 percent of all crimes in the city of Seattle and are prosecuted by the Seattle City Attorney’s Office in Seattle Municipal Court. Felonies are all crimes subject to a penalty of more than one year in prison, including assaults that result in serious injuries, burglaries or robberies, and drug offenses. Felonies are prosecuted by the King County Prosecutor’s Office in King County Superior Court.2

Seattle police officers investigate only a fraction of all misdemeanor crimes. If there is no reliable suspect or substantial evidence to collect (i.e., for a typical car prowl), the police may create a brief report recording the crime or may ask the victim to report the crime online. If police can identify a suspect, they will complete a full “General Offense” report with all available evidence and refer that case to the City Attorney’s Office for prosecution.

If the officer makes an arrest and books the suspect in jail, the suspect is “in custody.” If officers can identify the suspect but do not make an arrest, or detain but release the suspect, then the suspect is “out-of-custody” when the case is referred to the City Attorney’s Office. Almost half of all cases Seattle police refer to the City Attorney’s Office involve a suspect who is out-of-custody.

Once the City Attorney’s Office has received a completed misdemeanor general offense report from Seattle police, assistant City Attorneys review the case and determine whether to file charges - also known as a criminal complaint - against the suspect in Seattle Municipal Court. The criminal complaint is a straightforward form document. It is captioned “City of Seattle v. [Defendant]” and generally states that “the defendant did commit the crime of [_____] in the City of Seattle on or about [date].” The police report is attached to the complaint. Filing the complaint initiates a case.

If a suspect was arrested for the crime and is in custody at the King County Jail, the suspect will have a “first appearance” hearing before a Seattle Municipal Court judge by the end of the next business day. If the City Attorney’s Office wants to request conditions of release, they must file a criminal complaint by the hearing time. At the first appearance hearing, the prosecutor and public defender (or private attorney) will make recommendations to a Seattle Municipal Court judge regarding conditions of

2 Misdemeanor crimes in certain special jurisdictions within Seattle (i.e., the University of Washington campus or on Metro buses) are prosecuted by the King County Prosecutor in King County District Court.
release from jail (e.g., bail, personal recognizance, weekly reporting to the probation office) or other pre-trial obligations.

If the suspect is out-of-custody when the City Attorney receives the case referral from Seattle police, there is no deadline to file a criminal complaint except for the statute of limitations (which is two years, in most instances). When the City Attorney’s Office files a criminal complaint against a defendant who is not in custody, the court clerk issues a “summons” letter to the defendant requiring that individual appear before the court at a first appearance hearing date (usually 2-3 weeks out).

Following a first appearance, most misdemeanor cases progress with monthly pre-trial hearings in which the judge will hear the status of the case and set a timeline for trial. However, very few misdemeanor cases go to trial. Most cases are resolved in a variety of different ways, including: a negotiated plea in which the prosecutor agrees to recommend a particular sentence in exchange for the defendant pleading guilty; dismissal of the case for a number of different reasons; pre-trial diversion; a deferred sentence; or a dispositional continuance (prosecutor agrees to delay the case for a certain amount of time to see if the defendant can meet certain obligations like no new criminal law violations or completing a treatment program).

For any case in which a defendant pleads guilty (pursuant to a negotiated plea) or is found guilty at trial, Seattle Municipal Court judges issue a “sentence.” Judges will typically follow the prosecutor’s recommended sentence in a negotiated plea agreement but are not required to do so. A judicial sentence can include: jail time; a suspended sentence (days in jail that the defendant does not serve immediately but can be imposed if the defendant violates conditions of the sentence); and/or probation (ongoing supervision for up to two years by Seattle Municipal Court probation officers for a variety of obligations). For example, the sentence “7/180, CFTS, no criminal law violations, one-year year monitoring” means seven days in jail with “credit for time served,” with a 180-day suspended sentence that could be revoked if the defendant has any further law violations within one year of the sentencing.

If a defendant fails to appear for one of his or her court hearings or fails to comply with pre-trial obligations set by the court, the court may issue a bench warrant. The bench warrant authorizes local law enforcement to arrest the defendant and book him or her into jail until that person can be brought before a judge. As a practical matter, Seattle police typically do not actively look for individuals with outstanding misdemeanor bench warrants but do come across them in the course of their regular work.

As a part of sentencing, the court may order post-trial probation obligations for a period of up to two years, particularly in cases involving suspended sentences.
1. **Declines**: The City Attorney’s Office declines to file charges in almost half of all non-traffic-related criminal cases that Seattle police refer for prosecution.

According to data obtained from the Seattle City Attorney’s Office, prosecutors filed only 54 percent of all non-traffic misdemeanor cases that Seattle police referred in 2017, the latest year for which full data is available. In total, the City Attorney’s Office declined to file over 5,500 non-traffic criminal cases that year. The rate at which cases are declined increased dramatically approximately 10 years ago, from 17 percent declined in 2007 to 46 percent in 2017. Between 2010 and 2017, the City Attorney’s Office declined to file almost 37,500 non-traffic criminal cases.

![Percent of Cases Filed](chart.png)

**Source**: Seattle City Attorney’s Office SPAR Report (2017)
The City Attorney’s Office’s criminal case decline rate is particularly high for cases in which the suspect is not in custody. Historically, between 42-51 percent of all cases that Seattle police refer to the City Attorney’s Office involve an out-of-custody suspect (meaning the suspect is not held in the King County Jail at the time the police send a completed case file to the City Attorney’s Office). In 2017, Seattle police referred 7,356 out-of-custody cases to the City Attorney’s Office. Of those cases, the City Attorney’s Office filed a criminal complaint in just 2,606 cases (35 percent of the total).

There are some important reasons why a prosecutor might decline to file an individual case. For example: a police officer might have failed to include sufficient facts for the requested charges; the prosecutor might disagree with the interpretation of the facts; or prosecution of the case might not serve the interests of justice (e.g., the suspect is elderly or was badly injured or is already being prosecuted in a separate jurisdiction). But declining to file almost half of all cases for multiple consecutive years leads to a significant waste of police time and effort and has significant consequences for victims.

Notably, very few cases are declined so that the defendant can receive some alternative public health intervention outside the criminal justice system. Only a fraction of defendants receive any meaningful support to address common underlying causes of criminal behavior or have their cases dismissed in order to participate in a program like Law Enforcement Assisted Diversion (LEAD).

3 There are many reasons that a suspect may not to be in custody, including: the suspect was identified but was not present at the crime scene; the officers decided to release the suspect and submit the case as a “charge-by-officer;” or King County Jail refused to book the suspect for medical reasons. As a general matter, booking suspects into King County Jail is time-consuming, expensive, and can be traumatic for the suspect, so when public safety or the case circumstances do not demand the suspect be put in custody this can be a positive outcome.
2. **Delays:** The City Attorney’s Office takes on average 6 months to file cases when the suspect is not in custody.

Seattle police refer roughly 12,000 non-traffic misdemeanor cases for prosecution each year and almost half of those involve suspects who are not in custody at the time of the referral (discussed further in Section 1 above). Police typically transmit these cases to the City Attorney’s Office the same day or soon after the incident. However, according to data obtained from the Seattle Municipal Court, it takes the City Attorney’s Office on average 187 days from the time of the incident before they file these cases. This pattern of significant filing delays holds true for all types of cases - both property crimes and serious person crimes. (See chart below).

<table>
<thead>
<tr>
<th># Cases Filed</th>
<th>Crime Description (select crime categories only)</th>
<th>Avg. # days between incident and City Atty. case filing</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,608</td>
<td>Theft</td>
<td>182</td>
</tr>
<tr>
<td>486</td>
<td>Assault</td>
<td>217</td>
</tr>
<tr>
<td>457</td>
<td>Criminal Trespass 1</td>
<td>193</td>
</tr>
<tr>
<td>224</td>
<td>Property Destruction</td>
<td>232</td>
</tr>
<tr>
<td>179</td>
<td>False Reporting</td>
<td>162</td>
</tr>
<tr>
<td>132</td>
<td>Harassment</td>
<td>204</td>
</tr>
<tr>
<td>120</td>
<td>Obstructing</td>
<td>173</td>
</tr>
<tr>
<td>100</td>
<td>Concealed Weapon</td>
<td>193</td>
</tr>
<tr>
<td>96</td>
<td>Criminal Trespass 2</td>
<td>144</td>
</tr>
<tr>
<td>65</td>
<td>Sexual Exploitation</td>
<td>326</td>
</tr>
<tr>
<td>57</td>
<td>Receiving Stolen Property</td>
<td>229</td>
</tr>
<tr>
<td>54</td>
<td>Unlawful Use of a Weapon</td>
<td>171</td>
</tr>
<tr>
<td>45</td>
<td>Vehicle Prowling</td>
<td>272</td>
</tr>
<tr>
<td>40</td>
<td>Burglary/Theft Tools</td>
<td>167</td>
</tr>
<tr>
<td>33</td>
<td>Harassment with No Cont. Ord.</td>
<td>124</td>
</tr>
<tr>
<td>28</td>
<td>Indecent Exposure</td>
<td>135</td>
</tr>
<tr>
<td>25</td>
<td>Assault with Sexual Motivation</td>
<td>123</td>
</tr>
<tr>
<td>17</td>
<td>Reckless Endangerment</td>
<td>274</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>Average days to file</strong></td>
</tr>
<tr>
<td><strong>4,766</strong></td>
<td></td>
<td><strong>187</strong></td>
</tr>
</tbody>
</table>
In some cases, there are legitimate reasons to delay filing a case. For example, the prosecutor might send the case back to the police for follow-up investigation. Those reasons are not present in the huge majority of delayed case filings by the City Attorney’s Office. These cases show that they were printed by the City Attorney’s Office near the time of receipt from police and no Seattle police follow-up investigation was requested or conducted while the cases awaited filing. Indeed, the Seattle Police Department is chronically short-staffed and has little capacity to conduct follow-up investigations except in misdemeanor cases involving domestic violence, sexual assault or organized theft rings.

Significant case-filing delays often mean that justice eludes victims and offenders elude accountability. The following examples illustrate the serious consequences of major case filing delays:

(1) 222-day delay to file Capitol Hill assault with sexual motivation:

On the evening of February 25, 2018, a young woman met with a casual acquaintance, John W., at a bar on Capitol Hill. Later that evening they returned to her nearby apartment where her roommate was already asleep. John flirted with the woman, but she rejected his advances after he admitted to having a girlfriend. He then grabbed her, pinned her to the couch, and choked her. She fought back and scratched at him, but he did not stop. Finally, she feigned passing out from the choking. He paused and she was able to get away, make loud noises, and then push him from her apartment. Thirty minutes later the victim called Seattle Police to report the assault, but they could not respond on scene due to a staffing shortage. The following day she walked to the East Precinct and reported the assault in person. (See excerpt of police report below).
The incident was assigned to police officers in a follow-up investigation unit who then spent time compiling information to develop a case to transmit to prosecutors. The victim provided evidence to the detective and confirmed the suspect’s identity. A detective collected statements from neighbors who said they heard a disturbance that night. The detective interviewed the suspect who cried and admitted that he had gone to the victim’s apartment and that there had been a “misunderstanding” followed by “pushing.”

In March 2018, the detective sent the case to the King County Prosecutor’s Office, but that office declined the case. On April 16, 2018, the detective transmitted the case to the City Attorney’s Office and, records show, it was printed there the same day. Four months later, in August 2018, the suspect moved out of state.

In September 2018, The City Attorney’s Office signed a criminal complaint against the suspect, but it was not filed until October 5, 2018 - 222 days after the attack. (See criminal complaint at right). After filing the case, the Seattle Municipal Court issued a summons to the suspect’s old address on Capitol Hill. That returned undeliverable. The defendant did not appear at the initial
hearing. A bench warrant was issued but it is one of thousands outstanding. The suspect may not even know that a case was filed against him. In all likelihood, he will never face justice for the assault.

According to the victim in this case, she stayed in close communication with the assigned Seattle police detective during the first two months after the assault. She was later contacted and told that the case was being filed, but she was left with the impression that the police did not have high hopes anything more would happen. The case status is still “pending.”

(2) 284-day delay to file Northgate car prowls:

On Sunday, July 15, 2018, at 2 p.m., Douglas R. smashed the windows of 15 vehicles in the Northgate Mall parking lot. Witnesses called the police and several officers responded. Douglas was arrested, read his Miranda rights, and admitted to being responsible. He told officers that he was stealing to get money for food and drugs. He opened his backpack and identified over a dozen items he had just stolen from the cars. (See excerpt of police report below).

Nine Seattle Police officers spent the better part of the afternoon locating smashed car windows in the parking lot, contacting victims, getting witness statements, taking photos of property damage, and trying to reconnect stolen property with its rightful owners. Two officers transported Douglas to the King County Jail where the Jail declined to book him until he was screened at Harborview for a leg infection. Officers then escorted Douglas to the hospital, waited with him while he saw a doctor, and then transported him back to the Jail where he was finally booked.

The police report with photos of all evidence totaled 216 pages. In this specific case, the complete police report, booking process, and evidence processing likely took over 25 hours of officer time.

Because of the dollar value of the property damage and the brazen nature of the crime, Seattle Police originally requested felony charges. The case was reviewed by the King County Prosecutor’s Office but declined. Seattle police then referred the
case to the City Attorney’s Office for misdemeanor prosecution. Douglas was out of custody, having been released two days after his initial arrest.

The City Attorney’s Office received the complete case file in July 2018 and printed it. But the City Attorney’s Office did not file the case until April 24, 2019 - 284 days after the crime occurred. After the City Attorney’s Office filed the complaint, the Seattle Municipal Court mailed a summons addressed to Douglas R. at “77 S. Washington St.” (See notice of summons excerpt at right.) Douglas did not appear for his court hearing and the Seattle Municipal Court issued a bench warrant. That warrant is still outstanding today and the case remains pending.

The nine-month delay in filing Douglas’ vehicle prowling case had a secondary benefit for the defendant. In September 2016, Seattle police had referred two separate criminal cases to the City Attorney’s Office against Douglas for theft at Uwajimaya and Home Depot. Those cases were filed in early 2017 (six and nine months after the incidents, respectively). After filing, these two prior cases proceeded slowly, with multiple bench warrants issued in each case. In April 2018, Douglas agreed to a plea deal which would dismiss the Uwajimaya theft and offer a dispositional continuance in the Home Depot case, meaning the case would be dismissed if Douglas committed no new crimes in the following six months. A hearing date was scheduled for October 2018. (See excerpt of “agreement to continue case for dismissal” at right.)
The key condition of the dispositional continuance was that the defendant have no new law violations. In effect, that provision is a chance to show the prosecutor and court that the charged crime was an aberration and, if the defendant can stay out of trouble for six months, help him avoid a conviction.

As discussed above, three months after Douglas signed the dispositional continuance, he violated its terms when he smashed 15 car windows at Northgate. Furthermore, in September 2018, while the Northgate car prowls cases sat un-filed at the City Attorney’s Office, the suspect was arrested again for multiple car prowls in Queen Anne. He admitted to those crimes, was booked into jail, and released the next day. Charges for the Queen Anne car prowls have still not been filed in that case almost a year later.

![Image of court hearing worksheet]

At the October 2018 hearing to evaluate Douglas’s compliance with the court order in the cases at Home Depot and Uwajimaya, the City Attorney moved to dismiss charges in both crimes - reporting to the Seattle Municipal Court that Douglas had complied with all the terms of the dispositional continuance by not committing any new crimes. (See excerpt of court hearing worksheet below.) This was despite Douglas’ two major car prowl sprees which had resulted in arrest and despite the public King County Jail website showing that Douglas had been booked into jail in both July and September 2018.

(3) 492-day delay to file charges for violent assault in front of Court House:

An individual with a history of violent assaults attacked a couple on their way to the Pioneer Square Sound Transit station in September 2017. (See excerpt of police report below.) The case was referred to the City Attorney’s Office for misdemeanor assault, but no charges were filed until January 2019.
While the suspect was out-of-custody on the 2017 assault charges, the same officer arrested him again for another assault in Occidental Park and again noted the violent danger that the suspect posed to the community. (See excerpt of police report below.)

This is one of many examples where delayed filing for out-of-custody suspects fails to stop a disturbing pattern of dangerous behavior that can escalate over the course of months and years.

(4) Filing delays for woman who went on to commit a rash of burglaries that devastated the Chinatown-International District:

Heather D. was arrested in January 2019 and charged with 22 burglaries in the Chinatown-International District, causing small business owners hundreds of thousands of dollars in damage. Her crime spree over a two-month period hit almost every
prominent restaurant and retailer in the neighborhood and was featured in extensive local news coverage. Upon arrest, she admitted that the burglaries were to support her drug habit and that she had been living in an encampment in the neighborhood.

Prior to her arrest for the burglaries, Heather had three prior shoplifting cases in the Chinatown-International District. Her first two cases in 2015 and 2016 were each filed three months after the incidents. Her next case, a theft at Uwajimaya, occurred on August 2, 2016 and was not filed until June 6, 2017, ten months later. Heather did have one timely filed case in Seattle Municipal Court: she was arrested for a midnight break-in at Goodwill in 2017 after she hopped over the fence and had to be located by a K-9 unit. She was sentenced to two days in jail.

(5) Prolific Downtown thief committed frequent thefts while cases languished:

Matthew L. is a 31-year-old white male who moved to Seattle from Florida sometime in the fall of 2017. When Matthew arrived in Seattle, he was homeless and unemployed and immediately began a major crime spree. According to the King County Prosecutor’s Office, Matthew had multiple convictions in Florida, including felony drug possession, theft, trespassing and disorderly conduct. He was booked into jail nine times in the first nine months he was in Seattle.

Matthew’s modus operandi is to enter retail outlets in Downtown Seattle, quickly grab large stacks of high-value merchandise, and race out the door, barging through employees or security on the way out. During one three-month period in 2018, Seattle police sent seven theft cases to the City Attorney’s Office for thefts at Banana Republic, Gap, J. Crew and Nordstrom. Loss prevention personnel told officers that Matthew was a near-daily presence in their stores.

Despite already having convicted Matthew of five theft cases in 2018, the City Attorney’s Office waited four months to file the seven new theft cases that Seattle police referred from May and June 2018. In the interim, Matthew’s criminal behavior continued to escalate and in July 2018, he was arrested for a serious assault on a gas station employee who tried to stop him from shoplifting. The King County Prosecutor’s Office described Matthew’s crime spree and recidivism in detail. (See excerpt of criminal complaint below.)

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4 See, e.g., https://www.kuw.org/stories/chinatowninternationaldistrictburglaryspreeleavesbuisnessesheartbroken
By the end of 2018, Matthew L. had accrued over a dozen misdemeanor and felony convictions. In almost every instance, he committed significant crimes while prior case reports sat pending at the City Attorney’s Office.

(6) Case filing delays from Retail Theft Program lead to chronic victimization with lackluster response:

Small and large business owners have increasingly complained about the anemic criminal justice system response to their challenges. Many theft cases are reported online through the Retail Theft Program so that they will not require a police response. The cases are then reviewed by a police officer and transmitted to the City Attorney’s Office for prosecution (usually within 1-3 business days). The City Attorney’s Office takes on average 182 days to file these cases, meaning that prolific offenders have little deterrence to continue the same activity. The following is a series of illustrative examples showing how this plays out.

(A) A Downtown retailer detained a woman who had stolen over $800 in goods. Police arrived but released the suspect and asked the retailer to file charges.
The woman did not appear for her court hearing and remains at large in the community. A bench warrant was issued, and the charges remain outstanding.

(B) A prolific offender with multiple trespasses from prior shoplifts was detained at a retail outlet. Police were called. They released the suspect on site and asked the retailer to file the case through the Retail Theft Program. (See excerpt of security report given to SPD, below.) The case was filed four months later. A summons was sent to 77 S. Washington. The defendant did not appear, a bench warrant was issued, and the case remains pending.

(C) A woman with multiple outstanding warrants was detained for shoplifting following a struggle with thrift shop security. Despite the warrants, SPD declined to arrest and asked that the case be referred to the City Attorney’s Office through the Retail Theft Program. (See excerpt of security report given...
to SPD, below.) The case was filed four months later. The defendant did not appear, and a bench warrant was issued. The case is still pending.

\[
\begin{aligned}
{\textbf{(D)}} & \quad \text{A prolific offender was detained by security at a Downtown retail store despite forcefully resisting. Seattle police identified him at the scene but released him and asked that the case be filed through the Retail Theft Program. (See excerpt of security report below.) The case was filed almost six months later and was resolved one year later with a dispositional continuance.}
\end{aligned}
\]

\[
\begin{aligned}
\text{made HIS way to the customer exit leading to Fourth Ave (Door 5). The doors that tried to leave out of were locked. I approached after HIS had attempted to open the locked doors several times. I identified myself as a store employee and asked HIM to come to the AP office. began to forcefully resist apprehension. Handcuffs were employed in order to maintain control of the situation. was escorted back to the AP office with no further incident.}
\end{aligned}
\]

\[
\begin{aligned}
\text{Upon arrival at the AP office a weapon pat-down check was performed by me, yielding negative results. As had no form of identification, Seattle Police were called in order to verify HIS identity. The following forms were signed and acknowledged by : statement of admission, civil demand notice, and the trespass notice. The fragrance gift set and the black Calvin Klein top listed in this report as recovered merchandise have a total market value of $300.00. The merchandise has been photographed and returned to stock. Seattle Police arrived at the store at approximately 8:30PM. After verifying HIS identity, was escorted from the premises by Seattle Police at 8:35PM.}
\end{aligned}
\]

While the first case was waiting to be filed, the suspect continued to shoplift at the establishment and was detained again in January 2019. Because no case had been filed or warrant issued in the earlier case, police again released him at the scene. (See excerpt of security report given to SPD, below.)

\[
\begin{aligned}
\text{Once inside the AP office, I conducted a weapon check pat down search and found no items of interest. did not have any ID in HIS possession, though HE did admit to being stopped at our store several times in the past. Through case database we were able to identify . Due to HIS history of attempted theft at our store, the Seattle Police Department (SPD) was still contacted in regard to trespass violations. SPD Sergeant informed me via telephone that they did not intend to place under arrest, and that I should file the case through the Retail Theft Program.}
\end{aligned}
\]

\[
\begin{aligned}
\text{(E) A suspect was detained by security while stealing 22 pairs of jeans valued at $675. The suspect also had committed a $130 theft the night before. He told}
\end{aligned}
\]
security that he planned to sell the stolen jeans for cash. Seattle police arrived and released him at the scene. (See excerpt of security report below.) The City Attorney’s Office did not file the case for five months.

As we have seen in the above examples, the time it takes to file and process a case has a major impact on the outcome. The longer it takes to file cases contribute to dismissals, increased impact to the community and additional burdens and impacts to the offenders themselves.
3. **Dismissals**: Four-in-ten non-traffic-related misdemeanor cases filed by the City Attorney’s Office achieve no meaningful resolution.

According to data obtained from the Seattle Municipal Court, 42 percent of the non-traffic criminal cases opened in 2017 had no meaningful resolution as of August 2019.

| Analysis of 7,081 Criminal Non-traffic Cases Filed by City Attorney’s Office in 2017\(^5\) |
|---|---|
| 2,943 | No meaningful resolution\(^6\) |
| 4,138 | Meaningful resolution |

2,943 Cases with No Meaningful Resolution (42%)

| 820 | Dismissed with proof issues |
| 812 | Still pending 2 or more years after filing |
| 701 | Dismissed for reasons of incompetency\(^7\) |
| 463 | Still Pending (369 with outstanding bench warrants) |
| 392 | Dismissed “in the interests of justice” |

4,138 Cases with Meaningful Resolution (58%)

| 2,124 | Finding entered (1,179 suspended sentences) |
| 1,106 | Dismissed pursuant to negotiated plea |
| 534 | Dispositional continuance (agreement to delay case as long as defendant stays out of trouble) |

\(^5\) There were an additional 1,697 cases that were opened in Seattle Municipal Court but where charges were never filed. This analysis assumes that those cases are included in the City Attorney’s data on case decline rates, discussed in Section 1. If those cases have not been recorded as declines, the ‘no meaningful resolution’ category would materially increase.

\(^6\) See methodology for categorization of ‘meaningful resolution’ below.

\(^7\) These dismissals are required by law. The reason to include them in the ‘no meaningful resolution’ category is that, according to King County Public Health, all of these defendants are released back into the public, typically within 72 hours of dismissal, without receiving additional treatment or services for their underlying mental health issues.
In the Seattle municipal criminal justice system, there are more than 40 possible outcomes for cases. That can make it hard to assess the overall performance of the system. To better track outcomes and performance, this report focuses on the most common possible outcomes and sorts them into two categories: ‘meaningful resolution’ or ‘no meaningful resolution.’ These categories are intended to capture whether the case provides some semblance of closure for the underlying incident, regardless of whether either the victim or defendant feel that it is the right result.

These categories are not meant to assess whether a particular outcome was the right outcome; that effort would require an individual analysis of thousands of cases. Instead, the purpose of this categorization is to better understand the overall efficiency and effectiveness of the system. A well-functioning criminal justice system should have a relatively high rate of meaningful resolution of cases. Here is the categorization used for this report:

<table>
<thead>
<tr>
<th>‘Meaningful Resolution’</th>
<th>‘No Meaningful Resolution’</th>
</tr>
</thead>
<tbody>
<tr>
<td>Finding entered - guilty or not guilty</td>
<td>No charges filed (case declined by prosecutor)</td>
</tr>
<tr>
<td>Deferred sentence</td>
<td>Case remains pending (2 years after incident) usually with warrant issued</td>
</tr>
<tr>
<td>Dispositional continuance</td>
<td>Dismissed for proof issues (including no prosecuting witness)</td>
</tr>
<tr>
<td>Dismissed pursuant to negotiated plea</td>
<td>Dismissed due to incompetency of defendant</td>
</tr>
<tr>
<td>Pre-trial diversion</td>
<td>Dismissed “in the interests of justice”</td>
</tr>
<tr>
<td>Dismissed for felony filing</td>
<td></td>
</tr>
</tbody>
</table>

8 Any categorization of outcomes from data is subjective and reasonable people will disagree where to draw the line. This analysis attempts to be over-inclusive in the ‘meaningful resolution’ category.

9 According to Seattle Municipal Court and King County Behavioral Health, almost no defendants whose misdemeanor cases are dismissed for incompetency receive meaningful mental health intervention.
Looking at the system as a whole, for every 100 non-traffic misdemeanor cases that Seattle Police send to the City Attorney’s Office, only 54 are filed. Of those 54 cases, only 58 percent end in any kind of meaningful resolution such as a finding of guilty or not guilty, a deferred sentence, or a pre-trial diversion (see categorization of meaningful resolution in Section 3, below). In other words, for every 100 cases that Seattle police refer to the City Attorney’s Office, only 31 - less than one-third - conclude with a meaningful resolution.

Sources: 2017 Seattle City Attorney’s SPAR Report; Data from Seattle Municipal Court on results of cases filed in 2017; Report of the Seattle Municipal Court to the High-Barrier Individual Working Group

The overall low rate of resolution is particularly acute for theft cases. For the 18-month period from November 2018 through April 2019, Seattle Police referred 1,806 cases to the City Attorney’s Office through the Retail Theft Program, a program in which larger retailers with their own security forces direct-file misdemeanor case reports with the Seattle Police Department which then reviews them and forwards them to the City Attorney’s Office for prosecution. Of those cases, only 202 (11 percent) had achieved a meaningful resolution with accountability for the suspect. Almost half of the cases were not filed and almost half of the cases that were filed remained pending (most with outstanding bench warrants because the defendant never appeared in court).
Cases grow stale with time: witnesses move away or become harder to find; memories fade; and evidence becomes harder to collect. Even the most serious cases of violence against persons become hard to bring to meaningful resolution after more than a year. The chart below analyzes all assault cases that took place between 2017 and 2018 where the case was filed one year or longer after the incident. The meaningful resolution rate for these cases was 21 percent. Seventy-nine percent of the assault cases that were filed by the City Attorney’s Office more than one year after the incident had no meaningful resolution as of September 2019.
2. Dismissed “in the interests of justice”
2. Deferred sentence

Source: Seattle Municipal Court data for out-of-custody cases (2017-18)

The victims in the hundreds of cases with delayed filings are often employees. The chart below analyzes the results in 15 assault cases where the case was filed more than one year after the incident. Only two of those cases had received a meaningful resolution for the victims.

### Analysis of Select Assault Cases Filed Over One Year After Incident (Cases from 2017-18)

<table>
<thead>
<tr>
<th># Days to File</th>
<th>Crime</th>
<th>Case Status (Sept. 2019)</th>
<th>Victim</th>
</tr>
</thead>
<tbody>
<tr>
<td>666 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Manager of local pharmacy chain in Lower Queen Anne</td>
</tr>
<tr>
<td>665 days</td>
<td>Assault</td>
<td>Dismissed “in interests of justice”</td>
<td>Convention Center security guards who tried to remove defendant from bathroom for drug use</td>
</tr>
<tr>
<td>526 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Harborview security guards</td>
</tr>
<tr>
<td>512 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Salesman at used car dealership</td>
</tr>
<tr>
<td>501 days</td>
<td>Assault</td>
<td>Dispositional Continuance</td>
<td>Female bouncer on Capitol Hill</td>
</tr>
<tr>
<td>495 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Women in family homeless shelter</td>
</tr>
<tr>
<td>487 days</td>
<td>Assault</td>
<td>Dismissed - proof</td>
<td>Downtown property owner who tried to wake up defendant on meth</td>
</tr>
<tr>
<td>486 days</td>
<td>Assault</td>
<td>Dismissed - proof</td>
<td>Waitress at restaurant on Capitol Hill</td>
</tr>
<tr>
<td>485 days</td>
<td>Assault</td>
<td>Guilty - 40-day jail sentence</td>
<td>Downtown pedestrian by transient male in mental health crisis</td>
</tr>
<tr>
<td>480 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Cashier at small Downtown grocery store</td>
</tr>
<tr>
<td>438 days</td>
<td>Assault</td>
<td>Dismissed - proof</td>
<td>Security guard at Downtown makeup retailer during theft</td>
</tr>
<tr>
<td>434 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Homeowner in West Seattle who confronted</td>
</tr>
<tr>
<td>Date</td>
<td>Charge</td>
<td>Status</td>
<td>Description</td>
</tr>
<tr>
<td>-------</td>
<td>---------</td>
<td>--------------</td>
<td>-----------------------------------------------------------------------------</td>
</tr>
<tr>
<td>433 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Staff member at church in Ballard after being banned from homeless meal program</td>
</tr>
<tr>
<td>402 days</td>
<td>Assault</td>
<td>Dismissed - proof</td>
<td>Police officers following threats to grocery customers off Aurora</td>
</tr>
<tr>
<td>388 days</td>
<td>Assault</td>
<td>Pending</td>
<td>Police officer Downtown</td>
</tr>
</tbody>
</table>

Source: Seattle Municipal Court data for out-of-custody cases (2017-18)

In short, Seattle’s misdemeanor criminal justice system does not provide a meaningful resolution in the vast majority of cases referred by Seattle police. The next chapter further explores some of the consequence of this ineffectiveness and inefficiency.
4. **Consequences:** The dysfunction of Seattle’s criminal justice system has real impacts on victims, policing and defendants.

Prolific offenders commit daily crimes in plain sight and cycle through the criminal justice system with no meaningful intervention. Police spend tens-of-thousands of hours developing misdemeanor cases that either never get filed - or the cases sit at the City Attorney’s Office for such a long time that they eventually get dismissed. And many businesses that face major issues with crime under-report it because doing so seems fruitless. The dysfunction of Seattle’s criminal justice system supports an ecosystem of criminal activity that is taking a toll on Seattle’s neighborhoods.

**A. Impacts on Victims**

According to a survey of a dozen major retailers, shopping centers and public space managers across the city who see thousands of daily customers or visitors, each estimates that they experience between 10 and 40 security incidents per day requiring a security team response. The most common of these incidents are theft, drug use in bathrooms, and harassment or assault by individuals in a behavioral health crisis. According to one large national retail organization, their Downtown Seattle store annually competes as the number-one or number-two store in the country for theft loss—losses that numbered in the millions every year.

While the costs of added security and stolen merchandise are a major source of concern for those surveyed, most of them identified the most pressing issue as employee safety and morale. It is employees who often face the brunt of these incidents, and the daily grind wears on them quickly. In fact, one company with multiple stores Downtown had implemented counseling services for its employees at those stores.

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10 In preparation for this report, Scott Lindsay conducted interviews of stakeholders over the period of June through September 2019. They included large retailers, shopping centers, and quasi-public space managers with high volumes of visitors. The stakeholders were selected based on having a high total number of security incidents, willingness to share information, and because they had security teams able to track and report incidents. Most of the stakeholders asked not to be identified in this report because they feared attracting negative attention.
Front-line employees are the ones that deal with the hardest and messiest assignments like cleaning up bathrooms after someone has used intravenous drugs or trying to stop a prolific offender from stealing hundreds of dollars of store merchandise. And it is front-line employees that are often physically assaulted in the course of their work. (See excerpt of police report below.)

Many large organizations reported that while they had a great deal of respect for Seattle police, they did not have confidence that the police alone could effectively deal with the chronic crime they face every day. As a result, most organizations stated that they only reported extraordinary incidents to the police. On average, the organizations indicated that they reported to police fewer than one incident per day, and some reported fewer than one per week. Conservatively, that is less than 5 percent of the overall crime they respond to, and a fraction of the total crime that occurs.

Uwajimaya is the largest Asian grocery store in Seattle and a major attraction for the Chinatown-International District. Uwajimaya’s management states that they have seen a significant increase in theft and security incidents in the past six years and it has had a major impact on their business, employees and customers. They estimate they have between 10 and 20 security incidents per day.

Records show that Uwajimaya reports less than one incident to police per day. But even those reports show very little return for their efforts. Of the 261 cases that Uwajimaya referred for prosecution through the Retail Theft Program in 2018 (including detailed reports with an admission from the suspect, statement from security and evidence collected), only 11 had resulted in a guilty plea or pre-trial
diversion as of July 2019. That is a meaningful resolution rate of four percent of the total reported and 11 percent of cases that were referred to the City Attorney’s Office. (See breakdown of case results below.)

<table>
<thead>
<tr>
<th>Uwajimaya Reported 261 Theft Cases Through the Retail Theft Program in 2018</th>
</tr>
</thead>
<tbody>
<tr>
<td>261</td>
</tr>
<tr>
<td>166</td>
</tr>
<tr>
<td>95</td>
</tr>
</tbody>
</table>

**Of 95 cases referred to City Attorney’s Office**

| 44 | Declined or never filed (as of July 2019) |
| 28 | Pending with bench warrants outstanding |
| 11 | Dismissed |
| 8  | Guilty plea |
| 3  | Pretrial diversion |
| 3  | Dismissed for incompetency |

*Source: data from Seattle Police Department on Retail Theft Program and publicly available case information from Seattle Municipal Court*

In an illustrative incident, a woman was detained for theft by Uwajimaya security. She admitted to stealing and Uwajimaya sent the case to police through the Retail Theft Program. It was promptly approved by the Seattle Police Department and forwarded to the City Attorney’s Office. The case was not filed until nine months later. In the interim, the defendant had committed at least one additional crime and was on Seattle Municipal Court probation. When the Uwajimaya case was filed, a summons was sent to 77 S. Washington St. She did not appear, a bench warrant was issued, and the case remains pending.
In September 2018, Uwajimaya virtually stopped reporting any theft cases through the Retail Theft Program for nine months.

Uwajimaya is not alone. One major national retailer in Downtown Seattle stated that they experienced on average about 15 security incidents requiring a security response per day, principally shoplifting. But that establishment reported only 30 shoplifting incidents through the Retail Theft Program in all of 2018 and did not report any incidents through the tool in the first four months of 2019.

In addition to frustrating victims who are targeted daily, the under-reporting of chronic criminal activity can significantly impact neighborhood crime statistics. In the Chinatown-International District, for example, two major retailers, Uwajimaya and Goodwill, have historically been responsible for the bulk of crime reports. After Uwajimaya stopped reporting theft incidents through the Retail Theft Program in September 2019 there was an immediate impact on the neighborhood’s overall crime statistics. Crime data and trends are often aggregated (e.g., a single theft incident is equivalent to a more serious crime like homicide or aggravated assault). Theft reports represented between 75 and 90 percent of all crime reporting in 2016 through 2018 for Chinatown-International District. Therefore, the drop in theft reporting has had an outsized impact on overall crime data.

Meanwhile, for Downtown Seattle, organizations from the public safety survey reported that crime has gotten significantly worse for them in the past three years. Indeed, person-crime numbers (robbery, assault, etc.) increased 43 percent from 2016 to 2018. But theft reports (principally driven by retail reporting through the Retail Theft Program) showed only a one percent increase over the same period. As a result, overall crime in Downtown is reported as only having increased a modest six percent over that period.

Police resources are allocated based on crime data. As the failure of the criminal justice system distorts crime reporting, it has a real-world impact on how precious police resources are allocated, potentially exacerbating crime.

B. Impacts on Policing

Most of the work that Seattle police put into investigating misdemeanor crimes that are reported is wasted in the municipal criminal justice system.
The bulk of daily police work is responding to calls for service from the public or proactively “on-viewing” criminal activity, investigating those incidents, and then writing police incident reports for misdemeanor crimes.

The process of creating an incident report and submitting it to the City Attorney’s Office for prosecution is labor-intensive. When a crime occurs and the police are involved, the police will often take between 1-3 hours interviewing witnesses, collecting evidence (e.g., video of the incident, weapons used or merchandise stolen), and processing the suspect (screening the arrest at the precinct and transporting the suspect to the King County Jail). The police officer then returns to the police precinct and writes a report summarizing his or her investigation and preserving physical and digital evidence. According to the Seattle Police Department, the average time to complete the paperwork for a basic misdemeanor is 2 hours. The entire process can take upwards of 3-5 total officer-hours. When a patrol shift is short-staffed, as is often the case, the officer must complete the report at the conclusion of the shift while on overtime.

In total, officers complete approximately 12,000 misdemeanor non-traffic police reports per year, but less than one-third (~4,000) of those ever result in a meaningful resolution. At an average of 5 hours of officer time per completed misdemeanor report referred for prosecution, that translates to roughly 40,000 officer-hours per year spent on solving and reporting crimes that are declined or result in no meaningful resolution.

Here is one illustrative basic misdemeanor incident and the officer efforts involved (also see police report excerpted below):

- Officer dispatched to north-end home-improvement retail establishment for shoplifting suspect in custody.
- Officer identifies the suspect and determines that he has two outstanding warrants from Seattle for felony reckless burning and misdemeanor theft.
- Officer searches suspect and discovers drug paraphernalia and scales for drug distribution.

“The main problem that I have is the lack of prosecution that results from the hard work that we do as a department. It is beyond frustrating to put hours of work into a case to find that they either dismissed the charges or gave them a very easy plea deal. Many of these cases involve dangerous felons which we as officers put ourselves in danger to apprehend.”

Seattle Police officer, quoted in Final Report of Seattle Police Retention and Recruitment Workgroup, August 2019
• Officer arrests suspect and transports him to North Precinct to have arrest screened by a sergeant.
• Officer transports suspect to King County Jail.
• King County Jail declines to book suspect because of medical condition (abscess).
• Officer transports suspect to Harborview and waits with him while he is medically cleared.
• Officer transports suspect to King County Jail and books him.
• Officer returns to North Precinct and completes misdemeanor arrest incident report, referring case to the City Attorney’s Office for theft and the warrants.

In total, this arrest, booking and prosecution referral likely took eight or more hours (depending on how long was spent at the hospital).

In the criminal justice system, here is what followed:
• City Attorney’s Office filed a complaint the following day for theft.
• Defendant was released on personal recognizance within 36 hours of arrest.
• Case was continued several times, defendant stopped appearing for court hearings, and bench warrant was issued.
• Case remains pending with bench warrant outstanding.
Officers are well-aware of the extreme impact of some prolific offenders, but also know that the criminal justice system will do little to support them if they make an arrest.

In the case below, an officer detained Matthew B., an individual with 21 cases in Seattle Municipal since 2017. The officer noted that Matthew was a “rapacious thief and constant presence on the Blade (3rd Avenue between Pike and Pine).” While investigating Matthew for walking down the city’s busiest sidewalk at 9:30 a.m. with an armful of stolen goods, the officer also dealt with a woman in crisis yelling threats at people walking by and then got called to break up a nearby fight.

After getting a positive identification on Matthew for the theft and an admission that he had just sold stolen goods across the street from the victim store, the officer decided he had to release the suspect and send a written report to the City Attorney’s Office because Matthew’s drug-related abscesses would have precluded booking at King County Jail.

Back at the West Precinct, the officer completed a multi-page misdemeanor referral for prosecution and transmitted that to the City Attorney’s Office. He then completed two crisis templates for the tertiary incidents as well as a Terry stop template (a form explaining why he had reasonable suspicion to stop Matthew). (Police report excerpted at right and below.)
That case was not filed by the City Attorney’s Office until one month later when Matthew B. was arrested for shoplifting at the same store. In that incident, the officer noted that no case had been filed from the first incident. In fact, Matthew B. also had a second case from three months prior that was yet to be filed, in addition to multiple suspended sentences which could have been revoked if the City Attorney’s Office had filed any of his cases in a timely fashion.

Frustration with situations like these is one of the factors that has led to growing morale issues among Seattle police. According to the Seattle Police Department, Seattle had a net loss of 41 officers in 2018 despite robust efforts to hire new officers and retain existing officers. The bulk of the officers who left were mid-career individuals who departed to other police departments in the Seattle area.11 Chief Carmen Best described the police exodus as a “crisis” and stated: “Officers need to hear that the work they do is valued. We are the highest paid agency in the state, but it’s not the money, and it’s not the work hours, it’s really being supported. Officers need to feel that - with the tough job that they are doing - that city leaders want them here and want them doing the job.”12

12 Interview on King 5 News, August 2019.
C. Impacts on Vulnerable Defendants

Filing delays and slow case speeds mean individuals struggling with homelessness and behavioral health issues are often trapped in a repeat cycle in the criminal justice system. According to King County Jail Health, 45 percent of all bookings into King County Jail in 2017 were of homeless individuals.\(^\text{13}\) In total, homeless individuals were booked into the jail 16,173 times that year. The great majority of those bookings were of individuals who were booked multiple times during the year. Of the approximately 12,000 homeless individuals in King County, two-thirds live in Seattle, so it is probable that significantly more than 50 percent of all Seattle police jail bookings were of people experiencing homelessness.

One of the major reasons why individuals experiencing homelessness are booked into jail so frequently is because they often fail to appear for court hearings. This is understandable. If you do not have a home and are struggling to survive on the streets, you may not ever receive a summons, let alone prioritize appearing for a court date one month away. These challenges are significantly compounded for individuals with serious behavioral health issues.

According to the Seattle Municipal Court, there are approximately 7,500 failure-to-appear bench warrants outstanding for criminal non-traffic cases. In fact, 65 percent of individuals fail to appear at their initial court intake hearing, triggering warrants.\(^\text{14}\)

There is no breakout of the “failure to appear rate” for vulnerable individuals suffering from homelessness or behavioral health issues. However, using the King County Jail data and estimating that roughly half of Seattle Municipal Court warrants relate to individuals suffering from homelessness and/or behavioral health issues, would lead to a rough estimate of 3,750 warrants outstanding for this population. The Seattle Municipal Court did conduct an analysis of 168 prolific offenders in the misdemeanor criminal justice system—most of whom did fit the homelessness/behavioral health profile. For that sample population, 76 percent received warrants on their cases during a two-year stretch, averaging over seven warrants per person. Three individuals had over 30-plus warrants each.\(^\text{15}\)

Every time a warrant is issued, it means that the defendant is subject to arrest by police officers and incarceration until they can see a judge. While Seattle police do

\(^{13}\) “Estimates of Homeless Individuals Served by Public Health’s Jail Health Services and Health Care for the Homeless Network (2017),” Report by King County Jail Health Services (un-dated).
\(^{14}\) Data obtained from Seattle Municipal Court.
not actively search for persons with low-level warrants, they do run warrant checks when they encounter individuals on other matters.

For defendants who commit low-level crimes that may not be appropriate for incarceration, the proliferation of warrants means that they are more likely to be incarcerated than if the matter was resolved expeditiously.

For example, in July 2017, Brian M., a homeless man with mental health issues was transported to Harborview after being assaulted. After being treated by doctors there, he refused to leave and punched a security guard in the chest, causing temporary pain. Seattle Police were called and arrested him, but King County Jail refused to book him, citing medical reasons (a common practice discussed in *System Failure 1*). Brian was then released back to the streets outside of the jail. (See excerpt of police report below.)

Brian had no further jail bookings or misdemeanor cases in Seattle over the next 18 months. Eighteen months later, in January 2019, the City Attorney’s Office filed an assault charge against him for the Harborview incident. A summons was issued to an address where he does not live or receive mail. He did not show for his court appearance, and Seattle Municipal Court issued a “no PR” (no personal recognizance) bench warrant. That means the next time Brian encounters Seattle Police and they run his name, it’s likely he will be arrested and incarcerated for 24-48 hours before he can see a judge for a pretrial hearing on a case that happened over two years ago.
Another example is the case of Robert L., who stole Star Wars and Pokemon action-figures from a drug store on August 18, 2017. Robert was identified as homeless and his medical condition suggested a substance-use disorder. Seattle police told him they would request charges but were releasing him at the scene instead of booking him into jail. The principal officer completed the report and transmitted it to the City Attorney’s Office the same day. (See excerpt of police report at right.)

The report was printed by the City Attorney’s Office four days later, on August 22, 2017, but the case was not filed until March 2019, over a year-and-a-half after the theft. (See criminal complaint at right.)

For Robert and Brian and other individuals struggling with homelessness and behavioral health issues, responding to cases from criminal incidents that occurred a year or more earlier is impossible for all practical purposes. That means they are more likely to get incarcerated than if the system had proceeded expeditiously and with pragmatic accommodations for their status (i.e., not sending mail to an address where the defendant does not live).

The proliferation of warrants for old cases may also have the effect of deterring vulnerable individuals from contacting the police when they are victims of crime. After all, who would risk calling the police if it could unintentionally lead to your own incarceration.

In short, vulnerable individuals who are involved in misdemeanor criminal activities are plainly unable to navigate Seattle’s criminal justice system. This leads to results that compound the troubles in their lives - cycles of arrest-incarceration-release with obligations that they cannot manage.
Conclusion

The *System Failure* reports are an attempt to force a conversation about the undeclared crisis in Seattle’s criminal justice system. Data from the principal participants in that system show that it churns through thousands of non-traffic misdemeanor cases every year but produces few meaningful resolutions and even fewer successful behavioral interventions.

By declining, delaying and ultimately dismissing nearly two out of every three cases that are transmitted by the Seattle Police Department, the City Attorney’s Office is undermining Seattle’s $500 million investment in its criminal justice system, resulting in dysfunction that does little to resolve the chronic crime issues in Seattle neighborhoods.

It bears repeating: in many instances the criminal justice system may not be the appropriate place to resolve underlying issues that are often the root causes of criminal activity. Seattle is a national leader when it comes to developing innovative approaches for people struggling with behavioral health disorders. These approaches should complement and be integrated into a functioning criminal justice system.

Seattle can and must do better.
Appendix: Methodology

*System Failure, Part 2* is principally based on data obtained from the Seattle Police Department, Seattle City Attorney’s Office and Seattle Municipal Court through public disclosure requests. Because Seattle’s municipal criminal justice system relies on three separate arms of government, all with their own data sets, it has historically been difficult to understand how the system is performing. Indeed, this is the first report in Seattle that attempts to analyze large sets of criminal cases from incidents through outcomes.

Some of the data sets used in the report cover different time periods. In order to examine the dispositions of cases filed by the City Attorney’s Office, I principally examined data reports from 2017 in order to allow time for those cases to reach resolution. In order to get a timely sense of incident reporting trends, I looked at data from 2017 through early 2019. My thinking in using data from different years was to be both as accurate and relevant as possible. For all data sets, available data from prior years suggest that the data I used for analysis is representative.

Importantly, some prior examinations of Seattle misdemeanor case-filing decisions include traffic or driving-related criminal offenses. I have excluded all traffic crimes from this report because they are not relevant here and skew the data. For example, virtually all DUI-related cases referred by Seattle police are filed by the City Attorney’s Office. When that data is aggregated with data for the handling of other routine criminal cases like theft, assault, and harassment, it tends to obscure the low filing and high dismissal rates for non-traffic criminal offenses. If, after release of this report, there are competing statistical claims, they probably relate to what crime categories are included in the underlying data.

As in the first *System Failure* report, this report provides some illustrative examples of crimes and the response of the criminal justice system based on publicly available court and police records. I have attempted to de-identify individual defendants. All of the case files obtained for this report are publicly available via the Seattle Municipal Court, King County District Court, or King County Superior Court online electronic case filing systems.

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16 Lack of transparency within municipal criminal justice systems is a widespread problem that has garnered increased national attention in the past five years. See [https://www.nytimes.com/2018/03/21/opinion/missing-criminal-justice-data.html](https://www.nytimes.com/2018/03/21/opinion/missing-criminal-justice-data.html)

17 The only other report to conduct a large-scale data examination of misdemeanor cases was issued in 2018 by Seattle University in conjunction with the Seattle Police Department. It examines arrests, referrals, and charges, but did not examine outcomes and did not significantly address case declines or delays. See Jackie Helfgott, *et. al. Trends in Misdemeanors Arrests, Referrals, & Charges in Seattle* (Oct. 2018).