

KING COUNTY DISTRICT COURT  
KING COUNTY, STATE OF WASHINGTON  
OFFICE OF THE PRESIDING JUDGE

) GENERAL ADMINISTRATIVE ORDER  
)  
) Clerk's Action Required  
) **No. 98-66**

In Re Administrative and Judicial )

Recognizance Release of Persons Held )

by the King County Department of Adult )

Detention Prior to Preliminary Appearance )

or the Filing of Formal Criminal Charges, )

Defendant, )  
\_\_\_\_\_ )

**General Order Authorizing  
Implementation of Misdemeanor  
Administrative Recognizance  
Release Program**

The Office of the Presiding Judge, in consultation with the King County Department of Adult Detention and the King County Prosecuting Attorney, having determined that the King County District Court should assume jurisdiction over setting procedures for administrative and/or Judicial release of persons arrested by law enforcement agencies and held in a King County Department of Adult Detention Facility without a warrant or formal criminal charge; and having reviewed the Department of Adult Detention Guidelines for Misdemeanant Personal Recognizance release; and having determined that:

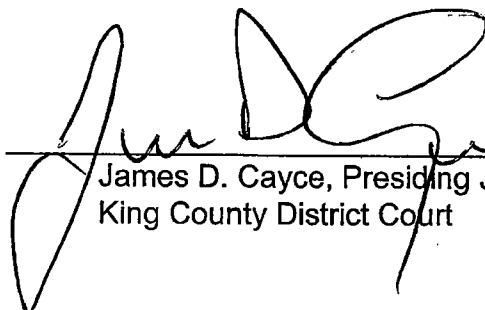
- A. The proposal is both a reasonable and necessary balance between the rights of individuals arrested on probable cause for investigation of certain felony or misdemeanor offenses in the non-violent category, the rights of arresting police agencies in the exercise of their duties and the right of the public to be protected;
- B. That the Presiding Judge has the authority pursuant to CrRLJ 3.2(a) to authorize procedures, both judicial and administrative, for the release of prisoners held without charge by the King County Department of Adult Detention during non-judicial hours prior to preliminary appearance;
- C. That the Executive Committee of the King County District Court has adopted this Program;
- D. That population pressure in the inmate population of the King County Department of Adult Detention is an additional important factor in implementing this proposal;

**NOW THEREFORE IT IS HEREBY ORDERED:**

- 1. The Director of the King County Department of Adult Detention through the Court Services Unit shall be authorized to conduct the Misdemeanor Administrative Release Program in conformance with Attachment A which contains operating procedural guidelines for that Program;
- 2. The Program shall only affect the custody status of persons who have not appeared before a judge and who are held without bail on investigative holds;
- 3. The Director of the Department of Adult Detention shall be responsible for the proper administration and execution of this Order, for screening and training of those persons given authority to release arrested persons in conformity with this Order, and for providing direct supervision within the Department for those authorized person;  
No person shall be released from a King County Department of Adult Detention Facility under the authority of this Program who does not strictly meet the Program's guidelines and who has not been completely processed for records and identification purposes (fingerprinting and photographing);
- 4. This Program shall not prevent or restrict the arresting agency from releasing any person it has caused to be detained on an investigation hold;

5. The arresting agency at the time of booking a person for investigation of any crime shall complete in as much detail as possible either a Suspect Information Sheet (Superform) or the Arresting Agency Detainee Information Sheet (AADIS) for the Department of Adult Detention's records;
6. Any attorney or other person seeking to obtain the release or to have conditions of release set for a person held on an investigative booking prior to the preliminary appearance calendar during non-judicial hours or days shall initially obtain an evaluation from the Court Services Section. The Court Services Section shall determine whether the arrested person is eligible for administrative release or referral to the appropriate judge for judicial determination if administrative release is not authorized. During the weekend, or any part thereof as determined by the Presiding Judge, the Presiding Judge shall consider conditions of release on investigative holds for arrested persons ineligible for administrative release. If the Presiding Judge is not available, the Acting Presiding Judge shall serve instead. In the event that the Presiding Judge and the Acting Presiding Judge are unavailable, then any judge of the Court may serve instead. During weekdays, only the designated Judicial Officer responsible for that day's preliminary appearance calendar for the detention facility in which the arrested person is being held shall consider conditions of release on investigative holds for arrested persons ineligible for administrative release. If the designated Judicial Officer is unavailable, then the Presiding Judge shall consider such conditions. If the Presiding Judge is unavailable, then the Acting Presiding Judge shall consider such conditions. If neither the Presiding Judge nor the Acting Presiding Judge is available, then any Judge of the Court may consider such conditions.
7. Court Services shall be responsible for notifying the Prosecuting Attorney or the arresting agency of any referral for judicial release of an arrested person who is not eligible for administrative release when the arresting agency has indicated an objection to that person's release;
8. This Court shall retain jurisdiction to amend or rescind this Order as may become necessary to either expand or restrict this program in the future, depending for the most part on the available adult detention resources to supervise the program and the inmate population.
9. This Order shall be effective immediately.
10. The Court Clerk shall file this Order under the above-entitled administrative file in a manner which will make it accessible for court review and public inspection.

DONE this 9<sup>th</sup> day of Dec., 1998.

  
James D. Cayce, Presiding Judge  
King County District Court

**SUBJECT TITLE:** Personal Recognizance Release - Misdemeanants

**EFFECTIVE DATE:** July 1, 1993 - Updated November 7, 1998

**PURPOSE:** To establish release criteria and procedures for detainees booked into the King County Correctional Facilities on new misdemeanor charges and/or warrants.

**DISTRIBUTION:** Management Group, Supervisors, Staff Library, Floor Control Stations, District Court Judges, Prosecutor's Office, Division of Records and Elections.

**REFERENCES:**

1. RCW: 10.99 - Domestic Violence Prevention Act
2. WAC: None 3. 4. 5. 6. 7. 8.
3. Career Service Rules: None
4. Other County Regulations: None
5. Collective Bargaining Agreements: None
6. Correctional Standards: 2-5026
7. DAD Policies: None
8. DAD Policies Superseded: "Operational Procedures Court Services Section, Recognizance Screeners 04.100.00.00 to 04.133.00.03"

**KEY WORDS AND DEFINITIONS**

1. Personal Recognizance (PR): A type of release that is based on the defendant's promise to appear - this type of release precludes the posting of bail or bond.
2. Court Services: A section within the Department of Adult Detention. The section has a number of responsibilities, one of which is making determinations and recommendations regarding recognizance release.
3. No Contact Order (NCO): An order forbidding any type of contact between a defendant and victim, normally in a Domestic Violence case.
4. Domestic Violence (DV): (a) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury or assault, between family or household members; or (b) sexual assault of one family or household member by another.

5. Family or Household Members: Spouses, former spouses, persons who have a child in common regardless of whether they have been married or have lived together at any time; adult persons related by blood or marriage; adult persons who are presently residing together or who have resided together in the past; persons sixteen years of age or older who are presently residing together or who have resided together in the past and who have or have had a dating relationship; persons sixteen years of age or older with whom a respondent sixteen years of age or older has, or has had, a dating relationship and persons who have a biological or legal parent-child relationship, including stepparents and stepchildren and grandparents and grandchildren.
6. Victim Assistance Unit (VAU): A unit in the Prosecutor's Office that is responsible for dealing with victims; those of pending or potential criminal matters as well as those seeking Protection Orders.
7. Basic Interview Information (BII): A computer data sheet that is printed at the time of booking and provides information such as defendant name, address, booking number, CCN, and a listing of matters for which they have been booked.
8. Type of Warrant (TOW): Refers to a code that denotes the type of warrant or category of new offense.
9. Activity Log: A daily log (generated by PTM) listing all defendants for whom some type of activity was completed. The log is available both on-line and as a printed report.

**POLICIES:**

1. PR Screeners will interview and make release decisions and/or recommendations for defendants booked on King County District Court and contracting Municipal Court matters.
2. PR Screeners will issue personal recognizance releases to eligible misdemeanants.
3. PR Screeners will assess the need for No Contact Orders for persons booked for misdemeanor Domestic Violence offenses and will issue NCO's (when deemed appropriate) for defendant's who are released from custody prior to a court hearing.

<b>PROCEDURE/DESCRIPTION SUB-SECTIONS</b>
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1. Misdemeanant release criteria.
2. Determines which misdemeanor bookings to interview.
3. Completes appropriate record checks.
4. Conducts interview.
5. Verifies interview information.
6. Assesses Danger for Non DV Charges.
7. Assesses Danger and the need for a NCO for new domestic violence charges.
8. Raises bail in certain domestic violence cases.
9. Makes a release determination in Non DV cases.
10. Makes an NCO/Release determination in Domestic Violence cases.
11. Completes PR, NCO and interview data.

## 12.PROCEDURE/DESCRIPTION

### 1. Misdemeanor Release Criteria

#### General Criteria (for most traffic/criminal matters)

Release authority is established by individual courts although most choose to adopt a "standard criteria" that allows release for persons booked on:

- most new offenses
- warrants that are not marked "No PR, Cash Only or No Bail"

Detailed criteria by individual court is listed in Appendix H.

#### Domestic Violence

Except as noted in the DV Release Procedures (Appendix I) screeners **do not have authority** to release persons booked for Assault 4 DV, Violations of a NCO, Protection Order or Anti-Harassment Order without judicial approval.

## PROCEDURE/DESCRIPTION

### 2. Determines Which Misdemeanants to Interview:

- a) Checks BBI and notes the court in which the detainee is booked. If the court is listed in Appendix A an interview is needed.
- b) Notes the TOW code on the BII to determine if the charge is a warrant or a new charge. See Appendix B for a listing of TOW codes.
- c) Checks the citation or copy of warrant in the defendant's booking packet to confirm that the information on the BII is consistent with the documentation in the booking packet.

1) A citation or superform should be left at the jail for all persons booked on charges filed in King County District Court and for some municipal charges that have been filed as "state" charges, i.e., those filed under a state RCW as opposed to a municipal ordinance.

**\*NOTE:** Citations for persons booked by City police departments (i.e., City of Bellevue, City of Redmond, etc.) are generally not left at the jail, although a copy should be in the booking packet.

2) If the packet contains a warrant the screener notes, if indicated, the reason for issuance i.e., FTA/Arrestment, FTA/Trial, FTA/Hearing. The screener further notes if the warrant has any specific notations such as "Cash Only" or "No PR".

**\*NOTE:** If the warrant was issued by a Municipal Court System there may be a teletype in the packet rather than a copy of the warrant. If so, it may be necessary to call the specific police department to determine if there are notations on the warrant that would preclude release consideration.

- d) Marks "NO PR" on packets of detainees who will not be interviewed so that they may be moved out of the ITR area.

**\*NOTE:** If there is a significant backlog of persons who need to be seen priority should be given to those who are potentially releasable so that they can be released directly from ITR.

- e) Marks the booking packet "No PR" when no interview is being done or after it has been determined that a person is not eligible for release.



## PROCEDURE / DESCRIPTION

### 3. Completes appropriate record checks.

Certain record checks (booking history, PROMIS and, when appropriate, juvenile) are made for each defendant - depending upon personal preference and time availability they may be run before or after the interview. See Appendix C for computer codes.

- a) A condensed version of the booking history is obtained via the JKJQR (immediately followed by CCN) inquiry. The total number of bookings and warrants plus a brief narrative summary of the booking history are listed in the prior record section of the PTM report.

**\*NOTE:** If the defendant has been interviewed within the past 30 days a new interview may not be needed unless there is an indication that there has been a change in circumstances or the person is booked on a new offense. If a new interview is not completed PTM records must be updated by entering the new BA# and custody status via the PTAN screen. Given that previous comments do not come forward it will also be necessary to add them.

- b) PROMIS (Prosecutor's records) are checked by using the MENU inquiry. All convictions should be listed in the prior record section of the PTM report.
- c) A juvenile history (if appropriate) can be obtained via SCOMIS. Information obtained from this system should also be listed in the PTM report.

**\*NOTE:** See Appendix for a complete listing and description of computer inquiries.

## PROCEDURE / DESCRIPTION

### 4. Conducts Interview

- a) Locate detainee and, if necessary, ask officer to open holding cell.

**\*NOTE:** The Sergeant and his/her officers are responsible for the safe operation of the facility. If a screener is asked to leave the area or disallowed access to a detainee the screener must abide by the decision of the officer. If there appears to have been improper use of this authority the issue may be brought to the attention of supervisory staff.

- b) Escorts detainee to one of the designated interview areas.
- c) Introduces self and explains the purpose of the interview (to determine eligibility for release or to provide information to the court which is used to make a release determination).
- d) Utilizes a question and answer format. Asks for specific information and avoids asking leading questions.
- INCORRECT - "Have you lived here a long time?"
  - CORRECT - "How long have you live in King County?"
- e) Obtains at least two references, preferably ones that may tend to provide more objective information such as an apartment manager, landlord, etc.
- f) Assesses the person's viewpoint about the allegations by asking non-incriminating questions such as:
- 1) What does the arresting officer say that you did?
  - 2) Were you alone or with others?
  - 3) Where were you arrested?
  - 4) Are there allegations of injuries to any one?
  - 5) Does the arresting officer say that a weapon was involved?
  - 6) Do you know the alleged victim? If so, what is/has been the nature of the relationship? Have there been prior problems/incidents involving the same victim?
  - 7) Were drugs or alcohol involved in this incident? If so, in what way?

**\*NOTE:** These types of questions are generally more relevant for persons arrested for new offenses rather than warrants.

Domestic Violence charges require an assessment of the need for a No Contact Order (NCO) when a person is released prior to making a court appearance. the following questions may be useful in making that assessment.

- 1) Who was allegedly assaulted?
  - 2) Has there been any violence between the two of you in the past? Any pushing, shoving, slapping?
  - 3) Are there allegations of any injuries? Did anyone receive any medical attention?
  - 4) Will the arresting officer say that alcohol or drugs were involved in any way?
  - 5) If it is determined that a No Contact Order is necessary do you have an alternate living situation?
  - 6) How do you feel about the possibility that a No Contact Order may be issued?
- 
- g) Stops the person immediately if he/she begins to confess guilt or complicity in the alleged offense. This is not privileged information and screeners can be subpoenaed to testify in court.
  - h) Explains court procedures and when the detainee can expect to make his/her first court appearance:
  - i) Returns the detainee to holding/waiting area.

<b>PROCEDURE/DESCRIPTION</b>
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**5. Verifies Interview Information**

- a) Contacts references - detainees usually have access to phones prior to the interview and screeners should be aware that references may have been "coached". When calling screener identifies him/her self and explains the purpose of the call; i.e., to verify information provided by who is currently in custody.
- b) Assesses the credibility of the reference and verifies information by asking questions such as:
  - 1. What is the relationship between yourself and \_\_\_\_?
  - 2. How long have you known him/her?
  - 3. How often to you see or talk to \_\_\_\_?
  - 4. Where does \_\_\_\_ live? What is the address?
  - 5. Does \_\_\_\_ stay there on a steady basis or is it on and off? Any idea where stays when not there? Does have a secure mailing address? How often does he/she pick up the mail? or
  - 6. How long has lived at that address?
  - 7. How does \_\_\_\_ support him/herself? How long has he/she had that job or source of income?
  - 8. As far as you know has \_\_\_\_ had any prior involvement with the criminal justice system?
  - 9. In your opinion would \_\_\_\_ be reliable about making court appearances?
  - 10. Have you ever considered \_\_\_\_ to have a drug, alcohol or mental health problems?

**\*NOTE:** An outside party may be told the charge(s) for which a person is booked but not details pertaining to the allegations until they become a matter of public record. Criminal record information may not be provided to anyone.

- c) Raises discrepancies which may occur between information provided by the detainee and the reference, i.e., Do you have any idea why would tell me he lives with his mother?
- d) May utilize the Cole (reverse) Directory to confirm or obtain addresses and phone number(s).

<b>PROCEDURE/DESCRIPTION</b>
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**6. Assesses Danger in Non-DV Charges**

- a) Determines the identity of the alleged victim. It is important to remember that there are often victims in offenses that may appear to be non-victim or property related. The screener:
  - 1) Reviews arrest report (citation or superform) to obtain information about incident and possible victim(s).
  - 2) Asks about the allegations and attempts to clarify the relationship between the detainee and victim, i.e., are they friends, neighbors, strangers. Screener may also attempt to obtain name of victim and/or phone number from detainee (if it is not available via arrest reports) if victim contact is needed.
- b) Contacts the alleged victim to determine if that person has concerns for his/her safety should the detainee be released. Considers victim concerns when determining release eligibility and in comments on interview. When the victim is not known or cannot be contacted the PR screener must rely upon arrest report, prior records, reference comments and other relevant data (mental health, substance abuse, attitude, demeanor, remarks, etc.) to assess possible danger.

<b>PROCEDURE/DESCRIPTION</b>
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**7. Assesses Danger and the need for a No Contact Order for new Domestic Violence charges.**

- a) Determines the identity of the alleged victim (see procedure 6 and DV definition) via arrest report.
- b) Contacts the victim and asks questions such as:
  - 1. Can you tell me a little about what happened? Were you injured? Did you need medical attention?
  - 2. Has anything like this ever happened in the past?
  - 3. Have you ever called the police before or wanted to call the police?
  - 4. Is this complaint drug or alcohol related?
  - 5. Do you think there is a drug, alcohol, mental health or anger management problem?
  - 6. Is welcome back in the home at this point?
  - 7. If got released and a NCO was issued do you think that he/she would abide by it?
  - 8. Does have another place to stay if he/she is released?
  - 9. Would you be afraid for your safety if got released?
- c) Instruct the victim to contact the appropriate victim advocate and provide other resource information as dictated by the situation.
- d) Speak to the victim's parent or guardian if victim is a minor and unable to speak for him/herself.
- e) Enter victim input on the interview unless they express concern about the possibility of the information going to the defendant. Confidential information can be related to the judge via a separate, supplemental report addressed specifically to the judge and brought to the attention of the court technician. Sensitivity to the victim's fears and concerns is essential.

<b>PROCEDURES/DESCRIPTION</b>
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**8. Raises bail in certain Domestic Violence cases.**

a) Considers raising bail on a new DV charge if:

1. The victim is in extreme fear for his/her safety and does not think the detainee will abide by a NCO.
2. The detainee has allegedly made threats to kill or otherwise harm the victim.
3. The detainee has a history of assaultive behavior towards the victim.
4. The arresting officers express concern for the safety of the victim.
5. The detainee was openly hostile towards the victim during the interview and there is a strong likelihood that the detainee will be able to post bail.

b) Raises bail by:

1. Contacting the presiding judge or acting presiding judge to provide information relevant to the request to raise bail.
2. A recommendation regarding the bail amount may be made if the screener has information relating to how much the detainee might be able to post. A cash only amount means that the detainee would have to post the entire bail amount in cash.

c) Enters into PTM which judge was contacted, the time of contact and the result of the request.

1. If bail is raised the screener completes the Bail raise authorization form and provides it to a booking officer who will change the bail and place the copy in the booking packet. The original of the form should be attached to a copy of the interview and the original citation or superform.
2. If the judge has made any further stipulations these should be noted on the interview.

<b>PROCEDURE/DESCRIPTION</b>
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**9. Makes a release determination in Non DV charges.**

a) Denies a PR release if:

1. The detainee has no living or mailing address or the address cannot be verified.
2. The detainee has few or no area ties and/or references do not feel that he/she would be reliable about court appearances.
3. The victim expresses fear for his/her safety if detainee is released or past booking history indicates an ongoing problem with assaultive/problematic behavior or arrests for similar charges.
4. The victim cannot be contacted and his/her input is crucial in making a release determination.
5. Record checks indicate numerous FTA's and/or non-compliance and/or ongoing arrests.

b) Issues a PR release or recommends release if:

1. A living address has been verified.
2. Community ties have been established and references are generally supportive of detainees reliability.
3. There are no concerns for the safety of a victim and no indication that there is likely to be problems.
4. The detainee has limited or no booking/FTA history.
5. The detainees identity has been established.

c) Makes a recommendation to the court about release if release is denied or the person interviewed is held on a non releasable matter.



<b>PROCEDURE/DESCRIPTION</b>
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**10. Makes a NCO determination in Domestic Violence Cases**

- a) Does not issue a NCO when:
- the victim expresses no concerns for his/her safety
  - the defendant has no prior history of assaultive behavior
  - the screener has no reason to believe the victim has been coerced into giving favorable responses
  - the defendant has not done or said anything that would indicate a potential threat to the victim
- b) Issues a NCO when
- the victim does not want contact with the defendant
  - the screener believes a NCO is in the best interest of the victim

The defendant should have a verified, alternate living situation and the screener should have no reason to believe that the defendant will not abide by the order.

- c) Instructs the victim to contact the appropriate victim advocate and provides other resource information as need dictates.

<b>PROCEDURE/DESCRIPTION</b>
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**11. Completes NCO and Interview**

- a) Issues NCO when defendant is released prior to initial court appearance:
  - 1) Completes the NCO setting the proper court date and time (See Appendices H and I).
  - 2) Enters this date and time in the release section of the PTM interview.
  - 3) Writes in applicable conditions on the NCO.
  - 4) Obtains the detainee's signature, gives him/her a copy of the NCO and explains court obligations.
  - 5) Signs off on booking packet.
  - 6) Faxes a copy of the NCO and hard copy (from booking packet) to the King County Data. See Appendix H.
  - 7) Distributes paperwork according to Appendix E
- b. Does not issue a NCO when defendant is released:
  - 1) Same as above except may complete a release agreement rather than a NCO (See Appendices H and I)
  - 2) Writes "NCO Not Necessary" in the upper left corner of the release agreement. When a court date is provided upon receipt of bail or bond this should be indicated on the release agreement.
  - 3) Signs off on booking packet.
- c. Completes DV data on interview form
  - 1) Makes sure the victim's name, date of birth, address and phone number have been entered in the victim area.
  - 2) Adds other victim information (comments, concerns, etc.) as appropriate.