

Lane County
Public Safety Coordinating Council

Failure to Appear Task Force

FTA Task Force Report - November 2004



Revised August 2005



Public Safety

Coordinating Council

JERRY SMITH
Chief of Police

JAN CLEMENTS
Sheriff

ALEX GARDNER
District Attorney

KIP LEONARD
State Court Judge

ILISA ROOKE-LEY
Public Defender

LINDA EATON
Community
Corrections Manager

BOBBY GREEN
Commissioner (metro)

ANNA MORRISON
Commissioner (rural)

LISA SMITH
Youth Services Director

ROB ROCKSTROH
Health & Human Services
Director (Mental Health)

KAREN GILLETTE
Public Health Manager

NANCY NATHANSON
Eugene City Councilor

JOHN WOODROW
Springfield City Councilor

RICHARD MEYERS
Cottage Grove
City Manager

GRETCHEN PIERCE
Lay Citizen

TUCKER TEAGUE
Lay Citizen

TRICIA HEDIN
Lay Citizen

MIKE BLOOM
OSP Representative
(non-voting)

ROBYN COLE
Oregon Youth Authority
(non-voting)

BILL
VANVACTOR
County Administrator
(non-voting)

125 EAST 8th AVENUE
EUGENE, OR 97401
541-682-4203

December 1, 2004

Ms. Gretchen Pierce
Chair, Public Safety Coordinating Council

Dear Ms. Pierce:

With pleasure we are submitting the Failure to Appear Task Force Report to the Lane County Public Safety Coordinating Council. We are prepared to present the report at the December 9th meeting of the PSCC for its consideration.

This report represents nine months' work by a small and focused group of professionals representing the courts, prosecutors, parole and probation, corrections and police agencies. Utilizing data from component agencies to analyze the costs and impacts of FTA's on the criminal justice system, we feel our recommendations, if implemented, will help address this problem and begin to make a difference. Nonetheless, I would report that it was the strong sense of members of the group that the problem with FTA's is inextricably tied to other criminal justice issues, not the least of which is capacity at the Lane County Jail.

Finally, I would emphasize that as a group we feel strongly that the work of this task force, in tandem with the work of others (for example, the Sherman Center, the DPPA Report, and the Department of Youth Services' data driven decision making model) *should form the basis of the beginnings of a community dialogue around the status of the criminal justice system and human services in Lane County.* We feel that the PSCC is the best vehicle to coordinate and facilitate such a discussion. Represented at the PSCC is the full spectrum of interrelated and interdependent system components concerned with the primary issues of public health and safety in Lane County.

The larger public, however, is not nearly as well informed. Ultimately if real progress is to be made, we must educate, communicate, and engage the public in a comprehensive discussion about the problems, opportunities, and frustrations of criminal justice and human services in Lane County. We must query the community regarding appropriate service levels, and do so outside the context of ballot proposals. It is our hope that the PSCC will consider such a role for itself, for it is the strong consensus of the group that such a process is imperative if we are to slow the incremental degradation and possible collapse of health and safety services in our county.

It has been my pleasure to serve with these highly dedicated professionals and I thank you and the PSCC for the opportunity.

Sincerely,



Tim Laue
FTA Task Force Chair

PSCC FAILURE TO APPEAR (FTA) TASK FORCE 2004 REPORT

Task Force Members

Tim Laue, Citizen Member, Chair
Thad Buchanan, Captain, Eugene Police Department
Jerry Smith, Chief, Springfield Police Department
Jan Clements, Sheriff, Lane County
John Clague, Captain, Lane County Sheriff's Office
Linda Eaton, Manager, Lane County Parole and Probation
Doug Harclerod, District Attorney, Lane County
Alex Gardner, District Attorney, Lane County
Karsten Rasmussen, Judge, Circuit Court
David Factor, Administrator, Circuit Court

Staff

Susan Sowards, Principal Planner, Lane Council of Governments
Sara Wasserman, Senior Data Specialist, Lane Council of Governments

TABLE OF CONTENTS

Executive Summary	1
Report	3
Charge.....	3
Findings	3
Scope of the Problem.....	4
Failure to Appear Data	4
FTA Cost Study.....	8
Jail Capacity.....	9
Possible Reasons People Fail to Appear for Court Events	10
Best Practices to Prevent Failures to Appear.....	11
Task Force Recommendations.....	13
Appendix	15
Failure to Appear Cost Study – November 29, 2004 Update	15

EXECUTIVE SUMMARY

The FTA Task Force Charge by the Public Safety Coordinating Council (PSCC) is to:

- o Research and analyze the issues related to Failures to Appear (FTAs) in the criminal justice system in Lane County;
- o Develop findings that describe the scope of the problem, including its costs, effects, and impacts upon the system and participating agencies;
- o Recommend strategies, actions, and/or solutions to the PSCC that might mitigate or help to solve the problems caused by FTAs; and
- o Prepare a report to be presented to the PSCC in fall of 2004.

The Findings of the Task Force can be summarized as follows:

1. In the year 2002, there were 3,449 FTA's in Eugene and Springfield Municipal Court cases and 3,773 in Circuit Court cases, totaling 7,222 FTA's. Defendants failed to appear for approximately 17% of total court events in 2002. A total of 2,142 individuals, approximately 36% of defendants, failed to appear in Municipal Courts.

Court	Court Events	# of FTA's	% of Court Events with FTA	# of Individuals Who FTA'd
Circuit Court	24,255	3,773	16%	2,228
Eugene Municipal Court	12,172	2,188	18%	1,410
Springfield Municipal Court	6,262	1,261	20%	732
Total	42,689	7,222	17%	4,370

2. In 2002, of those Circuit Court defendants released pretrial, 10% of defendants who were released through the Custody Referee's Office with a release agreement failed to appear whereas 22% of those released by the jail through the matrix system failed to appear.
3. Using 2003 cost data, FTA's are estimated to cost the criminal justice system in Lane County approximately \$3.4 million annually.
4. A search of the literature failed to uncover research-based best practices specifically to prevent FTA's. Promising practices identified by professionals in the field of corrections, however, focus on careful risk screening prior to pretrial release, formal pretrial release programs, supervision and support of defendants to aid them in appearing for court events, and taking steps to shorten the time to disposition. Meta-analyses of research over the past decade on evidence-based practices for adult corrections confirm the effectiveness of practices utilizing risk level to determine who is best placed in scarce custody and treatment beds and not mixing low to moderate risk offenders with high risk offenders.

Task Force Recommendations are:

1. Criminal justice system departments and agencies should explore sharing resources and jurisdictions should share strategies to staff the Richard K. Sherman Defendant and Offender Management Center (Sherman Center) to provide increased pre-trial supervision

permitting more medium-high risk defendants to be monitored on release rather than being released due to capacity constraints. This could include field supervision of defendants and offenders released pre-trial to help reduce FTA's by keeping defendants aware of court dates and processes, helping ensure people show up for court-required appearances, improving communication, increasing jail bed capacity, and determining and communicate among all parties the next steps necessary when a person cannot make a court appearance.

2. Update the capacity needs study conducted by LCOG in 1998 based on the methodology used by David M. Bennett in the Jail Population Management Plan completed in 1996 for Lane County.
3. Coordinate, collect, analyze, and monitor FTA data annually to track progress of any system changes designed to reduce FTA's and other system changes which might have positive or negative impacts on FTA's.
4. File lower level misdemeanor offenses as violations.
5. Waive grand jury in clear cut cases (approximately 70% of the cases) if parties agree.
6. Examine the document process to eliminate unnecessary steps and paperwork in order to move compliant defendants through the court process more quickly.
7. Coordinate with existing agencies and resources to provide alcohol and drug abuse assessment when arrestees are brought to the Sherman Center.
8. The Sherman Center assessment staff should train police officers on factors to be considered prior to issuing a Citation in Lieu of Custody (CLC) as an alternative to custody when arresting someone.

REPORT

CHARGE

The FTA Task Force was charged by the Public Safety Coordinating Council (PSCC) to:

- Research and analyze the issues related to Failures to Appear (FTAs) in the criminal justice system in Lane County;
- Develop findings that describe the scope of the problem, including its costs, effects, and impacts upon the system and participating agencies;
- Recommend strategies, actions, and/or solutions to the PSCC that might mitigate or help to solve the problems caused by FTAs; and
- Prepare a report to be presented to the PSCC in fall of 2004.

FINDINGS

The Bureau of Justice Statistics defines “failure to appear” as the “willful absence from any court appearance”¹. There is broad agreement among policy bodies, agency directors, and staff in the criminal justice system that people who fail to appear for court and other required criminal justice system appearances are system-wide problems, wasting time and money across the jurisdictions. Failing to appear also has negative consequences for the person who fails to appear, resulting in a bench warrant and often additional charges.

Despite the completion of past studies on the number and percent of FTAs in the various courts in Lane County, the numbers have remained in dispute. Several costs studies had been completed showing that FTAs were wasting criminal justice resources. Still, no recommendations have been formally presented to policy bodies to reduce FTAs. To meet its charge, the FTA Task Force sought to seek agreement on answers to these questions.:

- How many FTAs are there in municipal and Circuit courts in Lane County?
- What percent of defendants fail to appear as a percent of total scheduled court appearances?
- What do FTA’s cost the system, on average?
- What can be done to reduce the number and percent of FTAs?

The main findings by the Task Force are:

1. In the year 2002, there were 3,449 FTA’s in Eugene and Springfield Municipal Court cases and 3,773 in Circuit Court cases, totaling 7,222 FTA’s. Defendants failed to appear for approximately 17% of total court events in 2002. A total of 2,142 individuals, approximately 36% of defendants, failed to appear in Municipal Courts.

¹ *Compendium of Federal Justice Statistics, 2001*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. (data??). P. 115.

Court	Court Events	# of FTA's	% of Court Events with FTA	# of Individuals Who FTA'd
Circuit Court	24,255	3,773	16%	2,228
Eugene Municipal Court	12,172	2,188	18%	1,410
Springfield Municipal Court	6,262	1,261	20%	732
Total	42,689	7,222	17%	4,370

2. In 2002, of those Circuit Court defendants released pretrial, 10% of defendants who were released through the Custody Referee's Office with a release agreement failed to appear whereas 22% of those released by the jail through the matrix system failed to appear.
3. Using 2003 cost data, FTA's are estimated to cost the criminal justice system in Lane County approximately \$3.4 million annually.
4. A search of the literature failed to uncover research-based best practices specifically to prevent FTA's. Promising practices identified by professionals in the field of corrections, however, focus on careful risk screening prior to pretrial release, formal pretrial release programs, supervision and support of defendants to aid them in appearing for court events, and taking steps to shorten the time to disposition. Meta-analyses of research over the past decade on evidence-based practices for adult corrections confirm the effectiveness of practices utilizing risk level to determine who is best placed in scarce custody and treatment beds and not mixing low to moderate risk offenders with high risk offenders.

SCOPE OF THE PROBLEM

Data analysis to determine the scope of the problem was completed by the Task Force. The analysis below includes data on arrests resulting in an offender being taken into custody and citations in lieu of custody, number of failures to appear, recidivism of individuals who fail to appear, costs of failures to appear, and the capacity of Lane County Adult Corrections to hold people in custody.

Failure to Appear Data – The data below show the number of arrests and citations in lieu of custody by Eugene Police Department, Springfield Police Department, and Lane County Sheriff's Office, number of FTAs, and percent of individuals who commit new crimes within a year after they fail to appear. We used calendar year 2002 arrest data in order to collect and analyze data on commission of new crimes within one year following the FTA.

Data collected and accessible varies between the Municipal and Circuit courts. For this reason we have provided some data analysis for Municipal Courts and not for Circuit Court and vice versa.

Data on Failures to Appear

As can be seen in the table below, defendants failed to appear for 17% of the court events in 2002.

Failures to Appear in 2002

Court	All Court Events	Number of FTA's for Court Events	% of FTA's
Circuit Court	24,255	3,773	16%
Eugene Municipal Court	12,172	2,188	18%
Springfield Municipal Court	6,262	1,261	20%
Total	42,689	7,222	17%

For municipal courts, the data also can be analyzed to determine the number and percent of individuals (unduplicated) who had court events scheduled in 2002 and failed to appear for at least one of those events. Approximately 36% of municipal court defendants failed to appear for court events in 2002. Data cannot be analyzed to determine this rate for Circuit Court defendants.

Number of Individuals Who Failed to Appear in 2002

Court	# of Individuals with Court Events Scheduled	# of FTA's	% of Individuals who FTA'd
Eugene Municipal Court	3,936	1,410	36%
Springfield Municipal Court	2,048	732	36%
Total	5,984	2,142	36%

FTA Data for Arrests and Citations in Lieu of Custody

The number of arrests where a person was taken into custody in 2002 is shown on the chart below compared to the number of people who were cited and released.

Arrests (ARR) and Citations in Lieu of Custody (CLC) With an Incident Date of 2002

Arresting Agency	ARR	CLC	Total
Eugene Police Department/Eugene Municipal Court (EPD/EMC)	11,089	9,795	20,884
Springfield Police Department (SPD)	5,871	3,228	9,099
Lane County Sheriff's Office (LCSO)	3,595	538	4,133
Total	20,555	13,561	34,116

The rate of Citations in Lieu of Custody (CLC) versus arrests into custody by Eugene Police Department, Springfield Police Department, and Lane County Sheriff's Office vary considerably, as can be seen in the table below, yet the arrest rate for the two urban police departments are very close. An array of factors could be influencing this difference in rate. The Task Force collected and compared CLC policies for the agencies and they appear similar although they vary in level of detail. Practices in the field may vary, reflecting community and agency priorities. Also, the categorization

of an arrest as “Other Type” may not be consistent across agencies.

Arrest and CLC Rate by Arresting Agency

Year 2001	Rate per 1000 population		
Arresting Agency	CLC rate	Other types	Arr. rate
Eugene PD	51	31	82
Springfield PD	28	50	78
Lane County	4	9	13

CLCs are cited in best practice literature as an effective way to reduce jail crowding.² At the same time, the Task Force examined the issue of CLCs in some detail to determine whether the probability of releasing only those most apt to return for court appearances could be improved.

The table below compares the number of FTA’s for arrests where defendants were taken into custody versus the FTA’s where defendants were cited and released. This data was only available for Eugene Municipal Court (EMC) and Springfield Municipal Court (SMC), not for Circuit Court. “FTA” is number of events with a result of FTA. “All Events” is the number of all court events.

FTA Rate for Arrests Versus CLC’s

Events	Arrests			Citations in Lieu of Custody			Total		
Court	FTA	All Events	% FTAs	FTA	All Events	% FTAs	FTAs	All Events	% FTAs
EMC	357	3,254	11%	1,831	9,017	20%	2,188	12,171	18%
SMC	578	3,313	17%	683	2,949	23%	1,261	6,262	20%
Total	935	6,467	14%	2,514	11,966	21%	3,449	18,433	19%

FTA Data By Release Type

FTA data for Circuit Court defendants by release type is shown in the table below. Ten percent of defendants were released by the Custody Referee on a release agreement FTA’d compared to 22% of those released by the Jail on a matrix release without any type of agreement.

FTA’s by Release Type

Events	Circuit Court		
Release Type	FTA	All Events	% FTAs
Agreement	988	10,093	10%
No Agreement	1,091	15,046	7%
Matrix	1,064	4,884	22%
Total	3,143	30,023	10%

Data on Recidivism

² *A Second Look at Alleviating Jail Crowding – A Systems Perspective*. US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Monograph. 2000. p. 32.

To obtain some data on recidivism rates for individuals who fail to appear, the data below was collected and analyzed on individuals who fail to appear and then commit a new crime within a year after the FTA event. Because availability of data varies between municipal and circuit courts, they are shown separately below with explanations. For both municipal and circuit court data below:

- The FTA occurred in 2002. The new crime occurred within one year after the FTA event.
- “All FTA” columns are the numbers of all individuals who failed to appear in 2002.
- “New Crime” columns are the numbers of individuals who fail to appear and then who commit a new crime within a year after the FTA.
- Individuals are counted once per category. Individuals may appear in multiple categories, if they have had involvements of multiple types with multiple agencies.
- In the “Total” column, individuals are counted only once, even if they appeared in more than one sub-category. For this reason, the totals may not equal the sum of the sub-categories.

Individuals Who Fail to Appear and Commit a New Crime Within a Year After the FTA Event

Municipal Courts:

- The ARR/CLC and court categories are for original involvement.
- The new crime must have generated either a CLC or an ARR and a docket in either the Eugene or Springfield Municipal courts.
- Note: Totals do not equal the sum of categories because individual may appear in more than one category

Individuals	Arrests			Citations in Lieu of Custody			Total		
	All FTA	New Crime	%	All FTA	New Crime	%	All FTA	New Crime	%
EMC	220	84	38%	1,265	336	27%	1,419	384	27%
SMC	363	44	12%	400	121	30%	732	155	21%
Total	579	126	22%	1,612	434	27%	2,072	508	25%

Circuit Court:

- The new crime must have created a new case number for the arresting agency.
- Each individual who commits a new crime is counted only once.
- They are placed in the involvement type from the first involvement regarding the new crime.
- They are placed in the agency on whose case they originally failed to appear.

Individuals Arresting Agency	Arrests			Citations in Lieu of Custody			Total		
	All FTA	New crime	%	All FTA	New crime	%	All FTA	New crime	%
EPD	420	219	52%	354	70	20%	800	289	36%
LCSO	269	127	47%	87	33	38%	412	160	39%
SPD	189	109	58%	95	23	24%	297	132	44%
Total	1,168	455	39%	673	126	19%	1,414	581	41%

FTA Cost Study – To determine the current average cost of FTAs to the criminal justice system, the Task Force updated a 1998 FTA cost study originally conducted by Leila Snow, then Financial Analyst for Eugene Police Department, at the request of the PSCC. The Task Force also referenced two other pertinent efforts which were completed and presented to the PSCC with a goal of measuring the impacts of FTAs: “Failure to Appear: A Look at Circuit Court Defendants between October 2000 and September 2001”, completed and released by LCOG at the request of the PSCC Community Corrections Committee; and a March 3, 2003, memorandum entitled “Direct Cost of Failure to Appear for Police Operations” prepared by Terry Smith, Service Improvement Analyst, and Linda Phelps, Police Planner, sent to acting Chief Thad Buchanan and presented to the Eugene Police Commission as well as various subcommittees of the PSCC.

After reviewing these documents, the FTA Task Force directed LCOG staff to work with staff of the various jurisdictions to update the 1998 study to include current costs data for cases referred to Eugene and Springfield Municipal Courts as well as the Circuit Court. The full final cost study is included in the Appendix.

The study makes the following assumptions concerning the impact of FTAs:

- o Each FTA results in time and resources spent by community safety agencies in Lane County.
- o Costs for FTAs begin to accumulate at the point in the process where work is completed which must be duplicated if the person fails to appear. At that point, “costs” to the system include resources being expended on staff completing tasks including appearing at court and waiting for the person who fails to appear.
- o “Costs” translate to “wasted public resources”.
- o Costs for this study do not include the costs to the victim. The Task Force understands there are additional costs beyond the scope of this study which is designed solely to calculate the costs to the community safety system agencies.
- o People can fail to appear at a variety of points in the process and the actual costs vary according to each circumstance and jurisdiction. The Task Force believes the costs included in this study are conservative, average costs. The costs, for instance, do not include the wasted costs of the original arrest where the warrant is never cleared by a subsequent arrest.
- o This is a pre-arraignment cost study completed when the jail matrix system was still in place and prior to the implementation of the Defendant and Offender Management Center (Sherman Center) which was under development during the same time period as the Task Force was conducting its work. The study assumes Circuit Court defendants are taken to jail where they are interviewed by the Custody Referee for consideration of eligibility for an appropriate pretrial release agreement. At the same time, their “matrix”

score is calculated by jail staff. Subsequently they are released either by the Sheriff pursuant to the “matrix” score to alleviate jail overcrowding or by the Circuit Court with a release agreement. The study assumes Municipal Court defendants are released under the matrix process.

Costs for FTA’s were calculated separately for cases referred to Circuit Court, Eugene Municipal Court, and Springfield Municipal Court. Costs were broken out for FTA’s were there was not a subsequent arrest and FTA’s were there was a subsequent arrest, thus additional system involvement. Of people who FTA’d any time in 2002, the following percent had been re-arrested at least once by November 2004:

- o Circuit Court – 96%
- o Eugene Municipal Court – 88%
- o Springfield Municipal Court – 74%

Given that some were arrested multiple times, the Task Force decided to utilize 80% as a conservative re-arrest calculation and 20% as a “no subsequent re-arrest” calculation. Costs to the criminal justice system for FTA’s in 2003 are calculated in the table below, totaling an estimated \$3.4 million annually.

	<i>Total FTA's for 2002</i>	<i>Cost per FTA With No Subsequent Arrest</i>	<i># of FTA's - No Sub. Arrest</i>	<i>Total Est. Cost - No Sub. Arrest</i>	<i>Cost per FTA with Subsequent Arrest</i>	<i># of FTA's with Sub. Arrest</i>	<i>Total Est. Cost - Sub. Arrest</i>	<i>Total Est. 2003 FTA Cost</i>
		Total Costs		20%	Total Costs		80%	
Circuit Court	3,143	\$361.55	629	\$227,270	\$774.84	2,514	\$1,948,258	\$2,175,528
Eugene Municipal Court	2,188	\$140.95	438	\$61,680	\$433.21	1,750	\$758,291	\$819,971
Springfield Municipal Court	1,261	\$130.72	252	\$32,968	\$414.08	1,009	\$417,724	\$450,691
Total	6,592		1,318	\$321,918		5,274		\$3,446,190

Jail Capacity – According to the 2002 Uniform Crime Report, among cities of 25,000 or more residents in the United States, Eugene was in the top 16% and Springfield was in the 7% nationally for property crime. At the same time, as a result of county budget cuts, the number of operational jail beds in Lane County has been shrinking. The chart below shows the number of available beds in the jail, Community Corrections Center (CCC), and Forest Work Camp (FWC) over the past decade. In 1995, the FWC was closed due to budget reductions. The FWC was re-opened in 1997 and SB 1145 funds were used to open additional beds in 1998. The SB 1145 jail and CCC beds built and funded with state funds to house felony offenders sentenced to a year or less were completed and opened in 1999. In 2003, 35 fewer jail beds were staffed. By 2004, Lane County has reduced its number of operational jail beds to a level barely above the number prior to the SB 1145 additions. It is anticipated additional beds will be closed in 2005-06.

Year	Jail Beds	CCC Beds	FWC Beds
1994	311	76	60

1995	311	84	0
1996	311	87	0
1997	311	87	60
1998	333	59	120
1999	485	116	30
2000	485	116	30
2001	485	116	70
2002	485	116	95
2003	450	116	95
2004	366	116	95

Several decisions made outside the control of Lane County decision makers have had an impact on the capacity of the jail to hold defendants pretrial who are at risk of failing to appear:

- o A federal court order in 1985 mandated a cap on jail population to alleviate overcrowding.
- o Ballot Measure 11 mandated minimum sentences for certain crimes
- o SB 1145 added beds to the Jail and CCC but also mandated that felony offender sentenced to a year or less in prison be under local control

POSSIBLE REASONS PEOPLE FAIL TO APPEAR FOR COURT EVENTS

Various studies have been completed to determine why people fail to appear. A Multnomah County Task Force Report on Racial Over-Representation in the Criminal Justice System listed the reasons outlined below to explain why people fail to appear for court. In Multnomah, this information was gathered from a series of three community meetings, but these same themes can be found throughout the literature on FTAs.

- o Participants believe that fear, pride, and misunderstanding of the court system all play into a person’s failure to appear in court. Fear, because some are afraid penalties will be harsh, or that they will automatically be incarcerated if they appear in court. Pride, because they may not be able to pay all the various fines and fees in one lump sum.
- o Language barriers, poorly translated tickets, and complex legal language also act as impediments for appearing in court.
- o Many people lead disorganized lifestyles, and adjusting their lifestyles to fit within a structured system, such as that imposed by the courts, is difficult.
- o Some people do not go to court simply because they do not want to go. In these cases, failure to appear is deliberate.³

The Pretrial Services Program in San Mateo, California, also examined FTA rates and why defendants fail to make their court appearances. They concluded:

While some defendants willfully fail to appear, for most people the reasons are more complicated. A defendant may have lost the paperwork on the current case and have either forgotten s/he must appear or not know whom to contact to find out where and when to

³ “Racial Over-Representation in the Criminal Justice System”. Task Force Report. Public Safety Coordinating Council of Multnomah County, Oregon. 2001-2002.

appear. Many defendants do not understand what they are supposed to do or fully comprehend the seriousness of the charges against them and the penalties for missing court. Many defendants are afraid of the criminal justice system and are too fearful to ask questions. Many wrongfully equate a citation to appear on a misdemeanor as the functional equivalent of a parking citation. Other defendants think they have a valid excuse because they must work or have child care or transportation difficulties.⁴

BEST PRACTICES TO REDUCE FAILURES TO APPEAR

A search of the literature failed to uncover research-based best practices to prevent FTAs. Indeed, the same National Institute of Justice (NIJ) publication cited above on pretrial release programs acknowledges:

With the exception of the research on pretrial release guidelines, there has been very little empirically grounded research on pretrial release/detention decision making practices and outcomes since the mid-1980s. There is not even an accessible base of current information on the operations of pretrial services programs or on pretrial release/detention decisionmaking in the jurisdictions within which these programs function.⁵

Professionals in the field of corrections, however, consistently have identified certain promising approaches they believe may be effective in reducing FTAs, although they do not have rigorous research or evaluations to prove their effectiveness. Promising approaches to prevent FTAs fall into the following categories:

- Careful screening prior to pretrial release to determine both risk to the community and risk for FTA.
- Formal Pretrial Release Programs which follow nationally accepted guidelines.
- Supervision which includes reminding defendants of court appearances by phone and letter before every appearance, explaining how the system works and the importance of making required appearances, and answering their questions.
- Encourage defendants who have missed court dates to turn themselves in voluntarily rather than being arrested on a bench warrant, thus saving both themselves and the system additional problems and costs.
- Swift and effective consequences for violations of release conditions.
- Early Disposition Courts for defendants charged with relatively minor non-violent victimless crimes to dispose of cases rapidly. The Marion County Justice Agency (Indianapolis, Indiana) opened an Arrestee Processing Center in August 2003 which, at that time at least, was, “only one of three centers in the United States that combines a processing center with “an initial hearing court for persons arrested for misdemeanors and many D felonies within hours of arrest”.⁶
- Mitigation and contested hearings by mail, allowing written statements in lieu of appearing at

⁴ “Pretrial Service Programs: Responsibilities and Potential”. Issues and Practices. US Department of Justice, Office of Justice Programs, National Institute of Justice. March 2001. P. 39.

⁵ Ibid. P. 67.

⁶ “Dedication of the Arrestee Processing Center”. Press Release. Marion County Justice Agency. City of Indianapolis, Marion County, Indiana. August 21, 2003.

a hearing.

Although research has not been completed on best practices to reduce FTAs, much research has been done to determine what works in the field of adult corrections. In October 2002, Dr. Ed Latessa came to Lane County for several days to present information on meta-analyses of research over the years on providing effective criminal justice services. In small group sessions with Adult Corrections, Parole and Probation, and Judges as well in as his main presentation to the PSCC and partners, he presented results of meta-analyses (building on the work of Dr. Donald Andrews, Dr. Paul Gendreau, and others) coupled with his own research on programs based on “Principles of Effective Correctional Intervention”⁷. Key elements of this model are:

- RISK PRINCIPLE: Treatment interventions should be used primarily with higher risk offenders and programs shouldn’t mix high-risk offenders with low to moderate risk offenders.
- NEED PRINCIPLE: Target the known criminogenic predictors of crime and recidivism.
- TREATMENT/PROGRAMS PRINCIPLE: Treatment and other programs should be behavioral in nature.

Along with these principles, Dr. Latessa described what research over two decades shows works and does not work to reverse criminal behavior. He also provided information and resource materials to begin implementation of the principles and strategies, including defendant/offender classification and assessment, program assessment, targets for change and the responsivity principle, motivational interviewing, and cognitive restructuring. Together, these principles and this knowledge Dr. Latessa shared are being used by policy makers and managers of the adult corrections system to slowly but surely change how the corrections business is done in our county, system-wide.

Shortly after Dr. Latessa’s visit, Lane County Adult Corrections (LCAC) began working collaboratively as an Offender Management Team (OMT) with representatives of Lane County Parole and Probation (P&P) and the Lane County Custody Referee’s Office (CRef) through the Circuit Court to improve how the system handles adults arrested and brought to the Lane County Jail for Intake and possible custody. The OMT sought additional on-site technical assistance from Bob Gibson, provided by National Institute of Corrections. Their goal was a seamless system tailored to each person beginning with arrest or revocation through field supervision using research-based interventions with the highest potential to be effective. They have taken the first steps to design and begin implementation of the following changes in how Lane County handles arrestees:

- Develop the Sherman Center staffed collaboratively by all three agencies as an assessment center and ultimately maybe a Day Reporting Center as well.
- Develop and validate a universal risk assessment instrument locally, as recommended by Mr. Gibson, to be used by LCAC, P&P, and CRef.
- Shift from exclusively risk-based assessment to both risk- and needs-based assessment. Use a validated needs assessment instrument to target criminogenic factors in assignments to

⁷ Source: Adopted from Cullen, F.T. and Gendreau, P.

alternative and educational programs and when considering release conditions. The District Attorney and Judges are indicating they will also use the assessments when considering plea bargains and sentencing options.

- Assess and try to motivate receptivity to treatment and skill development by using motivational interviewing
- Pull cognitive behavioral skill development (currently beginning to be used by programs in the community funded by the County) inside the Jail, Forest Work Camp (FWC), and Community Corrections Center (CCC). Ensure all staff who come into contact with the inmates are trained in cognitive restructuring and using the same language and techniques consistently in order to be positive forces in the inmate's behavior change process.

As the work of the FTA Task Force was moving forward, Lane County Adult Corrections, Lane County Parole and Probation, and the State Circuit Court of Lane County were putting the finishing touches on the Richard K. Sherman Defendant and Offender Management Center (Sherman Center). In July 2004, they began Phase I implementation. Reduction in the FTA rate is one of the projected outcomes the Sherman Center is striving to achieve. At the request of the Task Force, Sherman Center staff made presentations on the status of the Sherman Center and, in particular, on its Risk Assessment Tool (RAT). They also discussed an array of common issues, including the impact of the any changes in CLC policy on the Sherman Center capacity to handle intakes. The capacity of the jail and release staff are the same as they were prior to startup of the Sherman Center. The RAT and use of release agreements instead of the matrix are the main new components in Phase I. Agreeing that the Sherman Center is a major strategy to reduce FTAs, the FTA Task Force has worked to coordinate its efforts with the Sherman Center planning and implementation teams, developing strategic recommendations which are complementary to and build on the Sherman Center wherever possible.

The NIJ Pretrial Services publication, referenced earlier, suggests pretrial service programs similar to the Sherman Center should utilize the following strategies to minimize FTAs:

- Gather and periodically update information relevant to assessing the risk of nonappearance and initiating followup action if necessary.
- Use a variety of monitoring and reminder techniques to try to anticipate and avoid possible nonappearance problems.
- Immediately contact a defendant who misses an appearance to resolve the problem and minimize disruption of the court process.⁸

TASK FORCE RECOMMENDATIONS

1. Criminal justice system departments and agencies should explore sharing resources and jurisdictions should share strategies to staff the Richard K. Sherman Defendant and Offender Management Center (Sherman Center) to provide increased pre-trial supervision permitting more medium-high risk defendants to be monitored on release rather than being released due to capacity constraints. This could include field supervision of defendants and offenders released pre-trial to help reduce FTA's by keeping defendants aware of court dates and processes, helping ensure people show up for court-required appearances, improving communication, increasing jail bed capacity, and determining and communicate among all

⁸ Ibid., p. 38.

- parties the next steps necessary when a person cannot make a court appearance.
2. Update the capacity needs study conducted by LCOG in 1998 based on the methodology used by David M. Bennett in the Jail Population Management Plan completed in 1996 for Lane County.
 3. Coordinate, collect, analyze, and monitor FTA data annually to track progress of any system changes designed to reduce FTA's and other system changes which might have positive or negative impacts on FTA's.
 4. File lower level misdemeanor offenses as violations.
 5. Waive grand jury in clear cut cases (approximately 70% of the cases) if parties agree.
 6. Examine the document process to eliminate unnecessary steps and paperwork in order to move compliant defendants through the court process more quickly.
 7. Coordinate with existing agencies and resources to provide alcohol and drug abuse assessment when arrestees are brought to the Sherman Center.
 8. The Sherman Center assessment staff should train police officers on factors to be considered prior to issuing a Citation in Lieu of Custody (CLC) as an alternative to custody when arresting someone.



Failure to Appear Task Force

Failure to Appear Cost Study

November 29, 2004 Update

Revised August 2005

Task Force Members

Tim Laue, Citizen Member, Chair
Thad Buchanan, Captain, Eugene Police Department
Jerry Smith, Chief, Springfield Police Department
Jan Clements, Sheriff, Lane County
John Clague, Captain, Lane County Sheriff's Office
Linda Eaton, Manager, Lane County Parole and Probation
Doug Harclerod, District Attorney, Lane County
Karsten Rasmussen, Judge, Circuit Court
David Factor, Administrator, Circuit Court

Agency Sources of Information on Processes and Costs

Sources contributing to the original 1998 Report, compiled and analyzed by Leila Snow, Eugene Police Department, were:

Elizabeth Rambo, Operations Manager, Circuit Court
Doug Harclerod, District Attorney
Steve Skelton, Deputy District Attorney, District Attorney's Office
Anette Spickard, Accounting Analyst, District Attorney's Office
Kelly Brink, Supervising Pretrial Release Officer Circuit Court
Mark Graham, Lieutenant, Lane County Sheriff's Office
Ross Shepard, Director, Public Defender Services of Lane County

Additional sources contributing to the 2004 Update were:

Marilyn Nelson, Administrator, Eugene Municipal Court
Jan Clements, Sheriff, Lane County
John Clague, Captain, Lane County Sheriff's Office
Judy Simpson, Administrative Analyst, Lane County Sheriff's Office
Terry Smith, Service Improvement Analyst, Eugene Police Department
Linda Phelps, Strategic Planner, Eugene Police Department
Trent Spradling, Finance Manager, Eugene Police Department
Gayle Dick, Accounting Analyst, District Attorney's Office
Kathy Cunningham, Court Supervisor, Springfield Municipal Court Administrator
Mike Harman, Senior Management Analyst, Springfield Police Department
Janise Augur, Attorney, Public Defender Services of Lane County

2004 Update completed by Susan Sowards, Principal Planner, and Sara Wasserman, Senior Data Specialist Lane Council of Governments.

TABLE OF CONTENTS

	Page Number
Study Narrative	1
Background Information	1
Assumptions	1
Descriptions of Spreadsheets	2
Conclusions.....	3
Failure to Appear Process & Costs	5
Circuit Court Cases	7
Eugene Municipal Court Cases	11
Springfield Municipal Court Cases	15
Employee Cost Data	19
Circuit Court Cases	21
Eugene Municipal Court Cases	23
Springfield Municipal Court Cases	25

STUDY NARRATIVE

Background Information

The charge for the Public Safety Coordinating Council Failure to Appear (FTA) Task Force includes the following responsibility:

- *Develop findings that describe the scope of the problem, including its costs, effects, and impacts upon the system and participating agencies*

This Cost Study is the first step in meeting that responsibility.

In 1998, Leila Snow, Financial Analyst, Eugene Police Department, at the request of the Public Safety Coordinating Council (PSCC) worked with key players in the various criminal justice agencies to document the processes and average costs, across the system, for each FTA in Circuit Court. The 1998 Study concluded each FTA cost \$385.65 in *Direct Labor Cost*. It factored in an additional 150% for *Materials and Facilities* and estimated the *Total Cost* for each simple Pre-Arrestment Failure to Appear in Circuit Court to be \$578.48.

In addition to Ms. Snow's study, two other pertinent efforts have been completed and presented to PSCC with a goal of collecting data to aid in measuring the impacts of FTA's on the criminal justice system in Lane County:

1. In March 2002, "Failure to Appear: A Look at Circuit Court Defendants between October 2000 and September 2001" was completed and released by LCOG at the request of the PSCC Community Corrections Committee.
2. On March 3, 2003, Terry Smith, Service Improvement Analyst, and Linda Phelps, Police Planner, sent a Eugene Police Department Memorandum to acting Chief Thad Buchanan entitled "Direct Cost of Failure to Appear for Police Operations". This study has been released to various subcommittees of the PSCC.

On March 10, 2004, the FTA Task Force reviewed the 1998 Study and directed staff to update the document to include current costs data for Eugene and Springfield Municipal Courts in addition to the Circuit Court. This report is the result of that effort.

Assumptions

In preparation for the 1998 study, the PSCC discussed the following assumptions:

- Each FTA results in time and resources spent by community safety agencies in Lane County.
- Costs for FTA's begin to accumulate at the point in the process where work is completed which must be duplicated if the person fails to appear. At that point, "costs" to the system include resources being expended on staff completing tasks including appearing at court and waiting for the person who fails to appear.
- "Costs" translate to "wasted public resources".

Additional assumptions of the PSCC FTA Task Force for this Update include the following:

- Costs for this Study do not include the costs to the victim. The Task Force understands there are additional costs beyond the scope of this study. This study is designed to

- calculate the costs to the community safety system agencies, only.
- People can fail to appear at a variety of points in the process and the actual costs vary according to each circumstance and jurisdiction. The Task Force believes the costs included in this study are conservative, average costs. The costs, for instance, do not include the wasted costs of the original arrest where the warrant is never cleared by a subsequent arrest.
- This is a pre-arraignment cost study. It assumes Circuit Court defendants are taken to jail where they are interviewed by the Custody Referee for consideration of eligibility for an appropriate pretrial release agreement. At the same time, they have their “matrix” score calculated by Jail staff. Subsequently they are released either by the Sheriff pursuant to the “matrix” score to alleviate jail overcrowding or by the Circuit Court with a release agreement. The study assumes Municipal Court defendants are released under the matrix process.

Description of Spreadsheets

Two sets of spreadsheets are included in this study. The first set – *Process and Costs* – shows the line item costs and total costs for Failures to Appear in Circuit Court, Eugene Municipal Court, and Springfield Municipal Court. The sheets include the personnel involved at each decision point in the process after the initial arrest and through the subsequent arrest for FTA.

Although warrants are issued for failing to appear for a court date, settlement conference, or other required appearance, only a percentage of people who have warrants issued for FTA’s are actually arrested for the FTA. For that reason, each *Process and Costs* spreadsheet shows:

- A *Total Cost* after the issuance of the warrant – this is the estimated cost for people who fail to appear and are not subsequently re-arrested for the FTA.
- Additional *Direct Labor Cost* if the defendant is arrested on the warrant after the FTA.
- A *Total Cost* of the average pre-arraignment FTA where the defendant is then arrested on the warrant for failing to appear.

Overhead costs vary by jurisdiction and sometimes by agency within jurisdictions. Overhead costs can include item such as costs for facilities, utilities, fiscal services, etc. For the purposes of this study, these costs were averaged across the various agencies included in the Study to determine an average *Overhead* calculation – 15.12% of *Direct Labor Costs*. *Direct Labor Costs* include salary, required payroll costs, and fringe benefits such as health insurance, retirement benefits, etc.

The second set of spreadsheets – *Employee Cost Data* – are linked to the *Process and Costs* sheets and show the Salary and Fringe costs of employee classifications, by agency, involved in each FTA.

Conclusions

Costs for FTA's were calculated separately for cases referred to Circuit Court, Eugene Municipal Court, and Springfield Municipal Court. Costs were broken out for FTA's where there was not a subsequent arrest and FTA's where there was a subsequent arrest, thus additional system involvement. Average costs per FTA, using 2003 cost data, are:

	<i>With No Subsequent Arrest for FTA</i>			<i>With Arrest for FTA</i>		
	Direct Labor Cost	Overhead	Total Costs	Direct Labor Cost	Overhead	Total Costs
Circuit Court	\$314.06	\$47.49	\$361.54	\$672.92	\$101.92	\$774.67
Eugene Municipal Court	\$122.44	\$18.51	\$140.96	\$376.31	\$56.90	\$433.20
Springfield Municipal Court	\$113.55	\$17.17	\$130.72	\$359.69	\$54.39	\$414.08

Of people who FTA'd any time in 2002, the following percent had been re-arrested at least once by November 2004:

- o Circuit Court – 96%
- o Eugene Municipal Court – 88%
- o Springfield Municipal Court – 74%

Given that some were arrested multiple times, the Task Force decided to utilize 80% as a conservative re-arrest calculation and 20% as a “no subsequent re-arrest” calculation. Costs to the criminal justice system for FTA's in 2003 are calculated in the table below, totaling an estimated \$5.6 million annually.

	<i>Total FTA's for 2003</i>	<i>Cost per FTA With No Subsequent Arrest</i>	<i># of FTA's - No Sub. Arrest</i>	<i>Total Est. Cost - No Sub. Arrest</i>	<i>Cost per FTA with Subsequent Arrest</i>	<i># of FTA's with Sub. Arrest</i>	<i>Total Est. Cost - Sub. Arrest</i>	<i>Total Est. 2003 FTA Cost</i>
		Total Costs	20%		Total Costs	80%		
Circuit Court	4,790	\$361.55	958	\$346,365	\$774.84	3,832	\$2,969,187	\$3,315,552
Eugene Municipal Court	5,494	\$140.95	1,099	\$154,876	\$433.21	4,395	\$1,904,045	\$2,058,920
Springfield Municipal Court	751	\$130.72	150	\$19,634	\$414.08	601	\$248,779	\$268,413
Total	11,035		2,207	\$520,875		8,828		\$5,642,886

Failure to Appear Process & Costs

Failure to Appear Process & Costs - Circuit Court Cases				
Cost	Time	Personnel	Process	
			Police arrest defendant	
			Jail book in	
			Arraignment at jail	
		Judge		
		COS2		
		Transport officers		
		Corrections officers		
		Public defender		
		Deputy DA		
		Clerical staff		
-----FTA costs begin to accumulate here--				
			<u>Custody Referee (State Charges Only)</u>	
\$ 14.80	30	Release Asst. Off	Staff does intake assessment, sets bail, sets up public defender. Prepares file, pulls the rap sheet, calls the defendant.	
\$ 14.80	30	Release Asst. Off	Interview the defendant and set bond	
\$ 59.19	120	Release Asst. Off	Follow up with verifications, background, talk to family, friends, victim. May obtain & review police report, negotiate with DA or defense attorney.	
\$ 10.52	30	COS2	Is assisted by Court Operations Specialist 2 at rate of .25 hour per every 1.0 hour spent by Release Assistance Officer.	
			Release if qualified.	
			If not qualified, work to achieve eligibility, or	
			Recommend no release.	
			Costs not included above: supervise released defendants, indigent counsel	
			<u>LC SO - Corrections Division</u>	
			Matrix out either pre or post arraignment, assume pre arraignment	
			Population management team determines matrix	
\$ 8.44	15	CRO	One FTE working 56 hours per week on matrix: download lists on PC AFIS, computes points or factors, calculates out of area criminal history by hand, reviews files and makes a draft matrix list	
\$ 1.60	2	Sergeant	Sergeant reviews list and determines matrix, 90 minutes total	
\$ 20.08	30	Deputy Sheriff	Release the defendant, give notice of next court date	
\$ 16.88	30	CRO		
			<u>Public Defender - Pre Court</u>	
\$ 4.20	12	Legal Secretary	Prepares Docket	

Failure to Appear Process & Costs - Circuit Court Cases			
Cost	Time	Personnel	Process
\$ 2.10	6	Office Assistant	Pulls file and takes to lawyer to review
\$ 8.40	12	Public Defender	Reviews file
			<u>District Attorney - Pre Court</u>
\$ 5.09	12	Legal Secretary	Prepares Docket
\$ 2.30	6	Office Assistant	Pulls file and takes to lawyer to review
\$ 9.47	12	Deputy DA	Reviews file
			<u>Circuit Court Appearance</u>
			Failure to Appear for three day hearing
			After matrixing out without arraignment, or
			Arraigned but could not determine next court date at time of matrix
\$ 33.65	96	COS2	One clerk prepares docket the day before from materials sent over from the jail and other court records Pull all files for docket, print docket, review cases Approximately 2 hours to prepare average of 50 cases, 80% FTA
\$ 16.83	30	2 COS2	Clerks get dockets and files the day of court. Prepares log sheet for each case, calls each name to verify presence, orders docket by those present or absent, type of case, etc Takes 2 clerks 30 minutes, 80% of docket FTA's All live cases are heard first FTA's are called at the end
\$ 5.94	9	Ct. Liaison Office	Court Liaison Officer tracks & manages subpoenas for each case
\$ 1.73	6	Admin. Aid	Subpeona tracking
\$ 17.45	30	Police Officer	Court time for subpoenaed Police Officer; if overtime, may cost 3-4 hours OT
\$ 3.21	3	Judge	Judge calls name, no response, DA requests a warrant, judge grants warrant
\$ 1.05	3	COS2 (Audio)	Assists judge and records proceedings via audio tape
\$ 1.05	3	COS2 Gofer	Works for all present, takes care of details
\$ 1.05	3	COS2 Data Entry	Does real time data entry
\$ 2.37	3	Deputy DA Interpreter	Could be law student intern instead of Deputy DA Assume interpreter is not necessary
\$ 1.48	3	Release Asst. Officer	
\$ 0.79	1	Deputy DA	DA creates affidavit for warrant.
\$ 2.10	3	Public Defender	Two public defenders - one for misdemeanors, one for felonies.
\$ 2.10	3	Public Defender	Public defender handles 60% of cases. Payment is on a per case basis, regardless of amount of time taken. FTA for six months with no contact

Failure to Appear Process & Costs - Circuit Court Cases			
Cost	Time	Personnel	Process
			automatically starts a new case with second payment (does not happen often).
			Remaining 40% of cases which qualify but which public defender can't handle are handled by private attorneys @ \$40 per hour, regardless of type of case.
			For ease of costing, private sector attorney @ \$40/hr is assumed.
\$ 2.14	2	Judge	DA swears to correctness of affidavit and judge signs
\$ 1.58	2	Deputy DA	Copies go to data entry clerks to prepare warrant
\$ 0.70	2	COS2	
\$ 0.70	2	COS2	
\$ 0.70	2	COS2	
\$ 2.80	8	COS2	Data entry clerks prepare warrant and return to judge for signature
\$ 1.07	1	Judge	Judge signs warrants, returns to data entry clerks
\$ 0.35	1	COS2	
\$ 0.70	2	COS2	Data entry clerks route warrants to original arresting agency
			<u>DA's Office - Post Court</u>
\$ 5.09	12	Legal Secretary	Processes file after court and enters data in computer, puts file in conformed copy bin
\$ 2.30	6	Office Assistant	Places conformed copy in file
			<u>Public Defender Post Court</u>
\$ 5.25	15	Legal Secretary	Processes file after court
			FTA's also occur at other than 3 day arraignment hearing, such as 35 day call back, pre trial hearing, trial, show cause, motions, etc. Players and costs will be very similar. The CSO II audio recorder will be replaced by a court recorder at the same classification level. The defense attorney may be court appointed or private, but are largely court appointed. There will be no custody referee. 35 day call will have Robo clerk, other hearings will not.
			<u>Policing Agency</u>
\$ 11.13	30	Record Spec A&I	Records Spec. enters State Court warrant
\$ 10.89	20	Records Supervis	Supervisor verifies warrant data entry
\$ 314.06		Direct Labor Cost of FTA With No Subsequent Arrest	
\$ 47.49	15.12%	Overhead	
\$ 361.54		Total Cost of FTA With No Subsequent Arrest	

Failure to Appear Process & Costs - Circuit Court Cases			
Cost	Time	Personnel	Process
			<i>If warrant results in subsequent arrest, added costs are:</i>
			<u>Policing Agency</u>
			Arresting agency generally does not specifically seek out defendant.
			Local agencies do not have a warrant detail.
			Law officer encounters defendant during a routine stop or in the commission of another crime. Assume routine stop, one warrant from one agency
\$ 40.72	70	Police Officer	Officer calls in details of stop, warrant shows up. Gets back up unit to cover while making arrest. Secures defendant's vehicle, arrests defendant, takes to jail, books in, writes report.
\$ 6.33	15	Comm Spec A&I	Dispatches call.
\$ 3.71	10	Record Spec A&I	Assists with confirmation, clears the warrant post arrest
\$ 8.17	15	Record Supervisor	Confirms warrant.
			<u>Public Defender</u>
			Defendant can fail to appear at any point in the process. Most commonly, defendant is arraigned at jail and FTA's at 35 day hearing (estimate 50%).
			If Pub Def knows where defendant is will try to contact, try for a voluntary appearance (no business conducted, just set new court date)
			Then client will FTA for the new court date (nets XXX days with no warrant)
\$ 84.00	120	Public Defender	Amount of time invested by attorney varies with type of case and type of court date. Arraignments take little time, 35 day hearings take more time, trials, plea bargaining, or sentencing takes full preparation of 2-4 hrs.
\$ 21.00	60	Clerk	Clerical support averages
			<u>Jail Book In and Custody</u>
\$ 20.08	30	Deputy Sheriff	To jail and booking process - FTA takes about 1/2 the time a new case
\$ 16.88	30	CRO	does to book, no fingerprints or photo needed
\$ 31.99	55	Police Officer	To jail and booking process
\$ 126.00		Jail Custody	Keep 24 hours (Includes cost to house, feed, assess, process, transport)
		Same as prior	Arraignment
\$ 358.86		Subtotal - Direct Labor Costs of Arrest on Warrant, Jail Book In, Custody	
\$ 672.92		Total Direct Labor Cost of FTA With Subsequent Arrest on Warrant	
\$ 101.75	15.12%	Overhead	
\$ 774.67		Total Cost of FTA With Subsequent Arrest	

Failure to Appear Process & Costs - Eugene Municipal Court Cases					
Cost	Time	Personnel	Process		
			Police arrest defendant		
			Jail book in		
			Arraignment at jail		
		Judge			
		COS2			
		Transport officers			
		Corrections officers			
		Public defender			
		City Prosecutor			
		Clerical staff			
-----FTA costs begin to accumulate here--					
			<u>LCSO - Corrections Division</u>		
			Matrix out either pre or post arraignment, assume pre arraignment		
			Population management team determines matrix		
\$ 8.44	15	CRO	One FTE working 56 hours per week on matrix: download lists on PC AFIS, computes points or factors, calculates out of area criminal history by hand, reviews files and makes a draft matrix list		
\$ 1.60	2	Sergeant	Sergeant reviews list and determines matrix, 90 minutes total		
\$ 20.08	30	Deputy Sheriff	Release the defendant, give notice of next court date		
\$ 16.88	30	CRO			
			<u>Court Appointed Attorney - Pre Court</u>		
			Costs cannot be estimated due to flat rate contract		
		Office Assistant	Pulls file and takes to lawyer to review		
		Public Defender	Reviews file		
			<u>Municipal Court Appearance</u>		
\$ 2.14	5	COS A	Check-in, computer entry, clear suspension if needed, check name off docket		
\$ 2.14	5	COS A	Pull case from Records, clear warrant		
\$ 2.14	5	COS A	Deliver case file to Court Clerk, or check matrix slip and attach to file		
			<u>Arraignment</u>		
\$ 2.14	5	COS A	Set up Advice of Rights video		
\$ 12.85	30	COS A	File prep and pull files		
\$ 1.29	3	COS A	Assist judge/forms, etc.		
\$ 1.29	3	COS A	Data entry		
\$ 8.33	5	Judge	Arraign defendant		
\$ 1.29	3	COS A	Runner to deliver/transfer papers to counter		

Failure to Appear Process & Costs - Eugene Municipal Court Cases					
Cost	Time	Personnel	Process		
\$ 1.71	4	COS A	Cashier/process comeback/payments		
\$ 1.85	4	COS B	Negotiate payment agreement/referrals		
\$ 0.86	2	COS A	Docket		
\$ 0.86	2	COS A	File case in Records		
			<u>Post-Court</u>		
\$ 1.67	1	Judge	Enters warrant		
\$ 0.86	2	COS A	Data entry		
\$ 0.43	1	COS A	Collate		
\$ 0.93	2	COS B	Docket		
			<u>Processing Warrants</u>		
\$ 2.14	5	COS A	Prep warrant and take to judge for signature		
\$ 1.67	1	Judge	Signs warrant		
\$ 2.14	5	COS A	Data entry of warrant/route to agency		
\$ 2.14	5	COS A	Make warrant file and file in Records		
			<u>City Prosecutor's Office - Post-Court</u>		
\$ 2.57	6	Office Assistant	Processes file after court and enters data in computer, puts file		
			<u>Court-Appointed Attorney - Post-Court</u>		
		Office Assistant	Receives notice of next appearance		
			<u>Policing Agency</u>		
\$ 11.13	30	Record Spec A&I	Records Spec. enters warrant		
\$ 10.89	20	Records Supervisor	Supervisor verifies warrant data entry		
\$ 122.44		Direct Labor Cost of FTA With No Subsequent Arrest			
\$ 18.51	15.12%	Overhead			
\$ 140.96		Total Cost of FTA With No Subsequent Arrest			
			<i>If warrant results in subsequent arrest, added costs are:</i>		
			<u>Policing Agency</u>		
			Arresting agency generally does not specifically seek out defendant.		
			Local agencies do not have a warrant detail.		
			Law officer encounters defendant during a routine stop or in the commission		
			of another crime. Assume routine stop, one warrant from one agency		

Failure to Appear Process & Costs - Eugene Municipal Court Cases						
Cost	Time	Personnel	Process			
\$ 40.72	70	Police Officer	Officer calls in details of stop, warrant shows up. Gets back up unit to cover while making arrest. Secures defendant's vehicle, arrests defendant, takes to jail, books in, writes report.			
\$ 6.33	15	Comm Spec A&F	Dispatches call.			
\$ 3.71	10	Record Spec A&F	Assists with confirmation, clears the warrant post arrest			
\$ 8.17	15	Record Supervisor	Confirms warrant.			
			Jail Book In and Custody			
\$ 20.08	30	Deputy Sheriff	To jail and booking process - FTA takes about 1/2 the time a new case			
\$ 16.88	30	CRO	does to book, no fingerprints or photo needed			
\$ 31.99	55	Police Officer	To Jail and booking process			
\$ 126.00		Jail Custody	Keep 24 hours (Includes cost to house, feed, assess, process, transport)			
		Same as prior	Arraignment			
\$ 253.86		Subtotal - Direct Labor Costs of Arrest on Warrant, Jail Book In, Custody				
\$ 376.31		Total Direct Labor Cost of FTA With Subsequent Arrest on Warrant				
\$ 56.90	15.12%	Overhead				
\$ 433.20		Total Cost of FTA With Subsequent Arrest				

Failure to Appear Process & Costs - SPRINGFIELD Municipal Court Cases						
Cost	Time	Personnel	Process			
			Police arrest defendant			
			Jail book in			
			Transport to Court for Arraignment			
		Judge				
		Transport officers				
		Corrections officers				
		Court bailiff (SPD)				
		City Prosecutor				
		Clerical staff				
-----FTA costs begin to accumulate here--						
			<u>LCSSO - Corrections Division</u>			
			Matrix out either pre or post arraignment, assume pre arraignment			
			Population management team determines matrix			
\$ 8.44	15	CRO	One FTE working 56 hours per week on matrix: download lists on PC AFIS, computes points or factors, calculates out of area criminal history by hand, reviews files and makes a draft matrix list			
\$ 1.60	2	Sergeant	Sergeant reviews list and determines matrix, 90 minutes total			
\$ 20.08	30	Deputy Sheriff	Release the defendant, give notice of next court date			
\$ 16.88	30	CRO				
			<u>Court Appointed Attorney - Pre Court</u>			
	0		0 Not appointed prior to court appearance			
			<u>Municipal Court Pre-Appearance</u>			
\$ 0.38	1	Clerk	Receive matrix slip (file stamp)			
\$ 0.75	2	Clerk	Pull case file & attach matrix slip			
\$ 0.38	1	Clerk	Data entry for new court appearance date			
\$ 0.38	1	Clerk	Check in defendant			
\$ 0.75	2	Clerk	Pull case file; prepare for arraignment			
\$ 0.38	1	Clerk	Pick up file for court appearances			
			<u>Arraignment</u>			
\$ 3.56	5	Judge	Advice of rights			
\$ 1.42	2	Judge	Process explanation			
\$ 0.71	1	Judge	Explanation of statutory state fees			
\$ 0.38	1	Clerk - in Court	Clerk in court - prep files & call case			

Failure to Appear Process & Costs - SPRINGFIELD Municipal Court Cases			
Cost	Time	Personnel	Process
\$ 3.56	5	Judge	Advice of rights confirmation; Arraign defendant
\$ 1.13	3	Clerk - in Court	Pull, prepare forms as needed (CAA, GP waiver, sentence order, rel. agreement)
\$ 0.75	2	Clerk - in Court	Data entry
\$ 1.13	3	Clerk - post Cour	Verify documents; obtain signature as needed
\$ 1.13	3	Clerk - post Cour	Cashier or payment agreements
\$ 0.38	1	Clerk - post Cour	Clear suspensions; verify warrant clearance
\$ 0.75	2	Clerk - post Cour	Verify data entry and/or complete data entry
\$ 0.38	1	Clerk - post Cour	File or route case
\$ 2.32	5	Senior Court Cler	Weekly audit for warrant clearances; return service, etc.
			<u>Post-Court</u>
\$ 0.75	2	Clerk	Clerk verifies fta; data entry - order warrant
\$ 0.38	1	Clerk	Clerk notify City prosecutor for m/o for warrant, affidavits
\$ 1.51	4	Clerk	Clerk check file - retrieves other case supporting documents if and as needed
\$ 0.38	1	Clerk	File in pending warrants until warrant is prepared
			<u>Processing Warrants</u>
\$ 0.38	1	Clerk	Pull warrant file
\$ 0.38	1	Clerk	Attach m/o orders, affidavits to warrant file
\$ 1.88	5	Clerk	Prepare warrant
\$ 0.71	1	Judge	Deliver to Judge for signature
\$ 0.38	1	Clerk	Deliver to Supervisor
\$ 1.39	3	Supervisor	Final review before issuance
\$ 1.88	5	Clerk	Data entry
\$ 0.38	1	Clerk	Deliver warrant to police department
\$ 0.38	1	Clerk	File warrant file
			<u>Court-Appointed Attorney - Post-Court</u>
\$ 0.38	1	Clerk	Receive documents
\$ 0.38	1	Clerk	Retrieve case file
\$ 2.64	7	Clerk	Verify CAA application
\$ 1.88	5	Clerk	Return if not complete
\$ 0.38	1	Clerk	Deliver to judge review & signature
\$ 0.38	1	Clerk	Deliver to clerk for CAA processing
\$ 0.75	2	Clerk	Select & appoint attorney
\$ 2.64	7	Clerk	Prepare & send notifications
\$ 1.13	3	Clerk	Notify CAA by phone of custody appointment
\$ 0.38	1	Clerk	Deliver to clerk for trial docketing
\$ 1.13	3	Clerk	Coordinate trial setting: officer schedules & attorney availability (by phone)
\$ 1.88	5	Clerk	Trial docket
\$ 1.88	5	Clerk	Prepare & send notifications

Failure to Appear Process & Costs - SPRINGFIELD Municipal Court Cases			
Cost	Time	Personnel	Process
\$ 0.38	1	Clerk	File case
\$ 2.32	5	Senior Court Cler	Prepare voucher to pay attorney (if appointment result in fta or post conviction)
			<u>Policing Agency</u>
\$ 8.58	30	Records Staff	Records Staff enters State Court warrant
\$ 8.09	20	Records Supervis	Supervisor verifies warrant data entry
<hr/>			
\$ 113.55		Direct Labor Cost of FTA With No Subsequent Arrest	
\$ 17.17	15.12%	Overhead	
\$ 130.72		Total Cost of FTA With No Subsequent Arrest	
<hr/>			
			<i>If warrant results in subsequent arrest, added costs are:</i>
			<u>Policing Agency</u>
			Arresting agency generally does not specifically seek out defendant.
			Local agencies do not have a warrant detail.
			Law officer encounters defendant during a routine stop or in the commission
			of another crime. Assume routine stop, one warrant from one agency
\$ 31.45	70	Police Officer	Officer calls in details of stop, warrant shows up. Gets back up unit to cover while making arrest. Secures defendant's vehicle, arrests devendant, takes to jail, books in, writes report.
\$ 5.08	15	Dispatcher	Dispatches call.
\$ 3.39	10	Dispatcher	Assists with confirmation, clears the warrant post arrest
\$ 5.08	15	Dispatcher	Confirms warrant.
			<u>Jail Book In and Custody</u>
\$ 20.08	30	Deputy Sheriff	To jail and booking process - FTA takes about 1/2 the time a new case
\$ 16.88	30	CRO	does to book, no fingerprints or photo needed
\$ 13.48	30	Police Officer	Travel time to and from Jail
\$ 24.71	55	Police Officer	To Jail and booking process
\$ 126.00		Jail Custody	Keep 24 hours (Includes cost to house, feed, assess, process, transport)
		Same as prior	Arraignment
\$ 246.14		Subtotal - Direct Labor Costs of Arrest on Warrant, Jail Book In, Custody	
<hr/>			
\$ 359.69		Total Direct Labor Cost of FTA With Subsequent Arrest on Warrant	
\$ 54.39	15.12%	Overhead	
\$ 414.08		Total Cost of FTA With Subsequent Arrest	

Employee Cost Data

Employee Cost Data - Circuit Court Cases						
			40%		174	60
		Monthly	Fringe	Total	Per Hour	Per Minute
Court employees:						
	Judge	7,983.00	3,193.20	11,176.20	64.23	1.07
	Court Operations Specialist 2 (COS2)	2,614.00	1,045.60	3,659.60	21.03	0.35
	Court Operations Specialist 1 (File Clerk)	2,491.00	996.40	3,487.40	20.04	0.33
	Judicial Clerk (Law Clerk)	2,491.00	996.40	3,487.40	20.04	0.33
	Judicial Assistant (Secretary)	2,885.00	1,154.00	4,039.00	23.21	0.39
	Release Assistance Officer (Release Office)	3,678.00	1,471.20	5,149.20	29.59	0.49
	Pretrial Services Supervisor (Custody Refer)	4,472.00	1,788.80	6,260.80	35.98	0.60
	Contract Interpreters				32.5	0.54
			34.87%			
			33.24%			
Police Agency Employees:						
	Police Agent (Ct. Liaison)	5,108.91	1,781.48	6,890.39	39.60	0.66
	Admin. Aid (Ct. Liaison)	2,262.95	752.20	3,015.15	17.33	0.29
	Police Officer	4,502.39	1,569.98	6,072.37	34.90	0.58
	Communications Spec A&B	3,304.06	1,098.27	4,402.33	25.30	0.42
	Records Supervisor	4,266.48	1,418.18	5,684.66	32.67	0.54
	Records Spec A&B	2,907.64	966.50	3,874.14	22.27	0.37
LCSO Employees:						
	Deputy Sheriff	4,616.52	2,370.78	6,987.30	40.16	0.67
	Comm Records Officer	3,764.57	2,108.04	5,872.60	33.75	0.56
	Sergeant	5,670.95	2,695.95	8,366.91	48.09	0.80
DA Employees:						
	Deputy District Attorney II				47.33	0.79
			40%			
Public Defender Employees:						
	Attorney				42.00	0.70
	Secretary				21.00	0.35

Employee Cost Data - Eugene Municipal Court Cases					
			40%	174	60
	Monthly	Fringe	Total	Per Hour	Per Minute
Court employees:					
Judge	7,983.00	3,193.20	11,176.20	64.23	1.07
Court Operations Specialist 2 (COS2)	2,614.00	1,045.60	3,659.60	21.03	0.35
Court Operations Specialist 1 (File Clerk)	2,491.00	996.40	3,487.40	20.04	0.33
Judicial Clerk (Law Clerk)	2,491.00	996.40	3,487.40	20.04	0.33
Judicial Assistant (Secretary)	2,885.00	1,154.00	4,039.00	23.21	0.39
Release Assistance Officer (Release Office)	3,678.00	1,471.20	5,149.20	29.59	0.49
Pretrial Services Supervisor (Custody Refer)	4,472.00	1,788.80	6,260.80	35.98	0.60
Contract Interpreters				32.5	0.54
		34.87%			
		33.24%			
Police Agency Employees:					
Police Agent (Ct. Liaison)	5,108.91	1,781.48	6,890.39	39.60	0.66
Admin. Aid (Ct. Liaison)	2,262.95	752.20	3,015.15	17.33	0.29
Police Officer	4,502.39	1,569.98	6,072.37	34.90	0.58
Communications Spec A&B	3,304.06	1,098.27	4,402.33	25.30	0.42
Records Supervisor	4,266.48	1,418.18	5,684.66	32.67	0.54
Records Spec A&B	2,907.64	966.50	3,874.14	22.27	0.37
LCSD Employees:					
Deputy Sheriff	4,616.52	2,370.78	6,987.30	40.16	0.67
Comm Records Officer	3,764.57	2,108.04	5,872.60	33.75	0.56
Sergeant	5,670.95	2,695.95	8,366.91	48.09	0.80
DA Employees:					
Deputy District Attorney II				47.33	0.79
		40%			
Public Defender Employees:					
Attorney				40.00	0.67
Clerk				20.00	0.33
	Hrly Wage	Hrly Fringe	Total	Per Hour	Per Minute
Eugene Municipal Court Employees					
Court Operations Spec. A	16.31	9.39		25.70	0.43
Court Operations Spec. B	18.00	9.79		27.79	0.46
Office Asst. (Adm Aide II)	16.31	9.39		25.70	0.43
Judge	100.00	N/A		100.00	1.67

Employee Cost Data - Springfield Municipal Court Cases						
					174	60
	Annually	Fringe	Total	Monthly	Per Hour	Per Minute
Court employees:						
Presiding Judge (note: all judges = .55 FTE)	69,144.00	20,000.00	89,144.00	7,428.67	42.69	0.71
Judge Pro-tem 1	25,860.00	1,932.00	27,792.00	2,316.00	24.20	0.40
Court Supervisor	54,540.00	24,468.00	79,008.00	6,584.00	37.84	0.63
Senior Court Clerk	39,996.00	18,144.00	58,140.00	4,845.00	27.84	0.46
Court Clerk (each; 4 total)	32,892.00	14,286.00	47,178.00	3,931.50	22.59	0.38
Interpreters					32.5	0.54
Court-Appointed Attorney-Post-Court						
Paid per misdemeanor case: \$50 to \$100						
Springfield Police Dept Employees						
Police Officer	56,291.89	28,145.94	84,437.83	4,690.99	26.96	0.45
Dispatcher	42,408.12	16,963.25	59,371.37	3,534.01	20.31	0.34
Records Supervisor	50,671.32	20,268.53	70,939.85	4,222.61	24.27	0.40
Records Staff	35,817.24	14,326.90	50,144.14	2,984.77	17.15	0.29