System Failure

REPORT ON PROLIFIC OFFENDERS IN SEATTLE’S CRIMINAL JUSTICE SYSTEM

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

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Executive Summary

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

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

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

<table>
<thead>
<tr>
<th>100 Seattle Prolific Offender Profiles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of Washington State criminal cases</td>
</tr>
<tr>
<td>Average WA cases per offender</td>
</tr>
<tr>
<td>Highest number of WA cases for individual</td>
</tr>
<tr>
<td>Total number of Seattle Municipal Court misdemeanor cases</td>
</tr>
<tr>
<td>Average SMC cases per offender</td>
</tr>
<tr>
<td>Highest number of SMC cases for individual</td>
</tr>
<tr>
<td>Total King County Jail bookings in past 12 months</td>
</tr>
<tr>
<td>Average per offender</td>
</tr>
<tr>
<td>Highest ind. number of KCJ bookings in 12mo.</td>
</tr>
</tbody>
</table>

Demographics[^1]

<table>
<thead>
<tr>
<th>Demographics</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Average age of offenders</td>
<td>37</td>
</tr>
<tr>
<td>Male/Female</td>
<td>78/22</td>
</tr>
<tr>
<td>White</td>
<td>66</td>
</tr>
<tr>
<td>Black</td>
<td>24</td>
</tr>
</tbody>
</table>

The key findings of this report are:

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

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

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

   For individuals in the prolific offender sample whose primary issues were substance use disorders and homelessness (but not severe mental health issues), most of their criminal cases stemmed from thefts in order to obtain money for drugs. A typical narrative for this population involves shoplifting at major retail establishments across the city followed by trading those stolen goods for cash through a stolen property broker, often at 3rd and Pike 2.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

* * *

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The final dollar amount was $275.21.

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

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

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

Officer Willoughby searched [redacted] incident to arrest.

Officer Sandlin transported [redacted] to the West Precinct.

SGT Moore screened the arrest at the West Precinct.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[Redacted document snippet]
Officers noted that Melonie was “extremely mentally ill” and asked for intervention from the justice system. She was held in King County Jail for 12 days before being released. Her assault case was dismissed because Melonie was incompetent to assist in her own defense due to mental illness and the fact that it was unlikely she could be restored to competency. [See below]. In her prior court-ordered mental health examination, the reviewing psychologist recommended involuntary civil commitment proceedings. I did not find evidence that civil commitment was pursued in 2018.
4. Some Prolific Offenders Pose a Serious Threat to Officer Safety

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

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

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

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

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

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

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

Charges:

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It is hereby ordered that the defendant is:

- Released from King County Jail

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

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

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

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

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

In early January 2019, Travis was featured on a KIRO news report while injecting meth in broad daylight at his makeshift encampment at the corner of 3rd and Pike Street. Nearby officers did not intervene.
Of the prolific offenders examined in this report, all 100 failed to appear at court hearings, failed to comply with conditions of pre-trial release, and failed to comply with conditions of their suspended sentences in virtually every case in which they had the opportunity. These failures triggered the courts to issue bench warrants for the defendants to be brought before the court. For this prolific offender sample population, bench warrants were issued in almost every case in which a defendant was released from jail or sentenced with conditions. The result is often cases that dragged out for more than a year with the court issuing multiple bench warrants.

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

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

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

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

Failure to Appear in Court

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

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

Failure to Comply with Day-Reporting

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

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

Failure to Comply with Terms of Suspended Sentences

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

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

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

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

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

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

Substance Use Disorders

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

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

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

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

(1) VUCSA history

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

(2) Police reports

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

(3) Court records

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

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

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

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

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7 This is a likely undercount because I only reviewed court records in cases from the past few years for most individuals in the sample set.
Homelessness

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

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

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

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

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

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

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

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

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8 [https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless](https://crosscut.com/2019/02/seattle-1-5-people-booked-jail-are-homeless).
7. Many Prolific Offenders Manipulate the System in Order to Avoid Being Booked into Jail

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

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

For example:

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

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

After being placed in custody and both began complaining of having ingested multiple pills, the variety of which were uncertain.

This incident was screened by SGT Schenck.

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

We transported to KC3 where he was medically declined for his claim of swallowing unknown pills. We transported to HNC where he was released to seek medical treatment.

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

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

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

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

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

THE CITY OF SEATTLE,

Plaintiff,

vs.

ADAM
Defendant.

Criminal complaint

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

Count 1

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

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

Dated: 9/24, 2018

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

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

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

For example, Noah B. is 36 years-old and has accrued over 60 cases in Washington state in the past decade. According to court documents and police reports, he is addicted to meth and crack cocaine. He funds his addiction through theft at major retailers across the city but principally Downtown. He has had 39 cases in Seattle Municipal Court, most of them for theft and/or criminal trespass. And he has a large number of felony cases, including VUCSA, possession of stolen property, residential burglary, felony harassment (DV), death threats, assault, disorderly conduct, etc. In 2016, he threatened to kill a loss prevention officer at Nordstrom and “then stated he would commit a mass shooting at Nordstrom when released.” According to court documents, he has had 60 warrants issued for failure to appear and failure to comply. He readily admits to officers
that he steals to support his addiction. [See above].

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

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

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

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

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

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

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

## Booking Details:
- **#218035646**: Booked: 12/26/2018 08:50 AM, Released: 01/16/2019 12:00 AM
- **#218029852**: Booked: 10/23/2018 02:05 AM, Released: 12/17/2018 04:21 PM
- **#218026568**: Booked: 09/18/2018 02:30 AM, Released: 10/15/2018 12:00 AM
- **#218021655**: Booked: 08/01/2018 09:46 AM, Released: 08/31/2018 12:00 AM
- **#218018249**: Booked: 06/29/2018 04:27 PM, Released: 07/27/2018 12:00 AM
- **#218013606**: Booked: 05/16/2018 08:52 AM, Released: 06/07/2018 12:00 AM
- **#218011594**: Booked: 04/26/2018 11:20 AM, Released: 05/10/2018 12:00 AM
- **#218009333**: Booked: 04/03/2018 03:02 PM, Released: 04/13/2018 12:00 AM
- **#218007361**: Booked: 03/14/2018 03:35 AM, Released: 03/22/2018 12:36 PM

## Additional Booking Information:
- **#218033059**: Booked: 11/27/2018 02:37 AM, Released: 12/27/2018 12:00 AM
- **#218031250**: Booked: 11/06/2018 05:18 PM, Released: 11/19/2018 12:00 AM
- **#218027566**: Booked: 09/28/2018 03:17 AM, Released: 10/26/2018 12:00 AM
- **#218024277**: Booked: 08/25/2018 11:49 PM, Released: 09/19/2018 12:00 AM
- **#218019688**: Booked: 07/15/2018 01:56 AM, Released: 08/22/2018 12:47 PM
- **#218011287**: Booked: 05/09/2018 01:17 AM, Released: 06/06/2018 10:05 AM
- **#218008951**: Booked: 03/29/2018 07:27 PM, Released: 04/28/2018 12:00 AM
- **#218008309**: Booked: 03/23/2018 11:14 AM, Released: 03/26/2018 11:40 AM
- **#218006407**: Booked: 03/04/2018 09:52 PM, Released: 03/22/2018 12:00 AM

## Current Booking:
- **#219002650**: Booked: 01/28/2019 09:37 AM, Released: 02/05/2019 12:00 AM
- **#219001105**: Booked: 01/12/2019 06:15 AM, Released: 01/15/2019 12:00 AM
- **#218035285**: Booked: 12/20/2018 10:56 PM, Released: 12/21/2018 03:59 PM
- **#218031146**: Booked: 11/05/2018 05:55 PM, Released: 11/19/2018 05:18 PM
- **#218025844**: Booked: 09/10/2018 10:05 AM, Released: 09/12/2018 12:00 AM
- **#218023641**: Booked: 08/20/2018 06:34 PM, Released: 08/22/2018 12:00 AM
- **#218016845**: Booked: 06/16/2018 07:39 AM, Released: 06/18/2018 01:56 PM
- **#218014290**: Booked: 05/22/2018 04:50 PM, Released: 05/29/2018 12:00 AM
- **#218011283**: Booked: 04/23/2018 06:43 PM, Released: 04/24/2018 04:36 PM
- **#218004965**: Booked: 02/18/2018 03:02 PM, Released: 02/19/2018 05:08 PM
Conclusion

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