

2001 ANNUAL REPORT

PEND OREILLE COUNTY DISTRICT COURT

JUDGE PHILIP J. VAN DE VEER



During 2001, the Pend Oreille District Court and Probation Department initiated two programs designed to improve probation compliance and enhance community safety.

Mandatory Compliance Hearings The Court conducted 146 mandatory compliance review hearings to monitor initial compliance by probationers ordered to undertake drug, alcohol or perpetrator treatment as the result of a criminal conviction or deferred sentence. The goal is to reduce recidivism and compel prompt treatment. First year figures indicate these goals are being achieved.

In Compliance: Ninety-six defendants were found to have complied with evaluation and treatment and continue on probation.

Reset for Review: Thirty-five defendants were found to have made progress in compliance with treatment, but the Court set a further compliance review to monitor and verify full compliance.

Noncompliance: Nine defendants were found not in compliance and taken into custody on probation violation.

Warrant: Six defendants failed to appear and a warrant issued.

Requiring probationers to promptly demonstrate compliance has significantly reduced the number of probationers who fail to start or abort treatment. It has also reduced the number of subsequent alcohol related driving charges. Defendants remain on supervised probation subject to violation hearings should a subsequent violation occur.

Daily Alcohol Testing Twenty-two Defendants with significant prior alcohol related convictions were required to test for alcohol several times per day as a condition of release pending trial to compel compliance with a no alcohol requirement. Defendants are given a choice of a telephonic in-home photo-bat machine or personally reporting several times per day to probation or the jail for alcohol/drug testing. A positive test results in immediate incarceration and revocation of conditions of release.

In Compliance: Twenty defendants successfully remained alcohol/drug free during the monitoring process. This is impressive considering that many presented a significant history of alcohol-related convictions and problems. Several stated in court that the daily requirement with the threat of immediate incarceration for a positive test had finally helped them to begin to kick the addiction.

Noncompliance: Two defendants tested positive for alcohol or drugs and were immediately taken into custody.

The daily testing program has resulted in savings in the cost of incarceration of \$39,105 for the City of Newport and \$34,470 for Pend Oreille County. The mandatory compliance and daily testing programs were implemented without additional funding. The jail staff under the direction of Mary Lou Layton has undertaken the additional task of providing daily testing for defendants when the probation department is closed. The result is fewer new charges, enhanced public safety, and reduced cost of housing inmates.

CASELOAD OF THE COURT 1997-2001

CRIMINAL MISDEMEANOR & GROSS MISDEMEANOR

	1997	1998	1999	2000	2001
DUI/PHYSICAL CONTROL.	129	147	161	160	111
OTHER TRAFFIC	272	234	372	180	238
OTHER MIS-DEMEANORS	473	432	476	414	380
FELONY COMPLAINTS	6	15	15	6	6
FELONY IN-CUSTODY			82	52	69
TOTAL CRIMINAL	880	828	1106	812	804

CIVIL CASES AND INFRACTIONS

CIVIL CASES	178	135	164	193	196
SMALL CLAIMS	49	49	59	81	49
TRAFFIC	1658	1550	2107	1569	2034
NONTRAFFIC	7	9	35	183	93
PARKING	14	8	14	8	2

TOTAL CIVIL/CRIMINAL FILINGS

CIVIL/CRIMINAL	2786	2579	3485	2846	3178
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Other Traffic Offenses include negligent or reckless driving, hit & run, no valid license/driving suspended. Other Misdemeanors include assault, assault domestic violence, resisting arrest, obstruction, disorderly conduct, trespass, malicious mischief, theft, possession of marijuana/paraphernalia, violation of a no-contact order, animal cruelty, fish and game violations.

Newport Court/Probation Costs and Services

The City of Newport contracts with Pend Oreille County for municipal court services and probation supervision. Newport pays \$60 per criminal filing and \$15 per infraction filing. As of 2001, Newport filed 279 criminal cases (321 charges) and 487 infractions (609 offenses) in district court. This comprises 25% of the total district court caseload, 38% of the criminal caseload, and 45% of the probation caseload.

Newport paid the county \$24,404.43 for court and probation services. At the same time, Newport received revenues from district court fines of \$78,327.66 after reimbursement to the state. The result is a net gain for Newport of \$53,923.23.

In contrast, the City of Newport would have to pay well over \$100,000 per year to maintain separate court and probation departments when considering the cost of employees and benefits (part-time judge, two clerks, probation officer), facilities, overhead, security, and transport.