

2002 ANNUAL REPORT PEND OREILLE COUNTY DISTRICT COURT

JUDGE PHILIP J. VAN DE VEER

CLASSROOM IN THE COURT



Deputy Prosecutor Greg Hicks and defense attorney Anna Nordtvedt join Judge Van de Veer at the District Court as students from House of the Lord Academy observe court proceedings and learn about the criminal justice system.

CASELOAD OF THE COURT

CRIMINAL FILINGS	1995	1996	1997	1998	1999	2000	2001	2002
DUI & PHYSICAL CONTROL	165	122	129	147	161	160	111	91
OTHER TRAFFIC	442	433	272	234	372	180	238	203
OTHER MISDEMEANORS	543	523	473	432	476	414	380	354
FELONY COMPLAINTS	1	9	6	15	15	6	6	2
FELONY IN-CUSTODY HEARINGS					82	52	69	71
TOTAL CRIMINAL FILINGS	1151	1078	880	828	1106	812	804	721
CIVIL	179	192	178	135	164	193	196	187
SMALL CLAIMS	76	95	49	49	59	81	49	62
TRAFFIC INFRACTIONS	2140	1830	1658	1550	2107	1569	2034	1615
NON-TRAFFIC INFRACTIONS	8	5	7	9	35	183	93	65
PARKING INFRACTIONS	104	315	14	8	14	8	2	4
TOTAL CIVIL/CRIMINAL	3658	3524	2786	2579	3485	2846	3178	2554

Other Traffic Offenses include negligent/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.

LICENSE RESTORATION PROGRAM

In 1999, the District Court initiated a license restoration program to allow drivers with suspended licenses to reinstate their license and avoid additional criminal driving charges while still paying off fines. There were 155 driving suspended third degree cases filed in Pend Oreille County in 2002. This is a 41% reduction from the 259 driving suspended cases filed in 1999.

PROBATION COMPLIANCE

The Court conducted 173 mandatory compliance review hearings to monitor initial compliance by probationers ordered to undertake drug, alcohol or perpetrator treatment as a result of a criminal conviction or deferred prosecution. The goal of compliance review is to compel prompt treatment thus avoiding subsequent criminal offenses and probation violations.

One hundred and nine probationers complied with evaluation and treatment requirements during 2002 and continue on probation. Twenty-five defendants made progress in treatment, but the Court set a further compliance review to monitor and verify full compliance. Twenty defendants failed to demonstrate compliance and were taken into custody for violation of conditions of probation. A warrant issued after nineteen defendants failed to appear.

Overall, the District Court probation department supervised 440 individuals.

ALCOHOL & DRUG TESTING

Thirty-eight criminal defendants with significant prior alcohol related convictions or problems were required to test for alcohol several times per day as a condition of release pending trial to compel compliance with a no drugs or alcohol requirement. Defendants are given a choice of installing 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 revocation of conditions of release.

Thirty-one 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. Seven defendants tested positive for alcohol or drugs and were taken into custody until trial.

The continued result of the daily testing programs is enhanced public safety and reduced costs of incarceration. For the year 2002, the program resulted in savings in the cost of incarceration of \$43,335 for the City of Newport and \$67,725 for Pend Oreille County.

THE WARRANT PROBLEM

Law enforcement agencies around the State of Washington are increasingly refusing to arrest, detain and transport criminal defendants wanted on misdemeanor and gross misdemeanor warrants for violation of probation or failure to appear in court. Some of these defendants are wanted for serious gross misdemeanor offenses such as DUI, Assault Domestic Violence, and Violation of a No Contact Order. The reason for the failure to arrest is jail overcrowding.

A significant percentage of these defendants go on to commit additional crimes. For example, twenty percent of Pend Oreille County defendants wanted on warrants of \$500 or more commit additional crimes (mostly in Spokane County) after Spokane law enforcement fails to honor the Pend Oreille County warrants. In addition, the Spokane Jail has refused to allow the return of defendants wanted on Spokane warrants who were picked up in Pend Oreille County. As a result, these defendants remain free in Pend Oreille County putting the citizens of Pend Oreille County at risk.

Fortunately, the problem of jail overcrowding has not prevented the Pend Oreille County Sheriff from arresting, incarcerating and transporting defendants picked up on outstanding warrants.

The Washington District and Municipal Court Judges' Association has formed a warrants committee, chaired by Judge Van de Veer, to investigate and recommend solutions to the warrant problem. Judge Van de Veer's analysis of the problem entitled No Bond, No Body, And No Return of Service is published in the Seattle University Law Review and will be available online in June, 2003, at <<http://www.co.pend-oreille.wa.us/courts.html>>