

DPD Presentation to Law, Justice, Health and Human Services Committee regarding COVID'S impact on our work and our clients

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Omicron is severely harming our clients who are locked down and cut-off

DPD clients are often not brought to court either in person or by phone because they are Covid+ or in quarantine

- When individuals are not allowed to come to court, they are not able to provide information regarding release.
- This results in longer periods of incarceration.

Attorneys face excessive wait times in order to see clients because of Jail staff shortages.

- Visitation at the Regional Justice Center has been closed nearly every day for the past three weeks. Attorneys then need to visit through either central control or court detail and face wait times of an hour.
- Visitation at the KCCF can also be challenging, with longer wait times.

Omnicon is amplifying the disproportionate harm
the BIPOC people and/or people experiencing poverty that
occur in the criminal legal system

Policy Proposal: Implement booking restrictions to halt short term stays of people arrested on suspicion of non-violent offenses without a warrant or pre-booking charging decisions

- ▶ Investigation bookings typically last one to five days, result in churn through the jail, which NPR has described as an “epidemic machine,” seeding “outbreaks both in and beyond jails.”
- ▶ In fact, researchers have found that the spread of the coronavirus between jails and communities “likely accounts for a substantial proportion of the racial disparities we have seen in COVID-19 cases across the U.S.”
- ▶ Case example:
 - ▶ On Jan. 6, a person who had already been jailed for more than two weeks on suspicion of possessing a stolen vehicle waited in a King County Jail cell for an arraignment hearing in Superior Court.
 - ▶ Shortly before the scheduled hearing, the court cancelled his hearing because he was being held in quarantine.
 - ▶ He was incarcerated for another four days before he had his hearing, where the court agreed to release him to house arrest.
 - ▶ But COVID and jail staffing again blocked his exit: The jail would not arrange for house arrest because he might have been exposed to COVID, so he waited another nine days before being released.

Expand jail booking restrictions to lessen the harm that bookings cause

- ▶ Booking criteria delineate when a person will be ‘accepted’ into jail after being arrested by a police officer. For example, the jail always accepts bookings where a warrant has been issued. In addition, there is a catchall where officers can request that the jail over-ride the criteria.
- ▶ King County Jail has already taken some steps in this area.
 - ▶ When COVID first hit our region nearly two years ago, the county adopted booking restrictions that helped to quickly reduce the number of people incarcerated.
 - ▶ But those restrictions applied only to non-violent misdemeanors.
- ▶ Other counties, recognizing the urgency of the current situation, have gone further.
 - ▶ For example, Pierce County does not accept jail bookings on most non-violent and felony property offenses.

Offenses that should be included on expanded booking restrictions

Possession of a Stolen Vehicle

Taking of a Motor Vehicle in the First or Second Degree

Theft of a Motor Vehicle

Residential Burglary

Burglary in the Second Degree

Failure to Register as a Sex Offender


All VUCSA including PWI, delivery, conspiracy

Theft in the First Degree and Theft in the Second Degree

Fugitive warrants

Important for KCPAO re-institute filing restrictions

- ▶ KCPAO adopted important filing restrictions at the beginning of the pandemic that helped reduce the jail population.
- ▶ Critical for KCPAO to reinstitute these filing restrictions and only file allegations of serious violence.
- ▶ Prosecutors can reassess filing policy once this crisis has passed.



We are facing the worst crisis that we have seen since the pandemic started regarding access to counsel and access to court.

Imperative that we take action now.