

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for April 11, 2017

1. Call To Order

Committee Chair Stephen Gockley called the meeting to order at 12:32 p.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Jill Bernstein, John Billester, Bill Elfo, Stephen Gockley, Fred Heydrich, Dave McEachran, Moonwater, Darlene Peterson

Members Absent: Irene Morgan

Also Present: Joy Gilfilen (for Irene Morgan)

2. Developing a Pretrial Risk Assessment Instrument: initial work group report

Judge Deborra Garrett, Superior Court, submitted the first discussion draft of a static risk assessment tool (on file), which is a work in progress:

- She and Commissioner Heydrich liked the Virginia tool
- The weight of the Virginia tool was obvious
- They made a few adjustments
- It is developed with felonies in mind
- The draft tool was sent to all Superior Court judges and commissioners for review, who commented regarding considering the following factors:
 - Failures to appear in the last three years
 - Nuclear family members
 - Exclude age and gender
 - Employment
- The result simply informs the judge, but doesn't substitute for judicial description in determining pretrial release conditions

Kristi Riley and Liz Swavola, VERA Institute, answered questions.

The Committee members discussed: the typical number of failures to appear, which is far above two; why and how to validate the tool; purchasing versus developing a risk assessment tool; the cost of validating a tool locally; gathering information from validating experts to find out the cost to validate a local risk assessment tool; reviewing data from the past ten years to validate; and the best process for gathering the answers to non-static risk assessment questions.

Garrett spoke on factors not included in the tool at this time:

- Hidden weight and algorithms
- Conviction of any deadly weapon offense
- Gender

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- Length of time in the local community
- Whether the defendant has previously been sentenced to incarceration

Bernstein moved for Forrest Longman, County Council Legislative Analyst, to inquire on the cost of validation from a variety of sources to gather a range of costs. The motion was seconded.

The Committee members discussed:

- If asking the County Council for money for validation, it must be in conjunction with a pretrial supervision unit
- Commissioner Heydrich's upcoming visit to Spokane
- The weight given to the factors of various models and how to adapt an existing model to local needs

The motion carried unanimously.

3. Pretrial risk assessment instrument (PRAI)-related issues

The Committee discussed:

- Whether or not it's wise to commit hundreds of thousands of dollars to validate a PRAI instead of other priorities
- Issuing a request for proposals or request for qualifications for a validation service
- Recommending that any tool be validated, which is a best practice that they're charged to identify
- Making sure the District Court and Superior Court have a unified tool and pretrial supervision unit.
- Engage the cities and District Court judges in the conversation about developing a PRAI
- Add electronic home monitoring to Judge Garrett's draft regarding service/monitoring levels
- Revised Code of Washington (RCW) statutes that apply to Superior Court for electronic home monitoring and pretrial services
- Municipal versus County tools
- Incorporating monitoring as a response to the risk result
- Include court data for all courts and make sure the tool works for all courts

Gockley stated this item would be held in committee.

4. Scoping discussion: Outlines for creating a sound proposal for a Pretrial Supervision Unit

Bruce Van Glubt, District Court Probation Administrator, submitted a handout (on file) and reported on pretrial supervision programs in other jurisdictions. Regarding monitoring pretrial versus probation, they do the same thing, which is monitoring compliance with a court order, but the difference

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is the conditions being monitored. The function is similar, but they're monitoring different things. There are limits on requirements of pretrial defendants. All the jurisdictions he spoke to are very enthusiastic about pretrial supervision. The processes varied among the different jurisdictions. He described the different processes.

Gockley stated Mr. Van Glubt will continue his report at the next committee meeting.

Committee members, Swavola, and Riley discussed:

- Staff training for pretrial supervision
- Gathering data on whether the failures to appear have been reduced and whether people are managing their behavior lawfully pending trial
- The differences between staff training for pretrial supervision being different from probation
- Calculating and considering positive support factors

The Committee members listed additional questions for Commissioner Heydrich to take to Spokane:

- The cost of pretrial supervision training
- How do they work with other jurisdictions
- The role of the Spokane Criminal Justice Coordinator
- What went wrong during the process of creating a PRAI and pretrial supervision unit
- What could have been done better
- Actual costs, and what is and is not included in that calculation.

5. Elements for inclusion in LJS Committee's portion of the Phase 3 draft report

Gockley stated he will prepare a draft regarding the committee's work for the report.

The Committee discussed focusing on the population of pretrial defendants and the national conversation about bail. Set the stage for the coming conversation. Ask the Council to advise about the type of information they need for the final Phase 3 report. Also report on the risk management conversations.

6. Review of committee's list of issues for Vera Institute consultation

Liz Swavola and Kristi Riley reported:

- There must be buy-in across all court levels
- VERA has the data it needs to begin analysis, which will take about six weeks
- The consultants will present their findings at the next visit

7. Public Comment

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Amy Malone, Puget Neighborhood Association President and Restorative Community Coalition, stated she is glad to hear the conversation that is taking place in this committee.

8. Adjourn

The meeting adjourned at 2:30 p.m.