

Sentencing Guidelines Commission: Spokane County Criminal Justice Reform Efforts

The Honorable Mary Ann Moreno
Spokane County Superior Court

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The Need for Reform

- Pretrial
 - Detention population continues grow (62%) in spite of decreasing crime rates.
 - Less than 10% of counties have designated Pretrial Offices.
 - Reliance on money bond is not correlated with increased public safety
- CrR 3.2:
 - Presumption of release
 - Least restrictive conditions
 - Consideration of financial resources of the accused in setting money bond amount
 - Indigent/mentally ill/drug addicted

"In our society, liberty is the norm, and detention prior to trial or without trial is the carefully limited exception."

United States v. Salerno

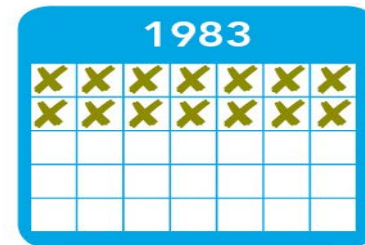
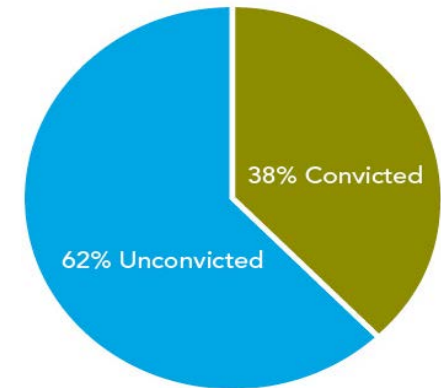
Need for Reform, Continued

- Case Processing:
 - ABA; NCSC Standards; WA Standards *
 - Research shows significant delays drive pretrial jail populations
- Probation:
 - Supervision based on Risk/Need/Responsivity
 - Standard probation terms vs. dosage probation
- Re-entry:
 - 600,000 return to community each year from federal/state prison
 - Approximately 9 million individuals released from jail each year
 - Significant challenges with housing, employment, behavioral health and substance use disorders

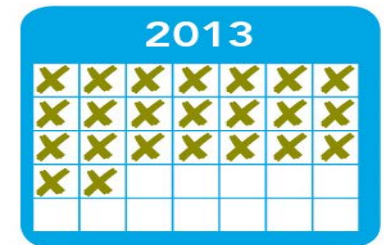
** 90% adjudication within 4 months, 98% 6 months, 100% 18 months*

The Big Picture of Jails

- Annual Admissions = 11,700,000
 - This is 19 times the number of admissions to prison (631,000)
- Jails hold both convicted and unconvicted inmates
 - 62% are unconvicted and presumed innocent
 - 38% are convicted and serving sentences generally less than 1 year
 - The US is 5% of the World population, but holds 33% of female offenders
- Average lengths of stay have been increasing over the past 30 years



14 DAYS



23 DAYS

Source: Vera Institute of Justice

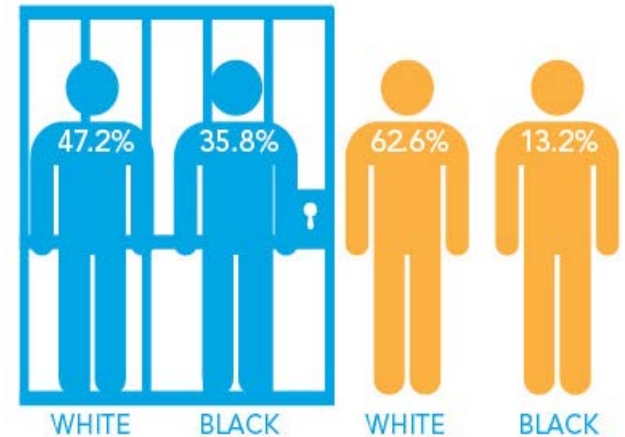
Mental Illness & Substance Use

- Jails have become the provider of last resort for people with mental health issues
 - Serious mental illness affects men and women in jail at rates four to six times higher than in the general population
 - Sixty-eight percent have a history of abusing drugs, alcohol, or both



Racial & Ethnic Disparities

- Jails often hold minorities at much higher rates than whites
 - Nationwide African Americans are jailed at almost four times the rate of white Americans



Consequences

- Compared to low-risk defendants held for no more than 24 hours, those held for 8-14 days were...

...more likely
to be rearrested
before trial



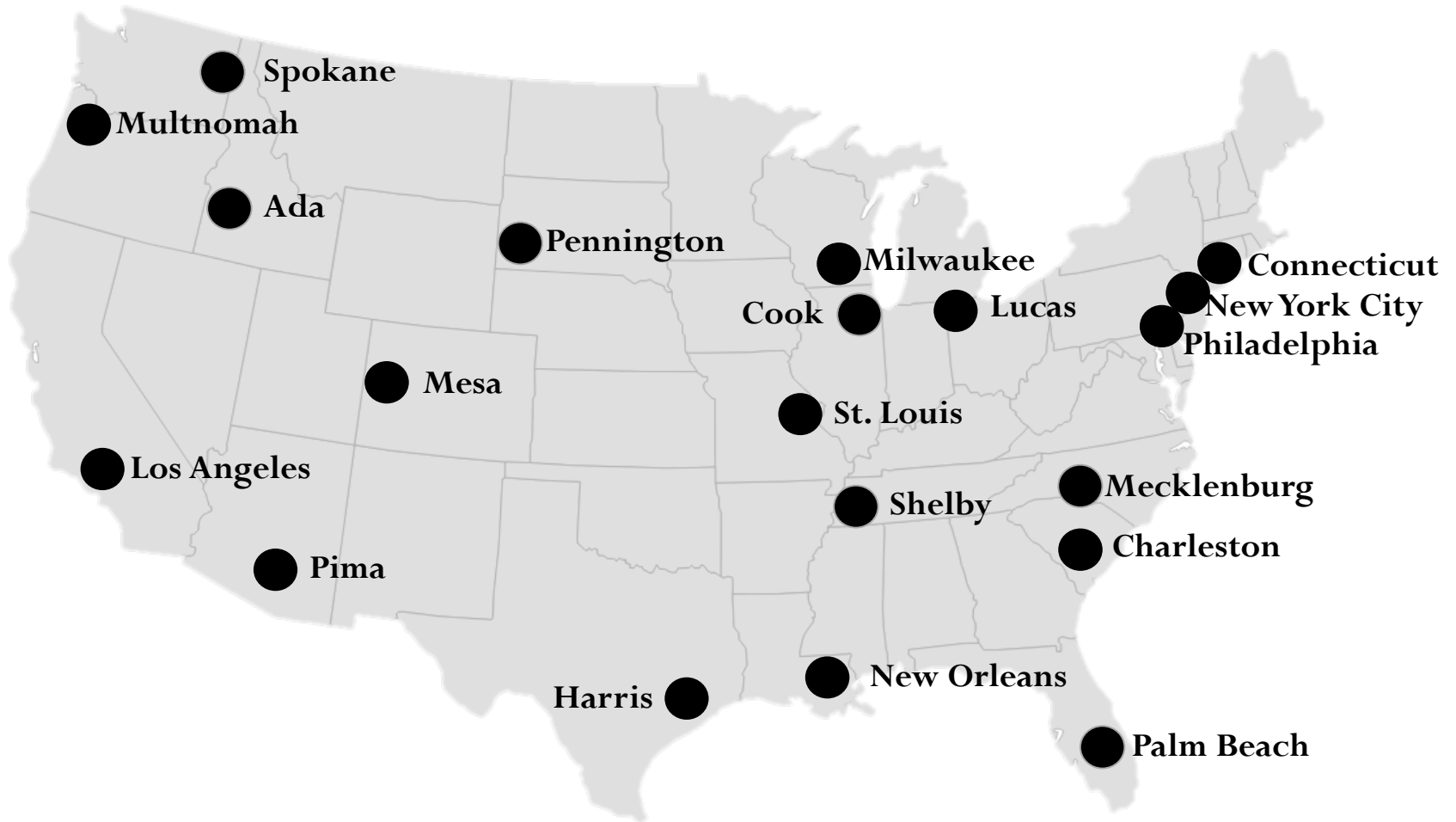
...more likely to
recidivate after
sentence completion



The MacArthur Foundation Safety and Justice Challenge

- The Safety and Justice Challenge is an initiative to reduce over-incarceration by changing the way America thinks about and uses jails.
- 191 applicants; 20 selected sites for planning; 10 “Core” sites
- Goals:
 - Safely reduce local jail populations
 - Reduce average length of stay
 - Address racial and ethnic disparities in the criminal justice system

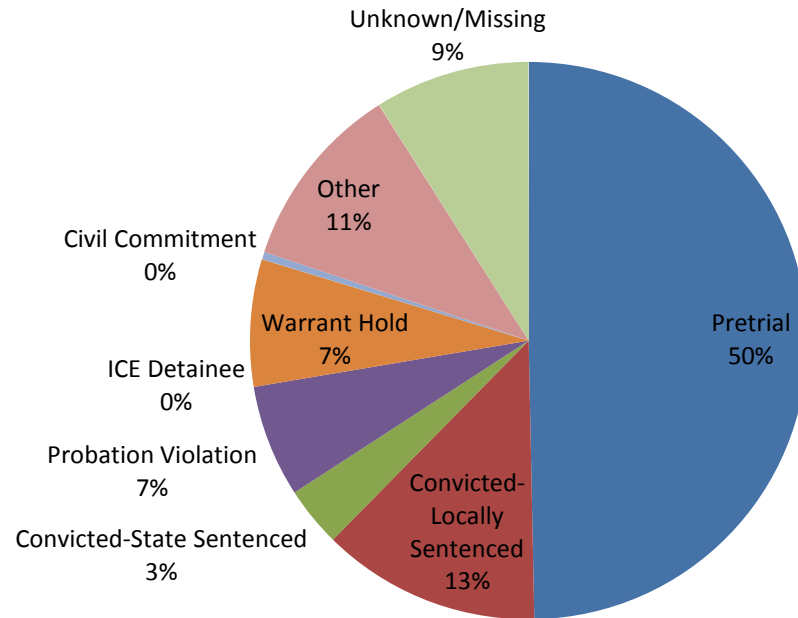
The 20 network sites



Spokane County Data Analysis: Building the Baseline for Reform

Legal Status

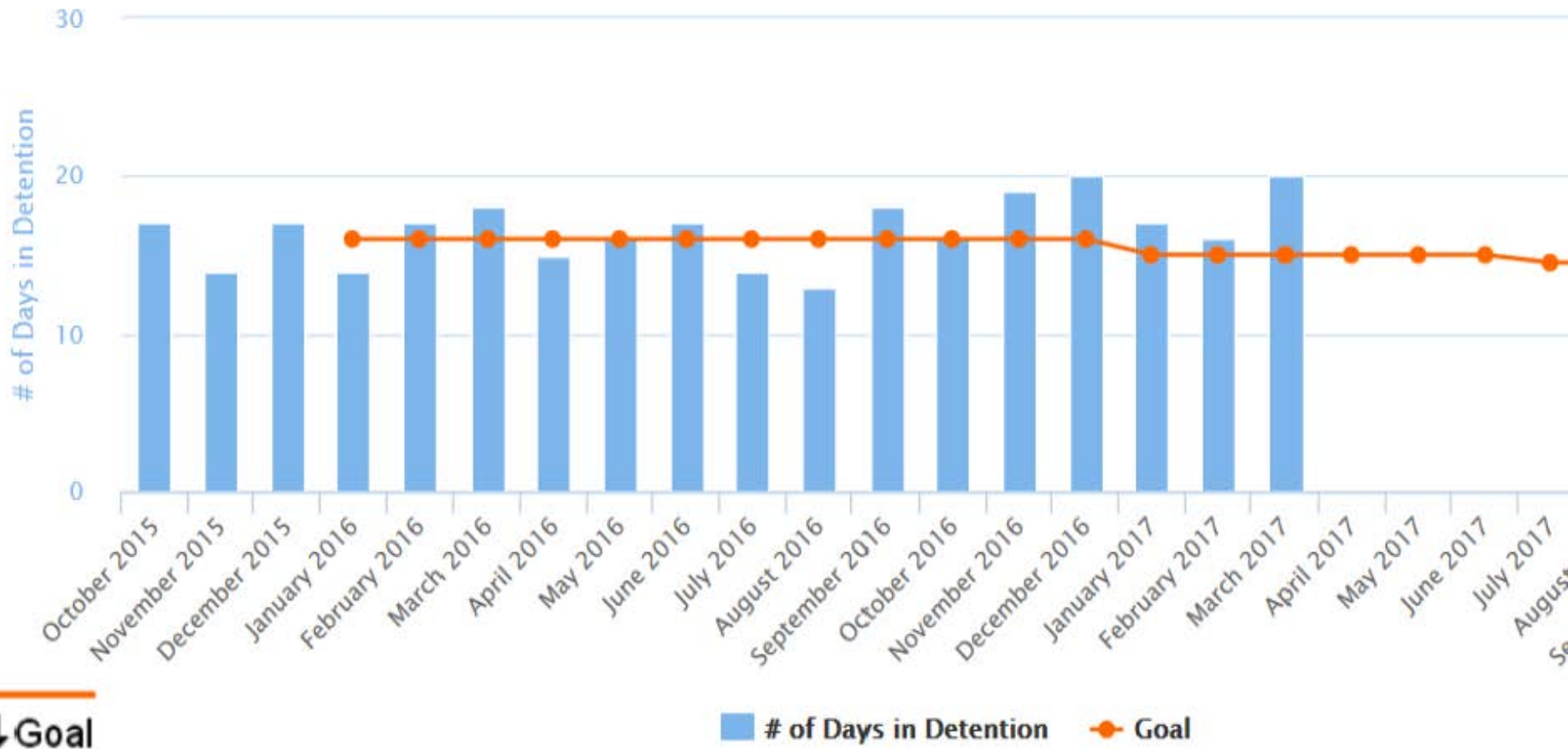
Jail Population by Legal Status



Monthly Data Pull

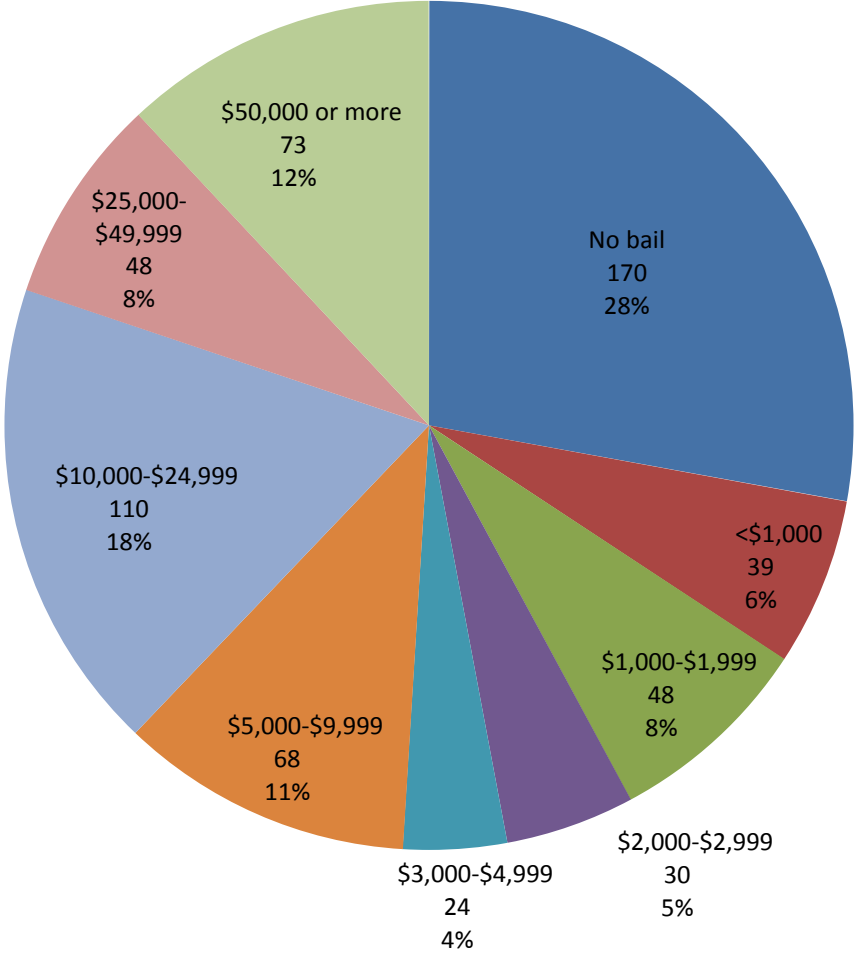
Indicator	Jul-16	Jun-16	May-16	Apr-16	Mar-16	Feb-16	Jan-16	Dec-15
Total bookings	1754	1679	1723	1654	1735	1571	1662	1548
Total releases [1]	1666	1724	1726	1622	1770	1566	1556	1600
• Releases: confined population only [2]	1666	1724	1726	1622	1770	1566	1556	1600
Total confined population snapshot for the <u>last day of the month</u>	960	878	932	936	912	951	946	840
Total confined population snapshot for the <u>last day of the month</u> by legal status [3]:								
• Pretrial [4]	766	684	728	739	711	758	752	672
• Sentenced [5]	136	146	142	121	127	127	142	103
• Contract (for ICE/state/other counties)	58	48	62	76	74	66	52	65
• Other	0	0	0	0	0	0	0	0
Average daily confined population for the month	916	890	943	933	930	938	934	847
Reported average length of stay (in days) among individuals released during the month [6]	14	17	16	15	18	17	14	17
Calculated average length of stay (in days) among individuals released during the month [7]	16.7236895	15.70234	16.61814	17.49615	15.98164	18.21892	18.25782	16.10182

Detention Services Average Length of Stay



Bail Amounts (Snapshot, 6/30/15)

2015 Snapshot Bail Amounts (n=610)



Strategies

- RNR System
 - Robust Pretrial Services
 - Diversion: Felony and MH Cases
 - Case Processing
 - Jail Pathways HUB Model
-
- Goal: 15% reduction in ADP of jail population by 2019

Goal: Reduce ADP; LOS and address RED



Arrest

- RNR Application
- RE Toolkit
- LE Deflection
- MH Diversion & new Facility
- Portable Community Resource Room



Charge

- RNR Application
- RE Toolkit
- Prosecution Diversion



Assignment of Counsel

- RNR Application
- RE Toolkit
- Social Worker Hire
- Appointment Reminders



Pretrial Release

- RNR Application
- RE Toolkit
- Expansion of PTS
- Bail/Release Grid Development
- Court Reminders



Case Processing

- RNR Application
- RE Toolkit
- Portability Pilot
- No-Fee Diversion
- Robo-Calling



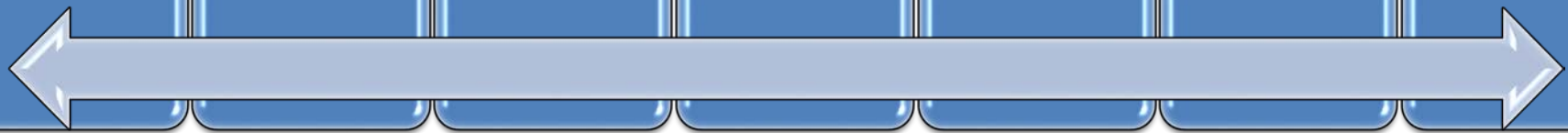
Disposition Sentencing

- RNR Application
- RE Toolkit
- Reducing delay



Supervision/ Reentry

- RNR Application
- RE Toolkit
- Restructure of Supervision
- Training on CCP
- Pathways HUB



Conditional Supervision

Source: NIC

Condition	Purpose	Strength of Evidence
Court Notification	FTA Reduction	✓✓✓✓✓ --Solid supervision practice for all risk levels. Can increase safety if FTA is considered a new charge. Continuing research on notification types.
Drug Testing	FTA Reduction Safety Promotion	✓✓ --Good deterrent of use, though risk reduction is limited to certain drugs. More technical violations from noncompliant tests. Keeping up with drug use trends is a must.
Electronic Surveillance	Safety Promotion	✓ --No evidence of risk reduction. Can encourage higher release rates but also more technical violations
Regular Reporting	FTA Reduction	✓ --No research on risk reduction. Good tool for court notification and conduct response for higher risk groups
Treatment	FTA Reduction Safety Promotion	✓✓ --Only for groups with assessed need. Greater benefit from mental health treatment than substance abuse.
Third Party Custody	FTA Reduction Safety Promotion	✓ --No evidence of risk reduction. Can encourage higher release rates for medium to high-level defendants.

Risk/Supervision Matrix

Most Serious Charge

Pretrial Risk Category	Less Serious Misdemeanor	More Serious Misdemeanor	Less Serious or Non-Violent Felony	Driving Under the Influence	Domestic Violence	Statutory Serious or Violent Felony
Lower	Recognizance Release with Court Reminder	Recognizance Release with Court Reminder	Recognizance Release with Court Reminder	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Detained, or Recognizance Release with Enhanced Supervision if Released
Medium	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Recognizance Release with Basic Supervision	Recognizance Release with Enhanced Supervision	Recognizance Release with Enhanced Supervision	Detained, or Recognizance Release with Enhanced Supervision if Released
Higher	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained, or Recognizance Release with Enhanced Supervision if Released	Detained or Recognizance Release with Enhanced Supervision if released	Detained, or Recognizance Release with Enhanced Supervision if Released

Results

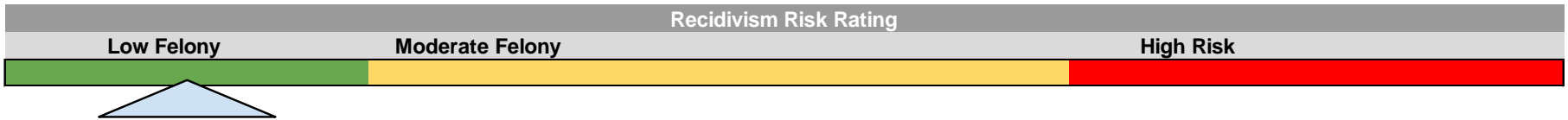
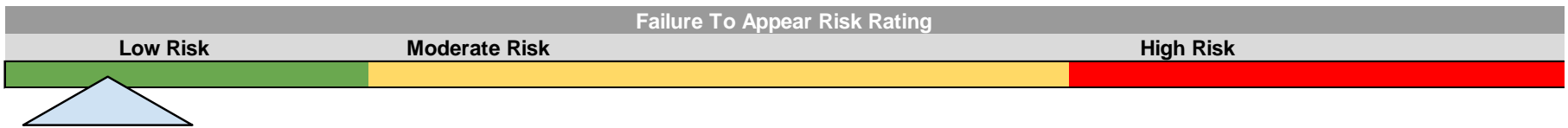
- Multiple Models Created
 - Created 6 outcome models – FTA, any Recidivism, Felony, Violent, Property, & Drug
 - Completed each for Male and Female specific sample
 - Total of 12 models
- Models indicated predictive accuracy ranging from moderate-to-strong
 - -Compared to other created PTA tools – San Francisco, Utah, Kentucky, Ohio,
 - FTA prediction equal to or greater than most tools created
 - All other outcomes similar to or exceed other tools

Spokane PTA Model AUC		
	Male	Female
FTA	.72	.70
Recidivism	.65	.65
Felony	.70	.68
Violent	.71	.74
Property	.69	.67
Drug	.70	.68

Dashboard – Low Risk Example

Assessment Information	
Pretrial Risk	12/12/2016
Assessment Location	Admission
Completed By:	User_Completed_By_First && User_Completed_By_Last

Assessment Results and Data				
Subject	Mike R. Thompson	Risk of Failure to Appear	Probability Range	Gen Pop
Subject ID	345964	LOW	1-4%	8%
DOB	12/12/1956			
		Risk to Recidivate	Risk Categories	Probability Range
		Low	Recidivism	5-10%
				Gen Pop
				22%

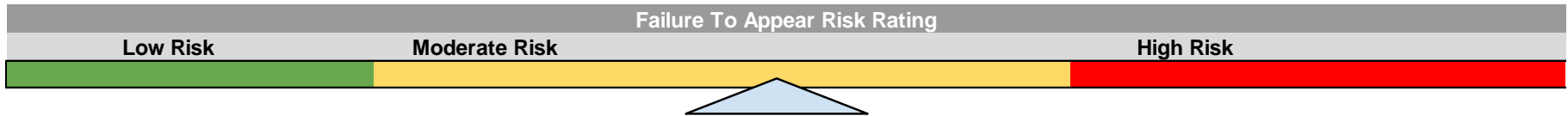


Sex Offender	No record of prior offending
Substance Abuse	No substance abuse needs
Mental Health	No mental health needs
Recommendation	OR

Dashboard – Moderate Risk Example

Assessment Information	
Pretrial Risk	12/12/2016
Assessment Location	Admission
Completed By:	User_Completed_By_First && User_Completed_By_Last

Assessment Results and Data				
Subject	Mike R. Thompson	Risk of Failure to Appear	Probability Range	Gen Pop
Subject ID	345964	MODERATE	4-8%	8%
DOB	12/12/1956	Risk to Recidivate	Risk Categories	Probability Range
		Moderate	Recidivism	20-25%
				Gen Pop
				22%



Sex Offender	No prior sex offenses
Substance Abuse	Currently in treatment
Mental Health	Currently prescribed medication
Recommendation	Monitoring

Dashboard – High Risk Example

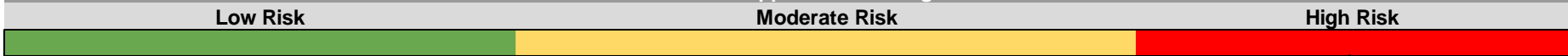
Assessment Information

Pretrial Risk	12/12/2016
Assessment Location	Admission
Completed By:	User_Completed_By_First & User_Completed_By_Last

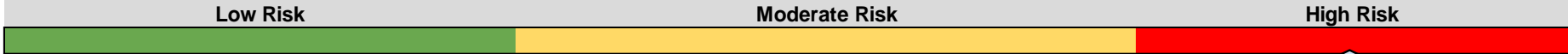
Assessment Results and Data

Subject	Mike R. Thompson	Risk of Failure to Appear	Probability Range	Gen Pop	
Subject ID	345964	HIGH	35-40%	8%	
DOB	12/12/1956				
		Risk to Recidivate	Risk Categories	Probability Range	Gen Pop
		High	High Violent	20-25%	6%
			High Property	25-30%	10%
			High Drug	20-24%	7%

Failure To Appear Risk Rating



Recidivism Risk Rating



Sex Offender

Prior sex offending indicated

Substance Abuse

Substance abuse needs further assessment

Mental Health

Mental health needs further assessment

Recommendation

Set Bail

Direct
Services =
Intervention

Care
Coordination =
clinic based

Community
Care
Coordination =
home based

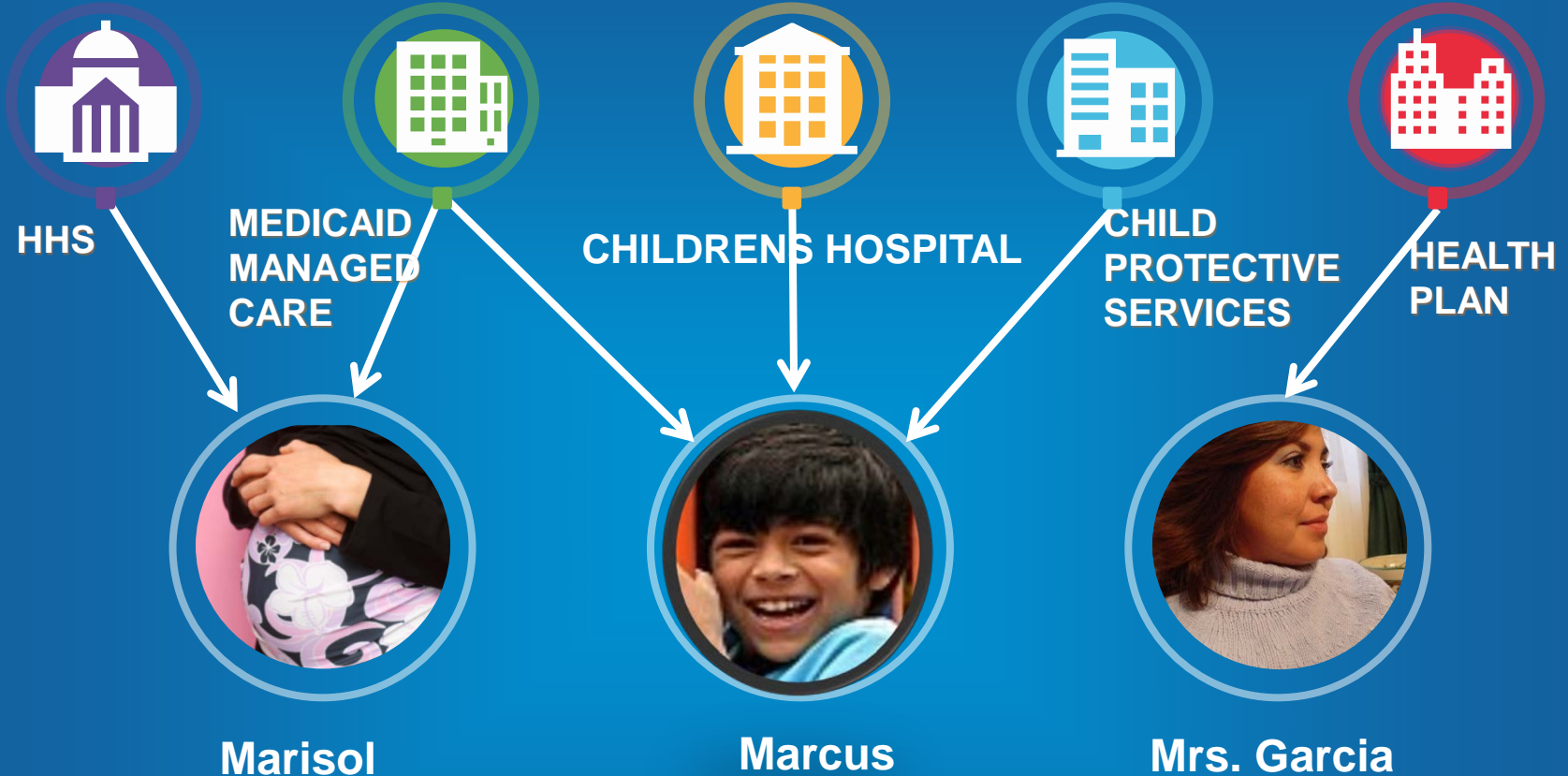
Community Care Coordination – care coordination provided in the community; confirms connection to health and social services.



A Community Care Coordinator:

- Finds and engages at-risk individuals
- Comprehensive risk assessment
- Confirms connection to care
- Tracks and measures results

Current Community Care Coordination



Multiple care coordinators involved –
limited communication

Foundation of the Model

Step 1:
Find

Comprehensive
Assessment

Step 2:
Treat

Assign
Pathways

Step 3:
Measure

Track/Measure Results
(Connections to Care)

20 Core Pathways – National Certification

- **Adult Education**
- **Employment**
- **Health Insurance**
- **Housing**
- **Medical Home**
- **Medical Referral**
- **Medication Assessment**
- **Medication Management**
- **Smoking Cessation**
- **Social Service Referral**
- **Behavioral Referral**
- **Developmental Screening**
- **Developmental Referral**
- **Education**
- **Family Planning**
- **Immunization Screening**
- **Immunization Referral**
- **Lead Screening**
- **Pregnancy**
- **Postpartum**

Resources

- National Institute of Corrections (<http://nicic.gov/pretrial>):
 - Fundamentals of Bail: A Resource Guide for Pretrial Practitioners
 - Money as a Criminal Justice Stakeholder: The Judge's Decision to Release or Detain a Defendant Pretrial
 - Analyzing Bond Supervision Survey Data: The Effects of Pretrial Detention on Self-Report Outcomes
 - Pretrial Services: An Effective Alternative to Monetary Bail
- <http://www.pretrial.org/>
- <https://www.vera.org/>
- <http://www.courtinnovation.org/topic/bail-reform>
- <http://www.arnoldfoundation.org/initiative/criminal-justice/crime-prevention/public-safety-assessment/>

Questions?

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