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Mapping Justice in Whatcom County

Incarceration Prevention and Reduction Task Force

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Progress to Date

- Data
 - Bellingham Police
 - Courts
 - Jail
 - Lummi Tribal Court (in progress)
- Research and memos on Pretrial Risk Assessment
- System Maps
 - 3 court levels
 - 4 iterations

Investigating the Problem(s)

- Move from broad priority areas to specific challenges
- To reduce your average daily jail population:
 - Admissions
 - Length of Stay
- Learn deeply about causes of the challenges
- Resist the urge to jump straight to solutions
 - Value in gaining deep understanding of facts and data behind a problem *before* reaching for solutions

Challenge Statements

- Should be defined as a *specific problem*, not in a way that presumes a solution:
 - “*County X needs a special warrant recall docket*” is not an appropriate challenge statement.
 - In contrast: “*The high rate of outstanding warrants in County X increases mandatory arrests.*”

Challenge Statements

- Arrest and Booking
 - Substance use, mental health, injuries, and other medical needs prevent traditional arrest and booking processes.
 - Lack of a valid address prevents delivery of summonses.
 - Defendants who are ordered to court via summonses do not have counsel prior to first appearance.
 - Defendants on community supervision can bail out on a new charge prior to the DOC Admin process starting and have to be rebooked.

Challenge Statements

- Weekend Probable Cause
 - Defense counsel does not participate in weekend probable cause hearings.
- Bail
 - Although court rules allow for unsecured bonds, they are not used locally.
 - There are additional fees to post bond through a kiosk when jail staff is not available.
 - There are inconsistencies in setting bail across municipal courts.

Challenge Statements

- Assignment of Counsel
 - Some defendants who are out of custody do not apply for or hire counsel before arraignment.
 - Delays in discovery cause client meetings to be delayed.
 - In small cities, there is no public defender at arraignment and failure to apply delays the pretrial hearing two weeks to a month.
 - Private defense counsel can be prohibitively expensive.

Challenge Statements

- Case Processing
 - Tensions between the incentives of FastTrack and Drug Court prevent greater use of these options.
 - FastTrack offers aren't timely.
 - About half of FastTrack offers lapse or are rejected.
 - The prosecutor's office is slow to respond on Drug Court referrals.
 - Lack of treatment capacity prevents greater use of Drug Court.
 - For misdemeanors, defendants often opt not to participate in MH Court due to the time commitment.
 - Limited capacity for competency evaluation and restoration delays case processing.
 - Some defendants transported from the jail pick up additional felony assault charges while at the hospital.
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Challenge Statements

- Case Processing
 - Defendants awaiting competency or evaluation in jail may decompensate further, and the jail does not have the facilities to treat them.
 - Sending pretrial defendants to Yakima and other jurisdictions is resource intensive and delays case processing.
 - Small city municipal courts convene infrequently.
 - Some municipal court defendants who are PR'd have afternoon court appearances for other courts.
 - In District Court, judges impose the maximum fee on deferred prosecution cases.
 - Community service is not an option in all small cities.

Challenge Statements

- Court Navigation
 - Navigating the justice system can be overwhelming for defendants and their families, and they often have little guidance in doing so.
 - Defendants may lose paperwork given to them upon release from the jail and then fail to appear for court.
 - Language and literacy barriers and lack of information prevent defendants from understanding what is expected of them and court processes.
 - In small cities and Superior Court, defendants do not get court reminders.
 - Defendants sometimes fail to go to DC Probation for intake for pretrial supervision.
 - Some Municipal Courts use private collection agencies for fines and fees, which charge additional fees.

Challenge Statements

- Case Processing in multiple jurisdictions simultaneously
 - New charges delay resolution of supervision violations in other jurisdictions.
 - Defendants fail to appear in one jurisdiction when they are transported to another after weekend PC, resulting in a warrant.
 - Defendants have different public defenders in different courts.
 - Case management systems (JIS, Spillman, JABS) no longer speak to each other.

Next Steps

- With a list of challenges defined, learn as much as you can about:
 - The causes
 - What, if anything, is being done today to address them
 - What is working and what isn't
 - Whether and how other jurisdictions have made progress
- Narrow your list and prioritize

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