

Pretrial Services

Misdemeanant Probation Association

May 8, 2019

What's Happening in Pretrial

- Washington Pretrial Reform Taskforce
 - [Final Recommendations Report](#)
- Washington State Auditor Performance Audit
 - [“Reforming Bail Practices in Washington”](#)
- Ethics Opinion 18-04
 - [Opinion](#)

Washington Pretrial Reform Task Force

- Developed as a result of the May 2016 Supreme Court Symposium
- Sponsored by Washington State Minority and Justice Commission
- 18 month duration from June 2017 thru Dec 2018
- 3 subcommittees
 - Pretrial Services Best Practices
 - Risk Assessment
 - Data Collection

Pretrial Services Best Practices

- Recommendations:
 - Governments should bear the cost of Pretrial Services rather than the accused
 - Court reminders
 - Voluntary service referrals
 - Stakeholder involvement
 - Transportation support
- Developed Washington Bail Law bench card
 - [Bench card](#)
- Created and conducted survey of Pretrial Services practices in Washington

Survey

- Sent to all WA Court Administrators in April 2018
- 134 responses to survey
- 40 respondents have current or recently operated pretrial programs
 - 15 District Courts
 - 12 Municipal Courts
 - 6 Superior Courts
 - 7 “Unknown”
- Primary objectives of Pretrial Services (could cite more than one objective)
 - Maximizing public safety (included improving compliance with pretrial release conditions, reducing substance abuse, etc)
 - Improve Court appearance
 - Reducing jail use/resources needed to manage the pretrial population in the jail
 - Administration of pretrial justice

Survey Results

Screening Process:

- 19 of 28 responses do not screen universally
- 12 surveys indicated screening both felony and misd charges
- 3 felony only
- 7 misd only

Information Used:

- Risk to the community
- Criminal and warrant history
- Substance abuse
- Mental health
- Financial status
- Other

Survey Results

Services Offered:

- Mental Health Eval and treatment (4)
- Home visits by LEA (1)
- Service referrals (12)
- Home visits by Pretrial Staff (5)
- Robo-texting (5)
- Office appointments (17)
- Breath/urine testing (18)
- Electronic monitoring (14)
- Call/reminders for court (7)

Service Fees:

- “If your program offers or requires services, how are such services paid for?”
 - 22 surveyors responded
- Defendant must cover cost (13)
- Services covered by Medicaid or ACA (5)
- Services are funded by County/City courts (6)
- Other (9)

Survey Results - Program Characteristics

- Most programs contained 1-3 pretrial services officers
- 30 or less cases per officer
- Monitoring
 - All defendants receive same level of monitoring (1)
 - Recommendation of Pretrial Services supervisor (2)
 - Discretion of the pretrial officer (4)
 - Judge's order (16)
 - Risk (10)

Risk Assessment Recommendations

“The Task Force takes no position on whether local jurisdictions should, or should not, adopt a pretrial risk assessment (PTRA) tool. But the Task Force does recommend that jurisdictions choosing to employ a PTRA consider the following minimum criteria before the adoption or creation of a PTRA.”

1. Identify desired goals
2. Defining terms
3. Comparative data
4. Clarify interpretations of “risk”
5. Validation for predictive accuracy and race neutrality
6. Disproportionate racial impact of a PTRA
7. Community participation
8. Planning and implementation

Data Collection

- Collect and record data
- Data analysis
- Data analysis results
- Data dissemination
- Pretrial Services data
- PTRA data

State Auditor's Report

- Completed March 2019
- Analyzed data from Spokane and Yakima County
- Utilized the Public Safety Assessment
- “On any given day, about 4,700 people held in Washington jails are candidates for pretrial services.”
 - Excluded those assessed as likely to commit a violent crime, those charged with capital offenses, and those held in jail for less than 3 days
 - 72% of defendants awaiting trial were candidates for pretrial release
- Estimated savings between \$6 million to \$12 million per year (based on \$100/day jail cost per inmate)
- According to data from 5 counties: Pretrial Services operates from \$1.80 to \$7.26 per person, per day.

Ethics Opinion 18-04

- Released July 2018 by the State of Washington Ethics Advisory Committee
- “The Code of Judicial Conduct prohibits judicial officers from investigating facts in a pending matter and does not contain an exception for off-the-record interviews of unrepresented defendants with pending matters for the purpose of conducting pre-trial risk assessments.”
- “Thus, under the Code of Judicial Conduct, neither a judge nor court staff under the judge’s direction and control may conduct off-the-record pre-trial risk assessment interviews.”
- “The goal of implementing vigorous, dynamic pre-trial risk assessment services to assist judges with performing their duties as required by CrR 3.2 and CrRLJ 3.2 is laudable. However, doing so must not come at the cost of the underpinnings of a fair and impartial justice system.”

Other Happenings in Pretrial

- 3DaysCount Campaign
 - [Pretrial Justice Institute](#)
- First Friday Forums
- PI-Con July 2019
- Arnold Ventures
 - Release of Public Safety Assessment

If you made it this far, thanks
for staying awake.

Want to be added to the Pretrial S.O.S. group?

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