



# A BLUEPRINT FOR REFORM

## CREATING AN EFFICIENT AND EFFECTIVE REGIONAL CRIMINAL JUSTICE SYSTEM

A DRAFT report submitted to the Board of Spokane County Commissioners, Spokane  
City Council and Mayor of Spokane

By the  
Spokane Regional Criminal Justice Commission:  
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***The following references were used in drafting this recommendation and are available on our website at [www.spokanecounty.org/srcjc](http://www.spokanecounty.org/srcjc)***

- David Bennett Needs Assessment Draft 2-12-08*
- Smart Justice Final Plan July 2013*
- Smart Justice Executive Summary July 2013*
- Innovations and Efficiency Study - City of Phoenix Feb. 2012*

## Preface

Inherent to a report of this size is the use numerous acronyms and abbreviations. For ease in reading the following report, we provide the following list of definitions:

<b>AOC:</b>	Administrative Office of the Courts
<b>CCC:</b>	Community Corrections Center
<b>CIT:</b>	Crisis Intervention Team
<b>CJ Administrator:</b>	Criminal Justice Administrator
<b>CJTA:</b>	Criminal Justice Treatment Account
<b>COMPSTAT:</b>	Computer Statistics or Comparative Statistics
<b>CrR 3.2:</b>	Washington State Superior Court Rules 3.2
<b>DCM:</b>	Differentiated Case Management (also ECR)
<b>DMC:</b>	Disproportionate Minority Contact
<b>DOSA:</b>	Drug Offender Sentencing Alternative
<b>DUI:</b>	Driving Under the Influence
<b>DWLS 3:</b>	Driving With License Suspended 3 <sup>rd</sup> Degree
<b>EBP:</b>	Evidence Based Practice
<b>ECR:</b>	Early Case Resolution (also DCM)
<b>EHM:</b>	Electronic Home Monitoring
<b>FOSA:</b>	Family Offender Sentencing Alternative
<b>FTA:</b>	Failure to Appear
<b>IT/IS:</b>	Internet Technology or Information Services
<b>LEAD:</b>	Law Enforcement Assisted Diversion
<b>LFOs:</b>	Legal Financial Obligations
<b>LJCC:</b>	Law and Justice Coordinating Committee
<b>MOU:</b>	Memorandum of Understanding
<b>RCW:</b>	Revised Code of Washington
<b>RJC:</b>	Regional Justice Commission
<b>SCOUT:</b>	Spokane County Geographic Information System
<b>SRCJC:</b>	Spokane Regional Criminal Justice Commission
<b>SSI:</b>	Social Security Insurance
<b>WSIPP:</b>	Washington State Institute of Public Policy

# I. INTRODUCTION AND EXECUTIVE SUMMARY

## 1.1 Introduction

The Spokane Regional Criminal Justice Commission (SRCJC) was formed by City and County administration with the goal of exploring current operations and efficiencies, identifying duplication of services, and developing a blueprint for successful reform that better meets the needs of those processed through our criminal justice system. The Commission engaged in over 140 hours of presentations, tours, and research, and consulted with David Bennett, on jail forecasting, enhancement of pretrial services and community correction centers. Through this process it has become clear to us that the regional criminal justice system in Spokane holds many strengths, yet is also in need of systematic and collaborative reform. This reform will allow agencies to set new goals, and reach stronger operational efficiencies.

Of particular interest to us has been the various “pockets” of reform and strong, science informed practices that are already in place throughout the City and County. We even consider some programs and departments to be engaged in “pockets of excellence.” What is needed, however, is a blueprint and structure to extend such reform to other departments and agencies, and to allow data and research to inform our systems. When properly built, these pockets of reform can be brought together into a regional system that will create greater community safety, provide for cost-effective services and create programs and practices focused on reducing recidivism.

During our months of public hearings and research, many ideas for reform were put forward, as were statements for independence across the various points in the system. There were major themes to develop across the hearings, regardless of the office or position held. These included reducing delays and duplications in court cases and supervision, improved and coordinated use of data across agencies, moving to an “evidence-based criminal justice system” and the need for an independent governance body. These themes highlight the fact that leaders of the Spokane regional criminal justice system recognize the need for systemic change. The question is how to go about it fairly and effectively.

This report is structured to allow first an overview of the current system operations, acknowledgement of work to date, followed by a set of recommendations for governance, reform, and research. A five-year timeline for the recommended reforms is put forward. The City Council and County Commissioners are encouraged to recognize that the recommendations put forward in this proposal are considered first-steps in a long-term strategic plan. Research on consolidation and shared service reform efforts reveals that such efforts can often take over ten years before efficiencies and true change are realized, and that in many instances, such efforts are considered to be in a continual state (Wilson et al., 2012). We are confident, however, that the recommendations and governance structure presented in this report will provide a strong blueprint for continual systems improvement, greater efficiencies and the continual application of best practices.

## 1.2 Executive Summary

This report is the result of hundreds of hours of public and agency testimony, research, and meetings by City and County officials and the SRCJC. Although we were given a set of “marching orders” in the form of objectives and a work plan from City and County officials, the SRCJC continually asked itself the following three questions as we held public meetings, conducted research and drafted the report:

- Does the recommended reform have the potential to provide equal or better service?
- Does it have the potential to save the City and/or County money?
- What type of governance structure or operational process can be developed for our region that assures that the participating local governments are active in guiding the reforms?

We approached our task humbly and with the utmost respect for the hundreds of professionals that work in our regional criminal justice system. We are inspired by the passion and dedication of the people who work tirelessly to maintain our criminal justice system, frequently with reduced resources. We are very appreciative of and commend these efforts. Yet, some key criminal justice professionals told us that we “can’t put a price tag on justice.” There is no question that justice must be achieved and maintained, but this must be done in a way that is most cost effective for the public. The public demands that the system be cost effective, and therefore we should *reform the system to be offender centered, rather than offense centered*. By moving to this model, we believe that the system will be the most cost-effective and efficient, while still protecting individual rights and keeping the public safe. Our existing systems and processes have simply become too duplicative and in some instances, even antiquated.

The recommendations we make in the following report should not be viewed as diminishing the current work being performed by those working in law enforcement, the courts, community corrections or detention services. We recognize the importance of the use of individual discretion by criminal justice professionals in performing their jobs. We understand and strongly express our support for maintaining an independent judiciary. We are cognizant of the responsibility and important role that the region’s prosecuting attorney offices have in the system, particularly in deciding when criminal charges should be filed against a suspected offender. We appreciate that abiding by the Rules of Professional Conduct take precedence in the manner in which criminal defense attorneys represent their clients. The recommendations contained in this report should in no way be viewed as an attack on judicial independence, or professional discretion exercised by the individuals whose job it is to maintain regional public safety and uphold the Washington State and United States Constitutions.

The SRCJC supports some rather significant changes to current criminal justice operations. We maintain that a new governance structure must be created, to allow for overall management of the criminal justice system in our area. We recognize that technology must be embraced, and that system-wide performance measures (or “report cards”) are needed. Research has repeatedly demonstrated that jail and intensive supervision do not reduce recidivism, and shifting away from an over-reliance on jail and towards community-based alternatives is critical to move us into a 21<sup>st</sup> century justice model.

Rather than recommending the immediate construction of a new jail facility, the SRCJC supports the implementation of alternatives and new practices, and then reassess the need for a new jail after these alternatives have been evaluated. We believe that renovations and already identified improvements to the jail should continue. These include needed structural updates to the booking area and kitchen, as well as the creation of a dual purpose courtroom space to expedite first appearances and an expanded area for pre-trial services. We also fully support the creation of a Community Corrections Center. The facility should be co-located on the Spokane Justice Campus to improve transportation and Detention Services efficiency, and to allow a direct hand-off of the offender to community services.

We do not recommend the consolidation of the District and Municipal Courts at this time. This issue was presented and discussed at length. It is clear that the Municipal Court, and all city agencies, have been innovative, cooperative and effective. This cannot be said about the District Court. All city agencies are vehemently opposed to consolidation with the District Court. The District Court was found to lack cohesion and was unwilling to embrace plainly needed reform, and unconcerned with the costs of jail sentences and detention before trials and probation hearings. We believe it is possible to achieve efficiency through the consolidation of the Municipal Court and District Court Probation offices. It is imperative that the innovations and the effectiveness of the Municipal Court Probation Office be maintained. The Regional Justice Commission (RJC) (Executive Board) must closely monitor all functions and outcomes of this consolidation.

Ideally, with the adoption of the new governance structure and the report card system, the District Court can be held more accountable to the public. In time, the RJC may re-evaluate and determine whether the District Court should be consolidated with the more innovative and research-based Municipal Court.

We put forth many procedural changes that we believe will quickly create greater efficiencies, by way of renewed collaborative efforts between the judicial bench, prosecution and defense. Efforts should be undertaken to minimize and avoid unnecessary court hearings, combine cases whenever feasible, and minimize the issuances of warrants on non-payment of legal financial obligations.

Many of the recommendations put forth suggested in this report came directly from City and County employees across the various criminal justice agencies. These recommendations from the “front-lines,” combined with reports and research provided to us by Smart Justice, Washington State University Department of Criminal Justice and Criminology, and countless community agencies, all combine to create a blueprint for sustainable regional reform. Highlighted in below in **Table One**<sup>1</sup> is a timeline to guide the implementation of the recommendations in this report. There are four stages of reforms: Create, Modernize, Synthesize, and Evaluate.

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<sup>1</sup> A more detailed timeline grid can be located in Appendix A

Table One

<b>1. Create</b> 0-6 months	
Governance (5.1) Technology (5.2 & 5.5)	Creation of Regional Justice Commission. Hire Criminal Justice Administrator and Staff. Establish Law and Justice Coordinating Council. Establish workgroups: Technology; Evidence-Based Portfolio; Disproportionate Minority Contact. Technology workgroup to research and implement case management and information system.
<b>2. Modernize</b> 6-12 months	
Evidence-Based Portfolio (5.1 & 5.8) Risk-Needs Assessment (5.1, 5.8, & 5.9) Evaluate current specialty courts, programs, and services (5.3, 5.5) Jail renovation and transportation improvements (5.9)	Evidence-based portfolio workgroup (EBPW) to guide the creation/ selection of the risk/needs/responsivity tool and coordinating services, including detention alternative programs. Workgroups commission independent evaluations of current programs, specialty Courts, and services to identify evidence-based practices. Begin crucial renovations to jail.
<b>3. Synthesize, Improve, and Expand</b> 1-2 years	
Merge probation services and increase collaboration (5.9) Implement courtroom efficiency and improvement practices (5.5, 5.6, & 5.7) New law enforcement diversion programs (5.3) Expand specialty courts and diversion programs (5.4, 5.5, & 5.6) Build Community Corrections Center (5.4 & 5.8)	Merge City and County probation services. Counsel and Courts collaborate to increase efficiency and improve disclosure, indigent defense, LFOs, etc. Research implementation of LEAD, Ceasefire, etc. Evaluate and expand current diversion programs and Courts. Begin construction of Community Corrections Center.
<b>4. Evaluate</b> Every 6 months, with comprehensive review after 5 years	
RJC and LJCC to increase transparency and accountability (5.1)	Provide evaluation "report cards" the public and agency stakeholders. Ensure recommendations are implemented well. Continually research new strategies and improvements.

First, priority should be given to creating a governance structure and immediately improving technology for case management, data sharing, and security. Second, the RJC should place emphasis on modernizing the regional justice system by creating a risk/needs assessment and evidence based portfolio that will inform future reforms. Jail renovations should begin during the second stage of priorities. Third, and perhaps during the first two steps in some select cases, reforms will be implemented including expansion of current evidence-based programs, improvement of practices that can be more efficient, merging to reduce duplicative services among probation services, consolidation of cases between courts when possible, and the Community Corrections Center project should be undertaken. Finally, the RJC and LLJC will undertake ongoing evaluations of each component of the justice system to increase transparency to the public and each agency. After three years, a thorough report will be completed across all systems to allow the community, agencies, and administrators to directly observe and assess the meaningful change created by investment in these reforms



### 1.3 Acknowledgements

The work of the Commission could not have been completed without the assistance and guidance from many important individuals across the community. The Commission would like to thank the following individuals for their assistance in this important process:

**City of Spokane** - Mayor David Condon, the **Spokane City Council and staff**, and the **Spokane County Commissioners** and staff, who charged us with our mission, kept in contact with us in our progress, and supported us, while allowing us complete freedom to conduct our study independently.

**Spokane County Detention Services** - Lt. Michael Sparber for providing integral criminal justice input and insight. Michael and Sr. Tech Asst. Karen Westberg were our tireless guides and hosts through the many meetings and hearings, and who gave us the physical space and resources needed to complete our task.

**Washington State University** - Department of Criminal Justice and Criminology, specifically Dr. Jacqueline van Wormer, Dr. David Brody, and talented graduate student support, whose expertise and excellent assistance made the writing of this document possible. They combed through the reams of files and resources with us and were our most valued asset in developing a professional and well thought-out document. They gave many hours of time and diligence to our task on a completely volunteer basis.

**David Bennett Consulting**, and **Donna Lattin Consulting**, whose previous work and attentiveness in providing many hours of research and consultation essentially “got the ball rolling” in many areas of reform in the Spokane Regional Justice system. Their work has been a valued asset in our mission.

**Smart Justice** - Mary Lou Johnson and Julie Schaeffer who attended nearly every hearing, and who were more than willing to bring their knowledge and experience in to assist this Commission.

**Kathy Knox** – The Director of City of Spokane Public Defenders office, who attended every hearing and offered valuable insight into processes and topics relevant to each hearing.

**Gonzaga University Law School** - Tim Schermetzler who offered the facility and provided the resources to host our November 6<sup>th</sup> 2013 Public Hearing. We are grateful for the use of that beautiful facility, and appreciate the gracious hospitality.

All of the **City and County employees** in the varied criminal justice offices who spent the time communicating with us and being transparent in their testimonies. Their open and honest input was extremely helpful and greatly enhanced our ability to analyze effectively.

**Washington County Oregon** - Courts, Law Enforcement and Probation officials who assisted us in our investigation and hosted our visit to their Community Correction Facility and Jail.

## II. OVERVIEW OF WORK OF THE SPOKANE COUNTY REGIONAL CRIMINAL JUSTICE COMMISSION

*“Our ultimate goal is to be the safest region of our size in the nation,” Spokane Mayor David Condon (November 20, 2012)*

### 2.1 History

In July 2012, the City and County of Spokane adopted a memorandum of understanding (MOU) focused on developing criminal justice reforms aimed at improving services, eliminating duplicate services, creating efficiencies and reducing recidivism.

Administrators from both the City and County committed to a broader, more holistic approach to the community’s criminal justice system, rather than the current “siloed” system. As resources have dwindled over time, standard, historical practices have been called in to question. Spokane County has been working since 2008 to implement various reforms including the addition of expedited case processing, evidence-based community corrections programs, and the adoption of the problem solving court model. The MOU allowed for expanding reform efforts across systems and created the Spokane Regional Criminal Justice Commission (SRCJC).

By November 2012, three Commission members were appointed to the SRCJC. James McDevitt, Judge James Murphy (ret) and Phillip Wetzel all agreed to serve. The Commission was charged with seeking input from the public, stakeholders and City and County criminal justice officials. City and County Administration selected each member due to their extensive and exhaustive experience in the criminal justice system. Commission members experience includes:

**(Commission Chair) The Honorable James Murphy (ret)** is a 1973 graduate of Gonzaga Law School. Judge Murphy began his career as an Assistant Attorney General for the State of Washington. He was elected to the District Court in 1978, and served until 1985. He was then elected to the Superior Court, where he served until 2003. Judge Murphy is a former Magistrate Pro-Tem for the United States District Court, Eastern District of Washington. Judge Murphy is also a founding member of the Judicial Mediation Group: Civil Law Mediation and Arbitration Services.

**Phillip Wetzel** is a graduate from Gonzaga Law School, has been a lawyer in Spokane for 34 years. Phillip has worked at the Spokane County Prosecuting Attorneys Office in the juvenile and felony departments. He entered into private practice in 1986 and has since worked primarily in the defense of accused persons. Currently his practice is distributed among the District, Superior and Federal Courts and he appears in courts throughout Eastern Washington.

**Jim McDevitt** is also a graduate of Gonzaga Law School (1974), and obtained an MBA from Gonzaga (1975). Jim served as an Assistant Attorney General for the State of Washington, and also served in private practice (1977-2001) before accepting an appointment as the United States Attorney for the Eastern District of Washington. Mr. McDevitt served in this capacity under the Bush and Obama administrations until 2010. He currently serves as General Counsel for the Spokane Airports.

All three Commission members have served on a variety of boards, oversight committees, and community organizations. Each are held with high esteem in the community. They have collectively volunteered hundreds of hours to this study, and have a great wealth of knowledge for local processes, procedures, and law.

Standard questions were presented to reporting agencies/groups for each public meeting that began in March 2013. The purpose of these meetings was to create an understanding of services and organizational structures, current challenges, and self-identified areas for improvement. Recommendations and reforms put forward in this report come from, 1) direct recommendations by various City and County staff; 2) provided to us by community groups or via reports (e.g. Smart Justice); or 3) independent research and data analysis provided by Washington State University, Department of Criminal Justice and Criminology; or 4) the Bennett Report. Thirty-seven public meetings, totaling over 140 hours of public meetings were conducted. Commission members also had discussions with over 400 individuals involved directly or indirectly with our regional criminal justice system. Invited presentations were received from the following groups:

- City of Spokane Probation Services
- Spokane County Clerks
- City of Spokane Public Defenders
- Spokane County Public Defenders
- County Counsel for Defense
- Spokane County Pre-trial Services
- Spokane County Prosecutors Office
- Spokane County Juvenile Court
- City of Spokane Prosecutors Office
- Detention Services, including Transportation, Programs and Classification and Mental Health Services
- Spokane County Early Case Resolution project
- Spokane County Mental Health Court
- Spokane County Probation Services
- Washington State Department of Corrections
- City of Spokane Information Services
- City of Spokane Municipal Court
- Spokane County District Court
- Superior Court Judges
- Spokane County Behavioral Health Drug Court
- Spokane County Community Services

- Private attorneys engaged in criminal law
- Sheriff Ozzie Knezovich, Spokane Chief of Police Frank Straub, Airport Police Chief Pete Troyer, Cheney Police Commander Rick Campbell, WSP Trooper Jeff Otis and Spokane Police Officer Craig Meidl.
- Geiger Correctional Center
- Judge Boyd Patterson, Dallas Texas and Cerium Networks
- Smart Justice
- Washington State University, Department of Criminal Justice and Criminology
- Washington County, Oregon judges, law enforcement and probation services
- Fulcrum Institute

## **2.2 Mission Statement**

The mission of the Spokane Regional Criminal Justice Commission is to conduct a comprehensive review of the entire Spokane regional criminal justice system by examining the entire spectrum from pre-arrest (prevention programs), arrest, prosecution and defense, sentencing, incarceration (including alternatives to incarceration), re-entry and recidivism. The goal of the Commission is to make specific recommendations to the City and County which will address reduction of crime, the efficiency and effectiveness of the criminal justice system, the effective use of detention and alternatives to detention, the effectiveness of re-entry programs, and ultimately to put in place a criminal justice system which is efficient, effective and guarantees strict adherence to the mandates of the Constitution of the United States and the State of Washington.

## **2.3 Research and Objectives:**

The SRCJC was charged with exploring the following objectives:

- Elimination of duplicate services and/or process that will more quickly service citizens while reducing overhead costs.
- Increase investment for diversion programs (alternatives to incarceration) that result in reduce jail time and more quickly returning individuals to productive members of community while reducing system costs.
- Achieve operational efficiencies that may allow for new programs utilizing operational savings.
- Allow for construction of capital facilities that fit regional business/service needs at a greatly reduce cost by eliminating duplicate facilities.
- Establish a precedent for multi-jurisdictional cooperative models that can be replicated in other lines of business.

A work plan was also developed by City and County officials and included the following:

- Evaluate best practices from existing regional models
- Document strengths and weaknesses of Spokane's regional system

- Define and document a proposed organizational structure
- Identify roles and responsibilities for participating jurisdictions and lines of business
- Propose a set of governance models
- Define staffing, budget and other support requirements
- Develop draft budget including detailed definitions of cost sharing models
- Determine the role(s) of partner organizations/committees/boards
- Define community and legislative activity necessary to implement a sustainable regional model.

### **III. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM IN SPOKANE, WASHINGTON**

This section will first provide a broad overview of the criminal justice system in Spokane. The overview is intended to give ordinary citizens an understanding of how various agencies interact to seek justice from the moment a crime has been committed until the moment the offender has been reintegrated into society after disciplinary or restorative action has been taken. Following the overview, specific details about how the City of Spokane and Spokane County facilitate the process are provided in tables with a description of the services to allow for easy comparison. The reader will note that many of the tasks and functions of the City and County justice system are the same, while others are different depending upon the nature of the crime.

Most criminal cases begin when one or more witnesses report a crime to a law enforcement agency, or when law enforcement officers directly observe a crime. After a preliminary investigation to determine probable cause that the person committed a criminal offense, police will do one of two things. The first option is issue the offender a citation and a summons to appear in court at a designated time, while the second is to arrest the suspect and transport him or her to the Spokane County jail for booking and processing. If the offender is booked into the jail, there will be a bond hearing. At the hearing, a judge will decide whether the defendant should be released from custody on a promise to appear, with specific conditions, or upon posting of a bail bond.

After reviewing the police report, City of Spokane or Spokane County Prosecuting Attorneys must decide if sufficient evidence exists to justify using taxpayer money to pursue adjudication of the crime. If the prosecutor files charges (felony or misdemeanor), the case will be assigned to the Spokane Municipal Court for misdemeanors occurring within the city, or the Spokane County District or Superior Court depending on the seriousness of the charges. If the defendant is indigent, and there is a possibility that he or she will be sentenced to jail if convicted, the defendant will be appointed an attorney to represent him or her in court.

Some offenders may accept a plea bargain or be deferred to a specialty court such as Mental Health Court, Adult Drug Court, or Veterans Court. Some may participate in Early Case Resolution (or “Differentiated Case Management”), which speeds the process. Some cases

go to trial, but the percentage is much less than the percentage of cases that are resolved without a trial. Additionally, some cases are dismissed entirely by the prosecuting attorney when there is a lack of evidence. Criminal prosecutions are generally adjudicated by a dismissal, a guilty plea (often via plea bargain), or conviction or acquittal at trial. If a defendant is found guilty, a judge will sentence the defendant to a period of incarceration, a period of probation, or both.

The final stage in the process is reentry or reintegration. Offenders face considerable stigma once they have been found guilty of a crime. This is especially true of offenders who have been incarcerated. They often experience difficulty adjusting to conventional life when they are released from prison. They may struggle to find employment, avoid negative influences, remain free of drugs and alcohol, reconnect with their families, and abide by all of the requirements of probation or parole. Considerable research has highlighted the need for better programs to assist offenders with this transition (Petersilia, 2003), and identify those offenders who are less likely to commit new crimes once their criminogenic needs have been met (Taxman et al., 2010; Vincent et al., 2012). At this final stage, probation supervision and community services assist offenders as they reenter society. Evidence-based programs are used to help the offender arm themselves with new skills to build a more conventional life and refrain from new crimes.

Finally, at any given stage in the system, an offender may be involved with multiple agencies in both jurisdictions. For example, an offender may have a misdemeanor pending in the City of Spokane Municipal Court for driving with a suspended license and a felony assault charge pending in the Superior Court. The offender might also be under the supervision of either or both Spokane County or City of Spokane probation departments for prior charges. The criminal justice “system” is often considered less of an assembly line than an obstacle course (Packer, 1968).

### 3.1 The Details

There are many areas of overlap between the City of Spokane and Spokane County criminal justice systems. There are also many areas where the functions of agencies are unique enough that collaboration or integration is not possible. Details about the duties of law enforcement, prosecutors, public defenders, courts, clerks, detention services, probation services, and information systems are presented in this section. A brief description follows each box.

Law Enforcement	City	County	Joint
Operates and oversees City of Spokane Police Department	X		
Operates and oversees Spokane County Sheriff		X	
Fosters partnerships with regional and municipal police departments			X

The City of Spokane and Spokane County have separate law enforcement agencies, which are designated by the laws of the State of Washington. They perform similar functions, including apprehending suspects, keeping public order, enforcing traffic laws, investigating serious crimes, and responding to crisis. Each does a fantastic job of fostering beneficial partnerships with regional municipal police departments, who should also be recognized for the valuable services and collaboration they provide:

- Airway Heights Police Department
- Cheney Police Department
- Liberty Lake Police Department
- Medical Lake Police Department
- Spokane Valley Police Department
- Eastern Washington University Police Department
- Washington State University Police Department
- Washington State Patrol
- Washington State Department of Corrections

In addition to these partnerships, most of which are included in various mutual aid agreements, the Commission recognizes the exemplary level of cooperation between and among the various state, county and municipal law enforcement agencies, including their federal partners such as the Federal Bureau of Investigation, the Drug Enforcement Agency the Bureau of Alcohol, Tobacco, and Firearms, and U.S. Boarder Patrol. Through such partnerships and cooperative efforts, much is accomplished in the area of law enforcement. It should be noted, however, opportunities for additional cooperative efforts still exist in the area of crime prevention (see Recommendation 5.3 (5)).

Prosecutor	City	County	Joint
Prosecute misdemeanor crimes, including civil traffic and non-traffic infractions	X	X	
Prosecute domestic violence misdemeanors	X	X	
Prosecute felonies committed in City of Spokane and Spokane County		X	
Relicensing program to reinstate driving privileges for failure to pay traffic fines (DWLS 3 Diversion)	X		
Prosecute juvenile cases		X	
Prosecute drug, gang, property and fraud crimes committed in City of Spokane and Spokane County	X	X	
Prosecute major crimes, special assault, appeals, civil, and family law cases from City of Spokane or Spokane County		X	
Provide victim/witness services	X	X	
Offers day reporting through Friendship Diversion Services		X	
Electronic Home Monitoring (EHM)	X		

The City and County prosecute a wide array of misdemeanor and traffic offenses. Felonies and juvenile cases are prosecuted only by the County Prosecutor.

Public Defender	City	County	Joint
Provide representation to those who are entitled to counsel but cannot afford it	X	X	
Provide representation to juveniles		X	
Provide representation for Mental Health Court clients			X

The City of Spokane and Spokane County have separate Public Defender offices. Each provides representation to offenders who are entitled to counsel constitutionally but who cannot afford to hire a defense attorney on their own. The Spokane County Public Defender office provides all representation to eligible juveniles. Both Public Defender Offices coordinate to provide counsel to Mental Health Court clients. The Spokane County Counsel for Defense also represents indigent defendants, primarily cases in which the Public Defender's Office is unable to represent a defendant due to a conflict of interests or other ethical reason.

Courts	City	County	Joint
Misdemeanor offenses are adjudicated in a court of limited jurisdiction	X	X	
Adjudicates felony offenses		X	
Adult Drug Court, Early Case Resolution, DOSA, and FOSA hearings		X	
Veterans Court	X	X	
Mental Health Court			X
Intensive Supervision Therapeutic Court		X	

Spokane currently has three courts: Municipal, District, and Superior. Other local jurisdictions (e.g. Cheney, and Spokane Valley) contract for services. Medical Lake and Airway Heights maintain their own Municipal Court system. The Municipal Court is operated by the City of Spokane, and adjudicates only misdemeanors. The District Court is operated by Spokane County, and also adjudicates misdemeanors. All felonies are adjudicated by the Spokane County Superior Court, which also hears civil cases and family law. Some specialty courts are offered by Spokane County, including Veterans Court, Intensive Supervision Therapeutic Court, and Adult Drug Court. Early Case Resolution is also utilized by Spokane County. The Municipal Court and District Court jointly operate Mental Health Court.

Clerks	City	County	Joint
Process and manage court records	X	X	
Provide support staff to judges	X	X	



Issue protection orders		X	
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Clerks provide support staff to judges and manage court records. The Spokane County Clerk also issues protection orders, processes minor emancipation requests, name changes, adoptions, trusts or wills, and manages all financial transactions for the County courts.

Detention Services	City	County	Joint
Detain offenders who are awaiting adjudication, and who have been sentenced or detained under the authority of City, County and federal courts.		X	
Provide transportation services		X	
Operate Geiger Correctional Facility		X	

The City of Spokane and Spokane County rely upon Spokane County Detention Services to detain all offenders who are waiting for adjudication for a crime, sentenced, or detained under the authority of City, County, or federal courts. Detention Services also provides transportation for these offenders to court appearances, manages populations of incompatible offenders (such as gangs or violent and sex offenders), and facilitates visitation. Community corrections and medical and mental health services are also provided by Detention Services.

Probation	City	County	Joint
Probation support services for misdemeanor crimes committed within the City of Spokane	X	X	
Probation support services for misdemeanor crimes committed within Spokane County		X	
Probation support services for felony crimes committed within City of Spokane or Spokane County		**2	
Provide electronic home monitoring	X		
Contract with private companies for electronic home monitoring services in approved cases		X	
Facilitate Alive at 25!			X

The City of Spokane and Spokane County have separate probation offices. The functions of the two offices are essentially the same, and they collaborate to facilitate Alive at 25!. Both provide supervision for misdemeanor crimes committed within the City of Spokane or Spokane County. The City of Spokane currently offers electronic home monitoring within the office, while Spokane County Probation requires offenders to pay for private supervision after approved by a judge.

<sup>2</sup> The County does not provide probation services for felony offenders. The Department of Corrections has traditionally served this function, but due to budget cuts, there are now severely limited probation services for felony offenders.

Information Systems	City	County	Joint
Create and maintain document imaging, filing, and indexing system		X	
Create case management applications for multiple agencies		X	
Facilitate information sharing among agencies		X	
Create and maintain court scheduling software		X	
Integrate data from state agencies with local databases		X	
Create and maintain Detention Services transportation scheduling software		X	
Create and maintain Detention Services and Sheriff data applications including forensics, sex offender registration, jail visits, and pawn property index		X	
Facilitate electronic document filing and submission	X	X	
Implement and maintain JustWare for City of Spokane Prosecutor, Probation, Public Defender departments	X		

The City of Spokane and Spokane County have separate information technology departments that are responsible for managing the electronic elements of each of the regional criminal justice systems. The systems do not “sync.” That is, none of the data from either department is integrated with the data from the other. The City of Spokane Information Technology Department recently implemented JustWare, which is a highly successful web-based system for managing case files and could be used as a model for other agencies. Spokane County Information Systems has designed and maintains multiple software applications that manage case files for Detention Services, District Court, Superior Court, and the Sheriff’s Office. JustWare does, or will in the future, the same functions as many of the programs that were designed and are maintained by Spokane County. Both systems are designed to electronically document images for filing and indexing, schedule court appearances, coordinate transportation, integrate state data with local information, and meet other technology needs of the agencies as needed.

## IV. CONTEXT FOR REFORM

### 4.1 Current Practices and Moving Forward

Seventy percent of the annual operating budgets of the County, and approximately 50 percent of the budget of the City of Spokane is allocated for criminal justice expenditures. The majority of the dollars are spent on personnel. In many departments or agencies, those funds are additionally supplemented by State and Federal monies, as well as grant awards. The demands on the current system in our region, coupled with economic challenges and the recognition that many of our current practices are outdated and duplicative, have created a wave of necessary reform.

Research shows that the impetus behind consolidation and shared services in the criminal justice area are diverse, depending on agency history and which agencies are involved. The benefits of consolidation and shared services can be numerous. Studies of over 130 public safety consolidation efforts reveal findings of increased efficiency, reduction of duplication of services, improved services that are based on research, reduction of physical infrastructure needs, greater cross-training, and the ability to respond more quickly to evolving community needs. Most importantly, research has shown that consolidation and shared services can increase *comprehensive* community safety (Wilson et al., 2012).

The potential drawbacks are worth noting however, and should be considered in the context of our pending reforms. Although cost-savings can certainly be realized under these recommendations, there are inevitably preliminary costs that must be managed and carefully considered. Union positions and needs must also be considered to ensure fairness. Departments often have their own unique identity and believe that they meet a niche that cannot be met by consolidation. Moving staff along the “continuum of change” and changing organizational culture is by far the biggest obstacle in reform efforts. Criminal justice reform takes political courage, skill, and most importantly **time and strong leadership**, to allow the efforts to evolve.

Through the process of presentations by the various County and City departments, and social service agencies, the RCJC has quickly discovered that most County and City entities are interested in re-engineering our criminal justice system to be more innovative, efficient, and flexible. In fact, most of the ideas for reform put forth in this report came directly from City and/or County staff.

A strong amount of research has emerged over the past decade on consolidation and re-engineering efforts. Some studies highlight great successes, while other studies focus on the challenges encountered and the impediments to success. Given these findings, it is critical that County and City leadership consider the following five conditions that must be present in order for the recommendations in section five to be properly enacted (Hall & Suskin, 2010).

1. **Gather the Right People:** This reform effort will require involvement from numerous department leaders and staff, community partners and County/City administration. The leaders of the reform efforts (see governance structure

outlined in 5.1), must work together to create a climate that is “conducive to reengineering,” and must be willing to include at least one outsider that will ask them the hard questions and “shatter assumptions” (Hammer & Champy, pg 38, 2003). These same leaders must also be willing to implement the recommendations below, but also understand that we have elected to focus on only the most obvious (what we call “low hanging fruit”) and needed areas of reform. It will be up to the governance structure and City/County leaders to move the vision beyond the three-year plan outlined in the Executive Summary.

- 2. Identify the Long-term Structural and Governance Issues:** Outlined below is a detailed governance structure that is recommended for the Spokane region. This governance structure was developed after careful consideration of presentation materials, reports and research provided by Smart Justice and a careful review of the research literature on consolidation (Wilson et al., 2012; Hall & Suskin, 2010).
- 3. Develop Guiding Principles:** The governance structure, in conjunction with department leadership should engage in developing a set of operational goals and organizational values. By outlining these from the inception of the reforms, it will provide a unified vision for strategies to move efforts forward (Hall & Suskin, 2010).
- 4. Determine Potential Solutions and Analyze Their Impact:** Outlined in the Recommendations section below are numerous solutions that address creating greater staffing efficiencies, developing technology solutions, policy changes, and governance and structural changes. We consider this set of recommendations a beginning to a more thorough and strategic long-term effort.
- 5. Organize the Solutions into Waves of Change:** As was highlighted in the Executive Summary (see Table 1), the recommendations put forth in this reform are all time sensitive. Some carry greater weight and importance than others. We have structured the set of recommendations by those changes that can be accomplished fairly quickly, reforms that will take greater research, planning and execution, as well as those that will be realized over a much longer period of time.

## V. RECOMMENDATIONS

### 5.1 Governance and General Operations

**Recommendation 5.1 (1): Create the Spokane Regional Justice Commission (RJC) and hire support staff**

Critical to any major reform effort is a strong governance system to oversee and guide the process. The SRCJC has explored many criminal justice system governance options. We carefully considered the importance of building a system that can effectively carry out the reforms put forth in this report, while also creating a permanent level of accountability and transparency. As is highlighted in figure one below, the SRCJC supports the creation of a governance system that facilitates coordination, cooperation and efficiency within the regional criminal justice system. The SRCJC recommends reestablishing the Law and Justice Coordinating Committee, yet with a different structural format and purpose. The SRCJC believes that the formation of a Regional Justice Commission (RJC) and the creation of a RJC Administrator is a critical first step in the reform process. The RJC must be viewed as the Executive Committee of the LJCC (further described below in Figure 1).

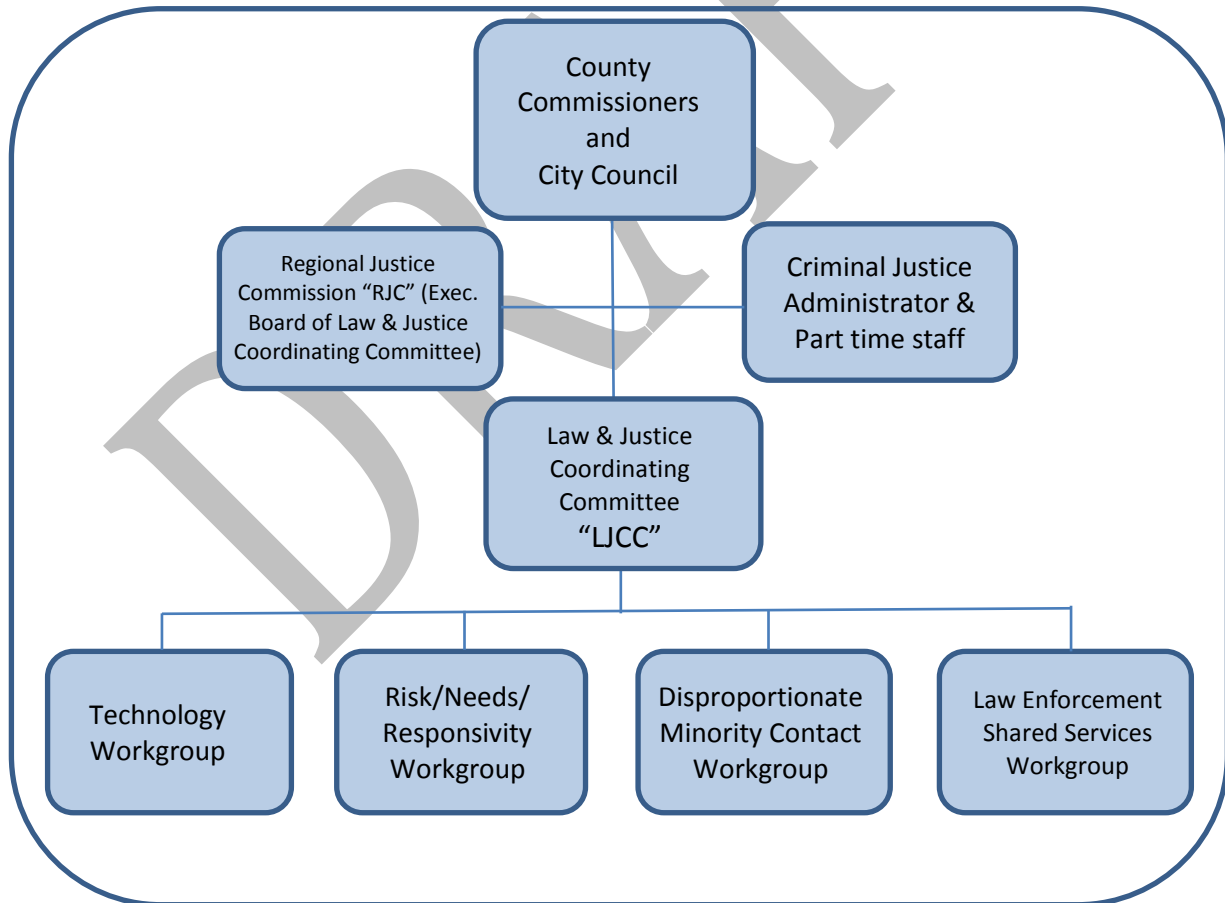


Figure 1

In order to accomplish its mission and objectives, the RJC must be given, by way of legislation or inter-local agreements, the authority to dictate and accomplish those changes necessary to improve our region's justice system. In short, the RJC must be free from the politics that now hamper progress. Autonomy is critical, but must be balanced against the constitutional independence of the courts.

The commission should consist of a 5-member panel, assigned for three-year terms. Positions for the RJC would be screened and appointed jointly by the City Council and Board of County Commissioners. Individuals selected for the board should have expertise in all facets of the criminal justice. The RJC should meet monthly, and be charged with developing and managing an integrated, regionalized, and cost-effective criminal justice system for the Spokane region. The RJC would engage in the following:

- Appoint the Criminal Justice Administrator and part-time support staff (see below)
- Oversee the Law and Justice Coordinating Committee (LJCC) and operational workgroups of the LJC.
- Receive advice and input from the LJCC and workgroups to develop and administer on-going reform efforts.
- Review research, reports and best practices provided by the CJ Administrator, LJCC and other community agencies.
- Educate the community on reform efforts, as well as on-going criminal justice system operations
- Recommend and support legislation that helps to create an efficient and effective criminal justice system within the Spokane region and across the State of Washington.
- Review data and report cards to ensure that departments are reducing recidivism, increasing program completion, engaging in more efficient practices, generating cost-savings, and expediting cases when appropriate.
- Work with department administrators to eliminate under or negative performing programs and services.

Review of other criminal justice and local government consolidation and reform efforts across the country has shown that a commission and director structure allows for the greatest potential for effective and lasting change. The logical structure will establish a true chain of command for the reform and change efforts, and therefore all departments within the criminal justice system will be accountable and report to their department/agency director, as well as the RJC.

To support the work of the RJC, it is recommended that an administrator and office support staff be hired. The administrator would serve a five-year term, renewable by the RJC. The administrator would be largely tasked to:

- Collect, analyze and correlate information and data regarding the regional criminal justice system.
- Provide the RJC with important research and reports to guide reform efforts.
- Provide training and technical assistance to City and County agencies on reform efforts. An outside entity or the administrator can provide such

training, depending on the need (e.g. adoption of an evidence-based correctional therapy program; new law enforcement prevention program).

- Conduct meeting facilitation with various departments, agencies and workgroups to guide reform efforts.
- Develop media and educational materials for public use at the direction of the RJC.
- Assist RJC in monitoring report cards and performance measures.
- Assist RJC in developing draft policies and legislation based on recommendations to the LJCC and community groups.
- Work closely with City and County technology departments to develop a report card system and video conferencing system to ensure seamless communication between all criminal justice units.
- Ensure that meetings comply with the Open Public Meetings Act, RCW 42.30.
- Meet with RJC during open monthly meeting to provide updates and receive further direction.

### **Recommendation 5.1 (2): Re-establish the Law and Justice Coordinating Committee & supporting workgroups**

The Law and Justice Coordinating Committee (LJCC) should include representatives from all of the criminal justice units in the City and County that provide direct services. The duties of the LJCC should be to:

- Identify problem areas and develop solutions via the use of standing workgroups (see Figure One above for examples). The workgroups would each use the model identified in section 4.1 in order to create a greater likelihood of success. At a minimum, the following workgroups should be created in order to carry out the proposed reforms:
  - Technology Workgroup: This workgroup would oversee the creation and implementation of video technology in the jail and courtrooms, as well as advancing the performance monitoring system (discussed further in 5.1 (5))
  - Evidence-based Portfolio Workgroup: This workgroup would explore the various risk/needs/responsivity tools available, recommend adoption of a selected tool, as well as work with local academic partners to develop a “portfolio” of evidence-based practices for offenders.
  - Disproportionate Minority Contact (DMC) Workgroup: The DMC workgroup would be a standing workgroup that would utilize data to monitor overrepresentation of minorities at key decisions points within the criminal justice system. The workgroup would ensure that all criminal justice departments make a commitment to achieving racial equity in our systems, and to building culturally appropriate programs and support services for offenders.
- Develop necessary inter-local agreements and memorandums of understanding.
- Carry out and successfully implement the recommendations of the RJC.

- Review data and report cards to ensure that departments are reducing recidivism, increasing program completion, engaged in more efficient practices, generating cost savings, and expediting cases when appropriate, and contributing to a reduction in crime.

**Recommendation 5.1 (3): Ensure there is a role for outside agencies, non-profits and public by furthering community partnerships:**

Transparency in the operations and outcomes of the Spokane regional criminal justice system is critical, and will allow for true and lasting criminal justice reform to occur in our community. Our current system is “siloed” and self-protective. By expanding community partnerships we can be more effective in addressing a complex population. The SRCJC recommends that the newly formed Regional Justice Commission engage in a “community mapping exercise” in order to fully inventory available community services, as well as identify gaps in services. This map will then be used to match offenders to needed services. Memorandums of Understanding and (potential) contracts will be developed between agencies, under the guidance of the LJCC, and monitored by the RJC. Additionally, the Commission urges jail and Community Corrections Center staff to utilize these MOUs to develop strong partnerships with community services that will improve offender outcomes post-release.

**Recommendation 5.1 (4): Adoption of evidence-based portfolio & risk/needs assessment instrument for criminal justice system management across all agencies:**

Historically, decisions about when to release an offender from jail, sentencing, and supervision in the Spokane region have been guided by professional judgment, personal experience, and statute. Most criminal justice officials have not had an opportunity to learn about the most effective, evidence-based ways to reduce recidivism and ensure a safer community given the complex nature of offenders. Across all of the agency and public presentations that the SRCJC completed, a common theme emerged regarding the need for use and adoption of standardized risk/needs assessment instruments to guide decision making about offenders, as well as using programs that are proven to reduce recidivism.

Over the last decade, courts and correctional systems across the country have moved to the adoption of evidence-based programs (EBP’s) (or “portfolios”) and the use of standardized risk/needs assessment screening tools. In fact, the Spokane County Juvenile Court engaged in such a process over 15 years ago, and serves as an exemplary model for the adult criminal justice system. In Washington State, the adoption of EBP’s and standardized risk/needs instruments across all the juvenile courts has led to a 40 percent reduction in the use of detention, and the juvenile crime rate continues to drop or remain stable for most crimes.

Risk/needs assessment instruments identify the key factors (risks) that predict the likelihood to reoffend if appropriate services and interventions are not offered. These tools generally assess whether an offender is low, moderate or high risk to reoffend. The more advanced instruments also indicate which areas of the offender’s life should be targeted (e.g.



drug/alcohol treatment; mental health counseling; job skill training) and provide structured case management plans. Of course, proper training and on-going support is critical with the adoption of such instruments. *When used correctly and across the appropriate decision points in the criminal justice system*, risk/needs assessment instruments can help criminal justice officials appropriately classify offenders and target interventions to reduce recidivism, improve public safety and cut costs. Research has clearly demonstrated that adoption of evidence-based practices, and the standardized use of risk/needs assessment tools reduces recidivism at greater rates than historical practices. Adopting such tools also increases the likelihood that offenders will be “matched” to appropriate services based on criminogenic needs and services, and that supervision levels are based on risk (Taxman et al., 2010; Vincent et al 2012).

The SRCJC recommends the following in the adoption of a regional criminal justice risk/needs and EBP portfolio process:

- a. The risk/needs instruments to be used can help guide decisions and match offenders to appropriate interventions, but professional discretion still must exist at the judicial level.
- b. Risk/needs instruments adopted in Spokane must be designed for the population, and validated on the local population.
- c. Sufficient resources must be dedicated to this process. A workgroup should be established under the Law and Justice Coordinating Committee, with representatives from all affected agencies. This workgroup would develop a plan for tool selection, building staff buy-in, developing a training and oversight process, and determining how the data would be used to “feed into” the semi-annual report cards.
- d. There is no one-size-fits-all risk/needs instrument. While a “foundational” model can be created, various agencies will likely need to employ multiple tools (e.g. pre-trial vs. probation; drug court) and significant attention must be dedicated by the assigned workgroup to ensure that appropriate instruments are selected or developed for each agency, while reflecting offender needs.
- e. Once the instrument(s) is developed, the workgroup would develop a “portfolio” of EBP’s for use. The workgroup would review current existing and available practices, recommend changes and program additions, and even recommend elimination of programs that do not meet the identified needs of offenders. The workgroup would receive support for this procedure (as well as the risk/needs instrument adoption) from researchers available through local universities.

**Recommendation 5.1 (5): Establish semi-annual reporting – the creation of “report cards”**

Various departments (e.g. clerk, probation and jail) have standard forms and reports that track such items as; case flow (new cases received, cases discharged, cases remaining), and activity counts (number of office or field contacts completed, number of drug tests administered). Some agencies, including the jail and City and County Probation, can easily pull point-in-time snapshots (average caseload size, types of cases supervised). These reports are important and highlight department and staff workload, but fail to address the results or **outcomes** achieved by the each agency.

The absence of standard outcome measures handicaps City and County administrators in their ability to assess department efforts in carrying out effective and cost-beneficial procedures. Lacking standard outcomes measures also limits the ability of department managers to effectively evaluate staff competencies and manage scarce resources. The SRCJC recommends implementing a systematic performance measurement model (or semi-annual “report cards,” also commonly referred to as “dashboards”) that includes measures of outcomes in key areas such as reducing recidivism, referral to and completion of treatment services, employment, jail bed usage, reduction of technical violations, and ultimately a reduction of the crime rate. In addition, the SRCJC supports a comprehensive three-year report across all systems to allow the community, agencies, and administrators to directly observe and assess the meaningful change created by investment in these reforms.

Jurisdictions across the country are moving to standardized measurements (see examples from Maryland and Seattle at <http://www.statestat.maryland.gov/> or <http://web1.seattle.gov/DPETS/DPETSWebHome.aspx> ). There are numerous criteria that must be considered by the RJC and workgroup before and during the creation of the report card system. Research of numerous performance measurement efforts has shown that when certain steps are followed, the likelihood of launching a successful system is greater. These steps should be carefully considered by the RJC and workgroup and include:

- 1) Securing managerial commitment
- 2) Assigning responsibility (individuals or teams for spearheading/coordinating departmental efforts to develop a set of performance measures.
- 3) Designing measures that reflect performance relevant to objectives:
  - a. Emphasizing service quality and outcomes rather than input or workload
  - b. Including neither too few nor too many measures
  - c. Soliciting line staff, as well as management input and endorsement
  - d. Identifying the work unit’s customers and emphasize delivery of service to them
  - e. Considering periodic surveys of citizens, service recipients, or users of selected facilities
  - f. Including effectiveness and efficiency measures
- 4) Determining desired frequency of reporting
- 5) Assigning departmental responsibility for data collection (if not automatically pulled from data systems) and reporting
- 6) Assigning centralized responsibility for data receipt, monitoring and feedback.
- 7) Auditing performance data periodically.
- 8) Ensuring that analysis of measures incorporates a suitable basis of comparison.

- 9) Ensuring a meaningful connection between the measurement system and important decision processes (e.g. resource allocation, employee development, program maintenance).
- 10) Continually refining measures, balancing the need for refinement with the need for constancy in examining trends.
- 11) Incorporating measures into public reporting documents.

(Ammons, pg 21, 2001)

The SRCJC strongly recommends that all city and county offices move away from simply reporting **outputs**, and instead change the focus to reporting **outcomes**. For example, because the State of Maryland has moved to a performance based reporting system, they were able to release a report just two weeks ago that revealed that the recidivism rate for ex-offenders had fallen from 47.8 percent in 2007 to 40 percent in 2012. The Maryland Department of Public Safety attributed this reduction to increase of evidence-based practices, stronger collaborations among community agencies, departmental reorganization, and investing in an offender case management system (risk/needs/responsivity model). The Commission encourages stakeholders to utilize experts at local institutions of higher education, including Washington State University and Eastern Washington University, as well as technical specialists who have assisted other local governments, to support the process of developing the report cards and the measurements to be used for each office.

## 5.2 Coordinated Information Systems

The SRCJC noted numerous opportunities for technology improvement. While our current system is not “broken,” there are certainly opportunities for improvements. By using video technology for court hearings and creating an interface between current data systems, there exists a potential for much greater efficiencies, including paper reduction across all agencies.

### **Recommendation 5.2 (1): Technological Improvements in Court and Jail**

The Spokane Regional Criminal Justice Commission recommends that the use of technology be incorporated and increased wherever possible. Video-conferencing should be incorporated into every courtroom to increase efficiency and reduce costs. Opportunities for defense attorneys to confer with incarcerated clients via phone should be increased. See Recommendation 5.7 (2) for more detail.

Additionally, the Commission recognizes the need for improved security in the hallway at the Municipal Court, and recommends that technology be utilized wherever possible to improve security at all facilities. If security continues to be compromised after additional technology is implemented, then the RJC should consider an alternate location or other long-term solution for the Municipal Court in the future. The use of technology should be prioritized wherever possible in all facets of the regional justice system to improve efficiency, increase cost-savings, and make use of all of the tools available to a 21<sup>st</sup> century justice system.

**Recommendation 5.2 (2): Create a coordinated case system processing for IT purposes**

A common theme that emerged from the presentations was the need for a coordinated information system. Currently, the City of Spokane and Spokane County each rely upon separate information technology departments to manage the applications used by the courts, probation departments, detention services, pre-trial services, clerks, and others. As a result of the varied needs of each agency, multiple applications and user-interfaces have been developed and are in use. Some integration of the systems has occurred, primarily between the courts and detention services, but many stakeholders expressed the need for a single source of all information for each offender, regardless of the origin of the data.

The Spokane Regional Criminal Justice Commission recommends the City of Spokane and Spokane County collaborate to jointly produce and fund a single user-interface for all existing applications.

- a) Data from CaseMan, SuperCal, SuperMan, Jail Management System, PDMan, Pretrial Services Application, JustWare, JIS, Juvenile Information Management Systems, AOC, Jail Transport Notification System, Jail Visit Application, applications in use by the Sherriff, and each of the specialty court applications should be consolidated into one source of information via a shared windows platform.
- b) Access should be granted to agencies and community organizations, as security precautions will allow, including probation and parole officers.
- c) The user-interface chosen must be custom-tailored to fit the needs of each agency at inception and must not require duplicate data entry (neither historical nor future)
- d) Contained within this single coordinated information system should be a central repository for all documents scanned by each agency, including police reports and protection orders, accessible to all interested personnel with access.
- e) Information should be indexed by the offender's "known name," and searchable by aliases or other forms of identification.

The Commission encourages stakeholders to consider multiple proposals for the creation of the single coordinated information system. Before deciding upon the most cost-effective, easily implemented, and efficient selection, multiple options should be examined including those from County IDS, City IT, and external consulting firms such as FivePoint Solutions ([myfivepoint.com](http://myfivepoint.com)) or JustWare ([newdawn.com](http://newdawn.com)). Stakeholders should seek input from state agencies early in the process of collaboration to ensure a seamless transition. A cost-benefit analysis should be conducted before implementation and after incorporation to identify economic resources that could be better allocated elsewhere in the criminal justice system.

**Recommendation 5.2 (3): Create standard (quarterly and/or bi-annual) program performance reports**

As was covered extensively in section 5.1(5) above, the City and County are strongly encouraged to develop standard report cards/dashboards for all agencies and all courts, as

well as outside agencies that contract for services. Of course, this requires computer systems that can interface so that data can be pulled from multiple sources, and the development of the report cards/dashboards into a usable and interactive format. There are numerous vendors that supply this service, and a “Request for Proposals” process is recommended in which to screen for an appropriate vendor that would meet the unique needs of our region. The City of Seattle, State of Maryland, various counties in Colorado, and even numerous Washington State agencies have moved to such formats, and these jurisdictions should be consulted for guidance and input on process, costs, and perceived drawbacks/benefits (see also Recommendation 5.2(2)).

### **5.3 Law Enforcement**

In response to the tragic events that surrounded the death of Otto Zehm, Mayor David Condon established the City of Spokane Use of Force Commission on January 3, 2013. The Commission was tasked with undertaking a comprehensive review of use of force by the Spokane Police Department. Specifically, “with the assistance of legal counsel and expert consultants,” the Use of Force Commission, “has systematically and thoroughly examined SPD use of force policies, procedures, practices and customs, and has explored the issues of civilian oversight and the role of the City’s legal department in use of force cases” (City of Spokane Use of Force Commission, pg.1).

The Spokane Regional Criminal Justice Commission supports the recommendations of the Use of Force Commission. Additionally, the SRCJC strongly encourages the use of evidence-based prevention programs to increase the number of people who are provided with access to community services rather than becoming involved with the criminal justice system for low-level crimes. Also, increasing the use of neighborhood crime prevention strategies, such as hot-spot policing, COMPSTAT, and neighborhood watch, is encouraged. To that end, the SRCJC recommends the following evidence-based programs be considered for implementation by law enforcement in Spokane County and the City of Spokane.

#### **Recommendation 5.3 (1): Establish a law enforcement assisted diversion program (LEAD)**

Law Enforcement Assisted Diversion is a program that was implemented on October 1, 2011, in the neighborhoods of Belltown and Skyway near Seattle, Washington. “Arrest-referral” programs already in place in the United Kingdom were the inspiration for LEAD, which addresses low-level drug and prostitution crimes. Instead of processing these suspects through the criminal justice system, officers instead refer them to LEAD where case managers swiftly connect the offenders with community services. “LEAD’s goal is to improve public safety and public order, and to reduce the criminal behavior of people who participate in the program” (for more information, see [www.leadkingcounty.org](http://www.leadkingcounty.org)).

LEAD is currently considered a pilot program. A rigorous evaluation will determine if LEAD has met numerous short-term, intermediate, and long-term objectives including a decrease in criminal activity, an increase in housing stability, a decrease open-air drug dealing

in Belltown and Skyway, a decrease recidivism rates, operation in a cost-effective manner, and freeing of public safety resources for other purposes. The evaluation is scheduled to begin October 2013, and will ensure LEAD as evidence-based. Private foundations, including the Ford Foundation, Open Society Foundations, Vital Projects Fund, RiverStyx Foundation, Massena Foundation, and The Social Justice Fund Northwest currently fund LEAD. If LEAD is found to be cost-effective and meeting objectives, permanent funding will be sought.

The SRCJC recommends that LEAD be implemented in Spokane if the evaluation demonstrates that LEAD has successfully met objectives and is cost-effective. Prior to implementation, the Criminal Justice Commission urges stakeholders to clarify the specific short-term, intermediate, and long-term goals of LEAD as they pertain to the City of Spokane and Spokane County. Important decisions must be made before implementing LEAD, including how to obtain funding, encourage culture change, engage the community, and collaborate with community services. A rigorous evaluation must be included in the LEAD implementation plan, which will help ensure that desired outcomes are obtained and that the program remains evidence-based in Spokane as it is in Seattle.

### **Recommendation 5.3 (2): Consideration of Ceasefire Program Efforts**

Operation Ceasefire was an innovative approach by Boston law enforcement and community leaders during the 1990s to reduce gun violence perpetuated by gangs. Informed by researchers at Harvard University, Boston law enforcement put into action a “pulling levers” strategy of deterrence. They collaborated with community services to deter gun violence by directly communicating to gangs that violence would no longer be tolerated. Future gun violence would be met with the pulling of every “lever”. That is, law enforcement promised to deliver very strict penalties from every angle of the criminal justice system for violence, including increased scrutiny from law enforcement, a new attention to low-level street crimes including drug dealing, trespassing, and public intoxication, heftier plea bargains from prosecutors, stricter enforcement from parole and probation officers, more difficulty obtaining bail, and federal attention for gun crimes. Simultaneously, community service organizations offered assistance to gang members to enable them to seek alternate paths. Involved community members included probation and parole officers, youth workers, churches, and others.

By directly advertising and enforcing the “pulling levers” strategy, Boston law enforcement observed a reduction in youth homicides by 63 percent and a 44 percent reduction in the number of youth gun assault incidents monthly. A recent, more sophisticated, evaluation determined that Ceasefire was associated with a 31 percent decrease in the total number of shootings by gangs who were targeted by the deterrence strategy (Braga, Hureau, Papachristos, 2013). Extensive review by other researchers revealed the most effective firearm violence reduction programs were those that were comprehensive (Makarios and Pratt, 2013). Programs that incorporated sanctions by numerous entities, as well as support and assistance from community organizations, were found to be the most promising. Finally, “pulling levers” research studies show that focused deterrence strategies are associated with an overall statistically significant, medium-sized crime reduction effect (Braga et al., 2012).

After reviewing the evidence for the most effective way to reduce gun violence, the SRCJC recommends that stakeholders evaluate the appropriateness of a “pulling levers” strategy in Spokane. A thorough review of the available research and tested strategies should be conducted to ensure that Spokane is employing best practices specific to the community. Stakeholders are cautioned to remember that just because a crime prevention strategy has worked elsewhere, there is no guarantee the strategy will work everywhere (Braga, 2010). Special consideration should be given to the characteristics of perpetrators of gun violence in Spokane, including what percentage of gun violence occurs as the result of a few, easily identifiable, youth gangs. It is important to include an evaluation plan in the analysis to ensure that the strategy is meeting objectives, increasing public safety, and is cost-effective.

**Recommendation 5.3 (3): Renew efforts and expand neighborhood crime prevention programs**

The City of Spokane Police Department and Spokane County Sheriff’s Department have undertaken numerous, although somewhat independent, renewed efforts at addressing crime prevention in the Spokane region. While neighborhood watch exists sporadically throughout Spokane, and there is a renewed media campaign focused on the “crime check” model, the SRCJC recommends that the RJC work closely with law enforcement, the faith community, and non-profit agencies to develop a more thorough neighborhood watch program. Studies of neighborhood watch programs reveal a reduction in crime of between 16 percent and 26 percent, and have minimal costs associated with implementation and sustainability. The Commission recommends further analysis of this option.

The Spokane County Geographic Information System (SCOUT, [www.spokanecounty.org](http://www.spokanecounty.org)) could be utilized to identify the neighborhood most in need of assistance. The Commission reminds stakeholders of the importance of creating an evaluation plan prior to implementation of any new crime prevention option, including Neighborhood Watch, to ensure the programs are evidence-based.

**Recommendation 5.3 (4): Expand Crisis Intervention Team program across all local law enforcement agencies**

Recommendation 12 from the City of Spokane Use of Force Commission is, “establish a continuing Crisis Intervention Training program and adopt protocols for the deployment of CIT officers.” The Regional Criminal Justice Commission supports this recommendation and encourages the Crisis Intervention Team be expanded.

Crisis Intervention Teams are specialized groups of officers who are trained to respond to mentally ill offenders. Rather than booking these suspects into jail, which is an inefficient and temporary solution, the CIT refers mentally ill offenders to community services instead. Crisis Intervention Team officers can be certified after completing 40 hours of training (Lord et al, 2011). Crisis Intervention Teams were first utilized in 1988, and are associated with improved outcomes for offenders, law enforcement, and public safety (Compton et al., 2008).



Research indicates that CITs are most effective when demographics of the law enforcement agency and community are considered (Lord et al., 2011). The SRCJC recommends that stakeholders evaluate the current City of Spokane CIT to determine which practices are most beneficial for law enforcement and mentally ill suspects, and ensure those elements are encouraged regionally. Less effective or inefficient practices should be improved. Formal process and outcome evaluations should be conducted to ensure the CITs are effective and evidence-based.

Additionally, the Use of Force Commission recommends that all law enforcement officers be given some form of Crisis Intervention training. The SRCJC urges this recommendation also be adopted by Spokane County law enforcement. The National Alliance on Mental Illness provides training and implementation information ([www.nami.org](http://www.nami.org)). Training must be informed by evidence-based CIT research, and evaluated using formal process and outcome measures to ensure effectiveness.

### **Recommendation 5.3 (5): Combine various law enforcement functions**

The Commission recognizes that the total cost of the criminal justice system within the City of Spokane and Spokane County provided much of the impetus for this study. It should be noted that cost-savings could be realized within the law enforcement functions by means of additional cooperative partnerships. Select consolidations may even be appropriate. The Commission encourages further cooperative functions, consolidations, partnerships, and shared resources (including facilities) in the following areas:

- law enforcement training
- dispatch functions and record management systems
- task force operations
- detective, lab and investigative functions
- shared purchase of fleet vehicles
- regional intelligence functions
- shared purchase of body cameras and other officer technology
- crime prevention outreach efforts

To facilitate exploration of potential opportunities to increase cost-effectiveness and efficiency by means of partnerships and shared resources, a Law Enforcement Shared Services Workgroup should be formed under the RJC and LJCC (see Recommendation 5.1(2)). This workgroup should report its progress back to the Regional Justice Commission every six months.



## 5.4 Pre-trial Services

A review of research on pre-trial release programs reveals that the current pre-trial efforts in an area as large and urban as Spokane are desperately underfunded and underdeveloped as compared to other counties of our size. Pre-trial services lacks a current *functional risk/needs* assessment tool, lacks alternatives to incarceration, and has limited operations. We believe that the current pre-trial release system simply does not meet the needs of our region. Significant resources should be invested into developing a pre-trial services center, adopting appropriate screening tools, and ensuring that all necessary legal rights are afforded. The SRCJC maintains that CrR 3.2 serve as the basis of all pre-trial release decisions, and that all pre-trial release forms should track the language of CrR 3.2. This department should report directly to the RJC.

### **Recommendation 5.4 (1): Use of functional risk/needs assessment tool and proper intake screening**

As was covered quite extensively in section 5.1(4) above, all offenders, at the first point of contact into the system, should receive a risk/needs assessment. This tool can assist in identifying offender needs, such as housing, treatment and employment, and assist in creating a viable release plan. In addition, the SRCJC maintains that all offenders should have a pre-trial services report completed. This risk/needs assessment tool could assist in identifying both needs and strengths of the offender.

### **Recommendation 5.4 (2): Create a 24-hour intake facility**

The SRCJC recommends that a 24-hour intake facility that operates 7 days a week be constructed. This facility should exist within the jail and be utilized in partnership by staff at the jail and the Community Corrections Center (see Recommendation 5.8 (1)). The duties and scope of work at pre-trial should be expanded, and allow for the following:

- Immediate review of inmates for release eligibility
- Formalized referral and transition of select inmates to hospitals, detox, homeless shelters, treatment center or other services.
- Allow for continual review of cases for potential release.
- Process offenders regardless of court of jurisdiction, rather than limited to felonies only.
- Manage an expanded electronic home monitoring program for all offenders, especially given that such services are currently not available for Superior Court pre-trial detainees.
- Evaluate offenders for legal needs and appointment of defense attorney when applicable.
- Evaluate cases for conflicts and appoint Counsel for the Defense.
- Manage pre-trial release conditions, such as securing stable housing, drug/alcohol and/or mental health treatment, and drug testing.

- Employing a “triage” model that is staffed by personnel who have the authority to make immediate decisions on bail and pre-trial release, as well as the skill set to stabilize and treat offenders who are in immediate need (e.g. with acute mental health needs, intoxication, etc.).

**Recommendation 5.4 (3): Expand diversion and alternative programs for low-level and first-time offenders**

Utilizing the risk/needs assessment tool, pre-trial services can work to divert non-violent, low risk individuals from jail through pre-charge diversionary programs, such as treatment for those with disabilities or drug/alcohol addictions. Other diversionary programs are covered more thoroughly in sections 5.5 and 5.6.

## 5.5 Courts

The SRCJC received presentations from the regions three largest courts (Spokane Municipal Court, Spokane County District Court and Spokane County Superior Court). It is quite evident that there is a large amount of case overlap and duplication of services, most significantly between Municipal and District Court.

As was stated in the Executive Summary, the Commission does not recommend the consolidation of the District and Municipal Courts at this time. This issue was presented and discussed at length. Although ample research exists that incarceration and intensive supervision do not reduce recidivism, the District Court continues to rely heavily on these methods. Additionally, although research shows that swift and certain, but not lengthy, sanctions are a more effective way to change behavior, the District Court continues to detain arrestees for lengthy periods before resolution.

Ideally with the adoption of the new governance and report card system, the District Court can be held more accountable to the public. In time, the RJC may re-evaluate and determine whether the District Court should be consolidated with the more innovative and research-based Municipal Court, under technical advisement by the National Center for State Courts or other similar national organizations.

In the three sections that follow (Courts, Prosecution and Defense), recommendations are provided that address current practice duplication, inefficiencies consuming time and money, and opportunities to create prudent and effective policies and practices. While it may appear that there is some redundancy in our recommendations across the three areas, we believe that it highlights the need to make the court reforms collaborative in nature, rather than adversarial and hostile. Given that most of the recommendations put forth by the SRCJC impact the judicial branch, prosecution and defense, they are covered here under the “courts” section.

**Recommendation 5.5 (1): Emulate reform efforts carried out by Spokane County Juvenile Court**

For the past 15 years, the juvenile court system across the State of Washington has been engaged in a process of significant reform. This reform was multi-faceted, and included the creation of a risk/needs/responsivity tool, quality assurance procedures, and the use of evidence-based programs, all while focusing on reducing disproportionate minority contact. The risk/needs tool assists in determining the level of risk for re-offending, identifying targets for intervention, developing a case management plan, and monitoring progress in reducing risk factors. By matching youth offenders to appropriate services, based on risk and need, the juvenile court system across the State of Washington has managed to reduce the use of detention by 40% over the past decade. Juvenile crime has also dropped over the past 10 years.

As was evidenced by their presentation, the Spokane Juvenile Court should be acknowledged as a “pocket of excellence” within our current regional system. In spite of consistent budget challenges, the juvenile court has done an exceptional job of carrying out major reform, and achieving strong results. Critical to any major reform is strong leadership and vision at the judicial and administrative levels, and the ability of those leaders to engage staff in the process of change. This is clearly present at the Spokane County Juvenile Court.

The SRCJC recommends that the RJC begin their research and reform efforts by seeking presentations, reports and guidance from the Juvenile Court. Juvenile Court administration can provide a historical and current picture of reform efforts, including the creation of the risk/needs tool, the adoption of various evidence-based programs, targeted case management, enhancing staff readiness for change, quality assurance and performance measurement. They can assist in providing the blueprint for change that we referenced in our opening remarks.

**Recommendation 5.5 (2): Collaborative efforts should be taken to minimize and avoid unnecessary court hearings**

Hearings consume a great deal of the court system’s limited resources. While face-to-face, in court hearings are necessary at times, quite often they are held as a matter of routine and not out of necessity. To make matters worse, attorneys frequently have to wait a significant amount of time to attend hearings that last but a few minutes. This wastes valuable attorney time and prevents both prosecutors and defense counsel from performing other tasks. Eliminating unnecessary hearings, and the time spent waiting for them, will allow attorneys to spend their time preparing cases for trial and permit the system to process cases more efficiently.

The SRCJC recommends that the court, prosecuting attorney offices, and indigent defense offices take proactive steps to limit the number of hearings conducted. These steps should include the following:

- The prosecution and defense should discuss motions and potential motions with the aim of coming to a stipulation between themselves and not take up judicial time and resources on uncontested matters.
- Judges should consider making rulings on motions in chambers without oral argument when possible and appropriate.
- Pretrial motions that require a hearing should be heard at a single pretrial/omnibus hearing.
- Deadlines for pretrial motions should be set and enforced.
- Meaningless hearings should be abolished.

**Recommendation 5.5 (3): Defendants with pending criminal cases in more than one Spokane County-based court should have all pending matters handled by a single court and prosecuting attorney’s office**

It became evident during our study of the regional criminal justice system that there exists a significant amount of unnecessary duplication of efforts within the court system, particularly between the Spokane Municipal Court and the District Court. While deliberating how to address this issue, the Commission considered whether the District Court and Municipal Court should be consolidated to reduce duplication and increase efficiency. After receiving input from many individuals and agencies, the RCJC does not recommend court consolidation. Primarily, this is due to the unanimous and passionate concern expressed by municipal departments about the lack of effective leadership within the District Court. Given the complexity of court consolidations under mutual agreement, the Commission recognizes it would more prudent to take individual steps to decrease duplication of services provided by the two courts rather than consolidate,

Rather than wholesale consolidation of courts and agencies, the Commission urges that these issues should be addressed through coordinated collaboration between the relevant offices and departments. An example of this involves the concurrent prosecution of individuals across several jurisdictions within Spokane County. At any given time a significant number of individual defendants have multiple cases in a combination of Municipal, District, and Superior courts. Under the current case-centered system, each of these defendants requires the attention of multiple prosecutors, defense counsel, and court resources.

To eliminate such unnecessary duplication of efforts when possible, all of the pending cases involving an individual defendant should be “consolidated.” That is, they should be handled in a single court that is jurisdictionally permitted to adjudicate each matter. This would modify the current system from being case-centered into one that is offender-centered.

For example, Defendant X is being prosecuted for DUI in Spokane Municipal Court and disorderly conduct in District Court. By transferring the DUI matter to District Court, it can be adjudicated with the disorderly conduct matter contemporaneously. Not only will this free up municipal attorney and judicial resources, but by having both cases handled together the defendant only has one court process focus on and is less likely to fail to appear. The same logic follows for a defendant facing the two misdemeanors and a felony for

residential burglary. Under these circumstances, all three matters could be adjudicated in Superior Court with similar efficiencies realized. Reallocation of resources to cover added expense faced by the County can be covered by inter local agreement

Adopting an offender-centered adjudication system allows for the efficient disposition of multiple matters using a single judge, prosecutor and defense attorney while having no negative impact on individual rights or the prosecution's or judiciary's role in the system.

**Recommendation 5.5 (4): The court, prosecution, and defense should collaborate to eliminate mandatory court appearances of defendants for all hearings except for trials and sentencing hearings**

The court should routinely permit defendants to waive their right to be present at hearings other than trial. A problem facing courts across the nation is the frequency with which defendants fail to appear (FTA) at court hearings. FTAs waste the time of attorneys and the court. They frequently result in a warrant, arrest, and time spent in jail pending completion of the case, causing great disruption to the defendant's life. The commission recommends that courts freely allow the defense to waive the defendant's (in and out-of-custody) appearance at hearings upon his or her attorney's avowal that he/she has been in contact with defendant and obtained a knowing waiver of the right to appear.

**Recommendation 5.5 (5): Trial courts should minimize the issuance of warrants, arrest, and incarceration for non-payment of Legal Financial Obligations (LFOs), and should make use of alternative sanctions to substitute for payment of LFOs as deemed appropriate**

Under Washington State law, defendants convicted of a felony are assessed a number of Legal Financial Obligations (LFOs)<sup>3</sup> totaling at least \$500.00 as part of their sentence. According to a 2008 report commissioned by the Washington State Minority and Justice Commission, a majority of individuals convicted of a felony in 2004 had not made any payments to their LFOs. Moreover, less than 20 percent of the defendants had paid half of the LFOs that they owed.

Even upon completion of the terms of incarceration and community custody imposed at sentencing, the sentencing court maintains jurisdiction of the defendant until the LFOs are paid in full. In response to failure to pay LFOs, trial courts frequently issue bench warrants for the arrest of non-paying defendants. Moreover, a significant number of these defendants are given a term of incarceration for non-payment of LFOs (Beckett et. al., 2008).

While it is apparent that incarceration has a negative impact on the ability of a person to earn money and pay debts, it is not only incarceration that has a dramatic impact on a defendant's ability to repay LFOs. The mere issuance of a warrant for non-payment of LFOs has dire consequences for an individual and his or her family. Persons with a warrant

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<sup>3</sup> RCW 9.94A.030 (28) provides "Legal financial obligation means a sum of money that is ordered by a superior court of the state of Washington for legal financial obligations which may include restitution to the victim, statutorily imposed crime victims' compensation fees as assessed pursuant to RCW 7.68.035, court costs, county or inter-local drug funds, court-appointed attorneys' fees, and costs of defense, fines, and any other financial obligation that is assessed to the offender as a result of a felony conviction."

originating from a felony sentence violation, including for nonpayment of LFOs, “are considered ‘fleeing felons,’ and thus are ineligible for federal benefits including Temporary Assistance for Needy Families, Social Security Insurance (SSI), public or federally assisted housing, and food stamps.” (Beckett et. al., 2008) The issuance of a warrant will only make the person’s financial condition worse and decrease the ability to pay what is owed.

Beyond the negative impact to individuals, arresting and jailing offenders for nonpayment of LFOs has a negative impact on the criminal justice system itself. The arrest and incarceration of an individual requires the expenditure of scarce resources for the following processes:

- Arrest
- Booking into system
- Incarcerating
- Appointing counsel
- Court appearances by counsel
- Courtroom and other resources required for each hearing
- Transport to court from jail for hearing

Rather than using arrest and incarceration as a remedy for non-payment of LFOs, the Commission recommends monetary alternatives be presented to defendants when called for. Such alternatives include community service, work crew, or even the deduction of amounts owed associated with completion of treatment or educational goals.

**Recommendation 5.5 (6): Develop a process by which technical probation violations are resolved by sanctions that are swift and certain, but not lengthy.**

Research has proven that behavior is more likely to be changed by swift and certain sanctions. The length of the sanction is much less important. The optimum is one to six days confinement. Sanctions in excess of this negatively affect the probationer’s job, family and increase recidivism. Without question, full Due Process rights are mandatory. However, a knowing and voluntary waiver of those rights for technical - that is non-criminal violations - should be sought and rewarded.

**Recommendation 5.5 (7): All county and municipal courts, prosecuting attorney offices, and public defense agencies in the region should use the same case management system**

As previously discussed in section 5.2, currently the various City of Spokane and Spokane County criminal justice agencies use a myriad of management information systems. From the perspective of the court system it is important that the participating entities be comfortable with a common system that facilitates joint access to relevant records, easy delivery of discovery, and interfaces with local law enforcement and corrections systems. While identifying an appropriate system can be a challenge, such systems do exist and are being used across the country (see Recommendation 5.2 (2)).

**Recommendation 5.5 (8): The language and spirit of Washington State Superior Court Rule 3.2 should be the basis of pretrial release decisions**

Monetary bond in any amount should be viewed as a last resort for release. In Washington State, it is presumed that a person arrested for a non-capital offense will be released from custody without conditions. Specifically, Rule 3.2 Washington State Superior Court Rules provides:

Presumption of Release in Noncapital Cases. Any person, other than a person charged with a capital offense, shall at the preliminary appearance or reappearance pursuant to rule 3.2.1 or CrRLJ 3.2.1 be ordered released on the accused's personal recognizance pending trial unless:

1. The court determines that such recognizance will not reasonably assure the accused's appearance, when required, or
2. There is shown a likely danger that the accused:
  - a. will commit a violent crime, or
  - b. will seek to intimidate witnesses, or otherwise unlawfully interfere with the administration of justice

Division 2 of the Court of Appeals referred to the rule drafters' commentary to point out the basis of the rules.

According to the drafters' comments, the purpose of the rule is to alleviate the hardships associated with pretrial detentions and bail: (1) defendants are handicapped in preparing their defenses; (2) defendants are unable to retain jobs and support their families; (3) defendants suffer the stigma of incarceration before their convictions; and (4) defendants suffer incarceration because they cannot afford (*State v. Perrett*, citing Criminal Rules Task Force, *Washington Proposed Rules of Criminal Procedure*, Rule 3.2 gen. cmt. at 22 (West Publ'g Co.1971).

Beyond the impact that being held in jail has on an individual defendant, housing defendants pending trial is an expensive use of valuable and limited space in the Spokane County jail. With the cost of housing a defendant in the jail pretrial cost roughly \$100 per day, the total cost for holding inmates in custody until their case is adjudicated frequently runs into the thousands of dollars each day.

To alleviate the cost and hardships incarceration poses on pretrial detainees, the Commission encourages the judiciary, prosecuting attorneys, and defense counsel take steps to ensure that the presumption that arrestees be released on their own recognizance be adhered to. Moreover, when the court deems conditions of release are necessary, it should use the least restrictive conditions designed to ensure the defendant's appearance at trial and future proceedings. Conditions such as electronic home monitoring, day reporting, phone/kiosk reporting, and other conditions should be considered and employed before resorting to the setting of a bail bond.

**Recommendation 5.5 (9): Expand Adult Drug Court**

The Spokane County Behavioral Health Adult Felony Therapeutic Court (Adult Drug Court) is another “pocket of excellence.” Independent evaluation of the program has found that recidivism is significantly reduced among participants after completion (Short, 2012). While a cost-benefit study of the program has not been completed, the Adult Drug Court is in compliance with the currently available National Best Practice Standards, and therefore is likely generating significant cost-savings for taxpayers.

The SRCJC recommends that the Adult Drug Court be expanded to include more available participant slots, and that funding be made available to support additional personnel for the team (e.g. Defense Attorney; Prosecutor; Judicial time). Research has shown that drug courts that operate with greater than 125 participants on each docket have lower success rates. The SRCJC believes that given the additional (up to 50) slots, separate dockets should be created to allow for two smaller, and more manageable courts of approximately 75 offenders on each docket.

**Recommendation 5.5 (10): Conduct independent evaluation of all therapeutic court models**

The Adult Drug Court has completed an independent, outside evaluation of their program. Given their involvement in some federal grant programs, they are undergoing another evaluation. Research has shown that drug courts, which continually use their data and program evaluations to make program adjustments and improvements, experience greater reductions in recidivism and stronger cost-savings (Carey et al., 2012).

The District/Municipal Mental Health Court should be subject to independent evaluation to determine if the program is effective. If the program is found to have positive outcomes, then the program should be expanded to accommodate more clients. Additionally, following evaluations of Veterans Court and the Family Offender Sentencing Alternative (FOSA), those therapeutic courts should also be expanded if they are determined to be effective, cost-efficient, and evidence-based.

**Recommendation 5.5 (11): Explore legislation that removes requirements that have the effect of unfunded mandates on local jurisdictions**

Mandatory arrests and mandatory minimum jail sentences are unfunded mandates upon local jurisdictions. The focus should be on the offender rather than the offense, and the system should rely on the sound discretion of the courts, prosecutors, and law enforcement.



## 5.6 Prosecution

**Recommendation 5.6 (1): City and County Prosecuting Attorney's Offices should provide disclosure to defense counsel immediately upon receipt from law enforcement agencies via centrally-based secure computer system and appropriate software**

Criminal prosecution cannot begin to be resolved until the defense is given initial disclosure. Without police reports, a defense attorney cannot adequately consider the charges nor consider what options are in the defendant's best interest. Delayed production of initial disclosure to defense attorneys is a central reason for unnecessary delays in adjudicating a case. To facilitate speedy disclosure, the SRCJC recommends that the county and city prosecutors and indigent defense offices jointly obtain a software system that is designed for criminal prosecutions (see Recommendation 5.2(2)). Currently the City of Spokane uses Justware for this purpose. There are a number of similar programs on the market that may be better suited for the combined needs of the city and county. Relevant stakeholders should examine the options available that will fill their needs and take steps to purchase and implement the system.<sup>4</sup>

**Recommendation 5.6 (2): Spokane County should develop a driving while license suspended diversion and relicensing program**

The SRCJC recommends that Spokane County develop a diversion and relicensing program for (DWLS3) offenders. Under Washington law, a person who drives on a suspended driver's license when that person is eligible to have the license reinstated commits the crime of Driving While License Suspended in the Third Degree; which is a misdemeanor and carries a penalty of up to 90 days in jail and a \$1,000 fine. The most common reason for a suspended license is the failure to pay a traffic ticket.

DWLS3 is the most charged crime in Washington State, making up one-third of misdemeanor cases statewide (Boruchowitz, 2010). Across the state, nearly 200,000 driver's licenses are suspended annually (Mitchell and Kunsch, 2005). In response to the staggering number of DWLS3 cases, cities and counties across the state have established relicensing diversion programs. Under these programs, in lieu of criminal prosecution, offenders are required to agree to a payment schedule to pay all fines, either with money or through community service or work crew. Once all fines are paid and other holds removed, the license is reinstated.

Relicensing programs have proven to be highly successful. In its first year, the King County relicensing program reduced criminal DWLS3 filings by 84 percent, saved approximately \$300,000 in prosecution and public defense costs, cut 1,330 jail days and returned \$2 for every dollar spent (Boruchowitz, 2010). Additionally, such programs increase collections on outstanding fines and get legal, licensed drivers back on the road.

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<sup>4</sup> It is in the region's best interest that the city and county use the same system. Not only does this decrease the overall cost, it allows for easy exchange of materials when cases migrate between courts.

The Spokane City Prosecuting Attorney's Office operates a relicensing diversion program for DWLS3 committed in the city. Under the City program (and a program operated through the Center for Justice), low-income people are given the opportunity to get their licenses back so that they can legally drive while paying down their fines.

While the District Court postpones the hearings on many DWLS3 cases so that defendants can perform conditions and receive benefits, this procedure is time consuming and unwieldy. We recommend the creation of a true diversion program.

**Recommendation 5.6 (3): Spokane County should commission an independent evaluation of the Spokane County Superior Court Early Case Resolution program**

The Spokane County Superior Court Early Case Resolution program has been operational since 2008. The ECR program is a form of differentiated case management (DCM). Differentiated case management is a technique used by hundreds of courts across the nation to tailor the case management process to the requirements of specific types of cases. The process can be viewed as putting police referrals through a "triage" procedure in which the prosecutor reviews the facts and nature of all cases in order to classify them for further action. Under most DCM programs, cases are placed in different tracks based on their anticipated complexity. Cases that are viewed as relatively simple are identified and placed into an expedited process. As these cases represent a majority of a court's workload, handling them as efficiently as practical can reduce overall case processing delay, and free up resources for more complex matters.

The introduction to the Montgomery County, Maryland, Criminal Differentiated Case Management (2010) does an excellent job of describing a process similar to the Spokane ECR program:

"Differentiated Case Management (DCM) emerged as a best practice for courts in the early 1990s concurrent with the development of time standards for the resolution of cases by organizations such as the American Bar Association (e.g. ABA Standards). DCM provides a structured and active approach to caseload management to drive the early and appropriate resolution of the 90 percent or more cases that can be resolved without a trial while preserving adjudication time, court and public resources for those cases that require trial. DCM is characterized by the early differentiation of cases entering the justice system in terms of the nature and extent of judicial/justice system resources they will require. Each case is assigned to the appropriate case track established within the court system that allows for the performance of pretrial tasks and allocates the appropriate level of judicial and other system resources, minimizing processing delays. Established mechanisms avoid multiple court appearances and assure the timely provision of resources for the expeditious processing and resolution of cases on each track."

The Spokane ECR program is based on the above premises. The initial goal of the program, which was established largely with the aim of decreasing the population at the Spokane County Jail, was for the prosecutor to identify low-level felonies that met stated criteria for speedy disposition through an expedited process.<sup>5</sup> To date, it has not been independently evaluated. It is essential that such an evaluation should be commissioned to provide information on the effectiveness of the program and ways in which the program can be improved. Without a sophisticated independent evaluation, the degree to which the program is “evidence-based” cannot be assessed.

**Recommendation 5.6 (4): Spokane County should make specific modifications to ECR program based on Differentiated Case Management best practices**

- a) ECR prosecuting attorneys and public defenders should work together to identify whether a case is appropriate for ECR. Such decisions should be based on police reports and other relevant information available at that time. To facilitate this all law enforcement agencies in the county should use a system that has reports submitted to the prosecutor’s office electronically (see also Recommendation 5.2 (2)).
- b) Cases with multiple defendants should not be excluded from ECR. Under current practices, cases with more than one defendant are automatically excluded from ECR consideration. Research on differentiated case management programs shows no negative impact on productivity by including multiple defendant cases as part of a fast track system. It is our view that if multiple defendant cases are eligible for ECR in all other respects, they should be included in the program. In such cases, conflict counsel, particularly the Counsel for Defense and City Public Defender should participate in a similar mode as the Public Defender.
- c) The ECR prosecuting attorneys and public defenders should collaborate to establish standard ECR plea offers for classes of offenses and criminal history as much as possible. The identification of such cases can be made at the ECR screening process. Having predictable pleas that can be offered within days of arrest, or the filing of charges, will shorten the adjudication time of cases greatly.
- d) ECR plea offers must be substantially better than plea offers made as part of the standard adjudication process. The key aspect of the ECR program is having a defendant plead guilty pursuant to a plea agreement within weeks of the filing of charges. For an attorney to advise a client to agree to do this and waive his or her right to trial, rather than wait and see what happens with pretrial motions and investigation, the plea offer must be sufficiently superior to what may come several months later. By setting up standard plea offers as described above, the attorneys can operate with the expectation that such an offer is being made.

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<sup>5</sup> For a more thorough description of the ECR program see Spokane County Corrections Needs Assessment Master Plan Draft (2008); Smart Justice Coalition (2012) Early Case Resolution – “Same Justice Sooner” <http://smartjusticewashington.org/media/blogs/spokane/Early%20Case%20Resolution.pdf?mtime=1351967482>

- e) Plea offers in ECR cases should not include additional county jail time. If an underlying purpose of ECR is to help keep the jail population manageable, sentencing a defendant serve part of his sentence in the jail defeats that purpose.
- f) ECR should focus on cases where the defendant is in custody following the preliminary appearance. Sentencing a defendant serve part of his sentence in the jail defeats that purpose.
- g) The ECR team should work with an independent evaluator to establish a data collection plan for future program evaluation.

**Recommendation 5.6 (5): Adult Drug Court Prosecutor should review program admissibility standards**

The SRCJC believes that there is a need to revise the admissibility standards for the Adult Drug Court. This should include considering all federal funding limitations that can impact the expansion of the program versus what drug court research currently shows about appropriate populations for the program (high risk/high need). In addition, the Prosecutors office is encouraged to expand the range of eligible offenses for the program, as well as review current policies on prior felonies. Given that research has shown that certain types of violent offenders are just as likely to be successful as more traditional drug offenders (Carey et al., 2012). Eligibility for drug court should be offender-based rather than offense and/or affiliation based.

## **5.7 Indigent Defense**

For cases to be efficiently adjudicated it is essential the defense attorneys have the ability to meet with their clients without undue difficulty. At our public hearings we heard from the region's three indigent defense offices that they spend vast amounts of time visiting and trying to visit clients at the Spokane County Jail. To help facilitate timely meetings between attorneys and their in custody clients, we make the following recommendations.

**Recommendation 5.7 (1): Indigent defense offices should work with Detention Services to place a system video conferencing system at the Spokane County Jail whereby counsel meet with client inmates from their offices**

To decrease this time commitment the SRCJC recommends that Detention Services work with the Technology workgroup, and the City and County Public Defender Offices, as well as the Counsel for Defense, to obtain a video conferencing system that can be used for secure meetings between inmates and their attorneys. Such systems have been used in a dozens of counties across the nation, and have proven to be quite effective, saving hundreds of hours of attorney time, jail staff time, and tens of thousands of dollars (see also Recommendation 5.1 (1)).

**Recommendation 5.7 (2): Indigent defense offices should work with Detention Services to permit attorneys to contact inmate clients via telephone or e-mail when needed**

Currently inmates are permitted to telephone their attorneys during their out-of-cell time. Attorneys, however, have no means of contacting their clients at the jail other than a face-to-face visit. This is inefficient. It is wasteful to have a busy attorney go through the jail visiting process for a short meeting with an client. These brief meetings may involve items such as having a client waive his or her right to appear at a hearing, or check on the client's thoughts about a plea offer. Allowing attorneys to clarify items with clients prior to a hearing can save the expense incurred when hearings have to be rescheduled due to concerns raised by the client in court and not at a pre-hearing discussion with counsel. Detention services and the indigent defense offices should jointly explore and consider options for such telephonic or electronic communication initiated by counsel (see also Recommendation 5.1 (1)).

**Recommendation 5.7 (3): Quick and easy meeting area access should be established for use by attorneys visiting client inmates when a face-to-face visit is desired**

An important component of the job of a criminal defense attorney involves meeting with his or her client. In cases where the client is being detained pending completion of the case or posting of bail, this involves visitation at the Spokane County Jail. The facilities currently available at the jail are woefully inadequate for attorney-client meetings. Due the layout of the jail and a limited number of potential meeting places, attorneys must routinely wait long periods of time before they can see a client. If an attorney has several clients to meet on a given day, he or she may spend most of a day navigating the visitation process. As noted above, this is a tremendous waste of attorney time that has a direct impact on court delays and cost to the system.

The Commission recommends that steps be taken as soon as possible to establish a quick and easy meeting area for use by attorneys visiting client inmates when a face-to-face visit is desired. We emphasize that for the efficient operation of the court system, the development and operationalization of such an area cannot wait for new facilities to be built. While such an area must be included in any new corrections facility, immediate efforts should be made to increase attorney-client meeting capacity at the Spokane County Jail.

## **5.8 Detention Services**

**Recommendation 5.8 (1): Create a Community Corrections Center**

Another theme that emerged from the presentations was the need for a centrally located Community Corrections Center. CCCs provide offenders with transitional housing and access to community services to aid in the reentry process. To reduce the physical and practical obstacles that prevent offenders from seeking assistance from community services, many programs such as anger management, victims services, drug and alcohol treatment,

cognitive programs, employment services, drug court, probation, and community service are offered in one facility. The facility contains housing for populations of sentenced or transitional adults with varying levels of supervision and restriction.

The Spokane Regional Criminal Justice Commission recommends a Community Corrections Center be jointly funded, built, and utilized by Spokane County and the City of Spokane. The CCC should include a 24/7 receiving center to provide low-level offenders with access to services rather than entwining them in the criminal justice system by default. Pre-trial services should be located at the jail, but a strong partnership between Community Corrections Center staff and corrections officers at the jail must be fostered to ensure a hand-off occurs as offenders are referred from pre-trial services to community services. Additionally, the unified City and County probation department should be located at the CCC.

The Commission recommends the facility be constructed after stakeholders conduct a cost-benefit analysis and determine how to fund construction and ongoing costs of utilizing the facility. Effective community services and programs are crucial to ensuring the criminogenic needs of offenders are met, which will prevent them from continually cycling through the criminal justice system. The RJC should evaluate current programs and services for evidence-based practices and then ensure sufficient funding for these programs is allocated. Reforms to the regional justice system will only be successful at reducing costs and recidivism if offenders have an opportunity to enact meaningful change through quality community services and programs.

Additionally, it is important to review evaluations of Community Corrections Centers that are currently operating to ensure best practices are implemented in Spokane. Research indicates CCCs in neighborhoods with multiple amenities are associated with improved offender outcomes (Johnson 2006). Detention Services has conducted a three-phase analysis of the optimal location for the CCC, which is available for review on the Spokane County Detention Services Project website, <http://www.spokanecounty.org/jep/default.aspx>. Geiger Corrections Center is considered to be a suboptimal facility due to where it is physically located, security restrictions, and the age of the structure. Geiger should be closed after the new Community Corrections Center is built.

Finally, the Commission recommends renovations of the jail continue. These include renovations to the kitchen, expansion of pre-trial services, and the construction of a multi-use courtroom for use by the “triage” model staff. Stakeholders should reassess the need for a new jail facility after sufficient time has elapsed to rigorously evaluate the effect of the programs recommended by this report. The anticipated needed capacity of the new jail facility is likely to change as the recommendations in this report are implemented. Ideally, jail beds will only be needed for violent offenders.

**Recommendation 5.8 (2): Develop alternative sentencing programs, and expand electronic home monitoring to all courts**

The SRCJC recommends the use alternative sentencing programs be extensively expanded by Spokane County and the City of Spokane. Alternative sentencing programs are an

attractive substitute to incarceration as they are associated with improved offender reentry outcomes and are cost-effective (Valentine, Albers, and Huebner, 2006; WSIPP 2012). There are many alternatives that are either currently in use or could be considered for implementation in Spokane. These include day reporting, community service, problem-solving courts for failure to pay, electronic home monitoring, Community Court, Veterans Court, Therapeutic Courts, Drug Court, Family Court (FOSA), and Mental Health Court.

The Commission recommends stakeholders conduct formal process and outcome evaluations of the alternatives currently employed by the City of Spokane and Spokane County, as well as potential new options. Each alternative should be appraised for its ability to meet offender needs, target appropriate populations of offenders under the tenets of risk-needs-responsivity, improve public safety, and be cost-effective. Implementation proposals must include a plan for rigorous evaluation to ensure each alternative is evidence-based, and should be complete prior to incorporating or expanding programs. Additionally, Spokane County and the City of Spokane should continually collaborate to implement, evaluate, and operate alternative sentencing options.

The Commission recommends every alternate sentencing opportunity be available to all appropriate offenders, as identified by risk and needs, regardless of jurisdiction. According to the Washington State Institute for Public Policy (2011), electronic home monitoring generates \$18,112 in savings for every offender placed on EHM rather than in jail/prison. Coupled with random home visits by court officers and/or law enforcement officers, this is an attractive jail alternative that should be made available for offenders involved in any of the court systems.

**Recommendation 5.8 (3): Ensure greater coordination of transportation & scheduling**

The Spokane Regional Criminal Justice Commission was made aware of the need for better synchronization between Detention Services and the Municipal and District courts regarding inmate transportation and scheduling. The Commission recommends a coordinated information system be created for use by all entities in Spokane County and the City of Spokane (see 5.2 (2): Create a Coordinated Information System). The Commission anticipates that improved information access will increase scheduling and transportation efficiency. To resolve conflicts, the Commission recommends that stakeholders include specific feedback regarding needs to improve efficiency from Detention Services and the Municipal, District, and Superior courts in the creation of the coordinated information system.

**Recommendation 5.8 (4): Ensure proper classification and identification of specialized populations**

The presentation by Detention Services on April 29, 2013, highlighted the need for an improved Objective Jail Classification measure. The Commission recommends administrators at Detention Services be provided with an effective and validated risk assessment tool which will inform improvements to the intake interview. Specifically, the

tool will help with identifying offender needs, which offenders are at highest risk for violence or maintain gang affiliations, and other criteria of interest to effectively improve management of special populations.

## 5.9 Probation Services

Another common theme that emerged from the presentations was the need for improved access to electronic home monitoring and a reduction in duplicative services between the City of Spokane and Spokane County probation departments. The SRCJC recommends these two departments be consolidated into one. This unified department should utilize a standardized risk/needs case management system, and increase collaboration with law enforcement and community agencies.

### **Recommendation 5.9 (1): Develop inter local agreement to combine City and District Court probation services to remove duplication**

The Commission recommends that probation services be consolidated between the City and County. At present, there is significant potential for supervision overlap due to the similar cases that are adjudicated by the Municipal and District Courts. The Municipal Court estimated that 15 percent of offenders have misdemeanor cases in both Municipal and District Courts (Smart Justice, 2013). This is likely a conservative estimate. The result is that the same person will have two different probation officers for similar charges, which is neither cost-effective nor efficient. The City of Spokane and Spokane County should create an inter-local agreement to facilitate the transition and allocation of resources. A workgroup comprised of members of the Law and Justice Coordinating Committee (LJCC) should be assembled to design and implement the inter-local agreement. It is imperative that the innovations and the effectiveness of the Municipal Court Probation Office be maintained. The Regional Justice Commission (RJC) (Executive Board) must closely monitor all functions and outcomes of this consolidation.

Once a single unified probation office has been created, the Commission urges stakeholders to expand electronic home monitoring. Eligible offenders should be provided access to the service without being required to contract with private companies. Offenders should be eligible regardless of which court adjudicated their case.

### **Recommendation 5.9 (2): Application and use of standardized risk/needs case management system & use of evidence-based practices**

As was discussed in 5.1 (4), Probation Services should adopt a standardized risk/needs case management system. This will enable probation officers and community services to target the specific criminogenic needs of the offenders. The Commission expects that the implementation of an “evidence based portfolio” by probation services, including a risk/needs case management system, will increase efficiency, improve public safety, and



refine transparency. The use of such a tool will assist probation with reducing their reliance on probation violation holds that result in a significant use of jail beds.

Probation is also encouraged to employ greater use of “flash sanctions”. Research indicates that there is no correlation between time served in jail on violations and reductions in future violations (WSIPP, 2012). In other words, a greater amount of time served in jail on violations has little to no impact on future violations. Jail is the least effective way to change behavior, and should be reserved for those individuals that are a true threat to public safety.

**Recommendation 5.9 (3): Collaboration with law enforcement and community agencies**

The Commission recommends that the unified probation office diligently increase collaboration with law enforcement and community agencies to increase active community supervision. The Washington State Institute for Public Policy (2012) reports that the community benefits \$6.96 among high and moderate risk offenders for every \$1 invested in supervision with an evidence-based risk assessment including need and responsivity principles. By contrast, for every \$1 invested in supervision alone, the community loses 14 cents. The workgroup is encouraged to research evidence-based practices and use the portfolio to guide the implementation of active community supervision by the unified Spokane Probation Services. Additionally, probation officers should be granted access to all offender information contained in the integrated information system (see section 5.2(2)). This will decrease time between violations and possible sanctions, as well as enable increased and more efficient coordination with community agencies and law enforcement.

**Recommendation 5.9 (4): Probation Caseloads should be reduced to workable numbers**

At present there is no real supervision due to excessive caseloads. Probation should be reserved for those who truly need supervision as demonstrated by judicial prohibition or direction that requires such supervision.

## I. RESOURCES AND PRIORITIES

A detailed budget is beyond the scope of this report. Given the number of recommendations put forth above, it would be too complicated to develop at this initial step in the process. It is most likely that the reforms put forward in this report will contain up-front costs. We fully believe, however, that given the current state of research and findings available on reforms, significant cost savings can be generated in the long term if the model is followed as intended. We recommend that the following be considered by City and County Administration:

1. Reallocation. Because the cost of incarceration far exceeds more effective alternatives, these alternatives can be funded by reduced jail costs in both the short and long terms without seeking a vote of taxpayers. The three easiest methods of reducing jail costs are: 1) Reducing the time from booking to adjudication; 2) Increasing the number of pre-trial detainees that are moved to electronic home monitoring; and, 3) Increasing the number of offenders that are promptly diverted out of the of the traditional justice system into more effective alternatives.

2. Proportional Participation. Funding for misdemeanor criminal justice should be allocated by proportional participation by similarly situated offenders in each jurisdiction rather than by flat fee contract.

3. Sales Tax. The County Commissioners should consider giving voters the option to pass either 1/10th (\$7.5 million/year) or 2/10th (\$15 million/year) of one percent sales tax for seven years in order to expedite criminal justice reform and long term savings as authorized by the legislature. Similar to the emergency communications and the “crime check” levy, these funds could be earmarked both for programming costs and the construction of facilities that would support alternatives to incarceration like the Community Corrections Center. These funds should not be used for traditional jail or criminal justice operations which already have their own funding.

4. State and Federal Funding. The City and County must continue to pursue state and federal funds for the criminal justice system. Although some grants can have difficult compliance measures attached and may not provide long-term funding, they still have provided needed start-up funds for programs like SHARPP Re-entry Program (housing), the Behavioral Health Therapeutic Drug Court, and Veteran's Court. Other grants provide more sustainable funding for programs in Juvenile Court and Community Services. According to the Behavioral Health Therapeutic Drug Court, the Criminal Justice Treatment Account (CJTA) is an example of one state program that provides funds for substance abuse treatment that is critically needed. Important community treatment providers have also been forced to reduce staff and services as public funding has decreased. A unified Regional Criminal Justice Plan will make it far easier to attract grant funding.

## VII. CONCLUSION

Researchers and criminal justice professionals have logged countless hours trying to understand the drastic crime rate drop that occurred in New York City between 1991 and today. It has been called the “largest and longest sustained drop in street crime ever experienced by a big city in the developed world” (Zimring, 2013). Certain factors most likely had an impact, including the quality of police hires, the use of COMPSTAT, increases in community based services, and grassroots movements to increase what is referred to as “social capital.” The impact, however, cannot be contributed to one or two single factors. The totality of the circumstances was captured perfectly by author Adam Gopnik of *The New Yorker* magazine when he wrote:

“Epidemics seldom end with miracle cures. Most of the time in the history of medicine, the best way to end disease was to build a better sewer and get people to wash their hands. Merely chipping away at the problem around the edges is usually the very best thing to do with a problem; keep chipping away patiently and, eventually, you get to its heart. To read the literature on crime before it dropped is to see a kind of dystopian despair; we’d have to end poverty, or eradicate the ghettos, or declare war on the broken family, or the like, in order to end the crime wave. The truth is, a series of small actions and events ended up eliminating a problem that seems to hang over everything. ***There was no miracle cure, just the intercession of a thousand small sanities.***”

(Gopnik, 2012, as reprinted by Berman, 2013)

The SRCJC is honored and humbled to have been given the task of reviewing our current regional criminal justice system, and we hope to begin to build an “intercession of a thousand small sanities” for our own community with this report.

Our journey took us through a myriad of meetings and research efforts. Hundreds of hours were spent by the SRCJC in conducting public and system hearings, completing necessary research and engaging in discussions with over 400 hundred criminal justice professionals. It has become clear to us that the regional criminal justice system is maladapted for current and future needs. As it is exists it is stove-piped and inefficient, save for a few “pockets of excellence.” There is a lack of trust, no unified leadership, duplicated services between and among jurisdictions across the system, and it unnecessarily costs the City and County taxpayers thousands of extra dollars each day. Much of the current system is measured on trivial factors, rather than using valid metrics that measure such variables as recidivism, program completions, and outcomes that reflect enhanced public safety. This is in part due to the fact that our local criminal justice process has been offense based rather than offender based for too long, and has resulted in a system unable to measure the outcomes we need to achieve.

This report attempts to eliminate such duplications and foster efficiencies while maintaining a high level of justice. We have found examples of this in the county and termed these efforts “pockets of excellence” within the county system. The Juvenile Court and Adult

Drug Court should be models, given their willingness to embrace reform, utilize evidence and science to inform practice and look critically at their own performance.

To move towards an overall system of excellence and efficiency, a new governance structure is necessary. The SRCJC supports the creation of a governance system that facilitates coordination, cooperation and efficiency within the regional criminal justice system. The SRCJC recommends reestablishing a Law and Justice Coordinating Committee for the purpose of providing advice and research to a newly established Regional Justice Commission. The SRCJC believes that the formation of a Regional Justice Commission (RJC) and the creation of a RJC Administrator is a critical first step in the reform process. The RJC will modernize and manage the integrated regional system. It is important that a full-time paid Criminal Justice Administrator position be created to carry out the direction of the RJC. The failure of leadership at the City and County to create this process through the granting of authority to the RJC will doom us to the status quo.

The SRCJC and community have been promised that this report will not be “put on the shelf” and it is our hope that the City and County will follow through on this promise to carry out the recommended reforms. We thank them for their deep commitment to improving the health and safety of our community.

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## VIII. SOURCES

National Center for State Courts: <http://www.ncsc.org/>

Washington State Institute for Criminal Justice Research:  
<http://libarts.wsu.edu/crimj/research-units/wsicjr/>

Michigan State University: Program on Police Consolidation and Shared Services:  
<http://policeconsolidation.msu.edu/>

Smart Justice: <http://smartjusticewashington.org/index.php/spokane/>

State of Maryland: <http://www.statestat.maryland.gov/>

Washington State Institute for Public Policy: [www.wsipp.wa.gov/](http://www.wsipp.wa.gov/)

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## Appendix A

Recommendation & Tasks	Priority Level (1-3)	Timeline
Rec 5.1 (1): Creation of Regional Justice Commission: Five person commission. Three year term & monthly meetings	1	0-3 months
Rec 5.1 (2) Establish Law and Justice Coordinating Committee to provide workgroup(s) function to report to Commission. Minimum workgroups to include: Technology WG; Evidence-Based Portfolio WG; DMC WG	1	0-6 months
Rec 5.1 (1) Hire Criminal Justice Administrator and staff	1	0-3 months
Rec 5.1 (2): Form Technology workgroup, consisting of representatives from County IT, state level systems (e.g. AOC), and department reps.	1	3 <sup>rd</sup> month
Rec 5.1 (2) & 5.8 (2): Form evidence-based portfolio workgroup (EBPW) to guide the creation/selection of the risk/needs/responsivity tool and coordinating services, including detention alternative programs.	1	3 <sup>rd</sup> month.
Rec 5.1 (2): Form Disproportionate Minority Contact (DMC) workgroup and develop process evaluation.	1	3 <sup>rd</sup> month.
Rec 5.1 (2): Create other workgroups as needed	2	On-going
Rec 5.1(5) & 5.2(2): Tech workgroup to research and implement video monitoring system, and performance measures	1	3-36 months
Rec 5.3 (6): Create LEAD program	2	6-18 months
Rec 5.3 (2): Consideration of Ceasefire type law enforcement programming efforts	2	6-18 months
Rec 5.3 (3): Renew efforts and expand neighborhood crime prevention programs	1	3-24 months
Rec 5.3 (4): Expand Crisis Intervention Team program across all local law enforcement agencies	2	12-24 months
Rec 5.4 (2) & 5.8 (1): Create a 24 hour intake facility and Community Corrections Center	1	0-60 months
Rec 5.4 (3) & 5.6 (2): Expand diversion and alternative programs for low-level and first-time offenders, including a DWLS alternative program	3	12-60 months
Rec 5.5 (1) & 5.5 (3): Collaborative efforts should be taken to minimize and avoid unnecessary court hearings	1	0-60 months
Rec 5.5 (2): Defendants with criminal cases pending in	1	0-12 months



more than one court should have all pending matters handled by a single court and prosecuting attorney's office		
Rec 5.5 (4): Trial courts should minimize issuance of warrants, arrest, and incarceration for non-payment of Legal Financial Obligations (LFOs), and should make use of alternative sanctions to substitute for payment of LFOs	2	0-12 months
Rec 5.5 (5): Superior Court judges, prosecutors and defense attorneys should work collaboratively to meet BJA time standards for felony prosecutions	2	12 months
Rec 5.5 (9): Expand Adult Drug Court	2	24 months
Rec 5.6 (1): City and County Prosecuting Attorney's Offices should provide disclosure to defense counsel immediately upon receipt from law enforcement agencies via centrally-based secure computer system and appropriate software.	2	12-24 months
Rec 5.6 (4): Spokane County should make specific modifications to ECR program based on Differentiated Case Management best practices & commission independent evaluation of the program	2	12-24 months
Rec 5.7 (2): Indigent defense offices should work with Detention Services to permit attorney-initiated contact with inmate clients via telephone or e-mail when needed.	1	6 months
Rec 5.5 (10) Independent evaluation of current mental health court.	3	18 months
Rec 5.9 (3): Ensure greater coordination of transportation & scheduling of inmates	2	
Rec 5.9 (4): Ensure proper classification and identification of specialized populations	2	12 months
Rec 5.9 (1) Develop inter-local agreement to combine City and District Court probation services to remove duplication	2	12-36 months
Rec 5.9 (3) Probation to collaborate with law enforcement and community agencies to enforce risk/needs/responsivity and active case management techniques.	2	12-24 months

*The following references were used in drafting this recommendation and are available on our website at [www.spokanecounty.org/srcjc](http://www.spokanecounty.org/srcjc)*

*David Bennett Needs Assessment Draft 2-12-08*

*Smart Justice Final Plan July 2013*

*Smart Justice Executive Summary July 2013*

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