

October 23, 2017

# Jail Reduction Strategies for Whatcom County

Incarceration Prevention and Reduction Task Force

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# Agenda

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1. Setting the stage
  - Purpose of engagement in Whatcom County
  - Purpose of presentation
2. Major findings
  - Drivers of jail population
  - Key takeaways
3. Recommendations
  - Data findings
  - Responsive strategies
  - Impact analyses
4. Where does Whatcom County go from here?

# Purpose of Engagement

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- To provide assistance to the Task Force in understanding the local justice system and drivers of jail population growth;
- To identify and prioritize recommendations for safely reducing jail use.

# Purpose of Presentation

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1. Review our findings
2. Identify ways Whatcom County might move forward with jail population reduction.

## **Ways to accomplish these goals:**

- Approach the conversation with the spirit of problem-solving
- Ask questions you have for us, as well as for each other
- Assume best intentions
- Others?

# Major Findings

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# Drivers of Jail Population

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- **Admissions:** who goes into jail and why.

Admissions data from the Sheriff's Office provided Vera with information about who was booked into the jail.

- **Length of Stay (LOS):** how long they stay.

Vera measured the **Average Length of Stay** to illustrate how long people were held in custody, on average.

- **Average Daily Population (ADP):** who was in the jail on any given day.

ADP is the clearest indicator of how the jail is used and is determined by a combination of admissions and length of stay.

# Key Takeaways

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## Findings

1. People who are pretrial make up a significant portion of ADP.
2. Charges related to substance use are a significant driver of both admissions and LOS.
3. Financial bail lengthens the amount of time people stay in jail.

## Opportunities

1. To reduce admissions, address the drivers of non-felony bookings, especially those involving warrants.
2. To reduce ADP, shorten case processing times, especially for felony cases.
3. To impact racial disparities in ADP, begin by understanding and reducing the disparities in admissions.

# Summary of Recommendations

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1. Reduce unnecessary admissions to the jail.
2. Curtail the number of new and outstanding warrants for lower-level charges.
3. Create a pretrial release process that is individualized and based on data-driven risk assessment.
4. Develop a caseflow management plan to reduce time to disposition and shorten defendants' LOS.
5. Develop oversight and accountability mechanisms.



# Recommendation 1:

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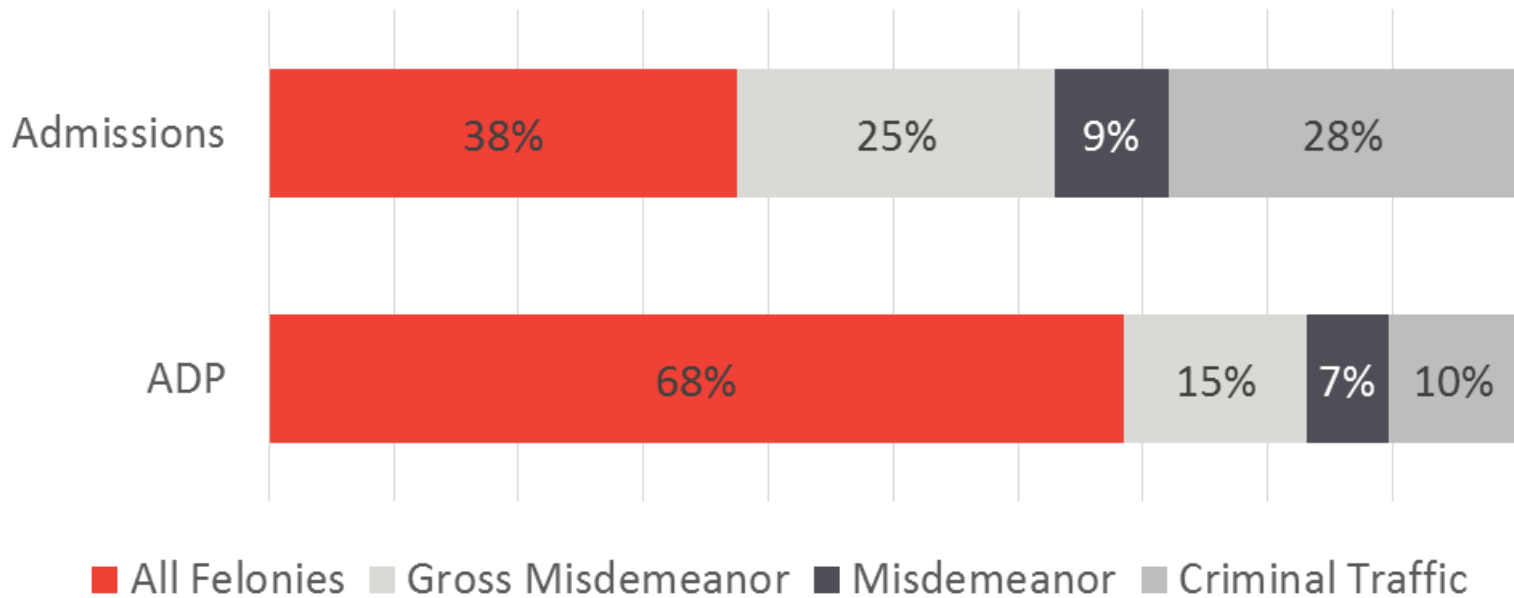
Reduce unnecessary admissions to the jail.

# Admissions – Data Findings

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- Most jail admissions involve non-felony charges.
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Figure 15: Admissions & ADP without holds by charge class, 2016



# Admissions – Data Findings

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Figure 12: Most frequent top gross misdemeanor and misdemeanor charges resulting in an admission to jail, 2016

Statute Code	Gross Misdemeanor	Admissions	ADP
9A.36.041	ASSAULT 4TH DEGREE	393	8
9A.56.050	THEFT 3RD DEGREE <\$750.00	118	4
9A.56.050.A	THEFT 3RD DEGREE/FTA	103	3
9A.36.041.A	ASSAULT 4TH DEGREE/FTA	98	4
9A.52.070	CRIMINAL TRESPASS 1ST	53	2

Statute Code	Misdemeanor	Admissions	ADP
9.95.220	PROBATION/PAROLE VIOLATION	149	13
B10.12.020	SHOPLIFTING GOODS LESS THAN \$50	42	1
9A.52.080	CRIMINAL TRESPASS 2ND DEGREE	33	0
9A.52.080.A	CRIMINAL TRESPASS 2ND DEGREE/FTA	29	0
9A.84.030	DISORDERLY CONDUCT	20	0

# Admissions – Data Findings

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Figure 13: Most frequent criminal traffic charges resulting in an admission to jail, 2016

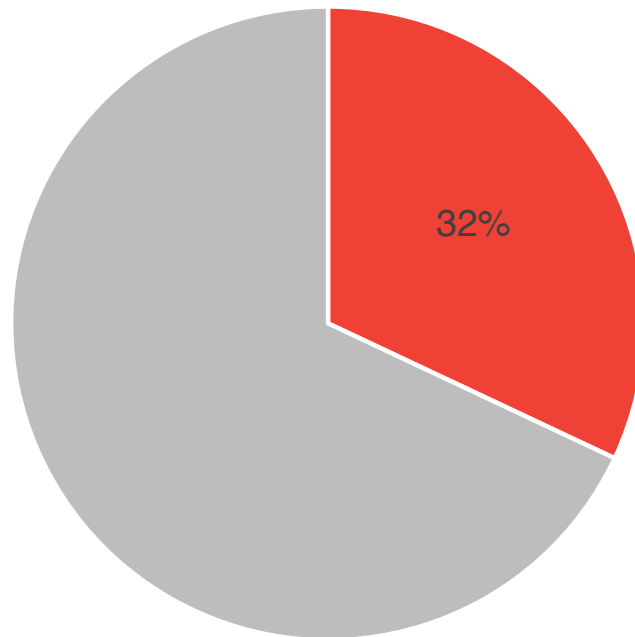
Statute Code	Criminal Traffic	Admissions	ADP
46.61.502	DUI	942	19
46.20.342.1C	DWLS 3RD DEGREE	275	2
46.61.500	RECKLESS DRIVING	59	3
46.20.342.1B	DWLS 2ND DEGREE	46	0
46.20.342.1A	DWLS 1ST DEGREE	41	3

# Admissions – Data Findings

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- It is likely people in the jail have behavioral health needs that would be better served in the community.

Booked individuals with JBHP referrals, 2016



# Admissions – Responsive Strategies

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- a) Decriminalize select low-level municipal charges
  - Identify low-level municipal offenses that can be reclassified as civil (e.g., nuisance offenses).
  - Allows Whatcom to hold people accountable without relying on the jail.
  
- b) Expand use of book and release
  - Focus on charges that are driving FTA admissions, as well as misdemeanor and gross misdemeanor charges that are not in warrant status.
  - Police departments should:
    - Explore whether they can book and release people directly from the station.
    - Institutionalize informal practices.
  - Make sure strategies are also implemented to reduce risk of FTA.

# Admissions – Responsive Strategies

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- c) Facilitate drivers license reinstatement
  - Alternatives to payment
  - Consistent criteria across all courts for accepting and rejecting requests for payment relief
  
- d) Coordinate care for people with behavioral health needs
  - Define “high utilizers”
  - Develop “off-ramps”
  - Connect to legal services
  - Incorporate harm reduction strategies into program design
  - Make participation noncompulsory
  - Emphasize transparency
  - Consider other diversion opportunities

# Admissions – Responsive Strategies

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- e) Establish a sobering center
  - Convenient location for law enforcement
  - Offer opportunities to connect people to longer term care
  
- f) Equip law enforcement with de-escalation tools
  - Increase availability of CPIT
  - Expand use of Mental Health Liaison
  - Train officers on crisis intervention
  
- g) Prevent admissions for technical violations
  - Institutionalize procedures that provide alternatives to jail incarceration
  - Advocate for reform with state partners



# Admissions – Impact Analysis

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Alternative Outcome	2016 Admissions	Admissions Impact Opportunity		
		25%	50%	75%
<i>Bring people arrested for DUI with no warrants and at most one other criminal traffic charge to a sobering center.</i>	709	177	355	532
<i>Prevent admissions for supervision violations with no new charges that were not eventually sentenced to serve jail time.</i>	48	12	24	36
<i>Book &amp; release people with only misdemeanor or criminal traffic (not DUI) charges and no warrants.</i>	252	63	126	189
<b>Subtotal</b>		<b>252</b>	<b>505</b>	<b>757</b>

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## Recommendation 2:

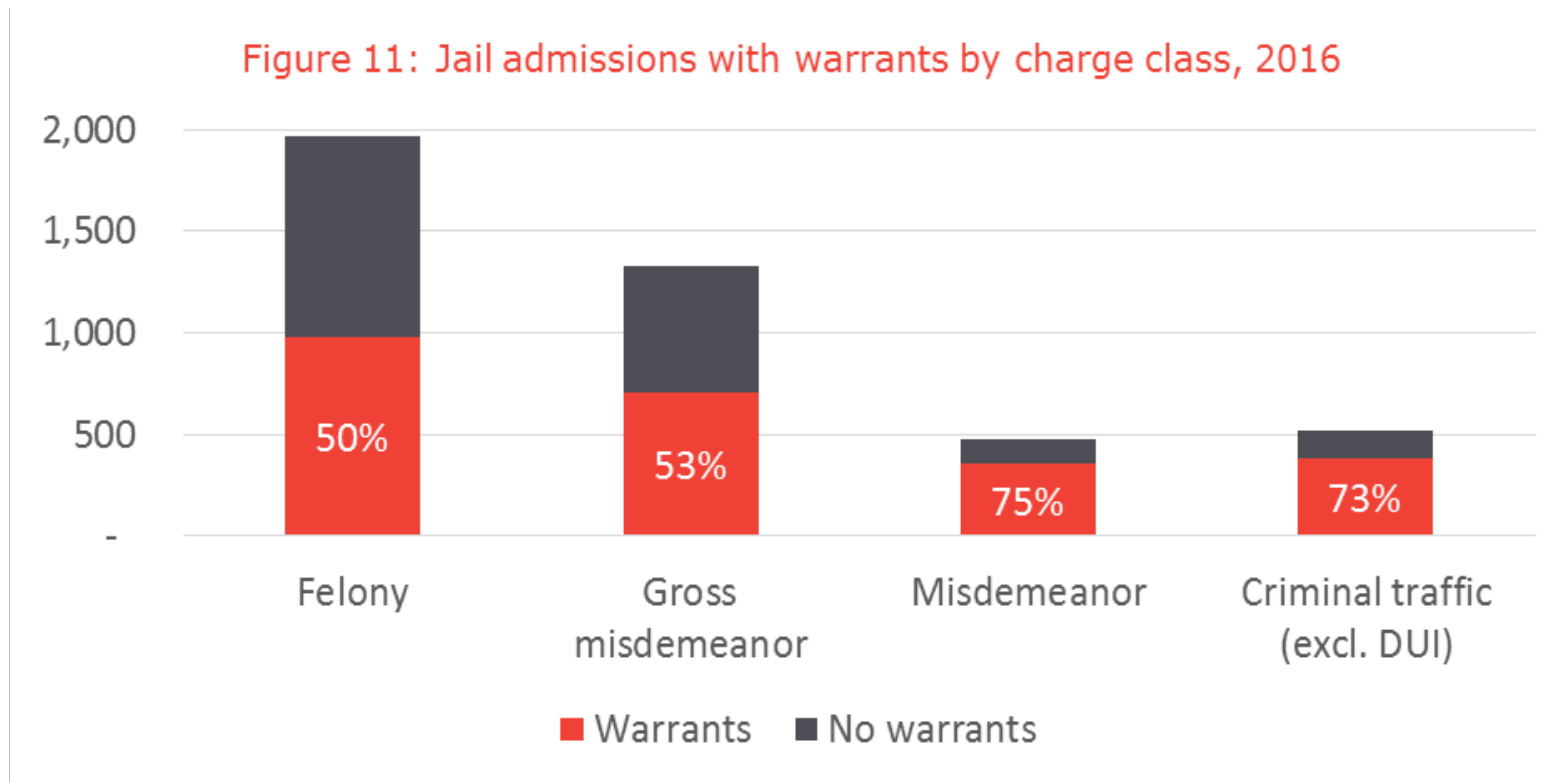
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Curtail the number of new and outstanding warrants for lower-level charges.

# Warrants – Data Findings

- Warrants are contributing significantly to the number of jail bookings.

Figure 11: Jail admissions with warrants by charge class, 2016



# Warrants – Responsive Strategies

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- a) Analyze warrant data to understand the problem
  - Will allow the county to target responses appropriately
  - Should look at:
    - The number of outstanding warrants;
    - The nature of these warrants; and
    - The age of these warrants.
- b) Reduce bench warrants for failure to appear
  - Give all defendants court reminders
  - Offer a grace period for lower-risk defendants
- c) Increase opportunities to resolve outstanding warrants
  - Clear warrants
  - Host warrant resolution events
  - Hold court in other places and/or extend court hours

# Warrants – Impact Analysis

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<i>Alternative Outcome</i>	<i>2016 ADP</i>	<i>ADP Impact Opportunity</i>		
		<i>25%</i>	<i>50%</i>	<i>75%</i>
<i>Reduce bookings for gross misdemeanor, misdemeanor, and non-DUI criminal traffic arrests with warrants.</i>	<i>31</i>	<i>8</i>	<i>15</i>	<i>23</i>
<b><i>Subtotal</i></b>	<b><i>31</i></b>	<b><i>8</i></b>	<b><i>15</i></b>	<b><i>23</i></b>

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# Recommendation 3:

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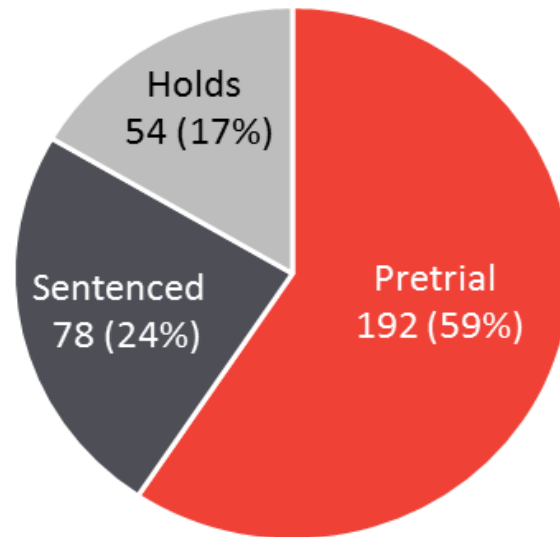
Create a pretrial release process that is individualized and based on data-driven risk assessment.

# Pretrial Detention – Data Findings

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- The majority of people incarcerated in the jail are held pretrial.

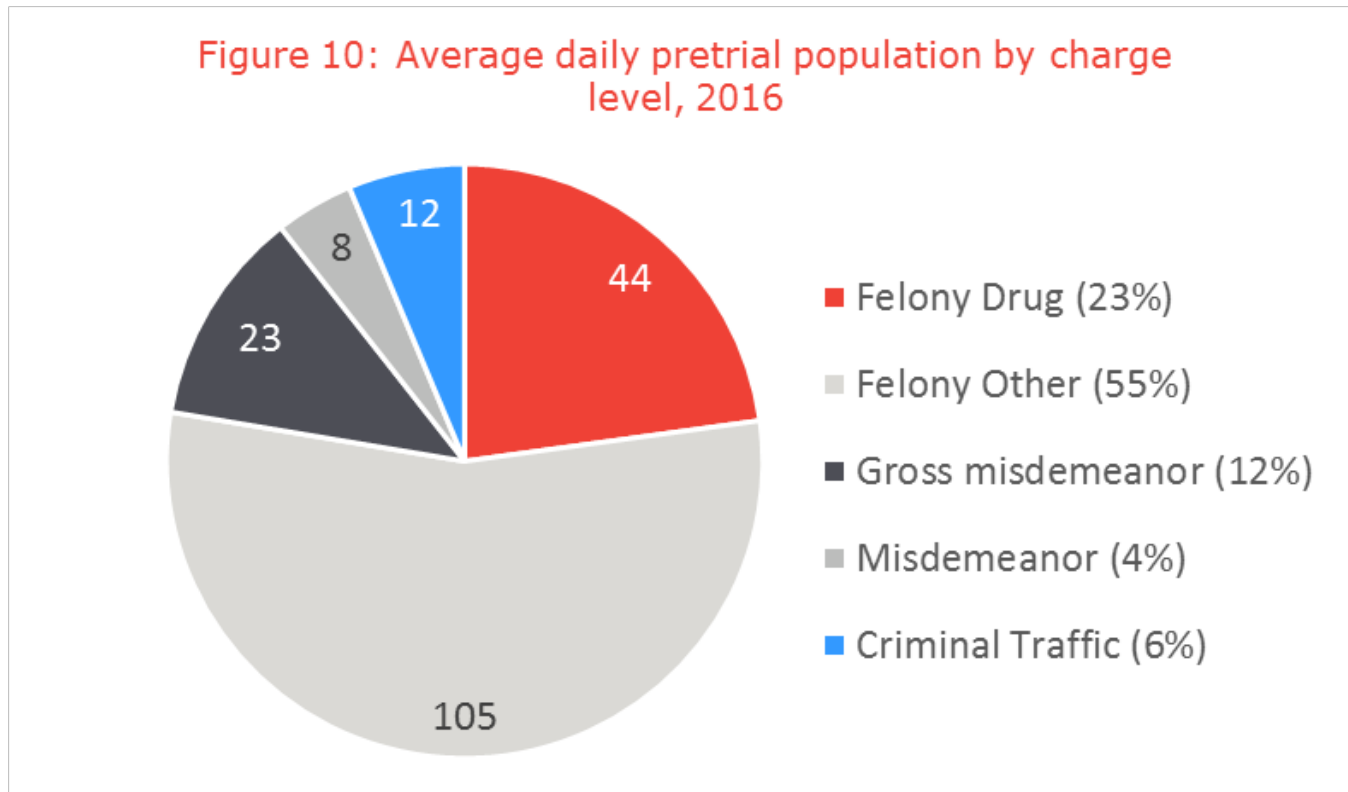
Figure 3: Breakdown of average daily population by legal status, 2016



# Pretrial Detention – Data Findings

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- Almost a quarter of the pretrial population had non-felony charges.





# Pretrial Detention – Data Findings

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- Release is often determined by ability to pay financial bail.

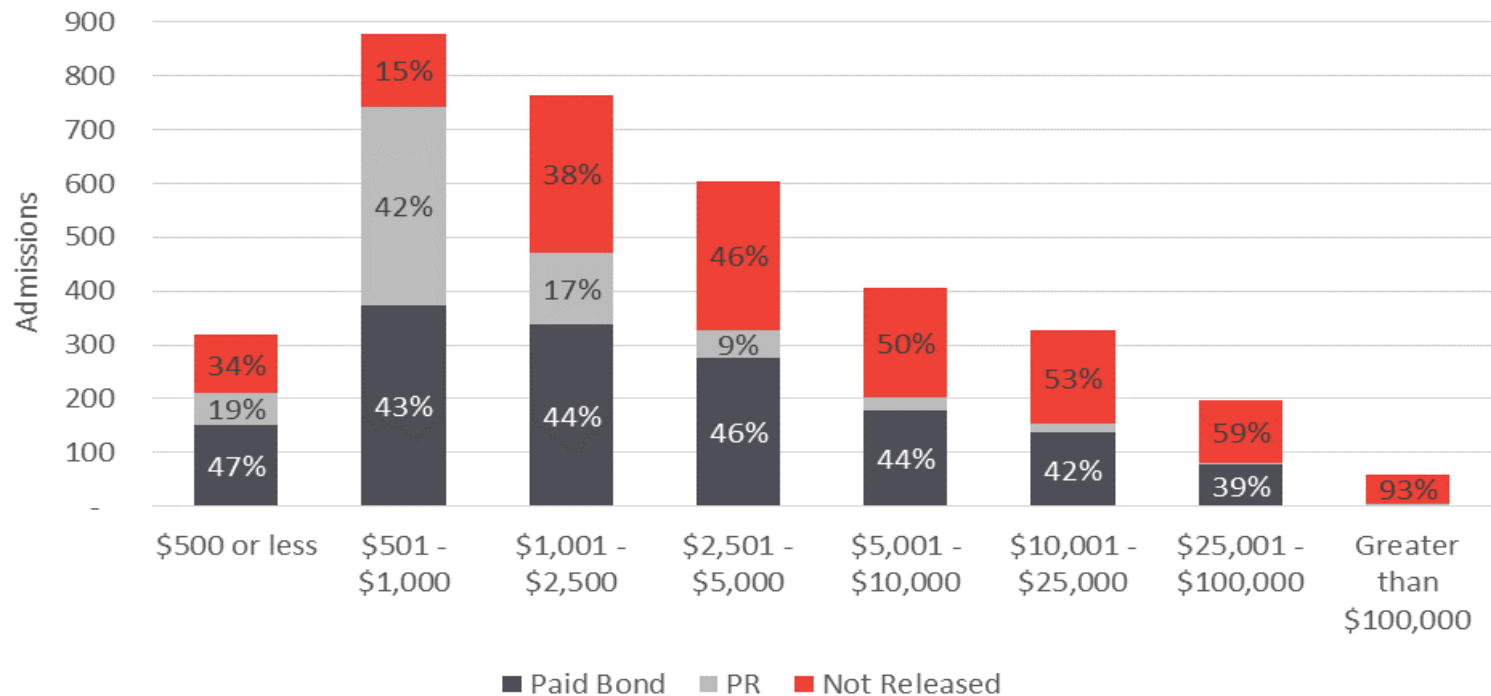
Figure 19. Pretrial bail and release, 2016

<b>Assessed bail</b>	<b>3,549</b>	<b>67%</b>
<i>Released on PR after bail set</i>	<i>660</i>	<i>19%</i>
<i>Released on bond</i>	<i>1,560</i>	<i>44%</i>
<i>Detained until disposition</i>	<i>1,329</i>	<i>37%</i>
<b>Released on PR with no bail set</b>	<b>444</b>	<b>8%</b>
<b>Other</b>	<b>1,286</b>	<b>24%</b>
	<b>5,279</b>	

# Pretrial Detention – Data Findings

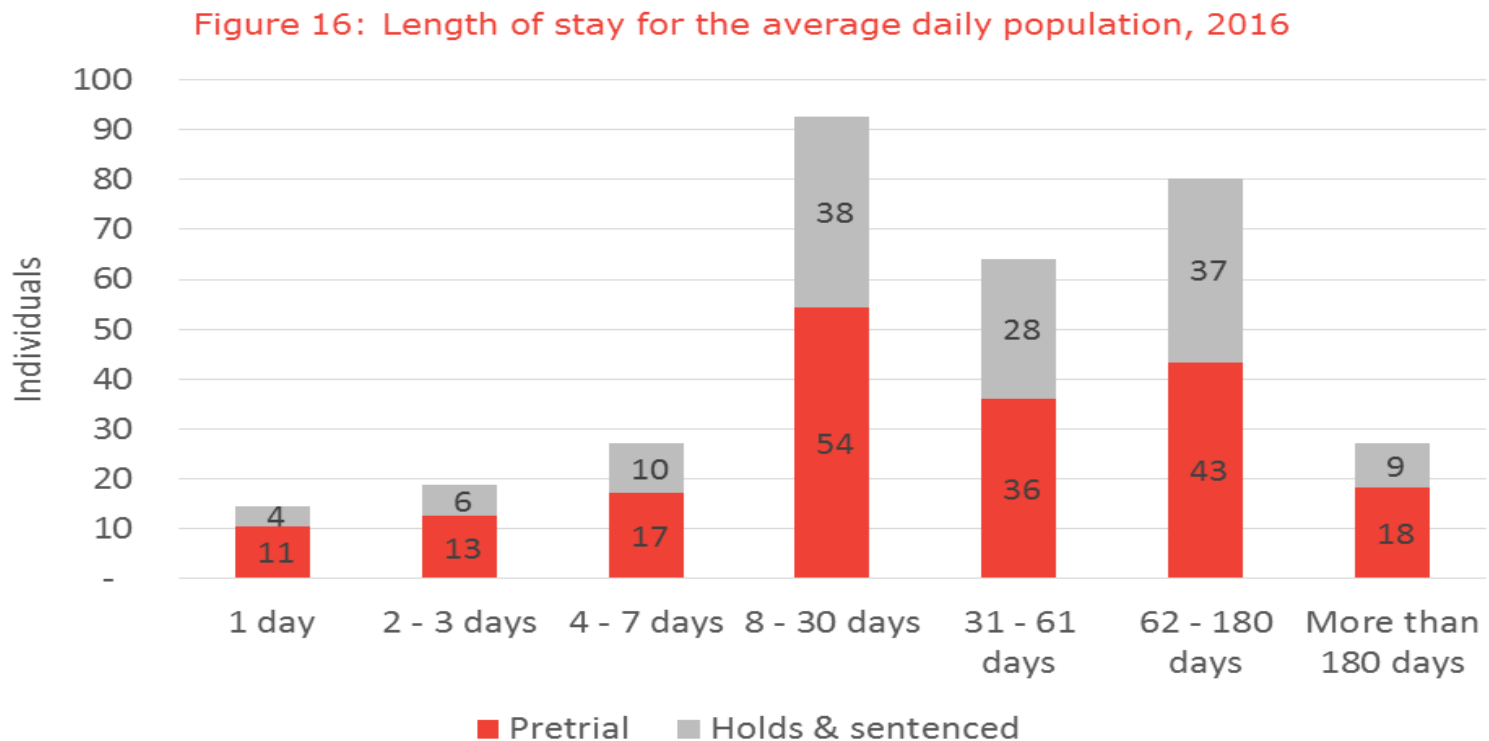
- Even low bond amounts are too high for many people.

Figure 20: Bail outcomes by bail level, 2016



# Pretrial Detention – Data Findings

- On average, 51 percent of the pretrial population has been in jail for more than one month.



# Pretrial Detention – Responsive Strategies

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- a) Ensure counsel's presence at bail decisions
  - Weekend probable cause hearings between the County Prosecutor and judicial officers
  - Municipal Court first appearances and arraignments
  
- b) Develop a policy for early and meaningful bail review
  
- c) Implement a court date reminder system
  - Low-risk defendants can be released with supervision limited to court-date reminders

# Pretrial Detention – Responsive Strategies

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- d) Adopt and validate a pretrial risk assessment tool
  - Train all impacted staff on the tool and how to use it
  - Establish quality assurance processes to ensure fidelity with tool
  - Consider developing a decision-making framework
  - Conduct a validation study
  
- e) Establish a regional pretrial services program

# Pretrial Detention – Impact Analysis

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<i>Alternative Outcome</i>	<b>2016 ADP</b>	<b>ADP Impact Opportunity</b>		
		<b>25%</b>	<b>50%</b>	<b>75%</b>
<i>Increase release rates for those being held pretrial on gross misdemeanor, misdemeanor, and criminal traffic charges.</i>	43	11	21	32
<i>Increase release rates for those being held pretrial on felony drug charges.</i>	44	11	22	33
<i>Increase release rates for the remaining people being held on non-drug felony charges.</i>	105	26	53	79
<b>Subtotal</b>	<b>192</b>	<b>48</b>	<b>96</b>	<b>144</b>

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# Recommendation 4:

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Develop a caseflow management plan to reduce time to disposition and shorten defendants' LOS.

# Case Processing – Data Findings

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Figure 21: Resolution of cases in Whatcom Superior Court compared to prescribed standards

Within:	NCSC Standard	WA Standard	Whatcom Superior
90 days	75%		45%
120 days		90%	53%
180 days	90%	98%	65%

Figure 22: Resolution of cases in Whatcom District Court and Bellingham Municipal Court compared to prescribed standards

Within:	NCSC Standard	WA Standard	Whatcom District	Bellingham Municipal
60 days	75%		47%	42%
90 days	90%	90%	54%	50%
180 days	98%	98%	73%	73%
270 days		100%	85%	86%



# Case Processing – Data Findings

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- People with cases only in Superior Court spent an average of 27 days in jail and accounted for 96 people in the average daily population.
- People with cases in the Superior Court and at least one other court remained in jail an average of 56 days and accounted for 131 people in jail on an average day.

# Case Processing – Responsive Strategies

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- a) Develop a caseflow management plan
  - Exercise early court involvement and continuing control
  - Treat cases proportionately
  - Establish “meaningful court events”
  - Apply continuance policy with reasonable consistency
  
- b) Develop and track performance measures
  - Overall measures
  - Interim measures
  - In custody v. out of custody

# Case Processing – Impact Analysis

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<i>Alternative Outcome</i>	<i>ADP</i>	<i>ADP Impact Opportunity</i>		
		<i>25%</i>	<i>50%</i>	<i>75%</i>
<i>Expedite felony case processing for cases pending 90 - 180 days or more.</i>	<i>37</i>	<i>9</i>	<i>18</i>	<i>28</i>
<i>Expedite felony case processing for cases pending 181 days or more.</i>	<i>42</i>	<i>10</i>	<i>21</i>	<i>31</i>
<i>Expedite misdemeanor case processing for cases pending 60 days or more.</i>	<i>14</i>	<i>3</i>	<i>7</i>	<i>10</i>
<b><i>Subtotal</i></b>	<b><i>92</i></b>	<b><i>23</i></b>	<b><i>46</i></b>	<b><i>69</i></b>

# Recommendation 5:

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Develop oversight and accountability mechanisms.

# Oversight and Accountability – Findings

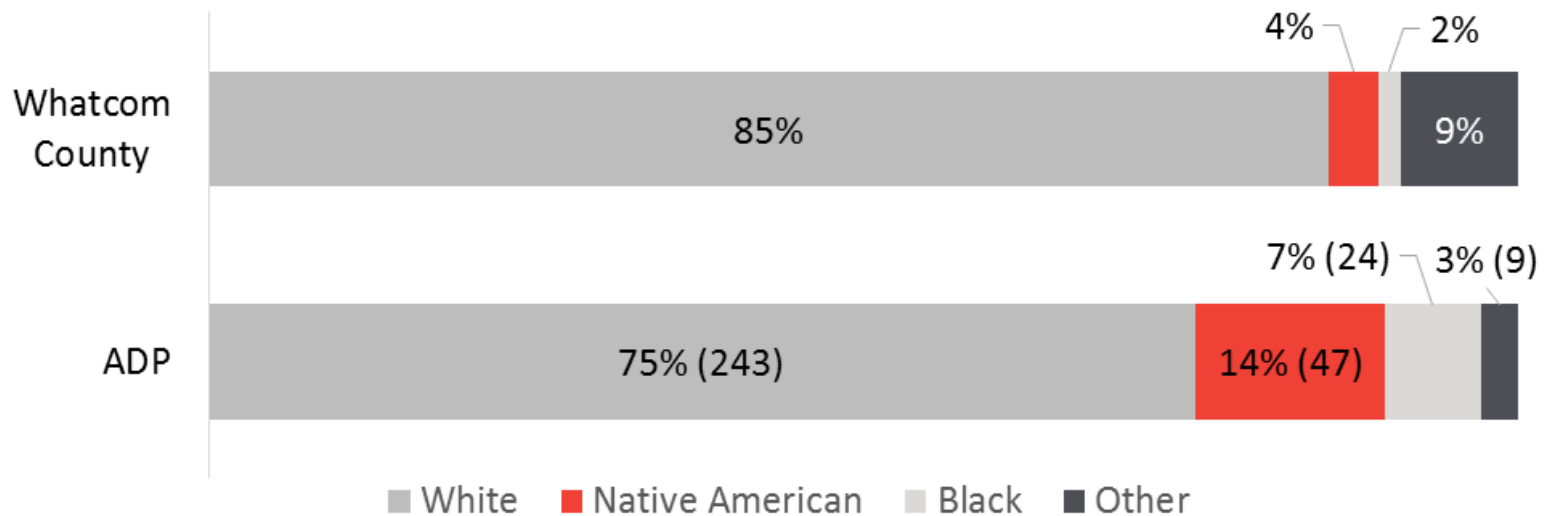
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- Whatcom County established a Law and Justice Council in 2000 as required by state law, but it no longer meets.
- Challenges with data collection, extraction, sharing, and analysis have limited Whatcom County's ability to rely on systemic data to inform decision-making.
- Data concerning race and ethnicity are not collected consistently across agencies, making analysis difficult.

# Oversight and Accountability – Findings

- Vera’s analysis showed substantial disparities in admissions and ADP, but did not determine particular causes for disparities.

Figure 5: Racial composition of Whatcom County and jail average daily population, 2016



# Oversight and Accountability – Responsive Strategies

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- a) Reconvene a Law and Justice Council and institutionalize the Council with regular meetings, staffing, and research capacity
- b) Report and publish data regularly to ensure transparency and accountability
- c) Collect data regarding race, ethnicity, and gender at all system points

# Where does Whatcom County go from here?

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# Contact Information

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