

## VIII. POST PUBLIC HEARING COMMENTS AND RECOMMENDATIONS

The Spokane Regional Criminal Justice Commission (SRCJC) held an open public hearing on November 6, 2013 to receive public and department comment on the proposed *Blueprint for Reform*. During the public hearing, the SRCJC received dozens of comments regarding our draft report, most of which were positive. We also accepted written response submissions up until 11/15/13. As was found during the public presentations, the overwhelming response was positive and supportive of the proposed reforms.

As stated, the report and the recommendations contained therein were generally praised by a clear majority of those who took the opportunity to comment. No one questioned the credibility, integrity or experience of the members of the Commission; nor did anyone question the methodology used. In short there was much support for this year long endeavor which involved over 30 hearings, hundreds of witnesses and volumes of written material. For these reasons the draft report will remain essentially as written and become the final report of the Commission, except as noted below.

We received both oral and written feedback on five key areas that we believe are worthy of further discussion and consideration. These include: 1) Collaboration on domestic violence cases between Municipal and District Court; 2) Continued focus on victims and services; 3) Response to the focused written critiques from David Bennett and the Spokane County District Court regarding our recommendation against court consolidation, and the manner in which the District Court was portrayed; 4) ECR and 5) Mental Health. Outside of these five areas, we have no further adjustments or changes that will be made to the current set of recommendations. We address each of the three areas as follows:

### 1) Domestic Violence Collaboration:

While the SRCJC does not currently recommend consolidation of the Municipal and District Court (for detailed reasoning please refer to section 3 below), we do believe that there should still exist a high level of collaboration across select cases, most specifically domestic violence cases, and that all collaboration and programs used by both courts should be evidence based. Domestic violence cases are complicated, and while research has shown that most therapies are ineffective (e.g. the "Duluth Model"), some promising practices are emerging. Very few evaluations of domestic violence courts exist, but one study of a misdemeanor DV court did reveal significant reductions in recidivism. The Municipal and District Courts should collaborate, along with current partners such as the Prosecutors office, SPD, YWCA, and Lutheran Community Services to ensure that cases are being addressed in a comprehensive and collaborative manner. The newly appointed Spokane Regional Justice Commission (RJC) should provide direct oversight on these cases to ensure that collaboration occurs.

2) Victim Services:

The SRCJC did not directly address the needs and roles of victims within the Spokane regional criminal justice system. This was an oversight on our part. There currently exists numerous community based services and supports, as well as the Spokane County Victim/Witness Unit established by the Spokane County Prosecuting Attorneys Office, that exist to assist victims throughout the criminal justice process. We maintain that such important work should continue, and that the RJC should work to monitor and ensure that high quality services and supports exist for victims of crimes. The provision of victim support services provides yet another opportunity for multiples agencies, both City and County, to pool their efforts through consolidation or partnerships in order to provide victim support services in a coordinated, efficient and cost effective manner.

3) District and Municipal Consolidation:

In a November 11, 2013 memo to the Spokane Regional Criminal Justice Commission, David Bennett argued that the Commission was foolhardy in not recommending the District and Municipal courts consolidate. In the memo, Mr. Bennett asserts that we:

- Considered no hard facts
- Based decision on subjective input from system players
- Made its decision due to politics and personalities
- Conducted no comprehensive analysis
- Was based on the wishes of one entity
- Ignored what is best for the system
- Ignored national research

These allegations are incorrect. The decision to recommend against the consolidation of the District and Municipal courts *at this time* was based on the evidence received at the Commission's hearings and the social scientific research on court consolidation. **This research has consistently found that the attitudes of departments and personnel who work closely with the courts involved in a consolidation must be taken into account when considering if a consolidation is appropriate.**

At many of the hearings we held over the past year, we repeatedly heard apprehensions about having to consolidate the District and Municipal Courts. In particular, personnel from almost every department voiced strong trepidation about a consolidated court. This lack of trust and clear reluctance to consolidate courts was a key component in our conclusion that any attempt to formally consolidate the District and Municipal courts would be ripe for failure at this time.

Mr. Bennett also insists the courts should consolidate as such a move would save huge sums of money and increase efficiency to markedly. While such outcomes are

possible, it is also possible that a consolidation will not produce any benefits, and in fact do long-term harm to the system.

In 2001 the Washington Board for Judicial Administration (BJA) cautioned against court consolidations. The BJA found that coordinating efforts between courts rather than consolidating courts is advisable. It noted that the “experience in trial courts across the nation has suggested that many of the desirable goals and outcomes of court unification can be achieved by implementing collaborative efforts rather than by fundamentally altering the structure and organization of the courts.”

As we stated above, a review of the limited research on the topic of consolidation has consistently found that the attitudes of departments and department personnel who work closely with the courts involved in a consolidation must be taken into account when considering if a consolidation is appropriate. Certain characteristics must be present, including mutual respect and buy-in to the new process, synergy around the proposed consolidation, and common vision, mission and purpose. We maintain that these conditions are simply not present at the current time. The RJC will be charged with overseeing the few collaborative efforts that we put forth (e.g. consolidation of probation and stronger collaboration on domestic violence cases). It is our sincere hope that the two courts can begin to build strong mutual trust and respect across these efforts, and as efficiencies and stronger outcomes are realized, other areas of court functions can be considered for further collaboration.

This is essentially the path we recommend in our draft report. Rather than recommending consolidation *at the present time*, we put forth a number of recommendations related to enhanced coordination and efficiencies between courts as well as other components of the regional criminal justice system that will hopefully allow for a foundation of mutual respect and trust to be built, and expanded upon over time.

#### 4) ECR

The Count Prosecutor’s office requested that our recommendations regarding ECR be held in abeyance until their study of ECR is complete. We believe that this is a reasonable approach and agree that the ongoing study should be completed before implementation of our recommendations.

#### 5) Mental Health

Many comments stressed the need to pay more attention to, and provide more resources for the mentally ill who come in contact with the justice system. Thus, it is imperative that Crisis Intervention Training (5.3(4)) be a top priority for law enforcement. In addition, emphasis must be placed on the evaluation of the existing Mental Health Court at the earliest possible time. If such an evaluation provides positive results, these programs should be expanded. Likewise, focus must be put on alternative sentencing programs (5.8(2)) for the mentally ill, especially since incarceration alone is often not the answer.

## Other Matters

A number of comments, both oral and written, were anecdotal in nature. They detailed individual stories of frustrations with certain aspects of the criminal justice system. While that input was informative and illustrative of certain frustrations and problems within the "system", it is beyond the scope of this Commission to deal with these individualized issues, other than to say that such testimony was appreciated, illustrative of the need for reform in many areas, and contained in the record for anyone to view.

## X. Recommendation and Task Table

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 more than one court should have all pending matters handled by a single court and prosecuting attorney's office.	1	0-12 months
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