

# WASHINGTON'S PRETRIAL REFORM TASK FORCE

## Final Recommendations Report

The Washington State Minority and Justice Commission (MJC), Superior Court Judges' Association (SCJA), and District and Municipal Court Judges' Association (DMCJA) came together in June 2017 to convene Washington's Pretrial Reform Task Force. The Task Force had over 55 members, including representatives from all court levels, branches of government, community organizations, private industry, and more.

### Why is Pretrial Reform Needed?

- Nationally, **65.1%** of the average jail population consist of pretrial defendants at an aggregate annual cost of \$14 billion.
- Pretrial detention can have **severe consequences** for accused persons, particularly in the areas of employment, housing and family.
- Defendants detained pretrial are **4x** more likely to receive a prison sentence than those on pretrial release and are also more likely to receive longer sentences than other similarly situated defendants who are released pretrial.



- Detention is also **costly for taxpayers and communities**, and contrary to the presumption of release embodied in Washington's constitution and court rules.

### Task Force Process

Over the last 20 months, the Task Force examined current pretrial practices in Washington and develop consensus-driven recommendations for jurisdictions to improve their pretrial systems. Three subcommittees focused their efforts on the areas of pretrial services, risk assessment, and data collection. Subcommittees spent several months researching and preparing recommendations for consideration by the Task Force's Executive Committee, which comprised of a leader from each of the co-sponsoring entities (MJC, SCJA, and DMCJA). The Executive Committee decided what recommendations to include in the final report.

### GUIDING PRINCIPLES

#### *Judicial discretion*

Judges should have all available support and tools for making pretrial decisions that are in compliance with the federal and state constitution, current laws, and applicable court rules

#### *Evidence-based practices*

All actors should better understand and implement successful pretrial services, programs, and conditions that are proven to be effective in advancing justice.

#### *Justice for all*

Consistent with Washington law and its court rules, the best practice is to ensure the fewest number of people are detained pretrial, with the fewest possible conditions, and without jeopardizing public safety.

## What does the Report Recommend?



### Pretrial Services

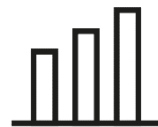
Additional support mechanisms are needed to assist accused persons in attending court, including court date reminders, transportation vouchers, and referrals to voluntary community services such as drug and mental health services. Research finds that pretrial services and conditions are effective in ensuring accused persons return to court for their hearings and meetings.



### Risk Assessments

Several Washington courts have adopted pretrial risk assessment tools. These risk assessments are actuarial tools that use data to determine the risk of failure to appear and risk of committing a violent offense while on pretrial release.

The report does not make a recommendation regarding use of these tools, but recommends courts using them consider practices to measure performance and ensure equality.



### Data Collection

Data needs to be more routinely and uniformly collected in Washington courts to ensure a better understanding of pretrial practices and the effectiveness of reform efforts. Little information is currently collected regarding pretrial factors, decisions or outcomes.

## Next Steps

The Task Force report features nineteen recommendations. No single recommendation should be viewed as a comprehensive attempt at reform, but part of a collective approach. Each jurisdiction should work closely with their stakeholders to assess the needs of their court and community, and begin a dialogue about reforms that may be needed. In implementing these recommendations, jurisdictions should strive for: transparency and open communication with their partners; inclusivity of ideas based in evidence-based best practices; and a commitment to begin and follow through on pretrial reforms.

Washington courts have the opportunity, with more information and robust pre-trial services, to safely release citizens who are charged with criminal offenses and awaiting trial. These recommendations serve as an important step towards improved pretrial practices in Washington State.