



Strategic Oversight Committee for the Washington State Center for Court Research

Meeting Minutes

March 11, 2015 3:00-5:00pm

Committee Members

Chief Justice Barbara Madsen
*Chief Justice of the Supreme
Court*

Judge Jeffrey Ramsdell
*Superior Court Judges
Association President*

Judge David Steiner
*District and Municipal Court
Judges Association President*

Ms. Callie Dietz
State Court Administrator

Justice Mary Fairhurst
*Judicial Information System
Committee Chair*

Justice Bobbe Bridge, ret.
*Commission on Children in
Foster Care Co-Chair*

Chief Justice Barbara Madsen
*Gender and Justice Commission
Co-Chair*

Justice Mary Yu
*Minority and Justice Commission
Co-Chair*

Justice Steven González
Interpreter Commission Chair

Judge Ann Schindler
WSCCR Advisory Board Chair

Members present: Chief Justice Barbara Madsen, Justice Bobbe Bridge ret., Justice Mary Fairhurst, Justice Steven González, Justice Mary Yu, Ms. Callie Dietz, Judge Ann Schindler, Judge Harold Clarke (for Judge Ramsdell) and Judge G. Scott Marinella (for Judge Steiner).

Staff present: Dr. Carl McCurley

The meeting was opened at 3:05pm. Chief Justice Madsen welcomed committee members and explained the purpose of the new Strategic Oversight Committee (SOC). The committee was established to set priorities and criteria for research requests received by the Washington State Center for Court Research (WSCCR).

The Supreme Court order was reviewed and an error was identified and will be corrected. On page 3 - line 6 of the order, "advisory board" will be changed to "strategic oversight committee".

The Role of WSCCR

The role of WSCCR is to conduct research for development, implementation, and monitoring of policies and programs, including outcomes evaluation and reporting for performance management and continuous quality improvement.

The Center has several lines of research on the implementation of programs and monitoring the impact of various court programs. Many projects have centered on juvenile programs because outside funds were available for the research. The Center has also worked with adult felony drug courts to improve the ability of judges and coordinators to track utilization and outcomes, and for the programs to become more accountable to external funders. WSCCR also conducts research on offending careers that involve District and Municipal Courts to see how frequently offenders appear in court and how much expense they pose either to local government or the state. It is likely that the Center's work will continue to grow, as courts seek to understand and improve program operations. The Center's work also impacts the equal administration of justice, whether by geography or across demographic groups.

Current WSCCR Staffing

(Full staff list in the attached meeting packet)

Dr. McCurley provided a breakdown of WSCCR staff members, funding for positions and current projects. Dr. McCurley is the manager of the Center and he reports to the State Court Administrator under the Administration Services Division at AOC. All positions are funded either by general funds or grant/state contracted funds. Grant/state contract funded positions can be funded from multiple sources. For example, Catherine Pickard is a Senior Research Associate (SRA). Her position is funded partially thru state treatment program money passes through JJ&RA to the juvenile courts; jointly JJ&RA and the juvenile court administrators agree to use a small portion of their state funding to pay for juvenile probation performance reporting provided by Ms. Pickard. Ms. Pickard also works to develop reporting youth who are multi-system involved, so one-half of her time is funded through the federal Court Improvement Program grant. Lisa Wallace's position is funded with state funds that pass through JJ&RA to provide quality assurance for juvenile probation (known as the Case Management Assessment Process (CMAP)). Chief Justice Madsen asked if Ms. Wallace's position was one we tried to get moved over to the courts in the past. Dr. McCurley replied yes, and community-based juvenile treatment continues to be fragmented, lacking in routine, fundamental performance feedback to the courts and treatment programs. WSCCR also currently has a full time SRA position that is vacant. There is one candidate, with a Ph.D. from UW and currently employed at the National Gang Center, interested in travelling for an in-person interview. Given her training and experience, she would probably pick up a lot of the work the previous SRA (who accepted a post as JJ&RA's Research Manager) was doing. The Center recently hired a new SRA, Dr. Andrew Peterson. A graduate of UC Irvine, Dr. Peterson has experience researching federal sentencing impact at the U.S. Sentencing Commission, and his skills match well for further work with adult criminal cases. Justice Bridge asked about the work Dr. Tom George was doing before he left the Center and there is currently a contractor, Dr. Elizabeth Coker from UW-Tacoma, continuing his truancy work.

Current Projects

(Full project list in the attached meeting packet)

Justice González asked if the list of projects has grown organically or if WSCCR solicited requests. He expressed interest about the genesis of the mix of projects the Center is currently working on. Dr. McCurley said the growth has been organic. When he first arrived at the Center, MacArthur projects were getting started in Washington and WSCCR was able to begin projects through MacArthur Foundation grants to effect system change in juvenile justice, which enabled the Center to build relationships with juvenile courts. Justice Bridge noted that one legacy of those years is that several databases were created, all of which continue to live through regular updates, expansion, and heavy use. Dr. McCurley agreed and the databases have been used broadly by the courts and outside researchers, such as WSIPP, UW, WSU, as well as

nationally and internationally. He then gave a quick overview of the databases that were created. The Center now lives in a data-rich environment, with access to court data, child welfare and other data from DSHS, and education and employment data from OFM's Education Research and Data Center. However, effective management of court programs typically requires further data development, as is the case with the adult felony drug courts. The AOC reorganization has added to the Center's ability to focus on projects outside the typical research function of delivering caseload reports, and "other duties" have decreased substantially. Ms. Dietz said Washington is unusual, as most AOCs do not have a comparable research group.

Justice González asked what WSCCR can do, how many things can the Center take on? Dr. McCurley admitted the Center could not take on much more work at this time. If the Center hires for their vacant position there will be approximately ½ of an FTE available for additional research duties/requests, although, when funds are available, the Center regularly engages with researchers at both UW and WSU to either collaborate on or carry out research projects needed by the courts and designed by the Center.

The committee members discussed the importance of asking, how did we get here? Being where we are today where do we see this in five or ten years? Do we continue moving forward with these projects or do we now focus on other priorities? How will this work and who will make the decision about whether we move forward with the work or not? How much discretion does the committee want to allow themselves? Chief Justice Madsen said the intention was the SOC would do more than set criteria, they would also pick the projects with information from the Research Manager because he is aware of everyone's capabilities. There are requests at every level of the court because people realize how valuable a resource this is. This group has the ability to set priorities that others can embrace. This is an opportunity to take ownership of this beautiful resource and help. It was determined the group can define the meaning of the order themselves and revisit for clarification after the committee has been operating for a while.

The SOC members then asked Dr. McCurley to go through the project list and estimate the amount of staff time per project and when he anticipated the project would be done.

1. Adult Sentencing and Supervision: Ongoing, between .05 and .20 FTE as committee comes to define its objectives
2. Dependent Children Case Timeliness and Outcomes: This is a standing request, one dedicated position and at least an additional ¼ FTE who works on the report almost full time when it is being produced (approximately 3 months), in addition to requiring about 0.2 FTE from the Center's programmer and 1 FTE from the SRA for dependency performance reporting. Justice Bridge said the report is a document that is looked at longingly from many states across the nation and it is used as a management tool. It responds to changes in the law and practices to see how effective the changes are. The interactive version of the report, updated monthly, is closely studied by courts as they seek to improve performance.

3. Judicial Needs Estimates for Trial Courts: Ongoing, requires approximately 1/10th of programmer time and 1/20th of Dr. McCurley's time.
4. Juvenile Detention Reform: Ongoing, there is currently no budget for the work. AOC is requesting funding for ½ time analyst FTE. Additionally the Juvenile Detention Alternatives Initiative (JDAI) groundwork has been started with 1/10th-1/20th of Dr. McCurley's time and 1/5 of Dr. Peterson's time.
5. Juvenile Domestic Violence Incidents and Offenders: Approximately 2-3 hours of Dr. McCurley's time per month. This is a side project for Dr. McCurley because there is legislative interest in the subject.
6. Juvenile Probation Performance Reporting and Site Assessment: 1/10th of programmer time, 1/10th of Dr. McCurley's time and 1/2 SRA FTE. Justice Bridge said Dan Satterberg has launched an initiative to divert kids, there could be a way to get involved with this work.
7. Multi-System Involved Youth: Ongoing, ½ SRA FTE, 1/5 of programmer's time.
8. Pew Charitable Trust's Multi-State Recidivism Study: 2 year project, requires 1/10th of Dr. McCurley's time while the grant application is being put together.
9. Problem Solving Courts: Ongoing, 0.4 Temp SRA FTE. Judge Clarke said the first round report is done and the question is are we going to continue on with that. We are trying to draw up data across these county courts so we can report back to the branch, legislature and local funders. Based on the first go-round folks would like it to continue and Dr. McCurley said it looks like it can very well continue in the future, depending on funding. DSHS RDA has been reporting on outcomes of drug court but reporting outcomes alone rather a blunt instrument so there may be requests for additional outcome information in the future and he imagines the branch could decide to continue funding for that. Ms. Dietz believes there will be national money available and Chief Justice Madsen suggested this may be a project the committee wants to really keep thinking about. A number of the specialty courts don't have the same model as drug courts. The reason for the success of drug courts is they have outcomes (recidivism) data and program models. Model fidelity is important and without it the results are not favorable but you first have to have enough research that indicates there is enough data, that it is working, and what you want to model after. There are multiple community courts that are being researched but the work has just started and for determining which is working better than others, we are still in the infancy stages. Justice Fairhurst asked about the status of the pending grant. AOC intends to apply for a Bureau of Justice Assistance (BJA) grant for \$200,000 to fund the development of a peer review system and support so peer reviewers can visit other drug courts to engage and provide feedback. There is another BJA grant for \$1.3 mil for expansion of drug courts to jurisdictions that don't currently have them. The grant was considered over the weekend with the SCJA board and they decided to move forward.
10. Racial and Ethnic Disparity: Project was funded by MacArthur. NCJJ is willing to continue working with us but we don't have the funding. 1/20th of Dr. McCurley's time and 1/20th of programmer's time. It will take more time when we move to developing a similar analysis for adult courts. Dr. McCurley believes it would be relatively easy to apply to adult courts. Chief Justice Madsen pointed out the

wrinkle is the data quality because collectors were unsure of how to properly identify race or ethnicity. Dr. McCurley agreed that data quality was an issue and there are gaps in the data. We don't have high quality data for Hispanics and no data for multi-racial youth. We are hopeful the case management system can start identifying multi-racial youth.

11. Truancy Petition Process: This project ends June 30, 2015, 1/20th of Dr. McCurley's time and 1/10th of programmer's time. The majority of the work is being done by a contractor and is paid for with MacArthur funds.
12. Washington Assessment of the Risks and Needs of Students: It is unclear what will happen with this. There is legislative interest in the WARNS or something like it to be used in schools. Dr. McCurley is hopeful we can find someone else in the state to pick it up, he is talking with WSU about them taking over responsibility for the day-to-day operations.
13. Other – Research Consultations: Consultations can last 1-2 months with courts and outside researchers. Chief Justice Madsen asked if there are criteria for when the Center consults. Dr. McCurley said yes, if it is salient or useful to the courts. If a researcher asks about something court related, he feels he owes it to the branch to offer assistance/consultation to ensure the research is well thought out and accurate.
14. Other – Supply Data To/Receive Data From Other Research Groups: WSCCR-developed data is supplied to approved research projects at UW, WSU, DSHS, OFM, WSIPP, local treatment court evaluations, University of Chicago, and others. WSCCR receives non-JIS data directly from courts, DSHS (CA, DBHR, JJ&RA, and RDA), OFM/ERDC, WASPC, and others. The process of working out data agreements, figuring out how to provide the data, etc. can be quite time consuming.

Proposed Criteria for Considering Research Requests

(Initial draft criteria in the attached meeting packet)

Chief Justice Madsen expressed that before prioritizing requests we may want to set up a multi-level process for reviewing and interpreting the request to ensure an understanding of what exactly the requestor is asking for and to determine if they want to continue moving forward. If a request passes that first criteria, then it could move forward. Discussion followed about fine tuning the criteria for considering requests.

In the first criteria instead of "related" the committee will use the word "essential." Discussion then turned to managing priorities for research. Some examples of uses for research were: we know there is racial and ethnic disparity but we don't know why, how or where; or if the Interpreter Commission has additional funds in the budget for interpreters, research could be done on where the interpreters would be best used. Justice González asked if the committee intends to use the Center to support budget or policy and program development. Justice Yu observed a lot of the previous program research was in juvenile research because that's where the money was available. Justice Bridge said they also had cases clogging up the system and the project proposal had to be presented to the advisory board to show the work would be useful to

the courts. The projects have been useful because people needed information on how to make caseloads better. Judge Schindler said with the MacArthur grant done, now is the opportunity to look at grants. Justice Fairhurst also stated no matter if there is money available, if the research or project doesn't pertain to the courts the committee would reject it. Chief Justice Madsen agreed and said we want to capture things that are really research, not just a need for data. Dr. McCurley said historically it has been a function of research to provide the information for data requests. He tries to refer as many questions as possible to someone in Trial Court Services or ISD Data Management whenever appropriate and the request doesn't require WSCCR specific skills to fulfill. Unfortunately the criteria do not capture these concerns, specifically related to the Center's skill set. It is possible the Center could be handed something that does not require the Center's special abilities. If the proposed project does not require specialized skills, there's no reason the task should go to WSCCR staff, with the possible exception of project design. Dr. McCurley is comfortable screening incoming requests for appropriateness and need before forwarding them. Judge Schindler and Dr. McCurley will work on refining the criteria for considering research requests.

Pending Requests

(Documentation for requests is in the attached meeting packet)

1. **BJA Resolution on Racial and Ethnic Bias**: There has been some work on this at the juvenile level. WSCCR has done some work that helps inform the public on Racial and Ethnic Disproportionality (RED). Justice Fairhurst said she sees this as a resolution, not as a request or proposal to WSCCR. Chief Justice Madsen agreed and said the resolution is written to express a priority for the branch. The committee decided no action was required at this time.
2. **SCJA Truancy Reporting Program**: Using the last of MacArthur funds, WSCCR was able to contract a researcher to update the 2011 report while expanding it to include statewide, individual-level education data. The SCJA's truancy evaluation request asks for reporting to be put on a regular cycle of 1-2 years; this is not possible for the Center. Chief Justice Madsen suggested sending a timeline of the work done and a form letter back to SCJA letting them know what WSCCR *can do* for the request.
3. **BJA Resolution on Drug Courts and Other Problem-Solving Courts**: This is another case where a resolution identifies big policy areas and there may be some need for the committee to have a discussion the appropriate level of Center responsiveness to the request. Justice Fairhurst suggested that, much like JISC does, the Center may need to send broad, non-specific requests back to the originator, request greater precision, and secure clear commitment from the appropriate membership. Justice Yu stated that a resolution, by itself, should never be considered a request. Chief Justice Madsen said BJA has a new policy and planning committee which will conduct 1-2 year projects and would reach out to the Center when needed. If a resolution appears to involve the Center, the committee will be asked to specify details of the action requested from the Center. There are 4-5 other BJA resolutions and any action on them will be discussed later.

4. Seattle Municipal Court's Research/Data Collection Proposal on Jury Diversification: The project proposal was discussed and the Committee consensus was that requests should be vetted and endorsed by more than a lone requestor. Requests will require some type of "sponsor" through one of the associations, commissions or boards to ensure the proposal is developed and broadly supported. It was suggested a form be developed for requesting entities use to submit requests the Center.
5. Access to Justice Board's Plain Language Family Law Forms Impact: This request will take approximately .25 FTE for at least one year. Dr. McCurley said the Board wants to look at the impact of the new forms but need to have baseline data before actual implementation. Most of the data can come from JIS, although the Center will need to work with each jurisdiction to improve data quality. Data quality efforts need to be sustained or else the data will revert to what it was before, with a low level of usability. Dr. McCurley recommends the project move forward because it is an important aspect of the courts' interaction with the public and a public benefit. The committee members asked about the release of the new forms and if there are any other sources of evidence where plain language forms are studied. Dr. McCurley will do some initial groundwork and research outside studies that may be useful for the request.
6. Office of Civil Legal Aid's Legally Free Children: Comparative Time to Permanency Analysis: Dr. McCurley said the Center has the time and ability to fulfill this request. Chief Justice Madsen asked if this project is something WSCCR can actually "absorb" and since this just passed legislation, is it the right time to research if the program is working? Dr. McCurley said the Center can only do what the data supports. The data they have is well-developed and ready to be analyzed to let OCLA know whether the potential exists for it to meet the legislative requirement for ongoing outcomes measurement. However, sustaining reporting over the long term is beyond the Center's capacity.

Grant Applications and Partnerships

1. Bureau of Justice Assistance Adult Drug Court Discretionary Grant: Dr. McCurley asked if the Center should continue seeking outside funding. Right now they are funding a part-time researcher to work on the Adult Drug Court data but are paying with vacancy savings so when the full time SRA position is filled, anticipated for September of 2015, that funding will run out. Due to often short timeframes, necessary partner involvement and time sensitivity for grants, it was determined the initial approval for applying for grants will come from the agency. The committee is supportive of pursuing this opportunity.
2. National Institute of Justice Treatment Implementation Grant: The project was approved by WAJCA and there is no match requirement that would affect the AOC.

The meeting was adjourned at 5:39pm.