



Strategic Oversight Committee for the Washington State Center for Court Research

Meeting Minutes

December 10, 2021, 10 am - noon

Committee Members

Chief Justice Steven González
*Chief Justice of the Supreme
Court/Judicial Information
System Committee Chair*

Judge Rachelle Anderson
*Superior Court Judges
Association President*

Judge Charles Short
*District and Municipal Court
Judges Association President*

Justice Barbara Madsen
*Commission on Children in
Foster Care Co-Chair*

Justice Sheryl McCloud
*Gender and Justice Commission
Co-Chair*

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

Judge Mafé Rajul
Interpreter Commission Chair

Judge John Chun
*WSCCR Judiciary Research
Advocate*

Dawn Marie Rubio
State Court Administrator

Chris Gaddis
Trial Court Administrator

Members present: Chief Justice Steven González, Justice Barbara Madsen, Justice Sheryl McCloud, Judge John Chun, Judge Charles Short, Chris Gaddis, Dawn Marie Rubio
Members not present: Justice Mary Yu, Judge Rachelle Anderson, Judge Mafé Rajul

AOC Staff present: Kelley Amburgery-Richardson, Cynthia Delostrinos, Dr. Carl McCurley, Jeanne Englert, Dr. Lisette Garcia, Dr. Arina Gertseva, Dr. Amanda Gilman, Dr. Mikala Meize-Bowers, Matt Orme, Dr. Andrew Peterson, Kelly Warner-King

Other Staff present: Chad Connors (Cowlitz Co.), Jennifer Nguyen (Kitsap Superior Court), Jason Schwarz (Snohomish Co. Public Defense), Dr. Alexis Harris (UW)

The meeting opened at 10:01 am. Judge John Chun welcomed members and introductions were made.

Minutes from the October 20, 2020 meeting were approved.

Cynthia Delostrinos began the meeting with reading a land acknowledgment, created by Kathryn Akeah, former AOC staff and staff for the Tribal State Court Consortium.

Introduction to Data for Justice

Cynthia introduced herself and described her role as Associate Director of the Office of Court Innovation at AOC. She said after the killing of George Floyd, the Washington State Supreme Court wanted to address systemic racism and accountability. Many judicial branch partners are studying this currently, including the state Gender & Justice Commission and the Minority & Justice Commission. Some questions being asked: what is missing and how do we get to the change? How do we know we are making a difference? We want to see change now, not 20-30 years in the future.

Realizing change requires developing and using data. The participants today will present ideas for this change, where the gaps are, prioritizing efforts, and encouraging the courts to follow through with this.

Washington Courts and Data for Justice – Where We Are

a) ***Data gaps and court capacity – Carl McCurley (PowerPoint handout).***

Response to the equal administration of justice needs to be immediate. Data-driven decision making starts with development to fill in gaps, buy-in from management for the communities, implementing learning organization practices, and learning from the experiences of the court-involved population. Most of the people who are court-involved are members of marginalized populations. There is an imperative to pay more attention to how courts respond to them.

AOC has been an example of learning from experience so that it could successfully implement an electronic court record system for Superior Courts. A planning process was put into place with Ernst & Young. In 2009, AOC presented to JISC. The AOC followed the roadmap and successfully implemented a modern system. Today, the judicial branch has the opportunity to develop the resources that courts need to manage their own performance with regard to equity and effectiveness. However, the major requirements are imagination, commitment, planning, and funding.

In Washington, the available data pertains to case filings and resolutions, with data gaps in jail, treatment, protection orders, community supervision, and other areas. Carl presented examples of data use from different courts throughout the country in their measures of performance and accountability standards. However, none of the examples addressed equal justice.

b) ***Organizational climate – Amanda Gilman.*** Organizational climate affects the ability of courts to candidly assess their own performance. Juvenile courts are assessed every three years as part of our statewide Environmental Assessment (EA) process. One portion of the EA is devoted to organizational climate. Research has shown that organizational climate in juvenile justice can relate to staff turnover, morale, staff use of best practices, and youth recidivism.

Organizational climate is measured in four ways: office climate, cynicism, leadership, and safety. In addition, we have asked youth in detention about enforcing rules with regards to their safety, relationships with staff, and fairness.

c) ***LFO data development, analysis, and impact – Professor Alexis Harris.***

Data sets for LFO analysis are overwhelming and imperfect. Missing data usually includes race and ethnicity variables. The bulk of the data is from AOC and is at the individual level. Seattle Municipal Court data was also used. Results: traffic cases tended to have their LFOs open and not fully paid. Black men and women were more likely than their counterparts to have non-paid LFOs. They were also more likely to have fines for Driving without License 3rd Degree (DWLS3) unpaid through Seattle Municipal.

AOC data showed monetary sanctions were higher in the higher-poverty areas, as well as blocks of higher debt-burden neighborhoods which overlapped with communities of color. High LFOs not only affect families and individuals, but also communities as a whole. Other types of data collected: interviews, court observations, surveys, field notes, and comparative statistical analyses from eight different states.

Despite its severe limitations, Washington State had the most thorough and complete data. With this information, monetary sanctions can be explored more thoroughly to see how this affects communities of color.

This work provides substantial insight on the issue of financial obligations. We can take this approach and produce routine reporting for the courts that provides them with insight into how their use of monetary obligations stack up with other courts.

- d) ***Partial availability and pervasive need for data in pretrial decision making – Andrew Peterson and Jason Schwarz.*** Andrew addressed the background on pretrial processes. Pretrial data is messy. The data systems we have are set up for day-to-day operations. There is no central system for jail data. Warrant data is a concern. AOC has some data, but it's not comprehensive. Bail data looks at who is getting in or out, but it's set up as an accounting process, not what bail was set, what the offense was, or what the ethnicity of the person was. Each time the bail is changed, the data is overwritten, usually down to zero. Therefore we have no history of the bail. If we want accountability, we need to have more accurate data.

Jason added that in September of this year, there were simultaneous meetings, one at the legislature between legislators, the other at the Supreme Court, and both pertained to bail data. The information available to researchers is only as good as what is being given to them, which is received from court personnel. Information, regarding all points (jail data, bail, pretrial) needs to be made available to other stakeholders throughout the state so courts and attorneys can advocate for the public who use the court system.

- e) ***Application of learning practices: Family Treatment Court and Family and Juvenile Court improvement programs – Kelly Warner-King, Matt Orme, Jennifer Nguyen.*** Kelly overviewed the AOC's Family and Youth Justice section, the Court Improvement Program and therapeutic courts (family treatment courts and early childhood court). Both the family treatment and early childhood courts began with grant funding. All three have a statewide AOC team, staff with experience at these levels. Researchers Arina Gertseva and Mikala Meize-Bowers are part of these teams. Statewide steering committees are involved, advocating for services and data. Technical assistance and performance monitoring is available, as well as training. There continues to be ongoing

discussions on development of tools for those who are part of the court system and how to engage with professionals. Opportunities have been created where peers can learn from each other. Feedback and communication is ongoing to discuss what is and is not working. Local-level courts are also involved. This is an excellent example of the AOC supporting local courts as they adopt learning organization practices.

Matt and Jennifer: in 2007, the state legislature mandated the Dependency Timeliness Report (DTR) would be created by WSCCR and the state Department of Children, Youth and Families (DCYF, formerly Children's Administration) which would serve to inform policy makers as they create and shape the state's dependency laws in an effort to improve the outcomes for children in the dependency system. This resulted in a merged client database with DCYF and AOC both contributing data. This database feeds the DTR and the dashboard (the Interactive Dependency Timeliness Report, or iDTR), both located on the WSCCR website. The iDTR uses the same indicators as the DTR, but looks at the raw data on the local level. The Family and Juvenile Court Improvement Program (FJCIP) will coordinate the data from the IDTR to share at the local level.

Jennifer is the FJCIP Coordinator for Kitsap County. Data is reviewed as a quality assurance/checks-and-balances system. Staff looks at data to see what is working for them as well as what needs more attention. The data allows them to explain to their stakeholders what cases might be non-compliant and what cases need to be tracked. Dependencies are on a timeline, so there are tools in place to ensure cases are moving along. They review practices within workgroups to make informed decisions if some of these practices need to change. Information is also tracked within the race and ethnicity communities.

Jennifer mentioned their caseload tracker as a positive addition to their system. This system can track cases and case management, and report on performance within the court. Their Safe Babies Court has been another addition. Their family treatment courts has also expanded where data can be developed and tracked in the iDTR, so at least some of the long-requested data necessary for performance tracking can be provided to the family treatment courts.

- f) ***Juvenile courts as learning organizations: the why and what of the funding request – Chad Connors.*** Chad is a Juvenile Court Administrator for Cowlitz County. Back in 1998, legislation was passed to create an evidence-based tool that centers on juvenile probation. Throughout the years, courts have fallen behind on focusing on youth programs. Courts need monitoring of programs and their outcomes. Chad's proposal to the legislature is funding for looking at broader programs for youth throughout the state. This would total approximately \$400,000 for this next year.

Where we want to be and how do we get there?

Equity in data – Lisette Garcia. Protests across the country have sparked the issue of equality in justice, particularly after the death of George Floyd. Can existing data really be used to promote equitable justice? Without an equity focus in analysis and reporting, data could be used to reinforce stereotypes, racial bias, and undermine social justice. We must not talk about people without also empowering them. Data equity underscores awareness or opportunities to improve. The goal areas for data equity: transparency, inclusiveness, prioritizing diversity, accountability, and sustainability

- a) ***Implementation of data for justice – Cynthia and Carl.*** This meeting has presented the issues of data, the successes, the gaps, and how courts get the support for improvement they must have. There is a handout to the committee on how to achieve data for justice. Justice McCloud had concerns about how data is collected, what data is collected currently, and better tracking methods for race and ethnicity. Carl clarified that data gaps are serious and pervasive; for example issues such as sentencing data is still a concern. Cynthia added that this committee can ask where the improvements should be, how can it be improved, and where are the gaps?

Partnerships between AOC and the courts is ongoing. However, there is still need for further outreach from the AOC to the courts for more technical assistance, training, etc. Dawn Marie pointed out that there are funding and personnel costs to consider, as well as how open clerks are to deal with added work associated with expanded data on their end. How do we engage people so they will comply to improve the system and make it more equitable? This is what it will take to move processes forward. On the local level, Jason agreed buy-in is needed, but the issue is important enough that it needs to be followed through.

Justice González commended Jason's efforts and encouraged continued communication. Justice Madsen agrees that all three branches need to engage and communicate. There seems to be a lack of training on how to collect and record data across the institutional components of the justice system.

Cynthia proposed ideas on how to move forward with this initiative. AOC has done a good job on building an infrastructure to build the data. We need to figure out how to do better on the court-involved community side, and how to use data to improve their life chances. It is important to strive for sustainable data.

Recognition of Research Advocate Judge John Chun – Carl Thank you to Judge Chun for being engaged and giving encouragement to WSCCR, this committee, and the courts.

Meeting adjourned at 12:00 pm.