

Washington State Judicial Branch

2023-25 Biennial Budget

Implement Data for Justice

Agency: Administrative Office of the Courts

Decision Package Code/Title: D2 – Implement Data for Justice

Agency Recommendation Summary Text:

The Administrative Office of the Courts (AOC) requests 4.5 FTEs and \$1.57 million in ongoing state funding to empower Washington’s courts to use data for implementing equitable and effective justice in Washington. The courts and justice system have been called upon to confront the role they play in perpetuating systemic injustice. Part of the problem is that courts often lack access to information and data that can show them where and how to improve in their delivery of justice. The AOC proposes a “Data for Justice” initiative to expand research support at the Office of Court Innovation and the Washington State Center for Court Research for Washington’s courts to collect and analyze data, report performance measures, educate on approaches to and impact of using data, and train those working in our court system to use data for implementing equitable change. (General Fund-State)

Fiscal Summary:

| | FY 2024 | FY 2025 | Biennial | FY 2026 | FY 2027 | Biennial |
|-------------------------------|------------------|------------------|--------------------|------------------|------------------|--------------------|
| Staffing | | | | | | |
| FTEs | 4.50 | 4.50 | 4.50 | 4.50 | 4.50 | 4.50 |
| Operating Expenditures | | | | | | |
| Fund 001-1 | \$798,000 | \$776,400 | \$1,574,400 | \$776,400 | \$776,400 | \$1,552,800 |
| Total Expenditures | | | | | | |
| | \$798,000 | \$776,400 | \$1,574,400 | \$776,400 | \$776,400 | \$1,552,800 |

Package Description:

Courts often lack information and data that shows them and their communities how the court is performing in its delivery of justice. Many studies have identified problems showing notable disparities along racial lines, as well as gender, age, disability, and economic lines to name a few. In 2020, the Washington Supreme Court, along with several judicial branch associations and partners, made a commitment to recognizing the courts’ role in creating systemic racism and injustice and to taking steps to address it.

Every court should be able to track how the court is performing with regard to equity and effectiveness. To do that, data collection, analysis, reporting, and informed court management action are needed across many areas of court operations, such as the operation of pretrial programs and related use of jail detention, detention alternatives, and amount of bail, and how the practices and impacts differ by race, gender, and other demographics. Other topic areas include who is coming into court, why are they coming into court, jury composition, timeliness of case processing, access to diversion, access to behavioral health responses, and access to therapeutic courts, as well as case outcomes, such as sentencing, ordered treatment, community supervision, recidivism, and legal financial obligations.

The AOC’s Washington State Center for Court Research (WSCCR) has been able in some areas to meet the needs of the court community when it comes to understanding data, reporting timely data, putting data to use, and best practices. Topic areas where WSCCR provides such support include juvenile detention, juvenile probation, dependency, Family Treatment Courts, and, with the Minority and Justice Commission, pretrial in nine of Washington’s most populous counties. As a demonstration project, WSCCR also worked with Thurston County District Court to assess racial and ethnic disproportionality, community supervision, and therapeutic court performance. However, there is not enough capacity within WSCCR’s current staff to expand its areas and assist courts over the long run with analyzing and tracking data related to race and other areas of court practice that are important to courts and their communities.

The AOC’s Office of Court Innovation, through the Washington State Center for Court Research, proposes a “Data for Justice” initiative to expand research support for the courts to collect and analyze data, report performance measures, educate on approaches to and impact of using data, and train those working in our court system to use their data for implementing equitable change.

Data for Justice will be a partnership across the judicial branch, focused on developing courts’ internal capacity to use data to view and manage their own operations. An existing AOC program that incorporates the Data for Justice model is the Family Treatment Court (FTC) program. FTC features WSCCR-developed performance reporting and evaluation, technical assistance with data analysis and interpretation, translation of emerging research findings for practitioners, and a state-wide community of practice. Data for Justice will expand the evidence-based FTC approach to additional areas of court operations.

Data for Justice will work with courts and community stakeholders to identify areas where change could make the biggest impact on equity and justice.

Funding will go to staffing for WSCCR who will be focused on increasing courts’ internal capacity to perform the specific actions necessary for continual quality improvement: new AOC researchers will work with local court administrators and staff, providing them training and guided experience with developing, analyzing, and using data.

Fully describe and quantify expected impacts on state residents and specific populations served:

By giving courts a firm foundation of better tools and ongoing training and technical assistance, Data for Justice strongly supports effective use of performance review and management at the court level. Scrutiny of court practices can identify opportunities for improvement, improve the equal administration of justice, and reduce negative unintended consequences. This will benefit those, overwhelmingly disadvantaged, who are involved with courts, their families, and their communities. It will also bolster public trust and confidence in the courts.

Explain what alternatives were explored by the agency and why they were rejected as solutions:

The most likely alternative is to stick with the status quo, which places great emphasis on uniformity of rules and legality but which also leaves the professionals who administer court programs without the support they need to generate, organize, and act on evidence of performance. The status quo means, to a large extent, not knowing about the performance of court programs. Our proposal was formed on the basis of public administration research, which indicates that local ownership, accountability, and review of performance is effective, is in itself an evidence-based practice. The proposal was also influenced by the study of programs designated as evidence based; these studies revealed that the effects of the programs can vary widely across sites and that trusting that programs will be effective is a disservice to those who are referred to those programs.

What are the consequences of not funding this request?

The major consequence will be that the branch will lack the most effective management tool available—i.e., routine review of process and outcomes—that they need if they are to eliminate racial and ethnic bias in the courts. The state has a compelling interest in helping the courts *verifiably* obtain the effects expected from court actions. Not funding the

request will signal to the courts that their current level of information and capacity for performance management and improvement need not be improved. Most important, it will mean that the people who have matters before the court will not enjoy the full benefit of the judiciary's avowed commitment to equal and effective justice.

Is this an expansion or alteration of a current program or service?

Data for Justice is a new AOC program.

Decision Package expenditure, FTE and revenue assumptions:

Staffing Assumptions

Senior Research Associate. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 2.0 FTE Ongoing funding. A partial list of areas where courts could benefit from the D4J approach include pretrial, domestic violence, strengths and needs of people convicted of crimes, the effect of court-ordered treatment, community supervision, and community re-entry from jail. The breadth of need will exceed the supply of support for courts. The job classification is appropriate to the requirements of developing detailed understanding of aspects of court work, helping devise court performance measurement and reporting programs, and providing technical assistance to courts as they seek to change and improve.

Systems Integrator. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE. Ongoing funding. D4J will require matching, merging, and restructuring of data files to support substantive performance reporting programs; this work will closely resemble the work of WSCCR's existing Senior Systems Integrator. Most of the data sources will likely come from the courts, but other existing justice system data sources may be needed. Over time, the number of performance reporting systems will likely grow, and significant effort will be required to build, maintain, and incrementally improve each.

Data Visualization Designer. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 1.0 FTE. Ongoing funding. Reporting is useful to the extent that it can be used by actual users, and design of reporting that makes it accessible and accurate is required if D4J is to be implemented in a way that supports reaching its goals. Data dashboards can be an excellent approach to accessible and accurate reporting. WSCCR currently has 2 data dashboards, one for dependency and another for arrests of youth in WA. Although more detailed and specific reporting may be required by particular court staff who have extensive technical engagement with particular programs, dashboards can help court professionals and justice system stakeholders understand the characteristics of court-involved people, how courts respond to them, and the impact of court actions, whether the focus is on equal administration of justice, the effectiveness of court programs, or both.

Administrative Support. Beginning July 1, 2023 and ongoing, AOC requires salary, benefits, and associated standard costs for 0.5 FTE. Ongoing funding. D4J will require extensive coordination, scheduling, communication, compliance with AOC policies, maintenance of web pages and software licenses, among other administrative support.

| Expenditures by Object | <u>FY 2024</u> | <u>FY 2025</u> | <u>FY 2026</u> | <u>FY 2027</u> | <u>FY 2028</u> | <u>FY 2029</u> |
|-------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| A Salaries and Wages | 450,400 | 450,400 | 450,400 | 450,400 | 450,400 | 450,400 |
| B Employee Benefits | 143,500 | 143,500 | 143,500 | 143,500 | 143,500 | 143,500 |
| E Goods and Services | 17,100 | 17,100 | 17,100 | 17,100 | 17,100 | 17,100 |
| G Travel | 11,300 | 11,300 | 11,300 | 11,300 | 11,300 | 11,300 |
| J Capital Outlays | 28,800 | 7,200 | 7,200 | 7,200 | 7,200 | 7,200 |
| T Intra-Agency Reimbursements | 146,900 | 146,900 | 146,900 | 146,900 | 146,900 | 146,900 |
| Total Objects | 798,000 | 776,400 | 776,400 | 776,400 | 776,400 | 776,400 |

Staffing

| Job Class | Salary | <u>FY 2024</u> | <u>FY 2025</u> | <u>FY 2026</u> | <u>FY 2027</u> | <u>FY 2028</u> | <u>FY 2029</u> |
|-----------------------------|---------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| SENIOR RESEARCH ASSOCIATE | 111,500 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 | 2.00 |
| SYSTEM INTEGRATOR | 101,100 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| DATA VISUALIZATION DESIGNER | 93,900 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 | 1.00 |
| ADMINISTRATIVE ASSISTANT | 64,800 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 | 0.50 |
| Total FTEs | | 4.50 | 4.50 | 4.50 | 4.50 | 4.50 | 4.50 |

Explanation of standard costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 31.89% of salaries.

Goods and Services are the agency average of \$3,800 per direct program FTE.

Travel is the agency average of \$2,500 per direct program FTE.

One-time IT Equipment is \$4,800 for the first fiscal year per direct program FTE. Ongoing Equipment is the agency average of \$1,600 per direct program FTE.

Agency Indirect is calculated at a rate of 24.73% of direct program salaries and benefits.

How does the package relate to the Judicial Branch principal policy objectives?

The immediate focus of Data for Justice (DFJ) is supporting courts' capacity for effective court management; meaningful capacity building in court management will also support fair and effective administration of justice is front and center for DFJ. Effective management means management able to focus on and achieve performance improvement. DFJ provides the tools that courts need to measure differences in administration of justice across groups defined by race and ethnicity; the same tools are required if courts are to make intelligent choices over the long term about practice changes that can effectively increase equal justice. And those tools are equally capable of improving the effectiveness of court programs and policies with respect to subject matter areas ranging from pretrial to community supervision.

Are there impacts to other governmental entities?

DFJ will promote increased coordination of action across the justice system and within local governments as entities such as courts, jails, and public health agencies become connected with better information about what happens across agencies and how each can support the effectiveness of the others.

Stakeholder response:

There is potential for broad positive response from other branches of government, local governments, advocacy organizations, community groups, and other justice system actors.

Are there legal or administrative mandates that require this package to be funded?

No.

Does current law need to be changed to successfully implement this package?

No.

Are there impacts to state facilities?

No.

Are there other supporting materials that strengthen the case for this request?

On the crucial role played by local support for innovation and learning in creating successful public sector operations, see "Replication or Innovation? Structuration in Policy Implementation" by Jodi Sandfort and Stephanie Moulton in *Perspectives on Public Management and Governance*, Volume 3, Issue 2, June 2020, Pages 141-154.

Administrative Office of the Courts

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On the strength of local performance improvement efforts, see “Making Sense of Performance Regimes: Rebalancing External Accountability and Internal Learning” by Mads Leth Jakobsen, Martin Baekgaard , Donald P Moynihan , and Nina van Loon in *Perspectives on Public Management and Governance*, Volume 1, Issue 2, June 2018, Pages 127–141.

Are there information technology impacts?

There are no information technology impacts for this request.

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