Understanding the Data in The Vera Institute Report

Background

In 2019, Seattle Municipal Court (SMC) sought an evaluation of our Probation Services by the Vera Institute of Justice (Vera), aiming to identify ways to most effectively serve clients and improve our program. Vera is an independent nonprofit research and policy organization that works to build and improve justice systems that ensure fairness, promote safety, and strengthen communities.

SMC Response to Data Analysis in Vera Report

Recognizing that our court is only one piece of a larger criminal legal system, we are committed to equitably serving the people we work with, eliminating racial disparity in all areas of our work, and engaging with our partners to create change in the system as a whole. SMC's data systems and performance metrics must improve to better understand the impact of our work on those involved in our court programs, including Probation Services. Our court and probation case management applications are over thirty years old and were not built for sophisticated data analysis and reporting. SMC is in the midst of a multi-year project to replace both applications with modern, fully integrated systems by mid-2022. These new systems will allow us to track performance metrics and client outcomes, identify and address disparate outcomes for people of color, and continuously evaluate areas to improve service delivery.

While system limitations decrease our ability to track every probation performance indicator, we are addressing existing issues on an ongoing basis. We agree with the Vera report's assessment that our data systems are lacking, however, other data-related findings made in the report benefit from further context. These findings are discussed below.

Definition of Probation

Vera Report Finding (page 10): Probation terms are overly lengthy. In addition to a high rate of probation supervision, probation cases have lengthy terms. On average, probation terms for cases that were closed during the study period were nearly four years (3.8 years).

SMC and Vera have philosophical differences when it comes to defining the term probation. SMC does not consider records checks to be probation. Records checks are an administrative process, often required by Washington State statute, that involves administrative staff running a person's criminal history to check for new law violations every three months. Individuals on records checks are not assigned counselors and do not report to any probation staff.

While SMC does not define records check obligations as probation, we do understand the report's concern that clients may be placed on records check status for a needless period of time. In response to preliminary findings from the Vera report, SMC judges adopted new sentencing guidelines in early 2020 that will reduce judicial referrals to record check status.

SMC also does not consider a case in warrant status to be on probation. Cases in warrant status are open because a person has failed to appear for a hearing and has an outstanding warrant. At this point, the individual is not monitored by probation staff. Cases may be in warrant status for years. In Vera's analysis, the relatively small number of cases that are in warrant status end up significantly increasing the overall average time spent on probation across our client population even though these cases are not actively supervised.

While Vera defines individuals with records check obligations and in warrant status as being on probation, SMC disagrees with this approach. The chart below shows how these differing definitions of probation impact the average length of probation. Using the SMC definition, the average time on probation is 1.8 years.

Length of Time on Probation

|		Including Time in Warrant Status *(in years)*	Excluding Time in Warrant Status *(in years)*
VERA Probation Definition	*Active Supervision & Records Checks*	*3.8*	*3.2*
SMC Probation Definition	**Active Supervision Only**	**2.2**	**1.8**

In order to reduce the length of time clients spend on probation, SMC will shift from its current time-based probation model, in which a client is assigned to probation for a given number of weeks or years, to a goal and incentive-based approach. Counselors will submit orders to close cases and end supervision as soon as clients have achieved their obligations, which will incentivize success and help ensure time spent on probation is as brief as possible.

Probation Population by Offense Type

Vera Report Recommendation (page 12): SMC should prioritize probation resources for people who pose higher levels of risk to the community, thus significantly reducing the department's overall caseload and avoiding increased system involvement among people who present less risk.

Probation is most effective and appropriate for high-risk case types. **82% of active probation cases in the data set Vera evaluated were high-risk cases** including DUI, DV, assault and stalking. For the

Offense Types in Probation - Active Supervision, *July 2017 to June 2019*

Other Offenses 18%
Mental Health Related 5%
DUI 37%
Offenses Against Persons 15%
DV 25%
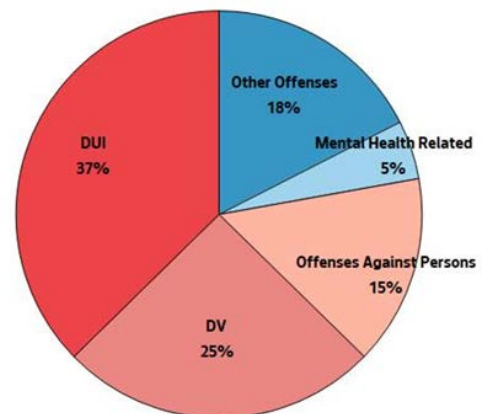
Offenses against persons including non-DV assault, harassment, stalking, violation of anti-harassment and protection orders.

remaining 18% of cases, SMC is expanding our work with local diversion programs and our efforts to increase sentencing alternatives.

In partnership with the Seattle City Attorney's Office and the King County Department of Public Defense, SMC plans to launch a revamped Community Court later in 2020 that will offer lower-risk clients opportunities to resolve their cases without entering a plea and help them connect to our Community Resource Center and other community-based social services.

Utilization of Pretrial Diversion Opportunities

Vera Report Finding: Due to lack of available data, Vera was unable to analyze rates of sentencing to probation versus other dispositional outcomes (page 4). A robust pretrial diversion portfolio helps to avoid more intensive intervention with people who present lower levels of risk (page 7).

SMC has many diversion opportunities where individuals charged with violations may enter alternative pleas, and if they fulfill court requirements over a period of time, their charges are dismissed. This data was provided to Vera, and it is unclear why it was excluded from their evaluation findings.

These alternatives inlcude pretrial diversions, dispositional continuances, deferred prosecutions, and stipulated order of continuances.

In total, these alternatives are used on about one out of every ten charges at the court.

All Dispositions Entered 7-1-17 to 6-30-19

Dispo Groups		
Dismissals		54.5% 8,435
Sentenced		34.3% 6,130
Alternatives	11.2% 1,847	