Whatcom County

Law & Justice Plan

Phase 1 Report: Findings and Recommendations

December 1999

Presented by:

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Pete Kremen
County Executive

MEMORANDUM

To: County Council Members

From: Pete Kremen, Whatcom County Executive

Date: December 6, 1999

Re: Phase 1 Report
Comprehensive Law and Justice Planning Project

I am pleased to transmit to you the Phase 1 Report of the Whatcom County Comprehensive Law and Justice Planning Project. The report represents a major milestone in our cooperative county-wide effort to deal with increasing criminal law and justice system workloads, increases in crime, overcrowded jail and juvenile detention facilities, and increasing demands on our law and justice system. We in Whatcom County have seen an unrelenting growth in arrests, filings and caseloads. During the past year we have involved many of the leaders in our county law and justice system in an intensive and cooperative effort to analyze the entire existing system with its police, jails and courts.

To this end and under the auspices of the Northwest Regional Council, we engaged the services of Dr. Alvin Cohn and Stuart Readio, whose qualifications include nationally known expertise in law and justice systems, as well as experience with our local justice system and our local jail. During the past year their team has interviewed well over a hundred local officials and concerned citizens, met with over twenty local groups, and worked closely with our 35-member project steering committee. They have collected and analyzed information to identify the characteristics of offenders who enter the law and justice system, how they are dealt with, and the effectiveness of the disposition of their cases. They have examined the records and data available to look carefully at every part of our justice system, and identify the causes of problems and possible solutions.

Our goal is to develop a plan to improve the efficiency and cost effectiveness of the law and justice system. This Phase 1 Report presents the consultants' findings and recommendations, the first step in a two-step process. Following your consideration and feedback and that of the steering committee, Phase 2 will concentrate on how to implement the recommendations which are deemed feasible and essential. We expect by the middle of the coming year to have a clear direction on where our community needs to go in the next decade so that our citizens can rely on the most effective and efficient law and justice system possible.

I want to take this opportunity to express my thanks and appreciation to Sheriff Brandland and the members of the project steering committee, including Mayors Brennick, Hobberlin and Peterson, and to the staff of the Northwest Regional Council as well as the members of the line staff work group, for the many ideas and work they have contributed, and will continue to contribute, to guiding this effort.

I look forward, even in the face of our current fiscal challenges, to our ability to agree county-wide on positive goals to improve our law and justice system, and to move ahead to implement the plan that will improve both the efficiency of the law and justice system and the safety of our community.

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Administration of Justice Services, Inc.

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ALVIN W. COHN, D.CRIM
PRESIDENT

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November 15, 1999

Dear Steering Committee:

We are pleased to submit this Phase I Report on a Comprehensive, County-Wide Law and Justice Plan for Whatcom County. The Report is the culmination of a year-long study to review criminal and juvenile justice structures, programs and needs, which will eventually result in a Phase II Report concerned with an implementation strategy for the recommendations contained herein.

Throughout the project, Whatcom County staff, along with many service providers in the community have worked earnestly to ensure that this Report truly represents both the state-of-the-art in justice operations as well as projected needs. They have been extremely cooperative, helpful, and have worked diligently at assigned tasks.

We are most grateful for the participation of so many talented and caring individuals who gave of their time and ideas, all reflected to one degree or another in this report.

We also owe considerable debt to the Northwest Regional Council and especially the direction and advice of Dewey Desler and the two individuals of his staff whose contributions to the success of this project cannot be underestimated, Kathy Mohebbi and Nat Dickinson. We also found that the County Executive, Pete Kremen, shared his thoughts and visions for the justice system, which proved to be most helpful.

We are now embarked upon Phase II of the project, which will deal with an implementation strategy for the agreed-upon recommendations, based, of course, on the derived priorities. This Report, which will deal with the ways and means to ensure an effective and efficient justice system that clearly recognizes community safety requirements.

We look forward fo working with you and others in Whatcom County during Phase II of this project.

Very truly yours,

Alvin Cohn

Alvin W. Cohn

Stuart Readio

Stuart Readio

Co-Project Directors

PHASE I REPORT INTRODUCTION

COMPREHENSIVE LAW AND JUSTICE PLAN FOR WHATCOM COUNTY, WASHINGTON

ACKNOWLEDGEMENTS

This Phase I of the project has been a gratifying effort, especially since we have had the unlimited support of both key officials and line staffs in Whatcom County. As Co-Project Directors, we greatly appreciate their cooperation and enthusiasm without which we could not have succeeded in preparing this strategic plan for the justice system in the County.

The list of participants involved in this project is extensive and reflects all criminal, juvenile, and justice system personnel whose input, comments, and suggestions all proved helpful in the development of a plan that reflects reality-based concerns, desires, and needs - all of which are directed toward a more efficient and effective justice system.

Funds for this project were obtained from the Whatcom County Council and was administered by the Northwest Regional Council. But the Council did more than administer; staff provided administrative and logistical assistance with a high level of dedication, competency, and enthusiasm. Therefore, we wish to indicate our sincerest appreciation to Dewey Desler, then the Council's Director, and staff persons, Kathy Mohebbi and Nat Dickinson. This project could not have been completed without their able assistance.

We also wish to thank County Executive Pete Kremen for his advice and counsel, especially concerning Whatcom County's needs related to the justice system.

Daniel Ewert was utilized as a Research Assistant and his contributions to data collection and logistical support must not go unrecognized.

We look forward to working on Phase II of this strategic planning project that will delineate an implementation strategy for the key recommendations.

Alvin W. Cohn

Stuart Readio

WHATCOM COUNTY LAW & JUSTICE PLAN

PHASE 1 REPORT

December 1999

EXECUTIVE SUMMARY

Background

This strategic planning project addresses critical issues associated with improving the justice system in Whatcom County. The project was funded by the Whatcom County Council and the State Department of Corrections, and was administered by the Northwest Regional Council. Administration of Justice Services Inc. of Rockville, Maryland, working with the Health Resources Consortium of Boulder, Colorado, was awarded the contract for this study. Dr. Alvin W. Cohn and Stuart Readio served as Co-Project Directors and Principal Investigators. Work on this project began in November 1998, and involved over a hundred local officials and concerned citizens and dozens of local groups in a comprehensive planning process.

Goals

The overall goal of the first phase of this planning process is to develop a system-based, strategic plan that enhances the delivery system of justice services, including greater efficiencies and effectiveness. More specific detailed goals may be found in the report on pages 21 and 22.

Methodology

A team of nationally recognized consultants approached the strategic plan from a *systems perspective so* that Whatcom County would be able to produce a 'true' justice system, which means that the whole is greater than the sum of the parts.

The team investigated and reviewed every functional area within the criminal, juvenile, and civil justice systems in Whatcom County. Methodologically, both quantitative and qualitative data and information concerning every aspect of the service delivery system were obtained through data collection and analyses, interviews of all key decision-makers, reviews of data files, focus groups, and Law and Justice Committee and line staff deliberations.

The findings resulting from this extensive review process were presented to the Steering Committee and a Line Staff Committee for review, analysis, and revision. Thereafter, the proposed recommendations were submitted to both groups in order to develop a set of priorities; that is, the groups ranked the recommendations as high, moderate, or low priority in terms of eventual implementation. This Phase I Report, then, reflects the significant inputs of the key officials and line staff in the County in terms of what are believed to be the most significant changes needed to enhance the service delivery system.

A strategic planning process is never complete, for it is a dynamic process that is based on the continuing collection and analysis of data and information. Nonetheless, one has to stop at a given point and develop an initial plan that does indeed reflect findings and realistic recommendations. The strategic plan for the implementation of high priority recommendations will constitute the second phase of this project, which should conclude by spring 2000.

Findings & Recommendations

Project findings were developed with oversight by the Project Steering Committee through collecting and analyzing virtually all the pertinent information available in law and justice records, and through extensive interviews and meetings with local officials and concerned citizens. Findings and recommendations are identified for each functional area, including:

- Law Enforcement
- The Jail
- The Courts
- Prosecution
- Public Defense
- Probation
- Juvenile Probation and Detention
- Community-Based Treatment Programs

Additionally, a separate section addresses a significant number of issues/recommendations that reflect county-wide needs. It must be noted that many of the recommendations must be implemented simultaneously in order to be successful. For example, the population of the current maximum security jail cannot be reduced without the implementation of a pretrial services program or the utilization of an expanding set of alternatives to incarceration. Although all of the recommendations are contained in the body of this report, a summary of them is also contained in an Appendix to this report.

It is important to note that while most of these recommendations flow from the various project deliberations, the recommendations in this report are those of the project staff, who bear total responsibility for them as presented, and do not necessarily represent those of any Whatcom County personnel.

Several key recommendations require commentary:

- Create a Medium/Minimum Security Facility. As suggested above and according to the findings obtained by project staff, the current maximum-security facility is greatly overcrowded and is forced to delay intake, turn some offenders down for booking, and/or provide for early release of some sentenced offenders. Such a set of conditions not only impacts morale of jail and law enforcement staffs, it endangers the community. As a consequence, one of the most important recommendations contained in this report is that of creating a medium/minimum security facility that will house, for the most part, those chronic misdemeanants who, as the data will illustrate, do not need a maximum security cell, but who could safely be housed in a minimum security jail, and who would receive intensive therapeutic interventions directed toward changing their criminal life styles.

- Develop an Integrated Structure for Community-Based Programs. Another important recommendation is that of developing a county-wide structure that can administer all community-based programs, such as work crews, restitution, day treatment/reporting centers, electronic monitoring, deferred prosecution, and drug and alcohol treatment, among other activities and programs.

  This new structure would also be responsible for the development of a meaningful supervised pretrial release program, designed especially to ensure court appearances by offenders in order to reduce Failures to Appear (FTAs), reduce criminal behavior while in the community awaiting the next court appearance, and to reduce the costs for processing these offenders by the entire justice system.

- Hire a Criminal Justice Coordinator/Planner. Since the strategic plan must be reviewed at least annually and updated accordingly, another recommendation is the hiring of a Criminal Justice Planner/Coordinator. This person would be responsible for oversight of the entire justice system, assist in reviewing budgets, develop proposals for outside funding of programs and projects, and otherwise serve as the staff assistant to the reinvigorated Law and Justice Council. Here, the recommendation is that all key justice officials in Whatcom County and its cities along with citizen participation should serve on this Council in order to keep abreast of developments in the field, to assist in the development of appropriate public policies, and to monitor specific agencies in terms of their activities and performance.

- Create an Integrated Decision Support System. For the system-wide strategic plan to work and for appropriate program monitoring and evaluation, another recommendation is that of creating a Decision Support System (DSS), which, in effect, is closely related to the development and implementation of a Management Information System (MIS). Regarding the latter, it is imperative that Whatcom County move with speed to develop an integrated, online data system that reflects all activities within the justice system and one that allows inter-agency communication. The DSS would enable users throughout the system to review data in order to support changes and/or modifications in programs and to facilitate public policy considerations.

Next Steps

While this Phase I Strategic Plan Report delineates findings, trends, workloads, and recommendations, it serves as the forerunner of the Phase II Report, which will provide a strategic plan for the implementation of the most significant of recommendations. It must be borne in mind, moreover, that it is considered neither desirable nor feasible to suggest that all of the recommendations be of equal value or importance, or that all can or should be implemented at the same time. Resources simply will not permit this and, in fact, to do so could have disastrous impacts on the service delivery system. Therefore, the Phase II Report will address priorities, based in part on the availability of resources and according to other conditions related to feasibility.

Finally, it cannot be over-emphasized that no strategic plan should ever be cast in concrete. New data, new information, changes in the law, appellate court decisions, and fund availability, among others, all contribute to the need for routine review and up-dating of the strategic plan. With the availability of data and information from the MIS and DSS, together with appropriate planning personnel, this can be accomplished with relative ease insofar as process is concerned. The plan should be viewed as dynamic, changeable, and always in need of continuing analysis, and always from a systems perspective.

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COMPREHENSIVE LAW AND JUSTICE PLAN FOR WHATCOM COUNTY, WASHINGTON

Chapter 1
INTRODUCTION TO THE PHASE I STRATEGIC PLANNING REPORT

The basic mission of the network of criminal and juvenile justice services is to provide appropriate care and custody of those offenders under supervision and, to the extent possible, protect society or otherwise ensure public safety while adhering to the principles of fairness and due process. This lofty statement, however, has to be translated into programmatic activities that attempt to guarantee the attainment of such organizational goals through a delivery system of services and in as cost-effective a manner as possible. Simultaneously, all components of the so-called system must respect public values and sentiments, while respecting the rights, needs, and dignity of those under supervision.

The role of top management, regardless of setting or purpose within this system, then, is to make explicit its organizational goals, develop appropriate programs to implement the goals and objectives, and to create and deploy appropriate resources to ensure an effective delivery system of services. Undeniably, the key to an effective organization has to be related to responsible and responsive organizational structuring and meaningful programming, which can be translated into strategic action by a trained and committed cadre of subordinate staff.

Consequently, a deliberate but delicate balancing act is required on the part of administrators; that is, a set of strategies that recognizes societal and offender needs as much as the resources required for implementation.

Although composed of various units, a successful system, regardless of type or location, must be viewed as a set of formal organizations in which the whole is perceived to be greater than the sum of its parts. While each unit must have integrity in terms of its purpose, mission, philosophy, and goals and objectives, it cannot be part of a "successful" system unless and until it recognizes the roles and values of the other component parts. When each actor within this system respects the work - and needs - of all other components, the likely result is indeed a true system and one that can operate synergistically.

Thus the system, too, must create its own sense of mission and philosophy and recognize that competing values and needs should not hinder goal attainment; rather, they should provide the basis for ongoing and harmonious working relationships. It should operate as a concert, so to speak, in an orchestrated manner to attain its overreaching goals. Further, there must be a clear understanding that no component of the system is ever to be viewed as 'static' or unchangeable. On the contrary, every organization is dynamic in nature and changes over time, whether planned or induced by internal and/or external forces.

This means that the components of any organizational system must recognize that there is and always will be a state of tension among and between them over goals, strategies, values, philosophies, and pressures, all of which can be exacerbated by the staff who operate and/or are affected by its services as well as by such superordinates as elected officials and legislatures.

It is also to be recognized that as we approach the millennium that both adult and juvenile justice systems are no longer viewed as 'closed' systems where until recently the walls around a prison or jail, symbolically, kept people out as well as prisoners in. Since the modern riots of Michigan in the 1950s, through those at Attica and New Mexico and elsewhere, not only have the courts intervened in justice matters, judges effectively have become criminal justice administrators through consent decrees.

Concerned legislators and frightened citizens also have demanded higher levels of organizational success and effectiveness. And, not just prisons and jails have received this unwanted attention; probation, parole, juvenile detention, court operations, and community-based services have all been scrutinized in a manner more intensive and more thorough than ever before in our history.

As a consequence, those who administer justice agencies and services have been asked to do and accomplish more, but, unfortunately, with fewer resources. Further, this has been occurring in the context of a rapidly changing society in which some offenders have become more chronic and violent in their drug-dependent, criminal behavior. This is not to suggest that offenders in previous years were not at all noxious, but it is to suggest that many contemporary offenders unquestionably are more difficult and more intransigent than their predecessors. In fact, as one governor stated: "What this country needs is a better class of criminal!" Those who are in the work trenches truly know that dealing with some of these kinds of offenders is like walking uphill in a mudslide; that is, the likelihood of bringing about constructive change in their behaviors is proving to be more difficult than in past years.

As a consequence of these various changes in societal needs and offender-based behaviors, it is incumbent upon all components of the justice system, adult as well as juvenile, to identify and meet these challenges to change; not simply for the sake of change, but in a manner that reflects strategic, planned, constructive, and responsive change. No longer can an administrator ride the wave of change in a *reactive* manner. Nor is *proactive* change acceptable any longer, however progressive this may have been. In the marketplace of today, only *coactive* change processes are indicated and required. This means that no one should sit around and hope for the best; nor should an administrator seek out the need for change and find solutions to problems.

Instead, it is imperative that administrators within the system work with each other *and* with representative groups in the community in which services and programs are delivered and in a collaborative mode. Thus, with true partnerships at work, a community can effectively bring about constructive change to meet its and the system's needs, as well as assist in the development of appropriate resources for implementation.

It is unfortunate when agency officials recognize a deficiency in operations and proceed reactively or even proactively to develop immediate solutions. While such recognition is commendable, it generally results in the "plopping" of new programs without consideration for their "fit" within both the agency's and system's overall structure and mission. Further, the "fix" frequently fails to take into consideration the "ripple" effect throughout the system. Thus, if law enforcement changes its policies and practices regarding citations versus arrests, how such a change impacts the jail, prosecution, and public defenders eventually can be dysfunctional. When a legislature alters the DUI code mandating jail time, it can be disastrous for the entire system.

It is also not uncommon for an agency to identify a new program or service implemented by a sister-agency in the field, lift it, and implement it without regard to its "fit" within the organization. Therefore, it is incumbent upon administrators to accept that which is new and appropriate, but *resists the temptation of faddism*, no matter how effective it may be elsewhere.

It has become a truism administratively that it is not good public policy to reach for "alternatives" or diversion tactics merely to reduce institutional overcrowding and/or to reduce criminal justice costs. If such alternatives are to be developed, they should be implemented as a result of a strategic planning process, because it is the right approach to resolve an identified problem, and because it is right for the organization and the system. That is, any alternative put into practice should "fit," and because it is appropriate, and contributes to organizational effectiveness as well as public safety.

Changing practices not only must "fit" within organizational mission, they must contribute to goal attainment for both the agency and the community and lead to a more effective service delivery system. If a classification or risk assessment procedure is in place, but staff ignore offender-based findings, the result can be organizational and system disruption, as well as reflect lack of purpose or utility for the new program. Why implement something new, regardless of fit, if it will not be utilized appropriately?

From another perspective, a new program or service appropriately should fit when the organization can accomplish more toward its goals and objectives through a more effective use of its resources, when such a new program reduces costs and/or criminal behavior, and when the agency and system become more productive. But, it is the responsibility of the agency administrator to examine the potential for the new program to accomplish its stated purpose, review both intended and unanticipated consequences, explore its impact on both the agency and the system, and plan strategically for its implementation.

Finally, it is to be noted that in the course of revising and/or designing changes, any effort which fails to evaluate programmatic activities, fails to assess agency goals and objectives, or fails to measure actual outcomes is doomed to repeat or otherwise continue irresponsibly a program or service which may be inadequate or a failure. *If you can't count it, you can't measure it* must serve as a signpost for all administrators, regardless of type of agency. That is, to determine what is working and what is not working, there is no other way to determine effectiveness and/or efficiency without some kind of measurement in place. Data, then, provide the wherewithal to address the basic question: "How well are we doing?"

SYSTEM CONCEPTS AND PLANNING

A system, as discussed earlier, is more than the sum of its parts and is a complex matter as a result of its structure and purpose. It becomes even more complicated when units with a system appear to be working at odds with other components. In criminal justice, as an example, even though prosecutors, the jail, the courts, and probation all deal with the same offender and ostensibly are concerned with community safety, there are competitive goals. From a simplistic point of view, the prosecutor seeks to put people in jail, probation supervises those offenders who remain in the community, and judges are only concerned with due process.

Each unit within a system, moreover, must cope with its immediate environment, struggle to achieve declared goals and objectives, and seek appropriate resources to accomplish its basic mission. As it engages in practice, each unit within the system is constantly changing, with, perhaps, dynamic equilibrium as one objective and survival as another. However, it is almost axiomatic that some components are imperfectly coordinated, partially autonomous, and only partially controllable. There is always uncertainty; some variables and issues are not identified; and others are identified but not clearly defined. Therefore, in this age of information implosion and scarce resources, organizations and their administrators are subject to considerable uncertainty with respect to needed and/or desirable information, future environmental conditions, and the consequences of their own actions.

However, a clear recognition of the complexity surrounding most organizations and systems is a step in the right direction. Systems concepts provide a frame of reference that can be useful in thinking about the job of managing in such an environment. Information-decision systems provide the means for carrying out essential tasks and obligations of management.

Planning, therefore, is a key phase because it initiates behavior. Management is a continuing and sequential process of planning and implementing plans.

PLANNING

Planning has been described as *intelligent cooperation with the inevitable.* If behavior were to be described along a continuum such as "routine-adaptive-innovative," this approach would fall somewhere in the middle of the spectrum. It suggests an approach that is dynamic rather than static as the agency and its administrators attempt to cope with a changing environment. Therefore, maintaining a dynamic equilibrium, individually, organizationally, or as a system, calls for adaptive behavior at the least. Consequently, completely routine approaches (e.g., plopping a new program) or static behavior (e.g., react when it is too late to control change) in the dynamic environment not only would proved detrimental, it could be suicidal.

Hopefully, planning provides a means for moving further toward the innovative end of the spectrum; it allows organizations and systems to shape their own environment and destiny to a large extent.

In a dynamic society the major way in which organizations, as sub-units of a total system, adapt to changing environments is through planning. Under the systems concept, the planning process can be considered the vehicle for accomplishment of system change. Moreover, innovation and creativity are key elements in effective planning. Creativity is the recognition, development, proposal, and implementation of new and more effective solutions to identified problems. It is a new and adaptive response of a system in its changing environment. Creativity in organizations is dependent upon: the creative capacity of individual participants; the environment for creativity structured by the organization; and the interactions between the creative individual (agency) and the organizational system.

Inter-organizational relationships are also significant for creativity within a system. Current management literature indicates that if an organization is highly structured and utilizes a hierarchical form of bureaucracy, there is little that is conducive to creative planning. While a modern bureaucratic organization may be efficient in production, it may inhibit innovation - which simply means that that which is new and different may not be acceptable. The bureaucratic orientation, almost by definition, is essentially conservative; that is, change is resisted. Novel (innovative) solutions, creating and/or using resources in a new way, may appear threatening to key decision- or policy-makers. Those having a bureaucratic orientation tend to be more concerned with the internal distribution of power and status than with organizational and/or system goal accomplishment.

Under the systems concept of planning, management needs to recognize that creativity and innovation are not isolated, individual characteristics that can be purchased in the marketplace; they are dependent upon the organizational (external and internal) environment. There is strong evidence to suggest that creativity and innovation in planning is enhanced by an organizational system which allows for and encourages diversity of ideas and inputs and does not attempt to structure human and organizational behavior totally. Yet, if organizational planning is to be effective, it must operate within an established system of individual and system relationships. Thus, an awareness of the total system, understanding and respect for unit differences, and acceptance of different and sometimes competing goals undeniably will help in providing a creative and innovative set of units as well as the system itself.

In view of the discussion above, it may be helpful to address the differences between strategic planning. While *tactical* planning involves the development of a new program, and almost without consideration of organizational and mission fit or system impact. When a law enforcement agency plans for a new gang squad, proceeds to design its operational protocols, and implements the design, this is a tactical plan. When a probation agency develops and implements an intensive supervision unit, this, essentially, is the result of tactical planning.

However, when a law enforcement agency proceeds to evaluate and design a community-oriented policing program, attention must be given to its philosophical and practical implications for service to the community and the organizational structure of the department. Here, as examples, issues associated with resource deployment, community involvement, officer training, and problem- solving techniques, among others, all must be taken into consideration if the new approach to policing is to be successful. Since there are many ripple effects, a *strategic* planning process must occur. Without taking into consideration every aspect of the world in which such a program can or should be developed and implemented, the likelihood of success is greatly diminished.

Thus, strategic planning is the process of deciding on objectives of the organization/system, on changes in these objectives, on the resources needed to attain these objectives, and on the policies that are to govern the acquisition, use, and disposition of these resources. It is a dedicated effort to control organizational and systemic destinies; to harness the change process; and to view the change process as a constructive approach to dealing with the future.

From another perspective, it is a process for deciding in advance what is to be done/changed and how. It involves selecting objectives and developing policies, programs, and procedures for achieving them: it is a predetermined course of action.

In the final analysis, it must always be borne in mind that strategic planning is only a tool or vehicle for attaining some explicit goals and objectives at a specific time in the future. It is never static, but always dynamic in that as new information and different data become available, changes in the plan must be considered - all leading to changes in the implementation strategy. But, as one conducts the planning process, there is a point at which data collection must cease so that actual goal setting and an implementation strategy can be put in place.

In criminal justice, as in any other field of endeavor, this means that policy-makers must be prepared to make appropriate and responsible decisions concerning the nature, kind, and scope of services -all of which should follow the plan and lead to higher levels of effectiveness and efficiency. Moreover, it is the responsibility of the planners to provide these decision-makers with true strategic choices. This also means that a strategic plan, to be useful, also provides key officials with a sense of priorities; that is, it is unlikely that a changeover in a system can be accomplished at one time. In point of fact, while changes may not be incremental but planned, the implementation strategy must deal with available and projected needs and resources, the politics of change, and the capacity of all staff to deal with proposed changes. Every organization has its own culture and a system also has one. Therefore, any proposed changes must be realistic and responsive.

The belief that strategic managers and their planning efforts can be detached from the subject of their efforts is predicated on one fundamental assumption: that they can be informed in a formal way. The messy world of random noise, gossip, inference, impression, turf protection, and fact must be reduced to firm data, hardened and aggregated so that they can be supplied in synthesized form.

Strategy formation is judgmental designing, intuitive visioning, and emergent learning; it is about transformation as well as perpetuation; it must involve individual cognition and social interaction, cooperation as well as conflict; it has to include analyzing before and programming after as well as negotiating during; and all of this must be in response to what can be a demanding environment. Nothing can be left out!

If the plan is understandable, realistic, goal directed, and measurable, the likelihood of success at least has a chance. To do less could lead to a disaster. Thinking does not end when action begins - they are inextricably interwoven in the fabric of strategic planning.

Chapter 2
Project Goals

The goals of this project include:

1) In conjunction with appropriate local working groups, to develop for the Whatcom County Law and Justice Council, the Whatcom County Executive and Council, and the city governments of Whatcom County, a comprehensive, strategic county-wide Law and Justice Plan that meets the requirements of RCW 72.09.300.

2) To identify means to maximize county, city, and state resources including facilities, equipment, personnel, computer systems and databases, to reduce duplication of services, and to share resources among local governments and state government in order to effectively address crime and delinquency throughout Whatcom County.

3) To investigate national public sector and private sector criminal justice administration models and best practices.

4) To identify and outline law enforcement and judicial programs within the framework of the law that lead to the most efficient and effective administration of justice.

5) To identify and outline correctional programs for adults and for juveniles in a continuum of community-based services and intermediate sanctions for targeted at-risk offenders who would have been incarcerated.

6) To collect and present accurate and timely data for County Executive, County Council, and city government review in developing future budgets,

law and justice system plans, and evaluations of existing and future programs.

7) To develop appropriate links with city governments and with all law and justice agencies operating in the county, so that the Law and Justice Plan will represent a consensus to the greatest degree possible.

8) To develop responses in the system that will assist criminal justice entities to reduce the incidence of crime and delinquency more effectively.

Chapter 3
Project Methodology

The research collected case processing data on all criminal defendants charged in all three (Superior, District and Juvenile) Whatcom County courts during 1997. This effort was not a sample. It included every defendant during this time frame. The research also collected jail admission data on every person booked into custody in the Whatcom County Jail during this same time frame. Defendants from the court's file were then matched with defendants booked into custody. The result was a full year-long picture of all criminal defendants processed by the local criminal justice system from booking to case disposition.

Similar data were collected from the juvenile detention facility. These data involved hand-collecting detention logs that described offender demographic, instant offense and admission characteristics.

Between three and fifteen years worth of annual workload data were collected from every criminal and juvenile justice agency in the County. This effort also included State trends from the Department of Corrections, the Department of Social and Health Services and, specifically, the Division of Alcohol and Substance Abuse. Demographic and economic data were collected from the Demographic Research Laboratory at Western Washington State University.

The State's web site was researched to locate legislative trends in terms of proposed legislation and relevant research on the impacts of legislation passed earlier.

All of the client level data were analyzed using Statistical Package for the Social Sciences. The client level data were used to understand the characteristics of crime and criminals in Whatcom County, understand the impact of local policy and procedure on offender processing and sanctioning, and re-classify offenders along a continuum of actual and potential sanctions. The trend and workload data were analyzed using Excel and used to understand system flow and historical workloads and forecast future workloads.

An extensive literature search was accomplished using the automated libraries of the National Criminal Justice Reference Service and the National Institute of Corrections' National Information Center. These findings were used to substantiate Whatcom County problem areas, identify gaps in the continuum of sanctions and to assist in the development of solutions.

The consultants interviewed every key decision-maker in Whatcom County from all criminal and juvenile justice agencies as well as relevant state officials, local political figures, members of local Tribes and citizens. Several focus groups were held with adult and juvenile probation staff and the substance abuse and mental health treatment community. The research team used consultants, Alfred Dean in law enforcement, Joseph Trotter, and Caroline Cooper in the courts, and Stephanie Rondenell in the area of information resource management, to work in specific functional areas to bring a high degree of relevance to the interview and data analysis process.

All of these findings were transcribed and used in the development of findings. Committee activities contributed significantly to this report as committee members participated in:

- Site visits
- Steering Committee meetings
- Line Staff Committee meetings
- The development of findings
- The development of recommendations
- Priority setting of recommendations
- The preparation of Phase I Report

Chapter 4
Phase II Report Plan

Based on the recommendations, project staff will develop an implementation strategy, which will be contained in a Phase II Report, due in early spring of 2000. This strategy will take into consideration the priorities that were developed by the various working groups.

It is anticipated that staffing, budgets, and other resource requirements will be reviewed and appropriate recommendations will be made with regard to the recommendations.

Based on final decisions, for example with regard to a proposed minimum/medium correctional facility and the creation of a new organization concerned with community-based programming, re-deployment of existing personnel will be considered as will the need for new staff. Additionally, where possible, recommendations for budgetary changes and additions will be provided..

It is anticipated that several task groups will be established in order to work on the most critical of the high priority recommendations in order to ensure to the extent possible implementation strategies that are feasible and practical politically and economically.

It is also to be noted that notwithstanding the high priority of various recommendations contained in this Phase I Report, it is most likely that implementation phases will be recommended; that is, even if considerable new resources become available, it is not possible to implement all recommendations simultaneously. The Phase II Report, therefore, will clearly indicate the phasing in of various programs over a reasonable time span.

Chapter 5

Notes on Strategic Planning

Most criminal justice agencies prepare their plans by projecting the past into the future. They compile statistical tables and plot graphs to reveal trends in the volume and types of clients received at intake and services provided during a preceding period of time.

Estimates of future needs are then made by extending these trends to some time in the future. For prisons, as an example, personnel and facility requirements for the coming years are thereby assessed, allowing for population migration or other demographic shifts that affect numbers. Here, too, projected crime rates are determined as they may impact jail populations.

Current standards and practices of service provide the primary basis for these estimates, although plans usually call for some upgrading of services – more of the same, thus requiring additional funding.

Requested increases are often not tolerated by budget-reviewing authorities, who customarily demand some cutbacks in all plans.

The process just described often is called long-range or tactical planning even when it is but an extension, without great methodological innovation, of the 1- or 2—year budget planning that tends to be routine.

It is tactical in the sense that it is concerned only with the specific and immediately foreseeable contingencies impacting the agency. Further, it rests on confidence that current developments or the recent past are the best predictors of the immediate future – an assumption that is often valid.

All such tactical planning is a variation on "management control," which is defined as the process by which managers assure that resources are obtained and used effectively and efficiently in the accomplishment of the organization's objectives.

Such procedures, moreover, are based on an assumption that the agency's objectives and its resources will not – nor need to – change appreciably. Tactical planning does not particularly involve thinking about how the agency and its services and programs could or should change; nor is it based on any stringent assessment of existing programming or service delivery systems.

More of the Same

However, whenever "more of the same" or "this is the way we do business" is rejected, management control has to be replaced by what is called strategic planning. This is defined as the process of deciding on objectives, on the resources used to attain these objectives, and on the policies that are to govern the acquisition, use, and disposition of these resources.

Tactical planning corresponds closely to what has been called "allocative planning," which is described as a concern with the distribution of resources among competing users. It is also similar to what has been called "innovative planning," which is concerned with producing a structural change in a system.

Therefore, strategic or innovating planning must be less inhibited than tactical or allocative planning in contemplating the alteration of long-institutionalized organizational arrangements. To be effective, however, strategic planning no less than management control requires feedback on effectiveness (evaluation) and close integration of planning and operational leadership and staffs.

This implies what has been called "the transactive style of planning," which emphasizes a continuous dialogue among planners, researchers, management, and line staff, whereby all share in learning through experimental evolution.

Insofar as criminal justice is concerned, strategic planning is consistent with the theme that changing the system can more dramatically affect the crime problem than merely trying to change the offender within the existing system.

Just changing the system, however, does not guarantee progress; research on effectiveness is still needed to permit innovators to respond rationally to negative results as well as justify their cautious acceptance of success.

If the overall goal of criminal justice is that of reducing and/or preventing crime (and delinquency), the implementation of community-based programs will not automatically result in success. In fact, such programming can even be dysfunctional if an objective is that of reducing prison populations. Here, while many offenders may be kept in the community, a significant increase in technical violations can result in increases in prison populations.

Examples

Increasingly in recent years, criminal justice planning by tactical methods misleads all branches of government that depend upon it, as well as the public. Two examples from California will illustrate this point.

In 1964, California planned to construct 10 new correctional institutions in the next 10 years (one each year) at a cost exceeding $90 million. This was a tactical plan based on the growth of California's population from 7 million in 1940 to 10 million in 1950 and 16 million in 1960. It took into account the increase in inmates from 11,056 in 1950 to 21,660 by 1960 – a growth that approximated a 1,000 increase per year.

Thus the construction planning was all very logical. However, it did not work because California introduced a probation subsidy plan (to keep offenders in the community) that made the proposed new institutions unnecessary. By the early 1970s, only three of the projected new facilities were built, and these were all or mostly empty much of the time.

When a turn-around occurred in prison intake during the 1980s, California began a 'catch-up' construction program, designed to alleviate the 135 percent prison capacity, commencing a multi-billion dollar construction program. The tactical planning process looked to the future and began to estimate the numbers of beds needed in the future according to logical projections of needs and resources. Since there was no strategic planning, the State did not take into consideration potential legislative changes (and possible court decisions) that would impact both the definitions of crime and the kinds of services offenders might need.

As a result of consent decrees (unanticipated) and the "three strikes and you're out" legislation, among other factors (including a depressed economy), California's current adult inmate population of over 140,000 is expected to climb to over 260,000 within the next five or six years. Consequently, there is no possible way that California can ever find the funds to build enough prisons to accommodate that burgeoning inmate population; that is, "more of the same" simply will not work.

System Approach

One implication of many recent criminal justice developments is that strategic planning <u>cannot</u> be done by any one component within the system acting alone. This is illustrated by California's probation subsidy program, which drastically affected both courts and institutions. The "three strikes and you're out" and the proposed increase of 100,000 police on city streets also will have significant impact on the courts, prosecution, and corrections.

Because of this interdependence of parts, strategic planning must include the super-ordinates that are ultimately responsible for policy-making and for funding services. As well, it must include all of those persons within the system who are responsible for implementing programs, their managers, and those agencies and persons impacted by the programs. Further strategic planning must occur within the context of the delivery system of services (the organizations) and the communities in which they operate.

There is a number of stages in strategic planning in criminal justice:

1) The first stage is the identification of the general principles that determine shifts in the definition of crime, legislative and public reactions to offenses, and value systems held with regard to punishment (as well as deterrence and revenge). Patterns in the evolution of criminal law, changing demographics of offenders and analyses of trends are all-important components of the process.

2) The second stage of strategic criminal justice planning involves the determination, as rigorously as possible, the causes of behavior that society designates as criminal. Here, we need to understand both crimes and criminals according to critical dimensions, especially since society reacts in different ways; i.e., there are differences between such offenses as rape and writing bad checks, and there are differences in reactions to person versus property offenders, as there are differences between first versus chronic offenders. Also, trends regarding the incidence of certain types of offenders and offenses need to be identified and measured.

3) The third broad stage is to devise policies for the allocation of resources and responsibilities among various agencies, in and out of the justice system, that are optimum for accomplishing three functions with particular

types of offenders: 1) identification, 2) modification, and 3) prevention. We must recognize that practices oriented primarily to only one of these functions may also affect the others, and that preferred strategies for accomplishing any of them will vary with subcategories of offense and offender.

POLICY GUIDELINES

Policy guidelines must be developed if the planning process is to be complete. These include:

1) Each basic proposition summarizing a policy recommendation is accompanied by synopses of the evidence (data) and the inferences on which it is based.

2) The scientific adequacy of this knowledge is indicated (validity and reliability).

3) Statements also are made on the types of research needed to reduce deficiencies in this knowledge (what don't we know and how can we get an answer).

However, it must be recognized that one can never have all of the answers because all of the questions are not known. Yet, effective strategic planning begins at some point in time and proceeds on the basis that you have sufficient data and information upon which to develop the plan. Further, a good strategic plan is never cast in concrete – new knowledge, additional data, and added developments all contribute to changes, revisions, additions, and deletions.
That is, a strategic plan is never static; it is always dynamic in nature.

1) The fourth stage in strategic criminal justice planning is to provide for the steady improvement of the plan itself. This requires obtaining more and better data and information and different ideas upon which to base the plan. Thus, the fourth stage is a knowledge-building apparatus based on the evaluation of programs and operations, as well as the development of a feedback loop on effectiveness to key decision-makers.

This implies that a well-planned plan is set up in a way that it is self-correcting, especially if initial plans and policies prove deficient.

It should be pointed out that while a systems approach is needed in effective strategic planning, two kinds of systems need attention. The first is the overall system of criminal justice. Regardless of its 'non-system' aspects, a well-designed plan, as indicated earlier, must take into consideration other organizations and people who will be affected by the plan.

The second is the system within – and immediately adjacent to – the organization itself. Here, we concerned with all levels and kinds of staff, those organizations in boundary relationship to the agency, and the super-ordinates responsible for final policy-making and funding.

Strategic planning, similar to tactical planning, is nothing more than an attempt to determine precisely what you need and want at some definite time in the future and then determining how you want to get there. It takes a systems perspective, which recognizes that innovating changes have ripple effects throughout the agency, those organizations which are in "boundary" relationship, and impact clients, staff, super-ordinates, and others who claim to be "stakeholders."

Strategic planning in criminal justice contrasts with tactical planning, even when the latter is formulated in long-term programs that project specific statistical estimates of crime dimensions and agency needs for particular dates years hence.

Such estimations are easily made, but they usually are futile, thus misleading, in an age of change and tentativeness when abstract principles are the main long-range guidance resource. A good plan not only projects into the future, it is based on scientific data and declared assumptions and principles. All of this should help to justify where it is you want to go organizationally and programmatically, how you expect to get there, what you want to achieve, as well as why.

Chapter 6

INTRODUCTION TO FINDINGS AND RECOMMENDATIONS

By and large, the mission of a criminal justice system is to provide for the processing, care, custody, and supervision of committed offenders according to due process standards while simultaneously ensuring public safety. These lofty goals, however, have to be translated into programmatic activities that are designed to attain agency-based explicit goals. This, of course, is accomplished through a delivery system of services in as cost-effective manner as possible and in some kind of coordinated fashion.

If a formal organization can be defined as *a social organization of people in interaction in goal-directed behavior*, then we recognize immediately that goal implementation is the responsibility of people; that is, organizational staff with clear-cut assignments and responsibilities and, hopefully, in a manner that affords maximum accountability as well as concerns for system-wide operations.

It is axiomatic that the justice system must respect public values and sentiments, while also respecting the rights, needs, and dignity of its client population. These values and needs, in part, are defined by the legislature, the courts, and the public-at-large, which require interpretations and translations. Thus, while external agents generally declare the mission of any agency, its philosophy and style are internally determined.

The role of top management, then, is to make explicit both its philosophy and its goals and objectives so that staff, regardless of hierarchical level, not only are trained, but are clear in what they must do and how they are to accomplish assigned tasks. Further, it is the responsibility of top management to create and deploy appropriate resources to ensure effectiveness in the delivery system of services. This also means that the primary funding source (i.e., county executive/council) must be able to identify system-wide needs and allocate appropriate resources needed to provide for this delivery system of services. It also must provide leadership to ensure system accountability and goal attainment.

RESPONSIVE PROGRAMMING

Regardless of the complexity of the various justice organizations in a given community and the multitude of the services and programs offered, the key to effectiveness is related to responsible and responsive programming. The development of meaningful programs unquestionably is a derivative of appropriate planning – a critical requirement of effective management. Once these plans are developed, top management is dependent upon a trained and committed cadre of employees who can translate an abstract set of goals into meaningful action strategies.

Therefore, a delicate balancing act occurs by top-level staff as they develop plans and programs for the benefit of offenders (and victims), and develop strategies to achieve declared goals and objectives, while they simultaneously recognize societal demands and seek the resources needed to implement planned programs.

The issue becomes more complicated when we recognize that a justice system in a community is composed of units (agencies) which not only must respect the roles and responsibilities of others, but which must operate as a true system. When the organizational structure both accommodates and facilitates operations in a systematic fashion – and hopefully synergistically as well, the whole will always be greater than its parts. But the parts will work systemically only if appropriately orchestrated by top management (and county government) in a manner that is always goal-directed and based on the declared missions and philosophies.

No organization and no system, regardless of composition, size, or mission is ever static; rather, it is always in a state of dynamic tension – a tension between goals, strategies, needs, values, philosophies, internal and external pressures, and the people who operate and/or are affected by its services. Therefore, not only must a successful administrator balance these forces, which are often countervailing, he or she must also resolve conflicts in a manner that effectively builds trust as well as program delivery systems.

Contrary to the 'old days,' the justice system is no longer a closed system, a condition that until recently had (prison and jail) walls that were designed as much to keep people out as inmates in. Since the so-called modern riots, which began during the 1950s, not only have courts become *de facto* correctional administrators through appointed masters as a result of consent decrees, concerned legislators and frightened citizens have demanded higher and better levels of organizational success, effectiveness, and efficiency.

Consequently, justice administrators (regardless of type of service) have been forced to open the doors to their programs and services and, against the will of many, to forge new partnerships with community-based groups. Further, these same administrators have been asked to do and accomplish more, but with diminishing resources. And, in addition to the changes described above, all of this has occurred in the context of a changing society in which societal values appear to be on a see-saw and in which a growing group of offenders have become more chronic, more violent, and more egregious in their criminal behavior as a result of their drug-dependency and abuse of alcohol.

Furthermore, since all justice organizations are not static, but are in a dynamic state of tension, they must also confront and deal with change. Therefore, the issue is not simply that of determining what the changes should be, it is an issue of how desired and needed changes will be arranged within the purview of organizational missions, philosophies, and goals. Further, for the competent administrator, it is imperative that change be viewed as a constructive force and one that is to be harnessed in order to accomplish planned change. Success requires a proactive stance as opposed to a reactive posture. It means that the effective manager plans for change instead of being a victim of change. It also means that the competent manager seeks out and deals with community-based partners not simply for advocacy, but to ensure that the community has a voice in policies and operational procedures. This approach is now referred to as taking a *co-active* approach to management.

PLANNING FOR CHANGE

The manager who plans for change and welcomes its anticipated consequences can be described as a progressive administrator. He or she views the organization from a systems perspective, recognizes the parts as well as the whole, while simultaneously respects the needs, rights and views of those being served by the organization as well as its boundary organizations and relationships.

The pedestrian manager, on the other hand, laments change, is more concerned about the parts rather than the whole, and responds to crises as though he or she were a martyr. It is this kind of manager who constantly faces dilemmas, many of which are self-initiated, not only in organizationally self-destructive ways, but perceived as a victim.

Obviously, even the progressive type of manager cannot control all of the forces that impact the organization or the system. This is not possible in any setting, regardless of the skills and experiences of the manager. But, it is this kind of manager who constantly seeks definitions and re-definitions of the forces at work, is extremely sensitive to the ripple effect of change, and one who is willing to create and re-deploy resources in a manner that meets the challenges presented by change.

The progressive manager is constantly evaluating people and programs, because he or she recognizes that both people and programs change over time. This does not mean that change is induced simply to create change, nor does it mean that change is induced merely because it is politically attractive. Rather, it means that change is sought as a result of a clear recognition that without planned change, the agency and/or system and its people will remain static. A static organization/system will be complacent and will always work merely to survive instead of thrive.

JUSTICE SYSTEM FUTURE

The future of the justice system in any community requires that administrators have a vision of where they want to be in the defined future. This vision, based on a personal philosophy, also means that the entire justice enterprise also be directed toward goal attainment – realistic and achievable goals, which can be translated into programs and services which staff then can indeed implement. It means also that appropriate resources are developed and deployed realistically.

The future of any justice system requires that administrators resist the temptation of faddism or tinkering, for these are ideas and programs that have no real basis, but appear popular at the moment. One who engages in faddism only squanders precious resources and accomplishes little in the way of long-term results. The progressive manager who is systems oriented does not resort to fads, for this is viewed realistically as nothing more than 'plopping' what might actually be ill-conceived, bad ideas.

Thus, if the justice administrator is not careful, the contemporary pressures to seek alternatives to incarceration merely as a convenient method of reducing overcrowdedness will find that he or she has selected a fad that temporizes but does not really solve systemic problems. This is not to suggest that the utilization of alternatives is just a fad. Quite the contrary is true, for well-conceived alternatives, which have among other intended consequences the reduction of prison and jail overcrowding and which are simultaneously cost-effective, indeed can be right for the entire system because they 'fit' into the overall mission and goals of the justice system.

An alternative that is handed to an organization without deliberation is one that is likely to be replaced by another more popular fad at some time in the future. An alternative that 'fits' appropriately in the organization's and system's overall scheme, and according to a strategic plan, is probably one that has meaning and is likely to serve both the organization's and system's mission and goals.

It is the administrator alone who is the steward of the organization's charter, but he or she, to be effective, cannot share accountability, but should share the responsibility for decision-making. Thus, to be effective, the manager must view his or her role as the director of a team effort; a director who looks to the future not with apprehension and dismay, but with eagerness and a vision; and a manager who works with staff and super-ordinates in a participative, co-active, and goal-directed manner.

Chapter 7
FINDINGS AND RECOMMENDATIONS

The findings and recommendations that follow reflect the work of the project consultants as well as those of the Steering Committee and Line Staff representatives. Many of the findings are based on data analysis and, thus, are quantitatively derived. Others are qualitatively based, which means they are not supported by actual data, but flow from "Best Practices" in other jurisdictions.

As the section on "Methodology" indicates, both findings and recommendations were presented for review and comments. When a final set was established, the Steering and Line Staff committees rated each recommendation in terms of priority for implementation. All of the Treatment Community findings and recommendations have been moved into other relevant functional areas.

Phase II of this project will be devoted to the development of an implementation strategy, especially for those recommendations which are perceived to be of the highest priority for Whatcom County.

*Thus, for each recommendation a notation is provided that reveals priority for implementation: **(High)** for the highest priority; **(Med.)** for medium priority, and **(Low)** for the lowest priority. (The actual priority averages can be found in the Appendix.)*

Chapter 8
Whatcom County Demographic Overview

Whatcom County has experienced steady and moderate population growth historically. By the year 2000 there should be 164,000 people residing in Whatcom County. This is more than double the 1960 population of just over 70,000. This growth amounts to about 2 percent per year during this forty – year period.

Table 1
Whatcom County Population
General Trends

Year	Total	Percent Change
1960	70317	
1965	75100	6.80%
1970	81983	9.20%
1975	91700	11.90%
1980	106701	16.40%
1985	115483	8.20%
1990	127780	10.60%
1995	148300	16.10%
2000	164003	10.60%
2005	178461	8.80%
2010	192505	7.90%

Adult at-risk (18 years of age and older) populations are increasing at a similar rate during this time frame. This population that provides most of the clients of the criminal justice system is expected to reach 138,886 by the year 2010, a figure that is 82 percent greater than the total of 76,305 found during the 1980 census.

The 10–17 age group, which comprises the juvenile at-risk population, totaled 14,638 in 1980. By the year 2000 this cohort reached 25,329, an increase of 73 percent. By the end of the study period in 2010, there should be a total of 28,527 individuals in this age group.

A looming problem is the tremendous population growth and pressures exerted by the Province of British Columbia. The population in the Fraser River Valley is expected to grow from 222,000 in 1996 to 450,000 by the year 2021. Some of the most rural areas of Whatcom County are located immediately adjacent to several fast growing Canadian cities. The workloads of these smaller municipal police departments and the Sheriff's Office are and will continue to be severely impacted by these demographics.

The County has small populations of ethnic minorities that figure prominently in local criminal and juvenile justice system workloads. This is especially true of Native Americans. The greatest growth in minority populations is among the Hispanic and Asian American populations. This increasing diversity of the Whatcom County population poses unique challenges and opportunities to the local system of justice.

Table 2
Whatcom County Population

Ethnicity	1994	1995	1996	1997	Pct Change 1994-1997
White	135,705	138,524	142,460	145,513	7.20%
African-Am	970	1031	1119	1156	19.20%
Native-Am	4292	4313	4314	4430	3.20%
Asian-Am	4034	4431	4907	5101	26.50%
Hispanic	5316	5647	6115	6471	21.70%

The County is about average in terms of substance abuse at-risk factors though scores well above state norms in regard to numbers of persons (adult and juvenile) currently in some form of substance abuse treatment. The data suggest that many adults are abusing drugs and alcohol and this is causing a problem with their children, as the culture of substance abuse is passed along to the next generation of criminal and juvenile justice system clients. The sample conducted by this research of case filings and jail use found significant same-family use of Whatcom County's justice system.

Poverty is an issue in Whatcom County. Average incomes are below state norms. The percentage of families living under federal poverty limits and local unemployment rates seem to be well above state norms. It seems as if Whatcom County is still in the throes of converting from a rural to a suburban environment and certain sectors of the population are having a difficult time adjusting to these new conditions. The connection between poverty levels and criminal activity is well documented in the research literature on causes of crime and delinquency.

Chapter 9
Legislative Considerations

The State has a long history of an activist legislature strengthening criminal penalties, removing judicial discretion, and assuming control of juvenile courts. The State has a system of mandated jail sentences for certain misdemeanant offenses and sentencing guidelines for felony adult and juvenile offenders. The State sets most supervisory and treatment options for juvenile offenders who are institution-bound. The legislature has, in recent years, changed direction by providing more local control and discretion in sentencing for juveniles who do not have sufficient criminal history to be committed or who are found to be alcohol or drug dependent.

Crowding in state institutions has a negative impact on local corrections. Excessive State Department of Corrections probation/community supervision caseloads contribute to local courts dealing with large and growing numbers of felony probation violations.

State and local funding of the Superior Court has left Whatcom County with fewer than needed judges and support staff. In 1998 criminal judicial needs amounted to 2.84 Full Time Equivalencies (FTE), civil needs, 3.05 and juvenile needs, 2.37. Cumulatively this amounts to a deficit of 8.26 FTE for all court functions. Any enhancements to judicial person power should be studied in light of the potential impact on other adjudicatory operations. Additional judicial staffing may negatively impact prosecuting attorney and public defender workloads.

Continued criminal penalty enhancements can be expected for a wider range of offense types, such as driving under the influence. Recent legislation suggests negative impacts on local jail use especially for chronic, substance-abusing, misdemeanant offenders, resulting in longer lengths of stay for inmates housed in the county jail and greater numbers of misdemeanant offenders committed to local jail under mandatory sentences.

The State has provided certain taxation mechanisms for funding jails, juvenile detention facilities, and treatment and supervision programs. RCW's 82.14.310, 82.14.320 and 82.14.350 offer significant promise in terms of generating needed funding It is disturbing and encouraging at the same time to read that "the legislature finds and declares that local government criminal justice agencies are in need of assistance."

The recent passage of initiative 695 may have a dampening effect on the ability of local governments adequately to fund public safety projects. This is especially true of the bill's requirement of a public vote on all proposed taxation.

A very recent Washington State Supreme Court decision has decided that counties will incur liability for any person who is under supervision and then commits another offense. Without legislative intervention, it has been suggested that pre-trial release supervision, probation supervision and alternatives to jail sanctions will not be economically feasible.

Chapter 10
System-Wide Recommendations

Facilities

These recommendations received the *highest* cumulative prioritization by the Steering Committee.

1) Reduce the utilization of the existing jail to the original design capacity of 143 beds. Return original design space back to the function intended including program, recreational and living space as guided by original Washington State Jail Commission physical plant standards. Staff the jail according to original Jail Commission custodial care standards.

2) Plan for and build a medium/minimum security, treatment-oriented facility for adults who do not require the close supervision of the existing maximum-security jail. This facility is going to need to be approximately 400 beds to accommodate populations for the 50-year life of the facility.

3) Expand the size of and resources available to the (or a) drug and alcohol detoxification center. This recommendation includes assisting in the development of a county-wide triage center with sufficient resources to accommodate severely intoxicated and mentally ill offenders who would otherwise be incarcerated.

4) Initiate a planning process for the development of a new, multi-purpose juvenile assessment center. Community assessment centers are designed to reduce the need for secure detention by screening out juvenile offenders who can better utilize community-based treatment and supervision. The facility would also include staff secure beds and crisis residential bed space.

5) Consolidate all facilities-based corrections functions in a single administrative entity. This consolidation would include the existing jail, the minimum-security facility, work release, juvenile detention and staff-secure bed-space at the juvenile assessment center.

Discussion

As the findings clearly indicate, the entire adult criminal justice system is clogged with relatively minor offenders, including those with alcohol and substance abuse histories and who continue to be recycled through the jail. As a consequence the jail tends to be overcrowded; the courts, prosecution, and public defender inundated with these repeat offenders; and law enforcement constantly frustrated by offenders' continuing misbehavior. The costs for managing this kind of client, obviously, continue to climb, which results in an inordinate amount of funds being devoted to a set of conditions that has not in any way been ameliorated.

In order to deal with this situation, it is proposed that a new, medium/minimum correctional facility be established, under the administration of the Sheriff, to house and treat these relatively minor offenders who would otherwise be housed at the jail. The facility should be treatment-oriented in that intensive intervention techniques need to be utilized in order to help these offenders change their life styles into more productive citizenship.

Although some correctional staff will be required for security purposes, it is expected that the bulk of the staff will be clinicians. Also, it is anticipated that wherever possible, representatives of other treatment- and service-type personnel will be detached to this facility in order to assist in a team-like approach to the offenders' varied problems. Here, those services and programs that cannot be handled by staff could be provided by state, county, and private organizations, such as unemployment, health, anger management, mediation, and crisis management, etc.

A task group will have to be established to review such issues as:

- facility mission,
- intake criteria,
- how to establish a team approach to treatment planning and administration,
- policies and procedures, and,
- other matters related to the delivery system of services.

It will also be important for this task group to review options for the construction and maintenance of the building and programs. In some jurisdictions, an RFP is developed for potential privatization, wherein a vendor builds and operates the facility, with its own staff, and paid according to per diem arrangements. In other jurisdictions, the political entity finds the appropriate tax dollars to build and operate the facility, including all staff and operating expenses.

It will be crucial to bear in mind that these offenders, who basically do not constitute a danger to society, will eventually be released back into their communities. Therefore, any program that is devised must include some kind of aftercare supervision. This could be the responsibility of the treatment staff and/or placed in the hands of the District Probation Department. Most important, moreover, is the need for intensive follow-up and follow-through to ensure that the treatment plan for the offender is actually implemented.

There are three caveats to this recommendation:

1) The proposed facility is NOT designed merely to manage better the jail population by reducing overcrowding; it is being proposed to deal more effectively with the chronic misdemeanant who has received little attention in the past but who requires serious and intensive treatment intervention,

2) Criteria for admission and discharge need to be created in order to avoid to the extent possible the development of an auxiliary facility that simply

provides the County with additional beds, which easily could be filled because the "net has widened," and,

3) The courts will have to exercise prudent judgment with regard to sentencing in order to avoid lengthier sentences to guarantee that treatment can be developed while still housed at the facility. Related to this last issue is the need for the courts to review its practices with regard to "split-sentences," wherein offenders are sentenced both to the jail and to probation. But, if the courts recognize there is intensive aftercare supervision and the continuation of treatment, the likelihood of "over sentencing" hopefully will diminish.

This facility should be built on a campus-like area in the County and with public transportation available. It is also possible that a medium/minimum facility (or assessment center) of a similar nature be constructed on this same site for juveniles. Both District Probation and Juvenile Probation could be housed at this site, but separately, along with other kinds of treatment-oriented programs and services.

The facility for adults would primarily house sentenced misdemeanants, although it should not completely refuse admission for pre-trial detainees or felons, who are classified as low risk, who voluntarily want to initiate residential treatment prior to their trials and who otherwise might not be eligible for pretrial release.

It is not possible at this time accurately to estimate the number of beds that are needed until a task group reviews data that have accumulated during this project, identifies the facility's mission and potential staffing, and explores operational issues, including intake and discharge policies and procedures. However, the task group should deliberate on the assumption that the facility will house 400 offenders more or less, which will require construction costs of approximately $20,000 to $35,000 per bed, including common areas. A treatment-oriented facility for juveniles might approximate 50 or more beds. (No estimate of operating costs can be determined at this early stage of deliberations.)

If a similar-type juvenile facility is housed at the same site, common administrative functions, such as meals, laundry, medical services, etc. can be shared, although staffs must be completely separate as well as the actual physical facilities.

If this recommendation is acceptable to the County, an exploratory task group composed of representative agencies and the County Executive should appoint programs as soon as possible. Working closely with the consultants during Phase II of this project will result in an implementation proposal that can be submitted in sufficient detail for final decision-making and planning.

Programs

These recommendations received a *slightly lower* or *medium* priority as compared to the **Facilities**-based recommendations.

1) Consolidate and enhance all community alternatives for intensive supervision and treatment of adults and juveniles in a centralized management unit. Consider including the following as appropriate:

    - Supervised pretrial release
    - Probation supervision
    - Drug testing
    - Diversion and other alternative sanctions such as community service, deferred prosecution supervision, electronic home detention, work crews and restitution programs

Discussion

As a consequence of this strategic planning project, it becomes obvious that Whatcom County has available to it comprehensive and effective programs available for offender and victim services, including those primarily concerned with treatment. Ranging from treatment and counseling to mediation and crisis management, these agencies frequently are underutilized by the criminal and juvenile justice system, but remain, nonetheless eager to provide assistance where needed.

Communications between various justice agencies and the community-based organizations, however, have never been formalized, even though there is a considerable amount of good will and reasonable planning at the individual case level. Services and programs are indeed provided and there appear to be few gaps in terms of the at-risk population needs.

To ensure that communication between the County and the various groups is enhanced, it is recommended that a community-based advisory group be established that can review policies, procedures, and programs. The Advisory Group could also make recommendations for county initiatives; identify gaps in services; assist in writing grant proposals; and develop protocols for reporting on treatment progress, where indicated.

District Court Probation and the Jail should have representation on this task group, as well as representatives of other county agencies where direct services to individuals are provided. Since District Court Probation tends to utilize these community-based services more than other county agencies, it is suggested that the Chief Probation Officer serve as the chair of this group.

The group should develop its own policies and procedures for deliberation and utilize the expertise of the proposed Criminal Justice Coordinator/Planner where indicated and needed (especially concerning the aggregation and analysis of data).

If not already published, this group should develop a desk book available to all agencies identifying all of the community-based resources available in the County, including agency purpose, intake policies and procedures, reporting needs and constraints, and other issues that should be known by referral agents, including judges. The task group should deal with all resources for adults as well as juveniles.

There is some duplication of efforts among the various components of the criminal and juvenile justice system in Whatcom County and there are gaps in services and programs, which are thought to be essential to ensure an effective and efficient delivery system of services. Where duplication exists, precious resources are wasted and the appearance is gained that the system is uncoordinated.

For the most part, the programs and services that need to be brought together under one administrative roof are correctional and/or community-based in nature. That is, they involve services and programs that deal with offenders insofar as correctional operations are concerned. In terms of those which currently exist, the list includes: 1) the Jail, 2) work release, 3) work crews, 4) house arrest, 5) electronic monitoring, 6) urinalysis testing, 7) mental health and social services, 8) probation, and 9) other supervised diversion programs.

While it is apparent that all community-based programs should be included in such a correctional department, it is not immediately clear nor will it be easy to determine the location of such agencies as the jail and probation. Nor is it immediately clear in which branch of government the proposed new department should be placed.

In many communities, the jail is viewed as a correctional agency and, therefore, constitutes a significant portion of a department of corrections. If such a department were created, this would mean the possible movement of the jail from the Sheriff to either the courts or the County Executive.

If the new department is placed under the administration of the Sheriff, there may be some difficulties in moving probation to that office as far as the courts are concerned.

The new department must address both pre-trial and post-sentenced offenders and develop appropriate programs and services, especially with regard to treatment services. However, there are some aspects of pretrial work which belong exclusively to the prosecutor and/or public defender and which cannot be shared, even though potentially they could be delegated to "neutral" staff.

Irrespective of where such a new department should be located (i.e., County Executive, courts, or Sheriff); there are four possible structures:

- Combine all correctional services into a Department of Corrections.
- Combine all correctional services into a Department of Corrections, excluding the jail and/or probation.
- Create a Department of Community-Based Corrections that deals exclusively with community-based correctional programs.
- Include or exclude the jail, but create the new department exclusively for all pre-trial programs and assign the District Court Probation Department with the responsibility for supervising all post-sentenced offenders.

Notwithstanding the above possible departmental structures, the following represents a list of potential services and programs that should be considered for enhancement and/or development, regardless of the structure finally established:

- Jail
- District Probation
- Supervised Pretrial Release
- Work Release
- Drug Testing
- Community Service
- Social Services
- All diversion/deferred prosecution
- Victim-Witness Programs
- Mental Health Programs
- Electronic Monitoring
- House Arrest
- Work Crews

- Day Reporting/Treatment Centers
- Restitution Programs
- Release for Recognizance
- Initial Screening/Classification/Charging Protocols

It is important to note that many of the above services are being proposed as new programs and which, if adopted, will be included in the Phase II report regarding implementation strategies. Others, as will be obvious, will have to be shifted from existing host departments into the proposed new one.

Special attention, however, needs to be given to the creation of a *supervised pre-trial release program.* In 1997 it was found that almost 16 percent of the offenders booked into custody and subsequently released as a pretrial offender had been booked into custody for Failure to Appear. The criminal justice system is therefore re-releasing offenders who failed on an earlier pre-trial release. From a systems perspective, the development of such a program not only will reduce significantly the average daily population of the jail, it will reduce law enforcement, prosecution, and public defense caseloads. This will occur since evaluation studies clearly demonstrate that 1) the Failure to Appear (FTA) rate declines when there is such supervision and 2) offenders tend to commit fewer crimes while awaiting their next court appearances – provided they are supervised while in the community. It has also been found that "voluntary" referrals to appropriate community-based programs not only help to increase community safety, but such progress in meeting case objectives greatly assists the court in selecting sentencing options, especially with the availability of additional intermediate or alternative sanctions.
Therefore, either the task group recommended to review the need for a new medium/minimum facility or a new one is created, a working group needs to meet with the consultants to examine the advantages and disadvantages of the potential re-structuring of correctional services and programs in Whatcom County so that an appropriate implementation strategy can be developed and described in the Phase II report of the project.

System Coordination

This series of recommendations received a *somewhat lower* (or *low*) priority than did the **Programs** recommendations.

1) Implement the proposed online, Management Information System (MIS) including all civil/criminal/juvenile justice agencies in the County. Include data integration, and coordinate with state data systems. Develop a decision support system (DSS) as part of the larger effort to integrate information resource management. Insure that resources at Information Services are adequate for this task.

2) Create a Criminal Justice Coordinating Council, with citizen representation and staff support, with subcommittees. Expanded membership should include State Department of Corrections decision-makers and enable a proactive Legislative Oversight sub-committee to monitor and respond to proposed state legislation that may impact criminal and juvenile justice operations in the County.

3) The proposed Criminal Justice Coordinating Council should be as concerned with crime and delinquency prevention as they are with crime interdiction and intervention. A sub-committee of the larger Coordinating Committee could be established that develops a prevention agenda, researching barriers and challenges and brings these concerns to the attention of the full Committee. Another useful sub-committee would be one that deals with minority and foreign population issues in the Whatcom County criminal and juvenile justice system. A sub-committee of the Criminal Justice Coordinating Committee called the Adult Adolescent Treatment Network should be empowered to work directly on these issues, which effect such a large proportion of the defendant population.

4) Implement RCW's 82.14.310, 82.14.320 and 82.14.350 and prioritize the use of these monies according to a phased-in place that follows the recommendations provided in this report.

5) Expand and increase the effectiveness of collection efforts to develop payment plans and the routine collection of defendant fees and court costs.

6) Hire a volunteer coordinator to provide services to all criminal justice agencies in the County.

7) Hire a Criminal Justice Coordinator/Planner for the County, with appropriate support staff and analytic resources, to operate out of the Office of the County Executive and who staffs the Criminal Justice Coordinating Council. The position should be filled immediately to allow for a smooth transition into the implementation strategy of Phase II.

8) Conduct a system-wide staffing and salary study.

9) Hire an additional Information System staff person dedicated to criminal justice activities/data systems.

The Coordinator should assist County departments in the development of a coordinated budget planning process for all criminal and juvenile justice agencies and programs based on performance objectives. The Coordinator could also develop a complete staffing and salary analysis for all criminal and juvenile justice agencies to determine the serious and actual degree of understaffing and under-payment of salaries. The Coordinator might also be responsible for acting as a catalyst and clearinghouse for the pursuit of federal and state grants and awards related to criminal and juvenile justice issues.

It is strongly suggested that all county criminal and juvenile justice agencies develop an Annual Strategic Plan that can be used as components of a county-wide strategic criminal and juvenile justice plan. The Criminal Justice Coordinator could oversee this process bringing all components into a single strategic plan.

The Coordinator could also participate in, if not lead, a full technology review of all law and justice functions including existing and shared technology, and develop a written plan for implementing technology enhancements within all divisions.

It has also been suggested that the Coordinator be responsible for organizing citizen volunteers to provide services to all criminal and juvenile justice agencies in the County.

Finally, the Coordinator could act as the research analyst who operates the decision support system (DSS).

Discussion

Notwithstanding the viability of the various recommendations contained in this report, Whatcom County has not operated the administration of criminal and juvenile justice services and programs in a coordinated, system-based manner. The consequence has been that while there is ample evidence of good will among key policy-makers and line staffs, there has been little if any program evaluation, coordination of services and programs, and there remains serious competition for operating funds.

Therefore, it is strongly recommended that the County Executive:

- secure funds for a Coordinator/Planner, who would operate out of that office,
- collect and analyze system workload data and trends,
- review component agency proposed budgets,

- identify system weaknesses and barriers to meeting *system* goals and objectives,
- report regularly to key system component staff and the County Council on developments and needs,
- assist the County in policy development, and,
- work to reduce interagency problems and issues.

As the Criminal Justice Coordinator, this person would review existing and potential policies that have system impact. They would monitor existing and proposed legislation at the state and federal levels and keep abreast of developments in the field in terms of programs that appear to "work" and which potentially could be implemented in Whatcom County.

The Coordinator would also arrange for program evaluations in order to determine their effectiveness and whether they should be changed in any way (including abandonment) with regard to funding needs. And, an important job responsibility would be to ensure that those approved recommendations contained in the reports of Phases I and II are implemented as well as annually update the strategic plan as presented to the County.

The Coordinator hired should have significant experience in criminal and juvenile justice administration, knowledge about policy-making, and evaluation skills. Additionally, he or she should have good interpersonal skills in order to deal with top-level personnel in problem identification and solution finding.

Also, it is expected that this high level person will serve as the resource person for the re-invigorated Criminal Justice Coordinating Council. Appropriate staff support for this position (at least one secretary or administrative assistant) should be appropriated, along with an appropriate operating budget (e.g., travel to conferences, publications, supplies and equipment, statistical analysis software, access to computing facilities, etc.).

There have been attempts by the County to coordinate all criminal and juvenile justice agencies, programs, and services through a Law and Justice Council, however, it has not operated as a true coordinating council. Therefore, the County Executive and the County Council should review the mandate, nature, and scope of this group in order for it to be a more effective vehicle for examining system-wide issues and policy development.

Therefore, it is strongly recommended that the County Council:

- Develop a mandate that defines its purpose and mission,
- its permanent composition (including city and citizen representation,
- reporting requirements,
- require it to establish its own policies and procedures, and,
- the establishment of selected standing committees (e.g., program evaluation, budgets, personnel, etc.)

The Coordinating Council, with the assistance of the proposed Coordinator, should be required:

1) To issue an annual report that details attainment of performance objectives (for itself and all agencies).

2) Review and revise the county's criminal/juvenile justice strategic plan – always bearing in mind that the plan must be system-oriented.

3) Coordinate annual budgets, especially with regard to priority needs/programs.

At the present time, each agency devises and submits its own budget without much analysis of the effect any new staff or programs may have on other agencies within the system. This becomes a difficult matter for both the County Executive and the County Council to oversee, since without relevant information and data, responses to requests needlessly have to be evaluated outside the context of the system.

Therefore, it is strongly recommended that the Coordinating Committee, working closely with the Criminal Justice Coordinator, review all proposed budgets within the system, assist in developing county-wide priorities for new funds, and assist, through evaluation efforts, in recommending the abolition of those programs which are not found to be cost-effective or meaningful; or expansion of those which are cost-effective and have positive impact. This is not to suggest that the Coordinating Committee should have either approval or veto authority, but should be responsible for advising county government of its assessments and recommendations.

It is not possible based on time and funds constraints for staff of this project to conduct a comprehensive staffing and salary analysis for all departments in the system. Furthermore, in view of the recommendations contained in the Phase I report, there undoubtedly will be shifts in existing positions and recommendations for new staff. However, based on national and state experiences, including standards where available and the data available from this research project (especially related to understaffing and excessive caseloads), a task group, working under the direction of the Coordinator and the Coordinating Council, should review existing and needed staffing complements, together with salary requirements, and submit a system-wide proposal for criminal/juvenile justice agency expectations.

It will be essential to explore staffing and salary patterns in other counties in Washington, review agency-based services and objectives, and review parity issues. All bargaining agents associated with the system should be included on the task group, as well as selected citizens from the business community.

An alternative to the above is to have the County Executive seek funds for an outside consultant to conduct this study. The utilization of an "outsider" would reduce any likelihood of favoritism and would enable the development of an objective assessment and report. Depending upon the mandate, the costs for such an independent study should approximate no more than $25,000 to $35,000 and could be completed in less than six months.

Federal, state, and private foundation grants within the justice arena are available, but proposals need to be written and submitted to secure such. For government-funded grants, Requests for Proposals (RFPs) generally are published and proposals written accordingly. For others, an unsolicited proposal will receive appropriate considerations.

The extent of these funds is considerable, especially when reviewing the Federal Register, where every government agency publishes its RFPs. For private foundations, one has to identify those that fund criminal and juvenile justice programs, such as Robert Wood Johnson.

In order to capture these available funds and in order to develop special programs, it is strongly recommended that the County instruct the recently budgeted grant writer to investigate criminal and juvenile justice funding sources. As this staff person would be primarily responsible for identifying and seeking grants it is apparent that the staff person will need to work with the heads of all departments and through the Coordinating Council, set priorities for proposals that might be sought. This staff person could also act as a clearinghouse for the County regarding grants activities and help insure a systems approach is taken to the use of federal, state and foundation funding streams.

It is recommended that the Grant Writer work closely with the Coordinator/Planner.

Throughout the field of criminal and juvenile justice administration, volunteers have been utilized both the supplement and supplant staff. In some agencies, their volunteer work is essentially administrative in nature, while, for others, they provide direct services to offenders and victims. However, just as university-based interns require appropriate supervision, so do volunteers. Thus, as a result of time and energy constraints, many agencies choose not to utilize volunteers, notwithstanding the fact that they can indeed be helpful. In some jurisdictions, the coordination of such a program is conducted by a volunteer, but in most agencies, a coordinator is appointed from among staff or is employed full- or part-time to manage the program.

There are various techniques for the establishment of a program, all of which require policies and procedures related to:

- marketing,
- selection,
- training,
- placement,
- supervision, and,
- evaluation of performance.

In all instances, volunteers receive either classroom or on-the-job training to understand the operations of the entire system as well as the particulars of a given agency.

It is recommended that serious consideration be given to the establishment of a system-wide, volunteer program, to be managed by a full-time Volunteer Coordinator. If this is acceptable, a task group representing all agencies should meet to develop appropriate protocols and develop a proposal for implementation, including specific tasks/activities in each agency and for which volunteer efforts would be helpful.

A significant source for volunteers could be the graduates of the **Citizens Academy** managed by the Sheriff. Those who enroll in future academy programs could receive the same kind of classroom training as the volunteers.

<u>*Policies and Procedures*</u>

These recommendations received the *lowest* prioritization in this category of recommendations.

1) Improve courthouse security.

2) Expand and increase the effectiveness of collection efforts to develop payment plans, and collections of fees and costs.

3) Expand the current Citizen Academy to a Criminal Justice Academy to encourage citizen education.

4) Expand the involvement and use of citizens in all criminal justice activities throughout the county. This would include expanded watch and citizen patrol programs.

5) Recapture indigent defense costs from offenders according to ability to pay.

<u>*Discussion*</u>

It is more than obvious that tens of thousands of dollars owed by offenders remain uncollected in Whatcom County – funds that could be utilized to enhance the delivery system of services. For some offenders, there is no ability to pay, but for others, there simply is an unwillingness to pay. It is the latter group that should be targeted.

To accomplish the above, it is recommended that the County employ a Collection Officer or that a contract be written with a collection agency, with fees to be negotiated.

Working with the courts, this officer can:

- assist in documenting restitution losses,
- develop payment plans for offenders,
- arrange for liens against offenders who continue to abscond, and,
- engage in a collections effort.

Regardless of the costs for such a program, it is believed that sufficient funds can be collected that will more than offset the expenses for such a program.

It is recommended that the County Executive explore with county officials estimates of the kinds and amounts of uncollected funds and develop a proposal for County Council action.

Decision Support System

A decision support system (DSS) is a collection of automated and un-automated processes and data that are brought together in a systematic and coordinated fashion to answer major, repetitive business questions. In this case the business questions are those asked by administrators in the Whatcom County criminal and juvenile justice system. The DSS is designed to provide aggregated units of measures on criminal and juvenile justice system activities with on a monthly basis. That is, the system is designed to provide monthly summaries of the entire Whatcom County criminal and juvenile justice system.

The system is designed to provide longitudinal information for both descriptive and analytic purposes. The system should provide analytic information on demand by allowing users to formulate as well as answer questions and retrieve the information immediately. Such a system should expedite and lessen the cost of information retrieval by or for the County's key decision-makers.

The DSS envisioned for Whatcom County integrates a wide array of data elements and allows for a systematic assessment of the association among these data elements at a single point in time or through continuous time.

The vast majority of the data proposed for the DSS should be culled from existing automated information in either mainframe or personal computer databases or even from department paper files. The DSS should be designed to complement and not compete with the County's mainframe MIS or with various departments' local area networks.

The DSS proposed in Whatcom County is designed to provide data on a broad range of issues. At this early stage in Whatcom County we would like the DSS to provide data on system client characteristics and case flow trends.

Each department aggregates summary workload statistics from its individual files and submits the data to a central receptacle where the data are stored, periodically analyzed and reported, and typically in a graphical format.

Benefits

The results of the successful implementation of a DSS are both tangible and intangible. A DSS allows key decision-makers to plan proactively, budget for change, and evaluate the results of shifts in policies and procedures and the implementation of new programs.

In the case of Whatcom County, the development and use of a DSS will provide the County Executive's Office and the proposed Criminal Justice Coordinating

Council with an ongoing systems level overview of historic and future system workloads. It provides a rational method of allocating scarce resources and budgeting accordingly. It ensures that no single component of the criminal or juvenile justice system is overlooked and that no single system entity receives a disproportionate share of resources. Such a system also facilitates the understanding of how resource shifts in one criminal or juvenile justice component impacts other component workloads.

The implementation of a DSS will reduce or eliminate central information request queues at Whatcom Information Services. Criminal and juvenile justice system managers can become autonomous with regard to the pursuit of their data needs. Further, managers can tailor their data requests to suit their immediate needs.

The integration of a wide array of system data elements will allow managers and administration to view indicators of performance (much like the performance indicators found in county budget requests), relevant to their area of specialization, in a much broader context; that is, in conjunction with indicators of other aspects of the criminal and juvenile justice system.

Department managers will have access to data on demand. Data which were previously available only through requests to Whatcom IS and then often only at the conclusion of lengthy data collection and analysis can become routinely available to a very wide range of elected and appointed officials.

The DSS should be able to provide managers and County Executive with a vehicle for monitoring trends in each criminal and juvenile justice system departments' performance. Managers will be able to assess the impact of management decisions, for example determine whether a given policy had its intended impact and if so the magnitude of that impact.

This enhanced data availability, timeliness of information delivery and monitoring system performance all bear on strategic planning. In many ways the DSS replicates in Whatcom County the data collection and analysis efforts of this strategic planning effort. Because the DSS provides rational data which can be incorporated with non-rational concerns that managers and administrators must consider decision making should be improved.

Finally, proactive planning in advance for the needs of the Whatcom County criminal, civil, and juvenile justice systems will enhance system-wide budgeting.

Requirements

Whatcom County's criminal and juvenile justice system needs a duly constituted and representative User's Group. This group should meet frequently to select indicators from each department that will comprise the output of the DSS. These indicators include summary measures that are useful for both department managers and for County Executive staff.

A. Criminal Justice Coordinator/Planner.

By providing a Criminal Justice Coordinator Whatcom County also creates a position that routinely analyzes and reports trends in criminal and juvenile justice system activities. The Coordinator also maintains the database of system indicators and manages them for budgeting and evaluation purposes. The database becomes a vital source for information in support of grants. The database fuels individual department's budgeting and provides a clear picture of system-wide resource allocations. The database determines whether monies already budgeted have contributed to or detracted from performance objectives.

The Coordinator also needs to collect indicator data from external sources. These external indicators include population changes, studies of economic indicators, and various risk factors.

B. Analytical Resources.

The Coordinator will need sufficient resources to store, retrieve, analyze, and report on system indicators. This requires access to all system actor files currently automated and a provision for accessing files proposed to be automated. These resources should be considered part of the larger system integration project currently occurring in Whatcom County.

The Coordinator will be considered another system user and will need sufficient system file space to store and analyze system data. Another resource required will be a statistical analysis package such as Statistical Package for the Social Sciences (SPSS) and an appropriate graphical package. Having the Coordinator establish a web site that routinely reports indicator data is one method of ensuring a readily accessible product for all other system users.

C. System Integration.

It is critical for Whatcom County to move ahead with its plans for system integration within the criminal, civil, and juvenile justice systems. This is especially true in regard to including state databases in the wide area network being proposed. Additionally, it is critical that all system departments participate in integration plans. The DSS is only as effective as it is able to include indicators from all system components.

It is especially important for the DSS' routine analyses of client level data to become a part of the reporting process. Being able to link defendants between several (jail, public defender, prosecutor, courts) databases will allow the

Coordinator to create samples of target populations that can be analyzed in support of specialized initiatives, grants or policy and procedure changes.

D. IS Support

At least initially the DSS will need the support and nurturing of County Information Services. IS needs to consider the DSS as a critical component of system integration. It is recommended that IS add a staff person to support both criminal justice and DSS functions.

Examples

The most striking example of a useful DSS is the U.S Bureau of Prisons' Strategic Support System.

Other examples that the author is personally familiar with exist at the Bernalillo County Detention Center in Albuquerque, New Mexico and at the Ramsey County Adult Detention Center in St. Paul, Minnesota.

Decision Support and Executive Information Systems have become so popular and essential to management that numerous commercial software versions exist. These packages can seamlessly collect data from multiple sources and produce graphically oriented reports that are distributed to users using existing electronic mail systems.

Problems and Barriers

There is currently no common identifier for linking defendant/inmate files. This research struggled to match jail admissions with prosecutor dispositions. The integration project should develop a system, perhaps based upon systems found already in the substance abuse treatment community, that creates a common identifier based upon the client's name, social security number, and birthdate.

A. Incomplete Automation and Integration in the Whatcom County System.

Some departments in Whatcom County maintain one or more information systems that do not reside on the county's AS400 system. Per se, this is acceptable as long as the system is responsive to the department's need and is capable of being seamlessly incorporated (integrated) into the wider system of information resources.

B. Multiple Systems in Effect.

The courts especially represent an example of the difficulty of integrating different levels of information resource management into a single local system. The question becomes how to include the critical data found in files such as SCOMIS, JUVIS, and the Defendant Criminal History file into the databases that feed the DSS. This is not an insurmountable problem but one that requires a sterling relationship with state system administrators and local IS support to overcome technical problems with file transfers from external databases.

Data Elements

There does not appear to be any significant missing data elements of those currently being collected that are needed for DSS purposes, other than the common defendant identifier.

As mentioned earlier a committee of users which includes a representative of the County Executive's office needs to assemble to develop indicators that model those found in budget requests.

Though this topic will be more completely described in the Phase II report it is helpful to examine one system component and describe some potential indicators that should appear in a DSS report. In this case we shall use the jail as our example. This is an example of the indicators that will appear in a monthly report that is available to a wide range of users, in an automated fashion and typically in a graphical format.

Representative Jail Population Indicators

- Number of admissions by source and releases by method by facility.
- Average Daily Population by status and charge level by facility.
- Custody classification or security level of average daily population by facility.
- Number of incidents in the facility by type.
- Length of stay of releases by type of release by facility.
- Number of inmates enrolled in programs by type of program by facility.
- Average daily population as a percentage of capacity by facility.
- Demographic characteristics of average daily population by facility.

These are but a few summary examples of jail data that could be used as indicators. This example does not include cost data that could include overtime paid, fees collected, staffing levels and other useful indicators.

Chapter 11
INTRODUCTION TO LAW ENFORCEMENT

There has always been a commitment to community policing in the United States, both by law enforcement agencies as well as sheriffs' departments, even though there have been concerns, complaints, demands for reform, as well as a recognition that law enforcement is a dangerous occupation. In part, this is due to the fact that when policing traversed the Atlantic from Great Britain, it was transformed from peace-keeping to law enforcement, based on a significantly different philosophy and practice. In this country, law enforcement agents at all levels of government were always armed and the primary mission became that of protecting society and property. In effect, for many generations, the focus of the police resided in what has been loosely called "cops and robbers."

That is, notwithstanding the type or location of police services, all law enforcement agencies have the primary responsibility of enforcing the law, seeking out and apprehending offenders, and initiating the process of system intervention.

Historically, however, it was the sheriff or marshal alone who was responsible for enforcing the law. Much later, law enforcement departments at the city, county, state, and federal were developed as society became more complex, population centers developed, and crime became more commonplace. Nonetheless, law enforcement in communities serviced by sheriffs continues to be the most common of all police agencies in this country.

In recent years, however, in clear recognition that citizens have demanded more and different services, the notion of "service" entered the law enforcement lexicon as well as practice. Since the police frequently were the first to arrive on a distress scene, communities began to expect the police to deal with drunkenness, loneliness, missing and exploited children, domestic violence, and a myriad of other social problems. This did not necessarily complicate law enforcement, but it did translate into activities different from the traditional role of the police.

Simultaneous with the police movement into the social fabric of society and the need to deal with conditions over which they had little to no control, there were also shifts in our culture. Mechanization impacted law enforcement practices as the police themselves left walking beats and entered patrol cars. Officers no longer knew the people being served and, conversely, citizens no longer knew their police officers. As a consequence, estrangement levels increased, which translated into increasing mistrust.

Societal pressures increased as people became more mobile and less attached to their neighborhoods. Minorities in our communities began to demand a greater voice in their own destinies. Complaints of racism and discrimination in all walks of life were aired as all segments of society demanded equal protection under the law and the right to be treated with dignity and humanity. These demands, of course, were not made only of the police. Schools, restaurants, public transportation, housing, libraries and all aspects of communal life as reflected in government and private services all became topics for reform. The police, of course and unfortunately, appeared to many as reflective of all that was wrong and that which needed to be changed.

It is important to note that our society is indeed a mosaic of values, beliefs, opinions, and concerns; that is, there really is no homogeneity, but heterogeneity. Police personnel, of course, are products of these differing beliefs, including prejudice. Police are as much a product of institutional values as any other group. However, just as we demand that teachers, physicians, and garbage collectors, among all others, are to be held at a higher standard of conduct in order to ensure justice and equality, so too should the police be held accountable.

Through appropriate standards of conduct, supervision processes, and other measures of control, society has determined that discrimination against persons by the police as a result of race, color, or religion should not be tolerated. Further, where there are instances of such blatant discrimination, society asks that these miscreants be identified and punished. When this does not happen, various segments of society are outraged and, as a result, lose confidence in their police agencies. Even where the police do attempt to control errant personnel, if the community is not aware of changes, if society is not informed about controls, and if neighborhoods continue to be patrolled by 'rogue' cops, *what they perceive to be real is real*.

The survival of critical attitudes toward the police, even in the face of changes and improvements, implies a concern of far greater complexity than the ordinary exchanges of denunciation and defense are likely to reveal. Surely the police are not 'bad' in such simple sense that those who have the power to eliminate existing shortcomings could do so if they would just set their minds to do it. Nor is it reasonable to assume that all of the police critics are merely devious troublemakers. Instead, it would appear more probable that in the heat of all the discussions and complaints some facts and judgments get out of line; that is, some people attack the police simply because they want to attack and without foundation.

When complaints are unfounded and overly harsh and when there are no efforts to indicate precise improvements needed, it is understandable when the police become defensive, their distrustful posture against antagonists is strengthened, and meaningful reform becomes even more difficult to achieve. The consequence is that any kind of perceived malpractice tends to be shifted from one form to another and without any meaningful change.

When there is an instance of police misbehavior, cynics are quick to suggest that the situation is endemic and that the behavior represents the 'true' nature of the force. Conversely, the police are also subject to over-reaction when some judge individuals and groups as a consequence of isolated behaviors. Thus, both groups must always exercise caution in order to identify and assess conditions in appropriate ways.

All organizations with institutionalized policies and procedures are resistant to change, as are individual members of the staff. Most people want stability in their lives and in their work. Policing, however, involves considerable unpredictability: no one can determine in advance who will commit a crime, who will ask for help, or where such incidents will occur. The policeman, more so than the average citizen, must always be prepared; his or her life may depend on it. Society counts on the police to be available and to respond appropriately and in a timely manner. When there is a perception that some people and some groups receive disproportionately less attention than others, when people believe that there is prejudicial behavior, and when there appears to be evidence that the police willfully discriminate, there is outrage and demand for reform – even when these 'misbehaviors' are manifested by only a few officers.

Any attempt to judge institutional behavior or practices demands that we need to find out *what* needs to be done (i.e., an identification of the problem) before anyone can venture to say *how* it is to be accomplished. In the case of the police, this sets up the requirement of specifying the police role in society. Simple as this demand may seem at first glance, it presents difficulties that are more commonly avoided than addressed. Charges and counter-charges, as an example, offer little in the way of problem resolution; moving from the *ought* to the *is* requires agreement if there is to be change – if there is to be realistic, constructive change. Enmity helps no one and theorizing alone does not lead anywhere that is useful for the police or the community.

Another issue which demands attention is that police more often than not are forced to deal not only with the seamier sides of life, but with offenders who prey on society and its citizens. It is a matter of fact that the police are required to deal with matters involving human conflict as well as profound legal and moral questions without being given any opportunity to address these issues anywhere near the consideration such issues deserve. Consequently, the police are criticized for being crude in their dealings with this segment of society, even when they deal with others. Accordingly, the constant reminder that officers should be wise, compassionate, considerate, and just without providing them with opportunities to exercise these virtues with all persons in the community is nothing more than sermonizing and is certainly unfair.

Furthermore, police are most likely to be found in places where certain kinds of people live or congregate than in other parts of the city. Though this pattern of personnel deployment is ordinarily justified by references to established needs for police service (e.g., where crime occurs the most often), this inevitably leads to the fact that some people and some areas will receive the dubious benefit of extensive police scrutiny merely on account of their membership in these social groupings. Therefore, although some groups and especially minorities complain about being over-policed suggests that it is not a paranoid distortion to say that police activity *is as much directed to who a person is as to what he does*.

As is well known, the preferred targets of special police concern are some ethnic and racial minorities, the poor living in urban slums, areas of drug marketplaces, and young people in general. On the face of it, this kind of focusing appears to be, if not wholly unobjectionable, not without warrant. Insofar as the above-mentioned segments of society contribute disproportionately to the sum total of crime, and are more likely than others to engage in objectionable conduct, they would seem to require a higher degree of surveillance.

In fact, this kind of reasoning was basic to the very creation of the police; for it was not assumed initially that the police would enforce laws in the broad sense, but that they would concentrate on the control of individual and collective tendencies toward transgression and disorder issuing from what were referred to as the "dangerous classes." What was frankly once admitted as bias is, however, disavowed today. That is, in and of itself, the fact that someone is young, poor, and of color is *not* supposed to mean anything whatsoever to a police officer. Statistically considered, he or she might be said to be more likely to run afoul of the law, but individually, all things being equal, his or her chances of being left alone *are supposed* to be the same as those of someone who is middle-aged, well-to-do, and white. In point of fact, just the opposite is perceived to be the reality in some quarters.

All things being equal, the young, poor black and the old, rich white doing the very same things under the very same circumstances will almost certainly not receive the same kind of treatment by the police. Further, the police will interpret their behaviors differently. Nor is the police officer merely expressing personal or institutional prejudice by according the two characters differential treatment. Public expectations tend to instruct the officer to reckon with these "factors." The degree to which this kind of situation reflects a "self-fulfilling prophecy" is problematic for an institutional response suggests that "good policing," demands that officers recognize reality and deal with it accordingly and appropriately. The officer will always feel reasonably "justified" in being more suspicious of the young, poor black than the old, rich white, and once his or her suspicions are aroused, in acting swiftly and forcefully against the former while treating the latter with reserve and deference.

As the police officer calculates risk, the greater hazard is located on the side of inaction in one case, and on the side of unwarranted action in the other. *This, of course, almost summarizes why there are differences in perceptions about what constitutes good policing, which the police believe they are doing, and discriminatory behavior, which minorities are convinced is nothing more than acting out prejudice.*

From another perspective, the police are mandated to control crime and keep the peace. If there is some connection between social and economic inequality, on the one hand, and criminality and unruliness, on the other hand, this is not their concern. The problem is not, however, whether the police have any responsibilities with regard to social injustice. The problem is that by distributing surveillance and intervention selectively, they contribute to already existing tensions in society. The police are widely assumed to be a partisan force, which is evident in society not only in the attitudes of people who are exposed to greater scrutiny, but those who aren't as well. The young, poor black expects unfavorable treatment; the old, rich white expects special consideration.

With this approach to life and as a reflection of societal values, how is that we have come to demand that our police personnel operate in different ways? How is it possible to change police and policing attitudes as well as behavior? How can we define what is "good policing" and what is unacceptable? What kinds of changes are indicated, if any? And, who is responsible for societal as well as policing changes?

These are neither easily identifiable nor solvable issues, for they beg definition and resolution. They cannot possibly be resolved exclusively by society nor by the police, yet both clearly recognize that change in practices is required if there is ever to be an improvement in relations between the two. Furthermore, who in society has the right or responsibility to declare what changes are needed and to put those changes into effect? Can any group in society claim the right to speak for the masses? Can we expect the police to divine appropriate answers? The answer, of course, is more complex than we desire, more problematic than we like, and more resistant to solution than we want.

If there is an answer it lies as much in the *process* of defining and solving problems as in the *substance* of the solutions themselves. Therefore, while change is inevitable, it should be harnessed and controlled. It also means that as a consequence of our cultural diversity and competing interests, both the process and the substance of any change in policing must involve *dialogue*. There must be respect for the heterogeneity of existence and opinion, as well as values and beliefs. There must be communication at all levels within society.

In some measure, a community will receive the kind of policing it wants and deserves. But, those who have concerns must express and address them. The police also have a responsibility to share their institutional values and their concerns about how to provide appropriate police services – about what "good" policing is supposed to be. Both groups must realize that conflict does not necessarily have to be bad, for good can indeed come from honest communications. But both groups also have to *listen* to one another and not over-react to challenges and cynicism.

In the final analysis, while civility and humaneness are desirable qualities in any person, and their possession may be indispensable for competent police work, they do not suffice. The opposite of the crude police person is not one imbued with civic virtues and possessed of a polite manner; instead, he or she is the informed, deliberating, and technically efficient professional who knows that he or she must operate within the limits set by a moral and legal trust – a trust defined by the community in which policing occurs.

Any violation of this trust must be viewed as unacceptable.

TRENDS, WORKLOADS, AND RELATED FINDINGS

The Sheriff is a constitutionally elected county official and is responsible for all police activity in the county except where local jurisdictions and Tribal entities have their own police departments, including the cities of Bellingham, Blaine, Ferndale, Everson, Lynden, Sumas and Lummi.

The Sheriff "provide(s) emergency response and public safety services to the citizens of Whatcom County and ... enhances peace, safety and security to all within the Sheriff's jurisdiction."

The Sheriff supervises an Undersheriff and three chief deputies who comprise the positions of Chief of Corrections, Chief Civil Deputy and Chief Criminal Deputy. Other important functions within the department include emergency management, alternative corrections programs and a Drug Task Force.

Between 1996 and 1999 the Sheriff's budget has grown from $5.3 million to $7.4 million or by almost 40 percent. Not including the jail, the majority (54 percent) of the budget is spent on patrol activities. Some 81 percent of the budget is derived from county general revenues. Only 6 percent is received in the form of grants.

Currently, the county is divided into four basic areas for routine patrol, covering an area of thousands square miles, reaching to the north to the significant border crossing with Canada and east to the remote communities scattered along the edges of the North Cascades National Park. All officers dispatched are centrally from Bellingham. A total of 63 commissioned Sheriff's deputies provide all law enforcement services, with 15 civilians providing support work and 10 reserves.

In addition to the routine patrol of civilian areas, Sheriff's deputies also provide services on both the Lummi and Nooksack Reservations, without any cross-deputization. The Lummi Nation does maintain its own police department, which does interface with all of the other law enforcement departments in the county. Here, the major concerns are related to drug sales and use, juvenile delinquencies, and crimes involving alcohol.

There has been a modest change in the arrests of adults between 1993 and 1997. Part I or Index crimes are those crimes that the federal Bureau of Investigation consider serious and indicative of a community's "criminal " health. In Whatcom

County and in aggregate for all reporting (through the Uniform Crime Reports) law enforcement agencies, Part I arrests show little significant change during the study period. Still they have increased by 7.5 percent over a 5-year period or about a percent per year and this trend should be closely monitored. These Part I arrests produce the offenders who typically, if convicted for the original arrest charge, will populate state prisons (through the guidelines of the sentencing Reform Act) or who will spend considerable amounts of time in the County Jail both awaiting trial and as a sentenced prisoner (if not sent to the state Department of Corrections).

Part II arrests, which include most property and public order offenses, are a greater problem in so far as they comprise over 80 percent of all law enforcement arrests and also provide the bulk of the workload for the rest of the criminal justice system. The study period data suggest no specific trend for the arrest of adults for these crime types. This trend should also be carefully monitored as any change brought about by public pressure, legislative mandates or law enforcement policies or procedures could have a pronounced impact on other system activities and workloads.

The total of arrests in 1997 of 7,369 correlates quite closely with the numbers of jail admissions seen during the same time frame. This suggests the importance of the jail as the first contact with offenders and the fact that so few incarceration options exist in the community that the jail is, as it is elsewhere in the United States, used as the primary destination for all persons arrested.

Table 3
Whatcom County Aggregate Arrests of Adults

Year	Part I-Index	Pct Change	Part II	Pct Change
1993	1139		6209	
1994	1198	5.2%	6245	0.6%
1995	1170	-2.3%	6204	-0.7%
1996	1354	15.7%	6440	3.8%
1997	1224	-9.6%	6145	-4.6%
Change 1993-1997		7.5%		-1.0%

Aggregate juvenile arrests reveal a trend that deserves attention. The arrest of juveniles for serious crimes as measured by Part I have increased by 11 percent since 1993. This is a disturbing trend as, once again, these are the most serious offenses that typically are not diverted and can result in the institutionalization of the offender upon conviction.

Once again, Part II offenses predominate but by a much smaller ratio than for adult arrests. Whereas one in seven adult arrests were Part I offenses, for juveniles the ratio is more like one in three. This seems rather unusual and is more fully discussed in the Juvenile section of this report.

Table 4
Aggregate Juvenile Arrests

Year	Part I-Index	Pct Change	Part II	Pct Change
1993	938		1494	
1994	892	-4.9%	1508	0.9%
1995	960	7.6%	1598	6.0%
1996	1057	10.1%	1818	13.8%
1997	1042	-1.4%	1824	0.3%
Change 1993-1997		11.1%		22.1%

Part I arrests can be divided into violent and non-violent crime categories. Though we see a somewhat significant increase in violent adult arrests between 1993 and 1997 (+ 8.6 percent) it appears as though most of the gain is a function of the change between 1993 and 1994. In fact violent arrests seem to have peaked in 1995. Property Part I arrests have increased more slowly during this time frame with an apparent peak being reached in 1996. The decline between 1996 and 1997 are consistent for both arrest categories.

Table 5
Part I Index Aggregate Adult Arrests

Year	Violent	Pct Change Violent	Property	Pct Change Property
1993	175		964	
1994	206	17.7%	992	2.9%
1995	221	7.3%	959	-3.3%
1996	221	0.0%	1133	18.1%
1997	190	-14.0%	1034	-8.7%
Change 1993-1997		8.6%		7.3%

Though there appears to have been a peak in violent Part I juvenile arrests in 1994 the overall study period trend where Part I juvenile violent arrests have increased by 28.1 percent is cause for concern. As it the 10 percent increase in property Juvenile Part I arrests.

Table 6
Juvenile Part I Index Arrests

Year	Violent	Pct Change Violent	Property	Pct Change Property
1993	57		881	
1994	104	82.5%	788	-10.6%
1995	70	-32.7%	890	12.9%
1996	70	0.0%	987	10.9%
1997	73	4.3%	969	-1.8%
Change 1993-1997		28.1%		10.0%

As mentioned earlier Part II arrests comprise the criminal justice system's greatest workload, the seriousness of Part I arrests not withstanding. A review of the major reasons persons are arrested for Part II offenses demonstrates that assaults, liquor law violations and DUI, all typically District Court cases, dominate. Other significant charges are also listed in the table that follows. It should be noted that the number of assault arrests has declined between 1993 and 1997, though not significantly. It should be mentioned that this arrest category will include most domestic violence offenses. The trend in DUI is very encouraging and matches national norms. It should be evidence of a lessening in the prevalence of drinking and driving as miles driven in Whatcom County have not declined and there has certainly been no changes in policies and procedures de-emphasizing apprehending drinking drivers.

Table 7
Leading Aggregate Adult Part II Arrests

			Year			Percent Change
Offense	1993	1994	1995	1996	1997	1993-1997
Assault	1184	1241	1237	1109	1057	
Percent Change		4.8%	-0.3%	-10.3%	-4.7%	-10.7%
Vandalism	164	143	161	130	147	
Percent Change		-12.8%	12.6%	-19.3%	13.1%	-10.4%
Drugs	340	356	326	337	445	
Percent Change		4.7%	-8.4%	3.4%	32.0%	30.9%
Family Offenses	162	227	172	33	19	
Percent Change		40.1%	-24.2%	-80.8%	-42.4%	-88.3%
DUI	806	601	556	590	567	
Percent Change		-25.4%	-7.5%	6.1%	-3.9%	-29.7%
Disorderly Conduct	409	241	186	339	229	
Percent Change		-41.1%	-22.8%	82.3%	-32.4%	-44.0%
Liquor Laws	1264	999	882	1027	956	
Percent Change		-21.0%	-11.7%	16.4%	-6.9%	-24.4%

As a quick review of these data might suggest, there has been a new emphasis on apprehending drug law violators.

Table 8

Leading Aggregate Part II Juvenile Arrests

						Percent Change
Year	1993	1994	1995	1996	1997	1993-1997
Assault	206	207	223	272	270	
Percent Change		0.5%	7.7%	22.0%	-0.7%	31.1%
Vandalism	165	157	151	129	164	
Percent Change		-4.8%	-3.8%	-14.6%	27.1%	-0.6%
Drugs	68	69	103	143	153	
Percent Change		1.5%	49.3%	38.8%	7.0%	125.0%
Liquor Laws	339	368	337	419	342	
Percent Change		8.6%	-8.4%	24.3%	-18.4%	0.9%
Weapons	45	48	33	35	30	
Percent Change		6.7%	-31.3%	6.1%	-14.3%	-33.3%

What was said about drug violation arrests for adults is certainly true for juvenile arrests. This category for juveniles has increased by 125 percent during the study period. Despite this liquor law violations still predominate. It seems clear that there is a substance abuse problem among juvenile offenders and that, perhaps, the substance abuse is contributing to the increasing trend towards youthful offender violence (see assault arrests above).

There is common agreement among all law enforcement departments in the County that the Sheriff's Office is grossly understaffed according to the workload. As a consequence, there is considerable overtime, which costs the County significant funds beyond that which is budgeted. In 1999 the amount paid in overtime presently is approximately equal to 10 percent of the total paid as regular deputy salaries.

There is a misperception that Whatcom County and its cities have a greater than normal police presence given the size of the population. According to national data, the norm for local police departments is 23 sworn, full-time officers per 10,000 populations. All of the police departments in the County as a group have 18.5 commissioned officers per 10,000 population, with Sumas at 60.9, Blaine at 39.9, Everson at 27.7, and Bellingham at 16.3 per 10,000 population. The state norm is 17 per 10,000 populations. The nationwide ratio is 12. For the Sheriff, the ratio is 10.1 deputies per 10,000 populations, which is the lowest law enforcement presence found in the County.

Data provided by WASPC note that Whatcom County has a low ratio of reserves to total staff and a slightly lower ratio of civil staff to total staff. It is also to be noted that the Records Division understaffing is very severe. As of September 1999, incident recording was two weeks behind schedule, warrant entry into the AS400 was three days behind, warrant entry into the ACCESS system was four months behind, and property validations for NCIC/WACIC were three months behind schedule.

Domestic violence calls for service and arrests are very high compared to state norms, which is attributable, in part, to high levels of substance/alcohol abuse among offenders. Additionally, significant numbers of warrants are issued as a result of Failures to Appear (FTAs) for driving under the influence as well as driving without a license. However, due to jail overcrowding, the search for these offenders is seldom executed. Yet, significant numbers are apprehended as a result of new offenses, especially traffic.

Local police departments now have the ability to impound the cars of drinking drivers. But it is unclear if this approach to law enforcement will have an impact on DUI and/or DWLS cases.

Aside from some of the Bellingham Police Department's anti-crime initiatives, there are few if any collaborative efforts or task forces that deal with special crimes and/or crime prevention concerns. The Sheriff has not submitted a proposal to obtain federally funded community-oriented police personnel, especially since future funding for such deputies to be provided by the county is problematic.

Local police departments are fragmented in their operational activities and, in fact, there is little in the way of formal communications or arrangements, notwithstanding considerable amounts of good will and cooperation. There is mutual support when requested, but all of the local departments recognize that the Sheriff is understaffed and therefore has little room for specialization and/or the participation in needed, inter-departmental task groups.

All of the law enforcement agencies clearly recognize that the presence of federal law enforcement in the County is extremely limited, which poses a higher degree of involvement by the Sheriff insofar as the Canadian Border is concerned. Here, there is considerable drug trafficking. Furthermore, due to the US Attorney's practice of not considering significant numbers of drug cases, this responsibility adds to the Sheriff's stretch to provide adequate services to residents in that part of the County.

While the Sheriff is committed to public safety as both a philosophy and a practice, he is unable to mount the kinds of programs that are found in the Bellingham Police Department, where there are appropriate resources for such. This department targets repetitive and specialized juvenile and adult offenders, and others of an at-risk nature. Because of its resources, the Bellingham Police Department is recognized as the most dominant law enforcement agency in the County.

Little use is made of the existing computerized information sources - data and information which are in residence on the Department's computer that could be put to use for such programs as crime specific planning, re-deployment of deputies according to calls for service, and responses to calls other than the dispatch of a deputy (e.g., bicycle theft). Further, there is no online computer system that links directly all of the law enforcement agencies in the County.

The Sheriff is also responsible for civil service in the County as well as for courtroom security, both of which are strains due to understaffing.

Recommendations

1) Conduct a full technology review of the Sheriff's Office functions and develop a written plan for implementing technology enhancements within all divisions. The review should include hardware and software requirements, projected costs, and personnel needs. This study should also include the shared technology with Emergency Communications, radio equipment needs, and individual computers for field deputies. **(High)**

2) Develop a non-emergency telephone number to reduce the 911 workload. **(High)**

3) The Sheriff should proceed immediately to submit a proposal to the US Justice Department for a community-oriented policing (COPS) initiative, depending, of course, upon an appropriate plan for their use throughout the county. **(High)**

    a. Should such a proposal be funded, the County Council must designate continuing funds for the support of the program.
    b. Should the county proceed with a COPS program, consideration should be given to the development of satellite or community-based offices throughout the county.

4) There should be a plan for responding to calls for service wherein investigations are conducted by telephone, such as for minor thefts,

including autos and bicycles, along with an educational campaign to inform the general public of this changed policy. **(High)**

5) The Sheriff should meet regularly and formally with all other law enforcement chiefs in the county on a regular basis to share information, to review inter-departmental practices, and to enhance greater levels of coordination. This also should result in increased numbers of special tasks forces, where indicated. Further, all federal law enforcement agencies should be invited to participate in these regular meetings, especially to discuss Canadian Border issues/problems. **(High)**

6) The police event number should be placed on orders going to court to issue warrants. **(High)**

7) Expand both watch and citizen patrol programs throughout the county. **(High)**
   a. Expand the inclusion and use of citizens who attend the Citizen Police Academy.
   b. Convert the Academy to one that reflects all criminal justice services.

8) Develop a comprehensive, in-service training program based on an annual needs assessment. **(High)**
   a. Conduct annual training on sensitivity/cultural diversity.

9) Complete a staffing and salary analysis in order to determine the need for increased staffing. **(High)**

10) Evaluate the feasibility of converting a substantial amount of overtime funds to full-time equivalents of personnel (FTEs), even though there will always be a need for some overtime funds. **(High)**

11) Study the feasibility of higher levels of integration of county-wide databases. **(High)**

12) Explore the possible use of volunteers as administrative assistants, a cadre that can be selected from among the Citizen Academy graduates. **(High)**

13) The rotation of deputies within and between the jail and the streets should be examined to determine how the process, if at all, can be improved, especially to deal with the morale issues associated with this practice. **(Med.)**

14) Consider the development of an "Operation Night Light," designed to reduce youth violence, as demonstrated by the Boston Police Department. **(Med.)**
   a. Consider the development of a special program that targets the mentally ill, as demonstrated by the Memphis Police Department.

15) Develop a semi-annual, computerized system of analysis of calls for service to determine if the four districts should be changed in terms of boundaries and/or staffing. **(Med.)**

16) Develop a task group with the two tribes to review relationships, crime and delinquency issues, and how greater coordination can be created. **(Med.)**
   a. Evaluate the need for and programmatic issues associated with cross-deputization.

17) The Sheriff should meet no less than quarterly with officials from other cities in the county to review the need for and potential use of alternatives to incarceration/diversion, with the cities paying for a proportionate share of the expenses. **(Med.)**

Chapter 12
Introduction to Court Systems

A court system is fundamental to a healthy democracy because it provides the formal mechanism for peacefully and justly resolving disputes and claims of its citizens that cannot be settled through other means. To be effective, however, a court system must operate in such a manner as to be responsive to the needs of the community, evolving in its procedures and services as these needs change. Population growth, caseload complexity, emerging legal issues -- are but a few of the factors that require court systems to periodically reassess their operating procedures and consider modifications to better meet citizen needs and assure that access to justice is unimpeded and prompt. To be effective, the court system must also be well functioning. Regardless of caseload pressures or resource shortfalls, the court system must provide access to justice for all litigants; it must consider each claim expeditiously, independently and fairly; and it must function in such a manner so as to exude public trust and confidence.

During the nineteenth and early twentieth centuries, courts operated on a *laisse faire* principle, relying on the litigants to determine when they were ready to proceed and how they chose to resolve their respective disputes. With the burgeoning caseloads of recent decades and the increased staffing and other components of court operations that have developed within many local court systems, it has become apparent that courts are in many ways big businesses which need to operate with the same standards of resource management, inventory controls, performance measures, and public accountability as other business entities and public institutions.

For most courts, the volume and complexity of the caseloads have increased dramatically during the past several decades, along with the concomitant tasks of managing and disposing of this caseload. Almost every court now relies on a professional Court Administrator to assist with the management of the docket and development of systems to promote the efficient and fair disposition of the caseload. Every state has adopted time standards for the disposition of criminal and civil cases, and, in most states, the state court administrative office oversees compliance with these standards.

At one time it was thought that the most appropriate response to increasing caseloads was to obtain more judges. While the need for more judgeships has clearly been apparent in many instances, during the past three decades there has also been recognition that more efficient policies and procedures for managing the case-flow process are also necessary to ensure the efficient and fair disposition of the caseload. During the 1970's and 1980's "Delay Reduction" task forces and procedures were put in place in numerous trial courts throughout the country. Strict continuance policies and aggressive adherence to case processing time standards were major components of these efforts.

With the advent of the heavy increase in drug cases during the latter half of the 1980's and the strict/no plea-bargaining policies that accompanied this increase in many jurisdictions, it became apparent that *delay reduction* efforts alone might no longer stem the tide of rising criminal and civil backlogs. Several jurisdictions began experimenting with applying the concept of *differentiated case management* to the case-flow process. The essence of differentiated case management is: 1) the development of multiple case management *tracks,* with differing events and timeframes, to which cases are assigned, based on their relative complexity and the degree of judicial supervision required for their just disposition; and 2) on-going monitoring of the progress of each case to assure that it complies with the time and event requirements of the track to which it is assigned.

The initial experimentation with DCM produced substantial benefits in a variety of areas: 1) more efficient use of judicial system resources because agreement was established early on regarding the events and timeframes appropriate for each track and compliance with these events and timeframes was enforced except upon a showing of very good cause; 2) much greater trial date certainty because only those cases in which a trial disposition was likely (e.g., other attempts at settlement had failed) were set for trial; and 3) improved public perceptions of the court system as litigants, witnesses and others involved in the case disposition process recognized that the events scheduled actually occurred as scheduled.

DCM is now a component of many courts' civil and criminal case processing systems. DCM tracks and procedures are generally different in every jurisdiction because they are a product of the analysis and procedures developed by local judicial system and bar leaders, based on the types of cases being handled in the jurisdiction and reflective of the local legal culture. The rapid development of DCM systems throughout the state and federal court systems reflects the growing awareness that cases are not all alike and should not be processed in the same manner, on a FIFO (First In, First Out) principle. Those that can proceed faster should; and those which require more extensive preparation and judicial supervision need more time but this time must be put to productive use, rather than simply delay.

The Whatcom County Courts

The Superior Court budget has increased by almost 27 percent between 1997 and 1999. The total Superior Court budget in 1999 was almost $750,000. There are three Superior Court judges, three commissioners and two mental health commissioners.

All courtrooms are located in the Courthouse with the exception of a jail courtroom located in the main jail facility immediately adjacent to the Courthouse.

The budget in the District Court, which supports two judges and a court commissioner, totaled just over $1 million in 1999. This amount is just under 13 percent greater than the Court's budget in 1997.

Trends, Workloads and Related Findings

Between 1995 and 1997 the number of filings in the Superior Court increased by 3.9 percent. Statewide Superior Court filings increased during the same time frame by 3.3 percent. The largest category of filings in the Superior Court is civil cases with almost 30 percent of all filing activity. This filing category decreased by almost 3 percent between 1995 and 1997. The greatest decline in case filings was in the area of adoptions (-16 percent, 1995-1997). The greatest increases in filings were experienced with juvenile dependency hearings (+ 135 percent) and criminal filings (+ 13 percent).

Table 13
Superior Court

Filings	Year	Percent of Total	Year	Percent of Total	Change	Change in State
	1997		1995		1995-1997	1995-1997
Criminal	933	16.90%	823	15.50%	13.40%	5.40%
Civil	1523	27.70%	1569	29.60%	-2.90%	-1.50%
Domestic	925	16.80%	955	18.00%	-3.10%	-3.70%
Probate	363	6.60%	371	7.00%	-2.20%	5.80%
Adoption	276	5.00%	328	6.20%	-15.90%	-9.00%
Mental Illness	127	2.30%	132	2.50%	-3.80%	6.20%
Juvenile Depend	341	6.20%	145	2.70%	135.20%	184.80%
Juvenile Offender	1019	18.50%	975	18.40%	4.50%	3.30%
Total	5507		5298		3.90%	3.30%

Few categories of cases in the Superior Court meet recommended time processing guidelines. There has been considerable discussion of the impact of continuances that may be impacting case processing times. Additionally, it has been suggested that there may be a **minimal** problem with calling but not using juries. On a positive note, expedited processing of cases where the defendant is incarcerated is occurring. Data are currently being developed to explore these potential problem areas.

Table 14
District Court

Filings	Filed 1997	Percent of Total	Filed 1995	Percent of Total	Percent Change 1995-1997	Change in State 1995-1997
Traffic Infrac	20819	57.80%	20905	56.60%	-0.40%	-0.60%
NON Traffic Infrac	826	2.30%	593	1.60%	39.30%	1.20%
DUI/Phys Ctrl	1231	3.40%	1252	3.40%	-1.70%	6.50%
Traffic Misd	3535	9.80%	4149	11.20%	-14.80%	-19.50%
NON Traffic Misd	5636	15.60%	6500	17.60%	-13.30%	-5.00%
Domestic Viol	331	0.90%	379	1.00%	-12.70%	2.70%
Civil	2678	7.40%	2163	5.90%	23.80%	5.40%
Small Claims	966	2.70%	966	2.60%	0.00%	-5.20%
Felony Comp	0	0.00%	3	0.00%	-100.00%	-100.00%
Total	36022		36910		-2.40%	

Filings in the District Court declined by just over 2 percent between 1995 and 1997. Traffic infractions still comprise the single greatest workload totals in the District Court (58 percent of 1997 total filings). The 1997 total was negligibly different from the 1995 total. Both traffic and non-traffic misdemeanant filings declined during this time frame (-15 percent and –13 percent respectively). Domestic violence filings also declined (by 13 percent during this time frame). However, the District Court did see significant increases in filings for non-traffic infractions (+ 39 percent) and civil cases (+24 percent) between 1995 and 1997.

The review of the case-flow process in Whatcom County made it apparent that strong consideration should be given to developing a criminal and civil

DCM program in the Superior Court and, most likely, in the District Court as well. Both Courts have heavy daily dockets. Judges appeared to be inundated daily with calendared events. Multiple trials were set each day that they were prepared to try to the extent possible. However, interviews with the judges and with members of the Bar also indicated great frustration with both the heavy dockets and the difficulty of getting cases disposed. Most cases were set for trial multiple times before disposition, generally continued on the day of trial — or shortly thereafter if the case was "trailing" — i.e., waiting to see if a judge and courtroom would become available. Civil cases took secondary priority to the criminal caseload and it was therefore very difficult for a civil case actually to reach trial until at least the third or more setting. However, because no one could be *certain* that a judge and courtroom would not, in fact, be available to try the case on the first or second setting, litigants had to prepare and witnesses had to appear for each scheduled date.

The exception to this practice was the Domestic Relations docket where there had been recently introduced a variety of strategies for screening and managing cases, beginning at initial filing. Parties involved in these cases are required to attempt to resolve issues through settlement and pre-trial hearings before a judicial officer *prior* to the scheduling of a trial date. During the brief period in which these management innovations have been introduced, these procedures have resulted in decreasing case processing time and reducing the number of cases going to trial.

The case-flow process in the Superior and District Courts entails setting every case for trial, without any meaningful pre-trial screening and regardless of whether the case is likely to be disposed of by trial. Most cases set for trial are continued multiple times, usually on the day of trial or a few days following the trial date, suggesting the they have been on a trailing calendar, with parties standing by to see whether a judge and courtroom will be available. Like other court systems, very few cases in Whatcom County are actually disposed of by trial, however, and those that do go to trial usually do so only after multiple settings.

This process imposes a significant burden on the court's resources as well as those of the Prosecuting Attorney's Office, the Public Defender, and those of the private Bar, and undoubtedly the cost of litigation generally in Whatcom County. It is likely that these practices can potentially also impact jail population and juror costs, although it appears that, up to this point, very few jurors are called who are not used. Local judicial system officials need to review the existing case-flow process and consider the extent to which this burden can be lessened -- through pre-trial screening early in the case-flow process; developing multiple case processing tracks to which cases can be assigned based on their relative complexity; reserving the assignment of a trial date to those cases which appear to be likely to require a trial disposition; and other strategies to proactively manage the caseflow. The experience with applying such strategies to Family Court matters should provide a very useful guideline.

Judges, prosecutors, defense counsel, and court administrative staff appear to be highly committed to supporting an efficient and responsive justice system in Whatcom County despite what appear to be heavy caseloads that are placing strain on all agencies involved. However, the lack of efficient pre-trial screening and docket management systems is greatly enhancing the time and resources required to handle Whatcom County's caseload, with detrimental results on each of these agencies as well as the public who seek access to the judicial process.

The trial docket and case disposition process in the Superior Court does not appear to be governed by meaningful pre-trial screening or management. Conversations with local judicial system officials indicate the situation is similar in the District and Juvenile Courts as well, although these courts were not the subject of in-depth study. The practice appears to be to set every case for trial whether or not there is any expectation that the case will actually go to trial on the date set. The reality is that very, very few cases go to trial on their initial setting. Most cases are disposed of through non-trial methods shortly before or on the day of a subsequent trial setting, months after the initial trial date was set.

Disposition time for both criminal and civil cases in Whatcom County is long — from both a national and state perspective. Data from the State Court Administrator indicates that, as of December 31, 1997, 1,124 criminal cases were pending over nine months. Considering that only 933 criminal cases were filed in 1997, this backlog raises great concern. This excessive delay in case disposition was confirmed by a sampling study conducted for this project.

The trial calendar appears to serve primarily as a "tickler" system, calling the parties together to review the status of the case, with little expectation that the case will actually go to trial.

Given the strong likelihood that cases scheduled will not actually be tried, the dockets are heavily overscheduled in the hope of getting SOMETHING to materialize for trials. This practice breeds a sense of trial date uncertainty with everyone involved.

Most cases are continued either on the day of trial or shortly before the trial setting, so that there is not adequate time to schedule another case in their place.

This uncertain trial schedule and the numerous re-settings that are characteristics of the case disposition process place a significant burden on the resources of all involved - prosecutors, public defenders, the private Bar, judges, court administrative staff - as well as paints a negative picture of the court process for the public who may be parties or witnesses to a case. Much more of their daily time appears to go into the "churning" of the cases than to their resolution and disposition.

Sentencing is being negatively impacted by jail conditions. Fewer offenders are serving jail sentences than the judiciary would like. This is especially true of offenders returning to court for violations of a pre-trial release or the conditions of an earlier sentence. It appears as though if unrestricted jail space suddenly became available it would be put to use quickly.

Sentencing guidelines and mandatory sentences restrict much of the sentencing in both the District and Superior Courts. Additionally, there seems to have been some interesting shifts in sentences especially in the Superior Court over the last few years. The Superior Court is making significantly less use of split sentences for adults that involve jail, community service and probation supervision. Some of this shift is the result of policies of the Department of Corrections where community supervision (probation) has turned into more of an accounting than supervisory function. Sentences that involve community service exclusively have all but stopped. If not for community service opportunities at the Alternative Corrections Center this option would hardly be used at all. The use of jail exclusively has been on the increase though this and the preceding finding may be a result of the judiciary giving control of offender placement to jail administration due to the crowding crisis.

Table 15
Superior Court Sentences

	Year	Percent of Total	Year	Percent of Total	Percent Change 1995-1997
	1997		1995		
Comm Serve	0	0.00%	1	0.20%	-100.00%
Jail/com ser/prob	1	0.20%	242	41.90%	-99.60%
Jail only	496	75.00%	194	33.60%	155.70%
DOC	110	16.60%	111	19.20%	-0.90%
Other	54	8.20%	29	5.00%	86.20%
Total	661		577		

The advent of a Drug Court is widely heralded as a positive innovation in the courts and treatment system. Starting slowly with 20 adult offenders the program is scheduled to increase to 90 offenders within a year. The Drug Court will have a positive impact on jail crowding as one objective of the project is to reduce inmate lengths of stay, in some cases by up to 60 days. There is some concern that there may be a duplication of efforts in the drug testing of program clients.

Most offenders who had cases disposed of in 1997 had been through the court system previously. Anywhere from 84 percent to 100 percent of offenders whose cases were disposed of in 1997 had at least one prior court case filing. Additionally, between 33 percent and 74 percent of these offenders had at least one prior alcohol or other drug (AOD) case filed against them in the past.

Judicial Information Services (JIS) equipment is being replaced and the system of tracking criminal cases is being updated.

The lowering of the Blood Alcohol Content limit to .08 will impact the courts as more offenders meet DUI prosecution requirements.

The Offender Accountability Act may have a positive impact on filings of community supervision violators, as hearings now become administrative. Unfortunately, these offenders still end up in the county jail awaiting their "administrative" hearings.

The use of Jail Court has been widely acclaimed. Daily court activity allows preliminary hearings and release decisions to be made in a very timely fashion. This procedure also allows the District Court to dispose of cases hours after the defendant is booked into custody. However, there have been some criticisms that both defense and prosecuting attorneys are not frequently prepared to effect District Court case dispositions during this first hearing. This is not an issue with probable cause arrests but rather with offenders who are in violation of an existing court order such as failure to pay fine, failure to comply, failure to attend treatment, and violations of restraining orders. In 1997 this offender population comprises close to 20% of all jail admissions.

Police agencies are spending considerable time waiting in court to testify. The need for their presence in court is not being prioritized relative to other witnesses. This was one of the reasons the City of Bellingham decided to create an independent Municipal Court. Other reasons include the loss of a lawsuit regarding paying the District Court to handle municipal cases, the City's desire to collect fines and fees and a desire for officer scheduling flexibility that reduces police overtime.

As mentioned earlier, pre-trial conferences are not used in District or Superior Court to determine whether cases are going to trial. This is true for both adult and juvenile cases. The Juvenile Court will soon implement a pre-trial calendar for all felonies and in-custody misdemeanor offenders.

Law enforcement agencies are apparently not yet aware that information on quashed warrants is available on-line 24 hours a day.

The Lummi Court is a municipal court. The Tribe's criminal code is being revised/expanded to reflect more realistically problem behaviors on the reservation. This may result in an expansion of the number of crimes covered by the Lummi Court and in enhanced penalties. It may also pave the way for a greater collaboration between courts and treatment/supervisory agencies in Whatcom County and on Tribal lands.

Recommendations

1) The Court Administrator should review with representatives from the Prosecutor, Public Defender's office, and private Bar the disposition process for a sample of criminal cases and civil cases to determine (a) what amount of "delay" was necessary to adequately prepare and what amount of delay was unproductive -- i.e., did not contribute to the adequate preparation of the case for disposition; and (b) the necessary events and timeframes appropriate for cases of that type. The results of this analysis should form the basis for pilot-testing a system for pre-trial screening and case management of the docket. **(High)**

2) The committee of interagency representatives assembled to address the tasks laid out in Recommendation 1. above, working with the Court Administrator, should consider developing a scheduling and case management system that can be pilot tested and which will include established dates for: (a) completion of discovery; (b) filing of motions; (c) submission of and responses to plea or settlement offers; and (d) other pre-trial events associated with case preparation and just disposition. Differentiated scheduling procedures, events and agreed upon dispositional timeframes should be developed for major case types and/or case processing tracks. **(High)**

3) Consideration should be given to assigning trial dates only to cases that are not resolved after completion of the scheduling procedures outlined as a result of implementing Recommendation 2. **(High)**

4) A strict no-continuance policy should be established and adhered to. Requests for continuances should be submitted in advance of the trial

date to the Presiding Judge or his designee. The court needs to adopt a policy promoting compliance with dispositional timeframes. **(High)**

5) During the course of implementing Recommendations 1. Through 4., judicial system officials should closely monitor the progress of cases handled under the case management system established to determine what additional modifications in case scheduling practice or case management initiatives may be needed. These modifications should be made on an on-going basis. **(High)**

6) Following a reasonable period for implementation of the above recommendations, a determination should then be made regarding the nature of any additional judicial system resources still necessary to adequately handle the caseload in a manner consistent with reasonable time standards and public expectations. **(High)**

7) Judges of all city, District, and Superior Courts should meet at least quarterly to review programs, policies, problems, and concerns. **(Med.)**

8) Assess the evaluation results of the Drug Court and expand its services as resources permit. **(Med.)**

9) Explore the consolidation of duplicate court services where feasible. **(Med.)**

10) Monitor Failure to Appear violators to determine types/reasons/impact. **(Low)**

11) Review criminal and civil continuances to improve the certainty of trial dates. **(Low)**

12) Develop enhanced dispute resolution/mediation/arbitration/mandatory settlement conference programs. **(Low)**

13) Train personnel for the immediate notification of appropriate law enforcement agencies of quashed warrants and for other warrants and orders signed after the close of business. **(Low)**

14) Recapture indigent defense costs from offenders according to ability to pay. **(Low)**

15) Continue to evaluate the need for Superior Court positions based on state standards, including another Superior Court judicial position with support staff and resources. Recently the County Executive did not approve the request for an additional Superior Court courtroom. **(Low)**

16) Dedicate full-time case management resources to both civil and criminal cases that are exceeding time limits. **(Low)**

17) Improve courthouse security. **(Low)**

18) Monitor the use of split sentences. Develop a matrix of recommended graded sanctions for offenders in the District Court that maximizes the use of community-based options and treatment resources and reserves jail for mandated sentences and the dangerous. **(Low)**

19) Delegate, where allowed, facility and community placement decisions to a centralized management unit that consolidates and enhances all community alternatives for intensive supervision and treatment. **(Low)**

20) Explore the feasibility and cost-effectiveness of a night court to expedite the processing of misdemeanant cases. **(Low)**

21) Develop a countywide "Adjudication Partnership" program (a multi-agency planning committee). **(Low)**

22) Recommendations 1. through 6. Were not considered by the Project Steering Committee. The consultant team considers them to be *high* priorities for the Courts. Recommendations 7. Through 9. were considered and were given a *medium* priority ranking. The remaining recommendations were given a *low* rating by the Committee.

Chapter 13
INTRODUCTION TO PROSECUTION

The prosecution function, personified at the county level by an elected official in almost every state, is the second of the three legs of the adjudication component of the American criminal justice system. Prosecuting Attorneys are arguably the most powerful officials in the criminal justice system because of their unique ability to influence both the volume and categories of cases that enter the adjudication system and, ultimately, the corrections system.

It is the paramount duty of the Prosecuting Attorney to see that the laws are faithfully executed and enforced in order to maintain the "rule of law." Although there are many aspects to this duty, its most visible manifestation is the prosecutor's role as the advocate of the people of the state in the adversarial process of determining the guilt or innocence of an individual arrested and charged with a crime.

At the same time, the prosecutor has a responsibility as a key administrator in the scheme of criminal justice administration to assure that the public resources made available by the state and county for criminal prosecution and sanctioning are used efficiently, ethically, competently, and in the best interest of the community. The prosecutor has wide discretion in the exercise of the authority of his or her office to achieve these goals.

The most important discretionary power of the Prosecuting Attorney is the power to charge – or not to charge – a person with a crime. Although some aspects of the decision to charge rest on strict legal issues (e.g., has a crime been committed, was it committed within the jurisdiction of the Prosecuting Attorney's Office, has the defendant been connected to the crime by either direct or indirect evidence or by admission) other aspects of the exercise of this discretion rest on non-legal issues such as the likelihood of obtaining a conviction (whether because of the strength of the case or jury idiosyncrasies in the jurisdiction), and the appropriateness, from a policy or cost-effectiveness perspective, of prosecuting the type of case (e.g., victimless crimes, insufficient funds check cases, differences of opinion with police authorities on arrest practices or initiatives). The exercise of this discretionary authority not to charge after a person has been arrested and the case presented to the Prosecuting Attorney's Office for consideration of the filing of formal charges in court is called "declination" of prosecution. It is an important safety valve and check and balance built into our criminal justice system.

Another aspect of the discretionary charging authority of the Prosecuting Attorney, and one which often is exercised with negative effects on the criminal case process, is the decision to prosecute an accused, either intentionally or as a consequence of inadequate case screening, at an inappropriately high charge level, with consequences for the length of time and expense required to adjudicate the case and the range of sentencing options for which a convicted defendant would be eligible. This process, called "overcharging" is often the result of a political stance taken by the Prosecuting Attorney, a breakdown in the case screening and management standards exercised by the office, or the absence of a collaborative criminal justice planning and coordination mechanism in the jurisdiction.

Other activities of the Prosecuting Attorney's Office, not all of which are totally discretionary with the prosecutor in their implementation, have significant consequences for the efficiency and quality of adjudication and corrections components of the criminal justice system. These can be grouped under case management policies and procedures, and include: the office's policies and procedures on plea negotiation (the safety valve of the criminal justice system), and the means by which over 90% of all criminal cases are disposed nationally); the prosecution priority given to various categories of cases; the position of the office on pre-trial release of defendants and on sentencing options for convicted defendants; discovery policies and procedures; case consolidation policy; the organization of the office; and case assignment procedures.

Still other activities of Prosecuting Attorney Offices have significant consequences for the image of the judicial system: feedback to law enforcement agencies of training-relevant information on case quality and outcome issues; victim/witness assistance services provided by or through the office; feedback to witnesses and complainants on case outcomes; and community outreach/community involvement by the Prosecuting Attorney and his staff.

The system of Differentiated Case Management (DCM) that we advocate for the courts component of the Whatcom County criminal justice system has the potential, demonstrated in other jurisdictions across the country, for significantly easing and rationalizing the workload of an admittedly overburdened system and moderating increases in system cost. The Prosecuting Attorney's Office in these other jurisdictions has been the key agency in the collaborative implementation of such a program.

The Whatcom County Prosecutor

The mission of the Whatcom County Prosecutor is "to effectively and efficiently provide just, equitable and high quality legal representation when prosecuting criminal actions, when advising or defending county officials or employees on civil matters that pertain to or affect the interests of the County, and when carrying out statutorily mandated duties on behalf of the State of Washington."

The office is located in the County Courthouse and as of 1997 consisted of 16 attorneys and 26 support staff. Eleven attorneys handled filings in 1997. The criminal branch includes a sexual assault case specialist and a domestic violence case specialist. The Senior Administrator of the office oversees a victim witness coordinator and a domestic counselor.

The Office produces a very useful annual report that is created through the analysis of filings data maintained in a distinct series of files housed on the County's AS400 computer system. The content of these files will become a significant contributor to the proposed decision support system.

Trends, Workloads and Related Findings

There were 8,795 prosecutor filings in 1998. The Prosecutor's Office may experience up to 10,000 criminal filings by 2005 and 11,000 by 2010 if current trends continue into the future.

Table 11
Prosecutors Office Filings

YEAR	TOTAL FILINGS	PCT CHANGE
1988	5599	
1989	6671	19.10%
1990	6900	3.40%
1991	6807	-1.30%
1992	7067	3.80%
1993	7704	9.00%
1994	7919	2.80%
1995	8257	4.30%
1996	7730	-6.40%
1997	8154	5.50%
1998	8795	5.50%
1999	8975	5.50%
2000	9154	5.50%
2005	10054	5.50%
2010	10992	5.50%

The number of cases per prosecuting attorney is presently too high and future workloads seem to indicate an exacerbation of this problem.

The number of filings per staff attorney has climbed from 699 in 1988 to 741 by 1997. These levels of workloads have a detrimental impact on case processing times. The national norm for cases disposed of per prosecuting attorney is 225.

Additionally, nationally, prosecutor offices increased the number of staff attorneys by 20 percent between 1992 and 1996. This increase was matched in the Whatcom County Prosecutor's Office for the same time frame.

Table 12
Prosecutor Filings Per Attorney

Year	Per Attorney	Percent Change
1988	699	
1989	834	19.30%
1990	767	-8.00%
1991	680	-11.30%
1992	642	-5.60%
1993	700	9.00%
1994	712	1.70%
1995	750	5.30%
1996	703	-6.30%
1997	741	5.40%

Of cases disposed in 1997 the most serious charges in the District Court were Driving while License Suspended (25.7 percent), Assault in the 4th Degree (18.6 percent) and Driving Under the Influence (17.9 percent). In Juvenile Court the most serious and frequently occurring cases were Theft in the 3rd Degree (32.6 percent) Minor in Possession (of alcohol) with 16.8 percent, and Assault in the 4th Degree (8.1 percent). In the Superior Court the most prominent filings were for Probation Violations (30.8 percent), Extradition (7.2 percent) and Violation (sale) of the Uniform Controlled Substances Act (7 percent).

These charges change slightly when the most serious charge that the defendant is found guilty of or pleads guilty to are examined. In the District Court the leading most serious charges where guilt is found are DWLS (32.3 percent), DUI (17.7 percent) and Negligent Driving (11 percent). In the Juvenile Court these charges shift to Theft in the 3rd Degree (19.2 percent), MIP (10.2 percent), and Burglary in the 2nd Degree (9.1 percent). The Superior Court still reveals Probation Violations as the most frequently occurring most serious charge disposed of with a determination of guilt (34.1 percent) followed by VUCSA (sales) with 7.8 percent and VUCSA (possession) at 7.4 percent.

Some 3.4 percent of all dispositions in the District Court are resolved by a guilty finding at trial. This percentage drops to 1.2 percent in the Juvenile Court and .9 percent in the Superior Court. Overall only 6.3 percent of all District Court dispositions occur via trial while 1.8 percent of Juvenile Court cases occur in this fashion. The percentage is even lower in the Superior Court with a trial rate of 1 percent.

On the average it take 148 days to move a charge from filing to disposition in the District Court, 139 days from filing to disposition in the Juvenile Court, and 645 days in the Superior Court. The Superior Court times are skewed by the inclusion of the original filing date in the calculation of elapsed time for probation violators.

Cases (which may include multiple charges) move more rapidly. In the District Court, the average elapsed time from filing to disposition per case is 139 days; it is 120 days in the Juvenile Court and 201 days in the Superior Court.

Of cases disposed of in 1997 in the District Court Possession of Stolen Property in the 3rd Degree (257 days), Appeals (350 days), Weapons (252 days), Resisting Arrest (222 days) and Theft in the 2nd Degree (486 days) took the longest on average to move from filing to disposition.

In the Juvenile Court longer than average elapsed times from filing to disposition were seen for DUI (590 days), Hit and Run (384 days), Appeals (414 days) and Rape in the 2nd Degree (592 days).

Longer average elapsed times in the Superior Court were seen for Child Abandonment (2711 days), DUI (981 days), Tampering with a Witness (1018 days) and Trafficking (1303 days).

Cases where the Public Defender is involved move more rapidly from filing to disposition than cases where other counsel is involved. In the District Court Public Defender cases are resolved 13 days faster; in the Juvenile Court, Public Defender cases are more rapid by 60 days while in Superior Court, Public Defender cases are resolved 89 days (on the average) sooner.

In both the Superior and District Courts where the defendant is detained pretrial cases move significantly more rapidly from filing to disposition.

District Court defendants average 32 years of age. When sentenced they most frequently receive a jail sentence averaging 160 days of which 147 days are typically suspended.

Superior Court defendants are younger averaging 30 years of age. When sentenced locally, as opposed to those sentenced under the Sentencing Reform Act, offenders are required to pay a fine, pay restitution, pay court costs, perform community service and serve a jail sentence of 87 days (of which 60 days are suspended). Defendants sentenced to the State Department of Corrections receive just over 13 years on the average.

There is very little deferred prosecution (with conditions) other than for Driving Under the Influence and very few diversions (into programs or with conditions) for less serious adult offenders. Felony diversions are prohibited under the Sentencing Reform Act. The Prosecutor does run a very innovative check diversion program that has had positive results over the last 10 years in terms of collecting payments on bad checks and reducing the involvement of criminal justice personnel in these types of cases.

At sentencing juvenile offenders are frequently required to pay a fine, restitution, court costs, and perform community service.

Recommendations

1) Expand deferred prosecution for adult misdemeanants with supervision by a centralized management unit that consolidates and enhances all community alternatives for intensive supervision and treatment. **(High)**

2) Develop a special program for Driving While License Suspended violations in coordination with police, courts, and the Public Defender. **(High)**

3) Explore methods to fast track all in-custody cases to improve the current process. **(Med.)**

4) Develop a uniform, explicit charging system with deputy staff empowered to make decisions. **(Med.)**

5) Review with the public defender the process for reducing charges (26 percent of felonies and 24 percent of misdemeanants). **(Med.)**

6) Study further enhancement of differentiated case management that targets addicted offenders, drug trafficking offenders, domestic violence offenders and repeat offenders. **(Med.)**

7) Explore how to diminish the significant amounts of time and resources the Prosecutor's Office spends on dealing with border-crossing Canadian offenders and with fugitive American citizens seeking refuge in Canada since the County eventually prosecutes the majority of federal offenders. **(Med.)**

8) Provide funding to the Prosecutor's Office for a full-time investigator. **(Med.)**

9) Consolidate victim-witness services. **(Low)**

All of the recommendations in this group received a *medium* ranking by the Project Steering Committee. Recommendations 1. and 2. received slightly higher ranks while Recommendation 9. received the *lowest* rank in the group by the Committee.

Chapter 14

INTRODUCTION TO THE PUBLIC DEFENDER

The third leg of the adjudication components of the criminal justice system is the defense function, manifested in the American criminal justice system by a combination of privately retained attorneys and government-paid attorneys, the latter provided at state expense for indigent defendants. Pursuant to the Sixth Amendment to the U.S. Constitution and related Supreme Court decisions, the state must furnish counsel to any person accused of a crime if the charge can result in a prison or jail sentence and the individual cannot afford to retain his or her own lawyer.

Approximately 75 percent of criminal defendants nationally are represented by state-supplied lawyers, consisting of either staff attorneys in county or state-funded Public Defender offices, private attorneys appointed by the court in individual cases, and private attorneys under contract to a county to provide services to a specific number or proportion of indigent defendants in the jurisdiction. Whatcom County has a county-funded Public Defender Office headed by an appointed Chief Public Defender and a panel of private attorneys who are available for court-appointment in indigent cases where the Public Defender Office would have a conflict of interest.

Unlike the Prosecuting Attorney, who has multiple responsibilities – to the state, the county, and even to the accused -- in carrying out the prosecution function, the defense attorney is only responsible to his or her client, subject only to the mandates of professional ethics and state law.

Like the Prosecuting Attorney, however, indigent defense attorneys (generically referred to from this point on as "public defenders") play an important role in the efficient functioning of the criminal justice system. Non-compliance with national standards of workload and performance can result in inadequate, if not incompetent, representation, with cost and public confidence implications for the entire criminal justice system. For example, public defender clients who do not receive early, thoughtful and zealous representation, are likely to have more serious charges filed against them, will be more likely to remain in jail longer during the pre-trial period, and may have a higher incidence and length of incarceration if found guilty.

Unlike the Prosecuting Attorney, the public defender must take all cases assigned to him unless conflict of interest or other compelling reason persuades the court that withdrawal from a case should be granted in the interest of justice. Also unlike the prosecuting Attorney, the Chief Public Defender (with a very few exceptions nationally) is an appointed official without an independent political base to provide him or her with leverage in the competition for budgetary resources and public confidence. General government elected officials must compensate for this lack of a natural constituency by taking measures to assure that the defense function is being managed and operated in a professional, accountable manner and that it has the resources necessary to provide the Constitutionally mandated level of representation.

In view of the fact that more than 90 percent of criminal cases nationally are disposed of by guilty plea, it is incumbent on public defenders to take an active role in striving to establish and expand pretrial release alternatives, and community-based sanctions, diversion programs and treatment intervention initiatives, such as drug courts.

The support of the Whatcom County Public Defender Office and the private bar for our recommendations on case management improvement and expanded capacity and types of community-based sanctions is essential.

The Whatcom County Public Defender

Defendants, adult and juvenile, facing jail, detention or prison, and who (or whose parents) are without sufficient financial resources to pay for their defense are provided counsel through the Whatcom County Public Defender.

The Public Defender is located in the County Courthouse and charged with the responsibility of identifying (through a financial screening process) indigent clients and for providing competent defense counsel. It is the policy of the Defender's Office to assume the need for an appointment as history has shown that most of Whatcom County's criminal defendants are indeed indigent. In cases where there appears to be a conflict of interest between defendant and counsel, another attorney can be assigned from a pool of attorneys maintained by the court.

In 1998, the Public Defender had 12 attorneys to provide indigent defense. The office also has access to several support functions, either as staff or through contractual services, such as social work services and investigators.

The Public Defender's budget totals $1,650,196 in 1999, which is 17 percent greater than the budget total in 1997. Nationally, financial support of public defenders' offices has been growing at a rate of approximately 10 percent per year.

Per case costs for the provision of indigent defense by the Public Defender average between $226 and $263. The Public Defender does not attempt to collect or recapture fees from defendants. This task is typically made part of a sentence, if and when the defendant is found guilty.

The Public Defender keeps extensive case files and aggregate data on the department's own local area network and has access to all relevant databases maintained in the County to track criminal cases. The Public Defender's Office is an excellent candidate for inclusion in the proposed county-wide integrated management information system and a prime contributor to the proposed Decision Support System.

Trends, Workloads and Related Findings

Eighty percent of all criminal defendants in Whatcom County use indigent defense, a rate that is identical to the rate seen elsewhere in the United States. In 1998, the Public Defender handled 6,283 appointments. This 1998 total is 278 percent greater than the total of 1,664 in 1983 and 111 percent greater than the total in 1988. The number of attorneys in the Public Defender's office increased by 71 percent between 1988 and 1998. Attorney increases are not keeping pace with workloads.

The percentage of all criminal filings that require a public defender has risen from 53 percent in 1988 to 76 percent in 1998. The number of appointments is forecasted to reach 7,665 by 2005 and 8,380 in 2010.

Between 1983 and 1998 there has been significant growth in all case appointment types within the Public Defender's sphere of influence. The Legislature's "fine tuning" of the juvenile justice system has lead to an 836 percent increase in juvenile appointments between 1983 and 1998. Probation and parole appointments have increased, during this same time frame, by 343 percent.

Table 9
Public Defender Trends

Year	Felony	Prob/Parole	Misdem	Juvenile	Depend	MH/ALC	Appeal	Total
1983	388	179	742	246		109		1664
1984	434	269	875	328		78		1984
1985	422	281	962	376		97	10	2148
1986	500	256	1266	438		76	16	2552
1987	503	279	1331	472		88	27	2700
1988	566	256	1614	427		115	6	2984
1989	612	296	1859	557		125	10	3459
1990	623	417	2581	834		113	5	4573
1991	698	511	2166	991		136	7	4509
1992	863	474	2146	1166		121	15	4785
1993	740	555	2071	1269	53	125	17	4830
1994	804	535	2367	1309	42	124	73	5254
1995	789	564	2334	1434	62	193	100	5476
1996	862	683	2254	1563	78	166	47	5653
1997	965	699	2308	1907	113	168	56	6216
1998	1128	793	1656	2304	170	186	46	6283
Change 1983-1998	190.70%	343.00%	123.20%	836.60%	220.80%	70.60%	360.00%	277.60%

The National Legal Aid and Defenders Association has reported that defense attorneys should not handle more than 150 felonies per year, nor more than 400 misdemeanors, nor more than 200 juvenile court cases, nor more than 200 mental health cases, nor more than 25 appeals per staff attorney. These standards are difficult to meet in the Whatcom County Public Defenders Office.

Per public defender, the number of appointments reached 524 in 1998. This amounts to a 23 percent increase in the number of appointments per public defender attorney from the average in 1988.

Table 10
Public Defender Caseloads

Year	Number of Attorneys	Cases/Attorney
1983	5	333
1984	5	398
1985	6	358
1986	6	409
1987	6	450
1988	7	426
1989	7	494
1990	9	508
1991	9	501
1992	9	531
1993	10	483
1994	10	525
1995	10	548
1996	11	514
1997	11	565
1998	12	524

It has been suggested that defense attorneys do not support the adoption of an alcohol or other drug (AOD) screening instrument in the jail for all offenders who are booked and spend at least 24 hours in custody. Currently it must be voluntary for offenses that are not alcohol or drug related, but upon sentence it may be a condition of probation. In cooperation with the Bar, the development of an appropriate screening tool should be explored.

Recommendations

1) Staff the Public Defender's Office to the levels suggested by the National Legal Aid Defender Association. **(High)**

2) Review the functions of the current social worker. **(Low)**

3) Review with the prosecutor a better system for assignments and the receipt of documents. **(Low)**

Though unranked by the Project Steering Committee, Recommendation 1., in the opinion of the consultants, should be given a *high* priority.

Recommendations 2. and 3. were given a *low* priority by the Steering Committee.

Chapter 15
INTRODUCTION TO THE JAIL

The jail should be viewed as one of the most important of all facilities in the justice system simply because it serves as the primary intake source for all persons arrested by the police. Additionally, it is a place of first or last resort for a host of disguised health, welfare, and social problem cases - situations that should be handled and managed by other agencies and programs in the community. But as a federal court has stated: "The chilling impact of the high numbers of bookings dictates the necessity to come to grips with the constitutionality of conditions in the jails in America."

Ironically, although the jail is the oldest of American penal institutions, less is known about it than about any other institution or correctional program. In fact, it was only recently that the jail received any attention for it was never viewed as within the purview of traditional corrections, since it tended to be operated by sheriffs, who were viewed primarily as law enforcement agents and not correctional administrators. Although the jail indeed is a correctional enterprise, many introductory criminal justice texts simply ignored any discussions about jails for they were not viewed as a correctional program.

Except for an occasional scathing commentary and/or as a result of notorious event, jails have been tolerated and have received little attention from elected officials as well as the community-at-large. Testimony for this conclusion is revealed when one examines the actual facilities throughout the country: many were built in total disregard for program, are ancient, and are almost impossible to manage insofar as constitutional rights are concerned.

It was not until 1970 that some systematic data on jails became available. At that time, the Bureau of the Census conducted a national census. And it has only been since the early 1970s that the courts have abandoned their hands-off policy toward all penal institutions and began hearing cases from inmates alleging that they were receiving unconstitutional treatment in jails.

Jails can be traced far back into history when they made their debut in the form of murky dungeons, abysmal pits, and suspended cages in which hapless prisoners were kept. But, the purpose of those jails was mainly to detain people awaiting trial, transportation, the death penalty, or corporal punishment. The old jails were not particularly escape-proof, and the persons in charge often received additional fees for shackling prisoners.

Inmates were not separated according to classification; there were no risk or needs assessments; physical conditions were terrible; food was inadequate; and no treatment or rehabilitation programs existed. In fact, in the early days, more prisoners died in jail especially of what was called "jail fever" than were executed.

Prisoners had no rights and due process was a fantasy; therefore, as some believe even today, those who perpetrate crimes against society - especially predatory crimes - "deserve" nothing and need to be punished.

Until recently, the jail has been the last institution to receive government and public support. While public attention may focus on jails from time to time, especially when bond issues are submitted as ballot initiatives or when politicians or the media expose a particularly appalling situation, the jails of the past frequently reverted to their original deplorable state. This, of course, has changed dramatically in recent years as new facilities are designed and built, based on nationally promulgated standards and what has come to be called "the new generation jail."

The contemporary jail is responsible for "booking" all persons arrested, whether for a misdemeanor or felony offense. Therefore, the bulk of its inmates are those awaiting trial. However, the jail traditionally has also been responsible for housing convicted misdemeanants (and some minor felons) who have been sentenced to specific periods of time. Further, the jail houses probation and parole violators, whose dispositions await other agencies' decisions; those who are being held on warrants from other jurisdictions; and those who have been sentenced to the state department of corrections.

Overcrowding occurs not simply because there are insufficient beds available, but as a consequence of court delays, failures to process appropriate paperwork, charging processes of prosecutors, continuing police investigations, delays in forwarding case assessments to public defenders, inadequate bond schedules, and inadequate health and mental health services for those offenders "dumped" into the system.

Urban dwellers in America have responded to the need for local lockups and detention facilities in a number of ways. It is to be noted that the most common pre-trial confinement facility is that of the city lockup, which frequently is administered by local police agencies, including sheriffs, who generally operate county-based facilities. But the size and quality of these facilities vary greatly. There is quite a difference between a one-person lockup of a small town and the detention facilities of New York City, Boston, or Los Angeles. Further, policies and programs vary greatly between lockups as well as between jails, between cities and counties, and between small, medium, and large facilities.

One major reason why jails are so poorly equipped and staffed may be due to its organizational structure. Jails are normally locally financed and operated which inevitably involves administration in local politics. The exception, of course, is the jail operated by a statewide agency, such as a department of corrections. Historically and for the most part, American jails have been under the direction and supervision of the sheriff, almost universally an elected official. Unfortunately, in many instances, some sheriffs tend to view the jail as an "adjunct" to their law enforcement and civil service responsibilities and as the place for the temporary housing of inmates.

In many states, however, legislatures have given control of jails to departments of correction, which either operate these facilities on a regional basis or provide for inspections according to explicit standards developed by the state. This process, moreover, has significantly helped to develop common practices and policies, ensure the constitutional rights of inmates, and identify physical plant inadequacies that must be corrected. Additionally, changes in policies and practices have occurred as a consequence of court interventions, which frequently resulted in consent decrees - mandates to attend to and achieve specific changes. Also, such organizations as the American Correctional Association, the American Bar Association, and the National Commission on Correctional Health Care, among others, have promulgated standards of practice that must be met if the facility wishes to be accredited. The State of Washington used to have jail standards as developed and promulgated by the Washington State Association of Sheriffs and Police Chiefs. Implementation of these physical plan and custodial care standards was abandoned years ago.

Notwithstanding the above, for many jails throughout the country, standards remain low, treatment and rehabilitative programs are almost non-existent, and these facilities, at best, can be described as mere warehouses. Furthermore, there are no programs at many jails that are concerned with education, personal hygiene, mental health services, and specialized programs for female offenders, the mentally ill and substance/alcohol-abusing inmates. Additionally, most jails are ill-equipped to supervise youthful offenders who have been transferred from juvenile to criminal court for trial.

Staffing is also a serious problem for most jails, for entry-level standards are low and pay is usually inadequate. Training frequently does not occur, staff is required to work overtime due to staff shortages, and staff supervision is sometimes grossly inadequate. The ability to supervise and otherwise monitor offenders with various mental and physical health conditions, such as HIV and AIDS, infectious diseases, and sexually transmitted diseases is usually limited as are comprehensive health services available to inmates.

It is also common to find in many jails an absence of appropriate and meaningful classification protocols. This results in the failure to separate pre-trial from post-sentenced offenders, those who have histories of violence, gangs, and those with special needs, such as homosexuals, as examples. The consequence, unfortunately, is that many jails have witnessed increased assaults, suicide attempts and riots.

Jails have historically been the focal point in the criminal justice system for those petty offenders who are recycled over and over again for minor offenses. Labeled as "chronic" or "serial" offenders, these misdemeanants not only consume considerable criminal justice funds, they clog the entire system - from arrest through detention, trial and sentencing. Many, such as alcohol and substance abuse offenders, need not be jailed as a result of "health" conditions, but are because they haplessly commit minor offenses. They are arrested by the police and tend to languish in jail, especially since there is little in the way of treatment.

Some enlightened communities have recognized both the cost and frustration of this kind of offender and have developed what have been called "misdemeanant centers", that is, minimum-security facilities that are treatment-oriented. The consequence of such a development not only reduces jail overcrowding by making more beds available for the serious offender, it provides for a more significant set of interventions designed to treat or otherwise change this kind of offender.
Other movements that have taken hold in recent years and with considerable success are the 1) creation of a supervised pre-trial release programs and 2) the development of alternative sanctions. The former deals with those offenders who

safely can be retained in their communities while awaiting trial and who are released under supervision to ensure that they attend to court appearances. Data clearly demonstrate that where such a program is in place, these offenders indeed report to court (reducing FTA's) and, it has been found they commit fewer offenses while awaiting trial. Further the number of warrants that have to be issued as a result of non-appearance is drastically reduced.

With regard to the second initiative, the courts generally have been willing to sentence non-violent, non-serious offenders through the use of alternative or intermediate sanctions, provided they are available in the community. Thus, instead of jailing an offender, the judge might choose to use community service, work release, house arrest, electronic monitoring, require attendance at some kind of treatment agency, or other community-based program and frequently under the supervision of a probation officer. This practice, too, has reduced jail overcrowding while providing appropriate measures of community safety.

In the final analysis, the jail must be viewed as both a critical and strategic aspect of the criminal justice system and is usually the most costly of any programs. To ignore the needs of the jail and to under-finance and under-staff the jail can only be viewed as deliberate indifference not just to the needs of the offenders, but to the community as well. There is no doubt that change is needed, but change for the sake of change is a gross mischaracterization of the planning process. Instead, a community must examine the philosophy and mission of its jail, how it relates to the entire criminal justice system, and how the jail can be improved both effectively and efficiently. The jail should no longer be the 'step child' of the criminal justice system in a community.

The Whatcom County Jail

The Whatcom County Jail, located in Bellingham, Washington, was built in the mid-1980's with a design capacity of 148.

The mission of the jail is "to assist in protecting the citizens of Whatcom County. The jail fulfills this duty by providing a safe and secure environment for housing persons legally under arrest or placed into custody by a court. The jail provides for the basic necessities of life, including health care that meets community standards, access to courts and legal counsel, nutritionally balanced meals, personal hygiene supplies and the highest level of personal interaction. The jail is run in such a manner as to be compliant with all legal requirements, moral and ethical imperatives and the preservation of the facility's security, assuring the safety of the employees, offenders and the public."

The jail was built with 75 percent single occupancy cells (the rest in dorms) with 72 square feet of living space per inmate along with 35 square feet for dayroom space, according to state physical plant standards. The jail was designed to be operated as a direct supervision jail though the facility is currently being staffed as a podular remote supervision facility. The facility is maximum security in construction lacking only a perimeter fence. Unless restricted by a crowding crisis, all booking is handled in the jail facility, at which time a computerized jail booking process is initiated. Felons are mandatorily sentenced to the jail. Misdemeanants report to the Alternative Corrections Center (located adjacent to the jail) at which time they are scheduled (by the ACC administrator) to serve their sentences or assigned, if eligible, to a community-based program. The District and Municipal Court judiciary have provided the Sheriff's Office through the ACC administrator the right to schedule offenders for jail or to place offenders into community-based programs.

The jail has a courtroom (adjacent to the only remaining treatment space) that is used to conduct probable cause hearings and arraignments. The court meets daily with a rotating series of judges and court administrators. There are no video conferencing capabilities at this time in this courtroom.

The jail was designed with a work release component, which is no longer in use for that purpose. The facility also had useful program and treatment space that was converted into storage and living space for the increasing jail inmate population. Few behavioral change programs are provided to inmates in the jail at this time aside from a substance abuse treatment program for women, that is contracted through St. Joseph's Hospital and a GED program which is co-operated with Whatcom Community College.

The original recreation space has been halved. The jail has a large kitchen, currently inadequate storage space, a small laundry, and potentially serious problems with fire emergencies and cannot be expanded due to structural problems. Many of the appliances originally placed in the jail to accommodate a population of 150 have been forced into service for over 200 inmates and are now in need of replacement.

Staffing has not kept pace with capacity increases and overtime costs have increased significantly to the point where adding staff is thought to be less expensive than paying staff overtime.

The Chief of Corrections reports directly to the Sheriff. The Corrections Chief is also responsible for overseeing the ACC. Both the main jail and the ACC have their own administrators. The Corrections Chief oversees the work release facility though not day-to-day operations.

Cities in the County are assessed a booking fee and per diem fees for the use of the jail facility. The State Department of Corrections, the Washington State Patrol, numerous federal agencies such as the Border Patrol, the Drug Enforcement Agency and Customs and the City of Bellingham use the facility extensively.

The jail budget has grown from $3.8 million in 1995 to $4.9 million in 1999. A small lock-up in Pt. Roberts costs just over $23,000 per year to maintain. The budget of the Alternative Corrections Center totaled $526,842 in 1999. Inmates in the main courthouse jail pay no part of the cost of their incarceration, though medical costs are to a certain extent recouped. Inmates do pay for the use of programs (day offender, electronic home monitoring, and urinalysis) offered by the Alternative Corrections Center (ACC). A remote, dormitory style, 32 bed, work release facility, which is privately run by Security Specialists Plus (annual budget of $255,000), is available for work, work crew or school release. This facility, housing low to no risk misdemeanant offenders, provides the opportunity for inmates to contribute to their room and board ($15 per day). Some 70 percent of all revenues come from the county general fund. About 20 percent of revenues are collected through intergovernmental revenues wherein other jurisdictions pay a per diem for the use of the jail for their prisoners.

To control crowding the jail has worked closely with the District and Municipal Courts and local law enforcement to limit admissions and reduce lengths of stay for sentenced inmates. As discussed below these measures have been successful up to a point but must be considered short-term, stopgap measures at best.

Jail Trends, Workloads & Related Findings

The county jail is severely crowded despite extraordinary efforts to lower jail use. The original design capacity of 143 has been supplemented by double bunking to a current capacity of 243. The jail has shown utilization rates as high as 151 percent of double-bunked capacity.

Table 16
Jail ADP & Utilization

Year	ADP	Pct. Change	Pct Capacity
1988	144		97.30%
1989	165	14.60%	111.50%
1990	168	1.80%	113.50%
1991	206	22.60%	139.20%
1992	223	8.30%	150.70%
1993	221	-0.90%	149.30%
1994	235	6.30%	92.50%
1995	245	4.30%	96.50%
1996	263	7.30%	103.50%
1997	256	-2.70%	100.80%

Between 1988 and 1997 the average daily population (ADP) of the jail increased by 78 percent, a rate of increase that cannot be explained by either at-risk population growth or increases in adult arrests. Much of the growth can be attributed to statutorily mandated sentencing. Data from the Superior Court have shown a significantly greater reliance on the use of "jail only" as a sentence (+156 percent) between 1995 and 1997.

The jail incarceration rate of 235 per 100,000 population in 1997 is higher than national norms. The admissions rate in 1997 of 4,425 per 100,000 population is lower than national norms though the 1997 average length of stay (ALOS) of 15.2 days is comparable. Much of the crowding in the jail can be attributed to increasing lengths of stay (+12 percent, 1994-1997). Controls over crowding have been made through the use of various measures (including financial) to reduce admissions (-27 percent, 1994-1997).

Future expansion of the present jail will be a very expensive proposition. It would not be difficult to envision the need for an additional 400 secure beds (by 2010) if historical average lengths of stay (18 days) and admission rates (6,000 per 100,000 population) continue into the future. With the cost of construction of a maximum-security bed at roughly $100,000, the cost to replicate the levels of security in the existing jail would be $40 million (if possible at all given recent physical plant alterations).

Table 17
Forecasted Jail Populations & Capacity

Year	Jail Admissions	Days Served	Average Daily Population	Peaked ADP	Capacity
1995	6326	103114	283	350	420
2000	7014	114321	313	388	466
2005	7703	125557	344	427	512
2010	8422	137271	376	466	560

The jail is understaffed and not being operated according to the philosophy that governed its design and construction, which will result in a shortened life span for the facility. The crowding has occurred despite increasing capacity from the original design from 148 beds to 243 beds as of the present date. An examination of data in progress from the Washington Association of Sheriff's and Police Chiefs (1990) notes that the ratio of jail beds to jail staff in Whatcom County is 4.5 whereas in similarly sized jails in the state the ratio ranges between 2 (Lewis County) and 3.4 (Clallam County). Nationally, the number of inmates per correctional officer in 1993 was 3.9. In the West the number of inmates per correctional officer was 5.3. The number of inmates per jail employee of any kind, including full-time, part-time, payroll and non-payroll staff, was 2.8 in the US and 3.4 in the West. The ratio of inmates to jail staff in Whatcom County in 1997 was 8.8.

Female offenders are increasing in numbers and complexity while at the same time they are housed in the original men's work release pod. The space is inadequate for the number of women currently held, precludes any subtleties in their classification and makes extensive programming impractical.

The greatest growth in the jail is in the housing of sentenced misdemeanant offenders. They now comprise 44 percent of all daily populations (1997 ADP of 112). The leading reason these offenders are booked into custody is for Driving While License Suspended, domestic violence assaults and various failures to appear or comply with the terms of an earlier sentence. This jail inmate population composition is very similar to national norms.

Most offenders booked into the jail have been there before. Depending upon the status of the offender at jail admission in 1997, it has been found that at least 50 percent and up to 75 percent of all offenders had at least a single previous jail booking. Some offenders averaged three prior jail bookings in Whatcom County alone during the 1993 to 1997 study period.

During the 12-month period following jail admission in 1997, recidivism rates (measured by re-admission for a new offense) ranged from 7 percent (pre-trial prisoners released pre-filing) to 31 percent for sentenced prisoners.

Jail admissions for offenders who fail to appear (FTA) for court or fail to comply (FTC) with the terms and conditions of an earlier sentence are a significant proportion of jail's daily population. Many offenders released pre-trial receive no form of pre-trial supervision or even reminders of the need to re-appear for court. This significantly contributes to the need for emergency release measures that are used to manage the jail population.

Native Americans are disproportionately represented in the jail. They have very high rates of previous jail admission. Some offenders have been booked into custody on the average of once per month for the past three years.

Substance abuse and mental health problems are very common characteristics of offenders moving into and through the jail. Alcohol and drug screening and assessments are only provided on a very few offenders and then only after the offender has significant penetration of the criminal justice system. The data that are collected on inmates regarding mental health functioning and alcohol or other drug (AOD) use is done by interview at jail intake. Using this interview data produces abnormally low rates for drug addiction, alcoholism and mental health problems. Recent federal Bureau of Justice Statistics data suggest that 21 percent of all incarcerated populations are mentally ill. National data also suggest other problems associated with the obvious problem of substance abuse. For example, 16 percent of all jail populations are estimated to have been sexually or physically abused prior to incarceration. Some 25 percent of all female jail populations had been raped. Ninety percent of these abused men and women reported using illegal drugs while almost 80 percent reported using them regularly.

Resources for dealing with mental health problems are limited. This applies especially for state certified batterer counseling, the primary treatment modality for domestic violence offenders.

There are inmates currently housed in the county jail who could be better served in the community for both treatment and supervision since they pose no threat to community safety. There are inmates in the county jail who do not require the maximum-security classification the current facility exclusively provides. Per diem jail costs approximate $50. This is in sharp contrast to the average per day of $18.52 for ACC programs and misdemeanant probation that costs $650 per client per year. The annual jail operating cost per inmate for the State of Washington (1993) was $15,331.

The privately operated work release facility is about to overcrowd despite re-modeling and a planned expansion. The per diem costs of operating this facility also seems somewhat more expensive ($28 per day) when compared to statewide work release cost norms ($20.48).

The Alternative Correction Center programs are having a positive impact on the effort to control jail crowding, especially through intake control and the use of work programs.

Without additional resources (staffing and equipment) many of the Alternative Corrections Center's (ACC) programs may be overwhelmed by their expanding workloads, including the scheduling of most misdemeanant jail time. Growth in the number of persons using these programs over the last three years has been explosive (+29 percent) while staffing has not kept pace. This could reach a crisis point should historical growth in the use of electronic monitoring (+59 percent) and work crews (+44 percent) continue. Despite this growth, it has been suggested that greater use of these programs could be made especially as the costs are so much less than incarceration. Importantly, a sizeable proportion of the offenders using alternative jail programs receive outpatient group alcohol or other drug treatment while enrolled. Additionally, every inmate who participates in ACC programs is subject to random urinalysis.

Table 18
Work Release & Alternative Corrections Center
Average Daily Populations

Year	Work Release	EHD	Work Crews	DOP	Total
1996	23.3	9.7	11.5	20.7	65.2
1997	26.4	10.2	16.8	22	75.4
1998	31.6	15.4	16.5	20.5	84

Crowding precludes objective classification and expanded treatment programs. Jail administration has done a creditable job in developing programs for inmates and would like to expand in-custody treatment options but inmate participation levels are very low, as there is no space in the jail aside from dayroom space to expand for inmate programming. Additionally, current staffing levels are not adequate to supervise and move inmates between jail living units and program space.

It is now possible to expand the use of electronic monitoring for drinking drivers thanks to recent legislation. This comes at a time when the overall use of electronic monitoring is considered underutilized. Offenders may now be required to participate in electronic monitoring as a condition of pre-trial release. County offenders are not charged for monitoring fees but cities will be charged for electronic monitoring of their offenders.

Jail crowding is causing morale problems for local law enforcement since so many offenders are not admitted or released earlier than expected due to chronic jail crowding.

Jail crowding is contributing to the removal of the concept of "surety" to the local criminal justice system. Many offenders who have been through the jail previously know that the jail is crowded and that they will be either released on their own recognizance pretrial in a very short amount of time or "scheduled" to serve their sentences at some future date and subject to occupancy levels in the jail. This may contribute to a lessening of the credibility of the local criminal justice system.

Jail crowding is negatively impacting sentencing prerogatives. The threat of incarceration is not a viable deterrent. Incarceration is a diminished component of the continuum of sanctions available to local judiciary. Cities rarely use the county jail as it is considered too expensive as an option.

The State Department of Corrections (DOC) will develop a risk assessment tool that also advises probation staff on the level of supervision needed for community-based felons. The growing popularity of state community-based options has a tendency to exacerbate local jail crowding problems. Rule violators are usually detained and frequently serve additional time in the jail. The DOC also plans to expand the one-year community placement requirements to all violent offenses.

Recommendations

The following recommendations are a composite of the *Corrections-Facilities Based* and *Jail* recommendations that the Steering Committee considered at its last series of meetings. The recommendations have been condensed somewhat to reflect the fact that many overlap significantly and that this overlap creates specific topic areas where component recommendations can be considered as a strategy.

Design Considerations

1) Reduce the utilization of the existing jail to the original design capacity of 143 beds.

2) Complete a maintenance evaluation of the present facility with projections for repairs and equipment changes covering the next five years.

3) Return program and recreational space to its original design intent.

4) Contemplate the development of a treatment pod in the jail to start the substance abuse treatment component for sentenced offenders.

5) Return female offenders to their original design space and use the work release pod for female work release.

The entirety of this recommendation is predicated upon the implementation of several other recommendations discussed elsewhere in this report (supervised pre-trial release and minimum-security facility).

This recommendation received a *very high* priority from the ranking of the Law and Justice Planning Committee.

Discussion

The "core" jail population, those offenders considered too great of a risk for housing in a minimum security facility or release into the community for supervision or treatment, should consist primarily of felons, misdemeanants with felony backgrounds, any offender with an extensive history of failing to appear for court, significant violence, or new offense probation violators.

In 1997 this population would have consisted of Assault, DWLS 3rd, Fugitive Warrant, Probation Violators, and Violators of No Contact Order among other assaultive/predatory offenders.

This population typically is not released prior to adjudication and most are released after serving their sentences, or to the custody of the Department of Corrections or they are extradited. This release occurs after the offender averages over 35 days in custody, though housing in the Jail can last up to 423 days.

Two-thirds of this population emanate from the Superior Court.

In-Custody Screening & Assessment

1) Institute a comprehensive, multi-systemic offender screening and assessment instrument. Use the form to determine inter- and intra-facility placement, appropriateness, risk and levels of needs.

2) Automate the screening form and build it into the existing jail inmate file structure. It may be necessary to modify the booking process to accommodate findings related to classification and risk and needs assessments in order to capture more demographic and criminal justice history data.

3) Implement an objective inmate classification system.

This series of recommendations is very much related to the development of an integrated information resource management system for all Whatcom County criminal and juvenile justice agencies. It also is related to the development of a supervised pretrial release process and the creation of the jail population manager position.

This series of recommendations received a *high* priority ranking by Committee members. The Committee considers classification and risk assessments very important dimensions.

Jail Case Management

1) Hire a jail case manager/population management specialist who expedites moving incarcerated offenders to the least restrictive and most appropriate environment possible. This position could cost about the same as the Medical Record Specialist though their impact on the jail's population would be wider.

2) One task would be to fast-track probation violators.

3) The Jail Population Manager could work jointly with the Prosecutor and Public Defender to establish a procedure for halting the release of contempt offenders whose cases could be disposed of in jail court.

4) The Population Manager could also develop a process for no longer accepting felony probationers booked for administrative reasons.

5) Another task for the Population Manager would be to develop a mechanism for screening out at booking severely mentally ill or severely intoxicated offenders and rapidly finding an alternative housing arrangement for these offenders.

6) The Population Manager could also help develop an objective method for the early release of sentenced offenders through the use of electronic home detention and the placement of offenders into more appropriate treatment options.

This recommendation should be implemented immediately and continued even after other related recommendations are implemented (supervised pre-trial release and minimum-security facility).

The Steering Committee gave this recommendation a *medium* priority ranking. The Committee believes that the need to expand the use of electronic home detention and the removal of addicted and mentally ill offenders from custody are very high priorities for the jail.

In-Custody Treatment

1) Expand or create treatment programs in the jail. Target anger management, family functioning, physical health, substance abuse and life skills deficits.

2) Continue with plans to convert one cellblock in the jail into an intensive Alcohol or Drug treatment unit with contracts to provide services.

3) Transition releases from the jail into community-based custody and care. Target offenders who have started treatment while incarcerated. This effort has been successful previously as demonstrated by the on-going substance abuse treatment provided by the contract staff of the ACC.

This recommendation can only be fulfilled through the development of several other related recommendations (main jail capacity reduction and jail population management).

This recommendation received a *medium* priority ranking. The Committee believes that expanding treatment options for offenders while in custody is a higher than average priority.

Staffing

1) Attend to staffing issues by adding staff based upon an application to the National Institute of Corrections.

2) Institute a staff-training program, based on a three- to five-year plan, with an appropriate budget and resources. The training should include suicide prevention, cultural diversity and recognizing mental health problems among the inmate population.

3) This plan should include an annual suicide prevention in-service training as well as a crisis-training program.

4) Training could be provided at regular roll call.

5) Reduce staff overtime costs by adding additional sworn staff proportionate to the amount spent on overtime.

6) Consider converting sworn staff that engages solely in administrative functions to civilian positions.

This series of recommendations received a *low-medium* priority from Committee members. The Line Staff Committee believes that staff training issues deserve a higher priority rating than the Steering Committee.

External Jail Users

1) Collaboratively develop admissions criteria and a standard formula for multi-year contracts with cities in the County for the use of the jail.

2) Develop explicit contracts with all state and federal agencies for the most appropriate use of the jail. Include admissions and release criteria in each contract designed to reduce inappropriate jail use and maintain public safety.

This recommendation received a *low* priority by the Committee.

Chapter 16

INTRODUCTION TO COMMUNITY-BASED CORRECTIONS

At least six phenomena have influenced communities to develop diversion programs for offenders, or what has come to be called alternatives to incarceration or intermediate sanctions. These include:

- the recognition that the community impacts significantly upon behavior,
- the uncertainty as to the effectiveness or quality of justice in the criminal justice system,
- the growing desire of citizens to participate more meaningfully in all aspects of government and community life,
- the overcrowding of jails and prisons,
- the increasing willingness of the courts to utilize non-traditional forms of punishment, and,
- the increasing availability of treatment and intervention resources for offenders.

These are phenomena that move the responses to the challenge of crime in a new direction.

Diversion, in all its forms, relates specifically to movement away from the justice system. It is most likely a prelude to "absorption," which can be defined as a process in which communities engage in a wide variety of deviant behavior without referral to or only minimum interaction with the traditional establishment agencies. Therefore, diversion is justice system-oriented and focuses on the development of specific alternatives for the justice system processing of offenders. It springs from the belief that the control of crime and delinquency can be improved (and at less cost) by handling offenders outside the traditional system (e.g., probation, incarceration).

Diversion in all its forms is predicated upon the reported effects of the "labeling" process and the impact of the "self-fulfilling prophecy." Whether diversion, from a long-range perspective, is more effective than established justice system practices and whether the "labeling" and "self-fulfilling" phenomena are operationally significant is somewhat problematic due to the failure of relevant research. Nonetheless, there is sufficient evidence that the utilization of diversion programs has indeed reduced correctional facility overcrowding and at a significantly cheaper cost than that required to build and operate additional beds.

Absorption may also be defined generally as the attempts of parents, peers, police, schools, and neighborhoods to address social problems - including those of crime and delinquency - by minimizing referral to or entry into one or more of the official government agencies designated to handle those who violate the law.

If there has already been a referral (i.e., arrest/booking), absorption involves the removal of the offender from the official processes by offering solutions, techniques, or methods of dealing with him or her, outside of the usual agency channels. This, of course, can occur at both the pre-trial and post-sentence levels of decision-making, for misdemeanants as well as felons, for adults as well as juveniles. In all cases, moreover, absorption involves the extensive use of community and personal resources that are matched to criminal justice, offender, and community needs.

There are philosophical and practical issues about diversion that demand in-depth examination. Failure to address these completely interwoven issues is likely to result in diversion efforts which are every bit as fragmented and disjointed as those justice system practices which, in some measure, has led to the diversion movement. Rather clearly, there is a need to explore operational aspects of diversion, examine the community, its role and resources, and determine the latent and manifest impact on the justice system.

These requirements are, in fact, mandates for assessment and evaluation. Therefore, there is an explicit need to:

1) Determine the guidelines and standards which define those eligible or ineligible for diversion, those agencies which are appropriate to receive those who are diverted, and programmatic activities of the agencies which receive diverted cases;

2) identify and develop, or mobilize, resources in a community, determine techniques for increasing community "tolerance" levels, enhance the delivery system for those resources, and make more equitable the availability of resources to diverse types of communities;

3) determine the impact of diversion practices on the justice system overall, as well as their component parts, and examine the need for possible administrative, organizational, and legal changes; and,

4) prepare a complete methodology for evaluating the effectiveness of diversion, keeping in mind that being "progressive" is not synonymous with being "successful."

The need for diversion guidelines is critical. Without some minimum standards of practice and procedure, and general consensus or agreement on philosophy, there is a distinct possibility that diversion may become the source of continuing and substantial inequities. Basic questions - such as who is (or is not) to be diverted, by whom, on what basis, and to what programmatic activities - should be answered by some shared understandings. Without such common understandings, the justice system, through the use of nonsystematic diversion, may become more confused, autonomous, and fragmented.

Some minimum standards are needed, for example, to guide the selection of individuals for diversion. Diversion practices may be exclusionary and identify types of offenders who are deemed ineligible, such as those with a history of violence or felony offenders. Or practice may be permissive and allow that all offenders who could benefit from non-justice system treatment are to be considered eligible, regardless of other considerations. Diversion may be restricted to adjudicated offenders, or it may include those not yet sentenced. In the former, diversion is from the system after entry; in the latter, diversion is an alternative to entry into the system.

Determinations as to time frames are required; i.e., the optimum time for diversion, the length of time, or duration of diversion, and so on. Guidelines are also needed as to actions to be taken if the person diverted fails to comply with the actual or implied conditions of diversion, or if it appears that the diversion plan is inappropriate.

Meaningful standards are necessary for the selection of agencies to receive those who are diverted. Diversion need not necessarily be made to private agencies, for public agencies also can provide appropriate intervention methods. Nonetheless, the selection of agencies requires community inventories, which in turn may indicate the need for new private and/or public agencies, or combinations/consortiums of established agencies that address specific needs of offenders.

As a consequence of the increasing use of diversion or intermediate sanctions, the movement of programs and offenders to non-justice system organizations will require new roles for all personnel involved. As an example, the probation officer realistically might be required to become a catalyst and seek to activate a community and its caretakers to absorb the offender as a member of that community. This would require a complete knowledge of community resources and diagnosis of client-based needs. Further, the officer would no longer find employment for the offender (a tradition responsibility), but instead direct the offender into the normal channels of job seeking in the community. Similarly, the probation officer - or other designated official - would serve as a "broker;" that is, someone who directs clients to appropriate community-based resources for designated interventions.

Moreover, it should be pointed out that until recently, diversion and/or the use of intermediate sanctions was exclusively thought to be the supervision of offenders in the community by probation and parole. Today, this thrust for community-based sanctions (corrections) has taken on a broader meaning in that it covers a myriad of programs and services, many of which are delivered by probation and parole agencies, but more particularly by other types of community-based organizations.

Thus, community corrections embraces such programmatic efforts as electronic monitoring, house arrest, work release, day/treatment reporting centers, residential treatment programs, restitution centers, and other forms of intermediate sanctions all designed to keep offenders in the community to the extent that sound programming and community safety are recognized. Additionally, these programs have gained impetus as a consequence of overcrowded prisons and jails, increasing commitments to correctional facilities, excessive caseloads, and increasing costs of incarceration. Further, even though the public-at-large maintains a "lock-them-up" approach to crime and criminality, most experts believe that a least-onerous approach to offender management indeed is in the best interests of society.

Therefore, community corrections, regardless of rationale or impetus, have been gaining in popularity within and without the criminal justice communities. And, notwithstanding its locus or type of program, probation and parole remain the most important sources for community-based correctional programming. As a result, it is imperative that personnel in these organizations learn about developments in community corrections so that they can effectively plan, implement, and evaluate such efforts to control crime and delinquency.

Of particular concern currently is the need to develop appropriate treatment services for both adults and juveniles who safely can remain in the community, provided they are under strict levels of supervision. Furthermore, the source for community-based programming essentially emanates from a jail or juvenile detention center at the pretrial and pre-adjudication stages of court involvement. Thus, instead of a court having to decide "in or out" decisions only (i.e., incarceration or community-based supervision), additional alternatives for minor, non-violent, substance/alcohol, battering, and other kinds of offenders have been successfully developed in communities throughout the country.

In view of this need and obvious demand, most communities have developed specially designed programs through non-profit groups. They offer treatment services, educational programs, and advocacy for various kinds of victims as well as offenders. Further, many have developed excellent relationships with referral sources (e.g., probation, courts, etc.) so that both intake requirements and accountability measures are honored and respected. It is also important to note that it is the joint responsibility of the justice system and the community-based programs to identify gaps in services and programs so that appropriate advocacy can be developed to meet offender-based needs.

In the final analysis, the use of diversion/alternatives to incarceration/intermediate sanctions must be planned from a strategic perspective in order to ensure that all actors and all criminal justice agencies recognize their roles and responsibilities and in order to effectuate a meaningful program. If it is planned appropriately, its use not only can prove to be both programmatically successful, the justice system and the community will benefit from decreased costs and reduced criminal behavior. Treatment as well as intense supervision, become critical aspects of the entire process, which must be guided and directed, and for which leadership is required.

<u>District Court Probation and the Treatment Community-Trends, Workloads and Findings</u>

The District Court Probation Department, which provides services to misdemeanants, is located within the judiciary of Whatcom County and serves the county courts as well as the most city courts, most notably the Bellingham Municipal Court. It is administered by a Chief Probation Officer, has a staff of nine probation officers and four support staff. The total caseload approximates 2,000 and has been rising. Cases are assigned on a caseload rather than a workload basis, and each officer has a supervision caseload of between 250 and 300. Its total budget is in the neighborhood of $800,000, 92 percent of which is recaptured through fees for services paid by offenders and various contracts.

The probation staff responds to the needs of the District Court and various city courts, and work closely with the judges, prosecutors, and public defenders in these jurisdictions. Court clerks, city prosecutors, and city-based public defenders all work part-time; therefore there is sometimes communication problems about cases that result in lost time and information.

District Court probation staff provides the courts a wide range of services as the following table demonstrates. Clearly probation supervision is the single greatest workload. Deferred prosecutions of DUI offenders are also a significant contributor to department activity.

Table 19
District Court Probation Service Type by Month

	Apr 96	Jul 96	Oct 96	Jan 97	Apr 97	Jul 97	Oct 97	Jan 98	Apr 98	Jul 98	Oct 98	Jan 99	Change
Type	**No.**	**No.**	**No.**	**No.**	**No.**	**No.**	**No.**	**No.**	**No.**	**No.**	**No.**	**No.**	**96-99**
Bail Study	1	0	0	1	1	0	5	1	1	1	0	2	NA
Com Serve	10	15	11	11	6	6	7	7	9	8	7	3	-70.0%
Cond Release	2	1	1	4	2	2	2	2.	2	0	0	1	-50.0%
Def Prosec	516	505	485	473	455	467	451	457	484	504	528	577	11.8%
Dis/Exp Rev	1	3	3	1	0	0	0	0	0	0	0	0	-100.0%
In-House Def	10	11	15	14	22	24	18.	18	17	16	13	12	20.0%
Indigence	23	12	20	18	20	15	22	7	7	12	10	15	-34.8%
Restitution	92	94	76	52	35	26	22	17	10	8	6	4	-95.7%
Pre Trial Super	51	43	37	39	47	38	39	44	33	54	70	71	39.2%
Pre/Post Rpt	5	5	4	4	2	2	3	2	1	4	3	5	0.0%
Probation	1292	1361	1452	1454	1519	1520	1520	1493	1514	1502	1519	1513	17.1%
Prob Warrant	111	102	112	111	111	147	155	150	157	144	166	162	45.9%
Welfare Div	7	6	5	5	3	2	3	3	5	3	2	2	-71.4%
Total	2121	2158	2221	2187	2223	2249	2247	2201	2240	2256	2324	2367	11.6%
Per Officer	424.2	431.6	444.2	437.4	444.6	449.8	449.4	440.2	448	451.2	464.8	473.4	11.6%

During the past year, probation staff made collateral referrals to 144 community-based agencies for offender services, including counseling, alcohol and substance abuse treatment, and other kinds of supportive services and programs. There is no established routine for obtaining up-dates on client progress, but attendance records are collected. Workloads have increased due to legislative changes, such as in the area of DWI (which allows probation for up to five years) and for domestic violence cases. Additionally, there has been a modest increase in the supervision of pretrial offenders released from the jail. The table above demonstrates the wide variety (14 different services) of activities the probation department conducts in support of offender management for the District and Municipal Courts.

Clearly DUI is the major offense category of offenders for whom the Probation department is responsible. There has been significant growth in the domestic violence and DWLS offender population.

Table 20
District Court Probation Offense Types by Month

Offense	Apr 96	Jul 96	Oct 96	Jan 97	Apr 97	Jul 97	Oct 97	Jan 98	Apr 98	Jul 98	Oct 98	Jan 99	Change
Assault 4^{th}	90	96	93	77	79	79	71	76	78	80	86	85	-5.6%
DUI	1252	1226	1226	1192	1202	1222	1220	1197	1203	1237	1283	1311	4.7%
Dom Viol	151	194	206	228	225	223	208	210	243	252	284	290	92.1%
DWLS	158	163	159	155	170	173	166	171	162	164	194	234	48.1%
H&R	59	64	64	68	82	76	71	68	67	70	65	68	15.3%
Mal Mischief	61	62	68	63	56	58	55	44	45	37	38	39	-36.1%
MIP	44	41	45	43	47	60	63	56	72	70	72	69	56.8%
Reckless Endanger	240	248	232	192	149	121	100	78	49	31	13	11	-95.4%
Theft	53	52	96	92	92	89	102	95	91	78	71	60	13.2%

There is some case tracking, especially in terms of the referrals to community resources and chronological entries for each case, but the department is not otherwise computerized.

The rate of violations approximates 15 to 20 percent of the total caseload, but, for the most part, offenders who do not pay fees are not technically violated. However, less than half of those who are violated have committed new offenses. Further, the number of probationers who are in-custody at any given time is relatively small, except for the approximately five per week who have committed new offenses and are awaiting court hearings.

It is common in District Court for a judge not to have any information about time served in jail and/or the results of prior probation terms. Therefore, a small group of offenders sometimes has two probation sentences, as well as superior court probation.

The department works closely with the Alternative Corrections Center, and there is currently a good flow of information and/or the status of probationers between these agencies. A referral form has been developed by probation that specifies judicially acceptable community-based options that might be imposed by ACC.

Additionally, probation has delegated facility placement decisions to the ACC, a procedure that also includes scheduling offenders for jail.

Recently, probation has instituted a formal case management process, wherein offenders presenting problems and risk are objectively assessed in order to develop a treatment strategy with case objectives. Treatment and supervision, as a consequence, are evolving toward a multi-systemic rather than "episodic" approach. This is very much in keeping with data that note that drug or alcohol treatment was a condition of sentencing for 41 percent of all adults placed on probation by the District Court. These numbers have been increasing on an annual basis as the connection between substance abuse and criminality has been better diagnosed.

Administrative cases (those who present the lowest level of risk) are expected to grow as a result of the lengthening of the maximum probation term, especially for DWI and DWLS cases. Drinking driver offenders are assigned to probation officers based on a numerical (caseload) list regardless of presenting problems, and depending upon which court is responsible for the client. There is a specialized caseload for Hispanic offenders, but none for Native Americans who constitute a significant and disproportionate number of cases.

Offenders ordered into some kind of community-based service or program (most often for domestic violence or substance abuse) are only ordered to complete arrangements for intake and are given a list of available resources from which they choose.

The State Department of Corrections is in the process of replacing/upgrading the Offender Based Transaction System used for tracking offenders, while the Office of the Administrator of the Courts is working on an upgrade for the JUVIS system, both of which will provide critical data and information about offenders on-line.

The DOC is working on a statewide plan to expand the one-year community placement requirements for all violent offenders. Offenders who are on electronic monitoring must pay fees as well as for the use of ignition interlock devices.

Probation services for felons are provided by a state probation department. While there are positive, informal relations between the two departments, there is no formal process established for joint supervision of offenders placed on probation to both departments.

Table 21
Department of Corrections Community Corrections Caseload

Type of Supervision	Year 1998	Percent	Year 1997	Percent	Year 1996	Percent
Face to Face	304	22.3%	294	22.2%	326	26.4%
Mail In	50	3.7%	69	5.2%	52	4.2%
Phone in	143	10.5%	196	14.8%	156	12.6%
Limited	221	16.2%	261	19.7%	216	17.5%
Inactive	647	47.4%	503	38.0%	487	39.4%
Total	1365	100.0%	1323	100.0%	1237	100.0%

People seeking substance abuse treatment are in lower economic groups and many do not have adequate transportation and other resources. A significant proportion (20 percent) of the offender population to drive to treatment after having their licenses suspended. It is very difficult to get juveniles to treatment.

It is believed that there is a sizeable population of heroin addicts in Whatcom County.

Target populations under community supervision are more frequently dually diagnosed (mental health and substance abuse) today than historically. These populations also have severe literacy problems.

Referral and admission to substance abuse treatment is not speedy and many offenders enter waiting lists. The scarcity of treatment funds is thought to be at least partially responsible for these waiting lists.

Collaboration among treatment providers is good. It is less good between the treatment community and corrections staff. Information does not flow naturally between supervisory and treatment entities. Additionally, many treatment providers are reluctant to accept justice-involved clients.

Aftercare is seldom provided to help reintegrate offenders and their families return to the community. Only the Alternative Corrections Center provides any form of community-based aftercare for substance-abusing offenders.

Short-term alternative housing for chronic substance abusers and the mentally ill is missing in Whatcom County.

Recommendations

1) Develop a more comprehensive risk and needs assessment for all probationers. **(High)** Based on risk assessment findings, continue to develop appropriate levels of supervision and treatment. The department should create specialized caseloads for such offenders as those with alcohol/substance abuse histories, violence and/or domestic violence, and sex offenders. The department is encouraged to continue to enhance the use of an administrative caseload for those probationers needing only minimal supervision.

2) To make the intensive supervision program meaningful, probationers should be seen on a face-to-face basis no less than twice each week, with appropriate field and collateral contacts. **(High)**

3) Develop more intensive relationships with the Alternative Corrections Center, especially in terms of increasing the use of electronic monitoring and conducting urinalyses of known/suspected substance abusing probationers. **(High)** The department should continue to work with the Alternative Corrections Center to develop a plan for assisting offenders (especially those convicted of Driving While License Suspended) to obtain their driver's licenses. Probation could contact the appropriate state department (Department of Motor Vehicles) to request a detached worker to handle such at the Alternative Corrections Center site at least once or twice each week.

4) Create a subcommittee of the Criminal Justice Coordinating Committee called the Adult Adolescent Treatment Network. **(Med.)**

5) Continue to work on a shared, statewide case management/tracking system. **(Med.)**

6) Make explicit the policies and procedures related to violations and possible sanctions. **(Med.)** If more beds become available, consider technically violating those probationers who 1) do not pay their fees, and 2) those who violate the terms and conditions imposed by the court.

7) Consider the use of volunteers to provide case aid and administrative services. **(Med.)** Appoint a probation officer to be in charge of the volunteer program.

8) Develop a five-year plan for in-service training to ensure that all staff (including support) become and remain highly qualified. **(Med.)**

9) Negotiate with the Lummi Tribe for "courtesy supervision," whereby Lummi probation officers would provide routine supervision for their

offenders, under the direction of the probation department should a violation be needed. **(Med.)**

10) Develop more formal relationships with the state's probation department, especially to obtain and share data/information about mutual probationers and for supervision strategies. **(Med.)**

Chapter 17
INTRODUCTION TO JUVENILE JUSTICE

The nature and scope of services to juveniles has taken a dramatic turn in the past few years in the United States. Spurred by the significant increases in chronic and violent delinquencies, public concern for its safety, legislative oversight, standards development, statutory requirements, and caseloads, among other developments, states and local communities have begun to take a hard look at just how they deal with and otherwise manage delinquents, status offenders, children in need of supervision, as well as their families.

As a result of changes in the at-risk population, especially in terms of increased violence and substance and alcohol abuse, the use of probation as the disposition of choice in juvenile courts has become problematic. That is, due to significant changes in societal values and sentiments, the tolerance level for juvenile misbehavior has become limited in many communities. However, notwithstanding this conclusion, juvenile courts have indeed utilized probation for most of the youths, provided they are appropriately classified in terms of levels of supervision and the nature and kind of intervention strategies imposed.

This has resulted in probation departments recognizing through appropriate risk, needs, and classification procedures, which many youth can safely remain in their communities, provided appropriate levels of supervision are indeed provided. Unfortunately, many departments are unable to meet this level of service as a result of diminished resources - both funds and personnel. In partial response to this unfortunate set of conditions, these same departments have recognized that there exists in every community a set of agency-based programs to which referrals can be made for such services as alcohol and substance abuse treatment, life skills development, educational programs, etc.

As a consequence partnerships have developed by which treatment plans and goals are enunciated jointly and services provided accordingly. But, this set of conditions will not prove effective nor efficient unless these community-based services are held accountable through routine reporting procedures regarding client progress. Similarly, if the juvenile court and probation services do not work collaboratively with the schools, no better than mediocre services and programs can be expected when dealing with the youths who appear before the juvenile court.

In the past, for the many delinquents, it was quite possible for children to be detained in adult facilities, even though their situations were brought before the juvenile courts for decision-making and disposition. With the advent of national and state standards and statutory requirements, this is no longer an option: youths must be separated from adult offenders by sight and sound and, usually, in separate facilities (with the exception of those youths who have been waived to adult court). Further, it is generally no longer possible to institutionalize adjudicated delinquents and status offenders in the same facility.

For many jurisdictions, this problem is exacerbated by the need to place some youths in some kind of secure treatment facility, ostensibly designed to rehabilitate rather than punish them. Yet, many segments of society have become more and more intolerant of statewide programs where seriously delinquent and dangerous youths remain committed in secure facilities for ever-increasing, but short periods of time. One consequence of this development is that more and more youths are being certified by juvenile courts to adult criminal courts, especially since there is a dearth of secure placement beds. Such placements have proved to be costly and sap the budgets of state as well as local agencies and courts.

Yet, it has become increasingly apparent that local communities are not so quick to want to give up control of their juvenile justice system. While not always willing to pay the costs for local services, programs, and facilities, they, nonetheless, expect their legislators and juvenile courts to do something about this growing problem. Communities seek action, but they are not prepared - or educated enough - to know precisely what should be done.

Therefore, many communities have established juvenile justice planning committees, composed of representatives from the criminal justice system as well as from the pay public. Their mandates tend to include analyses of current situations and conditions, processes for developing better team approaches, projections of needs, and recommendations for future action.

In response to such planning efforts, some communities 1) continue to ignore the problem and commit to the status quo, 2) decide to revamp its juvenile justice system by constructing and operating its own facilities, 3) develop contracts for privatization of selected services and programs, and/or 4) enhance probation and community-based programs through the expansion of alternatives to detention (e.g., intensive supervision, electronic monitoring/house arrest, day/treatment reporting, community service, etc.).

In the final analysis, many communities, and states for that matter, recognize that what has been done in the past no longer is sufficient nor effective and that change is needed. The questions, however, are: 1) What kind of change is really needed and what are the costs associated with this change? and 2) What does the community want and need in terms of juvenile court provided services and programs for its at-risk juvenile population?

Juvenile Court and Probation Trends, Workloads, and Findings

The at-risk juvenile population (ages 10-17) in Whatcom County is expected to grow from 14,683 in 1980 to an estimated 25,329 in 2000, which amounts to a 50 percent increase. This is less than the growth in the overall County population.

Future growth for these juveniles is expected to approximate 12 percent over the next decade. Thus, by 2010, the at-risk juvenile population should increase by over 3,000, for an approximate cohort size of just over 28,000. The "echo" population of juveniles in the 1-9 age cohort is increasing somewhat more slowly. Between 2000 and 2010 we expect to see the next generation of potential juvenile justice clients to increase by 47.5 percent. This would create a total of just over 25,000 clients in this age cohort.

If this slow growth materializes, it can be expected that there will be slightly less demands upon the juvenile justice system. However, changes in legislation and operational policies about arrests could markedly change the impact on the system by these juveniles.

Table 22
Whatcom County Specific Populations

Year	Adult	Juvenile 10 to 17	Juvenile 1 to 9
1985	82043	16433	17006
1986	83830	16836	17276
1987	85617	17239	17545
1988	87403	17643	17815
1989	89190	18046	18084
1990	90977	18449	18354
1991	93647	19221	19016
1992	96317	19994	19677
1993	98987	20766	20339
1994	101657	21539	21000
1995	104327	22311	21662
1996	106595	22915	21931
1997	108863	23518	22200
1998	111130	24122	22470
1999	113398	24725	22739
2000	115666	25329	23008
2005	127034	27699	23728
2010	138886	28527	25092
Change from 1985 to 2010	69.3%	73.6%	47.5%

There is competition between the youth of local families and college students for jobs in the County; thus, many youths in the juvenile justice system who are ordered to obtain employment by the courts have difficulty. This is complicated by the fact that many youths are "educationally challenged."

The arrest rate of juveniles per 1,000 populations for all crime types in Bellingham and Whatcom County is higher than statewide norms and is a product of the 3,000 juvenile arrests made each year in the county. The rate is not only high it continues to grow as the following table clearly demonstrates. The rate is a reflection of lower citizen and police tolerance levels for certain crimes.

Table 23
Juvenile Arrest Rates/All Arrests
Per Thousand Juveniles

Year	Whatcom	State	Diff
1992	111.1	92.7	19.8%
1993	134.9	90.1	49.7%
1994	129.7	94.9	36.7%
1995	129.8	81.5	59.3%
1996	140.6	81.4	72.7%

The data do not suggest a problem with violent juveniles. There is no clear trend in the arrests of juveniles in Whatcom County for violent offenses. Fortunately, local rates are very low.

Table 24
Violent Juvenile Arrest Rates

Year	Whatcom	State	Diff
1992	2.3	5.3	-56.6%
1993	3.4	5.5	-38.2%
1994	5	4.6	8.7%
1995	3.9	3.6	8.3%
1996	3.8	3.2	18.8%

Whatcom County law enforcement agencies are arresting juveniles more frequently for property types of crimes than seen elsewhere in the State. Whatcom County rates are consistently greater than statewide norms.

Table 25
Property Juvenile Arrest Rates

Year	Whatcom	State	Diff
1989	56.4	45.3	24.5%
1990	63.8	48	32.9%
1991	60.2	52.1	15.5%
1992	53.1	52.2	1.7%
1993	68.7	48.1	42.8%
1994	63.7	51.3	24.2%
1995	65	43.2	50.5%
1996	65.5	40.6	61.3%

Of particular importance is the high rate of arrests of juveniles for alcohol and substance abuse. The number of arrests for drug law violations has increased by 125 percent between 1993 and 1997 (a total of 153), while the highest number of arrests revolves about liquor law violations (342 in 1997).

Table 26
Juvenile Alcohol &Drug Arrests

Year	Whatcom	State	Diff
1989	35.5	14.1	151.8%
1990	29.8	12.4	140.3%
1991	23.6	10.3	129.1%
1992	22.5	9	150.0%
1993	25.2	9.8	157.1%
1994	26.6	11	141.8%
1995	26.1	10.6	146.2%
1996	30.6	12.5	144.8%

These arrests of juveniles (3,000 in 1997) are produced by less than 2,000 youths. Some arrests do not end up as a referral to juvenile court. Of those referred to juvenile court, some do not go through intake. So despite the trend toward formalizing juvenile case processing there still are some informal adjustments and decision making that occurs.

Table 27
Whatcom County Juvenile Court

Year	Juveniles	Referrals	Intakes	Juv Rate/1000
1991	1654	2794	2314	86
1992	1669	2850	2246	83
1993	2428	2992	2396	117
1994	2122	2492	2390	99
1995	2034	2368	1898	91
1996	1952	2514	2686	85
1997	1876	2364	2144	80
Pct Change 1991-1997	13.4%	-15.4%	-7.3%	-7.3%

The Juvenile Court is part of the Executive Branch of Whatcom County government. The Superior Court provides a Court Commissioner who rotates to this bench every two years. An appointed administrator provides Juvenile Court administration. In 1997, there were 41 FTE (11 probation officers) in the department with 15 PTE, and four contractual employees. A small number of volunteers and college interns also provide support. Included in the FTE are 17 juvenile detention officers.

In 1997 per probationer caseloads averaged 90 clients per probation officer, far above optimal rates. Of late the department has adopted a comprehensive risk and needs assessment that will greatly improve the classification of offenders.

Caseloads also have been increasing as a result of the re-instatement of juvenile parole (aftercare), which is managed by probation staff. The total budget for all juvenile services, including probation and detention totaled $3.4 million in 1999. This total represents a 23.7 percent increase over the 1997 total of $2.7 million. The State supplies approximately 30 percent of this total through numerous initiatives. These initiatives called the Community Program include significant contributions through the Juvenile Rehabilitation Act and smaller stipends from the Governor's Juvenile Justice Advisory Committee and the department of Social and Health Services.

Juvenile court dispositions between 1991 and 1997 have shown some clear shifts in emphasis. The proportion of juvenile cases filed (as opposed to diverted) has increased from 48 percent in 1991 to 78 percent in 1997. Diversions are decreasing as a percentage of total dispositions (from 52 percent in 1991 to 22 percent in 1997). In part, this decrease is attributable to the hiring of a deputy prosecuting attorney, whose tasks have included reducing the backlog of un-filed on and un-diverted juvenile cases. Additionally, in 1998, there has been a tendency for the deputy in charge of juvenile matters to file rather than divert all optional second diversion cases. It is to be noted that data from the Governor's Juvenile Justice Advisory Committee (GJJAC) suggest that the lowest recidivism rates in the state are those for offenders placed into diversion programs.

Table 28
Juvenile Court Total Disposition Estimates

	Year	Year	Year	Year	Year	Year	Year	Percent Change
	1991	1992	1993	1994	1995	1996	1997	1991-1997
Diversion	823	773	564	584	700	384	232	-71.8%
Court	751	701	637	708	816	716	848	12.9%
Total	1574	1474	1201	1292	1516	1100	1080	-31.4%
As Percentages								
	1991	1992	1993	1994	1995	1996	1997	
Diversion	52.3 %	52.4 %	47.0 %	45.2 %	46.2 %	34.9 %	21.5 %	
Court	47.7 %	47.6 %	53.0 %	54.8 %	53.8 %	65.1 %	78.5 %	

The use of community-based supervision (probation) for juvenile offenders has increased significantly (up 59 percent) during this same time frame. Community service for juveniles has increased 37 percent, which offsets a significant decline (50 percent) in the use of restitution and the high level of decline (69 percent) in the use of fines for juveniles. As the rate of commitment to juvenile institutions has declined (by 45 percent), the rate of use of local detention has increased (by 35 percent).

Table 29
Juvenile Court

Sentences	1991	1992	1993	1994	1995	1996	1997	Percent Change1991-1997
Comm Super	370	395	380	552	416	528	588	58.9%
Comm Service	332	288	264	388	332	348	456	37.3%
Restitution	68	55	4	4	8	32	0	-100.0%
Fine	366	241	188	188	268	128	112	-69.4%
Detention	95	93	80	100	80	52	128	34.7%
Programs	3	11	8	0	0	4	12	300.0%
Commitment	58	37	20	24	36	32	32	-44.8%
Fees/Costs	194	175	84	168	216	336	352	81.4%
Other	9	2	0	0	0	0	0	-100.0%
Total	1495	1297	1028	1424	1356	1460	1680	12.4%

There has been a corresponding increase in the use of specialized programs for youthful offenders (300 percent) as well as an increase in the assessment of fees and costs (up 81 percent). Much of the dispositional policies, moreover, are driven by the state, which sets funding levels to focus on sentencing decisions. As long as the state continues to evaluate rigorously funded programs, the tendency to drop unsuccessful initiatives and experiment with new programs can be seen as a positive move. However, local juvenile justice officials are forced to re-define staff positions and change programs to respond to state calls for proposals according to the latest best practices. Notwithstanding the foregoing, the juvenile justice budget provided by the state has been increasing on average 12 percent per year.

It has been suggested that there is a lack of meaningful collaboration and interaction between the seven, local school districts and the juvenile justice system. It is to be noted that there are pockets of cooperation, but there is no formal, comprehensive system-wide program of interventions by all of the school districts, the courts, and law enforcement. Thus, while cases are dealt with on an individual basis, there is little planning and few programs concerned with delinquency prevention.

Throughout the country, increasing attention has been given to both the "Balanced Approach" and "Restorative Justice" models in dealing with both juvenile and adult offenders. The "Balanced Approach" seeks to involve the community, while the "Restorative" model reflects a disposition that is concerned with restoring victims to more positive health. Many respondents in this study note the beneficial aspects of these two models and have begun a shift in philosophy and programs to implement them. Across the nation, evidence of such a shift includes the development of Community and Teen Courts as well as the appointment of a Juvenile Court-Community Court Liaison Coordinator.

It can be anticipated that there will be a significant increase in At-Risk Youth (ARY), Children in Need of Supervision (CHINS), and truancy hearings under the "Becca Bill." This bill is another example of an under-funded state mandate, especially since funding has been decreased.

Pretrial conferences are rarely used to determine whether cases on going to trial. However, the juvenile court will soon implement a pretrial calendar for all felonies and in-custody misdemeanor offenders. There is no formal process in place that reminds offenders when they are next due to appear in court, even though the Juvenile Court staff does telephone juveniles as reminders. This situation leads to a significant number of failures to appear (FTAs), which results in added court hearings for these violators.

The County does not have adequate Crisis Residential Center space for juveniles. All alternative residential placement facilities appear to be in low supply. This includes staff secure facilities, emergency foster care, and group homes. This is occurring simultaneously with the increase in juvenile dependency cases and the decrease in funding support by the state.

Juvenile cases are not case-managed whereby offenders' presenting problems are objectively assessed and comprehensive treatment programs are designed.

Treatment and supervision can be characterized as "episodic." Only recently, the Juvenile Probation Department initiated a risk assessment process. Such a system will facilitate the development of appropriate treatment plans and community-based referrals. Additionally, it will greatly assist in the design of effective caseload management and the identification of appropriate supervision levels.

Juvenile Detention Trends, Workloads and Findings

The juvenile detention facility is housed on the top floor of the County Courthouse, in what was the adult jail. It is unlikely that there can be any substantial expansion of this space. It has a rated capacity of 32 beds, but has been overcrowded in recent years, with an average daily population over 33.

Juvenile detention admissions have increased from 574 in 1987 to 1,174 in 1997, for an increase of 82 percent. This rate of growth is found throughout the state within juvenile detention facilities. The average daily population (ADP) of the facility is 33, which is a significant increase from the 1987 ADP of nine. Also, the average length of stay (ALOS) has increased by 93 percent, from 5.7 days in 1987 to 10.3 days in 1997. Detention over-utilization also seems to be impacted by mandatory juvenile sentences and a gap in the continuum of services for probation violators. Warrants comprise 23 percent of all pretrial admissions while probation violators constitute 41 percent of all adjudicated juvenile admissions.

Table 30
Juvenile Detention Use Comparison with State

	Whatcom		State			
Year	Admissions	Pct Change	Admissions	Pct Change	ADP	ALOS
1987	574		15793		9	5.7
1988	528	-8.0%	15452	-2.2%	8.75	6.0
1989	643	21.8%	16895	9.3%	10.4	5.9
1990	664	3.3%	18662	10.5%	14.3	7.9
1991	530	-20.2%	18375	-1.5%	14.5	10.0
1992	540	1.9%	19303	5.1%	13.5	9.1
1993	596	10.4%	21822	13.0%	17	10.4
1994	838	40.6%	23434	7.4%	25	10.9
1995	1051	25.4%	25329	8.1%	26.5	9.2
1996	1047	-0.4%	28870	14.0%	31.7	11.1
1997	1174	12.1%	30981	7.3%	33.2	10.3
1998					30.5	
Pct Change	82.4%		82.8%		238.9%	93.1%

Although there are few treatment beds available for these youth and the detention facility continues to be overcrowded, few if any alternatives to detention and/or diversion programs exist. Electronic monitoring is greatly under-utilized as are other processes for dealing with selected categories of youth who could safely remain in their communities.

The facility can anticipate a continuing if not expanded crowding crisis in the near future. Forecasts illustrate a slower growth rate than occurs for adults, but still significant enough to require a detention capacity of 80 or more by the year 2010. This will be an explosive issue in that classification systems to segregate various categories of troubled youth will be inoperable.

Table 31
Juvenile Detention Forecasts

	Forecasted		Peak	
Year	Admissions	ADP	ADP	Capacity
2000	1264	38	65	78
2005	1383	42	71	86
2010	1424	43	74	88

The use of juvenile detention has been aggravated by the state legislature as additional admissions come from legislative changes defining more behaviors as delinquent, changes in the truancy law, the need to segregate adjudicated from CHINS youth, and state institutional crowding. It is expected that the state eventually will assume greater control over the local juvenile justice systems throughout the state, especially with regard to detention operations. In fact, there is likelihood that this increased control will be concerned with mandatory physical plant and custodial care standards. Recent enhanced sentencing standards for serious juvenile offenders include mandatory local detention time.

The Lummi Nation is spending considerable resources on contracting with the County for detention beds on a per diem basis, since it has no such facility itself. Approximately 20 percent of the detention beds are used for Native American admissions. The majority of these youths are being held for local, non-reservation charges.

There is no formal case planning process at the time of the juvenile petition; therefore, it appears that more youth than is necessary are housed in the detention facility awaiting disposition.

The detention facility provides educational and mental health counseling designed to deal with specific client problems.

Recommendations

1) Explore the creation and/or enhancement of all possible alternatives to detention and diversion programs in order to allow greater numbers of youths to remain in the community, including house arrest, day/treatment reporting, electronic monitoring, community service, restitution, work crews, and community-based treatment programs. This also would apply to probation violators and those with FTAs. **(High)**

2) Develop appropriate protocols to provide for case review shortly after a petition is filed by the prosecutor, public defender, and representative of juvenile probation in order to reduce detention and to keep as many youths in the community as can be done safely. **(High)**

3) Increase substantially Whatcom County's financial participation in the provision of programmatic funds for detention, diversion, treatment, and probation. **(High)**

4) Create a probation//school resource/law enforcement/service provider collaborative task force to review policies, procedures, and relationships. **(High)**

5) Evaluate the need for additional secure beds as well as non-secure beds. This should include an analysis of the need for residential crisis beds. **(High.)** Explore the feasibility of building and operating a non-secure treatment facility for those youth who pose no danger to community safety.

6) Continue to orient the probation department toward both Balanced and Restorative Justice models. Use this platform to increase parental involvement in all types of clinical interventions. **(High)** Increase the use of pre-trial release programs. Seek to develop parent education programs,

offender-victim restitution programs and family education and support programs in partnerships with community-based organizations.

7) Review with the prosecutor and public defender the process for managing juvenile cases, especially detention, to reduce delays and lengths of stay. **(High)**

8) Increase training programs for older, emancipating juveniles regarding life skills and independent living. **(High)**

9) Continue to develop a case management system for tracking cases. **(High)**

10) Develop an enhanced risk and needs assessment process in order to classify youths according to supervision levels. **(High)**

11) Implement an administrative caseload for non-violent, non-chronic offenders. who do not need any intensive supervision. **(High)**

12) Review the need for formal, written policies and procedures for the filing of optional diversion cases. **(Med.)**

13) Evaluate the protocols for supervising juvenile Domestic Violence Orders and No Contact orders. **(Med.)**

14) Negotiate with ACC for juveniles to participate in the alternative corrections program. **(Med.)**

15) Develop a more comprehensive social history process according to new models available. **(Med.)**

16) Create a more serious intensive supervision program for youths classified as the highest risk. **(Med.)**

17) Develop an appropriate process for computerized monitoring of continuances and lengths of stay for youth in detention. **(Med.)**

18) Evaluate the outcomes/cost benefits of establishing a Teen Court. **(Low)**

19) Create a Tribal-Court task group to assess relationships. **(Low)** The Task Group would also assess the feasibility of courtesy probation whereby Tribal Courts would supervise probationers.

20) Develop a mentoring program for selected offenders. **(Low)**

21) Create a "Truancy School" in cooperation with the school system. **(Low)**

22) Develop a special program for female offenders. **(Low)**

23) Investigate the feasibility of creating a Juvenile Drug Court. **(Low)**