

Amendment 1 to Attachment A of Res. 31795

Amendment Sponsored by Councilmember Herbold

Amendment to Attachment A, item 6, Statement of Legislative Intent (SLI) 303-1-A-2, relating to the Law Department, Seattle Municipal Court, and the Seattle Office for Civil Rights report on bail reform.

6.	SLI Number: 303-1-A-2
	Title: LAW, SMC, and SOCR Report on Bail Reform
	Department: City Attorney's Office (LAW), Seattle Municipal Court (SMC), Seattle Office for Civil Rights (SOCR)
	Sponsor(s): Herbold
	Staff Analyst: Asha Venkataraman
	Due Date: Part I: 5/31/18 Part II: 6/30/18

Budget Committee Vote:

Date	Result	SB	KH	LG	BH	LH	RJ	DJ	MO	KS
11/15/2017	Pass 9-	Y	Y	Y	Y	Y	Y	Y	Y	Y

Statement of Legislative Intent:

This Statement of Legislative Intent (SLI) asks the Seattle Office for Civil Rights (SOCR) ~~to work with~~ the City Attorney's Office (LAW), Seattle Municipal Court (SMC), and the King County Department of Public Defense to work together to provide a two-part joint report to the Chair of the Civil Rights, Utilities, Economic Development & Arts (CRUEDA) committee and the Council Central Staff Director regarding whether and how the City will reform its bail practices, including but not limited to use of an actuarial tool, use of text-message reminders, and the use of appearance bonds. Part I of the report is due by May 31, 2018 and Part II of the report is due June 30, 2018.

The reports should also be provided to the Criminal Justice Coordinating Council (CJCC) for its consideration and response, at the time they are provided to the CRUEDA committee. In 2016, SMC convened the CJCC as a forum for stakeholders in Seattle's criminal justice system to share information, collaborate, and work across silos to improve the criminal justice system. Participants have included members from the Mayor's Office, SMC judges, the City Attorney, Council, the Seattle Police Department, the King County Department of Public Defense, the Office for Civil Rights, and the Human Services Department. Discussions focused on increasing diversion opportunities, offering more pre-trial services, and improving reentry opportunities, among other topics. CJCC partnered with the Council on State Government's Criminal Justice Institute to research and assess some of these topics, which included research on bail reform.

A 2013 Arnold Foundation study ~~funded by the City~~ on pre-trial criminal justice practices showed that more than 60 percent of inmates across the country are being held in detention while their cases move through the court system. In Seattle, research from an SMC study showed that 31 percent of individuals in custody who were charged with misdemeanors in 2014 remained in jail while waiting for their next court date because they were unable to come up with cash for bail. The ACLU issued a 2016 position paper entitled "No Money, No Freedom", detailing the two-tiered monetary based justice system created by cash bail. It stated that "[j]udges in Washington often impose bail at an amount much higher than many people can afford to pay, and without consideration of individual financial circumstances and resources. This two-tiered approach denies justice to individuals, undermines the fairness of the court system, and imposes unacceptably high costs on the accused, their families, and our communities."

Though the original purpose of bail was a deposit to ensure a person would show up to their court date, it has "become an excessive financial burden, one so great that it prevents the accused from getting out of jail while his or her case is pending."

Jurisdictions such as the District of Columbia and the federal court system have all but eliminated cash bail, instead using a system to identify the small percentage of defendants who pose the greatest likelihood of danger to the community and detain only those individuals. King County Juvenile Detention uses a detention risk assessment instrument (DRAI) rather than bail to look at a wide range of criteria and provide a composite score determining risk. Depending on the score, the DRAI recommends release on personal recognizance, electronic monitoring, or detention, and a judge can use these recommendations to determine release. Several other jurisdictions including Phoenix, AZ, Chicago, IL, and Charlotte, NC use a public safety assessment (PSA) to look at factors determining whether a person is likely to be a flight risk, reoffend, or violently reoffend to determine whether to detain a person.

Promising alternative pre-trial release strategies can provide more consistency in the pre-trial release process and could ameliorate the impacts of cash bail. This SLI requests an examination of how these or similar tools used in jurisdictions not solely using cash bail could be used at SMC and the racial equity outcomes associated with each strategy or tool. Part I of the report should include:

- A survey of pretrial release strategies and tools used instead of or in addition to cash bail, including a review of any evaluations done on those strategies and tools; and
- Best practices associated with such a strategy or tool.
- How the group working on the SLI will develop racial equity outcomes to shape the recommendations in Part II of the report.

Part II of the report should include:

- Whether LAW and SMC plan to implement bail reform, including use of alternative strategies or tools, and if so, a timeline for reforms;
- A recommended process for community engagement before and throughout implementation of bail reform;
- Estimated savings in jail and court costs;
- An analysis of unintended consequences that should be addressed before implementation;
- Any necessary legislative, regulatory, or rule changes needed to implement bail reform; and
- A description of racial equity outcomes that can be measured and evaluated after any new pre-trial release reforms are implemented.