

RESEARCH-ACTION SITE PROGRESS REPORT

Pierce County, Washington



About APPR

Advancing Pretrial Policy and Research seeks to achieve fair, just, and equitable pretrial practices that positively impact people, systems, and the community. APPR's mission is to support and engage pretrial professionals and community members in the meaningful delivery of data-informed pretrial justice. APPR is managed by the Center for Effective Public Policy and supported by Arnold Ventures.



Center for Effective Public Policy

The **Center for Effective Public Policy** (cepp.com) leads APPR's technical assistance, training, resource development, and website management (advancingpretrial.org).

Contents

Forward	1
Pierce County, Washington	1
Local Interest in Pretrial Justice	2
A Foundation for Change	2
Working Toward Solutions	4
Validation and Implementation of the PSA	4
Advancing Racial Equity and Engaging Community	6
Providing Meaningful Arraignment Hearings	7
Responding to Domestic and Intimate Partner Violence	8
Building Data Sustainability	9
Educating the Public	10
Pierce County's Roadmap for Pretrial Advancement	10

Forward

Research-Action Sites are counties competitively selected to partner with Advancing Pretrial Policy and Research (APPR) to improve their pretrial systems. Research-Action Sites are APPR's most intensive technical assistance cohort and receive assistance to build capacity for both technical change (e.g., policies, practices, and processes) and adaptive change (e.g., cultural shifts, collaborative activities, vision/mission statements).

Led by the Center for Effective Public Policy, each site is guided through a process aimed at building its capacity to use data, research, and collaboration to advance pretrial justice. APPR's approach is anchored in its [Roadmap for Pretrial Advancement](#), which includes four implementation strategies and eleven policy strategies that impact each stage of the pretrial process. APPR's national research partner, RTI International (RTI), studies each site's approach to understand its challenges and to propose solutions for creating equitable, just, and effective pretrial policies and practices. Experienced technical assistance advisors work with local stakeholders, including community members and justice-impacted people, to create and deliver a robust strategic plan to achieve the jurisdiction's goals.

The first Research-Action Sites were invited to participate in APPR in 2019. This meant that when the COVID-19 pandemic began in March 2020, sites were still in the early stages of building collaborative workgroups and establishing their vision and goals for pretrial advancement. The pandemic forced APPR and its local partners to develop novel approaches to the work. In-person technical assistance was no longer possible: most meetings, even those between individual stakeholders, were held remotely, and entire systems—particularly courts, jails, and law enforcement—had to be quickly overhauled to respond to these unprecedented circumstances. While progress and engagement ebbed and flowed, the Research-Action Sites stayed with the project throughout. The cooperation, understanding, and system improvements they have achieved, which are detailed in this report, are a reflection of that commitment.

Pierce County, Washington

Pierce County is the second-most populous county in Washington. Its county seat and largest city is Tacoma. A mix of urban and rural areas, it is home to a large military population, with Joint Base Lewis-McChord. It boasts both Mt. Rainier, the highest point in Washington, and miles of sea-level coastline along Puget Sound.

Local Interest in Pretrial Justice

In 2015, Pierce County engaged in efforts to reduce its reliance on financial release conditions and decrease its felony jail population. These efforts included the creation of a pretrial services program and the implementation of a locally developed pretrial assessment tool that would bring additional information to pretrial decision makers, while final pretrial decisions would rest with judicial officers. However, the tool was not validated, certain charge categories were excluded from screening, and processes were not fair, equitable, or just. Pretrial Services staff were not always able to meet with people to complete the assessment before the first appearance hearing (called an arraignment hearing in Pierce County). In addition, language barriers, crises, and illness often precluded people's participation in the assessment process.

Pierce County was attracted to the Research-Action Site project largely because of the Public Safety Assessment (PSA), a pretrial assessment tool that was nationally validated, rigorously evaluated on an ongoing basis, predictive across different jurisdictions, transparent, and not dependent on an interview, allowing for universal screening. The PSA was aligned with the State of Washington [Ethics Advisory Committee's Ethics Opinion 18-04](#) on the use of assessment tools and with the Washington Pretrial Reform Task Force's [recommendations](#) for pretrial programs across the state. And, as part of the project, the PSA would be locally validated on the county's population.

A Foundation for Change

System stakeholders in Pierce County had a solid history of collaboration, and the Washington Pretrial Reform Task Force had increased their attention to state statutes and court rules about pretrial decision making. APPR built on this foundation by establishing a policy team of members with diverse experiences, expertise, and perspectives. The policy team is led by Superior Court Judge Stanley Rumbaugh (a member of the Washington Pretrial Reform Task Force) and includes members from the bench, the prosecutor's and public defender's offices, pretrial services, law enforcement, community members, social service providers, and law and social justice organizations. Since the team's kickoff in 2019, members have remained actively engaged, with many participating in several workgroups focused on specific pretrial policies and practices. In 2020, the policy team agreed to expand membership to community members, including people with lived experience of the pretrial system.

Pierce County Policy Team Members

Beacon Health Options	Pierce County Executive
Collective Justice NW	Pierce County Jail
Community members	Pierce County Pretrial Services* (lead agency)
Criminal Justice Training Commission	Pierce County Prosecuting Attorney's Office
Korematsu Center for Law and Equality Seattle	Pierce County Sheriff's Department
University School of Law	Pierce County Superior Court
Look2Justice	Pierce County Superior Court Clerk's Office
Our Sister's House	Tacoma Police Department
Pierce County Communications Department	Victim Advocate
Pierce County Department of Assigned Counsel	Washington State Center for Court Research

* Pretrial Services is a division of the Pierce County Superior Court Clerk's Office.

APPR laid the foundation for change over several months by guiding the policy team through steps essential to sustainable and effective systems improvement. First, it facilitated the policy team's adoption of a shared vision, mission, and values. The policy team mapped its current system from the first contact with law enforcement through case disposition. It studied state and federal laws governing pretrial release and detention and examined the county's practices. The team reviewed empirical research around pretrial procedures, and APPR provided local data to inform its deliberations. Through these efforts, the policy team collaboratively identified policy changes and established workgroups related to community engagement and racial equity, implementing the PSA, meaningful arraignment hearings, and domestic violence.

Vision

Protect the community while eliminating racial, economic, cultural, and other disparities in pretrial release decisions.

Mission

Improve pretrial system decision-making through power-sharing and support of community well-being, with a focus on racial equity, use of research, and local data.

Values

- Equity
- Social justice
- Transparency
- Opportunity for community-based interventions
- Person-focused instead of resource-focused

“Some of the research we’ve reviewed and data we’ve analyzed about pretrial release resulted in a macro ‘aha’ moment: that we can safely release a far greater number of people pretrial than we previously believed. And by ‘safely,’ I mean people on pretrial release are not a danger to the community, they aren’t going to flee, they are likely to attend their court hearings, and they aren’t going to engage in witness intimidation or tampering or mess with the evidence.”

—Judge Stanley Rumbaugh, Pierce County Superior Court, and policy team member

Working Toward Solutions

After studying their system as a whole and examining current practices, the policy team discussed possible areas for advancement. Recognizing that there is no single solution, system stakeholders, community groups, and community members identified the most significant changes on which to focus their time and resources.

Validation and Implementation of the PSA

It was important to system stakeholders that any pretrial assessment be validated on Pierce County’s population. The validation timeline was impacted by the COVID-19 pandemic and by changes to Washington laws. In February 2021, the Washington State Supreme Court ruled in [State v. Blake](#) that the state’s felony drug possession statute was unconstitutional. This required RTI to remove—before validation—any previous charges for simple drug possession. Additionally, the Washington Court rules regarding a person’s mandatory appearance at all hearings changed, leaving attendance optional at many pretrial hearings. This required RTI to look at the history of nonappearance in order to validate the matrix for the prospective appearance rate.

After the local [PSA validation](#) was completed, RTI and APPR presented the findings to the policy team. The results showed that the assessment made accurate predictions for Pierce County and did not indicate racial bias. This gave system stakeholders confidence that the PSA would be a valuable tool to inform pretrial decision making.

To prepare for PSA implementation, APPR technical assistance providers educated policy team members about the PSA in monthly meetings, and ad hoc subcommittees developed local policies necessary to interpret and use the assessment scores. The PSA committee, which included representatives from the prosecutor’s office, public defense, judiciary, law enforcement, and pretrial services, collaboratively developed a list of state-specific offenses considered “violent,” which is a necessary step for PSA implementation. The team also developed a [Release Conditions Matrix](#) (RCM)

to guide release decisions that supported successful court appearance and arrest-free behavior. Because the team had previously spent time reviewing and discussing pretrial legal principles and research, team members quickly reached consensus about the levels of pretrial monitoring associated with the assessment scores on the RCM.

In September 2022, Pierce County successfully launched the PSA. The pretrial assessment report, which is distributed to the bench, prosecutors, and defense counsel before each person's arraignment, includes a person's PSA scores, the RCM recommendations, and other relevant information. In addition, the county created a bench card explaining the PSA and the associated levels of release conditions for judges to reference during preliminary hearings. Pierce County also enacted a thorough quality assurance process to ensure accurate and consistent scoring of the PSA.

Pretrial Services agreed to review cases every six months to pilot a "drop-down" approach to supervision, where people who are fully compliant with release conditions may be eligible for a reduction in their monitoring level, barring other court requirements. Stakeholders will monitor data to evaluate the success of this practice.

Since implementation, Pretrial Services has administered over 4,300 PSAs. The two court commissioners presiding over the county's arraignments have indicated that they believe that the information in the PSA assessment helps them make well-informed decisions about pretrial release as they weigh recommendations from the defense and prosecution, which are often vastly different. A review team has been established to engage in post-implementation activities, including continuously educating system stakeholders about the PSA and analyzing the county's PSA data, and RTI is preparing to update the validation with recent data.

"There are always outliers because we are involved in human endeavors, and you can't predict with 100 percent certainty human behavior. But my 'aha' moment was that you can make informed pretrial release decisions to a far greater degree than I previously thought possible when you consider data and other information."

—Judge Stanley Rumbaugh, Pierce County Superior Court, and policy team member

Pierce County is committed to capturing, analyzing, and reporting data on pretrial outcomes and performance measures to assess how PSA implementation and other policy changes are impacting the system. However, since implementing the PSA, Pierce County has encountered an obstacle with its electronic pretrial case management system. The system, purchased from an outside vendor, does not currently permit the extraction of data necessary to evaluate the impact of the PSA on pretrial outcomes or track the performance measures identified by the policy team. Pierce County is awaiting a response from the vendor on a request to program these queries into the system. In the meantime, it has engaged its internal research and data analytics team to work around this barrier.

Advancing Racial Equity and Engaging Community

Addressing racial disparities is a priority goal of the Pierce County policy team. To that end, Pierce County has worked closely with the W. Haywood Burns Institute (BI), APPR's racial equity and community engagement partner.

In the spring of 2022, BI analyzed local data that revealed racial disparities at numerous points in the pretrial phase and presented their findings to the policy team. Specifically, Black and Native American people were overrepresented in both the booked and detained populations, and they had longer average lengths of stay than the white population. Black adults are four times as likely and Native American adults are over three times as likely to be booked into jail compared to white adults. BI has since been working with the chairs of the county's various workgroups to prioritize issues of disparities and integrate racial equity as a fundamental element of their initiatives.

Pierce County's collaboration with BI also aims to engage community members in policymaking regarding the county's pretrial improvements. In the fall of 2022, the policy team expanded its membership to include six community members, among whom are people with lived experience and representatives from advocacy organizations and organizations providing community-based services. In collaboration with BI, the policy team identified and recruited these community members, facilitated meetings to build trust and promote power-sharing in policymaking, and revised its mission statement to be more inclusive of the community. Community members actively contribute to the county's workgroups that focus on meaningful arraignment and effective responses to domestic/intimate partner violence, where they bring their expertise, lived experience, and commitment to racial equity to the discussions.

"I've always tried to be sensitive to racial disparities in the justice system, but not until APPR did I see racial inequity in every aspect of life. The training APPR conducted over the past four years was thoughtful and thought-provoking. I see the systemic racism that pervades our society in education, employment, medical treatment, banking and wealth creation, and housing access and how it can intersect with the criminal justice system. APPR has brought these issues to the forefront. This awareness helps my colleagues and I work towards a better, more just system."

—Brooke Burbank, Assistant Chief Criminal Deputy, Pierce County Prosecutor's Office

Providing Meaningful Arraignment Hearings

Pierce County established a workgroup to enhance its arraignment hearings so that they would be better aligned with foundational legal principles and the latest best practices. The workgroup partnered with the Center for Justice Innovation (CJI), APPR's technical assistance partner, to identify, prioritize, and implement improvements to the arraignment process. In collaboration with CJI, the workgroup examined the elements of a meaningful arraignment hearing, interviewed system stakeholders about current hearing practices, and offered recommendations for improvement. The workgroup then reconvened with CJI to discuss and prioritize their ideas, categorizing some as potential "quick wins" and others as "major improvements" requiring significant time and effort.

The county has already implemented several of the recommendations. It has:

- Improved public defenders' and judicial officers' access to Pretrial Services reports before arraignment by using a shared cloud drive. This ensures that system stakeholders receive the reports in the morning rather than in the afternoon.
- Added the Department of Assigned Counsel (DAC) to the Prosecutor's Office's morning emails. These emails identify the people who will have no charges filed, which enables defenders to focus their resources on those who will be arraigned. Moreover, Pretrial Services still scores and retains these PSAs on the shared cloud drive should DAC need to reference the information for someone who receives a summons later.
- Cross-referenced the interview used by DAC staff with the interview used by Pretrial Services staff to confirm that the Pretrial Services interview can fill informational gaps when attorneys cannot perform an interview prior to arraignment.
- Corrected language on the court's forms explaining when a person must appear at omnibus hearings. During COVID-19, state court rules were changed to reduce the number of in-person hearings. As the court returned to pre-pandemic practices, the printed forms were outdated and caused confusion. The corrected forms are helping reduce the time judicial officers spend explaining when people must appear in court and potential future missed court appearances.
- Improved information-sharing between Pretrial Services and DAC about the people booked into jail with prior competency findings. This ensures that DAC is better prepared at arraignment to raise matters related to competency to stand trial.
- Implemented a flag in the court's electronic case management system to indicate when a person is on pretrial status. This gives system stakeholders ample information related to potential conditions of release and allows them to review all pretrial case outcomes.

The workgroup is currently considering what major improvements they would like to undertake. Once the list is finalized, staff from CJI will explore the most efficient way to engage in action planning to position the site to implement the tasks.

“APPR’s model of technical assistance has been invaluable in helping Pierce County identify a million efficiencies in our pretrial system. The emphasis on collaboration across system agencies has helped us find ways to use our limited resources more effectively and to improve our practices. Because everyone is in the same room and looking at the same information, we can find consensus more quickly and get agreement from key stakeholders, like the prosecutor, public defense, and the courts. With our caseloads getting larger and more complex, this process has been invaluable in helping us improve our pretrial system in concrete and practical ways.”

—Andrea Kelley, former Criminal Division Program Manager, Pierce County, Washington

Responding to Domestic and Intimate Partner Violence

Pierce County established a workgroup to determine how the county will implement two laws recently passed regarding domestic violence and intimate partner violence (DV/IPV): the [Tiffany Hill Act](#) and [HB 1715](#). The Tiffany Hill Act allows the courts to place people accused of domestic violence on GPS monitoring, which can be tracked by officials and linked to a survivor’s phone, alerting them when their alleged abuser is nearby. HB 1715 provides comprehensive protections for survivors of DV and other violence involving family members or intimate partners. It also allows the use of a lethality assessment instrument and protocol to determine the likelihood of an intimate partner homicide.

In addition to pretrial system stakeholders, this workgroup includes the Family Justice Center, a county agency, a local nonprofit shelter for survivors, and an independent forensic social worker with experience as an advocate for survivors of DV/IPV. Superior Court Judge André M. Peñalver and BI facilitated deep conversations about policies and practices through a racial equity lens. The group talked about the differences between community-based and court-based advocates for survivors. They addressed the unintended hardships survivors and families might experience from the fees associated with location monitoring and accessibility issues due to language barriers, mistrust of the criminal legal system, and the fact that people are in crisis. The conversations caused the workgroup to take a slower, more considered approach; built trust and shared goals; and prompted the group to analyze more deeply the potential impacts of policies and practices.

“Working with marginalized communities, including DV/IPV, is inherently community-centric. Community members understand the experiences of victims/survivors and the intersection of race, gender, and poverty. These micro-level interventions create change and provide invaluable information to those in positions able to effect change through well-thought-out policies and procedures. The DV/IPV workgroup is a joy. There is camaraderie and respect for what each member contributes, and active listening that takes place in the group. For me, this is the crux of problem-solving that leads to systemic and cultural change. I think we are doing that and doing it very well.”

—Jill Jackson, MSW, MHP, LSWAIC, Independent Forensic Social Work Specialist

The workgroup prioritized establishing an active notification system under the Tiffany Hill Act. The workgroup met with officials in Clark County, Washington, a jurisdiction that has implemented the act, and with the vendor providing the monitoring software so they could learn about the technology, the implementation steps, pricing, and its effectiveness in achieving safety for survivors of DV/IPV. The workgroup has since been drafting protocols to guide an active monitoring system for survivors in Pierce County and has identified a state funding source. Planning for implementation will require agreement among system stakeholders to coordinate notifications and dispatch responses throughout the county. The county also must build an infrastructure to support and maintain the technology and train officials. Additionally, any proposed system will have to undergo a pilot before it can be scaled up across the county. The county's 911 vendor agreed it would be responsible for centralizing alerts when the system is implemented.

"I've been very impressed at how everyone involved in the workgroup is willing to listen, which means we can actually learn about all the possible impacts of any pretrial policies on marginalized defendants, IPV survivors, and the wider community."

—Judge André M. Peñalver, Pierce County Superior Court, Department 23

To support the workgroup's efforts, RTI analyzed local data to determine the frequency of bookings and length of stay for people charged with DV/IPV, and to compare those with bookings for nonviolent and violent non-DV/IPV charges. CJI will carefully examine the analysis to identify essential insights that can assist the workgroup in determining the scope of monitoring services needed and what metrics can be used to evaluate the impact of active monitoring on survivors.

Building Data Sustainability

Pierce County's work as an APPR Research-Action site—and, in particular, its collaboration with RTI and APPR's data support partners—has resulted in significant progress regarding the sustainability of its data management and reporting efforts. First, the county's IT department committed to hosting and maintaining the county's jail data dashboard, which was created by RTI and had been managed by RTI in collaboration with local data officials. The department integrated the dashboard into the county's technical infrastructure and officially assumed control in September 2023.

Second, the IT department established a data-sharing agreement with other county agencies, which grants them access to pretrial data stored in the county's electronic pretrial case management system. As described earlier, inaccessibility of the data remains a significant challenge until the software vendor programs the county's desired queries into the system.

Third, the county has identified its pretrial performance measures, the data elements required to calculate the measures, and the location of the data elements across its data systems. Even after APPR's involvement concludes, county agencies will be able to consult with the IT department to acquire pretrial data to analyze the performance of the pretrial system.

Educating the Public

Communications technical assistance is a unique contribution provided by APPR. Criminal legal system consultants rarely bring this expertise to local stakeholders, yet reforms can be undermined by negative media coverage and disparaging statements made by system stakeholders and policymakers. While no amount of technical assistance can prevent an adverse incident, with APPR's support, Research-Action Sites are better prepared to manage media inquiries and public pushback to effective, equitable, and legal pretrial reforms.

In Pierce County, APPR has provided training on effective messaging and facilitates monthly communications workgroup meetings. Soon after the county became a Research-Action Site, the communications workgroup consulted with policy team members and used APPR materials to develop presentations to system stakeholders explaining the Research-Action Site initiative. More recently, stakeholders leveraged APPR's PSA resources to educate judges, prosecutors, and public defense counsel on the PSA. Since implementation, the communications workgroup has been helping prepare follow-up presentations to address questions about the PSA and pretrial policies and creating a quarterly internal newsletter on pretrial topics. The county launched a website, [Advancing Pretrial Justice](#), and is beginning to discuss potential public education activities. APPR also facilitates a Critical Incident Protocol Workgroup. The workgroup is tasked with developing a process to review the facts of a negative pretrial incident and determine appropriate responses.

Pierce County's Roadmap for Pretrial Advancement

APPR's [Roadmap for Pretrial Advancement](#) is comprised of two parts: implementation activities that underpin sustainable change and policies and practices to advance effective system improvement. The following illustrates Pierce County's progress in achieving its roadmap activities.

Implementation



Convene an inclusive policy team
➔ **Achieving**



Increase public understanding
➔ **Achieving**



Continuously educate
➔ **Achieving**



Evaluate pretrial performance measures
➔ **Achieving**

Policies and Practices



Use citations/summonses
➔ *Future Opportunity*



Use a validated pretrial assessment
➔ *Achieving*



Create diversion options
➔ *Working Toward*



Use least restrictive conditions
➔ *Working Toward*



Authorize release before first
appearance
➔ *Future Opportunity*



Offer supportive pretrial services
➔ *Achieving*



Conduct meaningful first
appearance hearings
➔ *Achieving*



Respond to behaviors appropriately
➔ *Future Opportunity*



Process cases swiftly
➔ *Future Opportunity*



Limit pretrial detention
➔ *Working Toward*



Review the jail population
➔ *Future Opportunity*

