

# Incarceration Prevention Reduction Task Force Justice System Ad Hoc Committee Meeting

April 11, 2016

Bellingham Municipal Court, Fireplace Room, 2014 C Street Bellingham WA  
9:15 – 11:15am

## AGENDA

Time	Topic	Purpose	Responsible	Attachment
9:15	<b>1. Welcome and Introductions</b> <ul style="list-style-type: none"> <li>Review March 28, 2016 Meeting Summary</li> </ul>		Fred Heydrich	Summary
	<b>2. Presentation by Bruce Van Glubt</b> <ul style="list-style-type: none"> <li>How probation can reduce jail population</li> </ul>		Bruce Van Glubt	
	<b>3. Presentation by Sheriff Elfo</b> <ul style="list-style-type: none"> <li>Good time</li> </ul>		Sheriff Elfo	
	<b>4. Justice Committee Mission Statement</b>		Fred	Stmnt of Work
	<b>5. Review Phase 2 Goals/Strategy &amp; Process</b>		Dean	Handout
	<b>6. Meeting Schedule</b> All meetings from 9:15 – 11:15am at the Bellingham Municipal Court, Fireplace Room 4/11/2016 5/16/2016 6/13/2016 7/18/2016 8/8/2016 9/19/2016 10/10/2016		Fred	
	<b>7. Public Comment</b>		Fred	
11:15	<b>8. Adjourn</b>		Fred	

**Incarceration Prevention and Reduction Task Force**  
 Justice Systems Ad Hoc Committee  
 Meeting Summary, March 28, 2016  
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**Attendance**

<b>Present</b>	<b>Representing</b>
Anderson, Angela	Whatcom County Public Defender's Office
Bernstein, Jill	Citizen Representative
Elfo, Bill	Whatcom County Sheriff
Garrett, Deborra	Whatcom County Superior Court
Gockley, Stephen	WAHA
Heydrich, Fred - Chair	Whatcom County Superior Court
Knapp, Michael	Ferndale PD
Lilliquist, Michael (proxy for Daniel Hammill)	City of Bellingham, City Council
Moonwater	Whatcom Dispute Resolution Center
Morgan, Irene	Restorative Community Coalition
Peterson, Darlene	City of Bellingham, Municipal Court
Ruffatto, Peter (proxy for Kelli Linville)	City of Bellingham, Mayor's office
Walker, Kathy (proxy for Dave McEachran)	Whatcom County Prosecutor's Office
<b>Guests</b>	
Van Glubt, Bruce	Whatcom County District Court & Probation
Miller, Peggy	Whatcom County District Court Probation
<b>Staff</b>	
Wight, Dean	WAHA Lead Facilitator

**Meeting Summary**

**1. Welcome and Introductions**

February 8, 2016 Meeting Summary was not reviewed by the Committee.

**2. Review Steering Committee Discussion**

Fred informed the Committee that Whatcom County is going to find a new facilitator for the IPR Task Force. WAHA has agreed to stay on until a new facilitator is hired.

**3. Justice Committee Mission Statement**

Fred noted that there are varying views as to the nature and scope of this Ad Hoc Committee, with the group divided into two "camps", one believing that the focus is narrow – with a goal of practical immediate solutions, and the other view that believes greater societal issues (poverty, housing, etc.) should be addressed.

This will be an agenda item on the April 4, 2016 Task Force meeting, with Stephen presenting thoughts on the more broadly scoped viewpoint, and Fred on the more narrowly focused view point.

Moonwater reminded the Committee that she has circulated a draft with some thoughts on scope, with goals and objectives.

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Dean will include Judge Garrett's edited statement of work and Moonwater's version in the meeting packets for the April 4<sup>th</sup> Task Force Meeting.

Moonwater took an opportunity to address the Committee and share her perspective on the scope of work for this Committee, as she believes that her perspective is not fully understood.

1. It is essential to have clarity and a defined, doable scope of work for this committee
  - a. Benchmarks of what currently works and its efficacy
  - b. Ability to call out new programs, recognize best practices
  - c. Have a tool for measurement in place so you can say it is actually working
  - d. Scope of what is within and adjacent to the legal system makes sense
  - e. Larger issue of prevention is viewed through several different lenses
    - i. Practical need to address upstream issues
    - ii. Community expectation
    - iii. Momentum and expertise to think "bigger picture"
2. Community expectation that there will be identification, mapping and recommendations on bigger picture programs and services that will create long term change
  - a. Need to understand/map the scope of services currently available, identify gaps
  - b. Produce a written report of efforts underway to affect long-term positive change

Kathy expressed concern that the Task Force is not getting a sense of what is happening in the Ad Hoc Committees.

Jill indicated that the bulk of Task Force meetings will be reports from Ad Hoc Committee's during Phase II.

Stephen expressed his concern that Phase I had presentations at the TF, but not deliberation. He also called out the need to address re-entry programs.

#### **4. Review Phase II Goals/Strategy & Process**

This Committee will be developing specific recommendations for the Council as a part of the Phase II work. This agenda item will carry forward and is tabled at this time.

#### **5. Presentation by Bruce Van Glubt**

Probation is the suspension of a jail sentence that allows a person accused or convicted of a crime a chance to remain in the community instead of going to jail. The court requires that the offender follow certain specific court-ordered rules and conditions under the supervision of a probation officer.

Probation is an alternative to jail where the primary focus is behavior change; not punishment. It requires accountability, and no one likes being told what they have to do or what they can't do.

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There are specific court ordered rules and conditions

- Can only require what they are ordered to do
- Authority is limited to what the Court orders
- Probation can't be everywhere
- Tries to work with each clients and help them be successful with what the court ordered them to do

Probation is staffed by 9.5 FTE's in Whatcom County, there are two types of probation (Active and Inactive).

- Inactive is limited to monitoring the lawful behavior of an individual through record checks of state databases.
- Active probation is everything else (court ordered requirements, group attendance, vehicle devices, etc).
- Probation includes pre-trial, post-conviction and deferred prosecution.
- Department supervises approximately 2,000 (500 inactive) at any given time.
- Breakdown by charge type:
  - 59% alcohol/driving offenses
  - 14% domestic violence
  - 4% disorderly conduct
  - 3% non-DV assault
  - 20% miscellaneous
- Cost of \$100/month for individuals on active probation, \$25/month – inactive
  - Actual cost to the county or jurisdiction discussed, there is a reconciliation process, by jurisdiction, that happens annually.
  - People are allowed to go on payment plans that exceed the length of their probationary period
- 3 specialized units within the probation department
  - Intake unit – focus on placement as early as possible
    - Risk assessment
    - Demographic information gathered
    - Risk/referral/case load assignment/ policies/history will have an impact on frequency of visits with clients
    - Case load is based on a number of factors
      - DV
      - BH
      - Court of origin
      - Case load sizes of each probation officer
  - DV unit
    - Only case load where the defendant is supervised based on the offense

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- Factors: repeat DV, failed private treatment, history of order violation, seriousness of offense, availability of weapons, felony drop down.
- Also attend DV accountability group (check-in group, post-conviction) divided by gender
  - Positive feedback about this group
- Some pre-trial, some post.
- Trying to get most serious offenders in this unit and want to give them the highest level of resources
- BH unit
  - Based on offender characteristics
  - Factors: SMI, medications, diagnosis, feedback from MH providers
  - 2 probation officer positions
  - About 200 defendants assigned to this unit
  - Includes MH court clients (23 at this time)
- Other Cases – general case load probation officers
  - Factors: referring court – to increase the likelihood that the defendants will know the probation officers that will be in the courtroom, relationship built between the two, consistency for judicial officers.
  - Case workload sizes are rebalanced; to try to make it equivalent among probation officers (factors for travel time, etc)

### Services provided by the probation department

- Meet individually with active defendants (some exceptions, out of state/area, uses phone appointments)
  - Most 90% have local addresses
  - F2F (for the most part)
  - Make sure that they understand what is expected of them
  - What they need to do to be successful
  - Workgroups
  - Treatment obligations
  - Information about resources that aren't court ordered (veteran's, homeless, food resources)
  - Weapons surrender
  - Document court ordered evaluations and programs
  - Document attendance and support groups
  - Review progress reports
  - Communicate with treatment providers
  - Wide variety of programs and training services can be ordered and monitored
  - Collect and distribute restitution
  - UA, breathalyzer testing

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- Record checks on inactive defendants
- Performs internal auditing noncompliance and proper case closure

Key points made during the presentation:

- Importance of benchmarking and being able to measure the impact of changes
- Need to address re-entry services and supports
- Impact of judicial officer's discretion and decisions
- Need for literature that will help the Committee understand and measure efficacy of jail sanctions, probation
- Need to identify nationally recognized best practices
- Complexity in correlating what different treatment agencies are doing in our community

Pending committee questions:

- Billing, cost to supervise probation (Dean to assist Bruce)
- Best practices, what resources are out there
- Best practices for treatment (WCHD as a resource)
- Literature on how best to evaluate this
- Efficacy of probation
- Specific actions Bruce would recommend to reduce incarceration
- What additional resources does the probation department need
- What would the "dream" probation department be like
- What resources are needed to manage the pre-trial population if released into the community
- The problem of data, measurement and tools (broader than just probation)
- Does probation impact recidivism
- Could probation be bigger or different to make it more effective

## **6. Meeting Schedule**

Next meeting is April 11, 2016 from 9:15 – 11:15am (same location)

Meeting schedule to be distributed electronically

## **7. Public Comment**

Speaker not identified on the audio file, recommended Department of Corrections involvement in re-entry conversations.

## **8. Adjourned at 11:15am**



# Incarceration Prevention and Reduction Task Force

Legal Systems Ad Hoc Committee

DRAFT Statement of Work

## Statement of Purpose

The purpose of the Incarceration Prevention and Reduction Task Force is “to continually review Whatcom County’s criminal justice and behavioral health programs and make specific recommendations to safely and effectively reduce incarceration of individuals struggling with mental illness and chemical dependency, and minimize jail utilization by pretrial defendants who can safely be released.” (Ord. 2015-037; Ord. 2015-025; County Code 2.46.020).

Comment [1]: (I wonder if changing “legal” to “justice” would better allow for the incorporation of restorative practices and alternative dispute resolution processes that fall outside of the traditional legal system? ~ Moonwater)

The purpose of the Legal (Justice) Systems Ad Hoc Committee is to ~~recommend~~ make recommendations to the Task Force specific, achievable regarding programs and services that would prevent or reduce incarceration, if implemented within the legal and law enforcement systems. ~~Current, enhanced, and new programs and services are under consideration. Treatment for addiction and mental health, and other B~~ behavioral health programs and services are the purview of a different Ad Hoc Committee.

Recommendations will be based on local needs, recognized best practices, and the work of the other two Ad Hoc Committees.

## Goals

- Evaluate the alternatives to incarceration which currently exist in Whatcom County, comparing those alternatives to recognized best practices and recommending improvements as appropriate
- Identify new or underutilized programs and services that are effective alternatives to incarceration, recommending implementation or expansion as appropriate
- Identify and develop alternatives to jail that will promote a pretrial defendant’s responsibility to appear in court and will not jeopardize community safety;
- Identify and recommend measures the courts and law enforcement should implement to reduce incarceration of all defendants, consistent with the requirements of our state’s laws.
- Recommend a process which will enable law enforcement and the courts, working with community health resources, to identify those defendants who would benefit from treatment for mental illness or drug/alcohol dependency
- Recommend discharge planning procedures which will help people who are leaving incarceration connect with and engage in community and behavioral health services available in the community
- ~~Reduce incarceration of defendants who need treatment for mental illness or substance or alcohol dependency~~
- ~~For pretrial defendants, identify and develop alternatives to jail that will promote the defendant’s responsibility to appear in court and will not jeopardize community safety;~~
- ~~Evaluate and improve the alternatives to incarceration which currently exist in Whatcom County, comparing those alternatives to recognized best practices as appropriate~~
- ~~Identify and implement programs and services that are effective alternatives to incarceration~~
- ~~Benchmark Whatcom County programs and services against nationally recognized best practices~~

Comment [2]: Is it the responsibility of the committee to develop the alternatives or simply name them and recommend that they be developed?

- ~~Provide comprehensive release planning to ensure citizens are connected to and engaged in available programs and services upon their return to the community (warm hand-offs)~~

### Scope (Project Tasks)

- Assemble information about ~~existing program and services currently in existence (including services offered; financial resources; budgets and expenses; numbers of people served, with demographics; and other pertinent information).~~
  - ~~Assess the effectiveness of these programs and services in reducing incarceration while protecting community safety and causing defendants to appear in court as required.~~
  - ~~Using the Sequential Intercept Model and other tools, identify gaps in existing programs and services~~
  - ~~Recommend improvements and how they could be implemented.~~
    - ~~Services offered~~
    - ~~Financial resources~~
    - ~~Budgets and expenses~~
    - ~~Number of people served~~
    - ~~Demographics of people served~~
    - ~~Effectiveness in reducing or preventing incarceration~~
- ~~Consider measures which would connect people in crisis to appropriate behavioral health services before any criminal conduct has occurred~~
- ~~Identify recognized best practices known to reduce incarceration without compromise to the goals of our state's criminal law and procedure~~
  - ~~For pretrial defendants: incarceration only as necessary to assure community safety and the defendant's appearance for hearings and trial~~
  - ~~For convicted defendants: incarceration alternatives which are consistent with the law's goals of punishment, deterrence and rehabilitation~~
- ~~Recommend additional or modified programs and services and describe how they could be implemented~~
- ~~Map existing programs and services in the Sequential Intercept Model~~
- ~~Identify gaps in existing programs and services~~
- ~~Consider pre intercept One programs and services that may reduce incarceration~~
- ~~Identify nationally recognized best practices for programs and services that are known to reduce incarceration~~
- ~~Create comparison with Whatcom County based programs~~
- ~~Recommend improvements to existing programs and services and describe possible implementation~~
- ~~Recommend additional or modified programs and services and describe possible implementation~~

### Deliverables

- Progress report for Phase One deliverable date
- Recommendations for improvements to existing programs and services
- Recommendations for additional or modified programs and services

### Schedule of Work

- Workgroup meeting schedule
  - December 7, 2015





- January 04, 2016
- Sequential Intercept Model mapping completed by: TBD
- Benchmarking completed by: TBD ([Whatcom County as compared to others? shouldn't this be on-going?](#))
- Recommendations to the Task Force regarding available alternatives to incarceration

### Measures of Success

- [Timely delivery of clear and specific recommendations for programs and services that:](#)
  - [can be implemented in Whatcom County;](#)
  - [will be effective in reducing incarceration of pretrial and convicted defendants;](#)
- [are consistent with the law's goals for pretrial release and postconviction sentencing. Consistent with established deadlines, deliver to the Task Force a body of clear and specific recommendations for programs and services that can be implemented in Whatcom County and that will be effective in reducing incarceration of pretrial and post-trial defendants and consistent with the goals of pretrial release \(without jeopardizing community safety, assuring that defendants appear in court for trial\) or post-conviction punishment and rehabilitation \(as defined in our state's criminal code\).](#)

### Identified Best Practices

- [Incorporate for our work appropriate best practices that meet nationally recognized standards for effectiveness and achievability. Institutions that promote best practices include SAMHSA's Gains Center \(State name fully\); the VERA Institute of Justice ; the National Association of Counties; and the Council of State Governments Justice Center.](#)

[Incorporate for our work appropriate best practices that meet nationally recognized standards for effectiveness and achievability.](#)

[Institutions that promote best practices include:](#)

- [Substance Abuse and Mental Health Services Administration, Gains Center](#)
- [The VERA Institute of Justice](#)
- [National Association of Counties, the Stepping Up Initiative](#)
- [Council of State Governments Justice Center](#)
- [Other national standards](#)

### Other Ad Hoc Committees

The purpose of the Triage Facility and Facility Programming Ad Hoc Committee is to make recommendations to Task Force regarding the construction and operation of a new or expanded multi-purpose crisis triage facility to assist with jail and hospital diversion of individuals struggling with mental illness and/or chemical dependency.

The purpose of the Behavioral Health Ad Hoc Committee is to make recommendations to the Task Force regarding behavioral health programs and services that will have the potential to prevent or reduce incarceration. Current, enhanced and new programs and services are under consideration.

The work of the Ad Hoc Committees is interrelated and interdependent.



**Legal / Justice System Committee members: Please rank order your priority for having the committee address the following initiatives (highest priority is #1). Bring this to the committee meeting on April 11 for discussion.**

\_\_\_ Use of evidence-based risk assessment tool

\_\_\_ Use of telephone calls and/or text messages

\_\_\_ Expanded Use of Electronic Home Monitoring

\_\_\_ LEAD (Law Enforcement Assisted Diversion).

\_\_\_ Expanded Mental Health Court

\_\_\_ Expanded Drug Court

\_\_\_ Expansion and enhancement of the use of the Fast Track Docket

\_\_\_ Expanded Statutory Diversion Alternatives (examples include:)

- In-house diversion programs.
- Deferred prosecutions.
- Probation supervised participation in domestic violence treatment and substance use treatment programs
- Compromise of Misdemeanors.
- Expanded use of Jail Alternatives
- Domestic Violence probation dockets used in the District and Bellingham Municipal Court.

\_\_\_ A driver's license re-licensing program

\_\_\_ Pre-trial / post-sentencing use of jail alternatives

\_\_\_ Review of Probation sentencing recommendations

\_\_\_ Expansion of in-custody substance abuse/ mental health evaluations

\_\_\_ Re-entry services

\_\_\_ Increased staffing for a social worker at the Public Defender

- (To arrange treatment alternatives and other sentencing options).