

***Incarceration Prevention and Reduction Task Force  
Meeting Summary for May 2, 2016***

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Task Force Chair Jill Bernstein called the meeting to order at 9:00 a.m.

Present: Angela Anderson, Jill Bernstein, Bill Elfo, Julie Finkbonner, Stephen Gockley, Susan Gribbin, Daniel Hammill, Fred Heydrich, Jack Hovenier, Mike Knapp, Betsy Kruse, Ken Mann, Irene Morgan, Randy Polidan, Tyler Schroeder, Greg Winter

Also Present: Leslie Finch (for Chris Phillips), Perry Mowery (for Ann Deacon), Nick Lewis, Peter Ruffatto (for Kelli Linville), Kathy Walker (for Dave McEachran), Dean Wight

Absent: Jeff Brubaker, Anne Deacon, Nick Lewis, Kelli Linville, Byron Manering, Dave McEachran, Moonwater, Darlene Peterson, Chris Phillips, Sandy Whitcutt

**1. Welcome**

Review Agenda

The Task Force reviewed the meeting agenda.

Review April 04, 2016 Meeting Summary

The Task Force reviewed the April 4, 2016 meeting summary and made no changes.

**2. Lummi & City of Bellingham Update**

Ruffatto reported on new City of Bellingham jail alternatives:

1. Weekly offender transport to Yakima County jail
  - For inmates with 7 or more days to serve
  - As of April 22, 2016, 38 inmates were transferred, totaling approximately 1,400 bed days to serve.
2. Electronic Home Monitoring (EHM)
  - Post-trial only at this time. Not many pre-trial inmates pass the screening criteria and current interpretations of State law at this time.
  - Short-term sentences
  - To date, 59 defendants have used EHM, totaling 1,047 bed days to serve
  - \$14.50 per day plus a \$50 hook-up fee, paid by defendant
3. Additional programs being considered and/or developed:
  - Updated technology to allow a pre-trial remote hearing program.
  - Work crew for pre-charged defendants, similar to City of Everett program.
  - Expansion of the EHM program for certain misdemeanors and pre-trial defendants.

These alternatives have reduced jail bed days by 2,500, with some of those days left to serve.

Bernstein asked if the City is happy with the EHM contractor, Friendship Diversion Services. Ruffatto stated it is.

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Bernstein asked if the jail is currently under or over capacity. Elfo stated it is slightly over capacity. The highest capacity usually occurs on Monday mornings.

There was discussion of the number of reduced bed days due to the transfers to Yakima County jail and if the County used the Friendship Services EHM. Transfers are a 1-to-1 bed day ratio, minus the good time allowance. The EHM is serving those with short-term sentences and includes very early screening at the jail, before sentencing and the next business day. Whatcom County Probation and warrant officers are performing that task. The City developed its screening tool from other jurisdictions with a similar screening process, making sure it met statutory requirements and incorporated best practices.

Lewis reported on the new Lummi Nation EHM program:

- Pre-trial and post-conviction GPS monitoring system
- Less strict screening process that allows felony defendants
- Treatment is also required, paid fully by Lummi Nation
- Random checks, including urinalysis (UA)
- Arriving late to appointments results in community service
- Forces people to be accountable
- No monitoring cost to defendants
- Cost for service is \$7.75 per day, per defendant
- A dedicated officer to look after the high-risk GPS users

Other changes to the Lummi programs include:

- Jail budget was transferred from police to the courts
- Jail budget was cut from \$1.6 million to \$600,000, with additional funding as needed
- Continued use the County jail for short-term inmates, no longer than 7 days
- Use of Yakima County (\$54/day), Chehalis (\$50/day), and a facility in Wyoming that includes long-term treatment
- Focusing on wrap-around services to break the cycle of illegal behavior

There was discussion of treatment requirements and whether GPS users are taking the monitoring seriously. Lewis described the benefits of the programs, which requires treatment and allows defendants to continue to work. There are no capacity issues with treatment providers.

Gribbin stated fines as a result of charges of driving with a suspended license is burdensome for low income families. They cannot drive to work, and fines become inflated if they can't afford to pay.

Lewis stated they allow people who incur fines to pay them through doing community service, calculated at a value equal to the minimum wage.

Bernstein asked if the County can screen people more quickly for jail alternatives. Elfo stated most people who come into the jail on misdemeanor charges are released after first appearance, before the prosecutors decide to file. The County Probation Department can do that assessment. All

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programs are required to be self-supporting, so they charge for the overhead costs. The County could change that policy.

**3. Meeting Schedule**

Bernstein circulated a form asking for scheduling information from each Task Force member.

**4. Phase II**

Triage Facility Recommendations and Triage Facility Update

Schroeder referenced and read through the packet beginning on page 7 regarding Triage Facility Committee recommendations to the Task Force. The first recommendation is on facility size.

There was discussion of:

- The 10-minute drop-off by law enforcement and emergency medical services (EMS) staff as a benefit for co-locating the units,
- Whether the two units can share staff
- The need for more long-term beds outside these the two 16-bed units
- The continuum of care and range of services available across the community
- Regional versus local facilities

Whitcutt described the triage facility program in Snohomish County, including the assessment procedure and 23-hour stay. The beds allow someone to settle down and get referred to another treatment source. There is just as much work for the intake staff, regardless of whether they stay 23 hours or 24 or more hours.

***Hovenier moved*** to recommend the development of two 16-bed units, joined in one building off a common foyer and intake space, with one unit licensed as a Crisis Triage Unit and the other licensed for acute substance use detoxification.

Gockley seconded the motion.

***The motion carried unanimously.***

Schroeder continued to report on the Triage Facility Committee recommendations. A facility must allow a 10-minute drop off for law enforcement. They must coordinate with other community partners to provide other types of services. The second recommendation is for the mental health triage unit to be voluntary, not involuntary, and give preference to law enforcement.

Whitcutt described the Snohomish County fully certified triage facility, which is classified as a voluntary and locked facility according to the Revised Code of Washington (RCW). The facility is locked to slow egress if possible and bring in resources as needed. Everett police work with the program to quickly respond to anyone who is agitated and refuses to stay in the volunteer facility.

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Elfo stated his deputies will find the facility useful in certain situations.

**Hovenier moved** to recommend the 16-bed mental health unit be certified as a voluntary unit with enhanced security to be identified and agreed upon in the Phase 3 recommendation.

Elfo seconded the motion.

Task Force members would like to make sure:

- Law enforcement are confident about using the facility
- Law enforcement will place a priority on returning to the facility to protect unit staff if necessary
- Policies and systems incorporate enhanced security protocols
- The facility is certified
- There is still the option of creating an involuntary facility in the future
- Security measures aren't so strict that patients are charged with assault charges if they refuse to volunteer for treatment

**The motion carried unanimously.**

Schroeder continued to report on the Triage Facility Committee recommendations for a facility location.

**Hovenier moved** to recommend researching the following two site locations in order of priority:

1. Current Whatcom County Crisis Triage Facility on Division Street
2. Another location near Peace Health St. Joseph Medical Center and downtown Bellingham

Polidan seconded the motion.

Elfo stated the County made a commitment to the community that the existing triage facility location be temporary. Before committing to a permanent facility at that location, there must be a public process to allow the affected neighbors to comment.

**Hovenier amended and restated the motion** to recommend researching the following two site locations in order of priority:

1. Current Whatcom County Crisis Triage Facility on Division Street
2. Another location near Peace Health St. Joseph Medical Center and downtown Bellingham

A final location recommendation will be made following public input and other analysis in the Phase 3 report.

Heydrich seconded the amended motion.

The motion as amended carried unanimously.

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Specificity of Recommendations

Bernstein stated a question arose during the Justice & Legal Systems Subcommittee about how specific the Task Force recommendations should be to the County Council.

Anderson stated the question is, for example, whether there should be a list of many general ideas or a select few ideas with all the specific details fleshed out.

Bernstein stated they will table this question for a month to allow the Task Force members, the County Council, and the Subcommittee to consider the question.

**7. Justice Committee Update**

Probation

Heydrich reported on the April 11, 2016 meeting. District Court Administrator Bruce Van Glubt presented information on the effect of probation on jail population and recidivism. Probation without evidence-based treatment doesn't seem to reduce recidivism, but evidence-based treatment in addition to probation does reduce recidivism. Chief of Corrections Wendy Jones presented information on good time sentence reduction. Good time sentence reduction must be an incentive for good behavior. Chief Jones can't adjust the good time policies to significantly reduce jail population.

Committee members will rearrange their list of Phase II goals and strategies.

Judicial conference

At a recent Superior Court Judges Association conference, a topic was bail alternatives with a focus on pre-trial release supervision programs. He heard about programs in Yakima County and Spokane and from the District of Columbia (D.C.) Director of Pretrial Services Agency. Results of the D.C. program include the nonfinancial release of 85 percent of pretrial defendants. Of those defendants:

- 88 percent of those released do not fail to appear
- 89 percent of those released do not get arrested prior to trial
- One percent are rearrested for a violent offense

In addition, he will request information on Spokane's risk assessment tool. He submitted the Yakima Smart Pretrial Implementation Plan (*on file*). He will also contact and have a conversation with the Yakima County court consultant Harold Delia.

**5. Steering Committee Update**

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Mann presented an update on the Steering Committee meeting on April 28 and the facilitator request for qualifications (RFQ). The Steering Committee recommends dividing the RFQ scope into four positions, each with a specific, defined role:

- A report writer, to be done by Council Legislative Analyst Forrest Longman
- Administrative support, to be done by Council Administrative Clerk Jill Nixon
- A contracted technical consultant with knowledge about jail alternatives
- A contracted meeting facilitator

Elfo stated make sure the contracted technical consultant has a knowledge of Washington State laws in addition to nationwide best practices.

Bernstein stated the role of the contracted technical consultant is to help the Task Force with policy options, not to be a jail planner.

Hovenier stated the Steering Committee will also make decisions on the Task Force agenda.

The Task Force discussed how to manage all the information that comes to the Task Force from the public and Task Force members.

- All documents submitted will be noted as public comment, not official Task Force documents
- Staff will maintain a document index on the website that is updated regularly and includes links to the documents

### **6. Behavioral Health Committee Update**

Mowery stated the Committee has not met since the last Task Force meeting. The next meeting is 3:00 p.m. on Thursday, May 26, 2016 at the Health Department. He presented information on the Committee discussion on March 31. They are focusing on:

- New and expanded programs that will enhance and create options that prevent individuals from going to jail, such as the crisis prevention and intervention team (CPIT) program
- The continuum of care for individuals entering and leaving the triage facility, such as inpatient, residential treatment programs, and the expansion of medication-assisted treatment.

### **8. Recommendation to Task Force on Broader Issues**

Gockley stated he will be meeting with Ann Deacon and others about the possibility of creating a fourth subcommittee to address the larger upstream influences on the jail population.

### **9. Public Comment**

Joy Gilfilen submitted handouts (on file) and stated they need restorative economic solutions and societal intervention to avoid mass incarceration.

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Schroeder described the recent renovation of the Sun House on Chestnut Street.

**10. Adjourn**

The meeting adjourned at 11:02 a.m.