

***Incarceration Prevention and Reduction Task Force
Meeting Summary for June 6, 2016***

1. Call to Order

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

Present: Angela Anderson, Jill Bernstein, Stephen Gockley, Susan Gribbin, Daniel Hammill, Fred Heydrich, Jack Hovenier, Betsy Kruse, Kelli Linville, Byron Manering, Ken Mann, Dave McEachran, Irene Morgan, Darlene Peterson, Randy Polidan, Tyler Schroeder, Greg Winter

Also Present: Leslie Finch (Proxy for Chris Phillips), Matt Huffman (Proxy for Michael Knapp), Ralph Long (Proxy for Julie Finkbonner), Iris Maute-Gibson (Proxy for Moonwater), Perry Mowery (Proxy for Anne Deacon)

Absent: Jeff Brubaker, Anne Deacon, Bill Elfo, Julie Finkbonner, Michael Knapp, Moonwater, Chris Phillips

Review and approve May 2, 2016 Meeting Summary

Task Force members noted that Leslie Finch is the proxy for Chris Phillips and the City of Bellingham cost for electronic home monitoring is \$14.50 per day.

Bernstein stated both corrections will be made.

2. Committee Updates

Behavioral Health Committee

Mowery gave an update on the Behavioral Health Committee. They are focusing on services provided before and after the triage facility. The Committee talked with Sgt. Cristelli, Bellingham Policy Department, about the new program similar to law enforcement assisted diversion (LEAD) and the crisis prevention and intervention team (CPIT) program.

Bernstein stated she hopes that the Behavioral Health Committee works cooperatively with Mr. Heydrich and Mr. Hammill from the Legal & Justice Systems Committee, who are also interested in a LEAD-like program, so as not to duplicate efforts.

The Task Force discussed making sure that programs are extended countywide.

Triage Facility Committee

Schroeder gave an update on the Triage Facility Committee discussion on how to move forward with the Phase Two Report. The Committee will refine recommendations for a facility in terms of:

- Design
 - 2009 or 2010 architectural design
- Location
 - Division Street Work Center
 - Another possible location downtown or near the hospital
- Costs and funding

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- Capital costs funded from the State legislature
- Capital costs funded from a Department of Commerce Grant
- Ongoing operation costs in cooperation with the North Sound Behavioral Health Organization
- Funding sources
- Goals
 - Relocate and replace inpatient beds
 - Provide acute detoxification triage facility

He and Health Department staff spoke with staff at the North Sound Behavioral Health Organization (BHO) recently about the status of replacing the Pioneer Center North beds and how each county is moving forward.

The Task Force members discussed the status of the BHO needs assessment and funding:

- The possible benefits of and/or problems with applying for the Commerce grant, receiving State funding, or both
- The possibility of State funding reducing the amount of the available grant
- The full funding request of the North Sound BHO for the county versus the entire region

Legal & Justice Systems Committee

Heydrich gave an update on the Legal & Justice Systems Committee and referenced the May 16, 2016 Meeting Summary Addendum: Whiteboard Notes from the Committee meeting, on Task Force packet page 13. The Committee is beginning to focus on particular programs:

- LEAD
- pre-trial jail alternative programs
- post-conviction jail alternatives
- drug court
- probation

The Task Force discussed the possibility of other therapeutic courts, such as community court, portability court, veteran courts, and family courts.

Steering Committee

Mann gave an update on the facilitator and criminal justice expert requests for qualifications (RFQs) for the Task Force.

Forrest Longman, County Council Legislative Analyst, introduced himself to the Task Force.

3. Update by Jurisdictions on Jail Diversion Programs

Peterson reported on two City of Bellingham programs:

- Sending defendants to Yakima
 - Defendants are already sentenced

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- The program is in response to the Sheriff's request to reduce the population in the County jail
- To-date, 43 defendants have been sent to Yakima to serve a total sentence time of 1,734 days
- Those defendants have served 1,248 days as of today
- Defendants receive one-third time off their sentence if they go to Yakima
- The program has been positive
- Electronic home monitoring to defer people from jail. She submitted and read from a handout on the first quarter home monitoring summary report (*on file*).
 - Defendants are monitored by GPS 24 hours per day, seven days per week
 - Different screening procedures for in-custody and out-of-custody defendants
 - In-custody defendants receive screening pre-arraignment

Peterson described two cases of pre-trial home monitoring results, one using a SCRAM Systems continuous alcohol and location monitoring bracelet. In addition, they are working with Yakima to set up pre-trial supervision for incarcerated defendants, which would be more feasible if other jurisdictions shared in the program and shared transportation and if video conferencing were available for certain hearings.

The Task Force discussed costs and the City's electronic home monitoring program versus the County's electronic home monitoring program:

- Some City EHM defendants who do not qualify for the County's EHM program due to the City allowing early screening and short-term EHM.
- The different monitoring types
- City subsidizing EHM for those who fall below the poverty level
- The City EHM costs
 - Cost of \$1,473.82 for subsidizing the program, compared to the City's cost of over \$40,000 if those defendants had spent their time in jail
 - Cost of \$55 per day for EHM versus \$98 for jail bed day
 - Yakima County gives one-third off the sentence, so the sentence is shorter
 - City does not pay a booking fee to Yakima
- Developing a cost-savings analysis of the Yakima program
- Determining the social impacts of sending defendants to Yakima
- Tasking the Justice and Legal System Committee with looking at the differences between the County and City EHM programs and how to bring two programs together. Include prosecutors, judges, the City of Bellingham, and the County in the conversation.
- Focusing on EHM and other true jail diversion programs that Whatcom County does not implement, not on transferring inmates to Yakima
- A good-time credit in Yakima that has not been implemented at the County jail
- EHM allows for unquantifiable benefits, such as allowing defendants to stay in their homes and jobs, which out-of-custody jail alternatives don't allow

Long reported on the Lummi programs:

- General monitoring and GPS detention monitoring
 - Daily visits

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- Random drug and alcohol testing
- Allows defendants to continue work and treatment
- Problem with letting batteries run low
- The EHM bracelet cost is about \$7 per day, and the GPS bracelet cost is \$12.00 per day
- The Lummi Nation subsidizes the total cost for the defendants
- Unannounced drop-in visits are required, get the family involved, and are an incentive for compliance
- Yakima pre-trial
- Swift and Certain
- Family Court

4. Intersection of Criminal Justice and Mental Health Systems

McEachran described a mental health case study that the jail and Prosecutor's Office recently experienced. Law enforcement is trying to protect the person. If the mental health system won't protect the person, then it's left to law enforcement and the jail. The mental health providers are saying the person is okay, and then the person is released from mental health care. The City and County don't want to move forward with charges because there is an issue of competency. The question is how to help this person and the public.

Anderson stated they can't prosecute someone who can't appreciate the criminal proceedings because of their mental health. For serious felonies, people will be sent to Western State, where providers will work with the defendant so they can eventually stand trial. Misdemeanor cases don't go through that process for several reasons.

The Task Force members discussed:

- Making sure community providers and family members are involved in the process
- The lack of outpatient services and long-term inpatient facilities to help people with significant problems
- Whether good treatment while in jail can be provided as part of the legal process for those who are too aggressive and difficult for an outpatient facility or the hospital
- Whether a more robust crisis prevention and intervention team (CPIT) program would help to keep certain people out of jail
- Figuring out a system to connect people to necessary services when they are released from jail.
- Mental health treatment standards, which are extremely restrictive so people aren't institutionalized on a flimsy basis. The County designated mental health professionals (CDMHPs) have a limited number of options for helping people.
- How law enforcement and other professionals approach people who are in a state of crisis.
- The Housing First model.
- The importance to let legislators know what isn't working. There must be communication.

Anderson stated about half of her clients have a mental illness, but only about two percent are incompetent. She described the procedure for handling those who are incompetent:

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- They spend 14 days in jail before incompetency orders can be filed
- It's a month before Western State Hospital makes their evaluations
- It's 60 days before their first competency restoration period

Until these individuals receive treatment at Western State Hospital, they may sit in jail for months without medication. The jail can't forcefully administer medication.

Bernstein stated Bellingham Police Sgt. Cristelli has said the 40 hour per week CPIT program is working well. The Task Force can recommend that the CPIT program be expanded to include 24/7 on call CPIT staff.

Schroeder stated he would like to hear about a similar scenario from the perspective of the behavioral health providers, specifically the constraints they experience and the applicable laws.

Mowery stated the Crisis Oversight Community Group includes individuals involved in housing and crisis response discuss these issues from that perspective.

5. Update on Medicaid Rules

This item was not discussed and is held to the July meeting.

6. Review and Approve Draft June 2016 Task Force Report to County Council

Bernstein stated she would like Task Force members to review the draft report and suggest changes no later than in the next 48 hours.

7. Next Steps: Ideas & Further Information

Next meeting topics: Meeting Schedule

Hovenier moved to accept the proposed new schedule, including the December meeting date of December 12. The motion was seconded. The motion carried unanimously.

8. Public Comments

Ray Baribeau stated compare and contrast electronic home monitoring for pre-trial defendants versus bail conditions in terms of what control authorities have during release.

9. Adjourn

The meeting adjourned at 11:02 a.m.