

**Incarceration Prevention and Reduction Task Force**  
**Legal & Justice Systems Subcommittee**  
**Meeting Summary for June 13, 2016**

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**1. Call To Order**

Committee Member Jill Bernstein called the meeting to order at 9:15 a.m. in the Bellingham Municipal Court Fireplace Room, 2014 C Street, Bellingham.

Members Present: Angela Anderson, Jill Bernstein, Bill Elfo, Deborra Garrett, Stephen Gockley, Daniel Hammill, Fred Heydrich, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson, Peter Ruffatto

Also Present: Matt Huffman (for Michael Knapp)

Members Absent: Michael Knapp

Review May 16, 2016 Meeting Summary

There were no comments on the May 16, 2016 Meeting Summary

Discussion of Statement of Work

Bernstein submitted a handout of a chart regarding potential programs for the Committee to consider (*on file*).

Moonwater stated she envisioned a document that shows how their goals, objectives, and tasks align to create a work plan.

- Identify gaps between the goals and objectives
- Create a table of potential programs to inform the statement of work
- The chart should define the reason why a potential program is needed

ACTION ITEM: Moonwater to continue to refine the goals and objectives.

**5. Discussion of Potential Probation Services Recommendations**

Bruce Van Glubt, District Court Administrator, submitted and read through a handout (*on file*) of questions and answers on probation services.

- Most probation clients have conditions they must comply with, such as treatment, restitution, and other conditions, that the probation officer must monitor.
- Some probation clients have a difficult time understanding the process required to get involved in treatment and other programs.
- The probation department doesn't have funding to contract with private service providers to provide treatment for indigent defendants.
- The creation of new, specialized caseloads should reduce jail bed days according to the formula.
- There were 5,000 bed days for District Court in 2015 out of a total of 215,000 bed days.
  - The total may not be full bed days
  - May include City probation violations that are credited to District Court
- The goal of court is to hold offenders accountable.

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Moonwater described a pilot project that allows a client to do community service and take classes that help people raise personal awareness and decision skills and understand their triggers to help them reduce recidivism. The cost to run the program was a barrier and prohibitive to clients. Find funding for such a program.

The Committee discussed the possibility of creating a navigator program to lead people through the process of finding resources when they have difficulty following through on step-by-step processes and successfully following through. Investigate similar programs:

- The Juvenile Court Community Links Program
- A Spokane program that houses many community resources in one place
- Creating a list of recommendations that may include:
  - Finding ways for domestic violence offenders to follow through with treatment, such as subsidized funding for indigent offenders
  - Funding treatment for female domestic violence perpetrators
  - Better data gathering programs
  - Creating a probation department budget line item to fund community treatment programs
  - Engage Western Washington University in creating community programs

Morgan stated adverse childhood experiences influence the trauma that people experience on a daily basis. When those early adverse experiences are addressed, adults change the way they interact with people. Find a way to deal with folks who are acting out due to trauma they've experienced, bad behavior learned from family, and/or survival reactions.

The Committee discussed the possibility of creating a Swift and Certain program and the history, lack of, and possibility for probation services for Superior Court misdemeanants and pre-trial release conditions for Superior Court defendants.

- District Court Probation supervised some Superior Court cases years ago, including welfare diversion cases
- Past legal counsel determined that there is no legal authority for District Court to provide supervision for Superior Court
- If necessary, the Prosecutor will dismiss a case in Superior Court to bring it to District Court to access probation services
- Through the Sentencing Reform Act, State supervision was eliminated

**ACTION ITEM:** Bernstein and Morgan to create a draft list of recommendations regarding probation, to be presented to the Committee members before the next meeting.

**ACTION ITEM:** Ruffatto to create a jail use data sheet for the Committee's reference.

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**2. Drug Court Update**

Implementation of Recommendations from Review of Whatcom County (Bellingham), Washington Drug Treatment Court 2012 Report

Garrett referenced her memo to the Committee members dated June 9, 2016 (*on file*) and updated the Committee on the Drug Court report recommendation for a needs assessment.

- The needs assessment is important
- The current capacity is almost full with 33 cases
- If there are more than 40 cases at one time, additional staff and court time would be required
- There must be a community needs assessment of people who are eligible for Drug Court, but who aren't going into Drug Court for whatever reason

The committee discussed doing an informal survey of Drug Court applicants and reasons people may not follow through with Drug Court:

- Since May 1, there have been 17 Drug Court approvals, but only three have entered
- The Prosecutor pre-approves whether people qualify for Drug Court before first appearances
- A possible recommendation from the Committee could be to shorten the gap between approval into the program and beginning the program
- Whether a portability court within Whatcom County could speed the process
- Whether Drug Court eligibility could be expanded, depending on prosecutorial discretion
- Drug Court is a pre-conviction forgiveness program
- Whether Drug Court would allow District Court defendants

ACTION ITEM: Anderson to determine why 14 of the 17 drug court approvals since May 1 have not been admitted to Drug Court.

**3. Fast Track Update and Recommendation**

Anderson referenced her email to the Committee dated May 20, 2016 (*on file*) making a recommendation regarding Fast Track.

McEachran submitted an amended version of Ms. Anderson's proposed recommendation regarding Fast Track (*on file*).

This item will be held to the next Committee meeting.

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**4. Post-Conviction Jail Alternatives**

Anderson referenced her email to the Committee dated May 20, 2016 (*on file*) making a recommendation regarding jail alternatives. It does not incorporate the version from Sheriff Elfo.

Peterson submitted a handout on jail alternatives qualification comparison (*on file*). It is a draft comparison. She described her sources used when creating the comparison. The committee discussed electronic monitoring programs:

- The City uses a three-part risk assessment tool for electronic monitoring
- The City and County risk assessment tools for electronic monitoring are different
- The City supervises misdemeanants, and the County supervises both misdemeanants and felons
- The County is considering eligibility and using a private service provider for monitoring services
- The County requires participants to have a home phone on a landline, which is older technology that some people might not have, but is more reliable in the rural areas
- A possible recommendation from the Committee could be that the County invest in up-to-date hardware that allows more electronic monitoring
- A possible recommendation to the County Council would be to change its policy that jail alternative programs not have to be self-supporting
- A possible recommendation from the Committee would be to provide adequate funding for jail alternatives

ACTION ITEM: Elfo to:

- Evaluate the capability of hardware improvements with service providers.
- Determine how many people would be eligible for electronic monitoring, but can't afford it.

**6. Public Comment**

Kathy Walker, Whatcom County Prosecutor's Office suggested the Committee have a presentation from Jason Armstrong at the Department of Corrections about their jail alternative programs. She will see if he is available for a presentation.

Peterson asked if the Committee should have a presentation in the future from Friendship Diversion Services.

Hammill gave an update on a variety of law enforcement/social service team programs that the City is investigating. He will provide a report to the Committee in August.

Heydrich stated he will provide a report to the Committee in August on the Yakima pre-trial programs.

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Amy Mann asked for information on the money the City has saved by using an electronic home monitoring program instead of jail days. Bernstein stated that information is in a Task Force written report and is available on the Task Force website.

ACTION ITEM: Elfo to contact Friendship Diversion Services and other providers to determine if the program is appropriate for the Sheriff's Office or the Courts. He can possibly present the information to the Committee at its next meeting.

**7. Adjourn**

The meeting adjourned at 11:15 a.m.