

***Incarceration Prevention and Reduction Task Force
Meeting Summary for September 12, 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, Anne Deacon, Bill Elfo, Julie Finkbonner, Stephen Gockley, Susan Gribbin, Daniel Hammill, Fred Heydrich, Jack Hovenier, Betsy Kruse, Kelli Linville, Ken Mann, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson, Tyler Schroeder, Greg Winter

Also Present: Leslie Finch (proxy for Chris Phillips), Matt Huffman (proxy for Michael Knapp)

Absent: Jeff Brubaker, Mike Knapp, Byron Manering, Chris Phillips, Randy Polidan

Chair's report - Task Force 1 Year Anniversary

Bernstein reported that this group is making progress on making forward with a new triage facility plans by making recommendations to the Council that it can act upon. The Legal and Justice System Committee is working on new programs with District Court and Superior Court. The Behavioral Health Committee is working on programs with law enforcement. She appreciates the time and commitment all the members have given to this project.

Morgan thanked the co-chairs for their leadership on the Task Force.

Review August 15, 2016 Meeting Summary

Hovenier stated his motions at the last meeting were on behalf of the committees making the recommendations.

Moonwater moved to approve the meeting summary. The motion was accepted and carried unanimously.

2. Steering Committee Updates & Recommendations

Forrest Longman, County Council Legislative Analyst, updated the Task Force on the VERA Institute contract and stated it is being negotiated and should be scheduled before the Council on September 27. VERA will help the Task Force to:

- Review all the jail data to construct a data set that will be the basis for making decisions.
- Engage in a system-mapping exercise of all the criminal justice components in Whatcom County.
- Provide research and technical assistance to the Task Force on specific items as they arise.

VERA will begin in October and will do a site visit in November to begin the system-mapping exercise. He will contact all the stakeholders when the contractors visit.

He provided an update on the Task Force's Phase II report. He is putting together the draft reports from the committees.

- The draft report will be sent to the Steering Committee at the end of September
- The draft report will go to the Task Force members on October 7.
- The full Task Force will vote on the report at its meeting on October 17.
- He will present the final report to the County Council at its meeting on October 25 or November 9.

The County is currently in the midst of its biennial budget process. To be included in the budget, any programs that the Task Force recommends would have to be ready for implementation and funding

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should be available. There may be opportunities for improvement in existing programs or the County Council could add programs throughout the year.

Linville stated the City's process is similar, but they may set money aside in anticipation of a future program that is being developed.

The Task Force discussed how to influence the County's decision to reduce funding for an important, effective service, such as funding for mental health court.

- Inform the County Council of the Executive's decision to change funding for any program.
- The difference between one-time startup funding and ongoing funding.
- The Task Force can provide input to the County's budget process when the Executive's proposed budget is before the County Council, beginning on October 18.
- Task Force recommendations aren't complete enough yet to assign a funding amount.
- Departments have requested new programs and services independent of the Task Force.
- The Task Force may need to schedule a special meeting to discuss the budget between October 18 and November 21.

3. Triage Facility Committee Updates & Recommendations

Schroeder reported for the Committee:

- The County did not receive the Department of Commerce grant for a new triage facility.
- North Sound Behavioral Health Organization (BHO) will make a capital funding request of the State legislature.

The Task Force discussed the best way to support the North Sound BHO's request to the State legislature.

- Include the request on the joint legislative agenda.
- The Region is defining the motivation for the request.
- Mayor Linville will schedule individual meetings with the legislators.
- Engage the City, County, and Port lobbyist as much as possible.

Deacon reported on the State Healthcare Authority's move toward integrating primary care and human health services by the year 2020. A question is whether the commercial health plan will pay for current services, including operation of a triage facility. Although the contract requires that they will have a network of providers who will deliver the service, there is no assurance now that they will actually use or pay for the service. There must be assurance that the Healthcare Authority requires the service in the contract.

Bernstein moved that Ms. Deacon draft a letter on behalf of the full Task Force encouraging the legislature to adopt a requirement that the Healthcare Authority requires the service in the contract.

Linville stated she recommends that the letter request, not encourage, the legislature to adopt the requirement.

Winter stated ask the North Sound Accountable Community of Health to help with that effort.

The motion was seconded.

Gockley asked if the HCA is resisting the requirement. Deacon stated it is not. The concern is whether the commercial health plans will have the same perspective on behavioral health services as the Counties. If there is no County voice or State pressure, the concern is that the commercial health plans will revert to the institution, which may or may not include different types of services such as criminal justice diversion.

The motion carried unanimously.

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4. Behavioral Health Committee Updates & Recommendations

Deacon reported that there was no meeting in August. The committee provided its draft Phase II to report. The report must address the myth that mental illness drives criminal behavior to educate the public.

- It's rare that a mental illness can actually drive a criminal act.
- When addiction is added to mental illness, criminal behavior is three times more likely.
- The public's perception that people with a mental illness must be taken out of the jail and be treated.
- No research exists that shows treating mental illness alone will change criminal behavior.
- People in the criminal justice system need many types of services, not just mental health services, to achieve stability, including addiction treatment.

The Task Force discussed:

- How the mental health facility of choice in every county, which must change.
- The jail must include mental health services in addition to other services.
- The County must have services to address all the factors that get people into jail, including mental health treatment, effective addiction treatment, supportive services, and cognitive behavioral health programs that will change their way of thinking.
- The statistics of people with mental health and/or substance abuse problems in jail versus the general public.
- How addiction and being under the influence changes a person's way of thinking.
- The disproportionate number of inmates who are dangerously mentally ill and who take up most of the bed days while they wait for competency review and resolution of their case.
- The difference in types of mental illness, and those with mental illness that result in violence.
- The slow response of Western State Hospital in evaluating individuals.
- Western State Hospital not accepting people that they should have accepted.
- Those with a mental illness who don't take their medication and develop a substance abuse problem by self-medicating, which makes mental health a driver for substance abuse.
- The importance of having available housing and other continuing supportive services for people who are released from jail.
- Continuing the Task Force dialog to help clarify the Task Force's message.
- Finding a common message and understanding, which recognizes that addressing mental health is one component of a very complex system, and; that mental health and substance use treatment must be addressed together. Wraparound, community-based services needs to be built into the formal system.
- The Task Force and Behavioral Health Subcommittee must continue this conversation.
- The Phase II Report must be clear that the issues and the system are complex.
- Each subcommittee must consider the complexity of the issues in the entire system.

5. Legal & Justice Committee Updates & Recommendations

Heydrich reported on his trip to Yakima County to study their pre-trial risk assessment and supervision unit program. He described the pre-trial risk assessment tools to help courts decide who should or should not be released and the pre-trial supervision unit.

- They must define how a pretrial supervision unit would look in Whatcom County, including how it would be administered.
- A pretrial supervision unit will:
 - Conduct pretrial risk assessments
 - Distribute the results to defense, prosecutor, and court
 - Monitor and/or supervise those released pre-trial with conditions
- The services generally include:
 - Hearing notifications and reminders

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- Criminal history checks for a court date
- Phone check-in requirements
- Electronic home monitoring
- Drug testing
- Location monitoring
- Mental health and/or substance abuse treatment
- Computer monitoring
- Face-to-face meetings
- Many other services
- He met with many Yakima officials to learn about the program, include law enforcement, judges, public defenders, and prosecutors, and all believe the system is better with the program.
- The number of people held on pre-trial status was reduced from 450 to 383, and they hope to reduce it further to 350 people.
- The program has been in effect for six months at the end of July.
- The cost was \$8 for someone on pre-trial release, compared to \$82 per night in jail.
- The supervision unit:
 - Employees three staff.
 - Is paid from the general fund.
 - Oversees about 320 people.
 - Serves both Superior Court and District Court
 - May take on the Union Gap Municipal Court
 - Screens 40-60 people per week
 - Assesses each person in 5 minutes.
 - Completes assessments by 10:00 a.m.
 - Answers to the court administrator, who has a law enforcement background.
 - Attends all first appearances.
 - Know within 24 hours of a defendant has failed to appear.
 - Contacts defendants who fail to appear to resolve the problems.
- Eighty-five percent of the people released on pre-trial supervision have not failed to appear in court.
- Ninety-four percent have not reoffended.
- The unit sends out court notifications via a robo-call system.
- The Yakima officials do not believe that trial rates have increased or conviction rates have dropped.
- People who fail to appear are typically back in front of the court within five days to quash or answer to the judge.
- A Superior Court judge indicated he is releasing 12 more people than before each week.
- Since the Yakima County system was implemented, 50 fewer people are in jail each day.
- There is a range of assigned supervision for each defendant.
- There have been no lawsuits since the system was imposed.
- The system is run by the court, which reduces liability issues.
- There is little proactive supervision; it's mostly monitoring.

Heydrich stated he will bring motions to the committee at its next meeting to investigate this further and ultimately recommend a pretrial services unit that implements a risk assessment tool. It will lead to a reduction in the pre-trial jail population. People can find more information on pretrial.org.

The Task Force discussed:

- The risk assessment tool used at the Prosecutor's Office.
- The use of an assessment tool would bring objectivity, predictability, and uniformity to the process.

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- The ability to allow people to be released with supervision and conditions who aren't released now.
- Whether the risk assessment allows follow-up questions and subjective decision-making.
- The pre-trial formula should be administered by a neutral party, not the Prosecutor or Public Defender.
- They need to establish a baseline of the current failure to appear rate.
- A judicial officer can't be sued for negligence for a decision the court makes, reducing liability; it's unclear whether a County could be sued.
- Using an objective tool, if applied fairly, would go further in reducing risk rather than expanding risk.
- The supervision unit, not just the risk assessment, is required to reduce the jail population.
- The Legal and Justice Committee would define how such a system would work in Whatcom County.

Hovenier stated the Phase II Report will indicate that this program is being explored by the Task Force subcommittee.

6. Update by Jurisdictions on Jail Diversion Programs

Nick Lewis, Lummi Nation, reported on the drug court expansion, implementation of family court changes, probation changes and the Swift and Certain program, pre-trial supervision in the probation department, the move of the jail alternatives program from the probation department to the police department, and the 20-bed home for jail alternatives. He invited the Behavioral Health Committee to schedule one of its meetings at the Lummi Nation, so the members can tour their services.

Peterson submitted and reported on the August 2016 Sentencing Summary Report.

Elfo reported on the jail population, the deterioration of the County jail facility, deputy training for people with severe mental health and addiction issues, and the number of work crews.

The Task Force discussed the Lummi Nation's new and evolving probation services.

7. Public Comment

Deborah David, Restorative Community Coalition asked about community prevention and intervention team (CPIT) hours, staff level, and service area.

Charles White stated he is a mental health court participant and described his experience with services available in Whatcom County.

8. Adjourn

The Task Force adjourned at 11:05 a.m.