

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for September 19, 2016

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, Fred Heydrich, Moonwater, Irene Morgan, Darlene Peterson, Peter Ruffatto

Also Present: Matt Huffman (for Michael Knapp)

Members Absent: Daniel Hammill, Michael Knapp, Dave McEachran

Review Summary August 8, 2016 Meeting Summary

There were no changes.

2. Yakima Pretrial Risk Assessment and Supervision

Heydrich stated there are three risk assessment tools: the Virginia model, the Arnold Foundation model, and the Washington State model, which the Prosecutor uses. He has not seen the results of the Prosecutor's use of the tool. He is meeting with the Superior Court judges about their support for a pretrial supervision unit. He doesn't prefer one particular tool over another. It's important to use a validated and demonstrated risk assessment tool in some form. It's up to the courts in consultation with the Prosecutor, Public Defender, and others to decide which tool to use.

The Committee discussed:

- The City of Bellingham's experience with using their risk assessment tool
 - Evaluations are done pre-arraignment and given to the judge and prosecutor to decide on whether pretrial supervision and monitoring is appropriate
 - The City has the ability to do pretrial supervision
 - The City has been able to release people who are eligible for pretrial monitoring

Gockley moved to recommend to the Task Force the adoption of a pretrial risk assessment tool and creation of a pretrial supervision unit.

The committee discussed whether they want the Task Force to make a recommendation to the County Council that it consider creating a supervisions unit, and whether they should recommend that the courts specifically use a risk assessment tool:

- Committee members suggested appropriate wording for the recommendation:

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for September 19, 2016

- It should be up to the judges to structure whether and how a risk assessment would be used as part of a supervision unit.
- Recommend that other jurisdictions that operate courts have a similar type of program.
- Create a supervision unit in conjunction with the use of a pretrial risk assessment tool, approved by the court with input from stakeholders.
- Follow up on the court's interest in pursuing this, with appropriate funding.
- Recommend a subsidy for indigent defendants who can't afford pretrial supervision.
- Have the VERA contractor create a pretrial statistics baseline.
- The ACLU is reviewing the issue of risk assessment tools to ensure they are not disproportionately being applied to people of color and of low income status.
- Make sure the assessment isn't used for anything beyond pretrial assessment.
- District Court is proposing a pilot program for monitoring.
- The risk assessment tool provides an objective basis to determine who can be released and what level of supervision is applied. It also gives the court a basis to hold someone on bail.

Note: The Committee took a five-minute break at 10:00 a.m.

The Committee refined the language of the proposed motion.

Moonwater stated she would like a future Committee conversation on making all the programs in the recommendations to be universally accessible.

Gockley amended his motion and moved that the Committee recommend the following to the Task Force, "Recognizing and endorsing the ongoing review and evaluation by the courts of evidence-based pretrial risk assessment tools and other means of reducing pretrial incarceration, we recommend creation and funding of a pretrial supervision unit that would assist and monitor a defendant's compliance with pretrial release conditions." The amended motion was seconded.

The motion carried unanimously.

3. Mental Health Court

Bernstein stated one of the strongest recommendations from the last meeting regarded transportation. The Task Force has sent a letter to the Whatcom Transportation Authority (WTA) recommending more transportation to and from the Division Street facility.

The Committee discussed:

- The handout received at the last committee meeting from Mental Health Court staff

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for September 19, 2016

- The need for transportation to get people to and from court and service appointments
- Creating a volunteer program to give people rides to and from mental health court
- Inviting a representative from WTA to discuss transportation services related to the mission of the Task Force
- Nexus between transportation and Law and Justice Systems Subcommittee
- Accountability and implementation of Task Force recommendations
- The lack of housing for mental health court participants
- The lack of community support services to allow expansion of county drug and mental health court programs

The Committee discussed the following future discussions and action items:

- Make a statement that there is value in expanding drug court and mental health court programs, but community resources need to expand to support the programs. Those two things need to happen concurrently. *(A. Anderson to write a statement for Committee review.)*
- The Committee would like to better understand the issues and available resources relative to both transportation and housing, and how those two services intersect with mental health court and drug court.
- The full Task Force should have a discussion with WTA on transportation issues. *(J. Bernstein to schedule on Task Force agenda.)*
- The Task Force can also have a discussion with Greg Winter, Opportunity Council, on housing issues, such as public/private partnerships. *(J. Bernstein to schedule on Task Force agenda.)*

4. Other Recommendations to Task Force

Embedding a social worker in the Public Defender's Office

Anderson stated that if the County Executive does not approve this in his proposed 2017 - 2018 budget, then the Committee can make a recommendation of support to the County Council to restore an embedded social worker in the Public Defender's Office.

5. Public Comment

Mark Gardner, City of Bellingham, stated that on behalf of Bellingham Council Member Dan Hammill, he is looking at pre-arrest diversion programs. First, make sure existing resources are working well together.

6. Adjourn

The meeting adjourned at 11:16 a.m.