

***Incarceration Prevention and Reduction Task Force***  
***Legal & Justice Systems Subcommittee***  
**Meeting Summary for November 14, 2016**

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**1. Call To Order**

Committee Chair Fred Heydrich called the meeting to order at 9:15 a.m. in the Bellingham Municipal Court Fireplace Room, 625 Halleck Street, Bellingham.

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

Also Present: Matt Huffman (for Michael Knapp), Nick Lewis

Members Absent: Angela Anderson, Deborra Garrett, Michael Knapp, Moonwater

Review July 18 and September 19, 2016 Meeting Summaries

Gockley moved to approve the meeting summaries as presented. The motion was seconded.

The motion carried unanimously.

**2. Report on Meeting with District and Superior Court Judges**

Heydrich reported he met with Superior Court commissioners and judges and District Court Judge Grant regarding the risk assessment tool. All wholeheartedly approve of the Committee's motion from the previous meeting and making the recommendation to Council. They want to select the final risk assessment tool. They will review a variety of tools that are available. The adult static risk assessment tool (ASRA) only assigns a score based on prior criminal history, which isn't enough according to the judges. They need a risk assessment tool that will:

- Evaluate the risk to reoffend
- Risk to fail to appear
- Scores on a grid that explains the various levels of supervision

Bernstein reported on the last Task Force meeting in which the Task Force also approved the motion.

- A pretrial supervision unit should be fully developed before the County can begin to implement a new program, including:
  - Structure of the unit
  - How many staff is required
  - Operation costs
  - Anticipated savings
  - Anticipated effect on the pretrial jail population
- Create a list of questions for VERA Institute to research

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Committee members discussed:

- The ASRA as a state-approved risk assessment tool
- The prosecutors providing the failure to appear history at first appearance,
- The ASRA's lack of a scoring grid to determine level of supervision
- Whether the Committee or VERA Institute can assist the judges in making their decision
- ASRA's approval by the Department of Court
- ASRA demographic information is pulled in from an existing statewide database, not entered, as other tools require
- Other risk assessment tools require the community to decide what the risk assessment scores will be and aren't designed for the State of Washington
- Yakima uses the Arnold Foundation risk assessment because it received grants to use it
- Asking VERA Institute if they can help in the decision-making process:
  - Is there benchmarking
  - How a nationally-used tool could impact the local jurisdictions
  - Information on impacts to incarceration
  - Concerns about liability from a pretrial supervision unit

**3. Make all Committee/Task Force recommendations universally accessible**

This item was tabled to a future meeting.

**4. Expanding community resources and programs concurrent with expanding drug court and mental health court programs.**

This item was tabled to a future meeting.

**5. What's Next for the Committee?**

Developing questions for VERA Institute:

1. Pretrial Supervision Unit cost for a jurisdiction of similar size, including hidden costs
2. Staffing requirements
3. Cost benefit analysis; system cost savings
4. Jail population reduction
5. Impact on recidivism
6. Identify services available or necessary for the pretrial supervision unit program to be a success
7. Data regarding success in other jurisdictions
8. Evaluate various risk assessment tools; risk assessment tool inputs, including return to court and safety to community
9. Liability due to supervision, with an analysis specific to Washington State and the public duty doctrine
10. The specific tasks assigned to a pretrial supervision unit
11. Who would best supervise the pretrial supervision unit

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12. Would the pretrial supervision unit provide monitoring supervision only or include diversion, qualification screening, and review
13. The role of automation in supervision
14. In other jurisdictions, did a pretrial supervision unit empty beds in the jail or just change the demographics of inmates
15. What are the opportunities for capacity building, in terms of delaying the need to build or expand the facility

Bruce Van Glubt, District Court Administrator, stated make clear expectations of the pretrial supervision unit in terms of their tasks and responsibilities for:

- The pretrial supervision unit staff
- Community
- Criminal justice community

The Committee members discussed:

- Whether VERA can determine costs and savings
- The fixed costs of operating a jail
- Looking at all new programs and services through the lens of how it will reduce incarceration
- Determining reasonable goals for jail reduction
- Since implementing booking restrictions, the percentage of felons in the jail has gone from 62 percent to 76 percent.
- State regulations that impact local jail populations, such as the judges' ability to shorten sentences and the State no longer housing certain inmates in the State prison
- The Committee needs to have a consensus on the goal and objective of the pretrial supervision unit, which may be to:
  - Justice; it's the right thing to do
  - Reduce incarceration and build capacity, so they don't have to build additional beds or hire additional staff
  - Make it less likely that someone will reoffend
  - Make the community safer through case management and reduced recidivism
- How this committee will interact with VERA Institute
- Dan Hammill will continue working on a City and County pre-arrest diversion program with Anne Deacon
- Hearing charges on multiple jurisdictions; the possibility of portability court.
- The Lummi Nation wants to take prosecutorial jurisdiction over its tribal members when they commit a crime off the reservation.

**6. Meeting schedule for remainder of 2016 and 2017**

The Committee discussed the need for a meeting in December, and decided to meet on Wednesday, December 14, 2016.

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Heydrich stated he will no longer serve as the Committee's Chair. The Committee will need to elect a new Chair for 2017.

**7. Public Comment**

No one spoke.

**8. Adjourn**

The meeting adjourned at 10:55 a.m.