

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

1. Call To Order

Committee Chair Fred Heydrich called the meeting to order at 9:19 a.m. in the Bellingham Municipal Court Fireplace Room, 625 Halleck Street, Bellingham.

Members Present: Angela Anderson, Jill Bernstein, Deborra Garrett, Stephen Gockley, Daniel Hammill, Fred Heydrich, Irene Morgan, Peter Ruffatto

Members Absent: Bill Elfo, Michael Knapp, Dave McEachran, Moonwater, Darlene Peterson

Other Business

The Committee discussed the list of whiteboard notes taken at the previous meeting on November 14, 2016 regarding Best Practices Pretrial Supervision Unit: Justice/Cost/Capacity/Safety (*on file*).

Forrest Longman, County Council Legislative Analyst, stated he spoke with VERA Institute about the list. The Committee discussed:

- VERA will work on the list and provide information during their next visit.
- Get VERA to address the question of liability and risk management of pretrial supervision
- Identify the costs of a pretrial supervision unit
- Cost savings are also related to capital costs
- Ruffatto to provide a law review article from Rob McKenna on liability and the public duty doctrine (*on file*)
- Financial and public relations risks
- The juvenile system releases most on pretrial supervision
- Liability would come from the administration of a program, not the decision to have a program
- Consider the human cost to incarceration, the societal cost to people, which include lost jobs and housing and an inability to pay fines
- The law presumes there will be pretrial release unless they can prove there is a risk
- Consulting with the domestic violence prevention community Commission Against Domestic Violence when designing the risk assessment tool

2. Update regarding Law Enforcement Assisted Diversion (LEAD) Program(s)

Hammill submitted and read from a project brief on planning for criminal justice, emergency department, and emergency medical services (EMS) diversion through behavioral health and social service outreach and stabilization services (*on file*).

The Committee discussed:

- This program address more than criminal justice reform. It also addresses the high use of 9-1-1 services
- How the Task Force can support this work

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- They are working to find a solution to the problem of offenders who need mental health care, yet assault medical staff in the hospital
- Timing of submitting Medicaid waiver-funded projects and funding requests
- Getting a letter of support from the full Task Force

Gockley moved to recommend support of this program to the full Task Force meeting on January 23, 2017. The motion was seconded.

The motion carried unanimously.

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

Anderson stated it seems FasTrack, drug court, and district court drop down programs haven't been accepted as frequently. There seems to be a policy shift by the Prosecutor's Office to move away from presenting these programs as options for offenders. These programs are great, but they need community resources.

Bernstein submitted a handout of an email from Judge Charles Snyder dated September 30, 2016 regarding FasTrack and Drug Court (*on file*) and a needs assessment of the community. Hold this discussion to the meeting in January and invite Judge Snyder to attend. She asked for more information on:

- The specific numbers and statistics on the change in use in the programs
- How many petitions and entries into the drug court program have taken longer than 30 days

Anderson stated she would like to:

- Provide a summary of the presentation about community resources that are available to the drug court and other programs.
- State the facts about the current state of the programs
- Possibly comment on Judge Snyder's email regarding these programs
- Create a list of requests from the various parties in the criminal justice system
- Identify the current tension points and issues among drug court, mental health court, and FasTrack

Garrett stated it's up to the Committee to identify what should be done.

The Committee discussed:

- The differences of opinion on whether the FasTrack program should remain or be eliminated to direct people into drug court
- From the perspective of a defendant's advocate, the difference between what's in a client's best interest and what a client has stated he or she wants

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- How use of the FasTrack program may not necessarily have an impact on reducing jail population in the long-term, since those defendants may be more likely to reoffend instead of seeking help.
- The benefits to the system of a FasTrack program, including less incarceration time and lower fines, lower use of public defender attorney time, and less court time
- Which fines are mandatory

Heydrich stated he would like to hear Ms. Anderson's perspective on how the tension among the programs could be eased or made better. Then the Committee, as a group, can decide what to recommend, if anything.

4. Selection of Committee Chair for 2017

-AND-

3. 2017 Meeting Schedule

The Committee concurred to continue meeting on the second Monday of every month.

Bernstein stated all the Task Force members will be asked to indicate which committee they want to participate on in 2017.

Bernstein moved to appoint Stephen Gockley as the Legal and Justice System Committee Chair for 2017. The motion was seconded.

The motion carried unanimously.

The Committee discussed the accomplishments it's made so far and thanked Commissioner Heydrich for his leadership as Chair.

6. Public Comment

There were no public comments.

7. Adjourn

The meeting adjourned at 10:40 a.m.