

12/14/16  
LJS Committee  
Fred Heydrich &  
Jill Bernstein

**Alfred Heydrich**

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**From:** Jill Bernstein <jbernstein020@gmail.com>  
**Sent:** Tuesday, December 13, 2016 7:23 AM  
**To:** Alfred Heydrich; Alfred Heydrich  
**Subject:** Fwd: Task Force Phase II report

----- Forwarded message -----

**From:** Charles Snyder <CSnyder@co.whatcom.wa.us>  
**Date:** Fri, Sep 30, 2016 at 10:25 AM  
**Subject:** RE: Task Force Phase II report  
**To:** Jill Bernstein <jbernstein020@gmail.com>  
**Cc:** Alfred Heydrich <AHeydrich@co.whatcom.wa.us>, Alfred Heydrich <Fhey1953@aol.com>

Jill,

Thank you for sending this. I do have a few comments, which may or may not be worth consideration.

First, the FasTrack offer is almost always going to be accepted by a defendant in active addiction as it means they can be out on the street and get access to their drug of choice much sooner. They are rarely fully detoxed when the offer is made and I suspect there is a great variance in the amount of counseling they get regarding the short-term vs. long-term benefits of the choice. I have serious doubts that it is a truly knowing and fully informed choice. In addition, I think that the long term effect is to increase incarceration because those actively in addiction will be highly likely to return to jail for another drug possession charge or something else, perhaps more serious, such as burglary, theft, identity theft, trafficking in stolen property, and other similar crimes that we see frequently being driven by the underlying addiction. Those later offenses do not get the FasTrack option, generally, and so the benefit of FasTrack maybe short and transitory. Granted, this belief is anecdotal, based on the people I see on FasTrack and the criminal calendar, but I suspect there is some validity to it. It might be nice to have some research on the outcomes of the FasTrack calendar process to see if it is really just trading a short term benefit for a future of increased frequency of arrest and conviction on other offenses, and ultimately more actual days in jail. Once a person truly becomes clean and sober and engages in a lifestyle of employment or education without drugs, it only seems logical to me that there is much less incarceration and expenditure of resources on that person in the future, whereas "recycling" them through the system for a short term reduction in jail population, followed shortly by additional arrests and longer stays in jail is really a short-sighted policy.

I am unaware of the extent to which the felony drop-down program is actually used, but would note that simple probation with traditional substance abuse treatment is common in the history of those in drug court, and I think research would bear out the idea that although often effective, it works best with those who are somewhat functional in other aspects of their lives, and does not address all of the needs of many long-term addicts. So many of those who graduate drug court have needs that far exceed simple probation-based treatment. The concept of a program that addresses all of their needs, from substance abuse through mental health through life skills (education, work, social

skills, etc.) is the premise behind drug court and I believe that its success is due to the fact that it addresses the whole person in a supportive way and demands accountability.

As I noted last evening, I think the real assessment need would be to determine how many people, based on our community size and level of addiction, would benefit from drug court and how many should be considered for drug court. I suspect that our community's need would exceed the current capacity. This may be related to the comments above in that the need may well include those given a quick "Get Out Of Jail Free" card under FasTrack only to return soon with a more serious offense charged. It seems obvious to me that we do not have a good idea of how many people in Whatcom County, charged with felonies and burdened with an addiction, could actually benefit from a complete set of services such as drug court offers. It may be that we are capturing most of them, or it may be that there is a huge unmet need. Only a proper study could determine that, and as with all studies, the usefulness of such an effort would depend heavily on what assumptions and parameters were chosen at the outset. If such an endeavor were to be undertaken, I would urge that those actively involved in the drug court be an integral part of the process from beginning to end.

And that brings me to another thought that I had on my way home, and that is this – our current drug court case manager staff is sufficient to manage the number of cases we have in drug court at this time. That does not allow our current director Chris Furman who is, by the way, outstanding and who has a working lifetime of experience in the field, time to do much future planning, program assessment and innovation. The program would benefit from an additional case manager so that she could implement improvements, look for ways to enhance funding, advocate for the program and find better ways to do what we already do. As it is, her time is pretty much filled with her day to day duties of managing her caseload and dealing with emergent issues. Of course, any increase in population in the program would make the need for another case manager that much more urgent and would highlight even more the need to have this kind of time and opportunity to build the quality of the program. I think there is great benefit in freeing up time for her to be able to think about and implement things that we cannot do now. So that is one place where addition of resources would be appropriate now.

That is pretty much all I can offer right now. Please let me know what else I can do, and thanks for the opportunity.

Charles R. Snyder

Judge, Whatcom County Superior Court

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