

***Incarceration Prevention and Reduction Task Force
Meeting Summary for January 23, 2017***

1. Call to Order

Task Force Chair Jill Bernstein called the meeting to order at 9:00 a.m.

Present: Angela Anderson, Jill Bernstein, Jeff Brubaker, Anne Deacon, Bill Elfo, Stephen Gockley, Susan Gribbin, Daniel Hammill, Fred Heydrich, Kelli Linville, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson, Chris Phillips, Tyler Schroeder

Absent: Jack Hovenier, Betsy Kruse, Nick Lewis, Byron Manering, Ken Mann, Randy Polidan, Greg Winter

Review November 7 and December 12, 2016 Meeting Summaries

Morgan referenced the December 12 minutes and stated she would like her comment to include, "...diverted to create ~~more~~ **not only** new programs, **extensively expand programs for continuing services with no gaps in services.**"

Hammill moved to approve the change. The motion was seconded.

The motion carried unanimously.

Bernstein stated the summaries are accepted with the changes.

2. VERA Update

Liz Swavola and Vedan Anthony-North, VERA Institute, submitted and read from a presentation (*on file*). Anthony-North presented on the status of the mapping exercise and the work VERA Institute has been doing since November. She answered questions:

- Attorneys are finalizing the memoranda of understanding (MOU), which will soon be signed.
- They need to gather the remaining data from certain agencies so they can begin data analysis.
- They have received data from the State on all the municipalities within Whatcom County.

Swavola continued the presentation on pretrial risk assessment and supervision (*see presentation handout*). She answered questions:

- To estimate wrongful guilty pleas, studies have ascertained a percentage of guilty pleas within a certain timeframe that shows people have pleaded guilty when they are not, just to get out of jail.
- Cost savings between jail bed days and pretrial supervision varies greatly among jurisdictions based on many factors, including staffing.

Swavola continued and concluded the presentation on a preliminary review of the legal considerations of pretrial supervision (*see presentation handout*). She answered questions:

- The statutes in Washington State are silent on determination of liability, negligence or gross negligence, for those with felonies.
- When using a risk assessment tool, there must be ongoing monitoring to make sure the tool continues to validate for the local community and work as it's intended.

The Task Force and consultants discussed:

- A concern that Washington State statute and case law assign more liability with more supervision.

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- The need to incorporate statutes in the program protocols. The program should account for liability.
- The standard that would apply to duty is negligence unless the statute specifies the standard as gross negligence.

Raylene King, City of Blaine Court Administrator, asked about statutory requirements for pretrial supervision. Swavola stated the risk assessment matrix would have to factor in any mandatory requirements.

Bruce Van Glubt, Whatcom County District Court Administrator, asked about generic recommendations versus recommendations specific to Whatcom County and the difference between pretrial supervision and post-conviction supervision. Also, probation officers aren't allowed to impose requirements on defendants. Only judges impose requirements. Swavola stated that for pretrial supervision, officers should be more flexible and able to correct issues and behavior without having to take it to court.

Dean Wight, Whatcom Alliance for Healthcare Access, asked if there are court orders for pretrial treatment. Swavola stated that for pretrial, there are only recommendations and referrals to treatment, not a requirement to seek treatment.

Everett Barton, citizen, stated the public defender and risk assessment needs to see all the charges against a defendant and should take into consideration defendants who live out of state and can't return to Whatcom County multiple times for multiple court appearances on different charges.

Swavola described the next steps for the consultants:

- They are preparing the second version of the system map and hope to have it ready within two weeks.
- They are scheduling calls with agencies as needed to get data.
- Once they receive all the data they need, it will take approximately six weeks to analyze the data.

Heydrich stated one example of a local risk factor is consideration of drug offenses. Yakima County sent their pretrial supervision officers to training specific to pretrial supervisors. Yakima deals with liability concerns by focusing on passive monitoring rather than active supervision.

3. Update by Jurisdictions on Jail Diversion Programs

Elfo reported for the Sheriff's Office:

- The jail facility continues to deteriorate. He is requesting funds from Council for a study and repairs totaling approximately \$6 million.
- They are working to provide data to VERA through memoranda of understanding.
- They are not turning away anyone for inability to pay for electronic home monitoring.
- They are working to expand the electronic home monitoring program for people with shorter jail sentences.
- Jail capacity this morning is 214. Twenty felons who came in over the weekend.

Peterson reported for the City of Bellingham:

- She is working on compiling 2016 statistics to create the annual report.
- In 2016, there were over 268 people on electronic home monitoring, for a total of over 3,000 bed days saved.
- The most defendants on electronic home monitoring at one time was 29.
- They use a SCRAM bracelet to monitor alcohol use.
- They continue to look for alternatives, which they've found to be effective in reducing incarceration.

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4. Committee Updates

Bernstein reported for the Steering Committee discussion on the role of the Task Force on the Jail Stakeholder Workgroup. It's necessary for the Task Force to participate in the Workgroup, but there are certain votes on which the Task Force representative will abstain from voting, such as funding structures, because those issues are outside the Task Force mission.

The Task Force members discussed a comment on mission creep between the Behavioral Health Committee and the Health Department, City, and Hospital program regarding frequent users of the emergency room and emergency medical services (EMS), which is the next item on today's agenda. The Steering Committee discussed each effort and where they may overlap.

Gockley reported for the Legal and Justice Systems Committee. The Committee will primarily work on the pretrial risk assessment and the interplay between the Fast Track program and Drug Court.

Phillips reported for the Triage Facility Committee. It has been on hiatus, but will schedule a meeting on February 23 to discuss the next phase of the triage center.

Schroeder reported on the timeline for engaging the public, next steps for architectural design, and discussion with the City of Bellingham planning department. A lot of work is occurring in Olympia regarding the North Sound Behavioral Health Organization (BHO) request for capital funding. A legislative committee meeting in December addressed pretrial risk assessment and similar issues that included other jurisdictions in Washington State. The County administration and lobbyist are keeping an eye on specific bills that the Task Force may be interested in.

Deacon reported for the Behavioral Health Committee, which has not met recently. The Committee is focusing on front-door and back-door services to the triage facility. At the next meeting, they will talk about efforts underway to plan the stakeholder forum, as will be discussed in the next agenda item.

5. Bellingham, County, and Hospital program on ground level response and coordinated engagement

Hammill referenced and read from the project brief in the meeting packet and described the planning effort.

Deacon stated there will be a community forum in early Spring:

- Look at the stakeholder data
- Identify goals and service gaps
- Launch a community-wide design to address these issues

Factors for reducing incarceration are pertinent to this work and will go to the Task Force subcommittees.

Gockley reported for the Legal and Justice Systems Committee and moved for the Task Force to support this effort by the Health Department, City, and Hospital. The motion was seconded.

The motion carried unanimously.

The Task Force members discussed the overflow and overlap with the mental health court. They must be realistic and clear about who can be helped by these programs.

Hammill stated the City of Bellingham may begin a pilot project for a technology system that allows jurisdictions to communicate confidentially:

1. Any case management system must be allow agencies to share data.

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2. WAHA may or may not continue to be the home for intensive case management for chronic high users in the community.

3. The Community Paramedic Program can be a framework for other types of uses.

Phillips stated this program takes a deeper look at the issues and what is and is not working.

The Task Force discussed the need for ongoing program evaluation within the software system, the program, and through an independent academic evaluation.

6. Next Steps: Ideas & Further Information

This item was not discussed.

7. Other Business

Deacon spoke on the consequences of an Executive Order that changes the Affordable Care Act mandate for purchasing insurance and on the uncertainty of continued funding for the North Sound Behavioral Health Organization and triage center.

Anderson invited everyone to the upcoming drug court graduation (on file).

Morgan submitted a handout (*on file*) and stated she would like to make a presentation to the Task Force.

8. Public Comment

Ray Baribeau stated the Task Force should develop a brochure to summarize what the Task Force members have learned so far and a summary of what the Task Force has recommended to the County Council to this point.

Everett Barton thanked the Task Force members for the opportunity to speak earlier.

9. Adjourn

The meeting adjourned at 11:00 a.m.