

***Incarceration Prevention and Reduction Task Force
Meeting Summary for February 27, 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, John Billester, Bill Elfo, Stephen Gockley, Daniel Hammill, Fred Heydrich, Jack Hovenier, Betsy Kruse, Byron Manering, Ken Mann, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson, Chris Phillips, Randy Polidan, Tyler Schroeder, Greg Winter

Absent: Jeff Brubaker, Anne Deacon, Nick Lewis, Susan Gribbin, Kelli Linville

Bernstein introduced Lynden Deputy Police Chief John Billester as the new small cities representative.

Review January 23, 2017 Meeting Summary

Schroeder moved to approve the summary. The motion was seconded.

The motion carried unanimously.

2. Comments, feedback, and discussion of VERA consultant presentation to Task Force on January 23

Task Force members gave updates on recent discussions with the VERA Institute consultants to refine the system map.

Schroeder reported on finalizing the memorandum of understanding (MOU) for data sharing. There were questions about the data that would be available, but those questions have been worked out.

Elfo stated he is concerned about a data point mentioned by the consultants regarding a Harris County, Texas study that included a calculation for wrongful convictions from extrapolated data. He would like more information on how they determined that statistic, which seems very high.

Bernstein stated the Task Force can ask the consultants to explain the statistic in more detail.

3. Committee Updates

Behavioral Health Committee

Perry Mowery reported for Anne Deacon on the February 16 Behavioral Health Committee (see meeting summary). The Criminal Justice Treatment Account (CJTA) plan was developed by a panel and approved by the County Council.

The Task Force discussed the CJTA plan and legislation:

- The CJTA plan is in line with the interests of the Task Force.
- The State CJTA committee defines what will be done with the funds.
- The money goes through the Behavioral Health Organization (BHO).
- Components to the Whatcom County Plan include:
 - Jail substance use disorder (SUD) care and coordination
 - Access to Pioneer Human Services co-occurring disorder program.
 - Outpatient treatment after release.
- In total, about 150-200 individuals will be provided some resources
- People are eligible if they have had charges filed against them by a prosecuting attorney.
- People on probation have accessed those funds for treatment.

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- The behavioral health specialists who work in the jail are familiar with CJTA.
- The resource needs to be identified in the Task Force's reports to the County.

Greg Winter and Chris Phillips reported on the ground-level response and coordinated engagement (GRACE) effort. Two summit meetings with various community representatives are being scheduled. The ultimate goal is to help people who are high users of emergency services be diverted from expensive emergency room and criminal justice systems to become healthier and more stable. The summit meetings will provide resources to the participants to kick start the process. They can identify about 40 people in the Bellingham area who would qualify.

Task Force members asked questions about the program:

- They intend for the program to be available to people countywide.
- The CHART Program in Everett is a similar type of program.
- As the City of Bellingham has shut down homeless camps, they've moved into the county on the fringes of the City.
- High users of the system aren't necessarily homeless.
- Some of those people may be Medicare eligible, but not Medicaid eligible.
- Housing will be a component in providing stability.
- Confidentiality may be a barrier to having meetings where specific individuals are discussed.
- Anyone who participates in the programs has to do so voluntarily, which includes giving permission for multiple organizations to discuss a particular case.

Legal and Justice Systems Committee

Gockley stated the Committee is having a special meeting the next day, February 28 at 11:30. Right now they are focused on pretrial risk assessment. They will also discuss the Fast Track program and Drug Court. The regular meeting schedule may change to a lunchtime meeting on Tuesdays.

Triage Facility Committee

Phillips reported the next meeting is scheduled on March 23.

Schroeder reported on:

- A recent trip to Olympia by the County Executive and others to discuss the Behavioral Health Organization (BHO) capital request.
- Hiring an architectural firm to update the triage facility plans.
- The County's plans for community outreach on the triage facility location.

More information will be available at the March 23 Triage Committee meeting. They would like the funding to be in place and the architect to be available before engaging in community outreach.

7. Update on the North Sound Behavioral Health Organization (BHO) regional request to the legislature

Kruse stated the budgets have been presented to the legislature. The response has been positive and supportive.

Schroeder stated the capital request is for two facilities in the total amount of \$7 million. In addition, the County has \$3 million in other local funds.

The Task Force members discussed the proposed triage facilities:

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- If the legislature provides a fraction of the total request, the local funds may or may not be enough for construction.
- Some of the beds being displaced by Pioneer Center North will need to be replaced. The entire region is currently using about 30 beds.
- The evaluation and treatment (E&T) services will be relocated in Skagit County.
- The BHO is working with each community to address their needs.
- It may be necessary to engage the community sooner rather than later, after the total package is developed.
- Acute detox is generally 3 - 5 days. Long-term residential substance use disorder treatment depends on the assessment and an individual's need.
- A long-term substance use disorder treatment facility is also planned in Skagit County.
- The BHO is working on how to develop the full continuum of care.

4. Progress on Phase III Report

Bernstein stated the deadline is extended to June and asked whether the County Council is getting the information in needs so far.

Mann stated the Council feels the Task Force is doing good work and is up-to-date. There was a small concern about getting the report in time for making a decision on a ballot measure.

The Task Force members discussed whether the County is working toward a November ballot measure. The Jail Stakeholder Workgroup is working toward to create a funding structure in time for the November ballot.

6. Update on the Jail Stakeholder Workgroup

Hovenier stated the Workgroup is primarily a funding group. It's not meant to consider jail size or location. It is making progress on the joint facility user agreement (JFUA).

The Task Force members discussed how various components from this Task Force and the Workgroup will be factored into the decision about jail size and location.

- Formulas exist to calculate data, such as demographics and the reduction in juvenile offenders, to help communities decide what size is appropriate.
- The funding discussion is based on percentages that would apply regardless of specific amounts.
- The Workgroup task is a fair and equitable percentage for sharing costs among the County and Cities.
- Various different consultants in the past have recommended different jail sizes.
- The Jail Stakeholder Workgroup is making some assumptions on a 521-bed jail recommended by the DLR consultants, but those assumptions are a framework for the JFUA that is scalable and can change.
- Council decided to divide the vary large scope of developing a new jail into smaller components that include this Task Force and the Funding Workgroup.
- Whether the Council made its decision on location when it approved the purchase of the property on Rural Avenue.
- No one on the Council is yet beginning the discussion on jail size and location.
- Whether they will need a smaller facility than was previously planned.

5. Update by Jurisdictions on Jail Diversion Programs

Peterson submitted and referenced the January 2017 Update on Bellingham Municipal Court Jail Alternatives to Incarceration (*on file*). She reported on

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1. Sending defendants to jail in Yakima:
 - The City sends pre-trial and post-conviction defendants to Yakima.
 - The City has hired a public defender located in Yakima to represent the defendants in person.
 - Yakima provides all transportation to and from the jail. When released, all inmates are transported back to Whatcom County.
 - Sending defendants to Yakima pretrial is not ideal, but the program is working.
 - The City sent 143 defendants to Yakima to serve sentences in 2016.
2. The success of electronic home monitoring with Friendship Diversion Services:
 - 212 defendants served their sentence on EHM for a total of 3,099 days for a total cost of \$14,757 at \$14.50 per day.
 - If those defendants had been in jail, the total cost would have been over \$300,000 at a cost of \$98.00 per day.
 - Of all those on EHM, only 5 or 6 people are out on a warrant.
 - The number of people out on warrants before was massive.

The Task Force members discussed:

- The accessibility of the downtown location, the availability of staff, prescreening, and supplementing the cost all contribute to the success of the program.
- Allowing people to keep their jobs, housing, and family keeps them from drawing on other services.
- This jail crisis has caused the City to find solutions that are more effective and efficient.
- The City has not gathered information on recidivism.
- The EHM program applies to pre-trial defendants and has reduced the incarceration population.
- Any violations reported by the EHM is reviewed by a court officer to decide if further action is necessary.
- Anecdotally, cases seem to be resolving faster, but they have not collected data on how long it takes cases to resolve.
- Quarterly criminal justice meetings at the City have helped the programs adjust as necessary and succeed.
- The City has a very basic phone reminder system for court dates.
- The first step of the screening tool is determining whether a defendant qualifies. Defendants don't qualify for EHM if they have ever been convicted with one of the following: any felony violent offense; any felony sex offense; reckless burning I or II; assault III or assault III of a child; unlawful imprisonment; harassment; escape I, II, or III, or; a pending domestic violence (DV) charge.
- The second step of the screening tool is a National Crime Information Center (NCIC) check to see if the defendant has any of these charges in another state.
- The third step of the screening tool is nine risk assessment questions worth either .5 or 1 point. A defendant cannot have more than four points on the scale.
- The assessment is developed from other nationally-recognized pre-trial assessment tools.
- The County's EHM failure rate for probation violations.
- Assignment to EHM is a judicial decision.
- Judges review, but don't report on, violations.

Elfo reported on the County jail status:

- Booking restrictions are enacted if capacity goes over 212.
- The population is 70 percent felony, due to the good work of the other jurisdictions to keep people out of jail.
- Jail conditions continue to deteriorate.
- The Jail doesn't have a detox or medical facility.
- The County will spend \$7 million to keep the facility running for the next several years.

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Elfo continued to report on jail alternative programs, that include:

- Out of custody work crews
- In-custody work group
- Work and school release
- Electronic home monitoring
- He is now able to apply a sliding scale for charging the fees.
- They are trying to reduce the financial impediments to jail alternatives.
- They are unifying the application process to one application filing fee to assess one's ability to participate in programs.
- They plan to expand the out of custody, which costs \$5 per day, work crew to evenings and weekends to allow more people to take advantage of it.
- They are reducing barriers for people with disabilities, who can now do less physical work.
- They are accelerating the time it takes to determine if someone is eligible for in-custody work crew.
- Work crew costs can be waived.
- The Sheriff's Office provides electronic home monitoring to sentenced individuals; the Probation Department has a pilot program for pre-trial electronic home monitoring.

The Task Force members discussed electronic home monitoring with Friendship Diversion Services for people with very short sentences, work crew credit for fines, paying minimum wage or prevailing wage for work crew time to pay off infraction fines, and jail and jail alternatives fees.

Billester stated it would be interesting if Friendship Diversion Services could provide a mobile team that could go to the small cities' court sessions on certain days. There would have to be some coordination the City Prosecutor when they know there will be a sentencing.

8. Barriers to increasing the work release work crew programs (tentative)

This item was held to the next meeting.

9. Discussion of whether the Task Force can function as the Law and Justice Council

This item was held to the next meeting.

10. Next Steps: Ideas & Further Information

Bernstein stated there is a lack of information distributed to the public on the Task Force's work. She encourages Task Force members to talk to other groups they're involved with and the public about the Task Force. Also, the low housing vacancy rate and lack of housing in Bellingham isn't well known and is a systemic problem for providing solutions to these issues. She would like ideas on how to be more effective with the work they're doing and the data they're collecting.

The Task Force members discussed scheduling public outreach efforts in the Steering Committee.

11. Other Business

There was no other business.

12. Public Comment

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Amy Malone spoke about her hopes for jail diversion efforts to continue so the County can build a smaller jail and focus on diversion efforts.

Joy Gilfilen stated she supports the diversion efforts of the City of Bellingham. A national study shows that the cost of incarceration plus five more social factors is \$1 trillion. Governments and private corporations have teamed up to create a false economic system.

Mark Gardner, City of Bellingham, stated he is willing to help create a one or two page summary of implemented changes, progress updates, and things in process to inform the public.

Ray Baribeau stated there should also be a bulleted list of things the Task Force members have learned and what they've accomplished in this process.

Moonwater stated the Task Force could also take advantage of social media to inform the public.

Hovenier submitted information (*on file*) about an upcoming public forum on jail diversions.

Anderson announced the upcoming Mental Health Court graduation.

13. Adjourn

The meeting adjourned at 11:05 a.m.