

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for July 11, 2017

1. Call To Order

Committee Chair Stephen Gockley called the meeting to order at 11:30 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Jill Bernstein, John Billester, Stephen Gockley, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson

Also Present: Deborra Garrett (proxy for Fred Heydrich), Nick Lewis, Jeff Parks (Proxy for Bill Elfo),

Members Absent: Bill Elfo, Fred Heydrich

Review May 9 and June 13, 2017 Meeting Summary

This item was not discussed.

2. VERA Institute preliminary data analysis and recommendations

Liz Swavola, Kristi Riley, and Stephen Roberts, VERA Institute for Justice, submitted a handout (*on file*) and answered questions on the following:

- The number of people booked for Driving While License Suspended-3rd Degree and a related pilot program to reinstate driving rights
- Race and ethnic data
- Potential opportunities to reduce jail size by focusing on long-term sentenced offenders.
- The data on Yakima jail inmates was not included in the data analysis, but they will work to include it in the final report
- The length-of-stay and misdemeanor data will likely change when the Yakima inmate data is included
- Including the Lummi Nation data in the analysis, including their inmates in Yakima and Wyoming
- Determine how many sentenced felonies are resolved within 60 days to parse out the average daily population
- How Whatcom County compares with other counties regarding length of stay by felony and gross misdemeanor charge classes
- The data counts felony bookings, regardless of whether the charge is dropped to a misdemeanor.
- Length of stay in the Whatcom County jail versus prison sentence
- Whether the data analysis considered failure to appear, warrant, and criminal histories and inability to make bail
- Including information in the report about the constitutional rights of victims and misconceptions about how and whether the bail system is working to ensure public safety
- Convening a focus group of system users

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Committee members discussed:

- Whether any of the small cities send inmates to Yakima
- How booking restrictions in 2016 would change the data
- How Lummi Assault 2 as a misdemeanor versus felony
- Unlike District Court, Superior Court has no option between releasing someone on personal recognizance and setting a high bail, which emphasizes the need for pretrial services for Superior Court defendants
- The huge percentage of drug related offenses, which highlights the importance of addiction treatment and recovery services
- Analyzing data on the individuals in addition to the number of bookings to assess recidivism
- Pretrial services that are available now for Whatcom County District Court and the municipal courts
- Making sure that reports produced by the Task Force aren't misinterpreted by the general public, who may not have participated in these discussions
- Look at the percentage of charges that were dismissed for people who weren't held for bail or were able to post bail
- Look at the number who were dismissed per plea
- Recent changes by the Sheriff's Office to the jail alternatives program to reduce barriers
- Reviewing existing restorative justice programs in the community and possible funding

3. Drug Court

McEachran reported on how drug court was initially developed.

Committee members discussed the return on drug court investment.

Anne Deacon, Health Department, stated:

- She has funding through the behavioral health sales tax to:
 - Send Judge Montoya-Lewis and the drug court staff to national training and
 - Provide incentives for drug court participants who are successful in the program.
- It will be too expensive for the County to become Behavioral Health Organization (BHO)-certified due to software requirements in the amount of \$750,000, a significant amount of data capturing, and the requirement to follow Medicaid rules and bill the State.
- The BHO now administers the SUD contracts and monitors for quality control.
- The County Health Department is working with the BHO:
 - to increase the number of providers in the community to increase competition and improve services. They are also talking with the BHO
 - about the County's concerns and expectations for the level of care that the citizens deserve.
- The Health Department is also working with current providers.

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The Committee members discussed:

One possibility is for the County to allow a provider to have a satellite office for drug court.

The BHO could give a higher priority to quality control and compliance regarding the curriculum.

The County Health Department is aware of the care quality and is actively working on it as effectively as possible, given that they no longer administer those services. It is a work in progress. They have had candid discussions with providers and the BHO.

It would be useful to have someone who can supplement community-based treatment while housed in the program.

The North Sound BHO is in the early stages of development and is understaffed for all the work they need to do. The BHO hasn't gotten to the point yet where they are auditing agencies. Their work is huge, and they don't yet have a certain level of knowledge and experience for dealing with the SUD agencies. They only had a few months to get up and running, and have been crisis managing ever since.

Solutions may include:

- Superior Court working within the process to request funds from the behavioral health sales tax, which is administered by the Health Department, to figure out the most effective use of the fund
- Working with the BHO to increase the number of providers in the community
- Recommending more programmatic support for the drug court, such as a substance abuse treatment support staff person, not clerical staff, for additional support and education
- Sending a letter to the BHO
- Possibly contracting with someone to provide additional substance abuse support and education until there is a more robust provider network

Drug court participants are expected to comply with the rules, but there are no appropriate tools for them to comply and succeed.

Bernstein moved that Committee Chair Gockley write a letter for the Task Force to send to the BHO regarding their concerns and expectations. The motion was seconded.

The motion carried unanimously.

Bernstein moved for the Task Force to formally recommend that they take positive action on recommending SUD treatment programmatic support and funding. The motion was seconded.

The motion carried unanimously.

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4. Domestic Violence & Sexual Assault Service (DVSAS) and domestic violence treatment

Karen Burke, DVSAS Executive Director, stated they are looking at a repeating cycle of criminal behavior. Fifteen to 20 percent of all bookings in the county are related to domestic violence. Substance abuse exacerbates, but does not cause, domestic violence. This is an opportunity to reduce the time domestic violence offenders spend in jail. She submitted and read from a presentation (*on file*).

The Committee discussed additional gaps in and barriers to service:

- It can be difficult for offenders to know how to find treatment
- Evaluations and treatment must be separate to eliminate the conflict of interest due to economic incentive
- No available services that are culturally-appropriate, language-appropriate, or gender-appropriate
- It's very difficult for providers to earn a living in this field

Ms. Burke will return to the Committee to continue discussion of the next steps.

6. Other Business

There was no other business.

7. Public Comment

There was no public comment.

8. Adjourn

The meeting adjourned at 1:26 p.m.