

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for September 12, 2017

1. Call To Order

Committee Chair Stephen Gockley called the meeting to order at 11:35 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Jill Bernstein, John Billester, Bill Elfo, Deborra Garrett (proxy for Fred Heydrich), Stephen Gockley, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson

Members Absent: Fred Heydrich

Review July 11, 2017 Meeting Summary

There were no changes to the summary.

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

Karen Burke, DVSAS Executive Director, and Christina Burn, Board Member, submitted and read from a presentation (*on file*). Burke described the domestic violence high risk offender program in Whatcom County that monitors and case manages approximately 42 high risk offenders in the community and the potential for lowering recidivism and the impact on the jail.

The presenters and committee members discussed the lack of translators for many languages spoken locally, programs for female defendants, the capacity of current local programs versus demand, proposed changes to the state requirements for treatment, the members of the high risk offender team, how offenders are added to the high risk offender program based on lethality, HIPAA issues, and working with lower level offenses that can be a precursor to domestic violence.

Burke described the estimated annual support budget of \$183,550 to serve 60-100 participants per year for a domestic violence offender program. She would like to come back to the County in six months with results from a steering committee to see if the County and City would help fund the treatment program.

3. Update on Drug Court Improvements

Gockley read through the list of recommended improvements in the meeting packet.

McEachran described the need for prosecutorial discretion during the initial eligibility determination and stated he would not use a validated risk assessment tool in making his recommendation. Once a referral is made, the drug court judge reviews the petition, presides over an initial hearing, and orders a pre-drug court evaluation by a certified drug treatment provider to determine if there is a reasonable basis to believe the offender can successfully complete the drug

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court program. Any validated criteria would be applied at the point when the court is reviewing the potential participant. The court may use a risk tool once he has proffered the person to the court. He will contact Judge Montoya-Lewis to have an initial conversation and report to the committee at the next meeting.

The Committee members discussed:

- The evolution of the original ten key components used to determine eligibility for the program
- Adult drug court best practices standards as updated in 2015.
- The benefits of Prosecutor McEachran and Judge Montoya-Lewis having a conversation to discuss:
 - The ten principles compared to the changes made in 2015
 - Whether any changes are warranted at this point
 - Who would be responsible for implementing those changes

4. Update on Developing a Pretrial Risk Assessment tool

Bernstein updated the committee on the upcoming site visit from Dr. Zachary Hamilton to the full Task Force on September 25 to discuss pretrial risk assessment tools and background on their work on pretrial risk assessment to date.

Committee members discussed the pros and cons an off-the-shelf assessment tool versus an assessment tool customized for this community; reducing the jail population from the perspective of community safety; the work of the State task force; how an assessment tool would address the difference between felony pretrial and misdemeanor pretrial defendants; the difference between monitoring and supervision; whether a risk assessment tool is effective in the absence of a monitoring or supervision program; and how the risk assessment tool should serve as a guide, not a mandate, for judges to make their decisions.

The Committee members discussed to what extent this committee can move toward a unified approach to risk assessment and make a recommendation to the full Task Force, such as:

- Define a procedure to determine the proper risk assessment tool
- What would the structure of specific monitoring services look like

Deborra Garrett, Superior Court Judge, reported on a meeting of the Superior Court judges. Neither the Adult Static Risk Assessment (ASRA) nor the Ohio Risk Assessment is the correct tool for Superior Court pretrial risk assessment. They want to make sure they are using the right tool, but they don't have enough information to adopt a tool until they know they are going to have resources and either enforcement or monitoring. They would like to see more consistency without mandating an approach.

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5. Discussion of Developing a Pretrial Supervision Unit

See the discussion on risk assessment.

6. Next Steps: Ideas & Further Information

Moonwater stated she would like to make a presentation on restorative justice, possibly in December or January.

The committee discussed when the final Phase III Report is due to the County Council, the 2018 County budget, and the continued work of this committee and the full Task Force.

7. Other Business

Bernstein and Elfo reported on potential new strategy to begin to reduce jail population by giving the Sheriff's deputies and court clerk some authority to book and release.

8. Public Comment

There was no public comment.

9. Adjourn

The meeting adjourned at 11:10 a.m.