

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for November 14, 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, Bill Elfo, Deborra Garrett (proxy for Alfred Heydrich), Stephen Gockley, Dave McEachran, Moonwater, Irene Morgan, Darlene Peterson

Also Present: Matthew Elich, Bruce Van Glubt, Kathy Walker (proxy for Dave McEachran during the last half of the meeting)

Members Absent: John Billester, Fred Heydrich

Review October 10, 2017 Meeting Summary

There were no changes

2. Phase III draft committee report

Gockley stated that any substantive comments and corrections should be emailed to Forrest Longman by Friday.

The Committee discussed the Introduction to the Vera Institute Final Report. It's important to make available to the public all responsive comments made to the consultants. Those comments will be put on the Task Force's website. The Vera Final Report did not include data on the small cities municipal court data. The Steering Committee is planning a full Task Force meeting with a professional facilitator to triage all the recommendations in the Vera report.

Peterson requested a language change to the Committee's section of the Phase III report, "Both the pretrial ~~risk assessment instrument~~ **screening tool** being used by Bellingham Municipal Court and the one being contemplated by Whatcom County District Court...." The tool is a screening tool, not a risk assessment tool.

The Committee concurred.

The Committee discussed whether the committee report should include a section on what's coming up next to describe planned work on Drug Court, risk assessment, and other programs; creating focus groups for criminal justice system users and victims; and concerns about the lack of data collection systems.

3. Pretrial Risk Assessment tool and Supervision Unit

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4. Committee presentation and revised motions to full Task Force on pretrial risk assessment and services unit

Gockley submitted a proposed motion for the full Task Force (*on file*).

Committee members discussed:

- The Superior Court judges leading the effort to develop a pretrial risk assessment tool and pretrial monitoring unit
- The funds and technical expertise needed to create an effective pretrial system
- The possibility of using grant funds
- Making a presentation to the full Task Force to get its endorsement
- Creating a pretrial services unit before a pretrial assessment tool is complete;
- Engaging the municipal court judges
- Passing a motion that supports whatever the judicial branch creates
- The judges engaging other criminal justice system stakeholders when they develop a pretrial program
- Whether the County would justify paying for multiple different tools for the different courts
- Refining the proposed motion
- Finding staffing support for the workgroup, whether it's independent or an official committee of the Task Force
- The possibility of contracting Dr. Hamilton to facilitate development of a pretrial system

Garrett reported on the Superior Court judges meeting regarding developing a pretrial risk assessment tool and pretrial monitoring unit:

- The Superior Court judges have different pretrial risk assessment factors to consider than District Court judges, due to the more severe crimes.
- The Ohio Risk Assessment tool isn't adequate to address major crimes.
- The judges are divided on whether to consider an off-the-shelf assessment.
- The judges would like to engage a small working group of people who are directly involved in cases, rather than upper administrators, that includes: a public defender; a prosecutor; a District Court judge; law enforcement representatives from the sheriff, police, and small cities; and Superior Court Administrator Dave Reynolds.
- Regardless of the assessment tool, statistical validation is necessary.
- A working group will need funds to cover staffing costs
- The Legal and Justice Systems Committee should somehow be involved in the process, because its members are most knowledgeable.

Bernstein moved to recommend that Whatcom County develop a plan, including cost estimates and implementation strategies, to adopt a statistically-validated pretrial risk assessment instrument(s) with a pretrial monitoring program. The motion was seconded and carried unanimously.

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6. Other Business

Bruce Van Glubt reported that the District Court is in the testing phase of the Ohio Pretrial Risk Assessment, but doesn't have any information at this early stage. They are also testing the Adult Static Risk Assessment (ASRA). If another risk assessment system comes along, they would like to evaluate it. He described the benefits of the Ohio Risk Assessment tool; the training; and how to use the tool properly.

The Committee discussed whether the tool is static or dynamic, how the probation assessment is different from the pretrial assessment, how to avoid subjectivity and ensure consistency in application, how a pretrial assessment would be carried out, the lack of validation in the State of Washington or locally; getting an exact explanation of what it means to validate a risk assessment tool, evaluating if a tool is successful over time, and the difference between a successful non-validated tool and a validated tool.

The committee reviewed the proposed 2018 committee meeting schedule. Decision is delayed to the next meeting.

7. Public Comment

Joy Gilfilen stated the committee and Task Force needs to look at justice reform, not just legal and justice changes. She approves of a risk assessment tool.

5. Next Steps: Ideas & Further Information

The committee discussed upcoming agenda topics, which include beginning discussions about prioritizing the recommendations from the Vera Institute, and whether to expand the committee's scope, and restorative practices.

8. Adjourn

The meeting adjourned at 11:10 a.m.