

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for January 9, 2018

1. Call To Order

Committee Chair Stephen Gockley called the meeting to order at 11:37 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Jill Bernstein, Deborra Garrett, Stephen Gockley, Moonwater

Also Present: Joy Gilfilen (proxy for Irene Morgan), Kathy Walker (proxy for Dave McEachran)

Members Absent: Bill Elfo, Dave McEachran, Irene Morgan, Darlene Peterson,

November 14, 2017 meeting summary

This item was not discussed.

2. Introduction by Moonwater on Restorative Practices

Moonwater submitted and read from a presentation (*on file*) and a handout on the Impact of Mediation on Criminal Justice Misdemeanor Cases (*on file*):

- The field is debating whether restorative practices and restorative justice are interchangeable terms.
- The work they are doing is historical and deeply rooted in indigenous communities throughout the world. The concept is not new.
- Schools and community-based organizations are increasingly embracing the terminology of restorative practices.
- There are common areas of research in restorative programming. Research indicates great potential in restorative programs and practices.
- Moonwater will look further into how the Maryland Judiciary program functions, revisit a past sentencing alternative program between the Dispute Resolution Center (DRC) and District Court, look at the intersection of what the DRC could offer the community, and gather more information about the King County anti-harassment program.

The committee members discussed:

- The Superior Court sentencing grid doesn't allow anything other than a sentence, but no other post-conviction opportunities.
- Appropriate for juvenile and District Court
- Having the cooperation of the victim.
- Restorative justice already exists in Whatcom County in District Court and Juvenile Court, including drug court and mental health court, stipulated orders of continuance, diversion programs, and other programs.

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- The Maryland program criteria are very limited.
- Most criminal justice systems are a combination of restorative and retributive.
- More use of the parent alternative for felony court that allows probation in lieu of jail time.
- All programs are used on a case-by-case basis.
- Whether they should focus on pre-charging alternatives.
- Where restorative justice programs are housed in the criminal justice system.
- Look at what they're doing currently through the restorative lens.

Gilfilen presented information on the Restorative Community Coalition, including situations in which they've been able to use restorative principles to act on behalf of people who were charged with a crime:

- They work with people who have not yet committed a crime or caused harm, who are dealing with the after-effects of the criminal justice system, and who are reconciling with family members and victims.
- They aren't trying to keep people out of jail who belong there, just trying to de-escalate situations.
- Oftentimes situations can be reconciled with understanding.
- The Coalition educates youth in schools on choices and consequences.
- Adverse childhood experiences predisposes people to end up in jail.
- The Restorative Community Coalition can present more information on emotional trauma interception, housing and coaching, and workforce development.

Committee members continued to discuss:

- Filling the gap from a lack of reentry programs to make them productive members of society.
- Finding funding to help criminals is a challenge; the public doesn't want to pay for it.
- The benefits of navigator coaches.

3. Continued discussion of developing a pretrial risk assessment tool and monitoring unit

Garrett updated the committee on the discussion with Dr. Jackie Van Wormer, the Spokane County Criminal Justice Coordinator.

- Important validating criteria predictive factors are reflected in local statistics.
- A risk assessment tool is important, but a pretrial services program will reduce incarceration.
- Use statistics about local defenders from the Public Defender's Office as a starting point.
- Use statistics about results from the court Judicial Access Browser System (JABS) and other state systems.
- Predictive factors should be customized to the community.
- Spokane spent \$220,000, but a variety of factors will impact the final cost.

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- Dr. Van Wormer prefers a non-static risk assessment, but she prefers a static risk assessment because it doesn't require verification of the information the defendant's provide.
- An outstanding question is how to begin, and whether they can just begin using a risk assessment and see what happens in the next six to 12 months.
- Any tool used is only to inform the judges' final decisions.
- To validate, they must collect data on individuals from the jail, prosecutor, and others.
- The real cost savings is by reducing the number of incarcerated by group size, so overhead becomes lower.
- To develop a program, they need a judge champion, which she is, and a project manager.
- She is shy about investing money to create a tool unless they're sure about using the tool to effectively reduce incarceration.
- It could cost up to \$250,000 to develop a tool and another \$250,000 to create a two-person pretrial services unit.
- Now they need to know how they will use the tool they develop and whether it's realistic to plan for an accompanying pretrial services unit.

The committee members discussed:

- Defining the problem
- Defining the goals and objectives
- Determining whether a judge's decision would be any different with a tool, since they already get the same information from other sources
- Whether they really have a problem since jail use is at an all-time low
- The commissioners are already changing bail practices
- The possibility of creating a pretrial services unit before developing a risk assessment tool

4. Next Steps: Ideas & Further Information

Moonwater moved to schedule the 2018 meetings on the 2nd Tuesday of each month. The motion was seconded passed by general consent (Bernstein absent).

5. Other Business

There was no other business.

6. Public Comment

Marc Pierson spoke about creating a pretrial services unit regardless of whether or not they have an assessment tool.

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Mark Gardner, City of Bellingham, spoke about grants to support these efforts.

Andronetta Douglas spoke about her experiences as a home health nurse and the infeasibility of proving that they are saving the system money.

7. Adjourn

The meeting adjourned at 1:37 p.m.