

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for September 15, 2020

1. Call To Order

Committee Co-Chair Raylene King called the meeting to order at 11:45 a.m. The meeting was a remote-only virtual Zoom webinar.

Members Present: Bill Elfo, Arlene Feld, Deborra Garrett, Stephen Gockley, Deborah Hawley, Raylene King, Jackie Mitchell, Eric Richey, Maia Vanyo

Members Absent: David Doll, Moonwater, Darlene Peterson, Bruce Van Glubt

2. Update on Health Department Behavioral Health Reentry Program

Mitchell reported that they were working to get the managed care organizations (MCOs) to fund a part-time position on the jail reentry position on the jail behavioral health team. Unfortunately, the MCOs declined to participate to do anything without payment. The MCOs are obligated to provide certain reentry services to their members who are incarcerated. They will still have some jail services for reentry, but they won't be funded with MCO funds. It's important for these organizations to support the community.

The committee discussed recommending that the Task Force write to the MCOs, asking that they fulfill their contractual obligations; fulfilling their obligation with MCO hired reentry staff who travel to the area once or twice a month, and; whether the Health Care Authority believes the MCO is fulfilling its obligation.

3. Update on Pretrial Services Unit

Garrett reported on the Pretrial Services Unit:

- Since the pandemic, Superior Court generally releases on personal recognizance everyone charged with nonviolent property crimes and drug crimes, unless there are extenuating circumstances
- There is no in-person contact between the pretrial services unit and defendants
- Use of the risk assessment tool is on hold
- The future of the pretrial services unit is uncertain, given potential upcoming budget cuts
- There are no facilities in the courthouse to resume jury trials. They are working to develop a space outside the courthouse. A backlog in trials creates a backlog in the jail.

4. Presentation and discussion of pretrial standards in small cities compared with Superior Court

Rajeev Majumdar, Blaine Prosecutor, gave a presentation on pretrial services in the municipal court:

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- Small cities, except Ferndale, contract with Whatcom County District Court to provide pretrial services
- They are very pleased with the level of support, and is effective keeping people out of jail pretrial
- They have also added the Friendship Diversion Services as a tool for substance use monitoring
- District Court Probation also has mental health services that can help connect people to services
- Some defendants would rather be charged with a felony than a misdemeanor with monitoring
- The GPS monitoring are also useful in domestic violence situations

The committee members discussed the different pretrial laws between misdemeanors and felonies; the importance of minimizing incarceration during the Covid pandemic; the constitutionality of certain pretrial restrictions allowed in district and municipal courts, and; whether a felony driving under the influence (DUI) defendant are required to have 24/7 monitoring if there is a prior DUI.

5. Racial Equity Toolkit (tentative)

This item was not discussed.

6. Other Business

Elfo reported that the Federal Bureau of Investigation (FBI) recently began collecting ethnic data on Hispanics recently. Also, he is very concerned about the new Crisis Stabilization Center and whether it can accommodate involuntary holds. It's essential for law enforcement that the Center be able to accommodate people who need are in a mental health crisis.

The committee members discussed the status of restarting jury trials in Superior Court and the municipal courts and the difficulty of finding an acceptable jury selection location,

7. Public Comment

Heather Flaherty spoke about personal safety concerns in the community that people still have to go into the courthouse to deal with their misdemeanor charges and fines, whether pretrial services are more stringent for misdemeanant than felony populations, changes to recidivism rates, and treatment capacity issues.

The Committee members discussed the history and lack of pretrial services for Superior Court versus municipal courts; recidivism during the pandemic; and whether pretrial services are reducing the recidivism rate.

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Cole Harvey stated he is the campaign manager for James Erb, and would like to connect with the committee members.

8. Adjourn

The meeting adjourned at 12:42 p.m.