

***Incarceration Prevention and Reduction Task Force
Behavioral Health Subcommittee and Legal & Justice Systems Subcommittee
Joint Meeting Summary for November 10, 2020***

Note: Agenda item links to YouTube video are functional at the time this meeting summary was created, however YouTube links may change. Links will not be updated. Please refer to time notation on each agenda item.

1. Call to Order

Committee Co-Chairs called the meeting to order at 11:31 a.m. The meeting was a remote-only virtual Zoom webinar.

Behavioral Health Committee Members Present: Nathan Bajema, Doug Chadwick, Arlene Feld, Seth Fleetwood, Heather Flaherty, Stephen Gockley, Dan Hammill, Mike Hilley, Mike Parker, Anne Deacon

Members Absent: Megan Ballew, Byron Manering, Perry Mowery

Legal & Justice Committee Members Present: David Doll, Bill Elfo, Arlene Feld, Deborra Garrett, Stephen Gockley, Deborah Hawley, Jackie Mitchell, Moonwater, Darlene Peterson, Eric Richey, Bruce Van Glubt, Maia Vanyo

Members Absent: Raylene King

Also Present: Chris Furman, Linda Grant, Wendy Jones, Vanessa Martin, Shoshana Paige

2. [Update on Drug Court and Mental Health Court \(00:01:03\)](#)

Grant updated the committees on Mental Health Court:

- Housing gaps exist for some of the court participants.
- Federal rules create barriers for mental health court participants coming from jail.
- Quick access for specialty psychiatric medication is also an issue.
- Referrals were down due to Covid, but they are beginning to rise to normal levels.
- There are good relationships with the Ground-level Response and Coordinated Engagement (GRACE) program officers and law enforcement.
- Court is occurring via alternate methods due to Covid.
- Length of the program, which is up to two years, impacts success. A longer program provides more structure and is more successful.

Furman updated the committees on Drug Court

- The Court initially stopped collected urinalysis tests (UAs) from its clients, and Court has been occurring virtually, due to Covid, which resulted in deteriorating results from clients
- Staff began courtroom meetings in May and collecting UAs in July
- Jail is not used as a sanction unless the client's safety is in question
- Today, there is a blend of virtual and in-person attendance by clients, staff, and treatment providers

***Incarceration Prevention and Reduction Task Force
Behavioral Health Subcommittee and Legal & Justice Systems Subcommittee
Joint Meeting Summary for November 10, 2020***

- Sanctions for clients has included being assigned to work crew, which has been successful.
- She submitted and read through program statistics.
- Fewer clients are being referred to the program.
- They work with housing providers for approximately 160 beds for their clients for approximately three months of clean and sober housing. More clean and sober housing is needed for females, families, and clients on suboxone.
- Gaps in the system include limitations with housing, including low-income safe housing and clean and sober housing for families.
- Drug court applicants should not be disqualified if they don't do well in other programs.
- The program is 52 weeks, but can be extended if necessary, depending on the clients' needs.

The committee members and attendees discussed the impact of the Covid pandemic on drug court referrals; differences in opinion on defining the target drug court clients; reducing the use of jail as a sanction; how much housing impacts the success of mental health court clients; fewer people are applying for drug court; drug court best practices targeting high risk-high needs client, and; the need to identify the barriers to participation in drug court.

3. [Update on impacts and effects of recent policy changes \(00:35:28\)](#)

Richey updated the committees:

- They stopped filing DWLS3 as a stand-alone charge and dismissed over 350 pending DWLS3 charges
- Stipulated orders of continuance (SOCs) were offered for low level cases, but few people took the offers due to the lack of trials and consequences during the Covid pandemic. The offers will go away soon, so some people may begin accepting the offer. In January 2021, they will file low level cases directly into District Court, where probation can be offered and provide services. These changes will likely impact drug court.
- He proposed that the courts vacate marijuana convictions from 1980 forward, but the judges have not agreed

Vanyo reported on new case management system that will track more information and statistics; moving low level felony cases to District Court, which may open opportunities in drug court for more high risk-high need clients, and; the impact of the law enforcement assisted diversion (LEAD) program taking cases off the table.

The committee members discussed rearrests for SOC's; recidivism during the Covid pandemic; the need for more and better data, and; the court no-show rate.

***Incarceration Prevention and Reduction Task Force
Behavioral Health Subcommittee and Legal & Justice Systems Subcommittee
Joint Meeting Summary for November 10, 2020***

4. [Update on LEAD integration with GRACE \(00:49:51\)](#)

Marin and de Hoog reported on the Law Enforcement Assisted Diversion (LEAD) program and Ground-level Response and Coordinated Engagement (GRACE) programs:

- They are receiving social referrals from law enforcement and the community
- They are working with persons before a crime is committed
- Arrest diversion will be phased in later
- The LEAD program launched September 23
- They program has five intensive case managers, a supervisor, and a program manager, who is also the program manager for the GRACE Program
- There are now 33 approved individuals in the program; 12 individuals are receiving full wraparound services
- They are reviewing the GARE racial equity toolkit for both programs
- Both programs use the same case management model, data collection system, and management teams

The committees and presenters discussed the capacity of both programs; continuing to work with clients if necessary after they've graduated the programs; heavy versus light caseloads, and; service capacity in the community.

5. [Racial population of the jail \(01:02:07\)](#)

Jones referenced and read through a handout of statistics.

- The County jail holds for both the Nooksack Tribe and Lummi Nation, which skews the number of offenders who are in custody for State charges versus tribal charges. About 44 percent of the entire Native American population in custody are involved in the Lummi and Nooksack court system, which reduces the population by 50 percent who are in custody for non-tribal charges.
- In 2019, the federal government changed data collection for Latinx from race to ethnicity, so the County doesn't have that data. The local data collection system will be upgraded, and they may begin collecting the data again, but there will be a gap.
- If one person of color who is a drug court participant is repeatedly booked into the jail due to multiple drug court sanctions, it will skew the racial population numbers for the jail.
- They are working out how to categorize folks who are multi-racial, transgender, or non-binary.

The committee members and presenter discussed whether booking data is available to determine who is arresting different races; the statistics not including people in the criminal justice system who are not booked into the jail; arresting agencies not necessarily matching the warrant's jurisdiction; people booked with multiple charges in multiple jurisdictions; developing statistics that don't

***Incarceration Prevention and Reduction Task Force
Behavioral Health Subcommittee and Legal & Justice Systems Subcommittee
Joint Meeting Summary for November 10, 2020***

duplicate single individuals; some statistics showing duplicated bookings for one sentence; whether the Lummi Nation uses swift and certain programs, and; hone in on the community interest to determine if people of color are being disproportionately incarcerated

6. [Reentry contracts with MCOs \(01:17:09\)](#)

Mitchell and Deacon reported that the Health Department is negotiating with the managed care organizations (MCOs) on funding a reentry staff person for the jail. The community needs to be clearer with the MCOs about what reentry services should look like.

7. Data Requests for INDEX Committee

This item was not discussed.

8. Other Business

There was no other business.

9. Public Comment

There were no public comments.

10. Adjourn

The meeting adjourned at 12:56 p.m.