

# Incarceration Prevention and Reduction Task Force

Meeting Summary for October 17, 2022

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## 1. Call to Order

Committee Chair Jack Hovenier called the meeting to order at 9:04 A.M. The meeting was held via remote-only Zoom Webinar.

Members Present: Barry Buchanan, Arlene Feld, Heather Flaherty, Stephen Gockley, Dan Hammill, Mike Hilley, Jack Hovenier, Raylene King, Scott Korthuis, Jason McGill, Rebecca Mertzig, Perry Mowery, Darlene Peterson, Dave Reynolds, Eric Richey, Satpal Sidhu, Donnell Tanksley, Maialisa Vanyo

Members Absent: Bill Elfo, Seth Fleetwood, David Freeman, Deborah Hawley, Jenn Lockwood, Eric Petersen, Bruce Van Glubt, Greg Winter

## 2. [Justice Project Needs Assessment \(00:01:10\)](#)

Buchanan reported on the Justice Project and the Stakeholder Advisory Committee (SAC). He gave an overview of topics discussed in the SAC's meetings so far and the polls that have been given to SAC and IPRTF members. He said that next steps will be focused on community engagement efforts, including a Town Hall event to be held on November 15, 2022 and a community survey. These efforts will intentionally be targeted to communities of color and those with lived experience with the justice system. The timeline for presenting a final report to the County Council has been pushed out to January or February 2023.

## 3. [Competency Restoration Workgroup \(00:12:20\)](#)

Buchanan stated that the workgroup was formed to try to find solutions to the backlog in competency restoration. The group has reviewed data regarding the state of competency restoration and jail wait times. They have also gone over information from King County, which has also attempted to address these issues. They are attempting to build a state-wide coalition and to get state legislators involved.

## 4. [Pretrial Processes Workgroup \(00:17:05\)](#)

Jon Krause, Pretrial Service Manager with Superior Court, gave an update on what was discussed at the latest meeting of the Pretrial Processes Workgroup:

- They are researching electronic home monitoring (EHM) services for individuals in pre-trial status. A further report will be coming in December.
- The public safety assessment (PSA). Krause explained what it is, how it is used, and the research they are doing to help judicial officers make decisions about release.
- They are gathering data on the PSA based on a pilot program's experiences and also working on determining what will be considered a violent crime in Whatcom County.
- The PSA categorizes people into low, medium, or high risk and each level entails a different level of reporting.

Committee members discussed and asked questions. Topics included:

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- Electric home monitoring (EHM) and the practicality of using it in Superior Court for medium and high-risk offenders.
- Statistics on recidivism of those who engage in pre-trial services.
- Monitoring includes call-ins, electronic monitoring, and in-person checks.
- Potential for disparate outcomes of the PSA on different races. Krause stated that the tool itself is objective and that they are working on collecting demographic data. Gockley added that the general consensus on best practice is to use a risk-assessment tool and to carefully monitor and review data. The PSA has been selected as the least likely to enhance racial inequities.
- The balance between enforcing compliance and providing rehabilitation when administering pre-trial services.
- How a crime is determined to be a violent crime.
- The Revised Code of Washington section that designates what offenses are available for home detention and the potential need for legislation to change those parameters.

Jake Wiebusch gave an overview of probation, the services offered, and the number of clients served. He summarized the therapeutic programs offered to post-conviction clients

### 5. [Status of Court Proceedings and 6. Status of Electronic Home Monitoring \(these items were discussed concurrently\) \(00:54:23\)](#)

Representatives from various courts gave updates on the status in their jurisdictions:

- Dave Reynolds reported on Superior Court, saying that there have only been 13 jury trials in the last 34 weeks. Courtrooms have been available, but they have not been being used. There has been a lack of motivation of defendants to resolve their cases.
  - Cases are starting to move along because of the judges' new stance of limiting continuances when cases are over two years old. He added that it is getting more difficult to find counsel for defendants, as there are more conflicts of interest with local counsel and the lack of availability of local public defenders or assigned counsel.
- King reported on Van Glubt's behalf, summarizing [his report to the Legal and Justice Committee](#) regarding District Court status.
- Peterson stated that Bellingham Municipal Court does have a backlog, but jury trials do not seem to be the issue. Their biggest issue is the amount of warrants they are getting. During COVID, the Supreme Court issued a decision that warrants could not be served unless it was an extreme safety risk. Therefore, they had 680 warrants ordered but held until they could be issued. When initial hearings are missed, warrants start stacking up and mental health issues are missed.
- King reported on the status of small cities' courts. They are also seeing an uptick in warrants because defendants know that they are not being booked on misdemeanor crimes and aren't coming to court for those charges. She showed statistics on use of electronic home monitoring in the small cities as well as the use of secure continuous remote alcohol monitoring (SCRAM) and GPS monitoring.

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Ronnie Wuest of Friendship Diversion Services gave an overview of her organization's services and their effectiveness:

- Sober days for those on SCRAM monitoring are high. The percentage of success is in the upper 90s for pre-trial and for those who serve their sentences on home monitoring.
- Her group will soon be able to implement a notification system for victims based on GPS monitoring. This would create an exclusion zone for perpetrators based on where the victim is when they are out in the community.
- Gockley asked about the monitoring involved for the GPS system. She responded that there is active monitoring when ordered by the courts. Her staff is on call in those cases when there is a violation of a no contact order or when someone is tampering with the device.

Peterson stated that they have been using EHM since 2016. They are using it for pre-trial and post-conviction individuals. They also have a GPS system that are set up with an exclusion zone. She said that this has been an extremely powerful tool. SCRAM bracelets are also very effective and allows individuals to avoid daily urinalysis and is a more affordable option.

### 7. [Committee Updates \(01:27:06\)](#)

King reported on the joint meeting. They had two presentations, one on the Whatcom Community College's substance use disorder professional program and one on the Vanessa Behan Crisis Nursery's Children's Waiting Room program in Spokane.

Feld brought up the presentation from Wiebusch in the Legal and Justice Committee, including the new service provider and the various programs offered.

Buchanan reported on the Steering Committee. Pyramid Communications gave an update on their messaging plan and the changes they had made based on Steering Committee feedback. The Crisis Stabilization Facility will have a ceremony to adopt the official "Anne Deacon Center for Hope" name. The Behavioral Health Gap Analysis Team (BGHAT) identified funding and programs needed.

King state that topics from the Legal and Justice Committee had already been covered.

### 8. [Other Business \(01:38:44\)](#)

Gockley gave a preview of the next Behavioral Health Committee, saying that there would be a discussion of strategies on advocating for better Medicaid reimbursement and increasing behavioral health workforce. Legislators may attend the November meeting to continue the discussion.

### 9. **Public Comment**

There were no public comments.

### 10. **Adjourn**

The meeting adjourned at 10:45 A.M.