

***Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
Meeting Summary for May 16, 2016***

1. Call To Order

Committee Chair Alfred Heydrich called the meeting to order at 9:15 a.m.

Members Present: Angela Anderson, Jill Bernstein, Bill Elfo, Deborra Garrett, Stephen Gockley, Daniel Hammill, Fred Heydrich, Dave McEachran, Moonwater, Irene Morgan,

Also Present: Matt Huffman (for Michael Knapp) and Peter Ruffatto (for Darlene Peterson)

Members Absent: Michael Knapp and Darlene Peterson

Review April 11, 2016 Meeting Summary

Gockley moved to approve the April 11, 2016 meeting summary as presented. The motion was seconded.

The motion carried unanimously.

2. Committee Mission Statement, Statement of Work, and Phase Two Framework

The committee discussed the draft Statement of Work as proposed by Judge Garrett:

- Amend packet page four, the third bullet under the goals, and delete the reference to developing alternatives, “Identify and ~~develop~~ **recommend** alternatives....”
- Goals and tasks should be more clearly organized, mapped, and tracked.
- Programs should be organized according to pre-arrest, post-arrest and pre-trial, and post-conviction.
- Define discharge planning procedures and whether they encompass reentry efforts.

Elfo moved to approve the Statement of Work proposed by Judge Garrett with the amendment to recommend alternatives and the correct subcommittee title. The motion was seconded.

The motion carried 10-0-2, with Moonwater and Morgan abstaining.

Bernstein presented and the committee discussed the proposed Justice Committee – Framework for Phase Two, beginning on packet page 11:

- Goals, programs, and services should be divided into pre-arrest, pre-trial, and post-conviction sequences.
- Rename the goals to objectives.

Moonwater stated model the framework from the Yakima County framework to create a program and service map that has information regarding:

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- An executive summary
- Existing goals
- What they've learned so far
- Areas of focus
- Gaps in programs and services
- The problem that each program or service would solve

Bernstein stated she will draft a grid as Moonwater suggests. She asked Committee members to send her information on what is missing from the framework narrative. The committee discussed the components that should be included on the map for each program or service, including:

- Program definition
- Identified overlap with other subcommittees
- Cost-benefit analysis, which should be done at the end of the process
- Whether additional staff are needed
- Overhead and administrative costs
- National best practices
- How the program works within the context of Washington State laws

Heydrich stated he prefers to begin looking at individual programs and services in sequential order of pre-arrest, pre-trial, and post-conviction. He will pursue information on the Law Enforcement Assisted Diversion (LEAD) program and the pre-trial release risk assessment tool similar to what is in the Yakima Smart Pre-Trial Implementation Plan and a similar program in Spokane.

Hammill stated he is also interested in a program similar to LEAD and the Behavioral Health Officer (BHO) Program in Portland.

Anderson stated it's important that presentations on programs and services be followed by a committee discussion and concluded with a decision from the committee. At the beginning of each meeting, discuss and decide on what was presented at the previous meeting.

The committee discussed whether committee members need more information on presentations the committee has already received. The following presentations need discussion and/or conclusion (*see attached Addendum: Whiteboard Notes*):

- Good Time incentives for reduced sentence
- Changes to the Probation Department
- The City of Bellingham pre-trial jail alternative programs
- Post-conviction jail alternatives
- Drug Court and Fast Track
- LEAD
- Portability Court and Community Court

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There are many other ideas such as pre-trial release and bail reform that they haven't begun to discuss.

3. Driving While License Suspended (DWLS) Project Update

Bernstein presented on a proposal to begin a relicensing court for the DWLS-3 population.

- DWLS-3 results in a lot of failures to appear (FTAs)
- Law Advocates would advise people at no cost and help people request participation in the program
- Local judges and court clerks have been receptive to the idea
- No extra money from the County is required
- The courts would remove fines from collections and allow someone to have an affordable payment schedule
- These people may or may not need high-risk insurance
- District Court may allow people to pay off their fines through community service work at a set rate

5. Drug Court / Fast Track Update

McEachran described the differences between the people who choose the Drug Court option and those who choose the Fast Track option, how long it takes to begin a new Drug Court class. If the goal is to lower the jail population, then get people out of jail as fast as possible. If the goal is to get everyone in treatment, they should not make an easier offer of Fast Track. They are trying to balance all the programs. Most people don't want to go to treatment. He identifies which people may be eligible for Drug Court before their first appearance. Participation is voluntary. Generally, older folks want to change their lives and are more successful in treatment.

David Graham, Prosecutor's Office, described the assessment process.

- McEachran conducts a preliminary assessment to see if a person is eligible for programs
- Graham conducts a more in-depth assessment, and the Prosecutor's Office will suggest to those who seem eligible that they apply
- A person who is pre-approved can volunteer to apply for acceptance into the program

Graham stated that not all who apply will be accepted, and not all who are deemed pre-approved will apply. Most people who are pre-approved are also offered the Fast Track program or the Drop Down Program, and most choose the Fast Track program.

In the Drop Down Program, one could receive a gross misdemeanor instead of a felony and get out at the same time, have a year of probation, and do the drug/alcohol evaluation and compliance. No one is doing the program because they don't want to do probation. They choose the Fast Track program instead.

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Anderson stated the Prosecutor's Office will wait to gather several Drug Court participants before starting the program. It should be started sooner, even if they have fewer cases. The Committee could recommend that the Prosecutor's Office begin Drug Court within the 30 day timeframe.

4. Yakima Smart Pretrial Implementation Plan Review

Heydrich stated he plans to meet with the Harold Delia in Yakima who has developed and oversees the program and submitted the grant application for Yakima.

The committee discussed the benefits and disadvantages of the Plan and pre-trial release options:

- The Yakima Smart Pretrial Implementation Plan is only in the research and analysis phase to determine effectiveness
- The Whatcom County Prosecutor's Office has historically operated according to several recommendations in the plan
 - Attorneys attend first appearances
 - Criminal history is available at first appearances
 - A courtroom is in the jail
- The need to review the Prosecutor's Office current programs and benchmark those programs against national best practices
- Educate the municipal courts and Lummi court on those recommended operations
- Find a risk assessment tool that is specific to pre-trial release in terms of:
 - Risk to the community
 - The odds for failure to appear
 - Defining the services that could incentivize the person to appear
- Monitoring of those released pre-trial through ankle monitors with specific restrictions
- Having a 24/7 response process in place if an ankle monitor sends an alarm that the offender is out of compliance with his or her court order
- Finding a matrix that compares the efficacy of various assessment and pre-trial tools
- A pre-trial ankle monitoring system versus bail with no monitoring in terms of public safety

6. Next Steps: Ideas & Further Information

See Summary Addendum: Whiteboard Notes regarding Committee Mission Statement, Statement of Work, and the Phase Two Framework.

7. Public Comment

Ray Baribeau stated an analysis of recommended solutions should consider the necessary changes to allow solutions to be implemented, including changing State law, local law, or local policies

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and procedures. The City of Bellingham has changed its policies and procedures to lower the jail population.

Mark Gardner, City of Bellingham, stated he is available to help with research and structuring information.

8. Adjourn

The meeting adjourned at 11:10 a.m.

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Addendum: Whiteboard Notes from Legal & Justice System Subcommittee on May 16, 2016

Topic	Needs More Information	Group Has Enough Information	Date/Assignment
Post-Conviction Jail Alternatives		x	Angela will prepare proposed language for a recommendation in advance of the June 13th meeting
Drug Court	We want to know about implementation of recommendations from 2012 report		Judge Garrett will get this information for us in advance of the June 13th meeting
Fast Track		X	Angela will prepare proposed language for a recommendation in advance of the June 13 meeting
LEAD	X		Heydrich and Hammill will confer and organize future presentation
Pre-Trial Jail Alternatives Program	X		Group would like a presentation from Friendship Diversion and the City about the uses and limits of their program. Group to consider the pre-trial wraparound services in the Yakima Report. Heydrich to meet with Yakima to further discuss their program and their progress
Probation	X		Bruce Van Glubt to answer remaining questions at the meeting on June 13 and Group to discuss and make recommendations at the July meeting
Other Therapeutic Courts: (community court and...)	X		Further information to be presented (Perhaps Hammill to organize)