

**Incarceration Prevention Reduction Task Force
Justice & Legal System Committee Meeting**

11:30 a.m. - 1:30 p.m. on February 13, 2018

Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham WA

AGENDA

Topic	Requested Action	Presenter	Packet Page(s)
1. Call to Order <ul style="list-style-type: none"> • January 9, 2018 Meeting Summary Review 	Review	N/A	1 - 4
2. Update on Drug Court Improvements	Update	Stephen Gockley	5 - 6
3. Draft Priorities and General Work Plan <i>(Referred from January Steering Committee)</i> <ul style="list-style-type: none"> • Review results of Task Force Planning Session • Identify priorities not included in the Vera Report or Planning Session • Review and amend current Statement of Work 	Develop a draft work plan, amend statement of work	N/A	7 - 18
4. Identify the ideal data needs of the committee <i>(Referred from January Steering Committee)</i>	Create list of idea data needs	Stephen Gockley	N/A
5. Update on developing a pretrial risk assessment tool and pretrial supervision unit <ul style="list-style-type: none"> • Review Purpose Statements 	Review	Judge Garrett	19
6. Other Business			
7. Next Steps: Ideas & Further Information <ul style="list-style-type: none"> • Review assigned tasks • Next meeting topics 			
8. Public Comment			
9. Adjourn <i>The next meeting 11:30 a.m. - 1:30 p.m. on March 13, 2018 at the County Courthouse Fifth Floor Conference Room 514, 311 Grand Avenue, Bellingham.</i>			

Upcoming meetings: SEE NEXT PAGE

Upcoming Meetings & Events

IPR TASK FORCE	COMMITTEES			
	BEHAVIORAL HEALTH	LEGAL & JUSTICE SYS.	TRIAGE FACILITY	STEERING
various Mondays 9-11 a.m. Courthouse Conf. Rooms 513/514 311 Grand Ave., Bellingham	various Mondays 2:30-3:30 (except where noted) Health Department Creekside Conf. Room 509 Girard, B'ham	2 nd Tuesday 11:30 am–1:30 pm Courthouse 5 th Floor Conference Room 514 311 Grand Ave., Bham	3 rd Thursday 9:30-11:00 a.m. Health Dept. Creekside Conference Room 509 Girard, B'ham	As needed Courthouse County Council Conference Room Courthouse Suite 105 311 Grand Ave., Bham
March 5 April 2 May 14 June 11 July 16 August 6 September 17 October 15 November 26 December 17	March 5 April 2: 2-3 pm May 14 June 11 July 16 August 6 September 17 October 15 November 26 December 17	February 13 March 13 April 10 May 8 June 12 July 10 (no august) September 11 October 9 November 13 December 11	February 15 March 15 April 19 May 17 June 21 July 19 August 9 * September 20 October 18 November 15 December 20	Tentative future meetings: April/May (annual report) September/October (check-in)

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
DRAFT 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.

DRAFT

INCARCERATION PREVENTION AND REDUCTION TASK FORCE
Legal and Justice System Ad Hoc Subcommittee

UPDATED REPORT ON DRUG COURT IMPROVEMENTS

Additional program staff: Superior Court approved funding for a part-time case manager to support participants in the drug court program. The new staff person, who started in December, is a certified chemical dependency professional with 12 years of direct service experience in local programs. She took on a significant portion of the drug court caseload and will expand her caseload further as she completes orientation to the program. The addition of a part-time case manager has freed the coordinator to address drug court policy development, to attend regional provider meetings, to participate in educating legislators on Criminal Justice Treatment Account issues, and to begin researching grant funding opportunities.

WWU intern: The drug court coordinator has recruited a student intern from WWU to assist with drug court program operations and administrative needs.

Participation in national training: Arrangements are in place for the entire drug court team (judicial officer, drug court staff, prosecutor, and public defender) to attend a national training event in 2018. This will be the first time the entire team participates jointly in such training.

Positive incentives to support drug court participants' progress: Previously, the drug court program had very little capacity to provide positive incentives recognizing the progress individual participants were making through the program, even though such incentives are considered a "best practice" for achieving successful outcomes. Recently, Superior Court approved funding of \$35 per participant per year for positive incentives, and the program's WWU intern has so far secured donations for an additional \$400 in local gift cards for use in recognizing participants' efforts meeting program requirements.

Funding possibilities for treatment program enhancements: Leadership of the drug court team is exploring future grant possibilities for improvements in therapeutic treatment programs to support long-term success for drug court participants. These possibilities may eventually serve to promote expanding the number of available treatment providers that incorporate evidence-based practices into their treatment regimens and implementing effective recovery supports such as assigning dedicated case management and providing housing vouchers.

Planning to expand drug court housing: Leadership of the drug court team has worked with a small group of task force members and others to explore possibilities for additional supported housing paired with high-quality services for drug court participants. Initial efforts were focused on PeaceHealth-owned property on Girard Street formerly used for "social detox" programming. Recently, PeaceHealth's Community Collaboration Committee voted to recommend donating or leasing this property long-term to the Opportunity Council to develop and manage recovery housing for drug court participants. PeaceHealth's Community Health

Board will consider that recommendation later this month and could advance the proposal to the final decision-makers in the PeaceHealth system. The RiverStyx Foundation funded an early-stage feasibility analysis by the Opportunity Council, and preliminary discussions suggest interest from another non-profit provider in offering on-site support services for residents.

Next graduation: All are welcome to attend the next graduation ceremony February 15 at 3:15.

Legal & Justice

4.06/3.9
ADOPT AND VALIDATE A DATA-DRIVEN RETRIAL RISK ASSESSMENT SYSTEM

Add Back
Establish Regional pre-trial services/monitoring program to serve all Whatcom County courts

1.3
FACILITATE OPPOR FOR INDIVIDUALS PAY OFF FINES AS WITH PREVIOUS MOVING VIOLATION

DEBORAH

STEPHEN
July Debra Corbett
Angela Anderson

4.2/6
EXPAND BOOK AND RELEASE PRACTICES, INCLUDING FROM STATIONS

Do Book & Release - Expand concept to include pre-arrest diversion
Rita Ruffatto

NEW
Explore how EH + EHM can reduce bench warrants
4 FTAs

Add Back
Analyze warrant data to understand the scope of the problem to target responses appropriately

New
USE EHM to facilitate improvements at home (Whatcom)

Develop mechanisms to prevent jail admissions for violations of probation/parole

RK
Increase opportunities 4 ppl to resolve out-standing warrants

Implement policies & procedures that will reduce # of bench warrants issued for FTAs



CROSSROADS
CONSULTING

Planning Session Summary Report

WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK FORCE

January 2018

SUMMARY

On January 8th, 2018, the members of the Whatcom County Incarceration Prevention and Reduction Task Force conducted a Planning Session to explore which of the recommendations from the VERA report should be prioritized for consideration and possible implementation. The Session was further intended to lay the groundwork for developing an 18-month Action Plan.

PROCESS

The co-chairs of the Task Force, Jill Bernstein and Jack Hovenier, along with Council Member Ken Mann and Legislative Coordinator Jill Nixon worked with a local facilitator and strategic planning consultant, Holly O'Neil of Crossroads Consulting, to design and facilitate the planning process. The Task Force had recently submitted its *Phase III Report to Whatcom County Council* in December of 2017, and was poised to evaluate the *VERA Institute November 2017 Report to Whatcom County Stakeholders on Jail Reduction Strategies*.

To lay the groundwork for the session, the facilitator developed a survey to gather preliminary input on planning priorities. The first draft of the survey and the proposed agenda for the Planning Session was first presented at the December meeting of the Task Force. At that meeting and in the week that followed, Task Force Members provided the facilitator with feedback on the survey and the agenda, which the facilitator incorporated into the final design. The final planning survey was distributed via email to Task Force Members and a similar survey was distributed to a list of interested citizens. Eighteen (18) Task Force Members and seven (7) citizens responded, and the results from both surveys were provided to the Task Force in advance of the January 8th planning session.

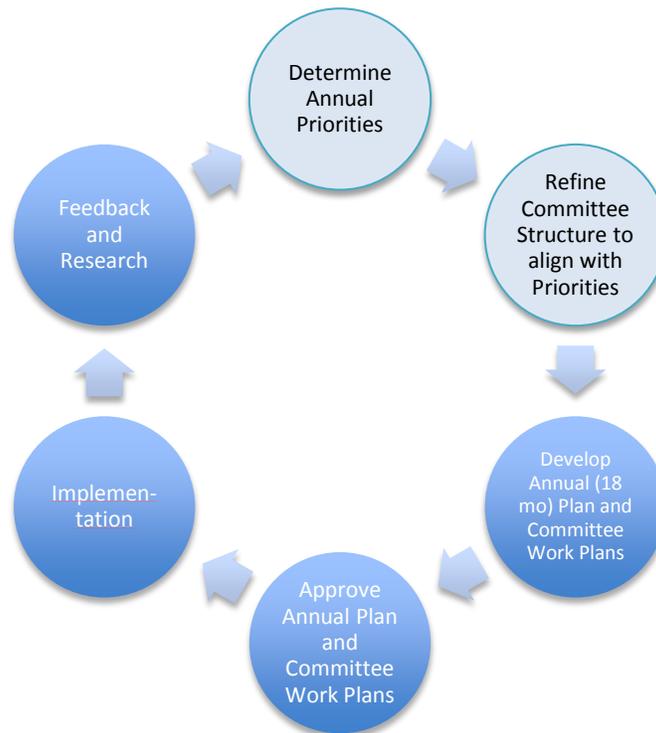
The pre-session Planning Survey was designed to:

1. Provide the three Committees with feedback on their current and proposed initiatives.
2. Assess and gather feedback on the recommendations of the VERA report.
3. Gather input on how to approach data gathering.
4. Solicit any additional feedback regarding interests and concerns.

The planning session was 3.5 hours long (see **AGENDA: Appendix A**). Due to the limited time, the survey feedback on the Committee’s current and proposed initiatives was not discussed at the meeting, but was included in the packet as important context. It was understood that Committees would use that feedback, in addition to the work of this Planning Session, to develop and refine their proposed Work Plans for the year.

The session began with introductions of all participants and citizens who were observing the process. The facilitator then provided guidelines for how the group would build consensus while openly exploring differences of opinion. The facilitator also provided a simple framework for understanding how today’s work would conceptually be incorporated into an annual planning cycle. The work of this planning session (as indicated in the light-blue circles) would provide the Steering Committee with the information needed to develop an 18 month Action Plan for approval at an upcoming regular meeting, working in close communication with the Committees.

ANNUAL PLANNING CYCLE



The Task Force reviewed their statement of purpose, as per County Ordinance **ORD2015-025**

TO PROVIDE RECOMMENDATIONS, OVERSIGHT, AND SPECIFIC TIMEFRAMES ON THE DEVELOPMENT OF NEW OR ENHANCEMENT OF EXISTING PROGRAMS DESIGNED ALONG A CONTINUUM THAT EFFECTIVELY REDUCES INCARCERATION OF INDIVIDUALS STRUGGLING WITH MENTAL ILLNESS AND CHEMICAL DEPENDENCY AND MINIMIZES JAIL UTILIZATION BY PRETRIAL DEFENDANTS WHO CAN SAFELY BE RELEASED

The facilitator then presented the Survey Results (**Appendix B**), showing which of the VERA recommended strategies were ranked as being most important. Scores from the Task Force Members' and the citizens' ranking were shown to have no significant differences. VERA recommendations that ranked above 4.0 in the survey were offered to the group as an initial set of strategies for discussion purposes.

The "REAL-WIN-WORTH" methodology was used as a framework for discussion, with our discussion starting at the bottom of the pyramid, and ending the day at the top.

- Real** – Are we actually going to be able to do it, and how?
- Win** – Is it feasible, is it likely to succeed, is there synergy and opportunity?
- Worth** – Is it important? Do you think it will make a difference?



Working in small groups of 2-3 participants, Task Force Members and Proxies discussed the survey results and identified any additional strategies that should be considered beyond the initial set. Participants also identified any concerns or refinements of the recommended strategies, based on their perception of whether the strategy would be a "Win" for our community. The group also noted that in some cases, these strategies would be pursued entirely as the development of recommendations, and were not anticipated to be appropriate for additional action by the Task Force.

As the small groups reported out, additions and changes were captured on sticky notes and categorized relative to the five goal categories in the VERA Report. An "Other" category was used to capture other ideas or comments that were important to note.

After developing a more complete picture of the strategies participants felt were important to include in long term planning, participants used **green sticky dots** to indicate which strategies they thought should be prioritized for consideration or action in the next 18 months (across all goal areas). Additionally, if any participants had remaining concerns about the strategies, they were invited to use **yellow sticky dots**, with their initials, so that any lingering concerns could be addressed as needed after the session. Lastly, if people had interest in working on a particular strategy, they put their name on a sticky note and attached it to that strategy.

To complete the process, the Committee Chairs were invited to the front of the room to select those strategies that would naturally fall into their Committee's purview. The group then discussed how to address the remaining prioritized strategies, which did not naturally fall within the purview of a Standing Committee, and how the committee structure of the Task Force could be adjusted to support that work. Lastly, topics for future discussion were identified.

RESULTS

The tables reflect the prioritized long-term and short-term (18 month) strategies identified by the participants. Strategies were organized according to the three Standing Committees, with a final grouping of strategies related to data gathering, oversight, and accountability. Lastly, the final table reflects topics that members identified for future discussion topics.

Law and Justice Committee			
Strategy	Green Dots	Yellow Dots	Interested Parties
Adopt and validate a data-driven pretrial risk assessment system	13		Angela Anderson Deborah Garrett Jill Bernstein Stephen Gockley Dave McEachran (or designee)
Establish Regional Pre-trial monitoring services program to serve all Whatcom County Courts	13	KL	Angela Anderson Stephen Gockley Deborah Garrett RK
Implement policies and procedures that will reduce number of bench warrants issued for FTAs	4		
Expand book and release practices, including from police stations (addition: expand concept to include pre-arrest diversion)	2	DH	
Increase opportunities for people to resolve outstanding warrants	2		RK
Develop mechanisms to prevent jail admissions for violations of probation/parole	2		
Facilitate opportunities for individuals to pay off fines assoc. with moving violations	1		
(NEW) Use EHM to facilitate improvements in Whatcom County	1		
Explore how EH and EHM can reduce bench warrants for FTAs	1	KL	
Analyze warrant data to understand the scope of the problem to target responses appropriately (also include in data considerations)	0		

Behavioral Health Committee			
Strategy	Green Dots	Yellow Dots	Interested Parties
Equip law enforcement officers with tools to de-escalate and divert people experiencing behavioral health crises	11		Ann Deacon Bill Elfo
Pursue opportunities to coordinate care between county agencies	9		Dan Hammill Anne Deacon Chris Phillips
Improve Data Collection System (addition: verify data on number of people in jail who seek out or are referred to Behavioral Health Services)	3	JG	

Triage Center Committee			
Strategy	Green Dots	Yellow Dots	Interested Parties
Explore sobering services in the Triage Committee as part of the Triage Services	2	DH AD	Jack Hovenier RK

Strategies related to DATA GATHERING, OVERSIGHT, and ACCOUNTABILITY			
Strategy	Green Dots	Yellow Dots	Interested Parties
Report and publish data regularly to ensure transparency and accountability	6	TS	Tyler Schroeder (Courts and Jails) Deborah Garrett (comment - yes if applied to all court processes)
Develop and track case processing performance measures	4	RK	
Work to secure and develop data to understand case flow processing (<i>amended from original text: "develop a collaborative plan to ensure efficient and fair caseflow management"</i>)		JG	
Addition: Look at new ways to make data informed bail decisions (as per VERA Goal "Reduce unnecessary pretrial detention...")			
Addition: Remove select low-level offenses from municipal code (as per VERA Goal "Reduces unnecessary admissions to the jail")			
Addition: Consumer Focus Groups and exit interview with those involved in justice system, to include their input in a system mapping and strategic planning, and include discussion of opportunities to apply restorative justice (as per VERA Goal "Create oversight and accountability mechanisms to ensure successful and sustained jail population reduction)		TS SG	Joy Gilfillen

FUTURE DISCUSSIONS (for the Steering Committee to add to Task Force Agendas, or identify other mechanism for future exploration of the topic)			
TOPIC	Green Dots	Yellow Dots	Interested Parties
Restorative Justice			
When, where, and how people are transported to jails in nearby counties		BE	Bill Elfo
Who do we need/want to have in our jails?		SG	
How changes in Behavioral Health and Medical Systems may affect our community			
Task Force proxy system and representation on TF committees			

CONCLUSIONS AND NEXT STEPS

The group came to agreement that the strategies related to whole system DATA GATHERING, OVERSIGHT, and ACCOUNTABILITY needed to be advanced by the formation of another committee or some other type of workgroup, or possibly workgroups.

The Steering Committee was charged with the responsibility of developing a recommendation for the Task Force for how to proceed. In developing a recommendation, the Steering Committee will consult with key informants familiar with current data collection activities.

The group thanked Ken Mann for his service, and the Co-chairs and facilitator for organizing the planning session. Next steps will include:

- ✓ Facilitator will prepare Report from today's session
- ✓ The Steering Committee will use this report along with reports from Committees to propose a work plan for approval at an upcoming regular meeting.
- ✓ Committees shall use this report, review their charges as outlined in their statements of work, and review their current goals in submitting their proposed work plan and goals to the Steering Committee.

APPENDIX A

WHATCOM COUNTY IPR TASK FORCE PLANNING SESSION

January 8, 2018

County Courthouse Fifth Floor Conf. Rooms 513/514, 311 Grand Avenue, Bellingham, WA

Desired Outcomes:

- ❖ To explore which of the recommendations from the VERA report are the highest priorities for the Whatcom County Incarceration Prevention and Reduction Task Force, and lay the ground work for developing an 18 month Action Plan.

AGENDA

- 8:45 am** **Arrival; coffee and tea (15 min)**
- 9:00 am** **Introductions, Desired Outcomes, Agenda, Guidelines for Participation (20 min)**
- 9:20 am** **Overview of the Planning Process (10 min)**
Purpose: Facilitator will provide an overview of the planning cycle and how today's work will be incorporated.
- 9:30 am** **Review and Evaluate Findings from Planning Survey (60 min)**
Purpose: Explore areas of common ground and differences of opinion regarding the Vera Report recommendations, and assess feasibility of preferred options.
- 10:30 am** **Break (15 min)**
- 10:45 am** **Identify Priorities for IPR Task Force (80 min)**
Purpose: Seek agreement on long-term and short-term priorities and identify Task Force members' areas of interest.
- 12:05 am** **Review Next Steps and Wrap Up (10 min)**
Purpose: Review next steps:
- ✓ Facilitator will prepare Report from today's session
 - ✓ Steering Committee will use Report to prepare an 18 month Plan for approval at February Meeting
 - ✓ Committees will refine their work plans and bring back to Task Force for approval Mar/April
- 12:15 pm** **Public Comment (15 min)**
- 12:30 pm** **Closing**

APPENDIX B

See following pages for Survey Results.

Incarceration Prevention and Reduction Task Force

Justice and Legal System Ad Hoc Committee

Statement of Work

Purpose

The purpose of the Incarceration Prevention and Reduction Task Force is “to continually review Whatcom County’s criminal justice and behavioral health programs and make specific recommendations to safely and effectively reduce incarceration of individuals struggling with mental illness and chemical dependency, and minimize jail utilization by pretrial defendants who can safely be released.” (Ord. 2015-037; Ord. 2015-025; County Code 2.46.020).

The purpose of the Justice and Legal System Ad Hoc Committee is to recommend to the Task Force specific, achievable programs and services that would prevent or reduce incarceration, if implemented within the legal and law enforcement systems. Treatment for addiction and mental health, and other behavioral health programs and services are the purview of a different Ad Hoc Committee.

Recommendations will be based on local needs, recognized best practices, and the work of the other two Ad Hoc Committees.

Goals

- Evaluate the alternatives to incarceration which currently exist in Whatcom County, comparing those alternatives to recognized best practices and recommending improvements as appropriate
- Identify new or underutilized programs and services that are effective alternatives to incarceration, recommending implementation or expansion as appropriate
- Identify and recommend alternatives to jail that will promote a pretrial defendant’s responsibility to appear in court and will not jeopardize community safety
- Identify and recommend measures the courts and law enforcement should implement to reduce incarceration of all defendants, consistent with the requirements of our state’s laws
- Recommend a process which will enable law enforcement and the courts, working with community health resources, to identify those defendants who would benefit from treatment for mental illness or drug/alcohol dependency
- Recommend discharge planning procedures which will help people who are leaving incarceration connect with and engage in community and behavioral health services available in the community

Scope (Project Tasks)

- Assemble information about programs and services currently in existence (including services offered; financial resources; budgets and expenses; numbers of people served, with demographics; and other pertinent information).
 - Assess the effectiveness of these programs and services in reducing incarceration while protecting community safety and causing defendants to appear in court as required
 - Using the Sequential Intercept Model and other tools, identify gaps in existing programs and services
 - Recommend improvements and how they could be implemented.

Incarceration Prevention and Reduction Task Force

Justice and Legal System Ad Hoc Committee

Statement of Work

Scope (Project Tasks) (cont'd)

- Consider measures which would connect people in crisis to appropriate behavioral health services before any criminal conduct has occurred.
- Identify recognized best practices known to reduce incarceration without compromise to the goals of our state's criminal law and procedure
 - For pretrial defendants: incarceration only as necessary to assure community safety and the defendant's appearance for hearings and trial
 - For convicted defendants: incarceration alternatives which are consistent with the law's goals of punishment, deterrence and rehabilitation
- Recommend additional or modified programs and services and describe how they could be implemented

Deliverables

- Progress report for Phase One deliverable date
- Recommendations for improvements to existing programs and services
- Recommendations for additional or modified programs and services

Schedule of Work

- Workgroup meeting schedule
 - December 7, 2015
 - January 04, 2016
 - January 25, 2016
 - February 8, 2016
 - March 28, 2016
 - April 11, 2016
 - May 16, 2016
 - June 13, 2016
 - July 18, 2016
 - August 8, 2016
 - September 19, 2016
 - October 10, 2016
- Sequential Intercept Model¹ mapping (ongoing)
- Benchmarking² (ongoing)
- Recommendations to the Task Force regarding available alternatives to incarceration

¹ Munetz, M.R. & Griffin, P.A. (2006, April 1). Use of the Sequential Intercept Model as an approach to decriminalization of people with serious mental illness. *Psychiatric Services*, 57(4), 544-549, <http://ps.psychiatryonline.org/doi/full/10.1176/ps.2006.57.4.544>

² A benchmark is "something that serves as a standard by which others may be measured or judged." "Benchmark." Merriam-Webster.com. Merriam-Webster, n.d. Web. 3 June 2016.

Incarceration Prevention and Reduction Task Force
Justice and Legal System Ad Hoc Committee
Statement of Work

Measures of Success

Timely delivery of clear and specific recommendations for programs and services that:

- can be implemented in Whatcom County;
- will be effective in reducing incarceration of pretrial and convicted defendants;
- are consistent with the law's goals for pretrial release and post-conviction sentencing.

Identified Best Practices

Incorporate for our work appropriate best practices that meet nationally recognized standards for effectiveness and achievability. Institutions that promote best practices include the Substance Abuse and Mental Health Services Administration (SAMSHA) and its Gains Center; the Vera Institute of Justice; the National Association of Counties; and the Council of State Governments Justice Center.

Other Ad Hoc Committees

The purpose of the Triage Facility and Facility Programming Ad Hoc Committee is to make recommendations to Task Force regarding the construction and operation of a new or expanded multi-purpose crisis triage facility to assist with jail and hospital diversion of individuals struggling with mental illness and/or chemical dependency.

The purpose of the Behavioral Health Ad Hoc Committee is to make recommendations to the Task Force regarding behavioral health programs and services that will have the potential to prevent or reduce incarceration. Current, enhanced and new programs and services are under consideration.

The work of the Ad Hoc Committees is interrelated and interdependent.

EXPECTATIONS OF A RISK ASSESSMENT TOOL

Determining conditions for pretrial release is one of the most important decisions in criminal justice. Courts are required to order the least restrictive conditions that are reasonably necessary to cause a defendant to return to court and to protect the safety of the community.

Every pretrial risk assessment tool should:

1. Consider the individual circumstances of each defendant;
2. Apply factors known to indicate a likelihood that a defendant will comply with the court's pretrial conditions, or a risk that a defendant will not comply;
3. Provide judicial officers with clear and individualized assessments of risk factors;
4. Identify pretrial release conditions which will address a defendant's risk factors and promote that defendant's compliance with court orders and return to court as ordered.

CORE FUNCTIONS OF A PRETRIAL RELEASE PROGRAM

The core functions of a pretrial release program include:

1. A process for obtaining current, accurate information from legal system and law enforcement databases, and from the defendant, as early as possible and in most cases before the defendant's first appearance before a judicial officer;
2. Verification processes to confirm interview information and criminal history checks.
3. Use of a validated tool to assess risk of pretrial misconduct through objective means, and to present recommendations to the court for pretrial release conditions which are appropriate to each individual defendant's risk factors and circumstances;
4. Accountable and appropriate pretrial supervision or monitoring of defendants who are released, including court date reminders to assure the defendant's appearance in court;
5. Follow up reviews, at reasonable intervals, of defendants who were unable to meet the release conditions ordered by the court
6. Accurate reporting of outcomes, and an ongoing process to assure accurate pretrial assessments and effective pretrial monitoring and supervision.