

**Incarceration Prevention Reduction Task Force
Legal/Justice Programs & Services
Ad Hoc Committee Meeting**

January 04, 2016

Bellingham Municipal Court, Fireplace Room, 2014 C Street Bellingham WA

9:00 – 11:00am

AGENDA

Time	Topic	Purpose	Responsible	Attachment
9:00 5 minutes	1. Welcome and Introductions <ul style="list-style-type: none"> • Review Agenda • Introduce Dean Wight, WAHA Lead • Meeting Summary from 12/07/2015 		Fred Heydrich	12/7/2015 Meeting Summary
9:05 60 minutes	2. Jail Alternatives Program Review	Information	Randy Adrian Caleb Erickson	Jail Alts
10:05 35 minutes	3. Refine Brainstorming Session Material	Activity	Group	
10:40 15 minutes	4. Statement of Work	Decision	Dean Wight	Statement of Work
10:55 5 Minutes	5. Next Steps <ul style="list-style-type: none"> • Next meeting • Review assigned tasks 			
11:00	6. Adjourn			

Incarceration Prevention and Reduction Task Force
 Legal Systems Ad Hoc Committee
 Meeting Summary, December 07, 2015
 Bellingham Municipal Court, Fireplace Room, 2014 C Street,
 Bellingham WA
 9:00 – 11:00am

Attendance

Present	Representing
Bernstein, Jill	Citizen Representative
Garrett, Deborra	Whatcom County Superior Court
Gockley, Stephen	WAHA
Hammill, Daniel	City of Bellingham, City Council
Huffman, Matt (proxy for M. Knapp)	Small Cities Caucus
Heydrich, Fred - Chair	Whatcom County Superior Court
Moonwater	Whatcom Dispute Resolution Center
Morgan, Irene	Restorative Community Coalition
Peterson, Darlene	City of Bellingham, Municipal Court
Ruffatto, Peter	City of Bellingham, Mayor's office
Gardner, Mark	City of Bellingham, City Council
Absent	
Sheriff Elfo	Whatcom County Sheriff Office
Dave McEachran	Whatcom County Prosecutors Office
Staff	
Smith, Veronica	WAHA

Meeting Summary

1. Welcome and Introductions

Jill Bernstein called the meeting to order. Alfred Heydrich accepted appointment as Ad Hoc Chair.

1. Draft Statement of Work

WAHA staff will revise draft Statement of Work based on today's conversation and share it on-line with the Ad Hoc Committee by 12/14/2015.

2. Subject Matter Expertise

The Ad Hoc Committee has requested that WAHA send a Survey Monkey to Task Force members for recommendations re. Subject Matter Experts.

3. Vision – Key Themes

- We need to take concrete action now to reduce incarceration
- The focus should be broader than just the legal system, but honed on reducing the number of people we have in jail at any given time.
- Develop short-term, medium-term and long-term goals, with attention paid to “low-hanging fruit” – places where we can take immediate action
- Population health and making an impact “upstream” from the criminal justice system

4. Call to Action – focus on short-term change and longer term focus

The Ad Hoc Committee conducted a brainstorming exercise that will be developed into a grid as an aggregate of short-term, medium-term and possible long term options to prevent or reduce incarceration.

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5. Next Steps

- WAHA to aggregate data as compiled today (by 12/14/2015)
- WAHA to revise draft Statement of Work (by 12/14/2015)
 - Both to be shared on-line with the Ad Hoc Committee
- Ad Hoc Committee members to offer revisions and edits (by 12/21/2015)
- Peter Ruffatto will report to the Ad Hoc regarding City of Bellingham plans for improvements and innovations (01/04/2016)
- WAHA staff to generate Survey Monkey re. subject matter experts (12/21/2015)
- Sheriff Elfo and Prosecutor McEachran will be informed that the January meeting will be focused on the jail alternatives program
- Next meeting: January 04, 2016, Bellingham Municipal Court, Fireplace Room, 9-11am, with a focus on jail alternatives and better use of Division Street resources.
- Jill Bernstein will contact Caleb Erickson and Randy Adrian from the Jail Alternatives program with a request to speak with this Ad Hoc Committee on January 4, 2016

WHATCOM COUNTY JAIL ALTERNATIVE PROGRAMS

PROGRAM PARTICIPATION REQUIRES COURT AUTHORIZATION AND SHERIFF'S OFFICE PROGRAM ELIGIBILITY

ELECTRONIC HOME DETENTION

Electronic Home Detention and Electronic Home Monitoring programs for offenders convicted of offenses under (RCW 9.94A.734) or as noted, are restricted and may not be authorized.

- Violent offenses.
- Sex offences.
- Drug offences.
- Reckless burning in the 1st or 2nd degree as defined in RCW 9a.48.040 or 9A.48.050.
- Assault in the 3rd degree as defined in RCW 9a.36.031.
- Assault of a child in the 3rd degree.
- Unlawful imprisonment as defined in RCW 0A.40.040
- Harassment as defined in RCW 9A.46.020.
- Possession of a controlled substance under RCW 69.50.4013.
- Forged prescription for a controlled substance under RCW 69.50.403.

Program Eligibility requires:

- Classification as minimum or medium (7 classification points or less).
- Living in a stable residence.
- Basic home telephone service.
- The ability to pay program fees.
- Employment or,
- School attendance, or
- Sole responsibility for minor children, or infirm family members.
- Minimum 5 day sentence.

Other considerations are:

- Past program and institutional behavior
- Past Law Enforcement contact history
- Past criminal history
 1. Misdemeanor Domestic Violence charges
 2. Escape convictions (evaluated on a case by case basis)

Note: Offenders may not be eligible if the victim of a current charge is a:

- Law Enforcement Officer
- Health Care Provider
- Minor Child

Program Management may include:

- Daily monitoring.
- Random breathalyzer testing.
- Random Urinalysis.
- Electronic monitoring (24 hours each day).
- Unannounced home inspections.

WHATCOM COUNTY JAIL ALTERNATIVE PROGRAMS

PROGRAM PARTICIPATION REQUIRES COURT AUTHORIZATION AND SHERIFF'S OFFICE PROGRAM ELIGIBILITY

WORK RELEASE

Program eligibility requires:

- Employment with a business not involved in a labor dispute, see RCW 70.48.210
- Employment or school enrollment that is a minimum of 24 hours per week.
 1. Participants working or having school enrollment levels less than 40 hours per week may be required to participate on an in-custody work crew to achieve a 40 hour level.
 2. Participants may work 7 days per week and up to 70 hours per week.
- Classification at a minimum or medium rank (8 classification points or less).
- Current convictions that are non violent Class "B" felony charges or lower in magnitude.
- SOSSA ranking if a sex offender.
- Minimum 10 day sentence.

Other considerations are:

- Past program and institutional behavior
- Past Law Enforcement contact history
- Past criminal history
 1. Escape convictions during the last 5 years are evaluated on a case by case basis.
 2. Recent prison history of non violent charges or drug charges is considered on a case by case basis.
 3. No Domestic Violence during the last year.

Note: Offenders may not be eligible if the victim of a current charge is a:

- Law Enforcement Officer
- Health Care Provider
- Minor Child

Program Management may include:

- Daily monitoring
- Workplace inspections.
- Random breathalyzer testing.
- Random Urinalysis.
- Pat down and strip searches

WHATCOM COUNTY JAIL ALTERNATIVE PROGRAMS

PROGRAM PARTICIPATION REQUIRES COURT AUTHORIZATION AND SHERIFF'S OFFICE PROGRAM ELIGIBILITY

INCUSTODY WORK CREW

Program eligibility requires:

- No conviction history of sex offences, see RCW 9.94A.725
- Classification at a minimum or medium rank (8 classification points or less).
- Current convictions that are non violent Class "B" felony charges or lower in magnitude.
 1. Drug court violators are considered.
 2. Family court violators are considered.
- Physically able to work strenuous labor.
- Minimum 10 day sentence.

Other considerations are:

- Past program and institutional behavior
- Past Law Enforcement contact history
- Past criminal history
 1. Escape convictions during the last 5 years are evaluated on a case by case basis.
 2. Recent prison history of non violent charges or drug charges is considered on a case by case basis.

Note: Offenders may not be eligible if the victim of a current charge is a:

- Law Enforcement Officer
- Health Care Provider
- Minor Child

Program Management may include:

- Daily monitoring
- Work evaluation
- Random breathalyzer testing.
- Random Urinalysis.
- Pat down and strip searches

WHATCOM COUNTY JAIL ALTERNATIVE PROGRAMS

PROGRAM PARTICIPATION REQUIRES COURT AUTHORIZATION AND SHERIFF'S OFFICE PROGRAM ELIGIBILITY

OUT CUSTODY WORK CREW

Program eligibility requires:

- No conviction history of sex offences, see RCW 9.94A.725
- Classification at a minimum or medium rank (8 classification points or less).
- Current convictions that are non violent Class "B" felony charges or lower in magnitude.
 1. Drug court violators are considered.
 2. Family court violators are considered.
- Physically able to work strenuous labor.
- Minimum sentence of 1 day to a maximum of 15 days.
 1. Offenders may work off unlimited fines.

Other considerations are:

- Past program and institutional behavior
- Past Law Enforcement contact history
- Past criminal history.
 1. Recent prison history of non violent charges or drug charges is considered on a case by case basis.

Note: Offenders may not be eligible if the victim of a current charge is a:

- Law Enforcement Officer
- Health Care Provider
- Minor Child

Program Management may include:

- Daily monitoring
- Work evaluation
- Random breathalyzer testing.

Incarceration Prevention and Reduction Task Force

Legal Systems Ad Hoc Committee

DRAFT Statement of Work

Statement of 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).

Comment [1]: (I wonder if changing “legal” to “justice” would better allow for the incorporation of restorative practices and alternative dispute resolution processes that fall outside of the traditional legal system? ~ Moonwater)

The purpose of the Legal (Justice) Systems Ad Hoc Committee is to ~~recommend~~ make recommendations to the Task Force specific, achievable regarding programs and services that would prevent or reduce incarceration, if implemented within the legal and law enforcement systems. ~~Current, enhanced, and new programs and services are under consideration. 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 develop 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
- ~~Reduce incarceration of defendants who need treatment for mental illness or substance or alcohol dependency~~
- ~~For pretrial defendants, identify and develop alternatives to jail that will promote the defendant’s responsibility to appear in court and will not jeopardize community safety;~~
- ~~Evaluate and improve the alternatives to incarceration which currently exist in Whatcom County, comparing those alternatives to recognized best practices as appropriate~~
- ~~Identify and implement programs and services that are effective alternatives to incarceration~~
- ~~Benchmark Whatcom County programs and services against nationally recognized best practices~~

Comment [2]: Is it the responsibility of the committee to develop the alternatives or simply name them and recommend that they be developed?

- ~~Provide comprehensive release planning to ensure citizens are connected to and engaged in available programs and services upon their return to the community (warm hand-offs)~~

Scope (Project Tasks)

- Assemble information about ~~existing~~ program 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.
 - ~~Services offered~~
 - ~~Financial resources~~
 - ~~Budgets and expenses~~
 - ~~Number of people served~~
 - ~~Demographics of people served~~
 - Effectiveness in reducing or preventing incarceration
- 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
- ~~Map existing programs and services in the Sequential Intercept Model~~
- ~~Identify gaps in existing programs and services~~
- ~~Consider pre-intercept One programs and services that may reduce incarceration~~
- ~~Identify nationally recognized best practices for programs and services that are known to reduce incarceration~~
- ~~Create comparison with Whatcom County based programs~~
- ~~Recommend improvements to existing programs and services and describe possible implementation~~
- ~~Recommend additional or modified programs and services and describe possible implementation~~

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
- Sequential Intercept Model mapping completed by: TBD
- Benchmarking completed by: TBD ([Whatcom County as compared to others? shouldn't this be on-going?](#))
- Recommendations to the Task Force regarding available alternatives to incarceration

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 postconviction sentencing. Consistent with established deadlines, deliver to the Task Force a body of clear and specific recommendations for programs and services that can be implemented in Whatcom County and that will be effective in reducing incarceration of pretrial and post-trial defendants and consistent with the goals of pretrial release \(without jeopardizing community safety, assuring that defendants appear in court for trial\) or post-conviction punishment and rehabilitation \(as defined in our state's criminal code\).](#)

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 SAMHSA's Gains Center \(State name fully\); the VERA Institute of Justice ; the National Association of Counties; and the Council of State Governments Justice Center.](#)

~~Incorporate for our work appropriate best practices that meet nationally recognized standards for effectiveness and achievability.~~

~~Institutions that promote best practices include:~~

- ~~● Substance Abuse and Mental Health Services Administration, Gains Center~~
- ~~● The VERA Institute of Justice~~
- ~~● National Association of Counties, the Stepping Up Initiative~~
- ~~● Council of State Governments Justice Center~~
- Other national standards

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.