

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

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

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

AGENDA

Topic	Packet Page(s)
1. Call to Order • February 13, 2018 Meeting Summary Review	1 - 5
2. Discussion of committee work plan and ideal data needs <i>(continued from February meeting)</i>	4 - 7
3. Update from Judge Garrett and Stephen Gockley on the Pretrial Processes Workgroup	8 - 10
4. Committee sub-report for the IPRTF Annual Report to the County Council <i>(report from the Steering Committee)</i>	N/A
5. Update on Drug Court Improvements from Stephen Gockley	N/A
6. Other Business	
7. Next Steps: Ideas & Further Information • Next meeting topics	
8. Public Comment	
9. Adjourn	

UPCOMING MEETINGS:

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

Incarceration Prevention and Reduction Task Force
Legal & Justice Systems Subcommittee
DRAFT Meeting Summary for February 13, 2018

1. Call To Order

Committee Chair Stephen Gockley called the meeting to order at 11:35 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Deborra Garrett, Stephen Gockley, Raylene King, Dave McEachran, Lisa McShane, Moonwater, Jeff Parks (proxy for Bill Elfo), Darlene Peterson

Members Absent: Jill Bernstein, Bill Elfo

Review Meeting January 9, 2018 Summary

This item was not discussed.

2. Update on Drug Court Improvements

Gockley referenced and reported on the updated report on drug court improvements on meeting packet pages 5-6.

3. Draft Priorities and General Work Plan

Gockley reported on the task to update the work plan using the Vera Institute report and other committee projects.

The committee discussed projects, which include:

- Changes in statutes regarding domestic violence treatment
- Restorative practices and their role in preventing incarceration
- Reentry support for people coming out of jail. They need data on how many people recidivate soon after leaving jail
- Deeper incarceration reductions on an interim basis due to upcoming jail remodel projects. Possible anticipation of one cell block (approximately 40 beds) closed per time.
- Need to reduce trend of new felonies committed soon after release. Review release decisions.
- Update from Bruce Van Glubt on District Court

The committee discussed the upcoming plans for jail repair and the need to revisit the list of projects whiteboarded at past meetings to merge all these lists. (*See the attached Merged Project List.*)

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4. Identify the ideal data needs of the committee

The committee discussed ideal data needs.

Suggestions regarding specific **data points** to collect:

- Collect and distinguish between booking, court, and jail information/data
- How many people have concurrent warrants in multiple jurisdictions?
 - Does this person have active warrants from another jurisdiction?
 - If Yes, which jurisdictions?
- How many warrants are for someone who also has active warrants in another jurisdiction
 - Does this person listed in this warrant have active warrants in another jurisdiction?
Booked offense(s) (*felony*)
- Final charge(s) (from the Prosecutor) (*felony*)
- Booked citation charge(s) (*gross misdemeanor*)
- Bond amount by prosecutorial charge
- Does the defendant have a history with one of the special courts?
- Recidivism: how long after jail or court release until the person was booked on a new crime?

Suggestions regarding data **collection system**:

- The ability to collect, sort, and report data by person
- The ability to collect, sort, and report data by warrant
- The ability to collect, sort, and report data by booked offense and final charge (*felony*) and by booked citation charge (*gross misdemeanor*)
- The ability to run a report on the number of people booked (*probable cause*) under each booked offense
- The ability to run a report on the number of people charged (*prosecutorial*) under each final charge

Suggestions regarding **data interpretation and processes**:

- Consider a combined multi-jurisdictional court dates for people with concurrent warrants in more than one jurisdiction.
- Enhanced data sharing: The systems of all jurisdictions must communicate. Provide access for each jurisdiction to easily access data from other jurisdictions.
- Create baseline information and benchmarks that can be monitored to track success of programs and processes.
- Distinguish between the data points/categories and the algorithms of the report to produce correct interpretations of the data
- Create accurate and consistent definitions
- People entering data need to be adequately trained to enter consistent information correctly
- Algorithms must be accurate
- Take advantage of new technology for efficiency in data entering and reporting.

5. Update on developing a pretrial risk assessment tool and pretrial supervision unit

Garrett reported on the purpose statement, work group participants, meeting schedule and timeline, how factors are weighted, the importance of local validation, and having Dr. Van Wormer

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consult during the early stages. They are reluctant to spend hundreds of thousands of dollars on a pretrial risk assessment.

The committee discussed the State's pretrial task force and the advantages and disadvantages of the different types of assessment systems, including static vs. dynamic assessment tools and the importance of local validation.

6. Other Business

The committee discussed the vice-chair position for the committee and decided that they would elect a vice-chair for a meeting on an as-needed basis.

7. Next Steps: Ideas & Further Information

Next meeting topics include work plan and data identification, an update on the pretrial risk assessment workgroup, and discussion of the committee's annual report.

8. Public Comment

Irene Morgan spoke on how mentally ill repeat offenders are traumatized. They need mentoring and case management. She supports multi-jurisdictional court data sharing. Use interns to input data.

Andronetta Douglas spoke on resources and data inputting in the medical system and benefits of universally-accepted records and data.

9. Adjourn

The meeting adjourned at 1:29 p.m.

LEGAL AND JUSTICE SYSTEMS AD HOC SUBCOMMITTEE

Merged Project List

Items from Vera Report
Items from February 2018 committee meeting

Items from whiteboard brainstorming on May 2016
Miscellaneous items mentioned, from Clerk's Notes

COMPLETED

Social Workers in Public Defender's Office

- Support services for Public Defender's Office

Voluntary in-custody work crew
Modify the guidelines for jail alternatives
Other?

IN PROCESS (not prioritized)

1. Adopt and validate a data-driven pretrial risk assessment system (13 dots)
2. Establish Regional Pre-trial monitoring services program to serve all Whatcom County Courts (13 dots)
 - Pretrial Case Management: Phone Call Reminders
 - Pretrial Case Management: Social Workers
 - Electronic home monitoring: Pretrial
 - Implement policies and procedures that will reduce number of bench warrants issued for FTAs (4 dots)
3. Expand book and release practices, including from police stations (addition: expand concept to include pre-arrest diversion) (2 dots)
 - Explore LEAD Program
4. Increase opportunities for people to resolve outstanding warrants (2 dots)
 - Law enforcement warrant ?? (new guidelines for this)
5. Develop mechanisms to prevent jail admissions for violations of probation/parole (2 dots)
 - Review probation violations
6. Facilitate opportunities for individuals to pay off fines assoc. with moving violations (1 dot)
 - Review strategies for reducing fines/interest
7. (NEW) Use EHM to facilitate improvements in Whatcom County (1 dot)
8. Explore how EH and EHM can reduce bench warrants (1 dot)
9. Analyze warrant data to understand the scope of the problem to target responses appropriately (also include in data considerations) (0 dots)
10. Changes in statutes regarding domestic violence treatment (scheduled for April with confirmation from Karen Burke)
11. Further implementation of restorative practices and their role in preventing incarceration
 - Place current programs on the restorative justice spectrum. See Moonwater presentation.
12. Consider deeper incarceration reductions on an interim basis due to upcoming jail remodel projects

LEGAL AND JUSTICE SYSTEMS AD HOC SUBCOMMITTEE
Merged Project List

- 13. Need to reduce trend of new felonies committed soon after release. Review release decisions
- 14. Reentry support
 - Re-entry services
 - Connections to community services
 - Community resource sheet for defendants
 - Ease of entry for behavioral health services
- 15. Update on District Court from Bruce Van Glubt
- 16. Expand drug court

DISCUSSED, NO ACTION TAKEN

Better transportation for court clients
Good Time ratio
Better use of jail alternatives / Division Street Resources
Licensing Program
Electronic home monitoring: Post-trial
Electronic home monitoring: Use of private EHM providers
System changes (i.e. when people are evaluated for alternatives): In-custody mental health & chemical dependency evaluations
Courthouse jail alternatives screening kiosk

NOT DISCUSSED

On demand out of custody D & A (drug & alcohol) evaluations
Review bail standards and amounts
Review Spokane's SMHA Justice Programs
Portability court

- Portability Court and weekend telephone hearings: it's benefits and problems

More charge-specific diversion programs
Decriminalization of status offenses
Create a community court
Moonwater and Bruce Van Glubt to discuss creating/reinstating program: Anti-harassment mediation and past District Court Sentencing Alternatives Program
Can there be an effective drug court option that doesn't take 2 years? A tiered system?

- How to create incentives for people to choose long drug court program?

The Lummi Nation possibly would like to take prosecutorial jurisdiction over its members. (Check with Nick Lewis on this item.)
Update on options for how to make drop down more attractive to defendants.

LEGAL AND JUSTICE SYSTEMS AD HOC SUBCOMMITTEE

Data Suggestions for INDEX Committee

Note: Kathy Walker assisted in defining the terms discussed during the February 2018 Committee meeting regarding the differences between probable charge(s) in which an individual is booked into jail and the final charge(s) that the prosecutor imposes on a defendant. For the purpose of this conversation, we will call them booked offenses and final charges.

Suggestions regarding specific **data points** to collect:

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*From Kathy Walker: "this conversation needs to be understood that it only pertains to individuals arrested because probable cause existed to support arresting an individual for the commission of a **felony**. Individuals booked into jail for gross misdemeanors are booked by citation, which actually lists the "charged" offenses. This means what the jail lists as the offenses on which a misdemeanor offender is being booked are in fact the "charged" offenses (filed charges). The Prosecutor is the only person that can file charges against an individual. Since we have spent years educating jail staff that the offenses an officer indicates an individual can be booked into jail based on probable cause only means the jail has the authority to hold the individual until the prosecutor files charges. So, in order to maintain the distinction between the two it is probably best to title them as follows: 1) booked offenses and; 2) filed charges."*

DRAFT

Pretrial Processes Workgroup Notes
March 6, 2018

Present:

Bruce Van Glubt
Caryl Dunavan
Stephen Gockley
Jill Bernstein
Matt Elich
Deborra Garrett
Dave Reynolds
Alfred Heydrich
David Graham

Absent:

Angela Anderson

Actions taken:

1. The workgroup will invite Dr. Van Wormer to attend or video conference in at the meeting, with the goal of advising the workgroup on how to move forward on developing a pretrial services unit and on selecting a pretrial risk assessment tool:
 - a. April 3 to answer the list of questions put forward by the workgroup, and
 - b. April 10 to follow up to answer any remaining questions
2. The workgroup agreed to request from the Task Force Steering Committee a letter of agreement for the above service in an amount not to exceed \$5,000.

PRELIMINARY QUESTIONS FOR DR. VAN WORMER VISIT/VIDEOCONFERENCE:

How does Whatcom County select a risk assessment tool?

- What factors should Whatcom County consider when selecting a pretrial risk assessment tool?
- Talk about the process Yakima and Spokane when through in choosing a pretrial risk assessment.
- When will the Arnold Foundation algorithm be released to the public?
- How transparent can/should the scoring algorithm be?
- How do risk assessments work around concerns from the Public Defender that some risk assessment interview questions may be self-incriminating?
- Can the domestic violence LAP tool be incorporated into a local risk assessment?
- What are the next steps for Whatcom County in selecting a pretrial assessment tool?

Explain the pretrial risk assessment validation process

- How to validate the risk assessment initially, after implementation, and periodically throughout its lifetime?
- What are the costs of validation at every stage?
- What are the best practices for validation methodology?

- What are the next steps for Whatcom County in choosing a validation process and in choosing someone to perform the validation function?

How does Whatcom County develop a pretrial services/monitoring unit?

- Talk about the process Yakima and Spokane when through in developing a pretrial services unit.
- What are all the service/monitoring options for a pretrial services unit?
- What are the options for locating the pretrial services unit?
- What is your advice about creating a pretrial services department?
- How does one tie the risk assessment to the pretrial services unit?
- What are the next steps for Whatcom County in developing a pretrial services unit?

Miscellaneous other questions

- Are you willing/available to contract with Whatcom County for grant writing services?
- What are the ethical concerns of the Probation Department participating in pretrial risk assessment/monitoring, because they service in the judge's stead?
- Can you create for Whatcom County a path to follow (including very specific necessary steps) through the process of selecting and validating a risk assessment tool and developing a pretrial services unit?

INCARCERATION PREVENTION AND REDUCTION TASK FORCE
Steering Committee

March 8, 2018

MOTION on behalf of the Pretrial Processes Work Group

Approve entering into a letter of agreement with Dr. Jacqueline Van Wormer for professional services to advise the Pretrial Processes Work Group on formulating a plan for developing a pretrial services capacity for Superior Court judicial officers and for adopting a pretrial risk assessment instrument, with total reimbursement for these professional services to be less \$5,000.

INTENT OF MOTION:

After two meetings, the Pretrial Processes Work Group, headed by Judge Deborra Garrett, concluded that it needs expert assistance to evaluate the options available for selecting and implementing a pretrial risk assessment instrument and to devise an appropriate process for those tasks that moves as quickly as possible, guided by current best practices, toward judicial officers being able to make sound pretrial release decisions. The work group also concluded that it needs professional assistance to chart out, again in accord with accepted best practices, a plan for providing pretrial monitoring services for persons released pending trial. The groundwork for this two-part planning process will require having guidance from someone broadly knowledgeable about promising criminal justice reforms, and improved pretrial processes specifically. At present, Dr. Van Wormer's work is expected to involve 1-2 in-person and/or videoconference meetings with the Legal and Justice Systems Subcommittee's Pretrial Processes Work Group, and pursuit of assignments related to those meetings. Dr. Van Wormer is an experienced and respected criminal justice expert who has direct experience leading similar planning and implementation processes for Spokane County, has been involved in analogous Yakima County pretrial reforms, and provides support in these areas to the Washington State Courts Pretrial Reform Task Force.

COST:

This contract's maximum cost would be less than \$5,000. The task force's policies authorize the steering committee to approve expenditures of this amount. The Pretrial Processes Work Group recognizes the possibility that it may propose a next-stage scope of work involving Dr. Van Wormer, but any such proposal will require separate approval on its own merits, either by the steering committee or by the whole task force.