

# Stakeholder Advisory Committee (SAC) for the Justice Project

## SAC GROUP DISCUSSION #2: LEGAL AND JUSTICE SYSTEM

Thursday, April 4, 2022

1:00 – 2:00 pm

### Meeting Summary

---

**SAC Members in Attendance:** Arlene Feld, Barry Buchanan, Bill Elfo, Brel Froebe, Daniel Hammill, Darlene Peterson, David Goldman, Deborah Hawley, Erika Lautenbach, Flo Simon, Harriett Markell, Heather Flaherty, Jack Hovenier, Kendra Cook, Michael Lilliquist, Perry Mowery, Peter Frazier, RB Tewksbury, Satpal Sidhu, Scott Korthuis, Stephen Gockley

**Presenters:** Raylene King, Arlene Feld

**Absent SAC Members:** Anthony Hillaire, Atul Deshmane, Brooke Eolande, Chad Butenschoen, Cliff Langley, Daron Smith, Eli Wainman, Jeff Monks, Jon Mutchler, Kara Mitchell, Katrice Rodriguez/Rick George, Kristin Hanna, Mary Lou Steward, Patrick Brodie Allen, Seth Fleetwood/Brian Heinrich

---

*To view a video recording, click on the link in the section heading.*

**Welcome,** Barry Buchanan, Whatcom County Councilmember, SAC Chair

**[Presentation on the Legal and Justice System](#)** - Raylene King, Arlene Feld (Co-Chairs of the Legal and Justice System Subcommittee of the Incarceration Prevention and Reduction Task Force (IPRTF))

- **[Domestic Violence \(DV\) and Treatment Services:](#)**
  - Treatment providers have retired and there is a shortage of providers certified by the state. There is a need for funding and treatment providers for DV offenders
  - Mental health treatment is covered by insurance and DV treatment is not.
  - There is a domestic MRT (moral reconnection treatment) program that individuals can do. The MRT program is not state certified but helps for those that can't afford the certified program.
  - City of Bellingham and Whatcom County were provided funding for DV treatment for indigent.
  - City of Bellingham GPS bracelets can put a zone on a person. If they cannot go within 1,000 feet of a victim, when they are within 1,200 feet of a victim, for example, an alarm will go off. The closer they get, the louder the alarm will get. It's a great tool for people who don't need to be incarcerated, but need to stay away from the victim.
  - There is a shortage of treatment for offenders, and challenges include staff skills and certification through State of Washington. Recently lost a local treatment provider, and finding providers for offenders is a challenge. DV treatment can be mandated by district or city courts.
    - Medicaid reimbursement is very difficult for providers.
    - Insurance does not cover DV treatment

- Treatment for domestic violence offenders is not mandated like chemical dependency treatment, and right now there are only two providers that can treat DV offenders.
- DV treatment is mandated with certain sentences. A smaller subgroup of people need DV treatment (as opposed to more that need mental health or substance use disorder treatment)
- SAC Members should review the Sequential Intercept Model (SIM) and look at the three levels, including programs going well, programs that need more, and programs we don't have at all.
  - SIM does not include funding information for listed programs. Funding information would be helpful.
  - Ultimately the SIM will be on the county website with links to all the programs online with details on capacities and funding.
- **Pre-Trial Processes**
  - Municipal court and district court have pre-trial services for misdemeanors, but no pre-trial services through Superior Court for felonies.
  - Text reminders for court dates helps reduce warrants.
  - Pre-trial risk assessment tool created by Arnold Foundation and piloted in Spokane and Yakima
  - Pre-Trial Processes workgroup is a side effort supervised by Superior Court and supported through the IPRTF for the purpose of creating a pre-trial risk assessment
    - Vera Institute shows 60% of inmates are awaiting trial dates while in jail
    - A pretrial risk assessment called a Public Safety Assessment or PSA is being created to determine the likelihood of a person to return to their case if not incarcerated. Pretrial risk assessments can reduce incarceration.
    - Criminal history and previous failures to appear in court inform the assessment.
  - COVID pandemic has delayed trial dates and the use of pre-trial assessments, but it is going to be used soon by Superior Court
  - Post implementation studies show the risk assessment tool does not worsen racial inequities. Dr. Peterson will post-validate Whatcom's pre-trial risk assessment tool after it's in place and data are available.
  - Sometimes under pre-trial there can be mandated treatment depending on the circumstances of the case.
- **Jail Alternatives**
  - Friendship Diversion Services used by Bellingham, Blaine, Everson, Sumas and Lynden. They provide GPS and SCRAM monitoring for pre-trial and post-conviction defendants.
  - SCRAM is a transdermal alcohol testing device – tests alcohol use through the user's perspiration.
    - Statics show people being monitored by SCRAM had 99.4 sober days.
    - Monitors alcohol and drug use
    - Detoxing at home can be hard
    - Many DUIs reoffend.
    - Going into probation and doing urinalysis is not always practical depending on factors like location, and a SCRAM bracelet works better.
  - Law Enforcement Assisted Diversion Program (LEAD) is for people who have substance or mental health problems, and low-level crimes that can be diverted from jail.
  - Jail restrictions (COVID, Facility issues) are preventing people being housed in the jail
  - People aren't coming to court because there are no repercussions.

- Warrants are going up. People are not showing up for court.
  - Because of COVID, there are restrictions on who can be at the work center.
  - COVID has also impacted people going to Western State Hospital for competency evaluations or treatment for competency restoration.
  - People in jail are mostly in custody for felonies, not misdemeanors.
- **Re-Entry and Navigation**
    - COVID disrupted much of what was available for a long period of time.
    - The re-entry essentials start with the need for jobs. Goodwill was in charge of a re-entry program prior to COVID. There are companies willing to hire people who have been incarcerated, and they were providing training.
    - Education is the next most important offering. Almost 50% of those incarcerated are illiterate. Many people in jail wanted to get their GEDs and there are services for that, but there's a waiting list.
    - Ongoing emotional stability is important. Ongoing counseling has not been available in the jails because there is no space in the jail for counselors to work with people. There is a need for space and for staff. There are two counselors that do the work of 5 people. Staffing needs to be doubled and tripled. Mentally ill are isolated because they can't share rooms with others.
    - Sobriety services need to be offered, but there is no space in the jail to provide it. Many people in jail have co-occurring disorders: addiction and mental illness. Some are getting methadone or suboxone.
    - Medical services are needed.
    - Housing is not available to some people when they leave the jail – they are homeless. Many cannot be accepted at Basecamp because of their offences. If we want people to stay healthy and sober, they need a place to live. The state is sending more funding for housing, but it isn't sufficient.
    - Jail navigators are needed because this is a population of people that fall through the cracks and need extra special support to keep them from cycling into the jail repeatedly.
    - Jail conditions are horrendous, and the jail itself is an essential change in this process. Space is needed in a jail facility for all these programs.

**Wrap Up:**

- Additional comments and questions can be emailed to [sac@co.whatcom.wa.us](mailto:sac@co.whatcom.wa.us).