



# MEMORANDUM

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Date: May 29, 2014

To: Parks & Community Services Board

From: Greg Bockh, Bellevue Probation Manager  
Parks & Community Services

Subject: Probation and Electronic Home Detention Programs  
*(No Board action requested)*

At your meeting on June 10, 2014, I will present an overview of the Bellevue Probation and Electronic Home Detention programs. This will include a short powerpoint to describe who we are, what we do and why we do it. The presentation is informational, and your questions and feedback are welcome.

I have also included in the packet a copy of the Adult Misdemeanant Probation chapter from the Human Services Needs Update 2013-2014. This chapter provides additional information and background on probation.



# Bellevue Adult Misdemeanant Probation

## Introduction

The Adult offender population impacts all levels of government and communities in multiple ways. It is a group that can attract attention on a case by case basis associated with some tragic event but quickly disappears after the story runs its course. There is no organized advocacy working to sustain the public's attention on the needs of this unique population. The term "offender" can have a strong negative connotation and a stigma of its own that has an effect on many levels. Yet, how each individual became a criminal justice statistic, and further marginalized, often originated in a chaotic or violent family environment, chronic homelessness, unemployment, poor education, substance abuse, mental health issues, physical disabilities, cultural isolation or many of these combined. Identifying this diverse group as a special population with specific needs is a first step in formulating a collaborative plan along the entire human services continuum to collectively work toward the shared goal of reducing recidivism.

Defendants who are guilty of misdemeanor offenses committed in Bellevue are supervised by Bellevue Probation. Probation staff monitors offender compliance with the conditions imposed by the court's sentencing order, and provide targeted assessment and intervention strategies to assist them in doing so. Probationers are offered the opportunity to remain in the community while addressing their needs and paying back the community in any number of ways. Offenses typical to misdemeanor probation include:

- Driving Under the Influence
- Domestic Violence Assault, Stalking, Violation of Protection Orders
- Theft
- Possession of Stolen Property
- Possession of Controlled Substances and Paraphernalia
- Minor in Possession of Alcohol
- Driving While License Suspended
- Various felonies amended to misdemeanors

Through collaboration with various community, social and human service agencies and partners who provide treatment and counseling services, probation strives to provide appropriate interventions to enhance offenders' competencies and reduce future re-offending. Referrals may include any of the following:

- Appropriate evaluations
- Substance abuse treatment
- Domestic violence treatment
- Mental health services
- Counseling
- Anger management
- Cognitive restructuring programs
- Educational/vocational opportunities
- Parenting programs
- Re-licensing assistance
- Job searches

## How Did They Get Here

There are four levels of court in Washington State: 1) the Supreme Court, 2) Court of Appeals, 3) Superior Court, and 4) Courts of Limited Jurisdiction which includes District and Municipal Courts. Felony criminal cases (rape, arson, murder) are filed in Superior Court and are punishable by more than a year's confinement in a state prison. Lesser crimes, filed in District & Municipal Courts, are called misdemeanors and gross misdemeanors (DUI, Assault IV including Domestic Violence, Theft) and are punishable by as much as 365 days confinement in a city or county jail.

The individual convicted in Bellevue District Court is now a misdemeanant or offender. He or she may have had prior convictions in the same or other courts, may also be a felon, may have a criminal history several pages long or may be a first time offender. This individual may also be employed, financially secure, have a close family unit and many community supports. They could be a neighbor, your mechanic, your parent, or your child. More commonly, this individual may alternately be unemployed, disabled, lack either a valid driver's license or a means of transportation, addicted to drugs

or alcohol, mentally ill, homeless and/or struggling with cultural barriers while trying to support themselves and a family and, now, abide by the court's order.

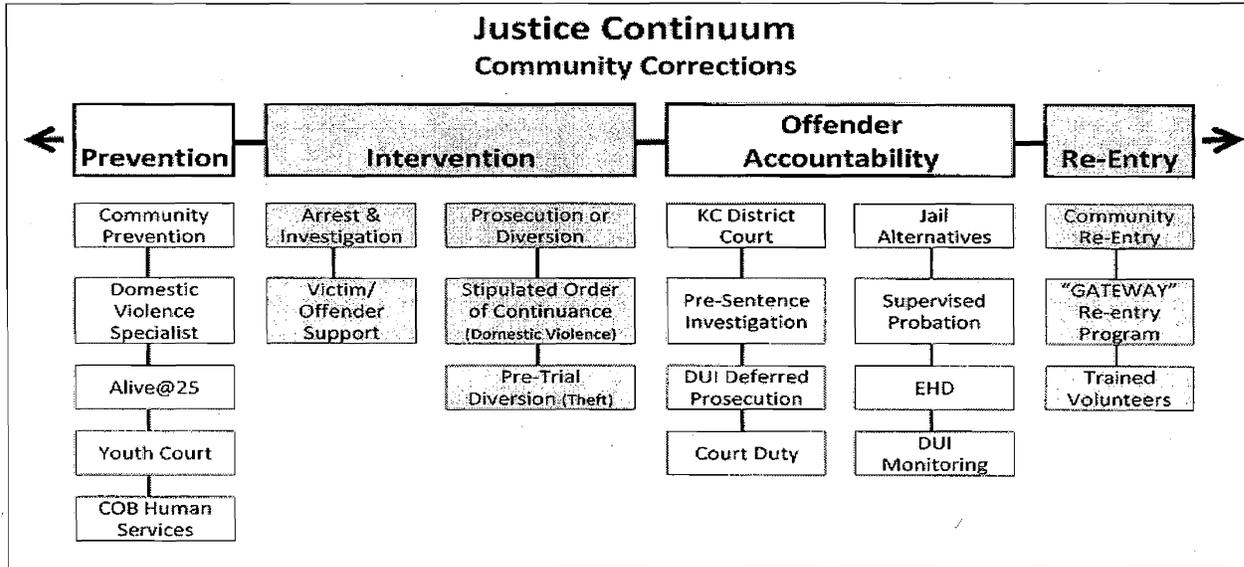
### Structure of the Bellevue Adult Misdemeanant Probation Program

Bellevue Probation is one part of the larger, regional criminal justice system that deals with adult misdemeanor offenders.

represents the ideal place along the continuum where real, meaningful interventions can occur to effectively change the lives of these individuals, to interrupt the cycle of continued criminal behavior and make the most use of increasingly limited funds.

### Prevalence

All Bellevue misdemeanor offenders are sentenced in Bellevue District Court for crimes committed in Bellevue. Bellevue provides



The larger system, as shown in the chart above, includes Bellevue Police, Bellevue Prosecutor, Bellevue Probation, King County District Court, and King County jail and/or regional jail providers. Bellevue Probation routinely interacts and coordinates directly with each part of the Justice System in addition to the Human Services network that provides intervention, prevention and victim services. Probation

adult misdemeanor probation services for approximately 1,000 individuals per year with an average daily population of approximately 500 supervision cases and 300 administrative cases. Bellevue cases by charge type include driving under the influence (60%), domestic violence (14%), theft, (13%), assaults/disorderly behavior (5%) and drug offenses (2%).

"Without the benefit of education, prevention, and treatment...recidivism rates for those inmates released into the community can be as high as 40% . . . incarcerating an individual because they committed a serious felony crime is not debated here. Incarcerating a lower level or misdemeanor offender simply because they committed a crime is misguided when community corrections can provide sound public safety and sound fiscal decisions. When officials consider balancing public safety with public spending, community corrections is a public safety asset that is worth the investment . . . adult probation and parole supervision and programming is one of the promising methods of controlling crime. Further, when designed with evidence-based practices, adult and juvenile probation . . . can prevent crime, increase offender accountability and competencies and repair harm to both victims and neighborhoods."  
 - An Elected Officials Guide to Community Corrections Options (Layton, McFarland Kincaid, 2nd edition, pg. 12)

Of the current Bellevue Probation case load (2013):

- 403 or 52% have chemical dependency issues
- 172 or 22% are unlicensed or lack adequate transportation
- 136 or 18% are unemployed
- 119 or 15% have mental health issues
- 99 or 13% have cultural barriers
- 91 or 12% are on public assistance
- 46 or 6% are homeless
- 36 or 5% have a physical disability (per DSHS)
- 9 or 1% are veterans

The Bellevue District Court had 2205 misdemeanors in 2012, 28.31% of the total (7,788) for all Eastside jurisdictions. The number of offenders alone represents a considerable expense to the City and it's citizens in criminal justice costs but the combined ripple effects are considerably higher. Not all misdemeanants are placed on probation, but they all create victims. There are many more Bellevue residents impacted each year as a direct consequence of the crime (health, financial), as a family member of the offender (reduced income, added expenses, disruption of family unit), as a consumer (increased health care, insurance and goods costs) or member of the community (loss of productivity). The emotional costs are even greater to both the victims of crime, their families and to the public at large with a reduced sense of safety and security.

What other single population has an equal cost, total combined impact, potential for re-occurrence and yet lack of targeted resources to reduce future expenses?

### **What Sets Them Apart**

Some of the issues that the Bellevue adult probation misdemeanor offender experience in early life are contributing factors in his/her interaction with the criminal justice system. For example, childhood abuse, neglect, and exposure to other traumatic stressors called adverse childhood experiences (ACE) have been identified through extensive research to have significant short- and long-term outcomes on adults. These childhood exposures are related

to a multitude of health and social problems, including alcohol and substance abuse, intimate partner violence, depression and suicide attempts.<sup>1</sup>

Mental health issues are increasingly common in the offender population. A recent Seattle Times article noted that in 1955, before deinstitutionalization, there was one psychiatric bed for every 300 U.S. residents. Today that ratio is 1 in 3,000. Mental health services are underfunded at every level resulting in the Department of Corrections now maintaining the largest psychiatric facility in Snohomish County and the second largest in the state (Monroe Correctional Complex). The most severely affected (schizophrenia, psychosis) meet the narrow criteria for limited community resources while those who have less severe debilitating disorders (PTSD, personality disorders) more often do not and continue to use the coping mechanisms they have developed until coming to the attention of the court. This same population are those most likely to be frequent utilizers of local jails with numerous re-arrests.

Estimates of the number of jail inmates with alcohol/drug issues vary but are consistently high. The US Department of Justice estimates as much as 85%, while a King County Community Crisis Alternatives study placed the number at 80% for those housed in city jails throughout King County. Given these numbers rely, in part, on accurate self-reporting, to some degree, they are still conservative. This population is particularly diverse as it includes those who have continued to use alcohol or illegal drugs for years, those who may have only just become aware their use is creating other problems and those who may have turned to substance abuse to cope with other underlying, co-occurring, mental health issues. Chemical dependency treatment is available in the community but is expensive. Offenders are often unable to meet eligibility requirements for public assistance and/or are simply unable to absorb the added expense.

Many of the services that are needed by the offender population are similar to those needed within the general population. There is much

more at stake, however, when a court order mandates compliance within a specific time frame or risk going to jail. The added anxiety and uncertainty may well aggravate the underlying issues that brought them to the court in the first place. Paradoxically, the criminal behavior can also provide an opportunity for a comprehensive assessment and effective intervention. Access to those needed services, however, has not been designated as a priority for this at-risk population. A court mandate does not move you to the head of the line for existing, limited resources or direct you to a dedicated resource. There aren't any. Criminal offenders may even find their offense renders them ineligible for the services they need.

"A lot of times, it's the cost of services that creates barriers for clients."

*Bellevue Probation Staff*

## What's Working

### National:

- "Hawaii's Opportunity Probation with Enforcement" (HOPE) is a model "swift and certain" approach that has benefitted other jurisdictions as well. Hallmarks of the program are a return to court within 72 hours for even the smallest violations (positive UAs, missed appointments) and a guaranteed sanction – typically a few days in jail for each initial violation, escalating with any subsequent violations. The logistics to operate HOPE required the collaboration of the public defenders and prosecutors, to recommend/agree to the HOPE alternative; the Judge to impose sentence, address violations and issue bench warrants; court staff to schedule violators for immediate reviews; police to locate offenders and arrest on warrants; and vigilant probation staff; to monitor full compliance, collect UA samples, and write reports on short notice. Community involvement was also a component in setting up the treatment alternatives and intake processes. Collectively, the unified approach of the HOPE program staff maximizes the efficiencies of all departments, reduces costs and provides the desired reduction in recidivism and jail costs.<sup>2</sup>

Following a one year pilot program, completed in 2012, Senate Bill 6204 was enacted in Washington State to convert the Department of Corrections to this promising approach.

### State of Washington:

- While emerging research continues to show incarceration alone does not reduce crime<sup>3</sup>, there are programs that are working. In April, 2012, the Washington State Institute for Public Policy (WSIPP) completed a study<sup>4</sup> on "Return on Investment: Evidence-Based Options to Improve Statewide Outcomes". In that study, supervision with Risk, Need and Responsivity (RNR) Principles showed \$18,386 in crime victim savings, \$5,817 in tax payer savings or a combined net benefit of 20,660 per offender. This same study also showed cognitive-behavioral therapies provided a 6.9% reduction or a combined net benefit of \$9,283 and Intensive probation supervision coupled with treatment related programs showed a net benefit of \$7,295 per offender.
- In July 2011, the Department of Social and Health Services (DSHS) studied "Re-Entry of Criminal Offenders Following Release from Prison". It found that offenders who found permanent housing on release had a 19% reduction in subsequent arrests and higher rates of employment.<sup>5</sup> In December 2012, WSIPP completed a study of Chemical Dependency Treatment for Offenders and found that either inpatient or intensive outpatient treatment, delivered in the community, provided a net financial benefit of \$2,489 per offender. Outpatient treatment resulted in net savings of \$5,154 per offender, due to lower costs.<sup>6</sup>

### Bellevue Probation:

Bellevue probation adheres to a best-practices mandate to assist individuals in meeting the conditions set by the court. The larger goal is also to identify personal barriers and provide resources and referrals to change attitudes and behaviors and improve the quality of life which in turn reduces recidivism and the high costs associated with criminal prosecution and incarceration. The perceptions that provid-

ing assistance to offenders is being “soft” on crime or that all offenders need to be locked away are not only misguided but financially unsustainable. Those beliefs also perpetuate a myopic view of criminal offenders that again underscores the needs this population has for recognition as a marginalized group who, with a little help, can become productive neighbors and friends. The following are examples of Bellevue Probation’s intervention strategies:

- Using an empirically validated assessment tool, Bellevue Probation conducts intake interviews with all court referrals and, using RNR principles, assigns a risk level (1, 2 or 3) and either refers for additional services or enrolls in one or more of the probation programs.
- Gateway Program can be short or long-term and occurs concurrently with probation supervision. Overseen by the Volunteer Coordinator, Gateway volunteers assess those referred for specific needs and walks the individual through the process to access those services.
- License Support Program helps an individual who has lost their driving privilege regain that right and avoid the continuation of Driving While License Suspended (DWLS) charges.
- Thinking for a Change is a cognitive behavioral program that has been shown to reduce recidivism by teaching social, problem solving and cognitive self-change skills.
- Alive at 25 and Defensive Driving courses are offered for both young drivers and adults of all ages to improve their driving skills, comply with court conditions and/or reduce insurance premiums.
- Co-location of a Sound Mental Health forensic staff in the probation department is in process to aid those with mental health needs easier access for those services. While this will expedite the referral process, there are no funds to provide treatment.
- Stipulated Orders of Continuance Program (SOC) allows prosecutors to divert first time offenders directly to probation and compliance with a set of conditions can result in a dismissed charge.
- The Electronic Home Detention (EHD) program provides cost-effective alternatives to jail, allowing offenders to either serve a

sentence or for pre-trial supervision. Bellevue EHD has an average daily population of approximately 20 individuals.

- Bellevue Work Crew is a pilot program and another jail alternative. The court may refer those with shorter jail sentences or those performing community service in lieu of fines/fees to a supervised crew doing manual labor at selected sites within the Bellevue City limits.
- Probation is served by an Advisory Board made up of representatives from education, the clergy, mental health/substance abuse, a Bellevue Councilmember, police, District Court Judge, Prosecuting and defense attorneys, citizens, a Parks representative and the probation manager. This board provides a forum for the regular exchange of information between probation and the Bellevue Community.

Many of these programs are made available to Bellevue offenders not court ordered to report to probation and most are offered at reduced or no fee. Collectively, they are evidence based, best practices that have proven to be sound fiscal policy as well by reducing recidivism, saving additional incarceration expenses and helping individuals to become more productive members of their community.

“Victim services are lacking, e.g., services for Domestic Violence victims.”  
**Bellevue Probation Staff**

Despite these efforts there are still gaps that leave many with difficult choices. They may have already made several of these; pay for food or medicine, risk driving without a license or get fired, remain in a violent or drug-using home or become homeless. Many have simply adapted to living with the consequences of poor choices and, due to their underlying issues and problems, lack the insight to see how they are related.

### Implications for Action

While Bellevue Probation has incorporated many best practices into its program, resources are limited and access for these and other Hu-

man Services is an ongoing issue. Regularly, offenders have a demonstrated need for one or more services (for example, substance abuse treatment, housing, transportation) but find they have just enough income to be ineligible for public funding yet unable to pay for these services and still meet their family's basic needs. Increased access to subsidized health and human services are key to preventing recidivism and increasing the offenders' chance of successful re-entry into society. Additionally, with the growing ethnic diversity in Bellevue, it is not unexpected that the offender population is also becoming more diverse. Staff report that about 10% of their clients are English Language Learners and the need for interpreters is increasing.

Funding for entry level programs is lacking for domestic violence, mental health and chemical dependency treatments.

### **Collective Impact:**

Implementing a collective impact approach to services is a key element and vision to support and treat adult misdemeanor offenders. The City of Bellevue supports many organizations providing human services for those in need. Mental health, chemical dependency, advocacy groups, shelters and youth at risk all receive funding but there are none targeted for the criminal offender. Many individuals remain "compliant" with their mental health treatment plans and abstinent in the use of alcohol or other drugs while continuing to commit crimes. Melding both the probation focus on criminogenic needs and criminal thinking patterns with the service providers' focus on substance or mental health issues is the kind of collaborative programming that could be developed.

The HOPE program described in the What's Working section is an example of a community's shared vision and accountability to support attainment of desired outcomes. Bel-

"Collective impact is defined as the "commitment of a group of important actors from different sectors to a common agenda for solving a specific social problem."

*Kania and Kramer 2011, 36*

levue Probation meets regularly with criminal justice partners, service providers, the Probation Advisory Board and others on issues to address and progress made, it does not always result in a common agenda. Bellevue has made a commitment to provide a probation department capable of utilizing best practices to effect a meaningful reduction in recidivism but elevating the needs of this special population is required to develop additional, effective and collaborative interventions.

### **Endnotes**

1. Center for Disease Control. (2013) Adverse Childhood Experience Study. Retrieved from: <http://www.cdc.gov/ace/findings.htm>
2. A. Hawken, M. Kleiman, (2009). Managing Drug Involved Probationers with Swift and Certain Sanctions: Evaluating Hawaii's HOPE. U.S. Dept. of Justice, Award #2007-IJ-CX-0033.
3. E.K. Drake & S. Aos (2012). Confinement for Technical Violations of Community Supervision: Is There an Effect on Felony Recidivism? (Document No. 12-07-1201). Olympia: Washington State Institute for Public Policy
4. Lee, S., Aos S., Drake, E., Pennucci, A., Miller, M., & Anderson, L. (2012). Return on investment: Evidence-based options to improve statewide outcomes, April 2012 (Document No. 12-04-1201). Olympia: Washington State Institute for Public Policy.
5. Shah, M.F., Black, C., & Felver, B. (2013). Achieving Successful Community Re-Entry upon Release from Prison (Document No. 11.193). Olympia: Washington State Department of Social and Health Services.
6. Drake, E. (2012) Chemical Dependency Treatment for Offenders: A Review of the Evidence and Benefit-Cost Findings (Document No. 12-12-1201). Olympia: Washington State Institute for Public Policy.