

# 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.

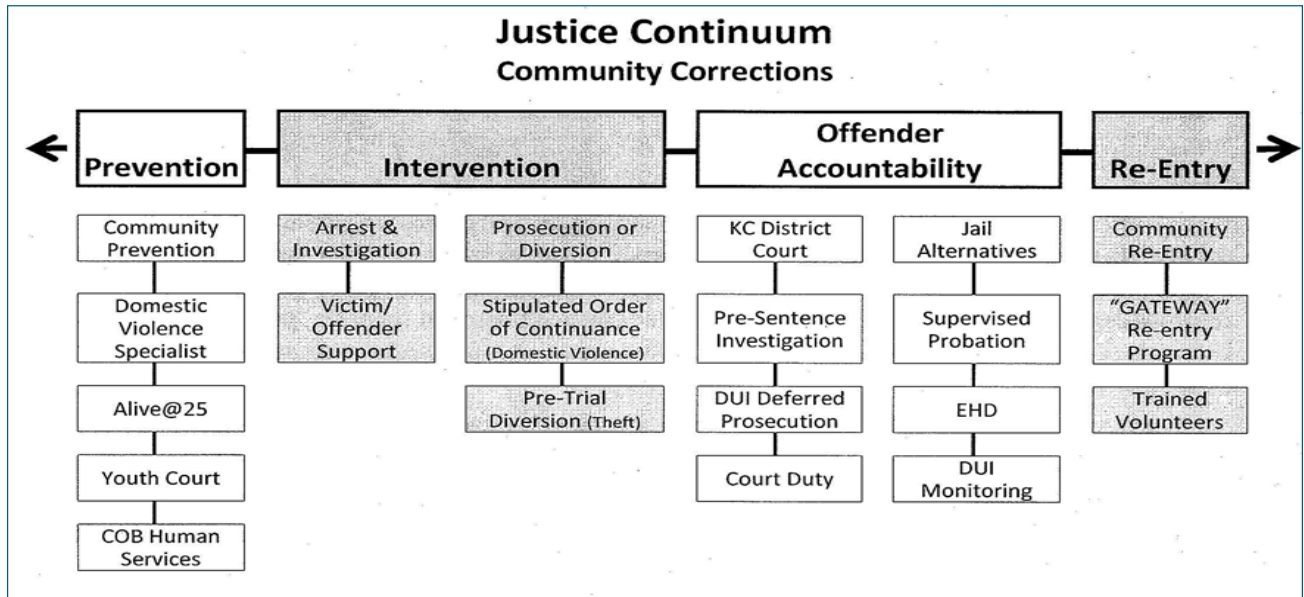
## Structure of the Bellevue Adult Misdemeanor Probation Program

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

prevention and victim services. Probation 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



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,

committed in Bellevue. Bellevue provides 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 (40%), domestic violence (29%), theft (16%), assaults/disorderly behavior

"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)**

(10%), Negligent Driving, Driving without Insurance and Violation of Ignition Interlock 4%.

Legislative changes in Washington state can impact the number and type of cases through time such as de-criminalization of possessing marijuana. Drug related cases collectively are numbered at 65% across all offense types. Obvious are the DUI offenders however less visible in statistics are offenders supporting their drug use by theft behavior, as well as substance use as offense factors in domestic violence cases.

Of the current Bellevue Probation case load (2015):

- 352 or 65% have chemical dependency issues
- 93 or 17% are unlicensed or lack adequate transportation
- 105 or 19% are unemployed
- 73 or 13% have mental health issues
- 14 or 3% have cultural barriers
- 72 or 13% are on public assistance
- 21 or 4% are homeless
- 12 or 2% have a physical disability (per DSHS)
- 3 or 1% are veterans

The Bellevue District Court had 1524 misdemeanors in 2015, 18% of the total 8480 for all Eastside jurisdictions. The number of offenders alone represents a considerable expense to the City and its 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 expense? Targeting resources to positively impact this population provides opportunity to impact whole families in the community, and the community (itself) or as a whole.

## 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 of October 2013 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 is 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 num-

bers 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.

## **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 State-wide 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 com-



munity, 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 providing 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 in the community.
- 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 while aiding in reduction of court time and costs.
- 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 including how alcohol and drugs affect driving behaviors, and identifying hazards in distracted driving. The program assists the participant to comply with court conditions and/or reduce insurance premiums.
- The Stipulated Order of Continuance Program (SOC) was created as a way to intervene on a domestic violence in the community, while focusing on prevention of future violence through education and counseling. The SOC allows prosecutors to divert first time offenders directly to probation and compliance with a set of conditions that 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 by electronically monitoring the offender’s location and in many cases abstinence from alcohol. Bellevue EHD has an average daily population of approximately 20 individuals. The community benefits from saving the costs of incarceration and holding the offender accountable by remaining in their home and continuing work to support their families, continuing treatment and continuing their education programs.
- Bellevue Work Crew is another jail alternative. The court may refer those with shorter jail sentences or those performing community services in lieu of fines/fees to a supervised crew doing manual labor at selected sites within the Bellevue City limits. Completed projects benefit the community and provide positive “pride of ownership” experiences for offenders who contribute their efforts.
- 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.

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 human 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. Bellevue 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.

Two publications support the benefit of using a collective impact approach:

- 1.) April 16, 2010- A Framework for Evidence Based Decision Making in Local Criminal Justice Systems  
"Crime harms the entire community. Everyone is a victim of a crime. And while some suffer more than others, everyone benefits-directly and indirectly-from crime prevention and reduction efforts. "Risk reduction results from the successful application of principles and techniques that have been demonstrated to reduce the likelihood, frequency, or severity of re-offense by known offenders. A growing body of evidence provides justice system professionals with the information and tools to estimate the level of risk an individual poses and provides principles for intervention to reduce the likelihood, severity, and/or frequency of future risk. This approach

does not devalue offender accountability. In fact, it produces tangible and meaningful outcomes-reduced risk to reoffend. A risk reduction philosophy therefore posits the offender as the focus.” “Although the impact of crime is generally thought of in terms of the offender and the victim, crime affects the health and welfare of the community in a much broader way. A harm reduction philosophy posits the community as the focus and acknowledges these broad impacts. “

- 2.) March 2015- THRIVES by Center for Disease Control- Global Technical Package to Prevent Violence Against Children.  
 “The public health consequences of violence are pervasive, enduring, and costly. Though violence against children is often hidden, its consequences eventually surface (Anda 2010). Strong evidence confirms that childhood violence increases the risks of injury, HIV, mental health problems, delayed cognitive development, reproductive health problems, involvement in sex trafficking, and non-communicable diseases (NCD’s). NCD’s can cause damage to the nervous, endocrine, circulatory, musculoskeletal, reproductive, respiratory, and immune systems. In fact, exposure to childhood violence leads to graded increases in the four NCD’s—cardiovascular disease, cancer, chronic lung disease, and diabetes—that accounted for 60% of the 53 million deaths globally in 2010 (Anderson 2008, Baral 2012, Benjet 2010, Devries 2011, Dietz 1999, Dube 2001, Fisher 2012.....) Given the high prevalence of violence against children and its vast consequences, the associated economic impact is substantial (Patel 2012). In the United states , for example, the total lifetime economic burden associated with child maltreatment—only one type of violence against children—was \$124 billion in 2008 (Fang 2012).

“Violence is preventable; Much progress has been made in understanding how to prevent violence (Liverpool Johns Moores University 2013, Rosenberg 2006, WHO 2014, UNICEF 2014). It has become clear

that various forms of violence are inter-related, as they share many risk and protective factors, consequences, and effective approaches to prevention. Safe, stable, and nurturing relationships and environments are essential to reduce the various types of violence and to enable children to reach their full potential (Fluke 2012). By promoting relationships and environments that help children grow up to be healthy and productive citizens, they in turn can build stronger and safer families and communities for their children (CDC 2014). There is strong reason to believe the rapidly expanding evidence on violence prevention combined with and increasing capacity countries have to implement and scale up effective prevention programs and practices can reduce violence toward children across the world (CARE 2012). Violence can be prevented if governments, their citizens and the global community start now, act wisely, and work together (Leadership Council of the Sustainable Development Solutions Network 2013, Mercy 2015, WHO 2008). “

#### What is THRIVES?

THRIVES represents a select group of complementary strategies that reflect the best available evidence to help countries sharpen their focus on priorities with the greatest potential to reduce violence against children. These strategies include:

- T – Training in parenting
- H – Household economic strengthening
- R – Reduced violence through legal protection
- I – Improved Services
- V – Values and norms that protect children
- E – Education and life skills
- S – Surveillance and evaluation

Is there any better place to start? Reduced violence in the home not only protects the most vulnerable victims but also increases the likelihood these children won’t become adult offenders themselves.

## 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.

March 2015- THRIVES by Center for Disease Control- Global Technical Package to Prevent Violence Against Children.

April 16, 2010- A Framework for Evidence Based Decision Making in Local Criminal Justice Systems

Seattle Times Article October 2013- Mental health in Prisons: "It's a crime"