Misdemeanant Probation Association

Board Meeting

Chelan, WA

April 23, 2023

Present: Jen Crossen, President; Lindsey Buntin, Vice President; Melissa Patrick, Past President/WTSC; Mindy Breiner, Treasurer/CJTC; Camille Jackson, Secretary; Paul Stayback, Education and Training Co-Chair; Donna Struthers, Membership; Jo Anna Moore, Nominations; Tara Faust, Legislative; Kristine Nisco, Technology; Omar Nunez, Audio/Visual; Regina Alexander, DMCJA; Stacie Scarpaci, DMCMA; Jenn Burnam AOC CLJ-CMS, Courtney Cook MPA Member; Daniel Lake MPA member.

Jen Crossen called the meeting to order at 5:05pm

Declaration of a Quorum

Motion to approve the meeting minutes by Mindy Breiner, 2nd by Melissa Patrick, with no discussion minutes are approved.

**Board Reports:**

**President Report:** Jen Crossen informed the board of a change in WSTC liaison from our association. Stacie Scarpaci will be filling that position.

Jen talked about the conference locations for 2024, Bellingham or Leavenworth, it will come down to price, Mindy went over the costs of the different locations. Board discussed the costs and benefits of each location.

**Vice President Report**: Lindsey Buntin said she has been helping with the conference since the second Education and Training Co-Chair position was vacated. She thanked Paul Stayback for his hard work in putting on this conference and said she hoped to have good feedback following the conference. Lindsey told the board she went to Los Angeles for the APPA conference. She enjoyed the conference and said it is well worth sending our Vice President to this conference.

She also is participating for the alternatives to jail taskforce. They are just starting and sending out surveys. She asked the board to watch for the survey an asked members to participate.

**Past President Report**: Melissa Patrick said she is transitioning to Court Administrator. She has enjoyed working with the MPA board, but she is looking forward to this change.

**Treasurer Report:** Mindy Breiner went over the treasurer’s report and pointed out the highlights of the report. There is extra money left over from the awards. She will bring a proposed budget for the next year to the next board meeting. She suggested editing the scholarship money for the conference for next year. The board discussed the possibility of making it an even number for the cost of the conference. The board needs to look at the costs of the conference and the membership costs. Board discussed the CDs we have money in and if we want to discuss a better investment of that money. See Report:



Motion to approve Treasurer’s Report was made by Paul Stayback, second by Lindsey Buntin, with no discussion the report is approved.

**Secretary Report:** Camille Jackson stated there have been two motions that have been voted on since the last board meeting:

* March 8, 2023, Motion was made by Kristine Nisco to purchase Microsoft 365 for board members. Seconded by Donna Struthers. Motion passed via email.
* March 30, 2023, Motion was made by Mindy Breiner to use MPA training funds previously budgeted for $1,000 plus the training funds not used in 2022 ($1,000) towards ORAS training. Seconded by Melissa Patrick. Motion passed via email.

**Education and Training Report:** Paul Stayback went over some of the conference information. He has spoken with the vendors, they are ready to go. The vendors will start getting set up at 7:00am. He spoke about next year’s venue and encouraged board discussion. He stated he will be emceeing the conference. Each person will have lanyard. There are flags for new members, board members, etc. He asked for any volunteers to help in the morning.

**Membership Report:** Donna Struthers said the membership has 266 people right now. We have new agencies sending their people to our association, so outreach has been successful. Mindy talked about how Trish really advocated for MPA with the DMCMA. Seattle and Yakima are not members this year. Board discussed the reasons agencies have chosen not to be members.

**Nominations Report:** Jo Anna Moore discussed her presentation for the business meeting and awards ceremony. Board went over the expectation during both meetings.

Mindy Breiner made a motion to make Larry Barker an honorary member of MPA, motion was seconded by Melissa Patrick, with no discussion motion passes.

Melissa Patrick made a motion to make Nina Cogswell an honorary member of MPA, motion seconded by Kristine Nisco. With no discussion motion passes.

**Legislative Report:** Tara Faust passed around her legislation report and went over the highlights.

See report:

**Committee Report: Legislation**

**Submitted By: Tara Faust**

**Date: April 19, 2023**

The following are bills I have been following and the status of each.

**HB 1104** – Concerning eligibility and requirements for deferred prosecutions – **this bill was added to SHB 1493**

**SHB 1493** – Concerning impaired driving – **Passed the House on 3/8/23 and passed the Senate on 4/11/23**

Brief Summary of Bill as Amended by Senate

* + Amends provisions relating to the definition of serious traffic offense, ignition interlock licenses and device restrictions, and driver abstracts.
  + Authorizes a person who participates in a deferred prosecution for gross misdemeanor driving under the influence (DUI) or actual physical control of a vehicle under the influence (PC) charge to participate in a second deferred prosecution only in certain circumstances and provides that a second deferred prosecution for a DUI or PC offense counts as one point on a defendant’s offender score.
  + Modifies requirements for participation in a deferred prosecution depending on the nature of the petitioner’s underlying problem.
  + Changes the period for reviewing prior convictions of impaired driving from a 10-year period to a 15-year period for determining whether the current offense of impaired driving is a felony.
  + Creates a new drug offender sentencing alternative for individuals convicted of felony impair driving offenses.

**E2SSB 5536** – Concerning controlled substances, counterfeit substances, and legend drug possession and treatment – **Passed the Senate on 3/3/23 and Passed the House on 04/11/23**

Brief Summary of Engrossed Second Substitute Bill

* + Increase the penalty for knowing possession of a controlled substance or counterfeit substance to a gross misdemeanor.
  + Creates a pretrial diversion program for individuals charged with possession of prohibited substance.
  + Requires court to impose minimum jail sanction on defendants convicted of possession who refuse substance use disorder (SUD) treatment or who willfully abandon treatment or consistently fail to comply with treatment.
  + Requires courts to vacate convictions of possession for defendants who successfully complete required SUD treatment and file proof with the court.
  + Enacts recommendations of the Substance Use and Recovery Services Advisory Committee expanding SUD treatment and harm reduction programs and related services.

\*\*\*\* Page 6 of the bill states under Sentencing for Simple Possession… Individuals who agree to SUD treatment as a condition of probation must obtain an SUD assessment by an SUD treatment program licensed or certified by the Department of Health (DOH). Once the SUD assessment is filed with the court, if the report indicates the individual has a SUD, the court must inform the individual that under federal law the individual may not possess firearms, and the court must then sign an order of ineligibility to possess firearms.

**2SSB 5502** – Ensuring access to substance use disorder treatment – **Passed the Senate on 3/2/23 and Passed the House on 4/10/23**

Brief Summary of Second Substitute Bill

* + Requires offenders to undergo a comprehensive substance use disorder (SUD) assessment in order to transfer to the Graduated Reentry (GRE) Program at the Department of Corrections (DOC).
  + Requires DOC to assist an offender in enrolling in SOD treatment services at the level deemed appropriate by the assessment.
  + Provides offenders must begin receiving treatment services as soon as practicable after transfer to the GRE Program to avoid treatment delays.
  + Requires specified data reporting by DOC and the Health Care authority beginning July 1, 2023.

**E2SSB 5440** – Providing timely competency evaluations and restoration services to persons suffering from behavioral health disorders – **Passed the Senate on 3/2/23 and Passed the House on 4/11/23**

Brief Summary of Engrossed Second Substitute Bill

* + Requires a court to determine if there is genuine doubt as to competency before ordering a competency evaluation.
  + Requires jails to allow access by clinical intervention specialists to provide direct services and consultation for defendants waiting for competency to stand trial services.
  + Prohibits jails from substituting or discontinuing an individual’s medication for a serious mental health disorder when the individual is medically stable on the medication.
  + Requires courts to dismiss nonfelony charges and refer the defendant for services recommended in a diversion program recommended by a forensic navigator if the court finds the defendant is amenable to the services and can safely receive services in the community.

**S2HB 1724** – Increasing the trained behavioral health workforce – **Passed the House on 3/4/23 and passed the Senate on 4/12/23**

Brief Summary of Bill as amended by Senate

* + Reduces requirements for licensure or certification for certain behavior health professionals.
  + Directs the Department of Health (DOH) to develop and enact emergency rules by July 1, 2024, to remove barriers to licensure and streamline and shorten the credentialing process.
  + Directs DOH to establish a stipend program for behavior health associates to defray expenses related to supervision and unpaid internships.
  + Requires disciplinary authorities under the Uniform Disciplinary Act to waive licensure requirements for some out-of-state license holders and allows them to waive requirements for individuals who hold a national certification.
  + Allows disciplinary authorities to contact out review of applications for licensure or temporary practice.
  + Establishes certification and licensure paths for agency-affiliated counselors with an expanded scope of practice.

**SB 5347** – Concerning access to abstract driving records – **Delivered to the Governor on 4/14/23**

Brief Summary of Bill

* + Removes the limitations on the abstract of driver’s record (ADR) provided to an alcohol and drug assessment or treatment agency.
  + States that courts may not charge production and copying fees for ADRs of indigent persons.
  + Permits probation officers and probation clerks employed by a court to provide an ADR to a treatment agency.

**HB 1112** – Imposing criminal penalties for negligent driving involving the death of a vulnerable user victim – **Passed the House on 3/8/23 and Passed the Senate on 4/12/23**

Brief Summary of Bill as Amended by Senate

* + Establishes the new gross misdemeanor crime of negligent driving with a vulnerable user victim in the first degree.
  + Modifies the scope and name of the traffic infraction negligent driving in the second degree with a vulnerable user victim.
  + Requires the Washington Traffic Safety Commission to implement a public outreach campaign related to informing the public of the crime of negligent driving with a vulnerable user victim in the first degree.

**SHB 1268** – Concerning sentencing enhancements (felonies) – Senate Ruled as “X” file on 4/17/23

**2SSB 5134** – Concerning reentry services and support (What DOC needs to upon release) – **Passed the Senate on 3/6/23 and Passed the House on 4/7/23**

Brief Summary of Second Substitute Bill

* + Requires the Department of Corrections to develop an individual discharge plan and provide specified reentry services within one year prior to the discharge of release of an incarcerated individual.
  + Requires that gate money be no less than $40.

**ESHB 1169** – Concerning legal financial obligations – **Passed the House on 2/28/23 and passed the Senate on 4/12/23**

Brief Summary of Bill as amended by Senate

* + Eliminates the crime victim penalty assessment for juveniles and provides that a court must not impose the crime victim penalty assessment upon an adult defendant who is indigent at the time of sentencing.
  + Establishes a Crime Victim and Witness Assistance Account to support county crime victim and witness programs.
  + Eliminates the DNA database fee and establishes alternative state funding for the DNA database.
  + Requires a court, upon motion of an offender, to waive a previously imposed DNA database fee.

**SB 5032** – Extending the felony driving under the influence lookback to 15 years while providing additional treatment options through the creation of a drug offender sentencing alternative for driving under the influence – **this bill was added to SHB 1493**

**SHB 1240** – Establishing firearms-related safety measures to increase public safety – **Passed the House on 3/8/23 and Passed the Senate on 4/8/23; on 4/13/23 the Senate refuses to concur in House amendments; asks House to recede from amendments.**

Brief Summary of Bill as amended by Senate

* + Prohibits the manufacture, importation, distribution, sale, or offer for sale of any assault weapon, subject to various exceptions for licensed firearm manufactures and dealers, for individuals who inherit an assault weapon, for firearms dealers to sell or transfer their existing stock of assault weapons that were acquired prior to January 1, 2023, to outside of the state for limited period of 90 days after the effective date, and for persons on active military duty receiving orders to move to Washington State, or military retirees moving to Washington state.
  + Provides a violation of these restrictions constitutes a gross misdemeanor and is actionable under the Consumer Protection Act.

**Technology Report:** Kristine Nisco talked about the CLJ-CMS project and stated AOC will be doing a presentation on the project so she will let them update the board.

**Public Relations Report:** Melanie Vanek report via text message. She is looking for a good candidate for this position. The website needs to be handed over to someone who has more time for that, so that will need to be worked out before the next meeting.

**Audio Visual Report**: Omar thanked the board and is looking forward to the conference and his role here.

**Liaison Reports:**

**District and Municipal Court Judge’s Association:** Regina Alexander talked about the Judge’s meetings she has attended. She has spoken at those meetings about the importance of our MPA conference. Mindy asked Regina to talk about how DMCJA said they would give us a scholarship for one year. Judge Robinson had made a side comment to support MPA on a regular basis at one meeting, but it didn’t make the meeting minutes. She stated it had been difficult to get that money last year. Melissa said in the past we have specifically asked for a speaker for the conference, and she felt that the more specific information is better. Board discussed the best way to work with DMCJA.

**District and Municipal Court Manager’s Association:** Melissa Patrick discussed the upcoming conference they are working on for that agency, with regards to the specific agenda. There was some discussion with their legislation liaison. Discussed some of the overlap of DMCMA and MPA meetings. There was information given about Highways to Hedges regarding building knowledge and support in networking in Washington state. There are some courts struggling with administration, which affects MPA as well. Board discussed agencies that are actively using the program.

**Administrative Office of the Courts:** Jen Burnam was present with Dexter Mejia. He is the liaison for the MPA committee portion of the project steering committee. He will be our MPA liaison now. He has been with AOC for 20 years. He has been involved in the platform request. He would like to work with MPA and collect information on how we work to better support us going forward with Enterprise Justice and Supervision. Jennifer Wagner is change-management personnel. Working with people for an RMP, small team doing project management. AOC is hoping to release RFQ by June 26th. That will then go to evaluation. There is work to be done to build bridge between OCourt and Enterprise Justice. This last Friday their project manager sent an update to the steering committee about the project. Solution validation has just recently gone ahead. They are working on several issues that affect Enterprise Justice. They will be doing a new release that will fix many of the issues they have found with the testing. Dexter asked the board if they have questions to please forward them to him. They did solution validation for two weeks, which involved working through business processes in order to work out the bugs. They were able to identify problems and other business process to refine. Included in that discussion was the combination of Enterprise Justice and Enterprise Supervision. They will be sending out a new roll out calendar shortly. It will be over a 2-year schedule. Kristine Nisco discussed how Enterprise Supervision will address the risk assessment tools we use.

**Washington Traffic Safety Commission:** Melissa Patrick and Stacie Scarpaci attending the most recent meeting. A lot of the legislative updates were discussed. They are doing bi-annual budget and discussed some of the ideas and support they will have for traffic safety bills. As a lot of the bills pass it will affect the OCourt staff and probation.

There is a secondary toxicology lab opening soon, so they will be better about getting the testing back in a timely manner. When a case is a poly-drug DUI charge, if the alcohol is .08 with alcohol they are not testing for other drugs. That has been a factor in speeding up the toxicology results. That will result in not having as many DUIs being dismissed. They discussed how there is an average of 390 days in results. DUI cases done as a blood draw are often dismissed after 72 hrs. so this has been helpful. Deferred Prosecution has been integrated in another bill. It would affect how a second DUI on a Deferred Prosecution is treated. Discussion for Victim Impact Panel and how they hope to return to in-person programs soon.

**Criminal Justice Training Commission:**  Mindy Breiner told the board that the academy this year will be held September 11-22, both weeks in person. That is for coordination issues. The CJTC may not be open on Fridays. If they don’t want them to be there on Fridays they will be at the court house. There has been expressed interest from court administrators, it would be nice however probation staff must be prioritized. If there are open spots then they would be allowed. There are clerks monitoring supervision and possibly those could fill the spot of the academy as well. Possibly they could do an 8-hour training etc. board also discussed the financing and budget for the academy.

**Unfinished business:**

CEC finance money. There will be two trainings available that will be covered by this money. One in Spokane and one in Tukwila. This will be a 6-hour training on motivational interviewing.

**New business:** Jen was asked about IRLJ 11 about provider oversight. It will be something we address during the upcoming MPA training.

Motion to adjourn by Melissa Patrick, seconded by Donna Struthers. With no discussion motion approved and meeting adjourned at 6:54pm.