

CITY OF BELLEVUE
HUMAN SERVICES COMMISSION
MINUTES

February 19, 2009
6:30 p.m.

Bellevue City Hall
City Council Conference Room 1E-120

COMMISSIONERS PRESENT: Chairperson Stout, Commissioners Beighle, Hoople, Plaskon, Seltzer, Yantis

COMMISSIONERS ABSENT: Commissioner Huenefeld Gese

STAFF PRESENT: Emily Leslie, Alex O'Reilly, Joseph Adriano, Warren Leyh, Department of Parks and Community Services

GUEST SPEAKERS: Kelly West, Eastside Domestic Violence Program
Teofilo Ramirez, Sound Mental Health
Carlin Yoophum, Refugee Women's Alliance
JoEllen Munson, Therapeutic Health Services
Norm Johnson, Therapeutic Health Services
Michelle Thomas, Bellevue Probation Services
Susan Fraser, Bellevue Probation Services
Tandra Schwamberg, Bellevue Probation Services
Jerome Roache, City Attorney's Office
Major Mike Pentony, Bellevue Police Department

RECORDING SECRETARY: Gerry Lindsay

1. CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Chair Stout who presided.

2. ROLL CALL

Upon the call of the roll, all Commissioners were present with the exception of Commissioner Huenefeld Gese who was excused.

3. APPROVAL OF MINUTES

A. January 22, 2009

Motion to approve the minutes as submitted was made by Commissioner Beighle. Second was by Commissioner Hoople and the motion carried unanimously.

4. PETITIONS AND COMMUNICATIONS – None

5. STAFF AND COMMISSION REPORTS

Commissioner Hoople said he attended the most recent meetings of the King County Regional Human Services Levy Oversight Board and the Veteran's Levy Oversight Board. Both groups are in tracking mode and are working on communications plans.

Chair Stout said she spent a couple of hours earlier in the week at Hero House, a day center for people with mental illnesses. She distributed to the Commissioners materials from the program. The program has gained international certification as a day center clubhouse.

Human Services Manager Emily Leslie announced that on March 25 there will be a presentation on the Communities Count report. The presentation, sponsored by the Eastside Human Services Forum, will be in Council Chambers from 4:00 p.m. to 6:00 p.m.

Ms. Leslie said she attended a meeting of the New Solutions Impact Council for United Way. She explained that the new group is a consolidation of the various geographic United Way community councils. The group intends to meet monthly.

Grant Coordinator Joseph Adriano circulated an excerpt from the Emergency Feeding Program newsletter announcing a series of open house work sessions to be held over the next couple of months. He offered to arrange for the Commission to attend on March 17 and the Commissioners took him up on his offer.

6. DISCUSSION

A. Domestic Violence and Chemical Dependency Services Panel Presentation and Discussion

Ms. Leslie explained that during non funding years time is spent briefing the Commission on different service systems in place serving Bellevue residents. She commented that domestic violence and chemical dependency services affect internal city operations through the involvement of city departments, and providers with which the city contracts for services. She asked first for the public safety perspective.

Major Mike Pentony said the Police Department receives calls for between 25 and 30 domestic violence cases per month, not counting domestic cases where there is no assault involved. The number has held fairly steady over the years. In the 1980s Bellevue was a leader in the nation in handling domestic violence calls. Prior to that time, responding officers would work to separate the involved parties and try to get one of them to leave. Major Pentony recognized that domestic violence is a cycle in which the incidents increase over time. The policies were rewritten to include mandated arrests in domestic violence cases long before state law changed to reflect

the practice of arresting the primary aggressor. The primary aggressor is identified through witness statements, information from the parties involved, and from observing which party received the most injury. In most cases, the male is the primary aggressor.

Continuing, Major Pentony said the police get involved when someone makes a call to 9-1-1. The enhanced 9-1-1 system has made it possible for the police to know where to respond even if the calling party does not say a word; often the operator can hear a disturbance in the background. A minimum of two officers is dispatched to domestic violence calls, though it can be more depending on the number of people involved. When the officers arrive, their first step is to separate the parties and interview them for their side of the story. The officers also make visual observations of the house. Officers are also armed with information about previous calls to the same address. Once officers determine that a crime has occurred and the primary aggressor is identified, they are mandated by law to make an arrest. The person is transferred to the station and processed. The officers provide the victims with a domestic violence handbook that explains all of the resources available to them.

Once the case is completed, it is forwarded to the City Attorney's office. Cases of misdemeanor assault are prosecuted by the city prosecutor's office; felony assaults are prosecuted by the county prosecutor's office. The victims are often referred to domestic violence advocates to provide services and protection if necessary. Protection orders are sometimes issued.

Assistant City Attorney Jerome Roache said the majority of domestic violence victims do not need to be transferred to a safe house. They usually remain in their residences, and the no contact order issued by the court is intended to keep the perpetrator from returning to the home. The orders are issued by the court, usually at the request of the victim. Once issued, only the court can rescind the order. No contact orders originate only from cases where a crime has been committed. An order of protection, on the other hand, is issued based on a person's fear that someone may be violent toward them. The order is issued by a judge, and the violation of the order is a crime even if no violence occurs.

Mr. Roache explained that under the law, an assault is an assault. However, the city adds a domestic violence clarifier on the record in cases of domestic violence assaults which elevates the case to a different category for processing. Perpetrators who are arrested can post bail and be released from jail. At that time they are required to appear in court the next afternoon at 1:00 p.m. for arraignment. At the arraignment the judge sets forth the charges and asks for a plea. The domestic violence advocate will have talked with the victim to determine if a no contact order is needed and to find out if in the opinion of the victim the perpetrator could benefit from treatment.

Offenders are interviewed by the Probation Department at the request of the prosecutor to determine if they are eligible for the Stipulated Order of Continuance

(SOC) program. The perpetrator must admit to the wrongdoing, agree to be evaluated, and must follow through with all recommended treatments. First-time offenders who successfully complete the program will see all charges dropped. Those who do not complete the program are sent back before the judge for sentencing. Persons with more than one offense are not eligible for the program and are set for trial.

The court can issue no contact orders even if the victim does not request one. The issuance is based on the opinion of the court that in fact the victim is at risk from the defendant.

The role of the Police Department is not completed until the trial is over. The officers who were called to the scene must testify to what they saw and what they were told. Victims often elect to recant their stories and not to pursue charges. However, under state law, victims are not allowed to drop the charges; prosecutors can determine that a case will go forward regardless of the wishes of the victim. At trial the victim will then often make conflicting statements, so the testimony of the police officers is crucial.

Answering a question asked by Commissioner Plaskon, Mr. Roache said a felony is a crime punishable by a year in jail or a fine of \$5000 or more. The King County prosecutor operates under a filing standard to determine if a domestic violence case should be prosecuted as a felony.

Major Pentony said the responding officers make arrests based on probable cause. Whether or not the case will be classed a misdemeanor or a felony is up to the prosecutor's office. Typically, where a deadly weapon is involved, the arrested person will be booked directly into the King County jail; in those cases the officer's police reports are completed and to the King County prosecutor's office by the next morning for the arraignment. The prosecutor can, however, decline cases, in which event they end up back in the city prosecutor's office.

Susan Fraser with Probation Services said typically domestic violence perpetrators do not make bail after their arrest and spend the night in jail. The SOC interview is most often conducted while the person is in custody.

Commissioner Yantis asked how many of those who start the SOC program continue through to the end, and how many of those who complete the program reoffend. Tandra Schwamberg with Probation Services said it used to be that a 50 percent SOC completion rate nationally was considered very good. The Bellevue rate, however, has always been higher in the 60 to 75 percent completion range. Currently, about a third of the case load for Probation Services is related to domestic violence.

Michelle Thomas, also with Probation Services, said the compliance rate is fairly high for those who go through the SOC program. There are always a few who will not

benefit and who will reoffend. Ms. Schwamberg noted that in order to get into the SOC program, the offender must stipulate to the accuracy of the police report.

Mr. Roache said the SOC program has been in place for more than 20 years and continues to be successful. It has served as a model for a number of jurisdictions. Ms. Thomas said the program typically runs about 18 months; offenders have that long to complete the 12-month domestic violence program. Just getting into a program can take a month or so, and once the program is finished they must reappear in court, and it might take another month or so to get a court date. Usually community service is required, and sometimes alcohol treatment is required. Once the case is closed it is closed and there are no additional requirements of the offender.

Teofilo Ramirez with Sound Mental Health said he provides domestic violence treatment. He said the majority of those who go through the SOC program are motivated to complete it because the program is a condition of their sentencing.

Ms. Thomas said the probation office monitors adult misdemeanor offenders. The probation officers work with the courts, law enforcement and the prosecutors, and their work touches every aspect of each case. New domestic violence cases headed for SOC are given a lot of attention; Probation gets the paperwork around 10:00 a.m. and must meet with the person before the 1:00 p.m. court calendar. Probation works closely with the police when bench warrants are issued for persons in the system.

The SOC cases serve as a large part of Probation's role with the prosecutor's office. Involvement in those cases precedes involvement with the court. Probation's involvement with the court can begin with pre-sentencing interviews. The individuals are questioned about their families, individual criminal histories, educational background, and alcohol and drug use. Following the interviews, a report is compiled and sent to the court which then sentences the person. If the person is placed on probation, the probation officers supervise the person by monitoring them on a monthly basis, sometimes more often; the monitoring is done to determine whether or not they are complying with all court orders. Where there are noncompliance issues, or if a person does not report to his probation officer, the case is turned back over to the court and a hearing is set to determine what should happen next.

Ms. Thomas commented that many who are in the probation program are in treatment programs, so the officers are involved with community agencies in connecting their clients with those who can provide assistance. The list of needs is great and includes transportation, economics, mental health and housing. There are meetings with the agencies formally and informally a couple of times each year.

Ms. Fraser said the SOC interview typically lasts about ten minutes. The probation officers must make a very quick assessment and formulate a recommendation as to whether or not the person should be considered eligible for the program. For want of a better word, the SOC program is a privilege in that those who complete it do not

end up with a criminal charge on their record. Those allowed into the program must give up their right to a trial, so if they do not complete the program and the SOC is revoked, they proceed directly to sentencing. In that case they may end up back on probation with the same conditions, though with a longer period of time to complete them. A recommendation for domestic violence counseling is common. Where alcohol or drug treatment is determined to be needed, the treatment agency will make the actual determination as to what the treatment program should look like.

Ms. Schwamberg said tracking is very specific. It is very important for probation to have good documentation because the client will be held accountable for all of the pieces they are required to do, how they did them, and if there are any violations. It is not uncommon for issues to arise involving children, so there is often involvement on the part of Child Protective Services. The probation officer serves as a liaison not only with the court but with the treatment agency, the police, the prosecutors and CPS in putting together an overall picture.

Commissioner Plaskon asked if defendants have counsel with them during the SOC interviews. Ms. Thomas said typically they do not. There have been occasions when defense attorneys advise their clients from participating in the interview. Mr. Roache added that no one is prohibited from having an attorney present during the interview. Most cannot afford an attorney but are given the opportunity to speak to a public defender to assist them in making informed decisions. Ms. Thomas added that the information gathered during the interview is kept confidential, even from the prosecutor who sees only the recommendation of the interviewer.

By way of history, Mr. Roache explained that Probation used to be its own entity answerable to the City Manager. About fifteen years ago the decision was made to house Probation in the Parks and Community Services Department because in essence it is a community service. Bellevue does not have its own municipal court, so it contracts with the King County District Court, but the city has elected to provide its own probation services. The probation officers are employees of the city, not the court. The manager of probation services reports directly to the Parks Director Patrick Foran.

Kelly West with Eastside Domestic Violence Program said the agency offers a variety of services. One of the shelter programs serves victims of domestic violence and those with chemical dependency issues. The program has met with excellent success. The gateway into EDVP is through a 24-hour crisis line. Callers are matched to the services they need. The agency works closely and well with other service providers in the community. The agency has a legal advocate and legal advocate volunteers that work with victims, accompanying them to court and advising them about protection orders and no contact orders. Some victim/defendant advocacy is also performed.

Continuing, Ms. West said the agency's legal advocate works closely with the city's legal advocate and the court's legal advocate on domestic violence cases all in an attempt to streamline the process for domestic violence survivors.

Chair Stout asked where EDVP fits into the first 24-hour period following a domestic violence event involving the police and an arrest. Ms. West said Bellevue police ask domestic violence survivors if they would like to be contacted by EDVP. Victims who indicate they would like to be contacted are then called and offered information about the services that are available to them. The contacts are usually made within a week of an incident.

Commissioner Hoople asked how much housing is available for victims of domestic violence, and Ms. West answered that thirteen have to be turned away for every one victim who gets placed. Countywide, the turn-away rate is closer to fifteen to one. EDVP also has units available to male victims of domestic violence.

Commissioner Yantis asked what percentage of the clients have problems that complicate their situations, such as mental health or chemical abuse issues. Ms. West allowed that most clients face multiple barriers. Chemical dependency is often used as a mechanism for coping with day-to-day abuse. Nearly all victims suffer to some degree from post traumatic stress disorder. EDVP also offers therapeutic programs for children of domestic violence survivors where the focus is on ending the cycle.

Commissioner Plaskon asked how often officers responding to a 9-1-1 call reporting a domestic violence situation find no one at the scene willing to admit to an incident. Major Pentony said in the majority of cases an arrest is made. Emotions run very high at the scene and often everyone is talking at once, so the responding officers must sort everything out for their reports. If a victim is going to recant their story, it is usually done some time later when it is time to go to trial. Often the perpetrator is gone from the scene by the time the police arrive; when that happens the police do all they can to find the person, including working with neighboring jurisdictions. The cycle of violence cannot be ignored; people have to be brought into the system to face the consequences to avoid more serious trouble down the road.

Mr. Roache added that the police often serve as counselors at the scene. Where they encounter a case that involved a loud argument with lots of yelling but no physical violence, the police will take the time to educate the victim by offering them information and encouraging them to seek help from agencies like EDVP. They cannot, however, force the victims to make the call.

Commissioner Hoople asked who pays for probation officers to participate in the SOC program. Ms. Fraser said the defendant must pay all costs.

Answering a question asked by Commissioner Beighle, Major Pentony said at one time Bellevue had a fairly large population of people from Iran and Saudi Arabia,

many of whom ended up marrying American women. Several of them ended up in domestic violence situations and were dumbfounded to be told it was illegal to beat a wife. Cases of that sort are rare, but when they do occur the police officers take the time to explain the law.

Mr. Ramirez said Sound Mental Health has operations in nearly every city in King County and offers a variety of programs, including programs for victims, drug and alcohol treatment programs, and programs for children. The agency does not offer housing. He said in every case the agency focuses first on public safety and stopping the cycle of abuse. Under state law, abusers must be held accountable. They must attend group sessions once a week for 26 weeks, and then to one individual session per month for the next six months. Any excuse for missing a session must be verified. If three sessions in a row are missed without any contact, they are summarily discharged from the program; they must pay the fees all over again before being allowed reentry into the program. Probation officers are notified when someone is dropped from the program.

Ms. Ramirez said state law requires notification in writing to victims when a perpetrator is admitted to a program. The victim is notified every time the perpetrator passes from one phase to another, drops out of the program, and when they complete the program. The perpetrators are required to sign a form allowing the agency to release their information to the victims, the courts, the attorneys, and probation; unless they sign the form, they are discharged from the program.

Commissioner Beighle asked what happens in cases where a person wants to participate in the program but cannot afford it. Mr. Ramirez said the agency does offer assistance through contracts with cities such as Bellevue. Payment schedules and sliding scales can also be utilized. Medical coupons can be used to pay for medical assessments and treatment for chemical dependency; the coupons can also be used to cover mental health issues.

Mr. Ramirez said at any given time there are between 150 and 180 people in the various programs. By state law, no group can have more than twelve individuals in it. If the agency had more counselors, it would be possible to enroll more participants.

Carlin Yoophum with Refugee Women's Alliance said the agency serves the refugee and immigrant communities. Funding is received from Bellevue to help provide services. She said the agency works very closely with EDVP and serves as a co-advocate in referring clients to shelter programs. Refugee Women's Alliance employ bilingual and bi-cultural advocates who speak a total of 14 languages. Referrals to the agency are often made by the City Attorney's office in domestic violence cases, and the agency serves the victims by assisting them in getting house services, providing public assistance, connecting them with social services, and getting them into ESL classes.

Ms. Yoophum said the refugees and immigrants when they first come to the United States face language barriers, culture shock, and they know very little about local procedures or the legal system. Many come to the agency with legal papers that they need explained to them, including no contact orders and summons to appear at the court. Making sure victims have access to interpreters is vitally important.

The agency has translated its brochures into several different languages. The brochures are provided to prosecutors, criminal justice agencies, and community advocates for distribution to those who need them. Educational materials regarding domestic violence have also been developed and are used every time a presentation is made.

Refugee Women's Alliance also has a family law attorney on site at the office who works specifically on family law cases and providing assistance with filing protection orders, dissolution cases, and immigration cases. The agency is very careful to not send clients to Immigration and Naturalization Services if they do not have their green card or permanent resident status. In many cases, women do not seek help because of their immigration status and they are threatened by their husbands with being deported.

Ms. Yoophum said most refugees and immigrants are used to living with large, extended families. When they come to the United States, they lose that sense of security and support. They also feel pressures from their adopted culture. Many find jobs and bring an income to the family, but often men feel they have lost their power and control as a result and conflicts occur. Many of the refugee and immigrant victims of domestic violence do not even know how to dial 9-1-1 to see help, and they believe that domestic violence is a family issue. The agency works diligently to educate women about the seriousness of domestic violence.

JoEllen Munson said she is the new Eastside branch manager for Therapeutic Health Services. She explained that the agency has seven branches covering the area from Everett to Seattle and the Eastside. The agency primarily offers drug and alcohol treatment as well as mental health services on an outpatient basis. The services offered include assessment and evaluation for DUI cases, and deferred prosecution. Clients are referred both by CPS and the courts. A number of the branches offer opiate substitution for drug issues. Both individual and group counseling are offered, as are co-occurring disorder treatments, pregnancy and family programs, and relapse prevention. The mental health services offered include assessment and evaluation, individual, group and family counseling, case management, psychiatric evaluations, medication management, children's assessment and treatment, children's school-based intervention programs, and day treatment activities. The agency also provides acupuncture, an alternative health treatment, child care, and pre-vocational and vocational information and referral.

Ms. Munson said the Eastside office has a team consisting of a supervisor and six counselors, and has a caseload that includes about 140 clients from Bellevue and Kirkland.

The intensive outpatient program has three phases. It begins with a requirement for clients to attend three two-hour sessions each week, with the first hour focused on education and the second focused on process. In the second phase the classes are also conducted three times each week, but for an hour and half each; the focus is on both group process and individual appointments. The Eastside office offers relapse prevention services, individual treatment, group counseling, and the Focus on Family program. The agency works closely with EDVP.

The Eastside branch is looking to expand its services to add mental health counseling and developmentally appropriate child care.

Ms. Munson said the agency receives a lot of referrals from the police and from probation officers. There is contact with probation officers a minimum of once per month, and regular status reports are provided to them. Any positive drug test results are reported to probation officers within 24 hours as required by law. Urinalyses are scheduled randomly.

Ms. Munson said the Mental Illness Drug Dependency (MIDD) funding is a new source of dollars for the agency; it is in addition to the low-income grant and aid services. The Eastside branch has the highest census of drug and alcohol outpatient clients in the entire Therapeutic Health Services organization; as a result, it receives about 50 percent of the King County MIDD pool. The low-income population and those at the poverty line will certainly benefit from the funds.

Norm Johnson, also with Therapeutic Health Services, said every service the agency offers is available to Eastside clients, even if the city is not funding those services directly. The agency is in the process of working to establish mental health services for Hero House. Additionally, a new substance is coming on the market called Suboxone; it will be of benefit to opioid or prescription drug users. The trials will begin soon in Seattle, and once licensed will be available on the Eastside as well. Suboxone is reportedly less addictive than methadone.

Ms. Leslie allowed that the overall system is very complex, for those working within the system and for those who find themselves in a domestic violence situation and must navigate their way through it.

7. DISCUSSION

A. Human Services Needs Update: Community Conversations

Ms. O'Reilly offered the Commissioners to sign up to participate in the community conversations that have been scheduled. She said she would welcome having up to

