

Misdemeanant Probation Association  
Zoom Board Meeting  
April 25, 2021

Present via Zoom: Cathy Oakes, President; Melissa Patrick, Vice-President and Washington Traffic Safety Commission; Toni Farris, Past-President; Mindy Breiner, Treasurer; Camille Jackson, Secretary; Bryan Farrell, Education and Training Co-Chair; Omar Gamez, Education and Training Co-Chair; Janene Johnstone, Legislative; Christina Hornung, Membership; Stacie Scarpaci, District and Municipal Court Judges Association Liaison (ours); Judge Leone, District and Municipal Court Judges Association Liaison; Debbie Johnson, District and Municipal Court Managers Association Liaison; Vicky Cullinane, Administrative Office of the Courts, Janette Fischer, Nominations

Melissa Patrick called the meeting to order at 5:11pm and welcomed all that are present.

Declaration of a Quorum.

Review of the minutes from the previous board meeting. Motion to approve the meeting minutes by Chris Hornung seconded by Mindy Breiner, without discussion minutes are approved.

**Board Reports:**

**President's Report:** Cathy Oakes stated she had nothing to report.

**Vice-President's Report:** Melissa Patrick stated she had nothing to report.

**Past President's Report:** Toni Farris said she would send out a list of agencies she received the SUD tx expectation letters returned from the post office from treatment agencies from when the MPA those mailed out.

**Treasurer's Report:** Mindy Breiner went over her report and pointed out changes. There has been an increase in our account due to membership dues and vendor sponsorships. That money will be used for speaker costs, the zoom webinar costs, mailing out prizes etc. She pointed out the interest we have gained. The expenditures were detailed for the board.

See report:

<b>MISDEMEANANT PROBATION ASSOCIATION</b>		
<b>TREASURER'S REPORT</b>		
<b>Jan 23, 2021 - Apr 23, 2021</b>		
<b>ACCOUNT BALANCES AS OF Jan 23, 2021</b>		
	Checking Account	<b>\$33,881.94</b>
	Legislative Savings	<b>\$12,858.97</b>
	Certificates of Deposit	<b>\$10,189.52</b>
	<b>Total Account Balances:</b>	<b>\$56,930.43</b>
<b>INCOME:</b>	Interest - Legislative Savings	\$0.96
	<b>Total Income to Savings:</b>	<b>\$0.96</b>
	Interest - CD	\$18.85
	<b>Total Income to CD</b>	<b>\$18.85</b>
	Membership Dues	\$7,040.00
	LifeSafer Gold Sponsor	\$350.00
	Moon Security Gold Sponsor (overpaid \$150)	\$500.00
	The Extra Step Conference Ad	\$50.00
	WASPC Gold Vendor	\$350.00
	WASPC Conference Ad	\$50.00
	Track Group Vendor Fee	\$350.00
	DMCJA Conference Donation	\$1,200.00
	Triton Group Sponsor	\$200.00
	Smart Start Platinum Sponsor	\$500.00
	<b>Total Income to Checking:</b>	<b>\$10,590.00</b>
<b>EXPENSES:</b>	Square Fee	\$34.92
	Sec of State Non-Profit Filing Fee	\$10.00
	Wix - Website 2-year Renewal	\$528.48
	Zoom Licenses	\$33.01
	Zoom Webinar	\$308.28
	Zoom Fee	\$341.29
	Moon Security Vendor Over-Payment Refund	\$150.00
	City of Tacoma Dues Overpayment Refund	\$335.00
	Southcenter Engraving 2020/2021 Awards	\$642.95
	Wix	\$75.47
	M. Patrick Mileage Reimbursement (Nomination:	\$64.40
	<b>Total Expenses</b>	<b>\$2,523.80</b>
<b>ACCOUNT BALANCES AS OF April 23, 2021</b>		
	Checking Account	<b>\$41,948.14</b>
	Legislative Savings	<b>\$12,859.93</b>
	Certificates of Deposit	<b>\$10,208.37</b>
	<b>Total Account Balances:</b>	<b>\$65,016.44</b>
Mindy Breiner, Treasurer		
April 23, 2021		

Motion was made by Bryan Farrell to accept Treasurer's report, 2<sup>nd</sup> by Janene Johnstone. With no discussion motion passes.

**Secretary's Report:** Camille Jackson stated she had nothing to report.

**Committee Reports:**

**Education and Training Report:** Bryan Farrell advised the board they are ready for tomorrow's conference. Omar Gamez stated they had some vendors who wanted to give out prizes, so they are working on the logistics for that. He said they had 15 or so last-minute registrations so we should have approximately 140-150 people in attendance. He has a few vendor videos to show.

Bryan has asked the trainers if they would be willing to record their training to release to the members that are not able to appear this week. He has not had any requests get denied by the speakers. Melissa stated she is looking forward to the week.

**Legislative Report:** Janene Johnstone sent a report for the board to review and went over the bills that have passed that will be of interest of MPA. Washington State vs. Shannon Blake and the case stating PDP charges has been affecting courts/probation departments. There has been a mass push to close out the cases with that charge in her court. Board discussion.

Janene highlighted SHB1294 and the board discussed the situations in which it may be implemented. See report.

<b>Committee Report:</b>	<b>Legislative</b>
<b>Submitted By:</b>	<b>Janene Johnstone</b>
<b>Date Submitted:</b>	<b>4-25-21</b>

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**Report Narrative:**

This appears to have been a productive year for the WA State Legislature, with respect to bills that may have a direct or strongly indirect impact on our misdemeanor probation departments. I've listed some below that I believe will be of particular interest to our membership, but this is by no means an all-inclusive list. I hope to be able to forward out the complete list of bills that passed this legislative session as soon as it is available on the WA State Legislature website.

First, however, I want to provide a link to the State of Washington v. Shannon B. Blake ruling, which came down on 2-25-21:

<https://www.courts.wa.gov/opinions/pdf/968730.pdf>

DOC's website gives a succinct description of the ruling, stating that "RCW 69.50.4013 (Washington's simple possession of a controlled substance statute) violates the due process clause of the state and federal constitutions and is therefore void." Speaking from personal experience, what this has meant in my own court is a move by our

prosecutor's office to close all Possession of Drug Paraphernalia charges, which has resulted in some surprisingly favorable review hearing outcomes for some of our non-compliant probationers. I am curious to hear how it has been impacting other courts in our membership. There were a handful of bills submitted after this ruling was announced that worked to modify the possession statute in order to "fix" this issue. They may have been introduced too late in the session because I did not come across any that had passed, but again, there are always a LOT of bills to wade through and it is entirely possible that one got through and I missed it. Please do not hesitate to bring it my attention if you find it!

**Bills of note that have passed the Legislature as of 4-23-21:**

**SHB 1294 – Addressing misdemeanor supervision services by limited jurisdiction courts.**

<https://app.leg.wa.gov/billsummary?BillNumber=1294&Initiative=false&Year=2021>

**Brief Summary of Bill**

- Authorizes limited jurisdiction courts to enter into interlocal agreements for pretrial and post-judgment supervision services.
- Establishes criteria governing the formation and scope of the interlocal agreements.
- Extends the limited immunity for misdemeanor supervision services to persons operating through an interlocal agreement.

**ESHB 1078 - Restoring voter eligibility for all persons convicted of a felony offense who are not in total confinement under the jurisdiction of the department of corrections.**

<https://app.leg.wa.gov/billsummary?BillNumber=1078&Year=2021&Initiative=false>

### **Brief Summary of Bill**

- Provides for automatic restoration of voting rights to a person convicted of a felony when they are not serving a sentence of total confinement under the jurisdiction of the Department of Corrections.
- Removes provisions authorizing the revocation of provisional restoration of voting rights upon failure to pay legal financial obligations.
- Requires the Secretary of State to compare a list of registered voters to a list of persons ineligible to vote by reason of a felony conviction monthly.
- Makes conforming changes to the voter registration oath, voter declaration, and statutory eligibility to serve as a juror.

**HB 1227 - Protecting the rights of families responding to allegations of abuse or neglect of a child.**

[https://app.leg.wa.gov/bills/summary?BillNumber=1227&Initiative=false&Year=2021](https://app.leg.wa.gov/bills/summary/BillNumber=1227&Initiative=false&Year=2021)

### **Brief Summary of Engrossed Second Substitute Bill**

- Requires hospitals, law enforcement, and courts to find that the removal or detention of a child is necessary to prevent imminent physical harm due to child abuse or neglect before authorizing removal or detention of the child.
- Requires the Department of Children, Youth, and Families to make continuing efforts to place children with relatives and requires such placement unless there is no relative capable of ensuring the basic safety of the child.
- Requires the court to release a child to a parent unless the court finds reasonable cause to believe that removal of the child is necessary to prevent imminent physical harm and that the evidence show a causal relationship between the conditions in the home and imminent physical harm to the child.

**EHB 1311 – Authorizing the issuance of substance use disorder professional certifications to persons participating in apprenticeship programs.**

<https://app.leg.wa.gov/billsummary?BillNumber=1311&Initiative=false&Year=2021>

**Brief Summary of Engrossed Bill**

- Allows for persons participating in authorized apprenticeship programs to qualify for substance use disorder professional certification.

**HB 1320 - Modernizing, harmonizing, and improving the efficacy and accessibility of laws concerning civil protection orders.**

<https://app.leg.wa.gov/billsummary?BillNumber=1320&Year=2021&Initiative=false>

**Brief Summary of Engrossed Second Substitute Bill**

- Consolidates and harmonizes laws governing domestic violence protection orders, sexual assault protection orders, stalking protection orders, anti-harassment protection orders, vulnerable adult protection orders, and extreme risk protection orders under a new chapter governing all protection orders.
- Amends provisions of law addressing the recognition and enforcement of Canadian domestic violence protection orders.
- Revises laws governing orders to surrender and prohibit weapons, revocation of concealed pistol licenses, unlawful possession of firearms, and domestic violence no-contact orders.
- Establishes responsibilities of school districts with respect to students who are subject to protection orders.
- Repeals existing chapters and provisions governing protection orders and makes conforming and technical changes to numerous provisions of law.

**SHB 1348 - Providing medical assistance to incarcerated persons.**

<https://app.leg.wa.gov/billsummary?BillNumber=1348&Year=2021&Initiative=false>



### **Brief Summary of Substitute Bill**

- Prohibits a person's Medicaid eligibility from being affected by the person's incarceration status for up to 29 days.
- Expands the settings and changes the circumstances under which an incarcerated person's Medicaid coverage must be suspended.
- Requires coordination between the Department of Corrections, local jails, and Medicaid managed care organizations.

### **E2SSB 5304 – Providing reentry services to persons releasing from state and local institutions.**

<https://app.leg.wa.gov/billsummary?BillNumber=5304&Initiative=false&Year=2021>

### **Brief Summary of Engrossed Second Substitute Bill**

- Expands the Medicaid suspension policy to include correctional institutions, state hospitals, and other treatment facilities.
- Requires full reinstatement of Medicaid benefits at the moment of a person's release from confinement, and allows the Health Care Authority (HCA) to reinstate medical assistance prior to the day of release as long as no federal funds are expended for an unauthorized purpose.
- Requires HCA to apply for a Medicaid waiver to allow the state to provide services to confined persons up to 30 days prior to the person's release or discharge to the community.
- Renames the Offender Reentry Community Safety Program the Reentry Community Services (RCS) Program, and makes changes to the program.
- Directs HCA to convene a Reentry Services Work Group and directs the Washington State Institute of Public Policy to update its previous evaluations of the RCS program.
- Alters the definition of county of origin and the process for approving a residence location outside the person's county of origin.

**ESSB 5226 – Concerning the suspension of licenses for traffic infractions.**

<https://app.leg.wa.gov/billsummary?BillNumber=5226&Initiative=false&Year=2021>

**Brief Summary of Engrossed First Substitute Bill**

- Eliminates drivers' license suspension for the failure to pay a traffic infraction for a moving violation.
- Authorizes drivers' license suspension when a person fails to comply with a payment plan and fails to appear when requested by the court to appear and show evidence of ability to pay.
- Authorizes the Department of Licensing (DOL) to reinstate all driver's licenses suspended for reasons that are no longer grounds for suspension.
- Requires DOL take reasonable steps to publicize information regarding the availability of relief to reinstate a suspended license and create an online application process for people to apply for reinstatement.

And finally, there were some bills that did not pass, but perhaps should have. Here's one of them:

**HB 1067 - Designating the Suciasaurus rex as the official dinosaur of the state of Washington.**

<https://app.leg.wa.gov/billsummary?BillNumber=1067&Initiative=false&Year=2021>

**Brief Summary of Bill**

- Establishes the Suciasaurus rex as the state dinosaur.

Melissa asked about a few bills she was looking at and board discussed those as well.

**Nominations Report:** Jeanette Fischer stated that PO of the year, Supervisor of the year, and program of the year were all given and recorded so they will play during the lunch meeting on Tuesday. Award recipients were given over the meeting. Jeanette ordered past president awards and those were mailed out.

Jeanette also went over the positions that are open for nominations this year. She has received two nominations already for the open positions.



**Membership Report:** Chris Hornung stated that the position is open, so she wanted to thank the board for the 10 years she has been on the board. Chris stated that there have been many changes to the directory, and she will send it out after the conference. She also made a change to the group membership form, and she had to email directors to find out what any new positions had for contact information.

**Technology Report:** Mindy Breiner updated the board about the CMS project. She talked about the e-filing changes that have been made. It is mandatory for everyone to use and there was some discussion about the cost for attorneys. E-filing is a mandatory part of Odyssey, but they are going to change it so that for criminal changes there is no charge. Civil charges will still have filing fees. They are working on the communication between Odyssey and Tyler Supervision. The probation focus group has been busy and they had a COUG meeting looking at address codes and other minute details that need to be worked through. The pilot courts have been given the e-filing test environment system to play with. For the rest of the year they will be rolling out the test/pilot programs and then other courts will follow. Everything is funded right now so this will go through on track. Jen Burham will be giving a training session to go over the upcoming changes during our conference. Chris Hornung asked how the new program will be able to integrate with probation office's current programs. Mindy stated there will be no data conversion for the new program. She went over some of the things that will be transferring from JIS to the probation program. Stacie Scarpaci stated she had asked a Tyler representative and they told her that she cannot start to transfer the cases early and they didn't recommend it. Board discussed the upcoming changes.

**Liaison Reports:**

Melissa Patrick reminded the board that there are several vacant positions and asked the board to keep in mind these positions if they know of anyone suited to them.

**Washington Traffic Safety Commission Report:** Melissa stated she missed the last meeting, but they are not hosting their conference this year, instead they are hosting \_\_\_\_\_ (m will get me this name). They also have passed on some information on legislative bills and project target zero.

**District and Municipal Court Judges Association Report:** Melissa stated Judge Leone was unable to make this meeting but Melissa updated the court with several topics the DMCJA have been following. Stacie stated we received a scholarship from the association for our conference. Stacie stated MPA should not ask the association every year.

**District and Municipal Court Managers Association:** Trish was not able to be present. Mindy stated that she knows they are trying to push for mandatory education requirements and ongoing education for administrators. Melissa stated they are proposing administrators must have a bachelor's degree or 5 years of on-the-job experience. Debbie Johnson stated that Carla from DOL has advised her that she has lost her assistant and has been behind.

**Criminal Justice Training Commission Report:** Mindy Breiner stated that she suggested to her bosses they should change the location of the academy and she will ask if they are legally allowed to use a different location. She stated that the academy would not let MPA use zoom instead of teams so that would be helpful as well. She will update the board after she asks. The academy is set for September 13-

24<sup>th</sup> this year. Mindy stated she had a lot of people say they were interested in teaching and in helping behind the scenes. It was great to have more people get involved.

**Unfinished Business:**

Next meeting will be July 19, 2021. The board discussed if we will do a zoom meeting or an in person meeting. The possibility of a hybrid was discussed.

Motion to adjourn by Janene Johnstone, second by Jeanette Fischer. With no discussion meeting ended 6:16pm.