

Notes from Sheriff Bill Benedict's talk with the RWCC

Recorded by Martha Ireland

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Sheriff Bill Benedict – Is the jail a debtor's prison? No, but a number of hardcore people—about 150-200—go through this system like a revolving door. Criminal Justice system is supposed to hold people accountable for their actions. We pretend to punish and they pretend to be punished. The goal is to modify behavior. In the case of violent crime, incarceration is both punishment and segregation to protect society. Property crimes – non-violent offenses – we don't really punish anyone – jail is glorified time out – go to your room and think about it. No hard manual labor. No jail time for 1<sup>st</sup> offense even for burglary.

Recidivism is off the page because there is a disconnect – the sanction doesn't occur close to the offense. It can take years to litigate due to due process. In a DUI, there is typically a year or longer between arrest and penalty.

Shoplifting is almost always liquor (an unintended consequence of putting hard liquor in retail stores) or electronic items that can be easily sold. The offender is given a ticket and told to come to District Court in a week or 2 – many don't show up. A bench warrant is issued and they are arrested. If found guilty, they are sentenced to financial restitution, no jail time – and told to make token payments (as little as \$25 a month on \$10,000). If they come to court and say they can't pay, the judge will give them more time or the option of working off their debt with Community Service. Most don't have a job, long-time unemployable, can't pay fine but should have time available to work off what they owe. We want to have a base level of accountability, but they're reoffending before their first charge comes up in court. The store gives them a trespass notice – they show up anyway – the store calls - they go to jail as a sanction for FTA (failure to appear) or FTOCO (failure to obey court order).

Judge Porter has never put anyone in jail who appeared to him with a reasonable excuse. Puts in jail those who don't appear, don't pay and don't do Community Service.

Collection: we get 5-10 cents on the dollar. Fines compound at a usurious interest rate –that ruins the person's credit forever. We create a category of person (compounded with alcohol, drug and mental health issues) that has been so abused by the system, they will never get a job due to their record. [If branded a sex offender – some for incredibly minor offences – your life is over, no job, no housing, etc.] What do you do with this group? Institutionalize for their own benefit? Forced rehab success rate is dismal, less than 5%. Even if they say they want rehab, where do they go back to? Benedict has 1 of the most open jails in the state – church groups etc come in – try to keep (offenders) from coming back.

Lois – are people coming in from elsewhere?

Bill – local are 99% no one is being shipped in. It would be extremely illegal and unethical. It's a generational problem. We don't offer enough to attract the homeless from Seattle. Transients come through, but are not bussed here. Very occasionally we will have someone released from Clallam Bay prison who will stay, usually because they have family who has moved here.

Generally inmates are bused back to their county of origin when they're released.

Anita – economics?

Bill – If it contributes it's next to zero – Researchers have looked for correlation between crime and economics back to the Great Depression and there's not even a casual correlation. Violent crime peaked 1988, and is down dramatically since, with no correlation to economy. Since 1960s, we have a social safety network – even if unemployed you can get food and a place to stay. We never see shoplifters stealing necessities of life. The problem is systemic with 3<sup>rd</sup> and 4<sup>th</sup> generation low level criminals– didn't finish school, very low impulse control. Lack ability to see something through, delay gratification. I walk through the jail monthly and talk to every inmate – they're not evil, they're stupid – they haven't been properly socialized – not bad people – it's depressing.

Susan B – when in jail, do they have anything to do?

Bill – no – it's boring in there - a structured environment, forced to get up – if you refuse to comply, you will be physically forced. If not considered a danger, they can volunteer to work in laundry, kitchen or chain gang. A lot thrive on chain gang. About 5% of those thrust into a rehab program succeed, have some kind of epiphany.

Nola – everywhere has the same kind of problems, but only hope is to change the environment.

Bill – absolutely right – provide environment [harm reduction] where they can change. What is liberty? How much in control of our lives are we? Their actions are predictable – grow up in mental illness, OCD, get into patterns where their comfort level is and it's very hard to change. Some personality types are more susceptible – inability to project into future, see cause and effect. Young man gave best effort, NA and AA – month dry and sober and had a job. Went out and got drunk and lost job, and said, “That just wasn't me.”

Kay – vocational programs?

Bill – population in county jail turns over too quickly. Average stay about 14 days, not enough time. Juvie has school requirement and is being very successful. There's been a big decline in need: built with capacity of 36 beds, average 15 with a \$6.5 million budget, compared to \$4 million for the jail with a population of 120+ beds. Juvenile Crime rate – violent crime, firearm crime – is continuing to decline except in Democrat controlled cities with strict gun control.

Nola – Juvie recidivism?

Bill – success rate is better – criminal history of parent is most telling factor. Children are well set socially by time they're 3 years old. Correlation is not causation—don't give up.

New issue is partisan in nature: police are under severe criticism, especially from left – presented as race issue. “I am very libertarian – this stupid war on drugs has ruined so many people's lives, it puts me at odds with the Republican Party – how is it the federal government's business what I do with my body? The problem with lower class isn't drugs or alcohol, it gets back to low impulse control. Marijuana being legal now has hardly been a blip – the state is incompetent in running it – any harm MJ does is on users, not on the rest of us. No huge spike in impaired driving. Combining MJ with alcohol has a synergistic effect that is a problem.

Libertarian says freedom of activity, once adult. We have turned into a nanny state and made it so hard to not be a criminal, there are so many state and federal laws.” State law requires “intent to harm,” you have to know you're committing a crime. Federal has thousands of laws that you don't have to know – one man was jailed for shipping lobster tails in the wrong kind of container.

How is law enforced? If you fight a police officer, the officer has a right to do whatever to take you into custody. Most of the heat should go on the cities for making the law – asking our

police to do too much. DOJ has given police military weapons – leftover stuff – do you want your police dressed and acting like they're soldiers? Joe Hawe had a tank – I got rid of it. We call the State Police if need SWAT team – 3 times in 9 years. Fed government set those standards and now DOJ is making it an issue of race – it's not race. Some PDs are using SWAT team to serve drug warrants, they go to the wrong house, shoot the dogs, shoot the people. I don't want to be where you don't need me – demilitarize police – we don't need tanks. Need a SWAT team but deployment should be incredibly rare.

Look at city governments and federal incentives that police are enforcing. Average cops are really good people, who occasionally make mistakes. I tell my cops – 1<sup>st</sup> do no harm. Continually ask yourself, why am I here? Is what I am doing helping the situation? It's a problem when an officer lets his/her ego get into it.

2<sup>nd</sup> or 3<sup>rd</sup> year Bill was sheriff, a woman called, boyfriend has gun, think he's going to kill himself – 15 officers from various agencies had surrounded the house by the time Bill got there. The man was distraught and drunk, but no evidence of a gun. They were ready to bust down door. Bill said, no, we leave right now. And they did.

Law says officers can break in if threatened suicide, but it is a no win situation. We need to return to community policing – guardians, not warriors.

Sue F – mother was a policewoman – notice change in attitude – police were friends, to protect and serve. What changed?

Bill – has been cultural change – media – ½ of what officers learn in police academy is protect yourself. Don't let your guard down. Vast majority of people are law abiding, but some want to harm police. Sometimes have to accept fact we can get sucker punched. Narrative coming out of Seattle: PD is dysfunctional – most officers don't live where they police and a runaway union doesn't allow discipline of bad ones. We try to hire local people. Will hire vets but we beat the warrior mentality out of them.

Nola – state authorized MJ – work for JSKT Gaming Agency – confusing to me – federal law stronger – tribe still under fed, not state. When we have drug issue...

Bill – private employer has right to ban MJ/alcohol use by employer at work. A number of tribes are looking at legalizing MJ. Over-reach of federal 1972 Controlled Substance Act – there are more and more fed laws that we don't need. Now moving to put all police under DOJ. DOJ hates sheriffs – Bill told DOE to stick it. Our system may not be perfect but people can vote sheriff out. Elected sheriffs are key – National Sheriff's Assn. is taking a stand--too many laws are driving the problem. Ferguson police were driven by the mayor and council to extract as much money as they could from tickets. Not here – CCSD officers are told, if you see a traffic infraction, stop it – if you think you've achieved change with a warning, let them go, if they argue, then write a ticket. On a \$124 ticket, CCSD gets \$5 / State Patrol gets \$60.

Lois – water issue?

Bill – civil issue – not enough cops – no interest in getting involved.

Sarah – light note – her phone accidentally dialed 911. A very nice deputy came out and explained it and had someone out to fix it.

Bill – a lot of lives are saved by someone dialing 911 and hanging up – gives police authority to come into your house. If there's resistance to their entering, they push to go in, to make certain there isn't an injured or dead person, but not to report other illegalities.

Bill will retire in 3 years, he is training his replacement. CCSD has 102 employees: 44 in jail, 38 commissioned officers, 5 admin staff, 5 detectives, 28-30 patrol deputies. Wonderful relationship with other agencies – Border Patrol can respond, but cannot arrest on state laws. Sue F – any crime taking place on trails?

Bill – no crime to speak of: Occasional call about some person walking trail open carry, that's legal—support it, but hate it, all it does is inflame, people not comfortable with seeing a gun displayed – we have awesome concealed carry rights—don't wave red flag. Sometimes the trail used as a conveyance route by some wrongdoer on a bicycle. Sometimes we have aggressive behavior between a person with dog on leash vs off leash. No muggings, no assaults.

Lois – camping out under bridge behind Texaco on Dungeness River?

Bill – will check that out – grey area – if on DNR property. Fear of homeless people camping out is greatly exaggerated. Have yet to trace a burglary down to that. Burglars have cars, they're mobile. Drug addicts live in drug houses.

Take basic precautions – lock up so you won't be the victim of an opportunistic burglary. In 9 years, we've had 2 home invasions – both inside jobs – got both of them – 1 was shot and wounded by the person he tried to rob.