

WHATCOM COUNTY JUSTICE UPDATES

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IPRTF MEMBERS: HEATHER FLAHERTY & ARLENE FELD
COUNCILMEMBER BARRY BUCHANAN

MONDAY, SEPTEMBER 23, 2019; 7:00 – 8:30 P.M.
WHATCOM COUNTY COUNCIL CHAMBERS



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Updates from the Prosecutor's Office

Mission & Vision

Mission Statement:

The mission of the Prosecuting Attorney's Office, in partnership with the communities we serve, is to vigorously protect the rights of the people of Whatcom County. We are committed to providing just, equitable and high quality legal representation, and to contribute to developing innovative and collaborative goals and outcomes within the criminal justice system that assures public safety.

Vision Statement:

Our vision is to enhance the quality of life for all citizens in Whatcom County and to be leaders of fair prosecution and progressive prevention initiatives.

Progress



Established Prosecutor Advisory Team



New Data System coming!



Informal survey of people in the jail -> asked, what are the barriers you face upon re-entry? What are the services you most need?



Policy Changes

Drug Court
Bail Review
Low-level Drug Offenses
Bail Jump / Warrant Quash



Program Changes

LEAD Program – in initial planning phase

Direction – What's next?



STAKEHOLDER
ENGAGEMENT
IS ESSENTIAL



PLANNING
JUVENILE
JUSTICE
ROUNDTABLE
DISCUSSION



PLANNING
FOR
ADDITIONAL
WARRANT
QUASH DAYS



ADVOCACY FOR
INCREASED
SERVICES FOR
BEHAVIORAL
HEALTH, MENTAL
HEALTH,
& TREATMENT
(GOAL: DIVERSION
FROM THE JAIL)



ONGOING
IMPLICIT
BIAS,
DIVERSITY,
AND EQUITY
TRAINING
INTERNALLY

Updates from the
Citizen Representatives
on the Incarceration
Taskforce

Incarceration Prevention and Reduction Taskforce: Inception & Purpose

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE: (If this item is an ordinance or requires a public hearing, you must provide the language for use in the required public notice. Be specific and cite RCW or WCC as appropriate. Be clear in explaining the intent of the action.)

Ordinance establishing an incarceration prevention and reduction task force intended to provide recommendations, oversight, and specific timeframes on the development of new, or enhancement of existing programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and chemical dependency and minimizes jail utilization by pretrial defendants who can safely be released

Three Phases of Work

BE IT FURTHER ORDAINED that the initial work of the Task Force for the above tasks shall be accomplished and reported to the County Council in the following phases:

PHASE I - Review current practices and assigned resources, (facilities, programs, funding sources), and develop goals for new or modified programs, and projected operational objectives. Determine licensing requirements and program components. Provide general information on expenditures and sustainable revenue projections. Deliver the initial Phase 1 report by January 10, 2016.

PHASE II - As service facilities are identified in Phase I- develop facility specifications, identify possible facility options (either new or existing locations), analyze and recommend 1 or 2 options with projected short and medium term costs. Deliver the initial Phase 2 reports as completed, but no later than November 1, 2016.

PHASE III - Develop specific operational plans and budgets leading to implementation of appropriate crisis intervention, triage services and incarceration prevention and reduction programs. Include details on schedules, assignment of responsibilities, projected outcomes anticipated, possible cost allocations between the County and the cities, and a basic business plan for each selected initiative. Deliver the initial Phase 3 report with sufficient details to proceed with construction and programming of a new or expanded crisis triage center no later than March 2017.

Five Subcommittees

Behavioral Health

Crisis Stabilization
Facility

INDEX
(Information
Needs & Data
Exchange)

Legal and Justice
System

Steering

The 8 appointed members include:

- **Stephen Gockley - Task Force Co-Chair**, Health and Social Services
- **Greg Winter**, Health and Social Services
- **Byron Manering**, Health and Social Services
- **Moonwater**, Health and Social Services
- **Jack Hovenier - Task Force Co-Chair**, Consumer of services or family member of consumer
- **Deborah Hawley**, Consumer of services or family member of consumer
- **Heather Flaherty**, Concerned citizen
- **Arlene Feld**, Concerned citizen

In addition, 22 permanent members include:

- **Tyler Schroeder**, County Deputy Executive
- **Barry Buchanan**, County Councilmember
- **Bill Elfo**, County Sheriff/Jail Administrator
- **Eric Richey**, Prosecuting Attorney
- **Angela Anderson**, Chief Deputy Public Defender
- **Deborra Garrett**, Superior Court Judge
- **Dave Reynolds**, Juvenile Court Administrator/Superior Court Clerk
- **Bruce Van Glubt**, District Court Administrator
- **Anne Deacon**, Health Department, Human Services Division Manager
- **Daniel Hammill**, Bellingham City Council Member
- **Kelli Linville**, Bellingham Mayor
- **David Doll**, Bellingham Police Chief
- **Darlene Peterson**, Bellingham Municipal Court Clerk
- **Scott Korthuis**, Lynden City Mayor
- To be determined, Small City Council Member
- **Kevin Turner**, Small City Police Chief
- **Raylene King**, Blaine Court Administrator, Small Cities Municip
- **Travis Brockie**, Lummi Business Council Member
- Undesignated, Nooksack Tribe
- Undesignated, Peace Health St. Joseph's Medical C
- **Jerry DeBruin**, Fire District 14 Chief, Emergen
- **Eric Petersen**, Representative of the Ser
Corrections

Members include representatives and stakeholders from across the justice system including: the Judicial branch, Councilmembers and Elected Officials, Law Enforcement, Health and Human Services, Public Defenders, Prosecutors, Court Administrators, Tribes, and Consumers / Citizens.

Milestones

Insufficient substance use disorder and mental health treatment capacity is a substantial constraint to progress.



May 20, 2015 –
Ordinance Passed



February 16, 2016 –
End of Phase One

Creation of Three Subcommittees
Recommendation to the County to construct a Crisis Triage Facility with two 16-bed units



Oct. 25, 2016 –
Phase Two

Recommends expanded Electric Home Monitoring
Recommends expanded Drug Court



July 11, 2017 – Phase
Three Interim

Focus on Pre-Trial Release and Risk Assessments
Introduction of GRACE – Ground-level Response And Coordinated Engagement (care coordination and program referrals)



Dec. 5, 2017 – Phase
Three

VERA Report concluded
Recommends development of a data-based pretrial risk assessment instrument
Recommends establishing a pre-trial monitoring program
Recommends moving forward with GRACE
Recommends Additional funding for Drug Court programming

Milestones

2018

- Behavioral Health Staff hired in Public Defenders' Office
- Broader eligibility for Alternative Sentencing Programs, reduced fees
- Probation generates text message reminders – FTA rates fall from 28% to 14%
- Formation of the INDEX Committee
- Law Enforcement emphasis on issuing citations for low-level or minor crimes

2019

- Pretrial Services Unit is Established! Manager hired!
- Drug Court receives National Review
- Medically Assisted Treatment available in County Jail
- GRACE Program Operational
- Behavioral Health Officers
- Funding secured for Crisis Stabilization Facility
- Groundbreaking! September 30!
- Progress in Data Inventory and Availability
- Revisiting Pre-Trial Risk Assessment
- Blaine, Everson, Sumas allow EHM

Despite gains in the prior year, certain issues highlighted in last year's report persist, including housing availability and full funding of the Crisis Stabilization Facility.

Legal Systems Subcommittee & Behavioral Health Needs



Focus of the Legal
Systems Subcommittee



Reports from Behavioral
Health Officers

WHATCOM COUNTY JUSTICE UPDATES

PUBLIC HEALTH & SAFETY PLANNING
COUNCILMEMBER BARRY BUCHANAN



2018 LISTENING TOUR

COUNTY CORRECTIONS

- 11 Court Systems sentence offenders
- 322 offenders under supervision (snapshot on 9/16/19)
- Jail Alternatives program
- Facilities:
 - Main Jail
 - Work Center
 - Crisis Stabilization Facility (expansion in process)



ALTERNATIVES PROGRAMS

- Pre-trial supervision
- Work Crews (7) - community projects, reduced sentencing
- Electronic Home Detention – ankle bracelet
- Work Release – work during day, return to center in time off
- School Release – continue school while completing sentence
- Community Service – hours instead of jail time
- Misdemeanant Behavioral Health Unit – supervision for offenders with mental health issues
- LEAD – Law Enforcement Assisted Diversion
- Sheriff Office Behavioral Health Diversion Program



FACILITIES

MAIN JAIL

- 311 Grand Ave
- Built for 148 inmates (in 1984)
- Extensive remodeling
- \$1.2M per year in repairs
 - Design2Last project list
 - End of useful life
- 209 offenders in Main Jail
 - Work Center alleviates some overcrowding, also Yakima Jail



https://www.google.com/maps/@48.7545706,-122.4810448,3a,75y,126.08h,94.69t/data=!3m6!1e1!3m4!1sBKDMgttNH4fSg9C-C_U2dwl2e0l7i13312!8i6656



FACILITIES

INTERIM WORK CENTER

- 2030 Division St
- Built for 150 inmates
- Alternatives to Incarceration programs
- Housing for min. security
- 90 offenders (snapshot on 9/16/19)



<https://apps2.whatcomcounty.us/sheriff/jail/workcenter.jsp>



FACILITIES

CRISIS STABILIZATION FACILITY

- 2030 Division Street
- 'Triage Facility'
- Services adults with mental health or substance use disorders
- Alternative to arrest or hospitalization
- Expansion planned to 16 mental health beds, 16 detox beds
- Operated by Compass Health and Pioneer Human Services



<http://whatcomcounty.us/2075/Crisis-Stabilization-Facility>



FUNDING

- 0.1% Criminal Justice sales tax (1999)
- 0.1% sales tax for replacement jail (2004)
 - New Jail and Work Center
- Funding for jail site selection study (2007)
- 0.1% sales tax for Chemical Dependency & Mental Health programs (2008)
- 2 failed ballot initiatives (2015, 2017)
 - 0.2% sales tax increase for LaBounty Rd site



JAIL SITING

- 2012 Study - Executive Jail Planning Work Group
- Evaluated 11 potential locations
- Selected LaBounty site
- County acquired site

LaBounty & Sunset Ave., Ferndale 40 Acres

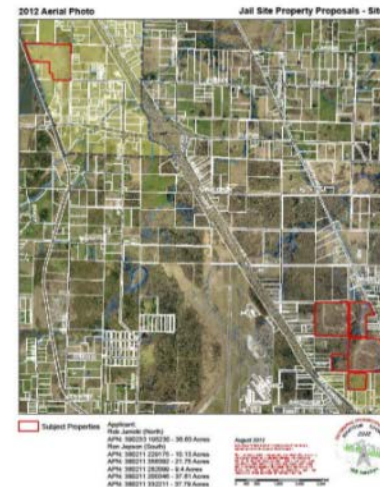
Pros:

- Location close to I-5
- Limited wetlands
- Appropriate Zoning
- Utilities on site
- No wildlife issues
- Approved Army Corps and development permits
- **SITE SELECTED FOR FURTHER CONSIDERATION**

Cons:

- Adjacent 1 acre parcel with possible soil contamination
- Some Poorly Drained Soil

County Aerial Map



NEW JAIL - SUSPENDED

- 40 acres
- LaBounty Rd, Ferndale
- DLR Group design
- 453 beds
- Estimated \$110M
- Plus Sheriff's office



Conceptual Perspective

<http://www.whatcomcounty.us/446/New-Jail-Project---SUSPENDED>

Proposed Floor Plan



JAIL STAKEHOLDER WORKGROUP

- Formed in 2016, disbanded 2017
- Provide recommendations:
 - Financial agreements with partner jurisdictions for new jail
 - Cost and funding for a new jail facility
 - Cost sharing for operating expenses
- Estimated \$110M new jail (LaBounty Rd, Ferndale)
- Funded through 0.2% sales tax (not approved)



DESIGN2LAST

- 2016 assessment of jail facilities
- Main Jail
 - 18 significant building deficiencies
 - \$10.5M issues/repairs to address in next 5 years
 - Additional \$4.5M to address smoke ventilation system
- Given excessive maintenance costs, “the best and only permanent solution is to build a new Jail” (Design2Last)
 - Failures in security electronics, outdated locking mechanisms, failing plumbing (fresh and waste water), structural concerns related to remodeling to house additional inmates, smoke ventilation system, etc.
- Additional \$27M estimated repair costs over 20 years.



INCARCERATION PREVENTION

- Incarceration Prevention and Reduction Task Force formed in 2015
- Study ways to prevent and reduce incarceration
- Minimize jail use by pre-trial defendants
- Phase 1 Report (Feb. 2016) – prevent and reduce incarceration
- Phase 2 Report (Oct. 2016)– crisis triage specifications and preferred locations, recommendations to expand alternatives programs
- Phase 3 Report (June 2017)– operational plans and budgets for implementing crisis intervention, triage, and incarceration prevention and reduction programs.



VERA REPORT

- 2017 Jail Reduction Strategies
 - Reduce unnecessary admissions to the jail
 - Reduce unnecessary pretrial detention
 - Increasing case processing efficiency, shorten jail time
 - Curtail the number of new and outstanding warrants for lower-level charges
 - Create oversight and accountability mechanisms to ensure successful and sustained jail population reduction



LISTENING TOUR 2018

- 7 events throughout Whatcom County
- Input on facilities and services needed to improve criminal justice and public safety
 - Concerns about previous jail proposal?
 - Hopes for a better solution?
 - Vision of success?



WHATCOM COUNTY COUNCIL
CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
LISTENING TOUR

WE WANT YOUR INPUT

AN EVENING TO SHARE YOUR THOUGHTS AND IDEAS CONCERNING PUBLIC SAFETY AND CRIMINAL JUSTICE IN WHATCOM COUNTY

WHERE	WHEN	LOCATION
DEMING	APRIL 3 RD , 6-8PM	DEMING LIBRARY
LYNDEN	APRIL 17 TH , 7-9PM	LYNDEN LIBRARY
BELLINGHAM	MAY 1 ST , 7-9PM	WHATCOM COUNTY COUNCIL CHAMBERS
SUDDEN VALLEY	MAY 15 TH , 7-9PM	SUDDEN VALLEY DANCE BARN
FERINDALE	MAY 29 TH , 7-9PM	FERINDALE LIBRARY
BELLINGHAM	JUNE 12 TH , 7-9PM	FAIRHAVEN MIDDLE SCHOOL
MAPLE FALLS	JUNE 26 TH , 7-9PM	EAST WHATCOM COUNTY REGIONAL RESOURCE CENTER

FOR MORE INFORMATION, VISIT WWW.WHATCOMCOUNTY.US/2809

LISTENING TOUR 2018

- In-person and online questionnaire
- Issues:
 - Prioritization of diversion and treatment for substance use and mental health disorders
 - Desire for a smaller jail
 - Investment in programs that prevent incarceration and reduce root causes of criminal behavior
 - Investment in rehabilitation and treatment services
 - Successful re-entry into the community



RESOLUTION 2019-036

- Public Health, Safety, and Justice Facility
 - Unanimously approved at County Council (8/7/19)
 - Identifies planning principals
 - Acknowledges life/safety issues at existing jail and costs of repairs - too costly to continue into the future
 - Identifies desire for a possible ballot initiative



RESOLUTION 2019-036

- Break the cycle of incarceration
- Focus on mental health and substance abuse treatment and diversion
- Focus on diversion and jail alternatives
- New jail should be sized considering comprehensive alternatives and treatment programs



NEXT STEPS

- Public engagement at all phases
- Phase 1 – Needs assessment
 - Includes: summary of existing studies and work to date, financial asset map, projections, facility size, evaluate behavioral health programs in the jail and throughout the broader community, gap analysis, identify evidence-based behavioral health practices, etc.
 - Discussion and direction on preferred location
- Phase 2 – Facility Design and Alternative Analysis
- Phase 3 – Conceptual Design



QUESTIONS?

