

Incarceration Prevention & Reduction Task Force / Law & Justice Council Meeting Summary April 19, 2021

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1. Call to Order

Task Force Co-Chairs Jack Hovenier / Stephen Gockley called the meeting to order at 9:00 a.m. The remote-only meeting was held via Zoom Webinar.

Present: Barry Buchanan, Anne Deacon, Arlene Feld, Heather Flaherty, David Freeman, Stephen Gockley, Daniel Hammill, Jack Hovenier, Raylene King, Scott Korthuis, Seth Fleetwood, Byron Manering, Eric Richey, Tyler Schroeder, Flo Simon, Donnell Tanksley, Mike Parker (proxy for Greg Winter)

Absent: Bill Elfo, Deborah Hawley, Mike Hilley, Moonwater, Eric Petersen, Darlene Peterson, Dave Reynolds, Bruce Van Glubt, Maia Vanyo, Greg Winter

2. [Update on the Washington State Supreme Court ruling on State v. Blake on RCW 69.50.4013 \(1\), Washington's simple possession of controlled substance statute \(00:01:32\)](#)

Richey reported on the [Supreme Court ruling on State v. Blake](#) decision and its impact on past convictions and updated the Task Force on recent developments:

- The Supreme Court justices are reconsidering the decision
- Proposed legislative bills were in place, including one to enact a law that would protect children and provide treatment possibilities

The Task Force members discussed the status of other proposed bills submitted in the State legislature, increased costs to the entire system, impacts and potential legislation occurring in other jurisdictions, and the preemption statute.

3. [Pending State Legislative Proposals Relevant to IPRTF \(00:16:40\)](#)

Hammill referenced the list of legislative priorities in the meeting packet and reported on HB 1082 on State accountability of peace officers and corrections officers and HB 1092 regarding law enforcement data collection. The Bellingham City Council will be discussing these two items and local oversight. The remaining highlighted items on the list are relevant to the work of the Task Force.

The Task Force members discussed efforts to address the Blake decision; areas of focus on behavioral health, including youth mental health; operational funding from the State for the Crisis Stabilization Center, and; whether HB 1092 regarding data will be relevant to the Information Needs and Data Exchange (INDEX) Committee.

4. [COVID Recovery Assessment, America Rescue Plan Act, and other State funding \(00:24:22\)](#)

Schroeder referenced the National Association of Counties (NACO) website on the [America Rescue Plan Act](#) and reported that the information on the NACO website is a good explanation of the American Rescue Plan funding program. They are still looking into the

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details of what the program will be moving forward. Guidance from the federal government has been high level, not detailed. The County knows what programs are qualify for additional funding and the timeframe for funding. He described the background of the Act. Whatcom County will receive \$44.46 million for 2021-2024. The City of Bellingham will receive \$21 million. The small cities will receive lesser amounts. A portion of the \$233 million that is allocated to the State will be distributed among the counties. The County will receive the first payment in May, but don't yet know how much they will receive of that total amount. He read from the allowable uses for recovery funds as shown in the packet and on the NACO website. The County will first use the money to respond to Covid-19 impacts, including backlogs in the courts.

He doesn't yet know what the other \$1.9 trillion in the Act will be used for exactly. There are dollars for development grants for healthcare, including behavioral health care and programs. They are waiting to see where the federal dollars will be spent, before moving forward with the County allocation. Funds can be used through 2024. The County will look first at specific impacts to County operations, such as revenue reduction and operational issues. If there are programs that can be funded with stimulus dollars, they will begin to coordinate those dollars with the community, and use local dollars to enhance programs that have been impacted by Covid. The resources from NACO have been a good framework for the information.

The Task Force members discussed funds allocated to the municipalities being separate from the amount allocated to the County; whether they could use the funds to create a specialized emergency care unit (SECU) at the hospital specifically for juveniles; who makes the decision about allocating the money; whether the IPRTF can make recommendations on the expenditure of those funds to the County Council; encouraging citizen involvement; the Council resolution on using the majority of the funds to supplement childcare in the community; ensuring IPRTF advocacy is related to the purpose of the IPRTF; defining local programs that fit in the larger categories of The Act, and determine how much can be allocated to each program; the need to know how the State will distribute its allocation before making decisions locally; aligning all the recommendations from the various advisory committees, and; funding new programs.

The next step is review by the Steering Committee to find out the extent of funding available, and whether there are competing programs that they must consider. The Steering Committee may ask subcommittees to highlight programs that might be consistent with the use of the funds. Buchanan, Hammill, and Schroeder should keep the IPRTF informed on funding proposals.

5. [Crisis Stabilization Center \(00:57:22\)](#)

Deacon updated the Task Force on the Crisis Stabilization Center:

- The program advisory committee meets monthly to guide the referral, admission, discharge, and other practices
- All 16 substance use disorder (SUD) beds are open, and are usually full
- Ten beds are open on in the mental health stabilization unit, partly due to staffing and partly due to facility issues
- Community artists are engaged in painting murals on the walls throughout the facility
- Two program issues are:
 1. Trying to get emergency medical services (EMS) to transport directly to the Center as an alternative destination to the hospital. She is working with the State and hospital.

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2. Certifying the mental health unit as an involuntary triage placement location. The managed care organizations (MCOs) are starting to actually pay the cost of operating the facility as an involuntary facility.
 - They are still moving toward ensuring adequate operational funding
 - They need to make sure they educate all law enforcement agencies on who is appropriate for placement

The Task Force members discussed whether they are tracking what happens to individuals who are not appropriate for the Center; how law enforcement officers and deputies are being educated on the facility as an alternative to jail or the hospital; whether other counties are using the facility; when the mental health facility will be used fully, and; getting a report on data points about who is turned away, demographics, capacity trends, and other information.

6. [Committee Updates \(01:14:37\)](#)

Buchanan referenced the meeting summary and reported for the Steering Committee.

Hammill referenced the meeting summary and reported for the Behavioral Health Committee.

King referenced the meeting summary and reported for the Legal and Justice Systems Committee.

The Task Force members discussed the status of committee's plans to work on domestic violence offender treatment services and the need for reentry services and the challenges with having adequate service providers for both reentry and for domestic violence offender treatment.

7. [Other Business \(01:38:00\)](#)

Hovenier updated the Task Force on the deadlines for the annual plan.

8. Public Comment

There were no public comments.

9. Adjourn

The meeting adjourned at 10:42 a.m.