

# Incarceration Prevention and Reduction Task Force: Legal and Justice Systems Committee

Meeting Summary for February 8, 2022

*Agenda item links to YouTube video are functional at the time this meeting summary was created, however, YouTube links may change. Links in this document will not be updated. Please refer to the time notation on each agenda item.*

---

## 1. Call to Order

Committee Chair Raylene King called the meeting to order at 11:31 A.M. The meeting was held via remote-only Zoom Webinar.

Members Present: Bill Elfo, Caleb Erickson, Arlene Feld, David Freeman, Stephen Gockley, Deborah Hawley, Wendy Jones, Raylene King, Jackie Mitchell, Darlene Peterson, Eric Richey, Donnell Tanksley, Bruce Van Glubt, Maia Vanyo

Members Absent: Flo Simon

King gave thanks to Wendy Jones for her many years of service.

## 2. [Current jail use statistics and restrictions \(held from January meeting\) \(03:45\)](#)

Jones gave a presentation on the current number of offenders occupying the jail. She stated that there was a large number of pre-trial offenders currently housed in the jail and the time they are staying is increasing. She discussed factors contributing to the current population numbers.

Mitchell asked about the acuity of the people in custody as the jail population increases. Jones stated that they currently have people who are behaving in a way that is more acute than she has seen in her career. She explained the reasons behind this, including the number of high level offenders.

King asked about property crimes and asked how many pre-trial offenders are waiting for trial compared to waiting for competency evaluations. Jones acknowledged that due to current restrictions on space, they are not able to house those arrested for property crimes. She said the other question would be addressed later in the agenda.

Gockley asked what day to day operations in the jail were in regards to mental and behavioral health. Jones described the staffing levels, services available, and how people are screened and observed for mental health issues. She went on to explain what the next steps would be including medication or civil commitment. Mitchell added that they can also have Designated Crisis Responders (DCRs) come to the jail directly, which is unique to Whatcom County.

## 3. [Reentry Services \(continued from January meeting\) \(23:35\)](#)

Mitchell stated that there is a team of mental health providers (MHPs) working in the jail, as well as a re-entry specialist as part of a contract with Lifeline Services. She explained that a juvenile detention specialist and a supervisor are yet to be hired.

Feld asked about the range of services provided by that team. Mitchell replied that they are providing crisis services, counseling, referrals to outpatient providers, coordination of treatment, and reentry services.

King asked if, once fully staffed, if they will be able to adequately meet needs or if they would need more staff. She also asked if a juvenile who was receiving services would be followed after turning 18. Mitchell replied that they do not have an age cut-off and that they would likely work on a case by case

## Incarceration Prevention and Reduction Task Force: Legal and Justice Systems Committee

Meeting Summary for February 8, 2022

*Agenda item links to YouTube video are functional at the time this meeting summary was created, however, YouTube links may change. Links in this document will not be updated. Please refer to the time notation on each agenda item.*

---

basis. Regarding staffing, Mitchell said that there is always a need for more and that she would ideally add one or two substance use disorder professionals (SUDPs) and there's a need for more reentry services.

#### 4. Competency and restoration (continued from January meeting) (35:22)

King said that she recently had a discussion with DSHS reentry services and they were interested in assisting with individuals waiting for restoration. She asked Mitchell if she would be able to assist with that and answer some questions they had. Mitchell agreed to do that.

Jones spoke on competency and gave an overview of the number of people going through the competency process. She emphasized that competency and insanity are legal terms, not medical terms, and that people are often found legally competent, but come back to the jail still very mentally ill and on medication. That medication would continue in the jail, but often people refuse to take medication and, in that case, they would be obligated by the procedures set out by the Harper decision. These procedures lay out the process for delivering medication involuntarily. If that process is not able to be completed before someone decompensates, they will have to be re-admitted to Western State and the cycle will start again. She described the process of determining and declaring that someone is mentally ill, the steps that occur after that on the road to competency restoration, and what happens during the period of time after the report is created but before arguments are held in court. She concluded that there are systemic issues within this process that make it clunky and put people at risk of being off medication for long periods of time. She spoke about legislation going through the state this session, SSB5664, that she believes would further confuse matters.

Feld asked, hypothetically, what three or four changes Jones would make to improve the system if she could do anything. Jones said that the fixes needed to happen at the state level and that those would include addressing the fact that there are individuals who are non-compliant and so dangerous that they should not be outside an institutionalized environment. She added that jails have become the default places to put people in that situation.

Mitchell said that people who undergo competency can often have untreatable mental illness and are unable to develop awareness of it. These can develop and spiral to a point where they are dangerous to themselves and those around them. She related a personal story of a family member who went through this. She concluded that these issues cannot be addressed without institutionalization until major advances in medication treatment are made.

Vanyo said that she believes that Western State Hospital needs to admit patients more quickly and that they need prosecutors who are willing to dismiss criminal offenses and send those cases to civil commitment proceedings rather than getting stuck in a cycle.

Erickson said that in his opinion, the current institution we have, the jail structure, is not helping anything with regards to mental health. He advocated for increased staff training and better design of facilities.

## **Incarceration Prevention and Reduction Task Force: Legal and Justice Systems Committee**

Meeting Summary for February 8, 2022

*Agenda item links to YouTube video are functional at the time this meeting summary was created, however, YouTube links may change. Links in this document will not be updated. Please refer to the time notation on each agenda item.*

---

Jones encouraged committee members to read through the current senate bill. She said she believes it would put us in a situation in which people would need to be brought into custody by law enforcement from an out-patient facility if they are not cooperating. She said she believes this is not the right direction as it would essentially be jailing people because they are mentally ill.

### **5. [Regular meeting length for 2022 \(held from January meeting\) \(1:03:48\)](#)**

Vanyo and Elfo said that they were opposed to extending the meeting time. This item was not discussed further. It will be held until the next meeting.

### **6. Other Business**

There was no other business.

### **7. Public Comment**

There were no public comments.

### **8. Adjourn**

The meeting adjourned at 12:37 P.M.