

WHATCOM COUNTY JAIL PLANNING TASK FORCE
Thursday, December 1, 2011, 7:30 a.m.
Garden Room, 322 North Commercial Street, Bellingham

MEETING MINUTES

Task Force Members Present: Pete Dworkin, Chair, Lisa McShane, Co-Chair, Ray Baribeau, Doralee Booth, Marianne Caldwell, Dave Christensen, Anne Deacon, Wendy Jones, Erik Ramstead, Barbara Sternberger, John Wilson.

Task Force Member(s) Not Present: Pete Dawson, Caleb Erickson

Others Present: Bill Elfo, Irene Morgan, Kay Sardo, Bill Valdee, Kathy Mohebbi

Roll Call

Pete Dworkin welcomed everyone and asked that they please sign the attendance roster. The attendance roster is attached.

Approval of the Draft Minutes

The November 3 and November 17 meeting minutes were approved as amended.

Public Comment Period

Irene Morgan: Thank you for your service, commitment and tenacity; you are doing a very good job. I can think of several reasons for some of the discussion and plans that I have heard in the JPTF meetings. I would like to share with you my ideas and the ideas of others in the community. If 80% of our jail inmates are non-violent, we have an excellent opportunity to use alternative programs. (There was a brief discussion concerning the percentage of inmates who are non-violent being approximately 70 %). I am using the 500 bed figure, freeing up 400 beds. 24% of inmates are mentally ill. From my perspective, the mentally ill shouldn't be in jail in the first place. They need to be diagnosed and moved to proper facilities, which means developing programs and facilities for them. One third are chemically dependent. We could expand and improve what we already have, the Drug Court, a recovery center and detox. One third are homeless. Let's allow one of our parks or empty areas in our city and community for them to be safe, for the public to be safe, and to save money by not arresting them. Wouldn't it be wonderful to practice Project Homeless Connect 365 days a year. Let the agencies that feed the homeless go to the homeless in the area where they are so that everyone who has congregated can be fed. Many would get more services and be healthier and safer and have hope. We could implement Restorative Justice. Statistics show that there is about a 25% success rate. I believe that we could be a committee to lobby the State to change our laws because the judge's hands are tied. In the work I have done over the years with many of the agencies and government departments, I've noticed a strong sense of protecting turf. I think we all know it no longer matters where you are, what job you have, how long you've had it or the safeguards that are in place. Business as usual is no longer sustainable. The coffers are dwindling in every sector. Let's plan for the future, with alternatives now, so that in five years, when possibly we will not be able to build the 600 bed jail I hear being proposed, we are ready. There are many agencies, groups and businesses already doing this good work. Let's see how we can expand this work even more for a healthier community. We had so many awesome ideas come from our October 1 Opportunities Conference. We are moving ahead on many of the ideas that will affect these numbers. I've spoken to this before; dollars and lives can be saved. Thank you.

JPTF Recommendations to the County Council

Task Force members discussed the proposed edits to the JPTF recommendations to the County Council.

Pete Dworkin: It was agreed that Lisa and I will give a brief presentation, focus on the bullet points and see if the County Council has any questions. Pete thanked Marianne, Wendy and Lisa for working on the draft as a group and distributing the final draft version.

Barbara Sternberger noted that her sentence stating that the Jail Planning Task Force would do their final report working with the jail planner had been removed.

Pete Dworkin responded by referring Task Force members to the last sentence in the first paragraph of the draft that states that Jail Planning Task Force members desire to complete the work assigned to them, including the report, by the County Council and will be able to do so with the assistance of the proposed jail planner.

Pete Dworkin: My understanding is that we are going to present a report to the County Council in January that gets as close to the answers that they want as we can, based on our expertise and the information we have. It is based on our recommendation; we cannot get as specific as they need us to until we have a jail planner go through this process. We would like to continue with a jail planner to help to select the site and help determine the size of the jail

Dave Christensen: In your narrative presentation to the council it is important to convey the sense of urgency.

Pete Dworkin: The word immediately has been included several times. We need to stress the urgency in our verbal narrative.

An amendment to the November 17 meeting minutes was made as follows: **A MOTION WAS MADE, SECONDED AND PASSED, UNANIMOUSLY**, that the JPTF approved the content of the Recommendations to the County Council and the subcommittee consisting of Lisa McShane, Pete Dworkin, Marianne Caldwell and Wendy Jones will complete the formatting and prepare to submit to the County Council.

Components of a Jail

Wendy Jones distributed a copy of "FUNCTIONAL COMPONENTS OF A JAIL, DRAFT 5" (attached)

Wendy Jones: Draft 5 changes include: the terms in Classification to be "required" or "discretionary." Location was added, Page 5. Location suggestions include: On-site, On-site if room, Adjacent, or Remote. Ancillary Components are "Outside of essential functions of the jail, but have demonstrated, either in the WJC or other facilities to be a benefit to the jurisdiction." Ancillary components include: Court, Day Reporting Center, Emergency Operations Center, Facilities, Jail Industry Space, Power Substation, Pre-Arrest Diversion, Sheriff's Office Headquarters, Training Facility, Waste water/storm water. ,

Pete Dworkin: I think that the purpose of the Components of a Jail is to give us and the Council all the functional components that are involved in a jail. We can have an ideal as to all the things that we want in a facility and then we have a budget and decide which components on the discretionary list are possible. This is what we talked about in prioritizing.

Discussion ranking and categorizing jail components included: mental health triage and detox comes under pre-arrest diversion in the ancillary section. Pre-arrest diversion should be in the heading. The Triage Center should be included because it is not just mental health. The RCW only addresses the crisis stabilization for pre-arrest diversion. The RCW does not allow a true Crisis Stabilization Unit to be within the four walls of a jail. **IT WAS AGREED** by consensus that the Ancillary Components Function will be Behavioral Health Pre-arrest Diversion.

Task Force members discussed the components of a jail descriptions including: on-site, (within the four walls of the facility) On site if room, Adjacent, or Remote. Wendy suggested adding a column that includes security levels. Wendy said that one of the things that a jail planner does is work on adjacencies and how much will be high security. It may make more sense to do it with a jail planner than to do it now and then do it again.

Ray Baribeau asked if there is anything missing from Ancillary Components. A Breathalyzer room was added to the list. Future unmet needs of space for other needed services was discussed including an Emergency Operations Center.

Wendy Jones: Currently, the Division of Emergency Management operates under the Sheriff Office. If there is a large emergency in Whatcom County, space is needed in order to get an EOC up and running. It could be multi-purpose, like a training room. When the pipeline explosion happened, EOC had a suite of offices in the basement of the courthouse. Within 24 hours, IT had to come in and run 40 additional phone lines. They did an amazing job but it really drove home the point to have a space that can quickly convert in an emergency situation. It is not an essential component of the jail but there is utility. A dispatch center is not included in the Functional Component list. It may be good planning to co-locate an EOC with a Dispatch Center. The Dispatch Center currently being used by 911 was meant to be a temporary building. There may be some utility to the community co-locating a Dispatch Center and an EOC training room. You would have a communication hub.

Task Force members discussed 911 Dispatch, an Emergency Operations Center, a Community Justice Center, adjacency, funds, planning, planning needs, space, size considerations, and community discussion concerning the courthouse location, the comprehensive plan, and population.

John Wilson: Population is a factor. The County will grow; ½ million people eventually, in 20 years, 30 years, 50 years. Our courthouse is no longer adequate. Do we have to look and say we need to take 2 city blocks or 3 city blocks; do we need to move to the county, centrally located? This is all part of a bigger discussion but it has to be a factor.

Pete Dworkin: I think these factors need to be discussed on a system wide level, justice system wide but I don't want to lose focus of the Functional Components of the jail.

John Wilson: The reason why I am saying this is the county has property at Northwest and Smith road, 160 acres. It meets all the future needs instead of trying to put the jail on a 20 acre site somewhere that's not expandable. Future growth is a factor. There are so many different ways to slice the pie. But it is a factor.

Pete Dworkin: It is a factor that needs to be raised in the overall planning of the criminal justice system and capital facilities. So, maybe we should include a third category; we have Components of a Jail, we have Ancillary Components...maybe there should be a third category, justice system wide facilities, and jail related services.

Lisa McShane: It strikes me that we are recommending the County has a conversation about a capital facilities plan. Capital facilities planning will impact the recommendation we make for the jail location. For our next meeting, I'd like us to consider a recommendation to the County Executive and the County Council that they embark on capital facilities planning, perhaps at the same time we are working with the jail planner.

Size of a Jail

The Task Force continued discussion on size of the jail in light of their recommendation re: Jail Planner

Pete Dworkin: We started the discussion last week and we had some folks who were comfortable with the 600 number. This is not a final recommendation of the size but a general idea of the number that we can reach by consensus. I agree with Pete Dawson that we come up with some sort of parameters/conclusion of the number of beds. Some here agreed that 600 is a valid number of beds for us to consider. The combined population between the Work center and our main jail is around 430 persons. So based on that number we were discussing today, what would be the ideal number of beds?

Lisa McShane distributed a copy of "What size should the Whatcom County's new jail be?" (attached)

Lisa McShane: At the bottom of the narrative is information explaining how Omni-Group/HDR arrived at their recommendation. Barbara and I took County population projections, assuming a 0.2 % population in jail, plus a safety factor of 20%. We talked about communities like Spokane and others. If we reduced our incarceration rate just slightly to .018 percent, then considered the safety factor of 20%, you see what that looks like. I think that 600 is something that we should question, not something we should assume. Jay Farbstein touched on how you can reduce your need for a jail, while still building a new jail that is safe and we can afford.

Erik Ramstead: There are a couple of different dynamics that need to be taken into consideration when we talk about the size, one of which is that one can find consultants, like we have, that say it should be 800+ beds and you could probably find a consultant who thinks it should be 200 beds. I think trying to depend on consultants in and amongst themselves is going to be a kind of tricky game. We have discussed consultants but in my experience, over the last 25 years, one of the best consultants we have, probably in the state, is right here, Wendy Jones. She has been our go to person. When you talk about all the alternatives we have discussed as far as Corrections, Wendy is already employing 90% of these alternatives. We are a model. Consultants come to her for this information. So I am really going to rely heavily, at least from my vote, on what Wendy thinks is the proper amount of jail space. I would like to go on record saying if Wendy Jones is telling us 600 beds, it is a realistic figure.

Wendy Jones: I appreciate the work you and Barbara did. I will point out that for Phase 1, 2015; you have a figure of 420 beds. We are already holding more people than that. Currently we are holding an average of 430. I do agree the numbers HDR came up with were too high. In 2005, when we were pulling some of this data, our Average Length of Stay was 26 days, and it is now 20 days. When you figure the Average Length of Stay you are figuring the total number of people who are coming through your facility. When we opened up the Work Center, we started moving misdemeanants through. They stay a lot less time so that drives the Average Length of Stay down. What Spokane refers to as the expedited case manager, we refer to as the Fast Track System in Whatcom County. It is based on something that came out of Alabama called Rocket Docket. What may serve to off- set this reduction over the next year or two is a concerted effort by law enforcement to target serious habitual offenders in our community. They have a disproportionate effect on the community

and the law and justice system. I suspect the result will be longer jail terms for a smaller number of people. This will influence our Average Length of Stay. If we get a small group that are in jail for a long period of time it skews the numbers. 600 is a scientific based guess. Realistic, given the growth factors we see and changes that are coming both within the law enforcement community and the state legislature

John Wilson: When we talk 600 beds are we talking an effective rate of 480? Should we start changing the dialogue that we are not building a jail for 600, we are building a jail for 480 that has a capacity of 600.

Additional figures on the “What size should the Whatcom County’s new jail be?” and changes in state funding were discussed.

Doralee Booth: When the State has the fluctuations and cuts in funding, once the funding is the responsibility of the counties, does the State ever pick it back up again. ?

Bill Elfo: The State is not only reducing the prison population by sending more people to county jails, they are not supervising those that are in the community where they could help them succeed. Many Community Corrections staff has been eliminated.

Ray Baribeau: The reason I chose 600 wasn’t arbitrary, I think that it is realistically based on our current populations.

Bill Elfo: Ultimately we should be striving to reduce our population, a lower incarceration rate but that is dependent on a number of moving parts and a number of facts and a number of circumstances that we have no control over. As the Sheriff, I have the responsibility to operate the jail in a safe and constitutional manner. We can come up with a lot of ideas about reducing the population, we should continue to strive for those, but the bottom line is I get an offender, the judge orders them held in jail, we don’t have the options like the state prisons do, we have to hold them. I think we have aspirational goals but we also have to look into realities that there are mandates. If someone is committed to our custody, we hold them in custody as we are directed to do.

Pete Dworkin: The 600 number is reasonable based on where we are right now today, at 430. I think that the question that we should be asking ourselves is if we weren’t planning to build a jail but had a jail that was adequate for right now or the near future what size would it be? To plan to build a jail on the presumption we will be able to reduce the incarceration rate is not prudent, it is not planning for reality but planning for a potential and for a hope. Jail is the only option we have in a lot of situations. I think to plan a jail that is smaller than what we really truly know that we need today to deal with contingencies and the current population is to repeat what happened 30 years ago. I think a lot of the things that we are talking about with respect to incarceration rates, with respect to how we deal with mental health, with respect to what judges do in sentencing, are higher level political and policy discussions that people have very strong feelings about but with all due respect are not part of the discussion of how many beds we need today. Now I understand it is part of the discussion when we talk about how many beds we think need in the future. 600 beds is a number we are talking about today.

Lisa McShane: Using my calculator, $424 + \text{a safety factor of } 20\%$ is 509. How is the number 600?

Pete Dworkin: Because there is no contingency considered.

Lisa McShane: But that is why 509 includes the 20% safety factor.

Pete Dworkin: To answer the question, 80% of 600 is 480 and we are at 430 right.

Lisa McShane: My understanding was that 430 was the high, that the average population over the whole year was lower.

Marianne Caldwell: Basically, for whatever reason, our population has been dropping over the past 2 years.

Pete Dworkin: Over the last year, what is the most people you have had to hold in custody?

Wendy Jones: In the main jail 320 and in the Work Center 149.

Pete Dworkin: That is 469. To answer the question, I think that 600 beds relates to the numbers that we have here today because we have to have some wiggle room. I understand what you are saying with the 20% safety factor but I think to be responsible building a facility at less than 600 beds or significantly less than 600 beds is not planning for the next few years at all.

Erik Ramstead: I agree. Taking into consideration what the legislature is doing, we don't know what that impact that is going to be. It could be significant.

Conversation followed concerning the 70 million dollar estimate proposed by Dewey Desler, approximately 100,000-115,000 per bed = to 600 beds.

Barbara Sternberger: In discussions, over the last 2 years, everyone has said if we have X numbers of beds they will be filled. You build it, they will be filled. So my concern is over this 20 %. Let's say we build 600 beds, they will be filled. And then before we know it, we will have to expand to make the wiggle room for the extra 20%. Then, those will be filled. So I think what we need to address is, if we look at getting a number of beds, will there be that wiggle room in it or will they get filled and we will be looking to expand almost immediately?

Wendy Jones: We have discretion for commitments to schedule them out to keep as much of that buffer as we can. What would happen over time is, and if the county population continues to grow, which can impact incarceration rates, that buffer would shrink. It is not going to happen in a year, it is not even going to happen in 3 or 4 years. Eventually, that buffer will shrink until it gets to a point we are getting close to where we are now, which is we have no room to move people around and appropriately classify them. Then, we would be coming to county government and saying the time has come, we need to look at building a new housing unit, not a new jail. That is why you have heard consistently from the sheriff, me and a number of other people, whatever site is chosen needs to be a place that can expand if we need it. If we don't need that space, don't need it to build a building on; we could use it for vegetable gardens. But what would happen is buffers are there to allow us to classify with the understanding that as the population grows, hopefully it would be slowly enough, when we get to a certain level we would then start approaching County government saying we are getting close and we need to start looking at the need to put another housing unit and this is the kind of housing unit that we need. The whole idea is to not have to go through this exercise to build a whole new jail but simply add a housing unit. If you don't need a unit, don't build it and you use the space for other things. A

housing unit would cost much less money. You build large enough so that you are able to accommodate growth factors. You have already spent the money to build the infrastructure.

Ray Baribeau: The reality of the way a jail operates; the day before yesterday I sorted the roster. The sex offender tank is full; there is not a vacant bed. If someone gets booked today with a sex offense, someone is sleeping on the floor. The protective custody tank is almost always full and you could say take those extra people and put them somewhere else but there is nowhere else. That is what we are up against right now. That is why you have to have a buffer, so that you can move people and accommodate the security needs of inmates and the security needs of the staff.

Lisa McShane: We have been visualizing one jail but we still have a serviceable minimum security jail. I don't want that to drop out of our consciousness. It is not our job to decide to keep it but if we keep it, it is 149 beds and has room to build. We have to make sure that we remember we can possibly, depending on how much money there is available, subtract that number of beds.

Wendy Jones: Something else to remember is one of our long range issues is to watch operational costs. Every time you have multiple facilities that means duplicating services. That increases the operational costs significantly. If we could consolidate the main jail and the Work Center right now it would probably reduce my budget by close to 1 million dollars. I am not saying it isn't possible and certainly it is something the county will look at but absent the promises the County made to the City, which may be negotiable at some future time, I'm just looking at it as the duplication of services issue.

Lisa McShane: I think that would be part of the cost benefit analysis that should be done. I agree it is very important the new jail be planned to be very expandable. Jay Farbstein noted that.

Task Force members discussed Whatcom County Census Bureau Population Figures. Pete Dworkin noted that the population growth over the previous 10 years in Whatcom County was 20.6 % Assuming the population growth would be the same as it was the last 10 years that would put the County population at 241,000 in less than 10 years now; .2% of that is 482 beds which gets you to your 600 with the 20% safety factor. Population numbers, growth and the future was discussed. The Task Force again referred to "What size should Whatcom County's new jail be?" Ray Baribeau pointed out if the math was corrected then the 500-700 number again has basis.

Pete Dworkin: When we say 500-700 it is an educated guess based on the information in the sheets with the corrected numbers as suggested by Ray. I think saying 500-700 is a reasonable thing to say with the caveat that this is as close we can get based on what we know and that is why we recommended the jail planner. We can reference the information that we are using to get to these numbers.

Doralee Booth: I would like to add the highest population in the Whatcom County jail in the document, as one of the factors we are considering and basing this 500-700 on.

It was agreed by consensus that Pete, Dave, Lisa and Ray would draft a motion estimating the number of beds required for initial construction of the new jail.

Location of a Jail

Barbara Sternberger: I would like to formally put something forward that Site #5 be eliminated from consideration. It is the DNR site

Wendy Jones: I don't think that we can eliminate any site.

Pete Dworkin: I encourage you, if you have something you want this group to formally take action on, to write it up in the form of a motion and present it at the next meeting.

Lisa McShane: I think that we are not going to be that specific on location. I think that we are again going to do parameters.

Marianne Caldwell: That brings up the parameters. We talked about recommending to the council that that the criteria of 1 mile to a school zone be dropped.

Lisa McShane: We looked at the language and it is not shall, it is should ...the comp plan it says it should be located outside one mile from a school.

Ray Baribeau: I have formed in my mind what our new jail would look like. From a distance it will look like one of the modern middle schools. It would have land, land to continue to do the horticulture program, it would have land if we ever decided this would be a good county to train dogs for service animals, it would have land to have other kinds of programs and industrious things for people to learn skills, disciplined behavior and be outdoors. That is what I envision, something that is going to take a fair number of acres. So we can actually let the corrections people work on changing behavior.

John Wilson: One of the things that still concerns me is envisioning how the courthouse here interrelates with the jail. Are we still going to have to have a facility attached to the courthouse for temporary housing if we go in the county....does it still need to be right next to the courthouse or away from the courthouse and how does it work. Currently we have 2 sites.

Peter Dworkin: I can tell you my opinion. All the lawyers in town that do criminal cases are going to want it attached to the courthouse. It is obviously more efficient than having to transport people from a county location to the courthouse. But that being said I do not think that it is an all or nothing thing. I think that the courts can change calendars and lawyers can change schedules so that if we have a jail that is located in the county we have a system where people get transported for there first appearances and court hearings to a downtown courthouse.

Wendy Jones: I will bring some information to the next meeting about some alternatives that are not one or the other. It is that kind of out of the box sort of thing that a lot of other jails are starting to either look at or do.

Marianne Caldwell: It is difficult to discuss a site without input from the jail planner. I don't think that I could say, even in generalities, the site should be out in the county or it should be downtown. The jail planner is going to lead us through that process. I can recommend the 500-700 size of a jail.

Peter Dworkin: The topic of jail location is generally on the agenda. If people have specific suggestions or ideas on how to approach the topic, e-mail the group, put your thoughts into writing. We can discuss your thoughts at the December 15 meeting. Our work plan for the December 15 meeting includes location, financial and conclusion recommendations. We can choose a sub-committee to begin drafting our halfway report, to work on the document to submit to the County Council.

The meeting was adjourned @ 9:35 a.m. **The next meeting of the Jail Planning Task Force will be held @ 7:30 a.m., Thursday, December 15, in the Civic Center Garden Room, 322 North Commercial Street, Bellingham.**