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Citizens, Experts Develop Plan for New County Jail

The need to replace the overcrowded and unsafe Whatcom County Jail has persisted for decades. Over time, conditions have grown increasingly worse. Eighteen years of reports, findings and analysis by professional consultants, jail-planners, engineers, fire safety officials, staff, the National Institute of Corrections and multiple citizen committees consistently highlighted compelling life-safety and liability issues. Also highlighted were the lack of space for behavioral health and other programming targeted at effective treatment and reducing recidivism. Given severe and unsustainable conditions within the jail that jeopardize staff, visitors and inmates alike as well as expose taxpayers to liability, the County cannot continue to operate the facility into the future at current population levels or without spending millions more on interim repairs and remodeling.

In 2011, the County Council tasked a 13-member Jail Planning Task Force ("Task Force") with recommending the size, location and programming needed to replace the main jail. Members were appointed by former County Executive Kremen and confirmed by Council. Citizen and government leaders with expertise in corrections, mental health, rehabilitation, law enforcement, finance, architecture, construction, business and labor, as well as citizens with experience in environmental, land-use and neighborhood issues served on the Task Force. The Task Force held 16 public meetings, solicited community input and received comments from citizens and stakeholders throughout the criminal justice and behavioral health systems. It received professional assistance from the National Institute of Corrections and other experts. A very transparent process was followed. All agendas, minutes and reports were published on the County's website, and the press was notified of all meetings.

In 2013, the Task Force presented its unanimous findings to County Council reporting: "*due to overcrowding, life/safety and physical plant concerns in the main jail facility, Whatcom County needs a new jail.*" It described the need as "*critical.*" This echoed findings tendered by other citizen committees tasked to examine jail issues in 1999-2000, 2004 and 2008.

Consistent with professional recommendations, the Task Force concluded that *the "jail should operate at 80-85% of its design capacity and have capacity for 500-700 inmates."* It further recommended that the County retain an experienced jail-planner to conduct a needs assessment and refine capacity projections. The current jail system averages a daily population of 404 and

has held up to 470 offenders. Operating at nearly twice its designed capacity of 148 inmates, the main jail offers little flexibility to meet fluctuating security and special housing needs. A nationally recognized jail-planning firm was retained and recommended a consolidated replacement jail of 649-beds.

Optimism over the potential success of treatment and diversion options resulted in a 521-bed jail proposal. At 85% capacity, this will provide a net system increase of 38 beds; is 25% lower than the maximum range recommended by the Task Force; 20% lower than the recommendation of the jail-planner; and reflects 27% less beds-per-population than the planned Skagit County Jail. Future jail needs will continue to be influenced by decisions of the Legislature transferring responsibility for felony sentences from state prisons to county jails. It would be imprudent to build a smaller jail if the County is going to continue to provide jail services for all cities and tribes.

County Executive Jack Louws developed a proposal to replace the jail and implement the Task Force's recommendations. As recommended, the County Council approved the purchase of a centrally located site near I-5, reasonably close to the courthouse and sufficiently sized to accommodate long-term growth if needed. The site selection was unanimously endorsed by the County Police Chiefs' Association. Modern design features will maximize operational efficiencies and help control expenses.

The proposal includes 8,000 square feet of space to house those with severe behavioral and other health issues. Additional medical, counseling and classroom space will facilitate education, literacy, substance abuse, life-skills and other training and treatment programs.

The law requires Whatcom County to house all persons charged with felony crimes and for all misdemeanor arrests generated by the Sheriff's Office and state law enforcement agencies. It is also required to detain all fugitives wanted in other states. The cities are responsible for housing misdemeanor arrests generated by their police. Under agreement cooperative agreement, Whatcom County operates the only jail system in the County and since 1984, has housed offenders on charges generated by all cities and tribes.

The Executive developed and presented a plan to the Cities to construct the 521-bed replacement jail with a 2/10s of 1% sales-tax (20-cents on \$100 purchase). Over the past 10 months, the plan was extensively vetted, negotiated and adjusted to meet the cities' needs and requests. A proposal to replace the jail, retain a unified jail system and assist the Cities with jail expenses resulted. As tribes do not remit sales-tax, provisions will allow tribes to contribute to capital construction costs and maintain their option to use jail space. The mayors of all small cities and their respective councils overwhelmingly approved the proposal.

The County Council also authorized a diversion and treatment task force to recommend strategies for reducing future jail needs. Whatcom County operates some of the most robust and successful jail-alternative and diversion programs in Washington. Many successes can be expanded that include improving the effectiveness of jail and community-based mental health services; re-entry services for those released from incarceration; intensive treatment and supervision of pre-trial and convicted offenders; expanded Drug Courts; new Mental Health Courts; and providing mental health counselors for every school district. Approximately \$4 million is spent annually on these programs and \$3 million dollars is set aside to fund a new

Crisis-Stabilization Center. These programs will be most effective if the County continues its jail partnership with the cities and tribes.

For the jail proposal is to move forward for approval by voters in November, the Bellingham City Council will need to approve the plan and the Whatcom County Council will need to authorize placing the proposal before voters.

As Sheriff, I have a legal and moral obligation to operate the jail in a safe, constitutional and humane manner. The result of not replacing the main jail or incurring more years of delay will require investing millions more to stabilize and remodel the structurally flawed and inadequate facility. It will also require that the jail population be lowered and affect the County's ability to continue meeting the jail needs of cities and tribes and likely lead to a fragmented system of providing jail services in our community.

I join our local Prosecuting Attorney, Public Defender, all Superior Court and District Court Judges and the County Executive in urging that necessary and timely action be taken to replace the jail.

Bill Elfo, Whatcom County Sheriff