

**ORDINANCE 2019- 056**

**AMENDING WHATCOM COUNTY CODE 2.46.020 AND 2.46.030, TO AMEND THE  
WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK  
FORCE PURPOSE AND FUNCTION**

**WHEREAS**, the Whatcom County Council created the Incarceration Prevention and Reduction Task Force (IPRTF) in 2015 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 behavioral health challenges (mental illness and chemical dependency), and minimizes jail use by pretrial defendants who can safely be released; and

**WHEREAS**, the IPRTF completed its initial tasks and also provided to the County Council its Phase I, Phase II, and Phase III Reports, as required by Ordinance 2015-037 to develop plans for a new or expanded crisis triage center for individuals struggling with behavioral health challenges; and

**WHEREAS**, the IPRTF continues to work with all stakeholders on creating new and enhancing existing criminal justice and behavioral health programs and processes to reduce the number of individuals with behavioral health challenges who use costly interventions like jail, emergency rooms, and hospitals and to divert them from initial or further justice system involvement; and

**WHEREAS**, there is ample evidence that interventions and investments in social determinates of health have positive impacts on people's lives; and

**WHEREAS**, investment in birth to three help children succeed in school and in life; and

**WHEREAS**, the PITA continuum (Prevention, Intervention, Treatment and Aftercare) provides a structure for policy makers to follow; and

**WHEREAS**, investments in the zero intercept in the Sequential Intercept Model help people stay out of the Criminal Justice System.


**NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that County Code Chapter 2.46 is hereby amended as outlined in **Exhibit A** to this ordinance.

APPROVED this 23<sup>rd</sup> day of July, 2018.

ATTEST:

  
Dana Brown-Davis, Clerk of the Council

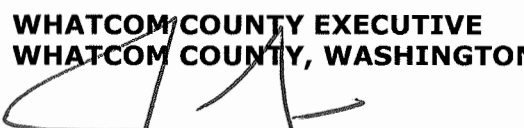
APPROVED AS TO FORM:

  
Civil Deputy Prosecutor

  
WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

  
Jack Louws, County Executive

(  ) Approved (  ) Denied

Date Signed: July 25, 2019



The Task Force, as the Law and Justice Council, will meet the requirements of RCW 72.09.300.

**2.46.040 Permanent Members.**

The Incarceration Prevention and Reduction Task Force shall include the following ±3 designated officials or their representative:

- A. One Member of the Whatcom County Council
- B. Whatcom County Executive
- C. Whatcom County Sheriff/Jail Administrator
- D. Whatcom County Prosecuting Attorney
- E. Whatcom County Public Defender Director
- F. Juvenile Court Administrator/Superior Court Clerk
- G. One Representative from the Whatcom County Superior Court
- H. One Representative from the Whatcom County District Court
- I. Tribal representation from the Lummi Nation and/or the Nooksack Tribe
- J. One representative from the Whatcom County Health Department Human Services
- K. Emergency Medical Services (EMS) Representative
- L. PeaceHealth St. Joseph's Medical Center
- M. Secretary of the State Department of Corrections or his/her designee

One each of the following, or their designee, to represent municipal courts, prosecutors, police, and legislative authorities:

- N. Bellingham Mayor
- O. Small City Mayor, designated by the Small City Partnership
- P. Bellingham Council Member
- Q. Small City Council Member, designated by the Small City Partnership
- R. Bellingham Police Chief
- S. Small City Police Chief, designated by the Small City Partnership
- T. Bellingham Municipal Court Administrator
- U. Small City Municipal Court, designated by the Small City Partnership

**2.46.050 Additional Appointed Members.**

In addition to the officials designated above, the Incarceration Prevention and Reduction Task Force shall include the following ±1 members appointed by the Whatcom County Council:

- A. Health and Social Service Providers (4)
- B. Consumer of Services or Family Member of Consumer (2)
- C. Concerned Citizens (2)

**2.46.060 Terms of office for appointed members.**

The term of office for appointed members shall be four years. Appointment of members shall comply with Chapter 2.03 WCC.

**2.46.070 Organization – Meetings.**

- A. Meetings of the Task Force shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.
- B. At every meeting, the Task Force will schedule an open session to take public comment.
- C. The Task Force shall keep written records of meetings, resolutions, research, findings and recommendations; and such records shall be submitted to county staff and shall be made public, including posting on the county website.
- D. The Task Force shall adopt its own rules and procedures for the conduct of business.



***Incarceration Prevention and Reduction Task Force  
Steering Committee  
Meeting Summary for August 1, 2019***

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**1. Call To Order**

Committee Chair Barry Buchanan called the meeting to order at 9:37 a.m. in the County Council Conference Room, 311 Grand Avenue, Bellingham.

Members Present: Barry Buchanan, Anne Deacon, Stephen Gockley, Dan Hammill, Jack Hovenier, Tyler Schroeder

Members Absent: Arlene Feld, Raylene King, Mike Parker

**2. Update on Sequential Intercept Service Inventory for the IPR Task Force**

Jill Nixon, County Council Office Legislative Coordinator, updated the committee on the status of the inventory. The Legal and Justice Systems Subcommittee will add items from the Sheriff's Office and other agencies at its meeting on August 13.

Committee members discussed the inventory, including:

- Community medication assisted treatment, provided outside the jail
- Identifying how the behavioral health fund sales tax dollars in the amount of approximately \$4.7 million per year are spent
- Including the Ground-level Response and Coordinated Engagement (GRACE) program in the reentry and post-incarceration sections of the inventory
- Whether there are programs to help people deal with legal financial obligations (LFOs)
- Whether to include only programs that have evidence supporting their efficacy in positively impacting incarceration reduction, or whether they list all services, even if there isn't science that indicates the programs reduce incarceration
- Whether peer-to-peer programs are evidence-based and how they should be listed in the inventory
- Whether the inventory should identify the programs that the IPR Task Force and/or its committees have discussed or worked on
- Creating a list of acronyms for the final document
- How to prioritize new programs that may come forward
- Ensuring there is an opportunity for agencies to comment on any proposed new program that would impact their funding and/or operations

**3. Letter to Administrative Office of the Courts (AOC) regarding importance of integrated caseload management software among jurisdictions**

Schroeder reported for the INDEX Committee. He's unsure whether there is a cost benefit to writing a letter to the AOC at this point.



***Incarceration Prevention and Reduction Task Force  
Steering Committee***  
**Meeting Summary for August 1, 2019**

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John Campbell thanked everyone for their service.

**8. Adjourn**

The meeting adjourned at 10:47 a.m.

DRAFT

**Incarceration Prevention and Reduction Task Force**  
**Crisis Recovery Facility Subcommittee**  
**DRAFT Meeting Summary for July 18, 2019**

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**1. Call To Order**

Committee Chair Anne Deacon called the meeting to order at 9:30 a.m. at the Courthouse Fifth Floor Conference Room 513, 311 Grand Avenue, Bellingham.

Members Present: Anne Deacon, Jack Hovenier, Doug Chadwick, Todd Donovan, Michael McAuley

Members Absent: Tyler Schroeder

**2. Task Force Strategic Plan Program Inventory**

The committee members discussed programs, including:

- Adding an item on the matrix for specialized law enforcement deputies
- Prioritizing law enforcement drop-off at the facility
- What happens to people held on a 12-hour peace officer hold after the 12 hours are over
- Facility staff notifying law enforcement if the 12-hour peace officer hold doesn't volunteer for extended services
- Post-discharge plans and expectations of the provider
- Transferring patients to an involuntary 72-hour hold facility when a bed is available
- The importance of creating a protocol due to recent increases in DCR walk-aways because of a lack of bed space
- Maxing out the facility bed space with extended stays, which may make the facility less accessible for law enforcement drop offs.
- The County must decide if it can set aside a certain amount of local dollars to ensure that certain people are admitted no matter what the financial situation
- Adding an item on the matrix for increased funding of crisis stabilization facility beds for non-Medicaid individuals, especially 12-hour holds
- Adding an item on the matrix to create a seamless protocol for facility discharge treatment plans for individuals admitted on a 12-hour peace officer hold
- Adding an item for voluntary mobile outreach to crisis services from the Behavioral Health Administrative Services Organization (BHASO) as a replacement for the defunct Crisis Prevention and Intervention Team (CPIT)

**3. Data collecting and reporting requirements in the service provider contracts and tenant agreements**

Committee members discussed data collection requirements of the crisis stabilization facility providers, including:

- Collecting information that can indicate how accessible the facility is to law enforcement drop offs



***Incarceration Prevention and Reduction Task Force***  
***Crisis Recovery Facility Subcommittee***  
**DRAFT Meeting Summary for July 18, 2019**

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- Creating periodic committee discussions focused on how well law enforcement is using the facility
- Collecting more detailed information on entry denial data
- Collect data on whether an admission is a diversion from the jail or a diversion from the hospital
- Add a housing data point on housing status: returned with connection to services
- Capturing data on people who are readmitted multiple times
- How they will use the data collected in reports and information to the public
- The number of 12-hour peace officer holds that refuse to voluntarily extend stay to 3 to 5 days

**4. Update on State audit of the Health Care Authority**

Deacon reported on the insufficient State dollars being paid to the BHASO to cover all the services for non-Medicaid patients and resulting audit of the Health Care Authority.

McAuley reported on the two different audits that are happening:

- One to deal with institutions of mental diseases (IMD) non-Medicaid funding shortage, which are primarily involuntary hospital stays at bigger facilities
- One to deal with the status of non-Medicaid funding

The committee members discussed how the BHASO used all available non-Medicaid State dollars to backfill IMD costs; a workgroup convened to determine the non-Medicaid shortfall and payment models; and retroactive Medicaid payments.

**5. Other Business**

Deacon referenced a memo from Tyler Schroeder and updated the committee on the bid contract for the crisis stabilization facility construction.

At the next meeting, the committee will have an update on the State audits, facility bid results, groundbreaking, and anticipated completion date.

**6. Public Comment**

There was no public comment.

**7. Adjourn**

The meeting adjourned at 10:45 a.m.

***Incarceration Prevention and Reduction Task Force***  
***Behavioral Health Subcommittee***  
**DRAFT Meeting Summary for June 10, 2019**

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**1. Call To Order**

Committee Chair Dan Hammill called the meeting to order at 2:30 p.m. at the Health Department Creekside Conference Room, 509 Girard Street, Bellingham.

Members Present: Dan Hammill, Kelli Linville, Ryan King, Mike Parker

Members Absent: Byron Manering, Megan Ballew

**2. Plot programs on strategic plan inventory map**

Hammill suggested adding existing programs and the need for specific programs to the inventory map:

- Medication assisted treatment (MAT)
- Young adult court
- Domestic violence offender treatment
- Ground-level Response and Coordinated Engagement (GRACE) Program

Perry Mowery, Health Department, answered questions on the status of the request for qualifications (RFQ) for a domestic violence offender treatment program.

- The Health Department is working with the Probation Department to develop a referral, payment, and reporting structure for the service on behalf of individuals who are certified to provide the service.
- There are only three certified providers, not enough at this time to meet the capacity. There may be additional certified providers in Skagit County.

Committee members discussed the reasons why the Domestic Violence Sexual Assault Services (DVSAS) organization did not submit an RFQ for the domestic violence offender treatment; medication-assisted treatment (MAT) in the jail and in the community; the differences between treatment for opioids and methamphetamine; funding shift to managed care organizations (MCOs); funding for housing; taking advantage of an available sales tax retention through House Bill (HB) 1406 and developing a plan to leverage and use the funds; identify key areas regarding incarceration prevention that could benefit from additional housing dollars; including information on a north county healthy youth coalition; Community Prevention and Wellness Initiative (CPWI) sites throughout the county.

The committee concurred on adding to and amending a number of the sequential intercept inventory sections:

- Add domestic violence offender treatment to sections 3.C and 4.C
- Add Community Outreach and Recovery Support (CORS) to 1.B
- Add the law enforcement assisted diversion (LEAD) program to 1.C
- Add young adult court to 3.C

***Incarceration Prevention and Reduction Task Force***  
***Behavioral Health Subcommittee***  
**DRAFT Meeting Summary for June 10, 2019**

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- Add the need for affordable supported housing across all intercept levels
- Add school district prevention programs and Whatcom Dispute Resolution Center to 0.A

**3. Next Steps: Ideas & Further Information**

The Committee concurred to schedule the following to future meetings:

- An update on changes in behavioral health funding through managed care organizations (MCOs) and the Behavioral Health Administrative Services Organization (BHASO). Invite representatives from each MCO to participate in a future full IPR Task Force meeting.
- Invite representatives from school districts, the Dispute Resolution Center, the Bellingham Police Department's school programs, and Northwest Youth Services to give updates on their programs.

The Committee continued to discussed inviting program representatives to give presentations to the full Task Force as a general overview, and then assigning more in-depth discussions to committees.

Parker moved that the Committee invite representatives from the GRACE program to give updates on their programs at the next meeting. The motion carried unanimously.

**4. Other Business**

There was no other business.

**5. Public Comment**

There was no public comment.

**6. Adjourn**

The meeting adjourned at 3:35 p.m.

**Incarceration Prevention and Reduction Task Force**  
**Behavioral Health Subcommittee**  
**DRAFT Meeting Summary for July 8, 2010**

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**1. Call To Order**

The Committee members present began discussing the agenda items at 2:30 p.m. A quorum was not achieved until 2:52 p.m.

Members Present: Megan Ballew, Doug Chadwick, Dan Hammill, Kelli Linville, Byron Manering, Mike Parker

Also Present: Anne Deacon and Stephen Gockley

Members Absent: Ryan King

**2. Discussion with GRACE service providers Sea Mar Community Health Center**

Majora Christensen, GRACE Program Manager and Laura Woods, GRACE case manager, reported on the GRACE program, including:

- Staffing
- Workload
- Entry paths into the program
- The benefits of weekly staff meetings
- Working with courts and attorneys, law enforcement, housing managers, and others
- Family consultations

The committee members and presenters discussed:

- The need for a mobile responses team
- Data sharing with law enforcement and social service agencies via paramedicine software
- Whether the scoring matrix considers race and ethnicity and is data validated
- Next steps with a workgroup on measurement data and quality of life improvements
- Improving communication with the jail
- A gap in the service needs is reentry from jail and the hospital emergency department
- The differences between GRACE, the law enforcement assisted diversion (LEAD) program, and embedded providers
- Tracking racial and ethnic demographic data
- Workforce pay and burnout

The committee members and presenters discussed the possibility of giving a presentation to the full Task Force on August 12.

**3. Review of updated Sequential Intercept Model program inventory**

***Incarceration Prevention and Reduction Task Force***  
***Behavioral Health Subcommittee***  
**DRAFT Meeting Summary for July 8, 2010**

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Parker gave a brief report and asked members to submit information on their programs to Jill Nixon by July 26.

**4. Review of new income initiatives (HBs 1406, 2263)**

Hammill reported on the funding needs and initiatives.

Linville moved to recommend that the Task Force and County Council support moving forward with funding allowed through House Bill (HB) 1406. The motion was seconded and carried unanimously.

The committee discussed the timing of taxing requests.

**5. Next Steps: Ideas & Further Information**

This item was not discussed.

**6. Other Business**

There was no other business.

**7. Public Comment**

There was no public comment.

**8. Adjourn**

The meeting adjourned at 3:45 p.m.

**Incarceration Prevention and Reduction Task Force**  
**Legal & Justice Systems Subcommittee**  
**DRAFT Meeting Summary for June 11, 2019**

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**1. Call To Order**

Committee Chair Stephen Gockley called the meeting to order at 11:35 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Bill Elfo, Arlene Feld, Heather Flaherty, Stephen Gockley, Raylene King, Moonwater,

Also Present: Kristin Hanna (proxy for Deborah Hawley)

Members Absent: Deborra Garrett, Deborah Hawley, Darlene Peterson, Eric Richey

**2. National Association of Drug Court Professionals (NADCP) drug court evaluation report**

Gockley introduced the NADCP review process for District Court, including the value of the process and report results.

Chris Furman, Drug Court Coordinator, described the review process:

- It was generally a good review
- The reviewers included priority recommendations
- The Drug Court team is beginning to address those recommendations

Committee members and presenters discussed:

- Alternatives to Narcotics Anonymous that encourage participants to engage socially in a positive way
- The possibility of shortening the first phase and other positive reinforcement
- Challenges with treatment services that don't follow evidence-based best practices
- The impact of consequences
- Legal eligibility and high risk-high need screening tool
- Needs assessment to develop an individual plan
- Increasing flexibility in the program to allow customized individual plans
- Streamlined entry process that is quicker
- More people are being approved
- Higher retention in the program
- Sheriff deputy buy-in on the District Court program
- Treatment capacity
- Offender fears of detoxing in jail
- Trauma-informed care improvements
- Future progress reports from NADCP
- Individualized sanctions
- Funding for a risk assessment and additional staff
- Grant writing needs

***Incarceration Prevention and Reduction Task Force***  
***Legal & Justice Systems Subcommittee***  
**DRAFT Meeting Summary for June 11, 2019**

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- The national conference in Washington D.C. in July
- Clean and sober housing opening soon
- Concerns with funding from the new managed care organizations (MCOs)

The committee will schedule another meeting with the Drug Court team in early 2020 to check in on progress made with the report recommendations.

**3. Update on in-custody evaluations**

Perry Mowery, Health Department, reported on how the criminal justice treatment account (CJTA) works, including:

- Why there is a limit per month or quarter
- They have flexibility to move funds between contracts for inpatient, outpatient rental assistance, and jail assessments
- Evaluation staff availability
- The policy of making drug court a certification agency as an assessment center

**4. Introduce the Strategic Plan & Inventory**

Gockley introduced the strategic plan inventory as it's been developed by the Steering Committee, and asked committee members to submit information for the matrix to Jill Nixon.

Committee members discussed how pretrial inmates are not allowed to do in custody work crew because they have not been sentenced.

**5. Next Steps: Ideas & Further Information**

This item was not discussed.

**6. Other Business**

There was no other business.

**7. Public Comment**

Joy Gilfilen spoke on the possibility of connecting all the specialty courts and other programs.

**8. Adjourn**

The meeting adjourned at 1:24 p.m.

***Incarceration Prevention and Reduction Task Force  
Information Needs and Data Exchange Subcommittee  
Meeting Summary for August 1, 2019***

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**1. Call To Order**

Committee Chair Tyler Schroeder called the meeting to order at 1:50 p.m. in the Whatcom County Courthouse Conference Rooms 513/514, 311 Grand Avenue, Bellingham.

Members Present: Tyler Schroeder, Barry Buchanan, Wendy Jones, Caleb Erickson, Brenda Beeman, Dave Reynolds, Bruce Van Glubt, Darlene Peterson, Ryan Anderson, Perry Rice, Marty Mulholland, Amy Ebenal

Members Absent: Courtney Polinder, Amy Hockenberry, Erin Herschlip, Christine Paulson

**2. State Pretrial Task Force Recommendations**

Schroeder referenced and read through the report in the meeting packet.

Committee members discussed:

- The data that Superior Court and District Court have been providing to Dr. Andrew Peterson from the Administrative Office of the Courts in the risk assessment validation process;
- Historical jail data to determine if more people are being released on personal recognizance (PR) bail amounts trends; and the difficulty of tracking the reason a judge makes a PR or bail decision;
- More information that can be collected once risk assessment is implemented.

Next steps will be for the pretrial services unit to continue working with Dr. Peterson on gathering information to establish a baseline of information.

**3. Preliminary discussion of data gathering to monitor success of new Superior Court Pretrial Services Unit**

The committee members discussed how they define what success looks like, how violations would be handled, how quickly the new pretrial services unit will ramp up to full capacity, training on the pretrial services software program, and whether pretrial services will be assigned to people out on bail.

**4. Meetings**

Jones moved to meet next on October 3, 2019, 1:30 to 3:00 p.m., Courthouse Fifth Floor Conference Rooms. The motion was seconded and carried unanimously.

**5. Other Business**



***Incarceration Prevention and Reduction Task Force  
Information Needs and Data Exchange Subcommittee  
Meeting Summary for August 1, 2019***

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Committee members discussed whether it would be helpful to send a letter to the Administrative Office of Courts (AOC) about their project to replace the caseload management software for courts of limited jurisdiction. At this point, the committee has engaged the AOC on the topic and understands its beyond their ability to provide input at this point. They can reengage if the AOC makes progress on the project, and they can invite the AOC representative to provide an update via teleconference at its next meeting in October.

Erickson reported on the progress of the workgroup and asked for direction from the full Task Force on what work product they should focus on next.

**6. Public Comment**

There was no public comment.

**7. Adjourn**

The meeting adjourned at 2:40 p.m.