

Justice Project

PUBLIC HEALTH, SAFETY, AND JUSTICE FACILITY
NEEDS ASSESSMENT

SAC MEETING #1 - JANUARY 20, 2022

www.whatcomcounty.us/justice

AGENDA

Meeting Procedures, Participation Guidelines, Decision-Making

Project Overview

- Issues (Tyler Schroeder, Deputy Executive)
- Current situation (Prosecutor Richey, Sheriff Elfo, Chief Jones)
- Key Personnel, Roles (Councilmember Buchanan)
- Guiding Principles (Councilmember Buchanan)
- Phase One Goals and SAC Process (Stephen Gockley, Jack Hovenier)

Questions and Answers

Coordination

- Elect SAC Chair
- Anticipated meeting schedule and committees
- Between-meeting outreach

Wrap up

SAC Members

Arlene Feld

Heather Flaherty

Harriet Markell

Brooke Waaga

Chad Butenschoen

Atul Deshmane

Cliff Langley

John Mutchler

Deborah Hawley

Brel Froebe

Eli Wainman

Kendra Cook

Kristin Hanna

Kara Mitchell

Jeff Monks

Patrick Brodie Allen

David Goldman

Barry Buchanan

Satpal Sidhu/Tyler Schroeder

Michael Lilliquist

Seth Fleetwood

Anthony Hillaire

Katrice Rodriguez/Rick George

Scott Korthuis

Mary Lou Steward

Jack Hovenier

Stephen Gockley

Daniel Hammill

Perry Mowery

Darlene Peterson

Flo Simon

Bill Elfo / Doug Chadwick

Jackie Mitchell

Daron Smith

(2 vacancies – Citizen Criminal
Justice Advocate)

SAC Process Support

Facilitation and notetaking: Holly O’Neil and Mardi Solomon,
Crossroads Consulting

County Staff Support: Cathy Halka, Legislative Analyst, Whatcom
County Council

Planning Team:

- Barry Buchanan, Whatcom County Councilmember
- Stephen Gockley and Jack Hovenier, Co-Chairs, Incarceration Prevention and Reduction Task Force (IPTRF)

Zoom and Logistics

- Keep your video on as much as possible
- Keep yourself muted except when speaking
- These are Open Public Meetings and will be recorded
- Whenever we are in an open discussion mode, use the **raise hand** button to be recognized to speak by the facilitator

Guidelines for Participation

- Diverse opinions are welcome
- Treat others with respect, even when you disagree
- Stay on topic, and speak to the point
- Avoid repeating ideas (your own, or others)
- “Stay in the room” (avoid reading email, texting, etc.)
- Participate in balance with other participants

How we will proceed (in concept)

- During this process, we anticipate forming subcommittees to help develop recommendations for different parts of the Needs Assessment
- The SAC will consider and vote upon the sub-committee recommendations.
- These recommendations will become part of the Needs Assessment, which will be presented to County Council

Decision-making

The steps for the decision-making process are as follows:

1. Motion/2nd
2. Discussion - identify points of unity, flag issues of concern
3. Friendly amendments may be offered, or a motion to send the recommendation back to a sub-committee for more work.
4. Call for the vote on final recommendation
5. Simple majority vote to pass (12 members present are a quorum)
6. Unresolved concerns, if any, are noted for the record

PROCESS OVERVIEW

Meeting	Dates (Tentative)	Focus Topic
1	January 20, 2022	Foundation
2	Early April	Criminal Justice Data
3	TBD	Behavioral Health Services
4	TBD	Facilities
5	TBD	Preliminary Summary of Needs Assessment

Project Overview

Issues – Historical Context

- Current jail opened in 1983
- Questions about adequacy and safety of current jail arise in early 1990s
- Sales tax measure for juvenile detention facilities and jail fails in 1997
- Law & Justice Council recommends construction of new jail in 2000
- Voters approve sales tax measure in 2004
- Contract awarded for 150-bed minimum security work center
- County purchases LaBounty property near Ferndale in 2014
- Sales Tax measures to fund construction of large jail facility at LaBounty property fail in 2015 and 2017

Deputy Executive Schroeder

Project Overview

Issues – Recent Developments

- 2015 – County Council creates the Incarceration Prevention and Reduction Task Force (IPRTF)
- 2018 – Listening series conducted across Whatcom County to share information, input and ideas for improving Whatcom County’s criminal justice system
- 2019 – More than \$9 million required for repair and maintenance on life and safety issues in existing jail (“Good money after bad!” – Executive Sidhu)
- 2019 – IPRTF will also serve as the Law and Justice Council

Deputy Executive Schroeder

Project Overview

Issues – Recent Developments (cont'd)

- 2019 – County Council adopts Statement of Public Health, Safety and Justice Facility Planning Principles
- 2019-2020 – County Council establishes and appoints Stakeholder Advisory Committee (SAC) to solicit and collect community input during a needs assessment process; convening of SAC postponed due to COVID
- 2020-2022 – Pandemic exacerbates existing limitations and safety issues at current jail (Lacks adequate medical space, negative pressure, ventilation, etc.)
- 2021 – Crisis Stabilization Center opens to increases mental health and chemical dependency capacity by 32 beds

Deputy Executive Schroeder

Project Overview

Incarceration needs have changed in Whatcom County:

- We continue to hold dangerous and repeat offenders
- Law and policy changes:
 - The Blake Decision
 - DWLS 3rd
 - COVID – Trial shut downs, Booking Restrictions = Backlog
- New Emphasis on Treatment Programs (some old, some new)
 - Drug Court
 - Residential DOSA
 - GRACE
 - LEAD
 - More Treatment programs are needed

Prosecutor Richey

Project Overview

Factors Affecting Jail Population

- Booking Restrictions: (either booked by law enforcement at time of arrest or sentenced by 10 separate court systems in county) – includes most property crime and failure to appear warrants.
- Legal fiction – warrant from a judge is a command to take a person into custody, not a suggestion – we are ignoring it.
- Public Health Issues (COVID, lack of medical segregation for contagious airborne disease, lack of distancing).
- Judicial bail release / sentencing policies due to COVID and lack of jail space.

Project Overview

Factors Affecting Jail Population (*cont'd*)

- Suspension of trials by courts /mental competency determinations (back up in jail).
- Requirements of the law (discretion in sentencing/mandatory sentences)
- New statutes changing all drug possession from felony to simple misdemeanor and requiring 2 referrals to treatment prior to referral to prosecutors.
- Mental Health Deputies / Coordination with LEAD
- MAT program

Project Overview

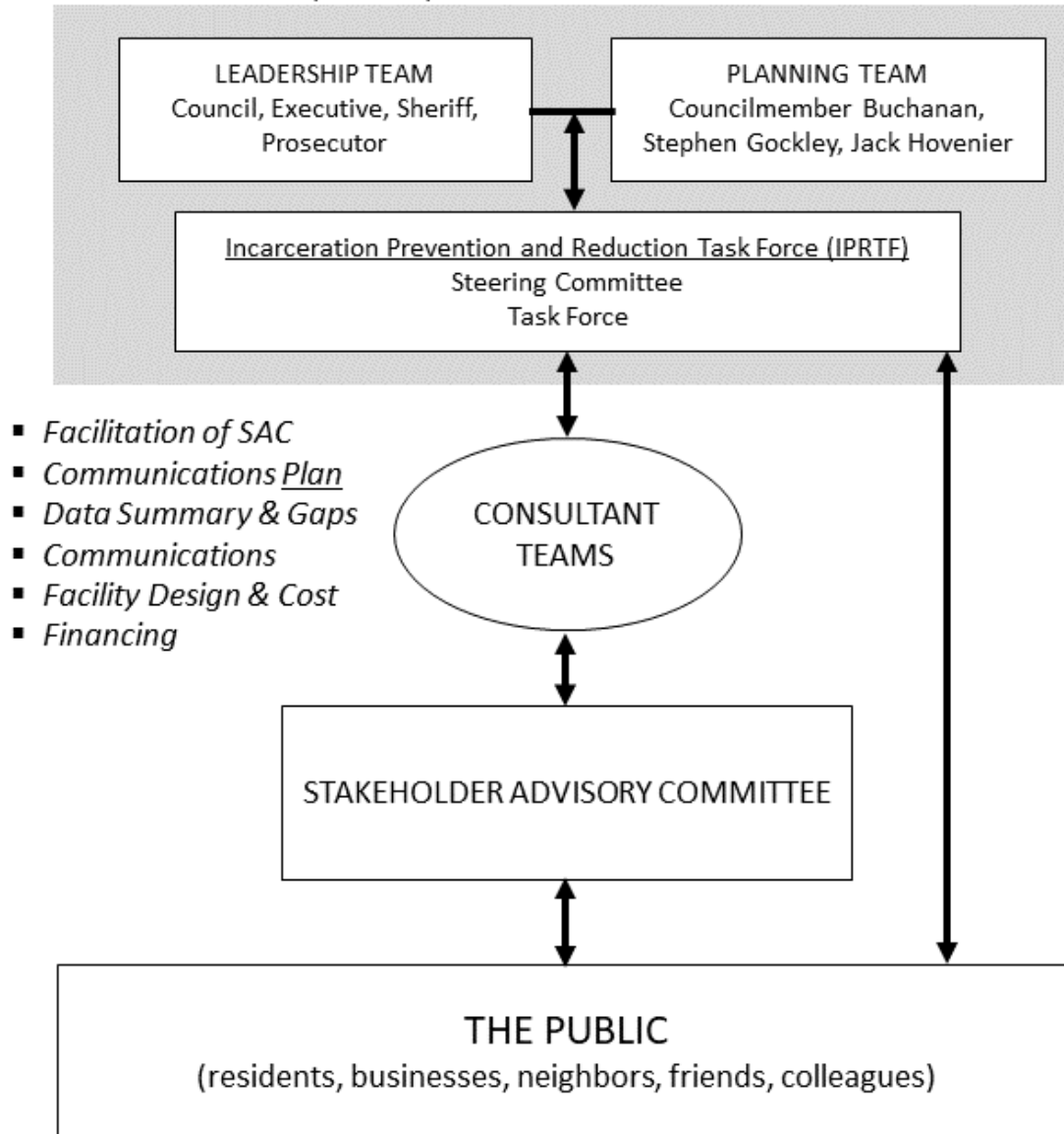
Key Personnel, Roles

- Leadership team: Sheriff, Executive, Council, Prosecutor
- Planning Team: Barry Buchanan, Stephen Gockley, Jack Hovenier
- Incarceration Prevention and Reduction Task Force (IPRTF)
 - Steering Committee (direction and policy)
 - Task Force (jurisdictions, service providers in justice and behavioral health)
- Stakeholder Advisory Committee (SAC) for the Justice Project
 - Key County staff
 - Partner agencies
 - Diverse community representatives appointed by Council

Councilmember Buchanan

JUSTICE PROJECT

PUBLIC HEALTH, SAFETY, AND JUSTICE FACILITY NEEDS ASSESSMENT



Councilmember Buchanan

Guiding Principles

Government Alliance on Race and Equity (GARE)

Resolution 2019 – 036 (8/7/2019, Reaffirmed 9/28/2021)

- Adopting a statement of Public Health, Safety, and Justice Facility Planning Principles for Whatcom County
1. Shared public safety (jail) facility with integrated behavioral health services
 2. Linked: stewardship of funds, public safety, and behavioral health services
 3. IPRTF annual reports provide specific recommendations
 4. Commit funding towards community-based preventative services, post-release support
 5. Continue to look towards behavioral health facilities as alternatives to jail

Councilmember Buchanan

Guiding Principles

Resolution 2019 – 036 - *continued....*

6. Data to decision-makers and the public, enhanced data collection through INDEX Committee of the IPRTF
7. Size of jail facilities based on diversion programs and justice policies
8. Jail location where it works best for all partners, reanalyze downtown Bellingham location
9. Irongate minimum security facility is a valuable part of justice continuum
10. Apportion construction and operating costs separately among jail users based on actual use or estimates of future use

Councilmember Buchanan

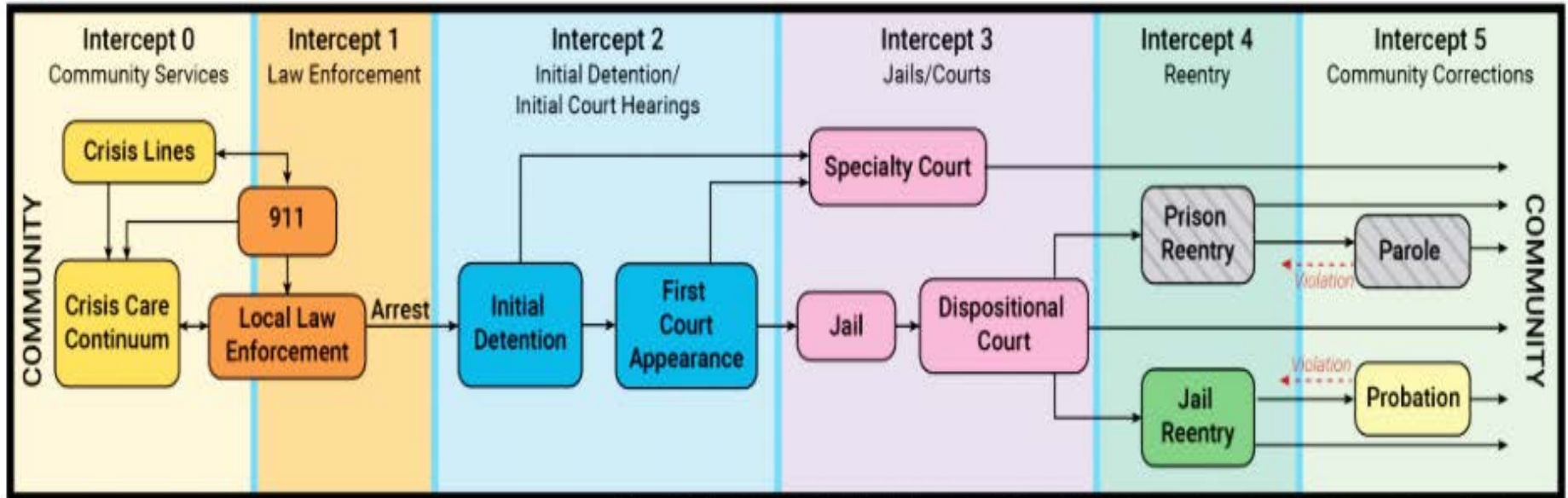
Guiding Principles

Resolution 2019 – 036 - *continued....*

11. Continue to reduce current use of bail and probation procedures that affect the jail population
12. Hire a Behavioral Health/Criminal Justice Planner to evaluate additional aspect of our justice system and needs
13. Funding proposal on the ballot to fund justice system improvements
14. Commitment to a transparent planning process, with opportunities for community input

Councilmember Buchanan

Sequential Intercept Model



Abreu, D., Parker, T. W., Noether, C. D., Steadman, H. J., & Case, B. (2017). Revising the paradigm for jail diversion for people with mental and substance use disorders: Intercept 0. *Behavioral Sciences & the Law*, 35(5-6), 380-395. <https://doi.org/10.1002/bsl.2300>
© 2019 Policy Research Associates, Inc.

Source: <https://www.prainc.com/>

Councilmember Buchanan

Phase One Goals

Continue employing analytical tools and resources

- Evidence-based and best/promising practices
- Sequential Intercept Model (SIM)
- Racial Equity Toolkit (Government Alliance on Race and Equity – GARE)

Phase One Goals

Incorporate learnings from prior efforts:

- Jail ballot initiatives
- Community listening sessions
- IPRTF
 - VERA Institute Final Report
 - Crisis Stabilization Center
 - GRACE program
 - LEAD program
 - Pretrial processes in Superior Court

Stephen Gockley

Phase One Goals

Consider confounding factors:

- Data systems, compilation, accessibility
- Continuum of services and interventions
- Legislative enactments and judicial decisions
- Capacity of programs
- Workforce limitations
- Funding mechanisms and adequacy of resources

Phase One Goals

Survey criminal-legal system: Meeting 2, and ongoing

- What programs do we have
- Who is “in” the system and what are their characteristics
- Who must be in the system, and who can be redirected
- Are individual, community, and institutional needs being met and, if not, what programs do we need

Phase One Goals

Survey basic needs/support/treatment (shorthand: “behavioral health”) systems: Meeting 3, and ongoing

- What programs do we have
- Who is “in” the system and what are their characteristics
- Who must be in the system, and who can be redirected
- Are individual, community, and institutional needs being met and, if not, what programs do we need

Synthesize resource surveys and gap analyses to form recommendations

Stephen Gockley

Questions and Answers



Coordination

- Elect SAC Chair

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- Review anticipated meeting schedule
 - Clarify the plan for committees and between-meeting outreach

PROCESS OVERVIEW

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Wrap up

Next SAC Meeting: **Early April** - (date to be confirmed)

Homework:

- Fill out your participant survey by the end of January.
- Identify 3-5 people from your respective communities or agencies you represent who you can talk with between each SAC meeting.
- Find people to fill vacancies on SAC.

View meeting materials and additional information online at

www.whatcomcounty.us/justice

Email: SAC@co.whatcom.wa.us