

Stakeholder Advisory Committee (SAC) for the Justice Project

Thursday, January 20th, 2022

1:00 – 3:00 pm

Meeting Minutes

Participants: Barry Buchanan, Kara Allen, Doug Chadwick, Kendra Cook, Atul Deshmane, Bill Elfo, Brooke Eolande, Arlene Feld, Heather Flaherty (briefly), Brel Froebe, Stephen Gockley, David Goldman, Daniel Hammill, Brian Heinrich, Jack Hovenier, Wendy Jones, Scott Korthis, Cliff Langley, Michael Lilliquist, Harriet Markell, Jackie Mitchell, Perry Mowery, Darlene Peterson, Eric Richey, Tyler Schroeder, Satpal Sidhu, Daron Smith, Mary Lou Steward, Hannah Stone, Eli Wainman

Support: Cathy Halka, Holly O’Neil, Mardi Solomon

Absent SAC Members: Patrick Brodie Allen, Chad Butenschoen, Seth Fleetwood, Katrice Rodriguez/Rick George, Kristin Hanna, Deborah Hawley, Anthony Hillaire, Jeff Monks, Jon Mutchler, Flo Simon

To view a video recording, click on the link in the section heading.

Call to Order – Barry Buchanan, Councilmember. The meeting was held remotely on Zoom.

Roll Call of all SAC Members – Cathy Halka, Legislative Analyst

Welcome – Barry Buchanan

- Barry welcomed everyone and introduced the facilitation team, Holly O’Neil & Mardi Solomon.

Meeting Procedures, Participation Guidelines, Decision-Making – Holly O’Neil (*Slides 2-9*)

- Holly reviewed the agenda, meeting participation guidelines, the process for decision-making and project overview.
Q: Will there be a possibility of dissenting opinions?
A: Yes, dissenting opinions are referred to as “unresolved concerns”, and will be included in the notes.
Comment: Another process is that a group of people could adopt a dissenting opinion.
- **The public comment process** is to send an email to: SAC@co.whatcom.wa.us. All emails that come to this address will be posted online so all SAC members and the public can see them.

Project Overview

– **Overview of the Issues** – Tyler Schroeder, Deputy Executive (*Slides 10-12*)

- Presented the historical context for the formation and convening of the SAC starting with the current jail opening in 1983 and going through recent developments.
- Questions about the adequacy and safety of the jail started to arise in the early 1990’s and the Law and Justice Council recommended construction of a new jail in 2000.
- Sales tax measures to fund construction of a large jail on county property on La Bounty Rd. failed in 2015 and 2017.
- Around this same time, community conversation about incarceration prevention and reduction led to formation of the IPRTF.
- In 2019 the County Council adopted Public Health, Safety, and Justice Facility Planning Principles and formed the SAC.

– [How Incarceration Needs Have Changed](#) – Eric Richey, Prosecutor (Slide 13)

- **Changes in population and recent laws impact the jail population:**
 - Increased population in Whatcom County coincides with increases in crime (seeing increases in violent crimes and property crimes) and increased recidivism.
 - People charged with violent crimes are held for a longer time awaiting trial.
 - **The Blake decision has had the biggest impact.** This Supreme Court decision abolished the crime of unlawful possession of hard drugs which has resulted in reduced sentences for other crimes and fewer bed days in jail for all crimes. Unintended consequence of this law is it is harder to encourage people to get treatment without a felony possession charge.
- **COVID Impacts:**
 - Courts have shut down repeatedly for long periods of time.
 - Booking restrictions set to limit the jail population.
 - Case backlog, reduced resolutions, and people languishing in jail.
- There is a new emphasis on **treatment programs which reduce recidivism and jail bed days.**
 - **Drug Court** has been very effective and been a model for the WA State DOSA (Drug Offender Sentencing Alternative) program which is run by the Dept. of Corrections.
 - **Mental Health Court** is a similar program to encourage mental health treatment and divert people away from the criminal justice system.
 - **GRACE** (Ground Level Response and Coordinated Engagement) is a program coordinated by the City of Bellingham and Whatcom County. This voluntary program provides wraparound services for people who are high users of the Emergency Dept. and emergency medical services (EMS). It also has reduced criminal recidivism.
 - **LEAD** (Law Enforcement Assisted Diversion) provides wraparound services for people who commit low-level crimes. Hope for the same level of reduced recidivism as with GRACE.
- The main message as we talk about building a new facility is **we need treatment beds**. The jail should not be a place to house people with mental illness. Criminal justice is often closely linked to public health.

– [Factors Affecting the Jail Population](#) – Bill Elfo, Sheriff (Slides 14-15)

- **There are many failures with the jail in terms of space for treatment** (mental health treatment, detox, medical isolation) and space for education and training.
- **Booking restrictions have significantly reduced the jail population had an impact:** Between 2018 and 2020, the number of people booked into Whatcom County jail population decreased from 7281 to 3393. Restricted ability to take people into custody.
- **COVID impacts:**
 - Don't have space in jail for adequate physical distancing.
 - Sentencing delays, which ties up available space.
 - Suspension of trials.
- **Significant reduction in plea agreements** which usually clears about 90% of cases of people in custody.
- **Average length of stay has increased** from 7 to 18 days since last year.
- **Significant increase in number of offenders with serious mental illness.**
- **Current bail amounts have little connection to the underlying offenses** and people who have a hard time paying high bails remain in jail.
- **Impacts of Blake decision:** Drug possession charges decreased significantly. Harder to get people into treatment programs.
- **Other attempts to control the jail population:** All deputies have crisis intervention training. Have two mental health deputies who only respond to people in crisis. Working with the Health Dept. to get a mental health specialist to ride with the deputies and provide professional services.
- **Still seeing issues with opiate drugs.** Have medically assisted treatment (MAT) program in jail.

- [Additional comments by Wendy Jones, Chief of Corrections:](#)
 - **People coming into the jail on drug charges have reduced, but the number of people coming in on drugs has increased significantly** (fentanyl and methamphetamines).
 - The number of inmates getting MAT services in the jail has increased significantly with the recent hiring of a provider licensed in addiction medicine.
 - Resources are needed to continue treatment services in the community for people who are released.
 - **Neither the downtown jail nor work center have any space that is ADA compliant.** This is becoming a bigger issue.
- [Key Personnel, Roles](#) – Barry Buchanan (*Slides 16-17*)
 - Review of the many committees working to address incarceration prevention and reduction and public safety (e.g., Council’s Criminal Justice & Public Safety Committee, IPRTF, SAC), and how they have evolved and relate to one another.
 - Consultants will provide additional support to the SAC and IPRTF helping with data, facilitation, communications, and public engagement. Additional professionals will be engaged when it is time for facilities design, costs, and financing.
- [Guiding Principles](#) – Barry Buchanan (*Slides 18-21*)
 - Whatcom County has joined the [Government Alliance on Race and Equity](#) (GARE).
 - In 2019 the County adopted Public Health, Safety, & Justice Facility Planning Principles.
 - IPRTF produces annual reports twice a year presenting specific recommendations.
 - IPRTF formed an Information Needs and Data Exchange (INDEX) sub-committee to work on data coordination.
 - Facility location has to work best for all partners involved. The work center and crisis stabilization center are at Irongate, and the county has purchased additional land there creating an opportunity to have a campus-oriented facility.
 - Will have to come to agreement with all the partners about construction and operating costs.
 - Will continue to work on reducing bail and probation procedures.
 - Plan to hire a behavioral health criminal justice planner.
 - We put future funding proposal on the ballot to fund justice system improvements.
 - Committed to a transparent process with opportunities for community input.
 - IPRTF has worked with the Sequential Intercept Model developed by Policy Resource Associates. It shows where we can intervene in the process. Need to add pre-zero intercepts for prevention.
 - IPRTF broke the process down to show existing and needed programs that support people at each intercept level, including programs that are in existence and funded, programs that are needed but not funded, and prospective projects.
- [Phase One Goals](#) – Stephen Gockley, IPRTF Co-Chair (*Slides 22-26*)
 - The overall project has 3 phases. The SAC will work on Phase 1: Needs Assessment. Phase 2 is architecture and facility planning. Phase 3 is financial agreements and how to get needed funding.
 - The originating ordinance the County passed forming this group calls on us to **follow evidence-based practices and the experience and recommendations of knowledgeable professionals.**
 - The IPRTF was the catalyst for engagement with GARE and committed to [GARE’s Racial Equity Toolkit](#).
 - **It is important to build on lessons from our prior efforts** (e.g., previous ballot initiatives, listening sessions). We heard people want a small jail for people who need to be incarcerated and expanded treatment alternatives.
 - The IPRTF has been guided by national criminal justice reform consultants from the Vera Institute, the National Assoc. of Drug Court Professionals, the Office of the Administrator of the Courts, Superior Court, and others.
 - There are building blocks in place for diversion & treatment goals.

- **Confounding factors** that need to be addressed in Phase 1:
 - **We have outdated data systems and systems are fragmented.**
 - **Service systems aren't developed as a continuum.**
 - **Inadequate capacity of treatment and support programs, and workforce shortages** in behavioral health and substance use treatment services.
- **SAC needs assessment and gap analysis process:** Start with a survey of the criminal legal system then focus on behavioral health services which includes housing, and substance abuse treatment.
- **We need to ask:** What programs do we have? Who is in the system? Who has to be in there and who doesn't? And what programs, do we need to meet needs that we're not addressing?

Questions, Answers, and Comments (Q, A, C): SAC members asked questions and presenters responded.

Q: Was it a mistake to delay SAC meetings since 2019?

A: Tyler Schroeder – In Feb-Mar 2020 the County was focused on emergency response to the pandemic. From a community dialogue and participation standpoint, it was very important to put this process on hold.

Q: The last bullet of slide 11 says the IPRTF will also serve as Law & Justice Council. What does this mean?

A: Tyler Schroeder – There was an existing Law & Justice Council authorized by RCW7209300 to work on specific law and justice issues. With so much community input and participation at the IPRTF level, it was decided it would make sense for IPRTF to have a dual role and take on those responsibilities as well.

Q: Speakers talked about the challenges of COVID on the jail and legal system. Going from 7,000 to 3,000 inmates is striking and, in some ways, it can be seen as a success to lower the numbers so significantly. What are lessons to learn from policies that were enacted because of the pandemic that could be extended?

C: Brel Froebe – I would love to see data/research on the efficacy of compulsory treatment.

Q: Do we have data for drug and alcohol services and mental health services? Do we know how many people are already receiving services, at what agencies, at what level of care, where the gaps are, etc., or are we going to be researching that?

A: Barry Buchanan – That's something high on the list to ascertain in our deep dive sessions.

A: Stephen Gockley – We have a little bit of data and some really knowledgeable people (e.g., Arlene Feld, Perry Mowery). We have a lot of data we haven't integrated, and we have a lot of gaps in the data.

Q: Can we talk about funding prevention & treatment programs rather than just funding facilities for incarceration?

A: Barry Buchanan – The vision is to have a more holistic approach and take in all these considerations when we talk about funding.

C: Daniel Hammill – The [IPRTF Behavioral Health Committee](#) discussed drugs, treatment options, and involuntary treatment at the last meeting. Encourage SAC members to look at the committee's meeting recordings for background info.

C: Satpal Sidhu – Another big factor to look at is operating costs. If we can save \$10M in operating costs per year, the jail pays for itself. Whatever choices we make, look into how we can reduce operating costs.

C: Atul Deshmane – How much will we emphasize pre-incarceration treatment? The more we can do before we use government-owned facilities, the more we save in operating costs and for the community. I would like to see a community needs assessment driven by all the things that are not related to facilities as much as things that are.

Q: Will we be doing outreach to folks who are formerly or currently incarcerated doing this as part of needs assessment and who will be taking this on?

A: Barry Buchanan – Yes, there are members of this group with lived experience. Mr. Goldman has a lot of experience working with people in the jail with workforce training.

- C: David Goldman – A major diversion program in the county is education as well as career development. Both are wonderful opportunities with lots of resources in the county.
- C: Wendy Jones – We can send paper surveys to the offender population and do it in multiple languages. Issue is over half the population is functionally illiterate. Could get a college student to do anonymous interviews of people currently incarcerated.

Note: Stephen & Jack are available to answer questions about The Law & Justice Council and other topics. Best way to reach them is through the IPRTF. If your question is relevant to whole SAC, send it to SAC@co.whatcom.wa.us.

Coordination – Holly O’Neil (Slides 28-29)

- **Elect SAC Chair:** The Chair’s role is primarily to serve as liaison with County Council. The facilitator asked for any nominations.

Nominations: Jack Hovenier nominated Barry Buchanan to serve as SAC chair.

Second: Satpal Sidhu seconded.

The facilitator asked for any other nominations. There were no other nominations.

Approved: Barry Buchanan was elected as the Chair, unanimous approval with one abstention – Brel Froebe.

- **Next Steps:** (Slide 30)

Tasks between now and next mtg. in early April:

- Do OPMA training.
- Familiarize yourself with content.
- Fill out the survey by the end of the month to help the Planning Team start thinking about sub-committees.
- Identify 3-5 people from your respective communities or agencies you represent to talk with between each SAC meeting to discuss key topics and gather diverse input to inform the work. This will help expand your thinking and you can bring questions back to the group. Pick people who will challenge your thinking and lean into diversity of perspectives.
- Reach out to people to fill the remaining vacancy on the SAC.

SAC webpage: www.whatcomcounty.us/justice is where info for the committee will be held.

Send input and questions to Stakeholder Advisory Committee email: SAC@co.whatcom.wa.us.

Adjourn 3:02.