

**WHATCOM COUNTY
SHERIFF'S OFFICE**

BILL ELFO
SHERIFF



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TO: Whatcom County Council

FROM: Sheriff Bill Elfo

DATE June 8, 2021

RE: Request to Extend the Deadline for Whatcom County Ordinance 2019-047

The accompanying ordinance seeks an additional 18-month extension for the completion of the review and revision of Sheriff's Office policies.

It was anticipated that the original extension would provide an adequate period to complete this project. Unfortunately, several challenges coupled with COVID-19 pandemic, have impacted our ability to meet this timeline. These include:

The COVID Pandemic and its impact on the Criminal Justice system: For the Corrections Bureau, this has included a COVID outbreak at the Work Center, a restructuring of intake procedures and housing schema, mass testing of all offenders and staff, vaccination clinics for staff, the development of a vaccination program for offenders, and retrofitting of some areas of the jail to decrease the chance of viral transmission.

Personnel: Due to retirements, targeted recruitment of the Corrections staff by law enforcement agencies, extended medical leaves and positions that were frozen during the Biannual budget process, we are currently down 13 Corrections Deputies. Deputies are working significant amounts of overtime in order to cover minimum staffing levels for the shifts, making it difficult to break Deputies free to participate in the policy development meetings.

Change in Legislation and Community focus: Over the past year there has been an increasing emphasis on issues such as behavioral health, police reform, and increasing options for jail diversion. This has led to legislative changes in State law that need to be incorporated into policy, training and reporting requirements. Many of these changes will become effective on July 25, 2021 with the remaining legislation going into effect in January 2022. While the changes to law will occur soon, model policies and guidance from the state are not required until next year. These changes impact both current and newly revised policies, or will require new policies.

These mandated legislative changes have become a primary focus for the Sheriff's Office and will require additional reallocation of limited resources. Many of the policy changes we had already made are now having to be reviewed and may need to be rewritten. In addition, it is anticipated that Lexipol will be updating their policies in response to the numerous changes in statutes. While no timeline for updates has been provided, Lexipol has communicated that they are aware of the changes to our state law.

Public Records Requests (PDR's) for the Sheriff's Office: The Sheriff's Office has averaged about 60 PDR's per year for the past several years. Since 2020, the Sheriff's Office has experienced a significant increase in large and often complicated PDR's. The individual who

conducts the research and provides responses to these requests is also the individual responsible for the policy development process.

As of this writing, 80 out of approximately 180 policies have been through the review process within the Sheriff's Office and been sent out to the bargaining units for review and feedback. Once they are returned to the Sheriff's Office, additional changes may need to be made. Due to recent and significant legislation related to police tactics and use of force, many of those policies may have to be reviewed and amended to comply with the new laws and collective bargaining agreements.

In recognition of the disruption caused as a result of the COVID pandemic and the other factors outlined above, we are requesting that the Whatcom County Council further extend the temporary suspension of WCC (Whatcom County Code) 1.28. Based on the experience gained over this past year, we would like to set a new deadline of January 1, 2023.

The Sheriff's Office has transferred some responsibilities from Office of Professional Responsibility to allow the Chief Inspector more time to focus on the updated policy project. This should give the Sheriff's Office the time we will need to complete a thoughtful and in-depth review/revision/creation process for the Corrections policies, work with the Law and Justice Committee, and County Council to address any concerns, questions or suggestion, and give the County IT department the time they will need to facilitate an on-line presence.