

RESOLUTION NO. _____

**IDENTIFYING WHATCOM COUNTY APPROACHES
TO THE FENTANYL EMERGENCY**

WHEREAS, according to WhatcomOverdosePrevention.org, overdose deaths in Whatcom County in 2023 (132) exceeded deaths in the prior year and have markedly increased every year since 2018; and

WHEREAS, the United States is facing the worst drug crisis in its history, and the resulting tragedies are decimating families and contributing to extraordinary levels of despair in our communities; and

WHEREAS, there exists a substantial likelihood of risk to persons and property unless further efforts are taken to reduce the threat from fentanyl; and

WHEREAS, the U.S. Department of Drug Enforcement (DEA) identifies fentanyl as a potent synthetic opioid drug approximately 100 times more potent than morphine and 50 times more potent than heroin; and

WHEREAS, Seven out of ten DEA tested pills with fentanyl are potentially deadly making it likely that 'one pill can kill,' and in 2023, the DEA seized over 360 million deadly doses of fentanyl; and

WHEREAS, our community's approach to fentanyl use and fentanyl-related crimes must be different than our approach to other illegal drug use in our community; and

WHEREAS, the use of fentanyl continues spreading throughout our community, and new and immediate avenues to enhance capabilities, coordination, and collaboration across local, state, tribal, and federal agencies are needed to promote public health and safety; and

WHEREAS, in June 2023, healthcare workers, tribal leaders, educators, businesses, community members and law enforcement gathered for a 2-day workshop, All Hands Whatcom: Opioid Summit, as a call to listening, healing, and action for the Whatcom community in response to the devastating consequences of fentanyl, meth, and opioids; and

WHEREAS, in June 2023, a coalition of government agencies, community-based organizations, healthcare providers, and others from across Whatcom County formed a Multi-Agency Coordination (MAC) Group in response to the local opioid and overdose crisis; and

WHEREAS, according to the Federal Emergency Management Agency (FEMA), a multiagency coordination system (MAC) is used for extraordinarily large, complex incidents occurring in the city or county involving numerous agencies and/or jurisdictions; and

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WHEREAS, the mission of the MAC Group is to coordinate the ongoing community-wide response efforts to the opioid crisis, identify and prioritize additional short-term objectives and strategies to reduce drug-related deaths, and mitigate the impacts on property and public safety in Whatcom County; and

WHEREAS, the Whatcom County MAC group aligns with the Washington State Opioid and Overdose Response (SOOR) plan, which includes five priority goals

1. Prevent opioid misuse,
2. Identify and treat substance use disorder,
3. Ensure and improve the health and wellness of individuals that use drugs,
4. Use data to detect opioid misuse/abuse, monitor illness, injury and death, and evaluate interventions,
5. Support individuals in recovery; and

WHEREAS, on September 22, 2023, the Lummi Indian Business Council approved Resolution 2023-145, declaring a state of emergency in response to the fentanyl crisis; and

WHEREAS, Resolution 2023-145 provides the Lummi Indian Business Council with new and immediate avenues to enhance capabilities, coordination, and collaboration across tribal, local, state, and federal agencies and bring together state agencies, local law enforcement, and internal and external partners to pursue and achieve solutions that promote public health and safety on the Lummi Reservation; and

WHEREAS, on October 24, 2023, the Whatcom County Council approved Resolution 2023-041 supporting the Lummi Indian Business Council's (LIBC) state of emergency declaration in response to the fentanyl crisis; and

WHEREAS, on December 12, 2023, Whatcom County Councilmembers Buchanan and Elenbaas sent a letter requesting that President Biden declare a national emergency on the opioid epidemic and open additional resources and authorities to address the crisis; and

WHEREAS, the Whatcom County Council understands coordination between all agencies in our county as well as state and federal supports is needed to fight the fentanyl crisis; and

WHEREAS, declarations of emergency at the federal, state, and county levels can open up additional resources, funding, and assistance to address the fentanyl emergency; and

WHEREAS, Chapter 36.27 RCW establishes the Whatcom County Prosecuting Attorney as the independent legal advisor of the legislative authority, prosecutor of all criminal and civil actions, including felony charges, among other duties; and

WHEREAS, Chapter 9.94A RCW establishes accountable standard ranges for sentencing in the criminal justice system, and the Prosecuting Attorney makes sentencing recommendations; and

1 **WHEREAS**, on July 11, 2023, Whatcom County Council adopted the Whatcom County
2 Justice Project Implementation Plan (Ord. 2023-039), which identifies priority projects vetted by
3 the community and categorized in five key strategy areas:

- 4 I. Ensure Oversight, Accountability, and Transparency
- 5 II. Increase Access to Behavioral Health Services
- 6 III. Build Facilities Needed to Promote Public Health, Safety, and Justice
- 7 IV. Expand the Capacity of Programs to Reduce Incarceration/Re-incarceration
- 8 V. Make Systems Changes with Local, Regional, State, and Federal Partners; and

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10 **WHEREAS**, Whatcom County Council Resolution 2024-002 respectfully requests that the
11 Governor of the State of Washington declare a statewide emergency to address the fentanyl
12 crisis; and

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14 **WHEREAS**, Whatcom County Council Resolution 2024-003 respectfully requests that the
15 President of the United States declare a national emergency to address the fentanyl crisis; and

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17 **WHEREAS**, community leaders, agency staff, and other stakeholders convened in early
18 2024 to informally discuss near term solutions to address the fentanyl crisis in our community;
19 and

20 **WHEREAS**, this resolution details near term approaches, which are not intended to
21 replace the long-term approaches detailed in more comprehensive county policy documents.

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23 **NOW THEREFORE BE IT RESOLVED** that the Whatcom County Council acknowledges
24 there is a countywide fentanyl crisis impacting people, businesses, and properties in our
25 communities; and

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27 **NOW THEREFORE BE IT FURTHER RESOLVED** that the Whatcom County Council
28 recommends the following near-term approaches to address the fentanyl crisis:

29
30 Government Coordination:

- 31 1. Advocate for the declaration of emergencies at state and federal levels, thereby
32 opening up additional resources to address the crisis.
- 33 2. Unite national efforts by getting as many jurisdictions as possible to approve a
34 resolution to request an emergency be declared at the state and federal levels.
- 35 3. County Executive Order declaring an emergency and detailing specific action items
36 (use of opioid settlement funds, one-time reserve funds) to jump start efforts based on
37 Opioid Task Force and MAC group recommendations.
- 38 4. Advocate for a legislative fix for the legal inability to issue warrants based on a
39 juvenile's risk to themselves.

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41 Accountability:

- 42 5. Advocate to change state law (RCW 9A.42.100) to make it a class B felony to expose a
43 child to fentanyl.
- 44 6. Sheriff and local police to track data on who is not going to jail because of booking
45 restrictions.
- 46 7. Streamlined testing for fentanyl to, confirming substance for court cases.

- 1 8. Make non-fatal overdoses reportable in order to find true data and get people
2 connected to resources, interrupt overdose cycle.
- 3 9. Fund and employ narcotics-detection dogs to keep drugs out of the jail.
- 4 10. Use reckless endangerment and Assault in the Third Degree to hold persons
5 accountable for exposing children to fentanyl.
- 6 11. Address the need to confirm substances by using test strips and training police to
7 identify fentanyl (can attest with an affidavit that it's fentanyl).
- 8 12. Identify potential modifications to booking restrictions in the jail.
- 9 13. Prepare to address an increase in jail population when booking restrictions are altered.
- 10 14. Fully staff the jail, using corrections hiring and retention bonuses.
- 11 15. Use the involuntary treatment act (ITA) process to get people help for substance
12 abuse. People may be committed to inpatient medical treatment for behavioral health
13 disorders AND substance abuse disorders under the ITA.
 - 14 a. Would require additional staffing for an ITA attorney in the Public Defender's
15 Office.
- 16 16. Encourage use of the full force of the law to address major crimes and offenses related
17 to fentanyl, for distribution, imposing the strictest sentences available for fentanyl
18 related crimes.
- 19 17. More youth diversion, especially for people ages 18-25 years old.
- 20 18. Evaluate alternative court programs for higher utilization and capacity.

21 22 Prevention and Community Supports:

- 23 19. More lower cost housing and creative housing solutions (such as dorm style housing
24 opportunities – room with shared kitchen and bath).
- 25 20. Multi-language public education program, including youth public education.
- 26 21. Consider the benefits and potential local applications of the Icelandic Model, a
27 community-based approach to substance use that decreases the likelihood of
28 adolescent substance use by strengthening the supportive role of parents and schools
29 and the network of opportunities around them.

30 31 Treatment

- 32 22. Provide training for healthcare providers on Medication-assisted treatment.
- 33 23. Advocate for involuntary commitment laws as a way to create an option for those who
34 are unable to walk away from addiction themselves and without help; strengthen
35 Ricky's Law.
- 36 24. Increase funding for treatment programs to increase availability of detox beds, provide
37 voluntary treatment while waiting for sentencing, provide access to treatment instead
38 of sentencing.
- 39 25. Provide additional resources for recovery court, including a secure facility other than
40 the jail.
- 41 26. Ensure services are available for juveniles, not just adults.
- 42 27. Fund hiring and longevity incentives (bonuses) for correctional deputies in order to fill
43 staffing vacancies in the jail facility.
- 44 28. Make non-fatal overdoses reportable; interrupt overdose cycle and connect individuals
45 to treatment and services.
- 46 29. Ensure continuity of care between medically assisted treatment (MAT) programs inside
47 and outside the jail; medication should be the same in both environments.

- 1 30. Provide support and training for first responder dealing with trauma and burnout
- 2 related to overdose responses.
- 3 31. Create and implement an overdose response team.
- 4 32. Create a Secure Withdrawal Management and Stabilization (SWMS) facility that allows
- 5 for involuntary commitment of 72 hours, with the potential to extend for up to 14 days.
- 6 33. Provide 24-hour responses for diversion (LEAD)
- 7 34. Provide programs in the jail (e.g., Narcotic Anonymous, Alcoholics Anonymous, GED,
- 8 counseling)
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10 **NOW THEREFORE BE IT FINALLY RESOLVED** that the Whatcom County Council
11 respectfully requests that the Executive, Sheriff, local municipalities, and other community
12 partners consider their roles and take action to move forward the aforementioned near-term
13 approaches to address the fentanyl crisis.

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17 **APPROVED** this ____ day of _____, 2024.

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20 WHATCOM COUNTY COUNCIL
21 WHATCOM COUNTY, WASHINGTON

22 ATTEST:

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25 _____
26 Dana Brown-Davis, Clerk of the Council

25 _____
26 Barry Buchanan, Council Chair

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28 APPROVED AS TO FORM:

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30 ____/s/ Royce Buckingham/by email 3/13/2024/ch
31 Civil Deputy Prosecutor