

PROPOSED BY: BUCHANAN, ELENBAAS
INTRODUCTION DATE: FEBRUARY 6, 2024

RESOLUTION NO. _____

IDENTIFYING-DECLARING THE FENTANYL CRISIS AN EMERGENCY IN WHATCOM
COUNTY
AND IDENTIFYING 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

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

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

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

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

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

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

WHEREAS, Bellingham Mayor Kimberley Lund issued Executive Order 2024-01 on February 20, 2024 to address the fentanyl crisis in Downtown Bellingham; and~~WHEREAS—sentence about City of Bellingham Executive Order~~

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

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

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

Government Coordination:

1. Advocate for the declaration of emergencies at state and federal levels, thereby opening up additional resources to address the crisis.
2. Unite national efforts by encouraging other local~~getting as many~~ jurisdictions ~~as possible~~ to approve a resolution ~~to~~ requesting an emergency be declared at the state and federal levels.
3. Encourage Executive Sidhu to release a County Emergency Declaration or Executive Order that declaring an emergency and detailsing specific action items and funding options to intensify ~~(use of opioid settlement funds, one-time reserve funds) to jump~~

start efforts, in alignment with based on Opioid Task Force and MAC group recommendations.

4. Develop a budget and plan to address staffing shortages, positions needed in order to implement an Emergency Declaration or Executive Order, and action steps requiring funding.
5. ~~to fentanyl.~~
- 6.5. Using whatcomoverdoseprevention.org website and Council Committee of the Whole, provide regular updates to the public on progress of action steps, outcomes of efforts, and funds expended on initiatives.

Accountability and Data Collection:

6. Advocate for a legislative changes that strengthen laws regarding children's exposure to fentanyl, Ricky's law, and other related measures. fix for the legal inability to issue warrants based on a juvenile's risk to themselves.
- 1.7. Enhance legal methods to address fentanyl-related crimes, distinguish fentanyl related crimes from other drug crimes, and offer treatment and recovery options in lieu of lengthy sentences when appropriate.
2. ~~Advocate to change state law (RCW 9A.42.100) to make it a class B felony to expose a child~~
3. Request that Sheriff and local police to track data on utilization of Medication Assisted Treatment (MAT) in jail and what arrests do not end in who is not going to jail time because of booking restrictions.
4. ~~Streamlined testing for fentanyl to, confirming substance for court cases.~~
- 5.8. ~~Make non-fatal overdoses reportable in order to find true data and get people connected to resources, interrupt overdose cycle.~~
- 6.9. Make non-fatal overdoses reportable; interrupt overdose cycle and connect individuals to treatment and services; and:
7. ~~Fund and employ narcotics-detection dogs to keep drugs out of the jail.~~
8. ~~Use reckless endangerment and Assault in the Third Degree to hold persons accountable for exposing children to fentanyl.~~
9. ~~Address the need to confirm substances by using test strips~~
10. ~~and training police to identify fentanyl (can attest with an affidavit that it's fentanyl).~~
11. ~~Identify potential modifications to booking restrictions in the jail.~~
12. ~~Prepare to address an increase in jail population when booking restrictions are altered.~~
13. ~~Fully staff the jail, using corrections hiring and retention bonuses.~~
14. ~~Use the involuntary treatment act (ITA) process to get people help for substance abuse. People may be committed to inpatient medical treatment for behavioral health disorders AND substance abuse disorders under the ITA.~~
 - a. ~~Would require additional staffing for an ITA attorney in the Public Defender's Office.~~
15. ~~Encourage use of the full force of the law to address major crimes and offenses related to fentanyl, for distribution, imposing the strictest sentences available for fentanyl related crimes.~~
16. ~~More youth diversion, especially for people ages 18-25 years old.~~
17. ~~Evaluate alternative court programs for higher utilization and capacity.~~

Prevention and Community Supports:

- ~~18. More lower cost housing and creative housing solutions (such as dorm style housing opportunities—room with shared kitchen and bath).~~
- ~~19. Multi language public education program, including youth public education.~~
- ~~20. Consider the benefits and potential local applications of the Icelandic Model, a community based approach to substance use that decreases the likelihood of adolescent substance use by strengthening the supportive role of parents and schools and the network of opportunities around them.~~

Treatment

- ~~21. Provide training for healthcare providers on Medication assisted treatment.~~
- ~~22. Advocate for involuntary commitment laws as a way to create an option for those who are unable to walk away from addiction themselves and without help; strengthen Ricky's Law.~~
- ~~23. Increase funding for treatment programs to increase availability of detox beds, provide voluntary treatment while waiting for sentencing, provide access to treatment instead of sentencing.~~
- ~~24. Provide additional resources for recovery court, including a secure facility other than the jail.~~
- ~~25. Ensure services are available for juveniles, not just adults.~~
- ~~26. Fund hiring and longevity incentives (bonuses) for correctional deputies in order to fill staffing vacancies in the jail facility.~~
- ~~27. Make non-fatal overdoses reportable; interrupt overdose cycle and connect individuals to treatment and services.~~
- ~~28. Ensure continuity of care between medically assisted treatment (MAT) programs inside and outside the jail; medication should be the same in both environments.~~
- ~~29. Provide support and training for first responder dealing with trauma and burnout related to overdose responses.~~
- ~~30. Create and implement an overdose response team.~~
- ~~31. Create a Secure Withdrawal Management and Stabilization (SWMS) facility that allows for involuntary commitment of 72 hours, with the potential to extend for up to 14 days.~~
- ~~32. Provide 24-hour responses for diversion (LEAD)~~
- ~~33. Provide programs in the jail (e.g., Narcotic Anonymous, Alcoholics Anonymous, GED, counseling)~~

NOW THEREFORE BE IT FURTHER RESOLVED that the Whatcom County Council recommends the Whatcom County Elected officials such as the Executive, Prosecutor, and Sheriff, consider items in **Exhibit A** for inclusion in an Executive Order or future action; and;

NOW THEREFORE BE IT FINALLY RESOLVED that the Whatcom County Council respectfully requests that the Executive, Sheriff, local municipalities, and other community partners consider their roles and take action to move forward ~~the aforementioned~~ near-term approaches to address the fentanyl crisis.

APPROVED this ____ day of _____, 2024.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON

Dana Brown-Davis, Clerk of the Council

Barry Buchanan, Council Chair

APPROVED AS TO FORM:

~~/s/ Royce Buckingham/by email 3/13/2024/ch~~
Civil Deputy Prosecutor

EXHIBIT A

During stakeholder meetings to refine and develop the Council's resolution, members heard the following suggestions, ideas, and requests for action.

Council requests that the Executive consider these exhibit items for potential inclusion in an Executive Declaration of Emergency or Order.

1. Fund and employ narcotics-detection dogs to keep drugs out of the jail.
2. Expand the ability to use test strips beyond Health and Community Services to law enforcement and first responders.
3. Provide additional training on common and emerging illicit drugs to police for improved response and identification of fentanyl and other drugs.
4. Identify potential modifications to booking restrictions in the jail and develop operational plans to address inmate increases.
5. Encourage using Strict Legal measures to address major crimes and offenses related to fentanyl, for distribution.
6. Provide more opportunities for youth diversion, especially for people ages 18-25 years old.
7. Evaluate alternative court programs for higher utilization and capacity.
8. Identify options and funding sources to provide more lower cost housing and creative housing solutions.
9. Fund and launch a multi-jurisdictional, multi-language public education program, including youth public education.
10. Consider the benefits and potential local applications of the Icelandic Model, a community-based approach to substance use that decreases the likelihood of adolescent substance use by strengthening the supportive role of parents and schools and the network of opportunities around them.
11. Provide training for healthcare providers and first responders on the benefits of and how to administer Medication-assisted treatment.
12. Increase funding for treatment programs to increase availability of detox beds, provide voluntary treatment while waiting for sentencing, provide access to treatment in lieu of sentencing.
13. Provide additional resources for recovery court, including a secure facility other than the jail.
14. Ensure services are available for juveniles, not just adults.
15. Ensure medically assisted treatment (MAT) offerings inside the jail match community-based options.
16. Provide support and training for first responders and behavioral health staff dealing with trauma and burnout related to overdose responses.
17. Create and implement an overdose response team.
18. Support efforts by Lummi Nation to build a Secure Withdrawal Management and Stabilization (SWMS) facility.
19. Analyze options for expanding the Alternative Response Team, including providing 24-hour responses.
20. Provide programs in the jail (e.g., Narcotic Anonymous, Alcoholics Anonymous, GED, counseling)