

**Whatcom County
Council Criminal Justice and Public Safety Committee**

**COUNTY COURTHOUSE
311 Grand Avenue, Ste #105
Bellingham, WA 98225-4038
(360) 778-5010**



Committee Minutes - Final

Tuesday, February 21, 2023

11:25 AM

Hybrid Meeting

**HYBRID MEETING - ADJOURNS BY NOON; MAY BEGIN EARLY
(PARTICIPATE IN-PERSON AT 311 GRAND AVENUE SUITE 101, SEE REMOTE
JOIN INSTRUCTIONS AT www.whatcomcounty.us/joinvirtualcouncil, OR CALL
360.778.5010), MEETING START TIME REVISED 2.16.2023**

COUNCILMEMBERS

Barry Buchanan
Tyler Byrd
Carol Frazey

CLERK OF THE COUNCIL

Dana Brown-Davis, C.M.C.

Call To Order

Committee Chair Barry Buchanan called the meeting to order at 11:25 a.m. in a hybrid meeting.

Roll Call

Present: 3 - Barry Buchanan, Tyler Byrd, and Carol Frazey

Also Present: Todd Donovan, Ben Elenbaas, and Kaylee Galloway

Announcements

Committee Discussion and Recommendation to Council

1. [AB2023-090](#) Ordinance repealing Whatcom County Code 1.28, Standards for Correctional Facilities, in its entirety

The following people briefed the Councilmembers and answered questions:

- Doug Chadwick, Undersheriff
- Bill Elfo, Sheriff

They answered whether an extension would be sufficient as opposed to repealing Section 1.28 of the County Code since the goal was to have the policies and procedures in place before repealing it, whether new policies in the Lexipol policy system are being updated in real time as they are adopted or whether the Sheriff's Office has to wait until they are all ready to post them, and a concern about the ruling authority in Section 1.28.11 Subsection A which states, "The Whatcom County Sheriff shall have the express authority to adopt any and all operational standards, rules, and procedures for the Whatcom County Sheriff's Office Corrections Bureau as needed."

Byrd moved that the Ordinance be recommended for adoption.

Frazey moved to hold this until the update is complete and have the Sheriff's Office continue to work on the operational manual.

Karen Frakes, Prosecuting Attorney's Office, stated that before, the Council had suspended the policies that are outdated and, in the meantime, allowed the Sheriff's policies to sort of fill that void. The best path would be to reinstate that suspension of the existing code provisions that have come back to life since that expired at the end of the year.

Councilmembers and the speakers discussed the motion to hold, making it clear that the antiquated standards are not in play at this point, seeing examples of how other jurisdictions did this to be in compliance with State law, seeing other manuals and procedures as referenced in the Staff Memo, and why the language cannot say something like, "Subject to State Requirements" and list the Revised Code of Washington (RCWs) we are subject to.

Elfo stated there are no State standards (the RCW that established those was repealed in 2006) and Wendy Jones, Sheriff's Office, stated she could walk Galloway through the history of this item.

The motion to hold carried by the following vote:

Aye: 3 - Byrd, Frazey, and Buchanan

Nay: 0

Frakes answered whether there needs to be a motion to reinstate the code provisions and stated a new Ordinance needs to be adopted in order to suspend the language and put the old situation back in place, and Jones gave some history of the item.

Frazey moved to suspend the language until December 31, 2023.

Councilmembers and Frakes discussed the motion.

The motion carried by the following vote:

Aye: 3 - Frazey, Byrd, and Buchanan

Nay: 0

Frakes stated she is happy to work with the Sheriff's Office on getting something that could be introduced tonight if that is possible.

Clerk's note: See **AB2023-156** added to the Council's agenda.

This agenda item was DISCUSSED AND MOTION(S) APPROVED.

Motion approved to Recommend that this be held and Motion Approved to Suspend the code language until December 31, 2023.

Items Added by Revision

There were no agenda items added by revision.

Other Business

There was no other business.

Adjournment

The meeting adjourned at 11:43 a.m.

ATTEST:

WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WA

Barry Buchanan-via email 3/21/2023

Dana Brown-Davis, Council Clerk

Barry Buchanan, Committee Chair

Kristi Felbinger, Minutes Transcription

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