

PROGRESS REPORT

Report to Whatcom County Stakeholders
on Progress towards Reducing the Jail Population

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Executive Summary

As part of ongoing efforts to improve systems and safely reduce jail populations in Whatcom County, County Executive and County Council hired WSU's Washington Rural Jails research team to independently analyze data on the local legal system and assess progress in implementing recommendations from a 2017 report by the Vera Institute of Justice. Based on a year-long examination of the legal system, including on-site observations, meetings with elected officials and IPRTF members, and data analysis of 2016 jails and courts, the [Vera Report](#) made five recommendations and identified twenty responsive strategies.

Over four months, the WSU Jails Research team analyzed Whatcom County jail data, crime data, and court statistics for 2015 through mid-2023, as available, to identify trends and factors influencing jail admissions. County staff provided information on accomplishments and challenges in undertaking Vera Report recommendations and strategies. Additionally, the research team interviewed key stakeholders and observed local criminal courts to gain insights into the county's legal system. Key findings are:

- ▶ Jail admission rates were declining before the pandemic when rates temporarily fell further.
 - Since 2015, bookings for misdemeanors like driving while license suspended (DWLS) were drastically reduced.
 - Book and release practices were utilized more extensively over time.
 - Jail composition shifted toward those accused of more serious crimes.
- ▶ Pretrial jail admissions are now rising again, driven by DUI, assault, warrant, and burglary charges.
 - Length of (pretrial) jail stay has increased for many.
 - Use of release without bail (i.e., personal recognizance) has increased, but for those assigned bail, most people with amounts over \$500 were not able to secure release.
- ▶ Jail re-entry has declined among individuals.
 - Nonetheless, one out of ten people booked into jail experienced homelessness, and this group experienced more frequent jail stays.
- ▶ District and municipal courts heard fewer criminal traffic cases; misdemeanor (non-traffic) pretrial proceedings increased post-pandemic.
- ▶ Felony filings in Superior Court persisted throughout the pandemic, particularly for burglary/theft, contrary to offense trends.
 - Case resolution timeframes have worsened, especially since the pandemic, with increasing numbers of pretrial proceedings

Interviews with county stakeholders uncovered a collaborative environment emphasizing fairness, commitment to rehabilitation, data-driven decision-making, and multi-disciplinary teams. However, challenges to collaboration stemmed from resistance to change by some, the need for routine communication, and enhanced cross-sector training to increase collective understandings. Many shared the common goal of reducing caseloads and expediting case processing. Larger issues loomed, such as a growing unhoused population, shortages of professionals in behavioral health, law enforcement, and legal aid, as well as limited state mental health resources for competency restoration, and the jail's aging infrastructure, which notably lacks spaces for meetings, visitors, or rehabilitative programming.

Whatcom County made major investments and strides forward:

- ▶ Expanded behavioral health resources and programs (e.g., GRACE, LEAD, Co-Responder programs)
- ▶ Reduced use of jail for lower-level charges (e.g., DWLS, FTA)
- ▶ Increased use of release from jail without bail
- ▶ Established pretrial services and utilizing court reminder system
- ▶ Created oversight and accountability mechanisms via the Law and Justice Council, investing in data platforms and analysts, and using information reflectively
- ▶ Took steps to resolve cases earlier

Work of course remains, namely to:

- ▶ Articulate clear goals for diversion by law enforcement, prosecution and probation
- ▶ Reduce the incidence of DUI, assault
- ▶ Increase capacity and utilization of crisis facilities, and routinize co-response teams
- ▶ Address outstanding warrants and non-compliance issues via increased supports, expanding pretrial and public defense services
- ▶ Evaluate and address deficiencies with court reminder system
- ▶ Validate risk assessment tools
- ▶ Collect and analyze case processing performance measures
- ▶ Reduce felony case filings and court proceedings per case
- ▶ Continue to develop and utilize integrated data systems

The full report offers a more comprehensive assessment of the data and details both actions taken and those planned or under consideration to achieve a safer, more equitable, and efficient system while reducing the overall carceral footprint and enhancing community well-being.

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Introduction

In May 2023, Whatcom County contracted with the Washington Rural Jails Research Network (WRJN), comprised of researchers from the Washington State University Department of Sociology, to provide an independent analysis of data and progress report related to the five recommendations and twenty associated strategies from the 2017 *Vera Report to Whatcom County Stakeholders on Jail Reduction Strategies* (hereafter “Vera Report”). WRJN has worked with Washington State communities since 2020 to better understand and address drivers of local jail populations.

From June through September, WRJN researchers worked with Whatcom County stakeholders to identify accomplishments and remaining or emergent challenges, conducted an independent analysis of Whatcom County jail population trends, and identified some promising best practices for moving forward. This report presents findings from WRJN’s analysis and assessment of progress towards implementing the recommendations and strategies identified in the Vera Report to reduce Whatcom County’s jail population and create a safer, more effective local criminal legal system.

WRJN’s Process

Working collaboratively with county leadership and staff, WRJN collected data and conducted an in-depth analysis on the local legal system to understand trends and patterns in the Whatcom County jail population and to identify reductions since 2015.

Much data were provided by Whatcom County staff to the WRJN research team for analysis. WRJN researchers benefited from extensive conversations with Whatcom County data stewards who were extremely knowledgeable about their data collections. Additionally, WRJN obtained *crime data* on offenses/arrests from the Washington Association of Sheriffs and Police Chiefs (WASPC) Criminal Justice Information Support (CJIS) Department and *court statistics* from archived Caseload Reports of the Courts of Washington. Data covered 2015 through mid-2023, as available.

WRJN analyzed administrative jail data, crime data, and court statistics for trends and patterns in jail admissions and to identify potential drivers of jail population growth and change. Size of the jail population is a direct function of (1) who goes to jail (i.e., admissions) and (2) how long they stay (i.e., length of jail stay). However, numerous other local legal factors influence jail populations, including changing crime rates, shifts in policing/arrest practices, and courtroom processes. Larger social forces and state legal context are also relevant, but not fully considered here.

To identify key accomplishments, county staff reported on achievements and challenges for each relevant recommendation/strategy. Reporting related to the five broad recommendations with twenty specific accompanying strategies. Reports were verified via county records, news reports, and other archival research. WRJN also conducted four hour-long interviews with key stakeholders from across the county’s criminal legal system to better understand practices, processes, accomplishments, and hurdles. Diverse viewpoints were offered by those working in the jail, legal system (prosecution, defense), and in behavioral health. Shared themes and details about local practices inform this report.

WRJN team members toured Whatcom County Jail virtually (pre-recorded video). The WRJN team also conducted court observations, occurring in the month of July for four hours over three days in Whatcom County District court, where Mental Health Court, Omnibus Trials, Entry of Plea, and FTAs were observed. Observations in Bellingham Municipal Court occurred over two days for five hours and observed arraignments, speedy trial waivers, and probation court.

This report is based on WRJN’s quantitative and qualitative research. Full results of quantitative data analyses are in Appendix A. It is important to note that the scope and scale of the current evaluation project were far more limited than the original Vera Report.¹

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Key Findings from Quantitative and Qualitative Analyses

Whatcom County Jail, built in 1983, is a medium security facility with capacity for 210 people. In 2006, the county opened an interim minimum-security work center that can house 150 individuals. However, post-covid, capacity is limited due to public health protocols (e.g., need to maintain quarantine areas). Electronic home monitoring (pretrial) and detention (sentenced) are used. In-custody/out-of-custody work crews operate as alternatives to incarceration. The jail supports medical treatment for opioid addiction (MOUD/MAT program).

Quantitative Analyses

Overall, jail admissions were declining before the pandemic, but in 2020 they dropped significantly. Since 2021, admissions have started to increase again, driven by pretrial admissions. The most common charges for pretrial admissions include DUI, domestic violence/assault, warrants, and burglary. There has been a decrease in pretrial bookings for misdemeanors and infractions, leading to a shift in the jail population towards felony-level charges. Jail stays for driving while license suspended have significantly decreased. Book and release practices are becoming more common, and jail re-entry has declined among individuals. Admissions for serving a sentence remain lower than pre-pandemic levels. Common charges at jail entry include outstanding warrant, failure to comply with conditions set by the court, and probation violations. Length of stay has increased for sentenced and pretrial jail entrants, with longer average stays and fewer pretrial individuals being released within 24 hours. Most people with bail amounts over \$500 were not able to secure release. More than one in ten of those booked into jail have been unhoused and this group experienced more frequent jail stays. A similar percentage of those booked were considered at risk of suicide. In district and municipal courts, there has been a decrease in criminal traffic cases but not as much for misdemeanors. Felony case filings in Superior Court have accelerated, especially for burglary/theft, despite declining offense rates. Case resolution rates and time frames have worsened since the pandemic, with an increase in pretrial hearings contributing most to the rising number of criminal case proceedings.

Qualitative Analyses

Several themes coalesced from qualitative interviews, observations of courtroom proceedings, and archival analysis of county documents.

Stakeholders expressed a **broad commitment to rehabilitation** and progressive approaches to criminal justice that involve diverting individuals away from incarceration, emphasized treatment over punishment, and valued solutions that **address root causes of criminal behavior**. Stakeholders advocated for innovative approaches and reforms within their respective domains for addressing substance abuse, mental health crises, and for enhancing the effectiveness and **fairness of the local legal system** while minimizing its collateral consequences. Actors demonstrated

empathy and **compassion** in their roles, striving to understand unique challenges and needs of individuals, treating people with humanity.

Collaboration and the **value of multidisciplinary approaches** was a common theme among stakeholders, who recognized the importance of working together across fields and engaging various stakeholders to address complex social issues. Forming behavioral health response teams was but one outcome of valuing collaboration. There was an underlying commitment to **data-informed decision-making** and an openness to adapting based on evidence and feedback. All acknowledged the importance of collecting good data and analyses that could inform their actions, policies, and programs.

Shared challenges: Although collaboration and coordination among different agencies and programs were viewed as essential, **collaboration can be difficult**, agendas may differ, and reforms are sometimes met with **resistance**. There is a need for better understanding each other's work on the ground and ethical/professional norms, continued efforts to build mutual trust among legal and behavioral health experts and first responders, and more **education and cross-sector training** around the value and practice of diversionary approaches. It is vital that the courts, prosecution, law enforcement, behavioral health, and defense develop common knowledge and buy in on diversion efforts, especially efforts which **prevent arrests**. Establishing **routine communication** channels could ensure alignment in efforts to support diversionary programs and other approaches.

There was a **shared desire to reduce caseloads** and streamline case processing to **hasten the timeline to resolution**. High caseloads were identified as a significant shared challenge, which led to further backlogs.

All entities mentioned **resource constraints**, most often regarding personnel, technology, or infrastructure. While technological needs may soon be better met, staffing constraints may not resolve quickly. **Hiring, staffing, and staff retention** are challenges faced across fields, from legal aid to jail staff to health professionals and treatment specialists. There is strong competition for limited trained personnel who desire lower workloads and/or higher salaries found elsewhere. Even so, dedicated and competent staff were highlighted by all as an essential community resource. Technology needs generally identified the desire for **improved data collection, access to information, and integration across systems** as essential for informed decision-making and ensuring transparency and accountability. In terms of technology, the need for an updated case management system was mentioned as a priority, one that is nearing implementation. **Infrastructure issues with the jail** were identified, such as lack of space for in-person visits, to run programs/meetings, or for private consultation with defense counsel, as well as safety issues

related to an aging facility, such as malfunctioning elevators. All actors acknowledged the significant impact posed by the Covid-19 pandemic, including a shift to crisis management and necessary policy changes and adaptations, followed by an increase in workload and backlog of cases. Despite

or perhaps because of the disruption and added challenge, stakeholders continued to pursue their goals of reducing the local jail population, while diverting people to the help they need, and improving the safety and well-being of the community.

Progress on Strategies to Reduce the Number of People in Jail

The Vera Report provided a range of strategies to safely reduce the number of people in its jail and create a fairer, more efficient criminal legal system. Recommendations included (1) diverting people (on non-felony charges) from entering jail;

(2) curtailing outstanding warrants; (3) limiting pretrial detention by shifting away from financial bail towards risk-based pretrial decisions; (4) increasing efficiency of case processing; and (5) creating routine oversight and accountability.

Whatcom County made important forward strides on all recommendations, namely diverting many people on non-felony charges from jail through policy and by increasing behavioral health resources and alternatives, shifting away from financial bail, and creating greater routine oversight and accountability. Some progress was made curtailing outstanding warrants. There is a need to improve efficiency of case processing. Specific strategies are reviewed below.

Reduce Admissions to the Jail through Diversion

The 2017 Vera Report observed that (1) most jail admissions in Whatcom County involved non-felony charges, such as *failure to appear*, *DWLS*, and *shoplifting*, as well as *DUI*; (2) half of jail admissions for probation violations had no new charges; and (3) behavioral health needs of people in jail would be better served in the community. Vera identified seven responsive strategies to safely reduce the jail population and decrease disparate contact with the legal system.

1(a) Remove low-level offenses from municipal criminal codes (e.g., nuisance offenses)

Municipal violations comprise a very small share of jail bookings – fewer than 1 percent of the yearly total since 2018. In 2015, municipal violations accounted for up to 2 percent of jail bookings.

Municipal criminal code in Bellingham, the largest municipality by population, generally treats public order offenses such as disorderly conduct, public urination, or lying on sidewalks as civil infractions with monetary fines of \$100 up to \$250, or community service for those unable to pay. Third convictions are punishable by up to 90 days in jail and \$1000 fine. Prohibitions against sitting or lying on public sidewalks ([BMC/10.24.070](#)) were expanded in October 2020, likely affecting most the growing unsheltered population. On April 10, 2023, Bellingham adopted an ordinance against illicit public drug use. Classified as a misdemeanor with possible jail time, law enforcement and the prosecutor are formally encouraged to divert cases away from jail booking in favor of referral for assessment and treatment. Public use of marijuana has been a civil infraction since cannabis legalization in 2012.

More significant than municipal violations, in recent years, there have been **significant reductions in jail admissions** of those charged with **driving while license suspended (DWLS)**, **failure to appear (FTA)**, and **probation violations** (Department of Corrections). **1(b) Expand use of book and release practices, including from police stations**

Whatcom County law enforcement is broadly encouraged to use *cite/book and release* practices. *Cite and release* prompts a ticket and court date without detainment whereas *book and release* entails citation, fingerprinting and mug shots prior to immediate release on personal recognizance.

County and city police report extensive use of cite and release practices.

Data to evaluate its prevalence were generally unavailable. However, one agency with accessible data **consistently employed cite and release for offenses like DWLS and other criminal traffic violations. Without cite and release, pretrial jail admissions would have been at least 10 percent higher.** Expanding use of cite and release to other low-risk charges and individuals is a viable option to further reduce jail admissions.

The Whatcom County Jail continues to operate under booking restrictions, many put in place during March 2020 in response to the Covid-19 pandemic to limit pretrial admissions to those presenting an immediate and serious public safety threat. Jail bookings are limited for people suspected of misdemeanors and some gross misdemeanors.

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Booking restrictions in various forms have existed intermittently since at least 1995. Currently, as codified in a June 2022 Sheriff's Office memo, *cite and release* is encouraged, with some exceptions, for all misdemeanors and gross misdemeanors. *Book and release* practices are to be used at Whatcom County Jail for gross misdemeanors, excluding domestic violence, harassment, stalking, and violation of no contact or protection orders. DUI arrestees are to be booked and held until sober. Felony offenses are booked and released pursuant to Superior Court directives, excepting ten charges that include crimes against persons, sex offenses, burglary, unlawful firearm possession, escape, first-degree theft, and possession of stolen property/motor vehicle. Felony warrants are booked. Other warrants, including out of county warrants, are booked only if underlying charges conform to Whatcom booking restrictions.

Data on jail admissions show, compared to previous years, relatively **fewer bookings for warrants, minor infractions, and misdemeanors** and a greater share being booked on **more serious, felony-level charges**.

In 2022, over 700 people benefited from book and release practices; as of mid-year, 2023 was on target to reach nearly 1000 diversions from jail. ***Cite/Book and release practices have been effective in reducing the size of the jail population.***

Yet, these practices are contingent on impermanent Sheriff's Office policies developed to address health concerns and jail capacity issues. Forgoing booking restrictions in the future would predictably increase the jail population. Ongoing support is needed from the law enforcement community. Officer morale can suffer among those who misperceive these practices as overly lenient, ineffective, or damaging to respect for law. Support for diversionary approaches, through research/information, training, collaboration across sectors, and highlighting success stories might lead to its greater embrace.

According to research, many agencies today have long relied upon some form of cite/book and release (80 percent of agencies for 10 years or more).² Two-thirds of those surveyed by the International Association of Chiefs of Police (IACP) research team, viewed it positively. Research identified benefits. For the arrestee, diversion avoids undue hardships, like loss of work and financial difficulty and damage to relationships and reputation, and it promotes greater stability for families and communities. Cite/Book and release practices offer a more egalitarian standard than monetary bail/bond for pretrial release. Law enforcement officers report cite/book and release to be useful as a de-escalation tool; agencies have reported reductions in citizen complaints against law enforcement prompted by physical arrests and jail stays on minor charges. Some agencies report reduced costs and increased efficiencies, such as lesser law enforcement time removed from service. Cite and release might offer greater benefits than book and release in this regard. Diversion from jail via cite/book and release reduces the burden on courts vis a vis bail/release proceeding, although court non-appearances may increase without focused attention.

Whatcom County may wish to examine and affirm goals around booking restrictions and articulate clear objectives and benefits of using cite/book and release practices. Goals and objectives should be shared in law enforcement training to improve morale around cite/book and release practices. Monitor effects of these practices on community safety by collecting and analyzing systematic data on recidivism, failure to appear/warrants, and other outcomes of concern. Codify effective practices.

1(c) Facilitate opportunities to pay off fines for moving violations to address underlying causes of DWLS charges and consequent admissions to jail

To address precipitating factors, Vera recommended developing mechanisms to pay off fines and fees, including payment plans, removing debt from collection agencies thereby reducing interest and fees, and making available alternatives for those who cannot pay.

Courts in Whatcom County currently have formal policies and alternate programs to assist with paying off fines and fees. For those needing additional time to pay traffic infractions, county courts offer a payment plan with instructions and an application on their websites and in courts. Community service is offered as an alternative to paying monetary county court fines and fees for those eligible. Out-of-custody work on a crew managed by the Work Center can cover unpaid fines. However, failure to make timely payments or other arrangements may result in added financial and legal penalties, suspended driving license, and referral to a collection agency. Bellingham Municipal Court will recall from collections those debts fully paid in cash owed on a criminal case and will notify the Department of Licensing that the debt has been paid. One may petition Whatcom County Superior Court to remove a case from collections, waive interest only once the principal is paid in full, or to reduce/remit legal financial obligations based on financial status.

A large body of research points to the uneven and harmful effects of court fines and fees on those with lesser means.³ People unable to pay fines and fees face further collateral consequences for court debts, which can include driver's license suspension, and some even losing their housing, employment, or child custody.

Further recommendations include to waive or reduce fines/fees when warranted after conducting ability to pay determinations, and ensuring the standard of willful failure to pay is met before imposing sanctions. Refrain from using debt collection services.

1(d) Coordinate behavioral health care with legal system to prevent jail admissions

Recognizing Whatcom County's significant step of initiating the Ground-level Response and Coordinated Engagement (GRACE) program to divert people with health needs from frequently using the county's health and legal systems, Vera recommended further steps, including: (i) define high-utilizers, (ii) design exit ramps for program graduation (GRACE), (iii)

connect people to legal services, (iv) incorporate harm reduction principles, (v) ensure participation is non-compulsory, (vi) embrace transparency about the program, and (vii) consider diversion opportunities for those who may not be high utilizers but whose substance use brought them into contact with the legal system. One such example was Law Enforcement Assisted Diversion (LEAD) to client-centered case management linking those *suspected* of certain low-level offenses to resources.

Whatcom County has taken significant steps in developing GRACE, implementing LEAD in 2020, and undertaking additional measures such as Alternative Response/Co-Responder Teams to coordinate behavioral health care across the county.

GRACE is now a fully functional program operated by County Health and Community Services, Response Systems that addresses root causes of high emergency service utilization. GRACE supports individuals out of crisis and into stability and improved overall health and well-being. The GRACE team includes a Program Supervisor, five Intensive Case Managers that partner with three Community Paramedics and Behavioral Health Law Enforcement. GRACE serves 75-90 individuals at any one time.

The GRACE program is a voluntary program that focuses on Trauma Informed Care, Harm Reduction and client-driven goals. The GRACE program identifies high utilizers, incorporates harm reduction principles, and requires voluntary participation.

Independent analyses showed program completion rates were high (70 to 90 percent) and clients' multiple needs were often fully met (72 percent). Needs/Care plans commonly related to housing assistance and other basic needs, physical or mental health, and legal aid. Intensive and collaborative case management strategies were used.

Whatcom County LEAD launched in 2020 and is a fully functional program operated by County Health and Community Services, Response Systems Division. LEAD supports individuals who are struggling with behavioral health challenges who are well-known to law enforcement and the legal system. The program reports serving those with multiple low level criminal offenses who are experiencing mental illness, substance use disorders, and/or extreme poverty, to lead them into intensive case management. LEAD provides intensive case management and care coordination to assist individuals in gaining improved health and well-being and reduced involvement with the legal system and law enforcement. The LEAD team includes a Program Supervisor, five Intensive Case Managers and three Outreach Coordinators. LEAD serves 120-140 individuals at any one time. The LEAD program is a voluntary program that focuses on Trauma Informed Care, Harm Reduction and client-driven goals. In Whatcom County, enrollment has been by committee and the program offers an opportunity for case dismissal if successful in the program.

LEAD program services are in demand and the program is growing. However, completion rates are lacking, either because of its newness as a program, need for greater specification of program goals and pathways to completion, or more accurate data collection.

LEAD programs elsewhere have been designed to divert individuals from the legal process *before* booking or prosecution occurs, where officers use their discretion to divert individuals in lieu of arrest and/or booking, or through social contact referrals that do not involve a new offense.⁴

Response Systems Division (RSD) coordinates stakeholder system improvement meetings on a regular basis for Jail Re-Entry Coordination, Hospital/ED Coordination and Crisis System Coordination. The RSD Nurse Practitioner (NP) provides bridge primary medical care to individuals who are enrolled in RSD programs and community members who do not have primary medical care. In addition, the NP program supports housing and shelter programs in Whatcom County. Response team members have begun to analyze data on efficacy of GRACE and LEAD program involvement, reporting substantial reductions in jail bookings for program participants in pre/post-program tests.

The Sheriff's Office established a Behavioral Health Deputy (BHD) program in 2019, to address the growing number of community members in behavioral health crisis. The program currently has two deputies, who coordinate with mental health professionals and try to direct persons to resources and provide support for those in crisis. Consider embedding behavioral health experts with pre-trial services and public defense so those facing charges can confidentially and voluntarily access needed services.

Whatcom County has successfully expanded its capacity for crisis stabilization due to substance use disorder and acute behavioral health needs. Doubling capacity of the previous facility, the Anne Deacon Center for Hope opened in January 2021 to offer short-term, in-patient services. One 16-bed unit is for mental health stabilization and the other 16-bed unit provides intensive medical monitoring for safe withdrawal from alcohol and other drugs. Both units help patients access services they need to recover. The average length of stay in this voluntary facility is 3 - 5 days. Discharge involves care coordination to longer term treatment services and/or connection to primary care, mental health, and recovery resources in the community. The facility relies on self-referrals and referrals by hospitals and law enforcement.

Crisis facilities might be more fully utilized. Law enforcement might benefit from further training on the center's purpose, criteria for patient acceptance, and assistance evaluating appropriate cases. Staff might streamline acceptance processes to limit law enforcement wait times and reduce the number of non-admissions. Clarifying eligibility criteria and engaging in ongoing conversations with stakeholders to ensure appropriate referrals would be beneficial.

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1(e) Establish a sobering center where law enforcement can bring people arrested for DUI and on other charges related to substance use.

Because DUI, the most frequent criminal traffic charge, almost always results in a custodial arrest and jail booking, Vera recommended developing a sobering center to divert from jail those arrestees who do not have prior DUIs.

DUI continues to be a **major reason for jail entry** in Whatcom County, accounting for 27 percent of pretrial jail bookings in 2021-23. Most **jail stays were short** (89 percent released within 24 hours), suggesting an alternative facility could securely house the majority, who are suitable for release into the community once sober.

Those arrested for DUI are a heterogeneous group with varying motivations and characteristics. While some will have severe substance use problems, be arrested with high blood alcohol content levels, and have a prior record, others who are first-time arrestees and/or less intoxicated might benefit from different interventions.⁵

Whatcom County should expand non-crisis resources to divert and connect those with non-acute issues to less intensive resources.

While the County has not developed a sobering center as recommended by Vera, the Whatcom County Executive's office is pursuing capital funds to establish a "23-hour Crisis Relief Center" for individuals facing mental health and substance use disorder crises, akin to services of a sobering center. The Center will serve as a location for first responders and law enforcement to transport individuals experiencing intoxication, offering short term services, and facilitating care coordination and referral for long-term care. The center provides a crucial alternative for people arrested for DUI with minimal prior or pending charges and plays a pivotal role in expanding and developing a continuum of care.

1(f) De-escalation tools/training to divert behavioral health crises

In response to the frequency of law enforcement encountering those with mental health needs, Vera recommended increasing the availability of community-based crisis intervention teams, expanding co-responder approaches, and training officers on crisis intervention.

Whatcom County has expanded the availability of crisis intervention and co-responder teams. Officers are trained on crisis intervention.

In 2023, Response Services Division (RSD) introduced the Alternative Response Team (ART) in Bellingham, dispatching a behavioral health specialist and public health nurse for non-violent behavioral health 911 calls, aiding those in crisis and enhancing community safety through de-escalation.

Additionally, RSD partnered with Whatcom County Sheriff's Office on a pilot Co-Responder program, where behavioral

health specialists accompany deputies to offer trauma-informed support and connection with long-term care. Deployment is in unincorporated Whatcom County.

Co-responder teams have responded to 386 calls over nearly five months.

As ART and Co-Responder programs continue to develop and expand, the unique needs and resource requirements of rural areas should be considered. The rural nature of Whatcom County poses challenges for some residents to access services, the majority of which are available in Bellingham.

All members of the Sheriff's Office undergo Crisis Intervention training and annual state mandated in-service training related to crisis intervention. These include de-escalation tactics to slow down the situation, create distance, and mitigate the need for force. Deputies are required to consider alternatives to force, such as calling for additional resources or requesting a mental health specialist, and to use less lethal means, such as pepper spray and bean bag impact munitions, when reasonable.

Challenges: Statewide and locally, wait times in jail for competency restoration have become very lengthy, making it even more necessary to divert those experiencing mental health crises from the jail where they might decompensate further. Those who have exhibited violence and those who need to be held involuntarily present special challenges for housing.

1(g) Prevent jail admissions for technical violations during community supervision

Noting the number of people admitted to jail for violations related to community supervision, Vera recommended providing alternatives to jail incarceration in appropriate cases, understanding factors driving violations, and expanding use of "felony drop downs" (pleading to a gross misdemeanor rather than a felony, allowing supervision by District Court Probation in lieu of incarceration).

In recent years, jail admissions for state Department of Corrections **probation violations have significantly declined**, from 9-10 percent of pretrial jail admissions in 2015 – 2020 to just 1 percent from 2021-2023. However, charges of **failure to comply** have become **more prevalent** among reasons to serve jail time. Failure to comply may include violation of court-ordered release conditions related to electronic home monitoring, alcohol/drugs avoidance, use of a DUI-related ignition interlock device, payment of legal fines, or other stipulations.

The Sheriff's Office and Whatcom County Jail support **extensive use of electronic home monitoring**, including transdermal alcohol detection and other devices. Deputies are trained in the use of this equipment. Challenges include issues with client compliance (e.g., returning equipment) and malfunctioning equipment (e.g., detection devices register as tampered while client was sleeping, invalid urinalysis results).⁶

District Court uses several alternatives to prevent incarceration for probation violation, including increased urinalysis and breath tests, re-evaluation of treatment plans, community service, use of electronic devices (TAD/SCRAM) to monitor alcohol abstinence, referrals to therapy focused on domestic violence, anger management, or other behavioral therapies and referral to community resources.

Striking a balance between accountability and support can be challenging when addressing legal compliance issues. Addressing underlying factors, such as housing insecurity, transportation or childcare difficulties, employment problems, and health concerns, along with clear communication about expectations and consequences and enhanced community and social/familial supports may assist those struggling to comply. Expectations should be flexible to account for the reality that relapses and setbacks are a common part of the recovery process. Limit the number of contact events to critical ones.

Increased monitoring and surveillance can result in detecting more violations if tolerance for mistakes are not built in to expectations. Diversionary interventions should present

alternatives, not supplements, to punishment and jail incarceration.

Regarding felony drop downs, the Prosecutor's Office has reportedly formalized a program to direct file lower-level felonies in District Court, with six month to resolve the case. That process was designed to increase efficiency and to provide district court supervision when appropriate. The Prosecutor's Office reviews felony in-custody cases and may identify cases in which a lower-level charge may be warranted (e.g., lack of criminal history, non-violent charges). Referrals to the District Court reportedly have increased, particularly to Mental Health Court and Family Justice Court.

More systematic and widespread use of felony drop downs could be considered (e.g., Class B burglary charges for shoplifting after once trespassed from a store). **Felony theft/burglary case filings** in Whatcom Superior Court were **up by nearly 50 percent** since 2019, compared to just a six percent increase in offenses reported to police over the same time. This might indicate risk of net-widening (i.e., applying punishment to a wider or less deviant population than in the past).

Curtail new and outstanding warrants for lower-level charges

Based on the premise that warrants limit law enforcement from using pre-arrest and pre-booking deflection opportunities and increase jail admissions and length of time spent in jail due to prolonged case processing, Vera recommended three strategies to reduce outstanding warrants.

2(a) Analyze warrant data to understand scope and target response

To date, no in-house analyses of warrant data have been undertaken, perhaps due to staffing and data limitations. A new case management system to collect warrant data was expected to be in place by August 2023.

Limited analyses undertaken for this report indicated that although the overall **share of jail bookings due to a warrant has decreased, warrants continue to be one of the top reasons for individuals entering jail.**

More people have been booked and released, but still, most individuals arrested/booked on a warrant were not diverted and accounted for nearly 7,800 jail stays between 2015 and mid-2023. For those jailed on outstanding warrants, **theft, assault, and noncompliance issues (e.g., failure to appear or comply), were the original top charges.** Over time, there was a significant **decrease in jail bookings on warrants for initial charges of driving on a suspended license.**

District and municipal courts issued more warrants in 2019 than in 2015, but that number dropped abruptly with the

onset of the Covid-19 pandemic. **Warrant issuances started climbing again over 2021 to 2022.** The number of warrants ultimately cancelled, quashed, or recalled has continued to grow, peaking during the first year of the pandemic. More research is needed in this area.

2(b) Implement policies and practices to reduce number of bench warrants for Failure to Appear

Bench warrants are issued by a court, typically for administrative reasons, such as failure to appear at a hearing or failure to comply with other court rules or mandated requirements. Discretion to issue bench warrants for Failure to Appear was limited during the pandemic and has not expanded much since. Currently, a person may only receive warrants for failing to appear for arraignment or a trial date, resulting in fewer FTA-related warrants being issued. Warrants may increase should limitations be lifted.

The Prosecutor's Office introduced a policy to **refrain from filing standalone DWLS 3 charges**, which might also decrease the subsequent issuance of bench warrants. Warrants are often tied to criminal traffic violations, like DWLS, and instances of court nonappearances (FTA).⁷ Indeed, jail entry for warrants related to DWLS have significantly decreased in Whatcom County. This policy might be further expanded.

Research indicates: **Non-prosecution** of those accused of a **first-time nonviolent misdemeanor** reduced by half the likelihood of a new criminal complaint up to two-years later, compared to like others who were prosecuted.⁸

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Changes made by the courts to allow **appearance by counsel** and other alternatives to in-person required appearances (e.g., Zoom options) have been effective in reducing the number of warrants issued.

Further effective strategies for reducing warrants due to court non-appearance⁹ include minimizing the number of hearings one must attend, affording ample legal representation early in the legal process, and providing robust pretrial services oriented toward helpful system navigation rather than focused solely on compliance monitoring. Courts should inform and encourage clients to enroll in court notification systems. Because most individuals are not fugitives from justice, applying willful flight standards rather than the fact of court non-appearance alone when making warrant and bail decisions would reduce jail incarceration.

2(c) Increase opportunities to resolve outstanding warrants

To quash a warrant in Bellingham Municipal Court, one must **appear in person** for a warrant review hearing scheduled at least two days in advance during one of two days per week.

Whatcom County District Court generally instructs those with outstanding warrants to contact their attorney for assistance with cancellation.

In November 2019, the Prosecutor's Office held a "warrant quash day" for misdemeanors to felonies and for all courts within Whatcom County.

The number of warrants cleared, quashed or recalled has grown yearly, thus resolution rates are moving in a positive direction.

Nonetheless, another warrant quash day might be appropriate, and would be most effective if all jurisdictions in the county participated. Many people have multiple warrants that span jurisdictions, thus they face additional challenges. Municipal and District Court involvement would ensure those with multiple warrants across courts had a straightforward path to resolution. To assuage concerns of those with warrants, courts should explicitly assure users they will not be arrested after they appear and that any fines or fees due will not be required on the date of appearance.¹⁰

Create individualized risk-based pretrial release process to reduce pretrial detention

Regarding the pretrial jail population, Vera reported that release was often contingent on a person's ability to pay financial bail and that even low bond amounts were too high for many people. Non-financial conditions of release, such as unsecured bonds and pretrial supervision, were being underutilized. Risk-based pretrial systems can be used to identify those requiring more intensive supervision.

Washington State Court Criminal Rule 3.2 adheres to constitutional due process principles by requiring courts to employ the least restrictive means of pretrial release, favoring personal recognizance, except for capital offenses and unless valid concerns exist about non-appearance, future violence witness intimidation, or obstruction of justice.

Release without bail grew as a judicial practice, accounting for nearly 30 percent of 2022 jail releases, which is nearly double the percentage observed in 2015. Release on personal recognizance (PR) was predominantly applied to individuals jailed for DUI (about half of PR releases) or assault (one-fifth of PR releases).

Overall, bail practices remained relatively consistent since 2015, in that a similar share was assigned bail, amounts tended to be around \$1000-\$2000, and **most people who were assigned sums greater than \$500 did not post bail**. Jail stay prior to release on bail/bond has lengthened in time compared with before the pandemic.

When setting bail, **the judiciary has lowered bail via a "cash alternative" option**. This cash alternative is usually 10% of the bondable amount and refundable by the clerk of courts, an

attractive alternative to commercial bail bond agents for those who have access to cash.

The county has expanded its utilization of non-financial pretrial release methods, an important advancement. Nevertheless, the use of financial bail remains prevalent, with many struggling to meet even relatively modest bail amounts.

To continue making strides forward, augment use of personal recognizance over cash bail when possible. Courts could expressly adopt and abide by a presumption of personal recognizance release unless a demonstrated risk justifies arguing for a more restrictive approach.

3(a) Ensure defense counsel is present at all bail determinations, and 3(b) Develop a policy for early and meaningful bail review

Public defense is available at most but not all critical hearings. Public defenders should be present for weekend probable cause hearings between the county prosecutor and judicial officers. Counsel can help secure appropriate pretrial release by providing additional context about the individual. The presence of defense counsel at these hearings may lead to greater use of personal recognizance and lower bail amounts, shortening people's length of stay and reducing jail populations.

Stakeholders reported bail review hearings are scheduled for the next working day following arrest. Alternatives to bail are reviewed, including placing the individual on pretrial supervision and/or the installation of electronic alcohol or

other monitoring devices. Nonetheless, others identified less frequent instances when bail, pretrial conditions, or other motions would be reviewed, leading to lengthier jail stays for some. Compounding this were reported delays in defense counsel receiving case files or other information necessary to file timely motions.

Policies for early and meaningful bail review should be collaboratively reviewed and clarified. More frequent opportunities for bail review would hasten the release time of some incarcerated individuals.

3(c) Implement a court reminder system

Superior Court, District Court, Bellingham, Blaine, Everson, Lynden, and Sumas Municipal Courts now **participate in a text message reminder program for upcoming court appearances**. Text reminders are also sent for **probation appointments** and scheduled **substance use testing**. Over 9,600 text messages were sent in 2022. Success rates of texts being sent varied across courts from 56 to 95 percent, with a 70 percent average.

District Court also implemented a phone call reminder program for criminal hearings. During 2022, 3,441 reminder phone calls were made. District Court continues to provide written notice of future hearings as well as using phone calls and text reminders to increase court appearances.

Superior Court has been using court reminders for several years, with mixed feedback. Defendants find them confusing when they receive conflicting information about the status of continued hearings and cross-notification among individuals with the same names is a problem. Several court actors reported the court reminder system needed improvements to prevent nonappearances. Another challenge, public defense caseloads have increased, limiting time counsel may spend with clients, including to help ensure appearances.

Policies and practices often assume court nonappearances occur intentionally rather than due to error or insurmountable barrier. In a recent study of people who returned to jail for missing court, rather than defiant unwillingness, most faced one or more life responsibilities and challenges, including managing mental health, serving as primary caregiver, working, navigating simultaneous civil cases, or securing shelter¹¹. Many were challenged by transportation issues (suspended license, unreliable vehicle, public transit issues), and some were overwhelmed, fearful of the process, scared of incarceration or intimidated by unhelpful court actors or confusing processes/information.

The District Court has implemented some **measures to reduce logistical challenges**, such as allowing virtual appearances in court and some probation department appointments, and allowing **appearance by counsel** in some circumstances. District Court calendars and links to more forms and resources were made available on their website.

Proven strategies¹² for reducing nonappearances focus on the individual (court reminders, transportation, or addressing other needs) and include robust pretrial services and legal support, substance abuse treatment, and social services. Other system-focused reforms include flexible court schedules, more efficient case processing/rapid resolution (i.e., reduced backlogs, case delays), grace periods for missed appearances, and amnesty programs for those with outstanding warrants.

Three measures all courts might take to increase appearances are: (1) reduce logistical challenges (e.g., offer virtual appearances, reduced appearances, warrant clearing), (2) add flexibility (e.g., offering some choice in scheduling or evening court, grace periods for missed dates), and (3) provide useful resources (early access to counsel, transportation services, wraparound support with case management).

Consider joining with the Partners for Justice, or an analogous program that can help alleviate the burden on public defenders by offering trained, college-educated, non-attorney Advocates to provide case navigation and wraparound support to clients, ultimately increasing court appearances and timely case resolutions, and reducing incarceration.

Additionally, implementing innovative court notification practices informed by behavioral science¹³, such as redesigning summonses and effectively wording text reminders, can lead to meaningful reductions in court non-appearances. Practices such as emphasizing essential information like court dates and consequences of no-shows and sending timely text reminders to defendants effectively reduced the issuance of arrest warrants due to court nonappearances.

Longer term strategies

3(d) Adopt and validate a pretrial risk assessment instrument

IPRTF's Pretrial Processes workgroup strived to adopt a fair risk assessment tool for Superior Court judges but faced challenges with many tools expected to reproduce and widen existing racial disparities in the legal system. Superior Court **adopted** the Public Safety Assessment (PSA), **a researched and validated pretrial risk assessment tool** that helps judges make informed decisions about whether to release or detain individuals by assessing their likelihood of non-appearance or involvement in violent crimes. Data continues to be gathered on risk assessment. Stakeholders are working with the Washington State Center for Court Research to make use of the data.

Post-adoption of an instrument, Vera would recommend additional and ongoing training on the tool and how to use it for *all* user groups, including judicial officers, court and pretrial services staff, and attorneys. Stakeholders should consider developing guidelines or a decision-making framework for using the tool. After some time in use, the county should engage experienced quantitative researchers to conduct a local validation study and examine disparities in pretrial decision-making.

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3(e) Establish regional pretrial services in all Whatcom County courts

The Pretrial Processes Work Group (PPWG), involving Superior Court judicial officers and Incarceration Prevention and Reduction Task Force members, was tasked in 2018 with identifying and implementing pretrial reform measures.

Superior Court and the Task Force **established a Pretrial Services Unit to investigate alternative monitoring options** for individuals awaiting trial. The unit utilizes a pretrial risk assessment tool to classify individuals into low, moderate, or high service levels, each with differing supervision and check-in requirements. The unit informs the court when defendants do not fulfill their check-in obligations. Superior Court uses pretrial electronic home monitoring and alcohol/drug detection or testing to keep people out of jail prior to adjudication.

Pretrial services could be expanded in Whatcom County.

Pretrial support and supervision services often include court date notification systems (e.g., ensuring contact information), supervised release, electronic monitoring, drug testing, drug treatment, childcare, transportation, alcohol testing, alcohol

treatment, and mental health services.¹⁴ Pretrial units should be independent, stand-alone units to manage essential tasks such as universal screenings and recommendations for pretrial release or detention. A pretrial program should have a vision of what it seeks to accomplish and a well-articulated mission (e.g., provide services, promote compliance, support community safety, assist informed decision-making regarding bond, competency, and treatment). These statements should reflect national standards on pretrial program practices as well as statutory and court rule language.¹⁵

Best practices for pretrial service programs include: (1) individuals should not bear the cost of pretrial services, including electronic monitoring, drug/alcohol monitoring, mental/behavioral health treatment, and court reminders; (2) court reminders are effective in reducing non-appearances and should be accessible to all; (3) provide referrals for voluntary, low or no cost mental/behavioral health treatment, vocational assistance, or housing support to facilitate court attendance and compliance with release conditions; (4) active stakeholder group that routinely gathers input and strives to improve pretrial practices and outcomes through collaborative, informed decision-making; and (5) transportation support, to access court-ordered appointments and social services.¹⁶

Develop a caseflow management plan to reduce time to disposition and shorten people's length of stay in jail

Case processing encompasses multiple decision points throughout adjudication, from initial appearance through disposition and sentencing. The pace at which cases proceed through the courts directly impacts the jail because a large proportion of people are held in jail pending case resolution. Even for those not in custody, multiple court appearances and delays can present hardships due to missed work, transportation challenges, the need for childcare, and stress and strain. Effective case flow management promotes organizational efficiency, timeliness, and justice.

At the time of Vera's evaluation, Superior and District Courts were not meeting state or national model time standards for case resolution.

Since 2019, case resolution times in Superior Court have worsened, resulting in more pending cases and longer jail stays for some individuals compared to 2015.¹⁷ Additionally, the number of pretrial resolution hearings has increased, even though case filings have remained stable, leading to a higher number of proceedings per case. Despite the pandemic and the state's decriminalization of felony drug possession, increased theft/burglary case filings offset any declines.

In District and municipal courts, case filings for criminal traffic violations consistently decreased. Meanwhile, misdemeanor case filings, which initially declined during the pandemic, have rebounded. The number of misdemeanor court proceedings reached pre-pandemic levels. Deferred prosecution was infrequent.

Whatcom County stakeholders representing county courts, prosecution, and public defense recognized challenges faced by an overburdened legal system recovering from pandemic-related closures and delays. District and municipal courts fared somewhat better with reduced case filings during the pandemic. However, Superior Court, with no such reduction, has labored to process cases filed during and since that time.

4(a) Develop a plan to ensure efficient and fair caseflow management

Adopting time standards for case resolution and/or time standards between case events demonstrates commitment to timely case processing and adherence to the principle of resolving cases as early in the process as reasonable. Establishing internal processes to facilitate timely disposition along with performance monitoring makes for a more efficient and fair system. Differentiated case management fast tracks straightforward cases and allocates time and resources for more complex cases. Efficient courts build a practice of "meaningful court events" where number of appearances are minimized, and cases are not interrupted without good cause once initiated. Continuances should be limited, purposeful, tracked, and allowed with reasonable consistency.

Efforts have been made to facilitate case processing, for example by **limiting continuances**. New Superior Court rules require continuance requests to be reviewed by the court for sufficient cause. Continuances per case and number of hearings per case tend to be the primary drivers of case

processing times.¹⁸ Courts that minimize duration between court events also tend to be highly efficient. Court events should be meaningful with firmly but reasonably set court calendar dates.

Although court actors agreed with the principle of limiting continuances via judicial review, at times it resulted in inadequate time for newly appointed attorneys to prepare a case or meet with clients. This was in part because public defense resources have been insufficient, as reported by various stakeholders and observed through court watching¹⁹ where case delays occurred due to clients awaiting assignment of defense counsel, delayed or last-minute case file delivery, and attorneys in need of time to meet with clients. Public defense resources could be bolstered.

Other measures could be taken to resolve cases earlier in the process to deflect the need for additional hearings and minimize the number of required appearances. Good faith case settlement conferences could occur earlier and more often between prosecution and defense, particularly for prolonged cases.

Courts can achieve effective caseflow management through a variety of approaches, but high-performing courts typically share key elements: (1) strong leadership in prioritizing, managing, and monitoring pace of litigation with collaboration and input from justice partners; (2) clearly communicated expectations about case progress, with adequate time scheduled for court events and early intervention in languishing cases; (3) predictable, productive and minimal court events that contribute to case resolution, and (4) goal-oriented information sharing that helps the court identify problems and allocate attention. Best outcomes are achieved when court leaders demonstrate willingness to try

new approaches and apply their experience, subject matter expertise, and creativity to customize solutions that align with local needs and context.²⁰ Collaborative time spent reviewing and evaluating current practices may be warranted.

4(b) Track case processing performance measures

It is a best practice for courts to track performance measures, such as filing to disposition time, time to discovery, the number of cases pending, the number of cases beyond the time standard (i.e., backlog), number of appearances per case, time between court events, and continuances. Data collection and analysis can pinpoint delays and inform system leaders about how operations are functioning.

Some court performance data are available through the Washington State Administrative Office of the Courts, but no measures are tracked locally that could identify sources of backlogs and inform the public and leaders about system functioning. Multiple system actors supported the need for data collection and analysis, and desired to participate in developing such metrics and goals. Actors also acknowledged the difficulty of such an endeavor and stressed the need for involving multiple perspectives.

In late 2018, the Task Force formed the Information Needs and Data Exchange (INDEX) committee, comprised of technical and policy work groups with a mission to develop a data collection and reporting system for the county that informs policymakers and practitioners when considering changes to minimize jail incarceration and improve efficiency and fairness in the legal system. Additionally, a statewide electronic casefile management system has been under development and should soon be deployed.

Create oversight and accountability mechanisms to ensure sustained jail population reduction

Vera recommended several strategies to facilitate collaboration and communication among legal system actors in Whatcom County, and to build greater consensus about who should be in jail versus managed safely in the community. These measures sustain county efforts to prevent and reduce incarceration.

5(a) Reconvene a Law and Justice Council and institutionalize the Council with meetings, staff, and research capacity

Effective criminal justice coordinating councils guide and oversee legal system reforms based on coordinated multi-agency responses to agreed-upon challenges. These permanent and staffed advisory boards resolve emerging issues and manage the legal system's collective workload on an ongoing basis. In addition to administrative and planning support, staff are valued who can fundraise/grant-write; cross-system data match and utilize appropriate data/research

methods; and share comprehensive knowledge of best practices and data-driven decision making.

This goal was substantially achieved in 2019, when Whatcom County Council adopted an ordinance ([Ord. 2019-056](#)) designating an ongoing County Law and Justice Council with oversight functions, as required by state law.

The new role was filled by the existing Incarceration Prevention and Reduction Task Force (IPRTF), which includes a broad range of 20-30 participants from organizations involved in the criminal legal system and law enforcement, policy makers, service providers, members of the public, and consumers of services. The IPRTF has one dedicated staff member from the Council Office and relies on staff in the Health Department, Sheriff's Office, and other departments as well as subcommittee members to assist with research. IPRTF meets monthly, with additional subcommittee meetings, which all are open to the public and available in hybrid format.

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The IPRTF initially was formed by a 2015 ordinance of the Whatcom County Council to review Whatcom County's criminal legal and behavioral health programs and recommend changes to reduce incarceration of individuals struggling with mental illness and chemical dependency, and to reduce jail use by pretrial defendants who can be safely released. Council adopted Ordinance 2013-009, which designated the IPRTF to serve as the Law and Justice Council, as required by RCW [72.09.300](#) and to carry out the function described in RCW [72.09.300\(d\)](#).

IPRTF has established four committees to work on criminal justice or behavioral health issues and needs. A **Crisis Stabilization Facility Committee** is advising the County on the operation of an expanded crisis stabilization center. A **Legal and Justice Systems Committee** examines existing and potential reforms in criminal justice system practices. A **Behavioral Health Committee** identifies improvements in the delivery of mental health and substance use disorder services and programs that target prevention and early intervention efforts to divert individuals from entering the criminal justice system. The **Information Needs and Data Exchange (INDEX) Committee** is a coalition of staff working to improve data systems, information-sharing across jurisdictions, and availability of outcome data.

IPRTF produces an **annual report**, providing recommendations to the county council and executives on outcomes of existing incarceration prevention and reduction programs throughout Whatcom County, new innovative programs being used in other communities, and recommendations for changes or additional programs (as required by Whatcom County Code 2.46.090).

Whatcom County has dedicated and knowledgeable **staff with requisite skills for grant-writing, data collection and analysis**, and managerial acumen. The County engages outside consultants and subject matter experts on current best practices and seeks external guidance on data collection and analysis. The County is seeking to hire additional staff for data-related tasks.

5(b) Report and publish data regularly to ensure transparency and accountability

Regular reporting on key legal system trends and benchmarks facilitates accountability, builds trust with the public, and establishes performance measures that can enhance fairness and efficiency. Yet, legal system data is often siloed across county and city agencies, where staff have limited capacity for extraction and analysis.

Several Whatcom County agencies, and the IPRTF, routinely publish annual or specialized data reports. For example, the Sheriff's Office produces weekly snapshots, monthly summaries, quarterly, and yearly reports with data on numbers of bookings and releases and jail population averages, as well as crime and law enforcement employee data. Emergency Medical Services has published annual and topical reports, such as [EMS Responses to Suspected Opiate Overdoses](#).

Court data and performance reports are not as readily accessible to the public.

As in many places, existing data systems in the county are unique to each agency and disparately located. However, Whatcom County is taking forward strides toward improving public access to data and toward extracting and analyzing cross-system data in useful ways.

Whatcom County Health and Community Services, in partnership with community stakeholders, has **invested in the Julota data platform** for Response Services Division programs. Julota builds data interfaces with emergency data systems (Law Enforcement, EMS, Jail, Hospital ED, Legal system) that provides real-time care coordination information and allows program evaluation of the RSD diversion programs (GRACE, LEAD, ART, Co-Response and Mental Health Court).

The Information Needs and Data Exchange (INDEX) Committee is a coalition of staff and a subcommittee of the IPRTF working to improve data systems, information-sharing across jurisdictions, and availability of outcome data.

Whatcom County aspires to have an integrated data platform and staff dedicated to its analysis and providing useful information to inform legal decision-making. Criminal justice professionals seek to understand the public safety impacts of book and release practices, practices that encourage court appearances, and such. Behavioral health specialists wish to know about the effectiveness and any gaps in their various services and programs.

Two county budget supplemental requests are pending for hiring data analysts to oversee a Criminal Justice Data archive. More data analysis and information are needed on the courts, rates and reasons for failure to appear and for warrants, and to inform decision-making in the legal system.

County staff report the **creation of a data dashboard** for public release is significantly underway.

Efforts should continue to routinely collect cross-system data for expert analysis about use and performance, as well as evaluation of outcomes, effectiveness, and unintended consequences. Continue efforts to involve those with lived experience, or loved ones of those with direct experiences, to provide perspectives and suggestions about current legal system practices and experiences, employing professional researchers with qualitative interview and/or focus group experience, if necessary.

5(c) Collect data on race, ethnicity, gender at all system points

To better monitor and assess disproportionalities in jail bookings for people of color, Ver recommended improved data collection practices regarding race, ethnicity, and gender should include: allowing people to self-identify, updated and standardized recording and reporting categories across all legal system points, and routine review of the data to assess and understand differences across social groups in case

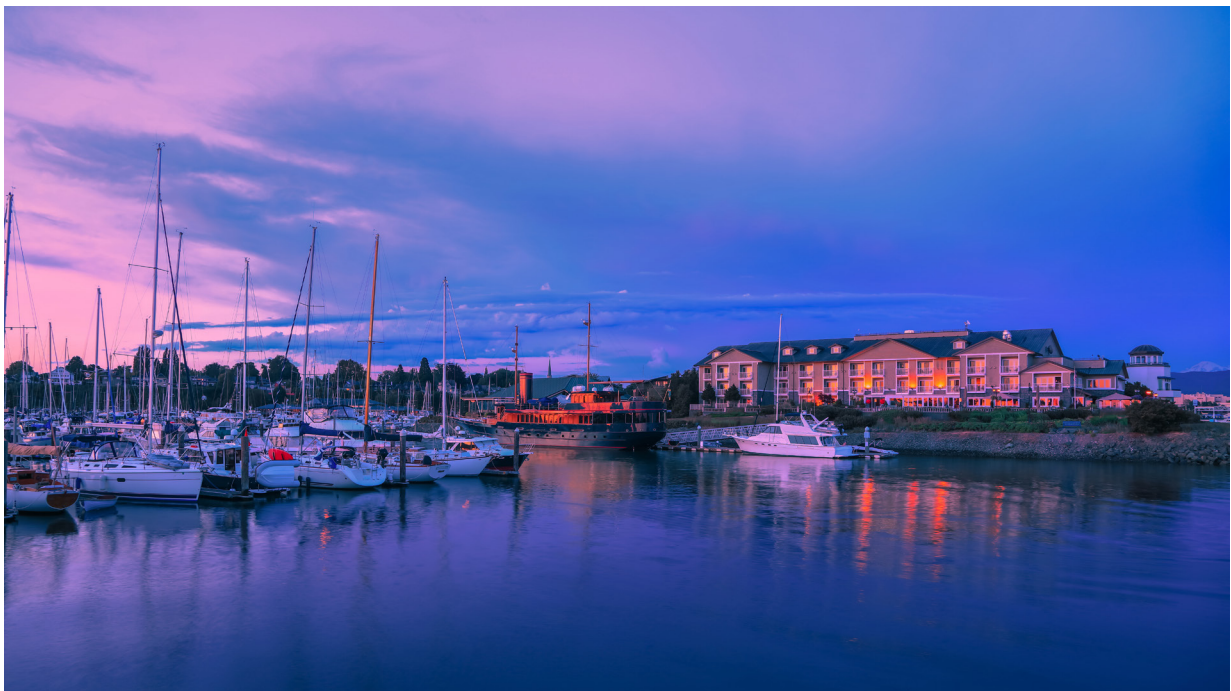
processing times, bail practices, and so forth, sharing findings with the larger community.

Whatcom County Jail began to **collect self-reported data** on gender, race (six categories), and ethnicity in 2019/2020. Prior, demographics were reported by deputies and did not include gender (only sex). Data accuracy improved, but changes led to more missing, unrecorded information.

Data from the courts and on law enforcement offenses/arrests continue to use more restricted categories that mirror those for the more centralized (state, federal) data collections in which they participate. Measurement of Hispanic ethnicity has been especially inconsistent over time and across data collections.

Racial and gender equity in arrest and incarceration should continue to be monitored. Investment in community-based social reforms that improve neighborhood inequalities, alleviate concentrated or entrenched poverty, and improve public spaces is a remedy for both social/racial inequities and advancing public safety.²¹

Continuing to expand behavioral health diversion efforts, and implementing reforms at all stages of the legal system, from law enforcement to courts and corrections to community supervision, remain promising strategies that Whatcom County should continue to engage.



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Endnotes

- 1 Whereas the Vera team spent a full year conducting an in-depth examination that included on-site visits and observations, system mapping exercises, and detailed analyses of one year of administrative data, the WSU team conducted its work over one summer, and was charged with evaluating steps taken and examining multiple years of data to assess changes over time. Analyses of jail data used similar methods to identify top charges and pretrial versus sentenced persons. However, making direct comparisons across the two reports is not advisable because counting methodologies differed to some extent.
- 2 International Association of Chiefs of Police. 2016. *Citation in Lieu of Arrest: Examining Law Enforcement's Use of Citation Across the United States & Literature Review*. <https://www.theiacp.org/projects/citation-in-lieu-of-arrest>
- 3 National Center for Access to Justice. 2021. The Fines and Fees Justice Index. <https://ncaj.org/state-rankings/justice-index/fines-and-fees>. This source offers best practices / benchmarks for fines and fees, as well as other best policies.
- 4 IACP/UC Center for Police Research and Policy. 2021. *Assessing the Impact of Law Enforcement Assisted Diversion (LEAD): A Review of Research*. <https://bja.ojp.gov/library/publications/assessing-impact-law-enforcement-assisted-diversion-lead-review-research>; Allison R. Gilbert, Reah Siegel, Michele M. Easter, Josie Caves Sivaraman, Meret Hofer, Deniz Ariturk, Marvin S. Swartz, & Jeffrey W. Swanson. January 2023. *Law Enforcement Assisted Diversion (LEAD): A multi-site evaluation of North Carolina LEAD programs*. Duke University School of Medicine.
- 5 Peter G. Miller, Ashlee Curtis, Anders Sønderlund, Andrew Day & Nic Droste (2015) Effectiveness of interventions for convicted DUI offenders in reducing recidivism: a systematic review of the peer-reviewed scientific literature, *The American Journal of Drug and Alcohol Abuse*, 41:1, 16-29, DOI: [10.3109/00952990.2014.966199](https://doi.org/10.3109/00952990.2014.966199); James C. Fell & Jennifer Scolese (2021) The effectiveness of alcohol monitoring as a treatment for driving-while-intoxicated (DWI) offenders: A literature review and synthesis, *Traffic Injury Prevention*, 22:sup1, S1-S7, DOI: [10.1080/15389588.2021.1980783](https://doi.org/10.1080/15389588.2021.1980783); Lauren K. Knoth & R. Barry Ruback (2021) Conviction or Diversion and the Labeling of First-Time DUI Offenders: An Analysis of Sentencing and Recidivism in Pennsylvania, *Justice Quarterly*, 38:1, 72-100, DOI: [10.1080/07418825.2019.1597915](https://doi.org/10.1080/07418825.2019.1597915).
- 6 See Camello, M., Shute, R., & Roper-Miller, J. D. (2023). Alcohol and drug monitoring for community supervision. Research Triangle Park, NC: RTI International. <https://cjtec.org/files/64d54441ed54c> The authors review advantages and disadvantages of various strategies for monitoring drug/alcohol abstinence during community supervision. Notably, the authors highlight the risk of *net-widening*, where greater monitoring and surveillance leads to further legal system involvement, such as “failure to comply” charges. Given the limited evidence that drug testing alone reduces court non-appearances or future criminal offending, some advocate reserving alcohol and drug monitoring for high-needs people (e.g., repeated DUIs), or using positive tests non-punitively, as an indicator of treatment needs.
- 7 Slocum, L., Torres, L. C., Huebner, B. M., Larson, E. G., Baumgartner, J., Schaefer, S., & Preiss, E. (2022). Enforcement of low-level warrants in the City of St. Louis: Officer decision making and implications for policy and practice. *Policing: A Journal of Policy and Practice*, 16(3), 386-404.
- 8 Agan, A., Doleac, J.L. and Harvey, A., 2023. Misdemeanor prosecution. *The Quarterly Journal of Economics*, 138(3), pp.1453-1505.
- 9 Gouldin, Lauryn P. (2018) "Defining Flight Risk," *University of Chicago Law Review*: Vol. 85: Iss. 3, Article 3. Available at: <https://chicagounbound.uchicago.edu/uclrev/vol85/iss3/3>; Pretrial Justice Institute. (May 23, 2023) Unpacking Willful Flight: A Call for Equity Centered Reform. <https://www.pretrial.org/files/resources/willfulflight5.31.23.pdf>
- 10 Cahill, M. (2012). Focusing on the individual in warrant-clearing efforts. *Criminology & Public Policy*, 11, 473.
- 11 Magnuson, S. Dezember, A., Kuehmeier, K., Green, C. & Cautschi, D. (2023). Understanding Court Absence and Reframing “Failure to Appear”: Lake County, Illinois. <https://justicesystempartners.org/wp-content/uploads/2023/05/SJC-Lake-County-Getting-to-Court-as-Scheduled-Reframing-Failure-to-Appear.pdf> .
- 12 Ibid; Gouldin, L. P. (2021). New perspectives on pretrial non-appearance. In *Handbook on pretrial justice* (pp. 296-323). Routledge.

- 13 Alissa Fishbane et al. (2020) Behavioral nudges reduce failure to appear for court. *Science* **370**,6517: p. [eabb6591](https://doi.org/10.1126/science.abb6591); see also p. [658](https://doi.org/10.1126/science.abb6591) . <https://www.science.org/doi/10.1126/science.abb6591>. See also: McAuliffe, S., Hammer, S., Fishbane, A., & Wilk, A. (2023). *National Guide to Improving Court Appearances*. ideas42. <https://www.ideas42.org/project/empowering-courts-to-take-bold-action-to-improve-appearance-rates/>; McAuliffe, S., Hammer, S., Fishbane, A., & Wilk, A. (July 2022). *Navigating the real-life challenges of appearing in court: Recommendations for addressing wealth-based barriers to court appearances in Harris County*. <https://www.ideas42.org/project/barriers-to-appearance-harris-county/>; Nam-Sonenstein, Brian. (August 15, 2023). *High stakes mistakes: How courts respond to “failure to appear.”* Prison Policy Initiative, <https://www.prisonpolicy.org/blog/2023/08/15/fta/>
- 14 Pilnik, Lisa with B. Hankey, E. Simoni, S. Kennedy, L. Moore, and J. Sawyer. (Feb 2017). A Framework for Pretrial Justice: Essential Elements of an Effective Pretrial System and Agency. NIC Accession Number: 032831. <https://s3.amazonaws.com/static.nicic.gov/Library/032831.pdf>
- 15 Pretrial Justice Institute. (nd). *Pretrial Services Program Implementation: A Starter Kit*. https://www.ncsc.org/_data/assets/pdf_file/0012/1605/pretrial-services-starter-kit-pji-2010.ashx.pdf
- 16 Surur, Intisar & Andrea Valdez. (Feb 2019). Pretrial Reform Task Force: Final Recommendation Report. Washington’s Pretrial Reform Task Force, <https://www.courts.wa.gov/subsite/mjc/docs/PretrialReformTaskForceReport.pdf> ; For an effective summary of additional literature see also, Dr. van Wormer’s presentation to Whatcom county: <https://www.whatcomcounty.us/DocumentCenter/View/33959/van-Wormer-Whatcom-County-Project-FINAL-with-links>
- 17 As well, prolonged competency restoration delays driven by inadequate state resources has led to extended jail stays and extended legal proceedings before resolution for some.
- 18 Ostrom, B, L Hamblin, R Schaufler, and N. Raaen. (2020) Timely Justice in Criminal Cases: What the Data Tells Us. National Center for Court Statistics. https://www.ncsc.org/_data/assets/pdf_file/0032/69890/Timely-Justice-in-Criminal-Cases-What-the-Data-Tells-Us-v2.pdf
- 19 When the public defender’s office cannot handle a case due to caseload limits or conflict of interest, it is referred to contracted private attorneys who are willing and able to handle the case. When no local attorneys are available, attorneys from outside the county are used, perhaps at higher cost. See also, <https://www.bellinghamherald.com/news/local/crime/article275366601.html>
- 20 Ostrom, B., N. Raaen, R. Schaufler, & L. Hamblin. (August 2020). *Success in Criminal Caseload Management: Lessons from the Field*. National Center for State Courts. https://www.ncsc.org/_data/assets/pdf_file/0018/53217/Success-in-Criminal-Caseload-Management-Lessons-from-the-Field.pdf Courts aiming to evaluate their existing caseload management practices can utilize the Caseload Management Maturity Model, a framework and self-assessment instrument that outlines the critical elements of caseload management and the level of adoption and institutionalization of caseload principles and practices. See Raaen, Nial, B. Ostrom, R. Schaufler, and L. Hamblin. (August 2020). *The Caseload Management Maturity Model*. https://www.ncsc.org/_data/assets/pdf_file/0013/53221/Caseload-Management-Maturity-Model.pdf
- 21 National Academies of Sciences, Engineering, and Medicine. (2022). *Reducing racial inequality in crime and justice: Science, practice, and policy*. <https://nap.nationalacademies.org/catalog/26705/reducing-racial-inequality-in-crime-and-justice-science-practice-and>

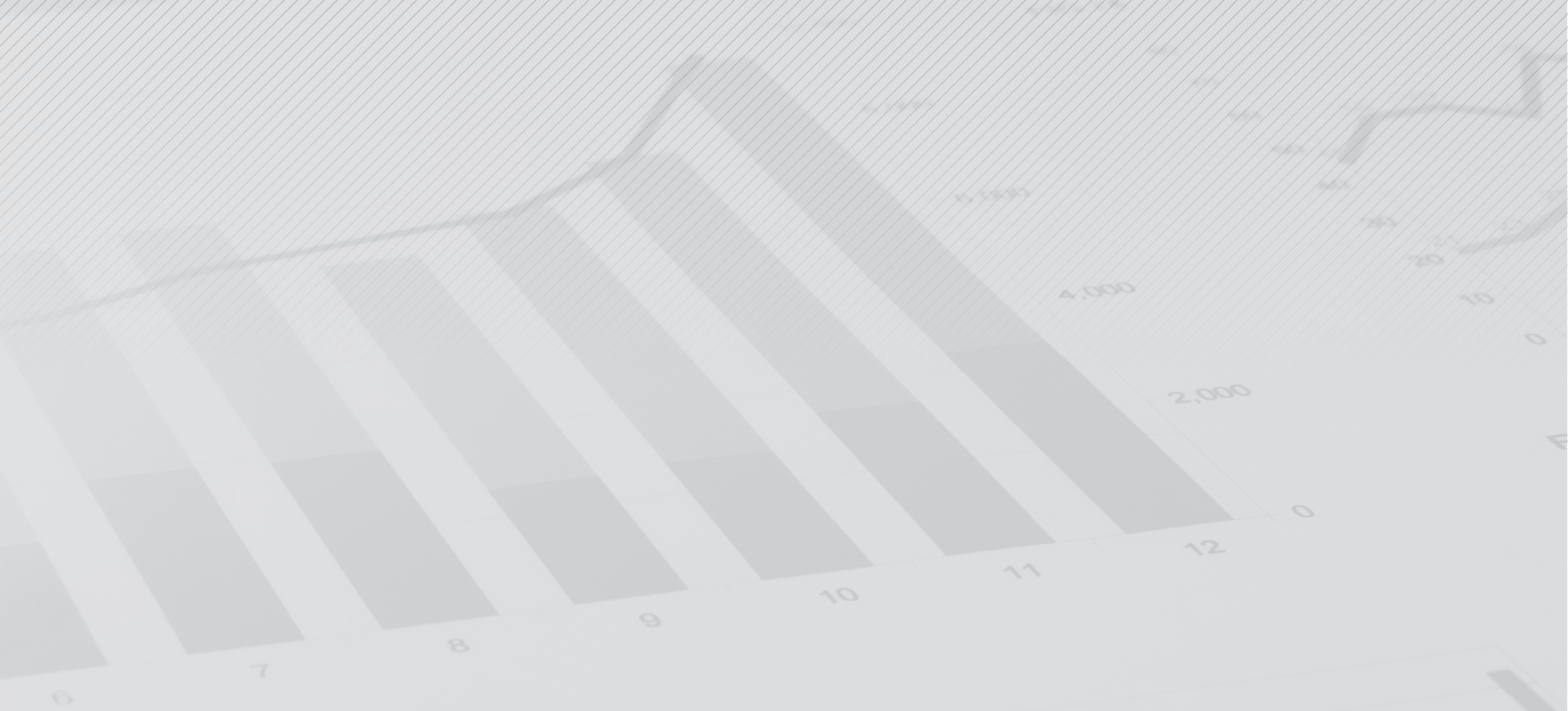


FIG. 8



Data Analysis on Jail Population Patterns and Trends, 2015–2023

Jail, warrant, and behavioral health data were provided by Whatcom County staff to the Washington Rural Jails Network research team for analysis. The WRJN team also collected existing data on Whatcom County demographics from the US Census, crime data as reported in Crime in Washington Annual Reports, and court case processing statistics gathered and published annually as Caseloads of the Courts of Washington. Jail population patterns and trends are derived from multiple factors, only a few of which are considered here as background.

Demographic and Social Trends in Whatcom County, 2015–2023

Whatcom County has grown in population by 9% since 2015. Similarly, cities in Whatcom County like Blaine, Everson, Ferndale, Lynden, and Sumas have grown 19-21% in population since 2015 ([US Census, 2020](#)). The largest city in Whatcom County, Bellingham, accounts for 41% of Whatcom's total population. Whatcom has a larger White and American Indian or Alaska Native population when compared to the rest of Washington State. The Lummi, Nooksack, Samish, and Semiahmoo tribal groups reside in Whatcom County. Whatcom County has a relatively large demographic of young people (17 percent ages 15-24), from Western Washington University and other technical and community colleges in the Bellingham area.

Whatcom County's unemployment rate was at a record high of 17.4% in April 2020, but has since recovered, to 3.1% as of June 2023. The 2020 Covid-19 Pandemic significantly damaged Whatcom County's economic well-being, but the county has made steady recovery, albeit at a slower rate than the rest of the state.

Median household income in Whatcom County increased by 16% between 2017-2020. However, the cost of living in Whatcom County (2017-2023) rose more than national and Washington State averages, particularly for housing. Median rent increased by 20% for apartments (1-4 bedrooms) and by 27% for studios between 2017-2020.

A higher percentage of people live in poverty in Whatcom County compared to the rest of Washington State. Whatcom County Coalition to End Homelessness reported steady increases in the number of individuals and households who were unhoused from 2015-2023. There was a 9% increase in sheltered individuals and a 91% increase in unsheltered individuals between 2022 and 2023 ([Whatcom Coalition to end Homelessness Annual Report, 2023](#)).



Appendix A

Crime Trends, 2015–2022

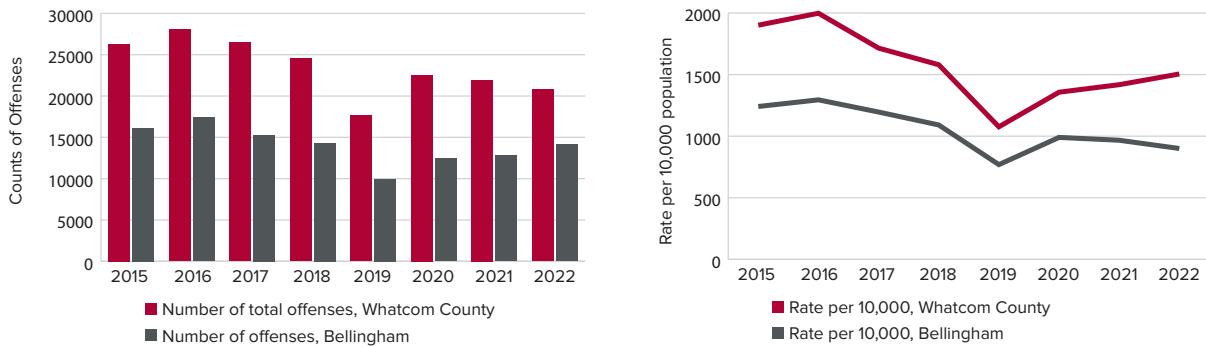
Key Takeaway

Overall, crime rates in Whatcom County have declined since 2015, with notable drops in theft and burglary rates.

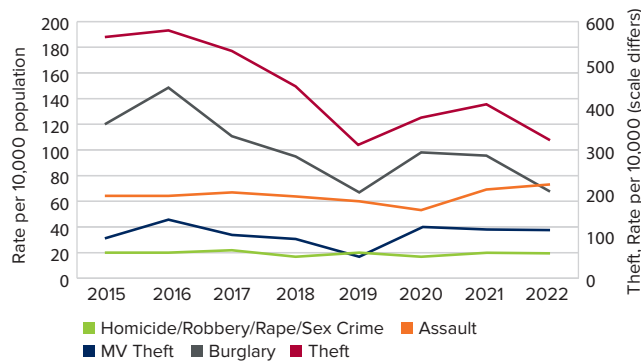
Crimes Known to Police

Crime is counted based on reported offenses recorded by law enforcement, even if no arrests were made. In many cases, crime is witnessed or experienced by citizens who call the police rather than detected by proactive policing.

Offense Counts and Rates for all of Whatcom County and Bellingham, 2015-2022



Rate of Offenses per 10,000 population in Whatcom County, 2015-2022



Note: Lummi Nation Tribal Police did not contribute offense data in 2019 or 2020.

The overall crime rate in Whatcom County declined by 27 percent since 2015. Crime rates standardize crime counts across years when the population grew and across places with different population sizes. Rates of offenses known to police declined in Whatcom’s largest city, Bellingham (by 20 percent), as well as elsewhere in the county, not shown (e.g., Ferndale, Blaine, Everson).

Thefts and burglaries declined in rate (and number, not shown) over the 2015 to 2022 period. Motor vehicle theft and assault rates were mostly unchanged, or modestly increased. Theft rates declined from 580 per 10,000 residents in 2015 to 328 thefts per 10,000 in 2022, a 42 percent decline. Similarly, burglary rates declined by 43 percent (120 per 10,000 in 2015 to 68 per 10,000 in 2022).

As in past years, in 2022, Bellingham Police Department, followed by Whatcom County Sheriff’s Office, recorded most offenses known to county law enforcement (68 percent, 14 percent, respectively). Ferndale Police recorded 6 percent of offenses, and each of the other entities contributed 4 percent or less to the total (4 percent: Lynden, Lummi Nation; 2 percent or less: Western Washington University, Blaine, Everson).

Jail Population Trends since 2015

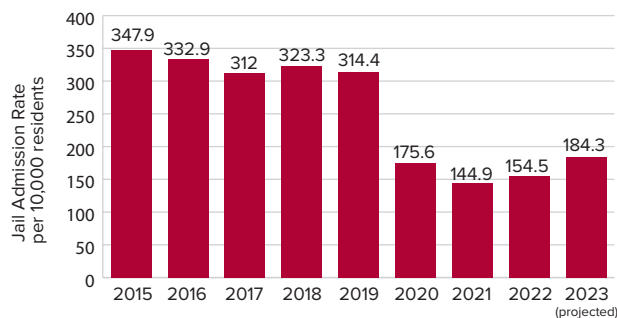
Key Takeaways

- ▶ Jail admissions declined slightly pre-pandemic, dropped significantly in 2020, then started to increase in 2021, driven by pretrial admissions
 - DUI, assault/domestic violence, warrants, and burglary charges contributed most to pretrial jail admissions in recent years; additionally, failure to comply with court-ordered conditions of release was a common reason to serve jail time
 - Pretrial bookings for misdemeanors and infractions significantly decreased. In particular, driving while license suspended (DWLS) and Failure to Appear became infrequent as reasons for jail incarceration.
- ▶ The increasing use of cite/book and release in recent years, along with other factors, led to a decrease in jail bookings and a shift in the jail composition toward pretrial and felony-level defendants
- ▶ Release without bail (i.e., personal recognizance) increased in frequency. For those assigned bail, however, most were unable to secure release, unless amounts were \$500 or less.
- ▶ Length of jail stay has increased, on average, and fewer pretrial individuals were released within 24 hours.
- ▶ More than one in ten of those booked into jail have been unhoused; those who were unhoused tended to experience more frequent jail stays, by a factor of two to one
- ▶ Over ten percent of people booked into jail from 2015 and 2023 were identified as being at risk of suicide during either their current stay or a previous one
- ▶ Overall, jail recidivism has gone down. Fewer in recent years have re-entered jail within a year or two

Jail Data Analysis

The rate of yearly jail admissions was slowly trending downward before the pandemic, from nearly 350 jail bookings per 10,000 residents in 2015 to under 315 per 10,000 Whatcom residents by 2019.

Jail Admission Rate per 10,000 residents, by Year



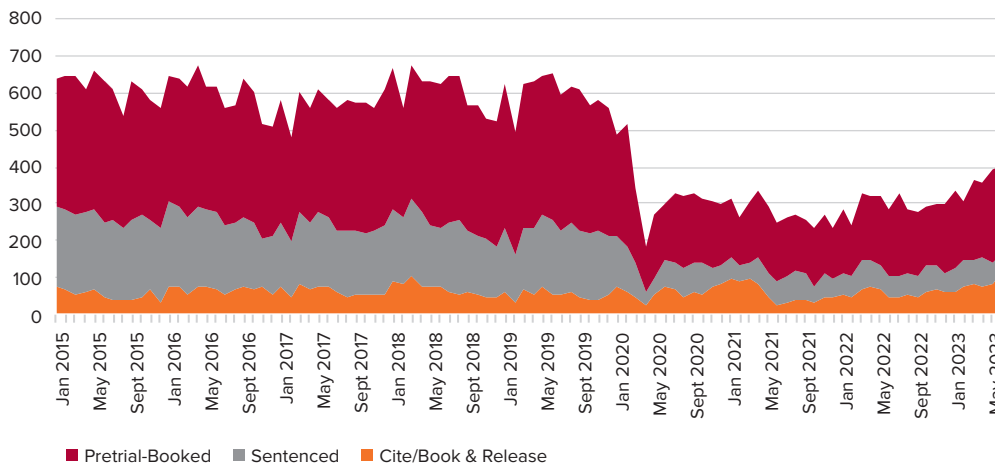
The Covid-19 pandemic brought an immediate and significant reduction in the rate (and number) of jail admissions due to booking restrictions, slowed court operations, and public health conditions. In mid-2020, total jail admissions numbered half what they once were, around 300 bookings per month compared to 600 prior to the pandemic.

Appendix A

Given population growth in Whatcom County, the total *number* of jail admissions remained flat leading up to the pandemic, numbering around 600 per month, of which approximately one-third entered to serve their jail sentence.

Release trends (not shown) matched booking trends: numbers of releases fell when number of bookings fell during and after the pandemic. Releases have risen modestly since 2022, like recent pretrial booking trends.

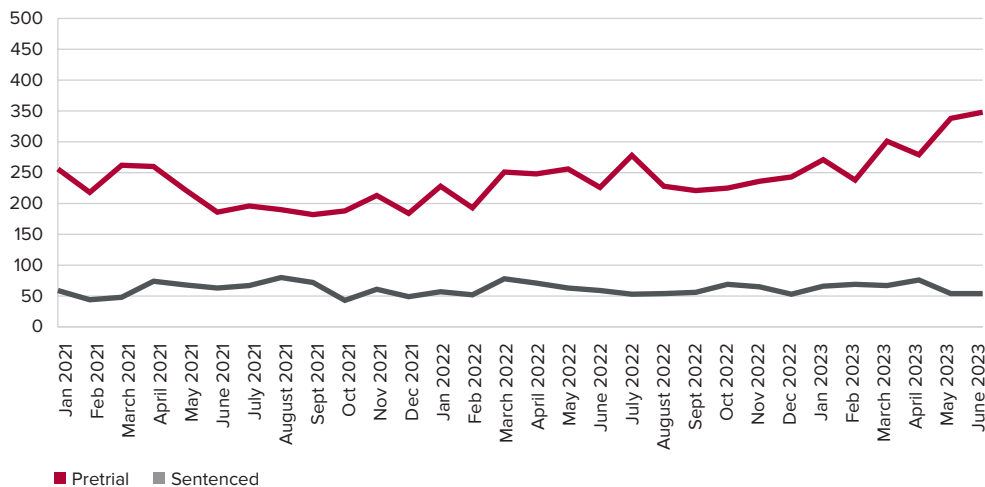
Total Monthly Jail Bookings (Cite/Book & Release, Pretrial Admissions, Sentenced): Jan 2015-June 2023



Since 2020, the number of people entering jail to serve a sentence has remained low and steady, around 60/month over the past several years.

However, pretrial bookings are again increasing in number (and rate, not shown). Over the eighteen months since January 2022, jail bookings increased from around 225 admissions per month to nearly 350 by June 2023. A larger share of admissions were pretrial compared to earlier years.

Monthly Jail Bookings, Pretrial and to Serve a Sentence: Jan 2021-June 2023

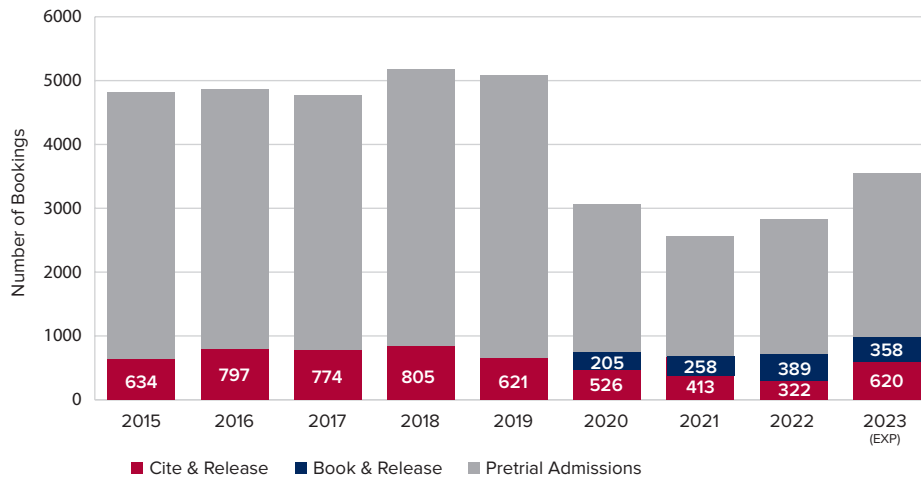


Cite or Book & Release Practices

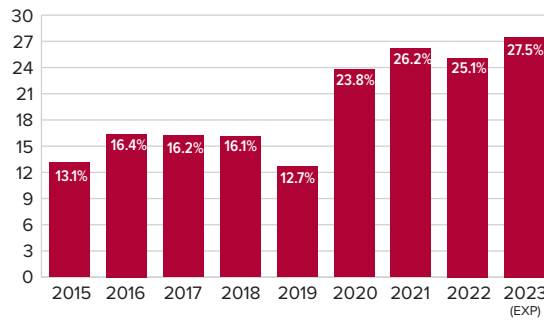
Pretrial jail bookings have increased of late despite the greater use of book and release practices.

Cite and release refers to the practice of issuing a citation to appear in court in lieu of arrest and booking into jail. Whatcom County Sheriff's Office (WCSO) is the only agency for which cite and release information was available. WCSO recorded the use of cite and release instead of jail between 300 and 800 times per year between 2015-2022. Despite year-to-year fluctuations, use has remained steady over the years in relation to all pretrial jail admissions (about 13 percent).

Yearly Use of Cite or Book & Release Practices



Cite or Book and Release, % of all pretrial bookings

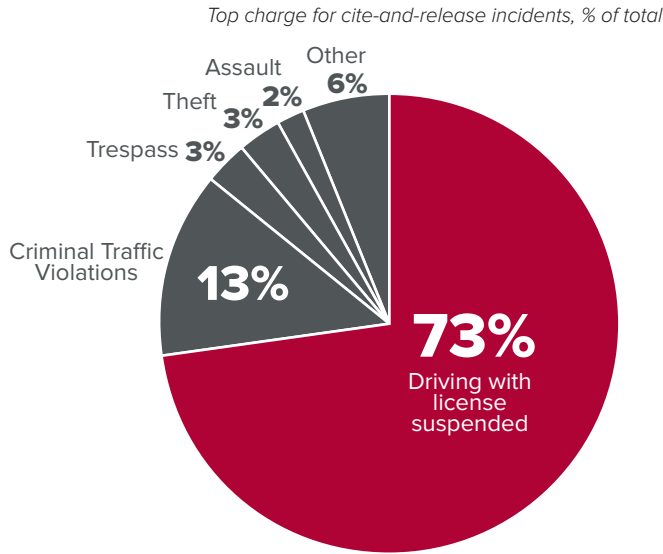


Book and release involves an arrest, jail booking, and immediate release with a citation to appear later in court. Use of book and release practices became evident in 2020, although the practice was occasionally used in earlier years. The addition of book and release practices in 2020 diverted about 10 percent of the (unsentenced) pretrial population from jail yearly.

The two practices, cite / book and release together, diverted one-quarter of pretrial jail admissions, nearly 1000 bookings, in 2022 alone.

Appendix A

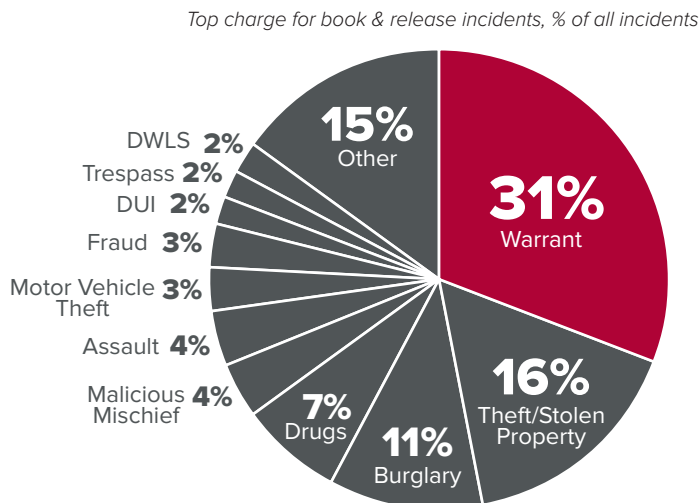
Nearly 75 percent of citations were for Driving while License Suspended (DWLS). Criminal traffic violations - operating a vehicle without a required ignition interlock device, failure to transfer a title, or reckless driving – comprised an additional 13 percent of those cited and released. Cite and release was less frequently used for trespassing (3 percent), theft (3 percent), assault (2 percent), or other charges (6 percent).



Larger law enforcement entities reported the most frequent use of book & release. Bellingham Police Department (52%) and Whatcom County Sheriff’s Department (23%) were arresting agencies in three quarters of all recorded *book and release* incidents. All other law enforcement agencies engaged in this practice too: Washington State Patrol (6%), Ferndale (5%), Lummi Tribal Police (3%), Blaine (3%), and others (8%).

Most commonly, an outstanding warrant precipitated a book-and-release incident (31 percent). Property crimes accounted for another third of book and release incidents, including theft/stolen property (16%), burglary (11%), auto theft (3%), and fraud (3%).

Drug charges comprised 7 percent of book and release incidents but became less prominent starting in February 2021 due to changes in Washington State criminal law governing drug possession.



What charges sent people to jail?

Top charge, or most serious offense by statute, was recorded for all individuals booked into jail. The majority, two-thirds, entered jail on a single charge. That charge was most likely a gross misdemeanor or lesser offense (64 percent of all top charges since 2020). Some 2 percent were jailed on the most serious charge, Felony A.

Pretrial admissions were those who entered jail prior to adjudication, as determined by a booking intake date that preceded any sentence start date. Sentenced admissions were those who entered jail to serve a sentence of less than one year, or those whose sentence began (retroactively) on date of intake.

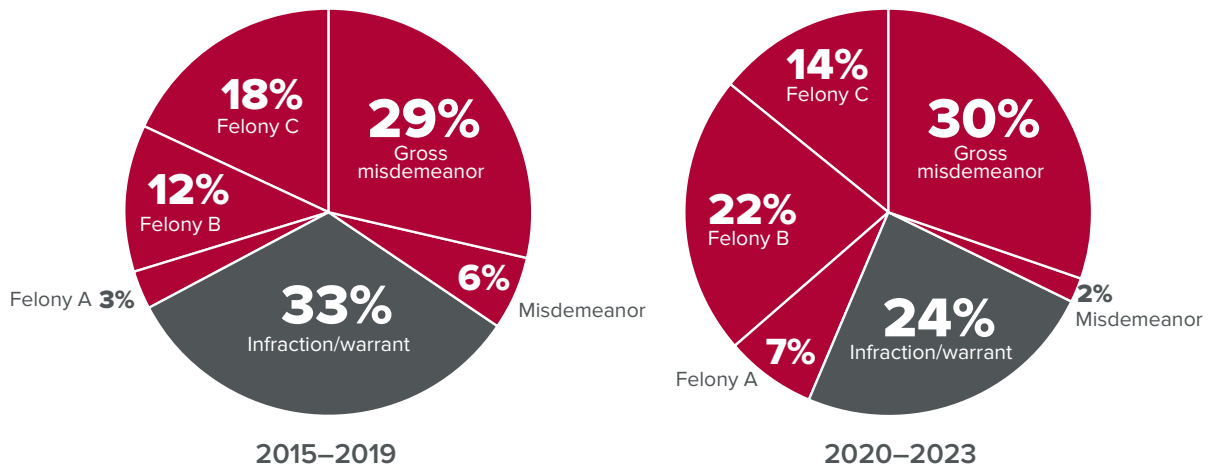
Pretrial Jail Admissions Seriousness of Top Charges

The composition of pretrial jail admissions shifted modestly over time toward more serious top charges.

Relatively fewer bookings were for minor infractions or warrants and relatively more bookings were on serious charges (e.g., Felony B). Cumulatively, felony-level charges comprised over one-third of pretrial bookings today (36 percent) compared to about one-quarter (24 percent) prior to 2020.

Despite reductions in their overall share of jail bookings, warrants remain prominent among reasons for a jail stay.

Seriousness of Top Charge among Pretrial Admissions, % distribution by year



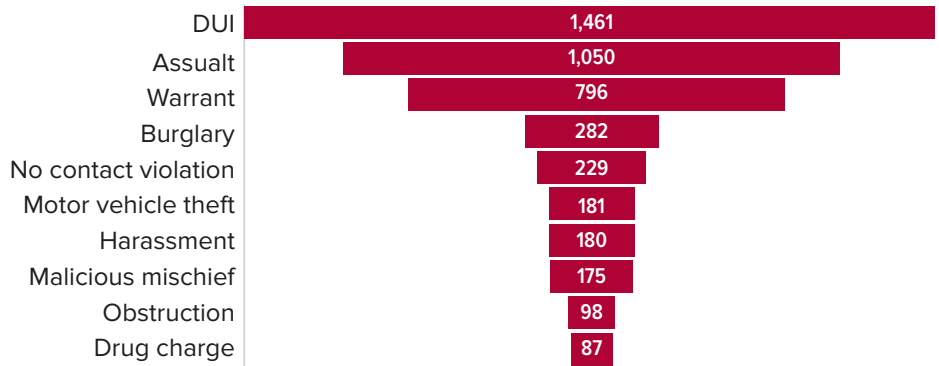
Note: Municipal violations made up a small and decreasing share of the total, from three percent in 2015 to 1/3 of one percent in 2022.

Appendix A

Type of Top Charges

Currently (2021-mid 2023), the most common top charges in pretrial jail admissions were, in order of frequency: DUI, assault and domestic violence-related charges, warrants, burglary and auto theft.

Common Pretrial Booking Charges, # of bookings (2021-2023)

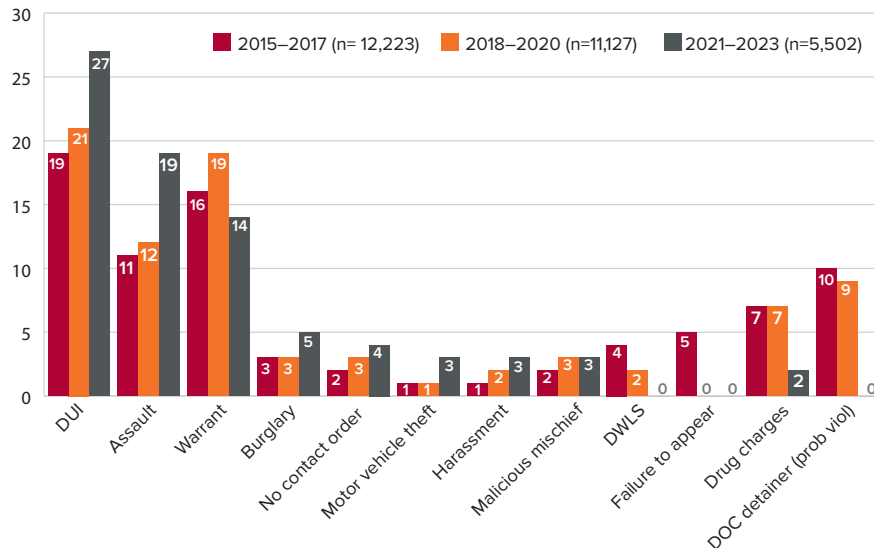


Assault and Domestic Violence

Over 75 percent of the 1,000+ assaults involved charges of domestic violence. Of these, most people (70 percent) were jailed on a gross misdemeanor.

Additionally, domestic violence was involved in 67 percent of malicious mischief incidents, nearly half (46 percent) of harassments, and every “no contact violation,” which, by itself, was the fifth most common reason for pretrial jail detention. Thus, domestic violence arrests are a major contributor to pretrial jail populations. Taken as a whole, regardless of specific charge, domestic violence was involved in 1,552 pretrial jail bookings, making it *the most common reason* for a jail stay during 2021-2023.

Top Charge for Pretrial Bookings over Time, % distribution



These dozen top charges collectively represent the majority of pretrial jail bookings in recent years (2021-July 2023, 82 percent of total) versus earlier years (2015-2017, 80 percent of total; 2018-2020, 81 percent of total). Cite/book and release incidents were not included.

Measured against the 2015-2017 period, warrants remained as common, and DUI and assault were prevalent in all time periods too, even more so recently. WA State has mandatory arrest laws for DUI and for the primary aggressor in domestic violence assault.

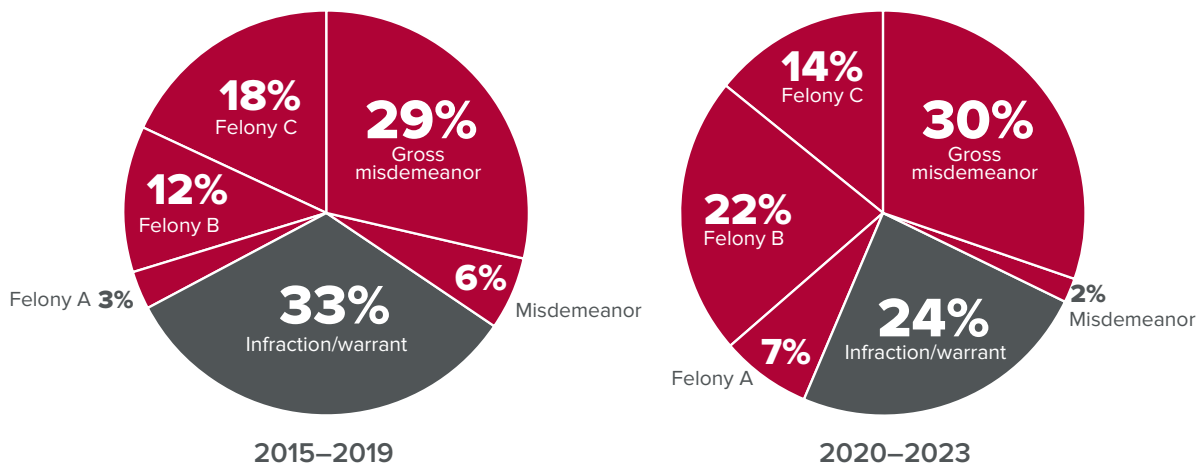
However, pretrial jail admissions for DWLS, failure to appear, and state probation violations (i.e., Department of Corrections detainees) that were once common (18 percent of the total) have all but been erased, representing significant progress in diverting those with low-level charges from jail.

Washington State Supreme Court decriminalized drug possession in February 2021 and drug laws remained in flux for some time since then, which reduced pretrial detentions on drug charges during that time.

Sentenced to Jail

Since the pandemic, fewer people have entered Whatcom Jail to serve a sentence. By around 2020, the monthly tally of those entering jail to serve a sentence was hovering around 50-60 people per month, compared to 150-200 people per month prior to 2020.

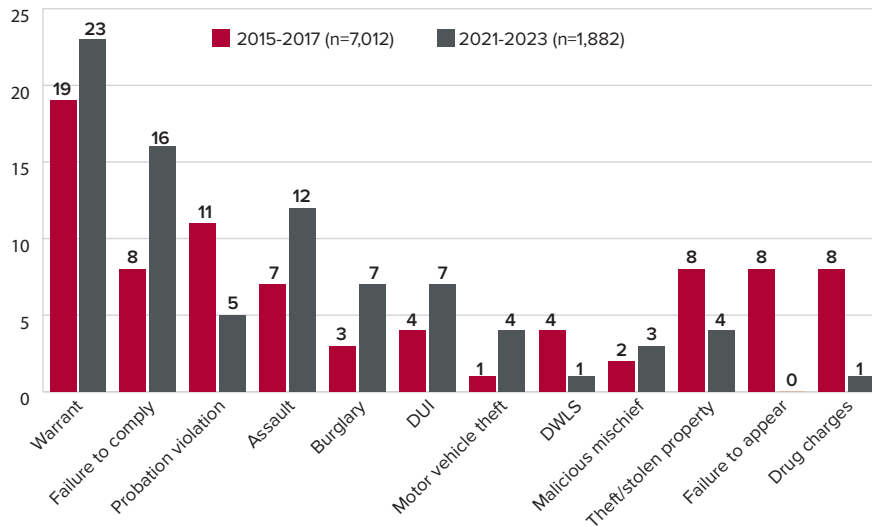
Seriousness of Top Charge among those Sentenced to Jail, % distribution by year



In recent years, those who served a jail sentence were more likely to have been charged with a Felony B and less likely to have been jailed on a warrant, failure to appear, or other infraction.

Appendix A

Top Charge for those who Served a Jail Sentence, % distribution



In recent years, the three most common reasons for which people served a sentence in jail included an outstanding warrant, failure to comply, and assault.

Failure to comply broadly includes violations of court-ordered release conditions, such as electronic home monitoring requirements, avoidance of alcohol/drugs, use of ignition interlock devices after DUI, or other provisions of release or of the court. When combined with probation violations, which are similar in signifying lack of compliance with legal-system directives, these charges accounted for over twenty percent – or one out of every five bookings – to serve time.

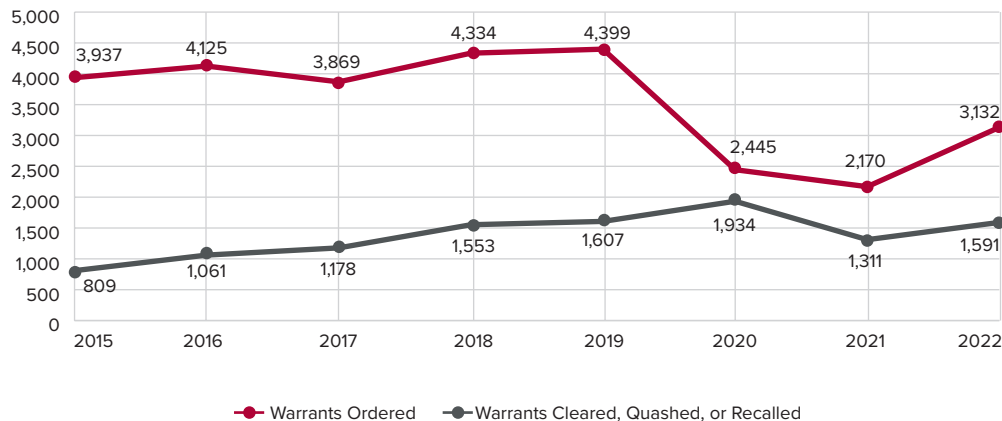
One significant change compared to 2015-2017 was the elimination of jail stays for Failure to Appear.

The share sentenced on drug charges was greatly reduced following state law changes regarding possession. Once tied for third most common, by 2021-2023 drug cases were just one percent of all top-charges.

Warrants

District and Municipal Court Bench Warrants

Warrants Ordered and Warrants Cleared, Quashed or Recalled, by Year



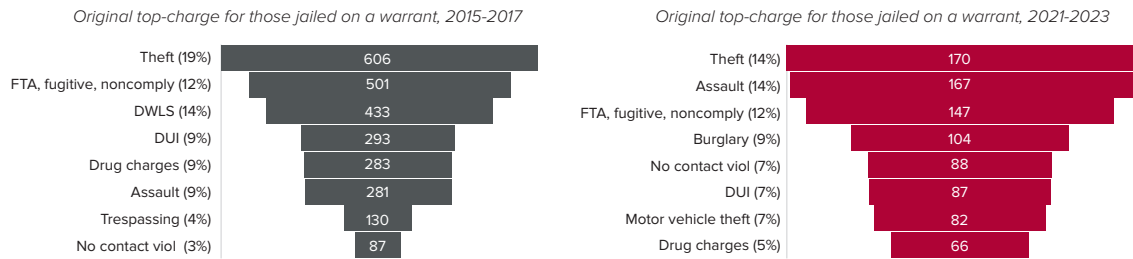
Fewer warrants were ordered by the court(s) beginning abruptly in 2020, at the start of the pandemic and as ordered by the WA State Supreme Court. Lasting through 2021, the number of warrants ordered then increased by over 40 percent the following year but did not surpass the number ordered in pre-pandemic years.

The number of warrants cancelled, quashed, or recalled had steadily increased, with the high recorded in 2020 when numerous warrants were cleared as result of the pandemic. The number of warrants cleared increased again between 2021 and 2022, by 21 percent.

Jail Bookings on Warrants as Top Charge

Nonetheless, unresolved warrants still figured prominently among reasons for jail stays. Cumulatively since 2015, warrants accounted for nearly 8,150 jail bookings and nearly 7,800 jail stays; about 355 were diverted from jail stays through book and release practices. The majority were not.

For those jailed on an outstanding warrant, original charges stemmed mainly from theft (14 percent), assault (14 percent), or earlier/repeated noncompliance (e.g., failure to appear, fugitive from justice) (12 percent).

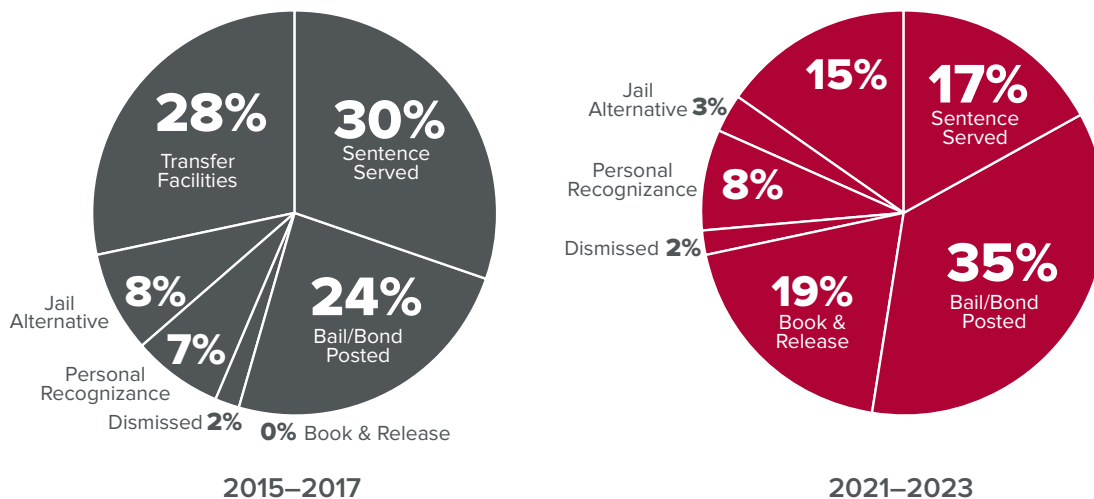


Whereas DWLS was a common original charge in 2015-2017 warrant-related jail bookings, in 2021-2023, jail bookings for original charges of Driving while License Suspended were virtually non-existent – 14 percent of warrant-related jail booking in 2015-2017 versus 2 percent in 2021-2023 (not shown).

Release Reasons

For those arrested and booked on an outstanding warrant between 2021 and July 2023, nearly one-fifth (19 percent) were immediately released after booking (i.e., booked & released), 8 percent were released without bail on promise to appear in court (personal recognizance), and another one-third eventually posted bail/bond to be released. Nearly one-fifth (17 percent) served a sentence before release.

Release Reasons for those Arrested/Booked on a Warrant % distribution in 2015-2017 & 2021-2023



Appendix A

By contrast, among those arrested and booked on a warrant in 2015-2017, no one was released after booking and relatively fewer were able to post bail to secure release (24 percent, versus 35 percent in 2021-2023). More served out a sentence (30 percent versus 17 percent in 2021-2023) or were transferred to another facility for custody upon release (28 percent versus 15 percent in 2021-2023). Few jailed on a warrant were ever released on personal recognizance – 7 to 8 percent.

Release from Jail

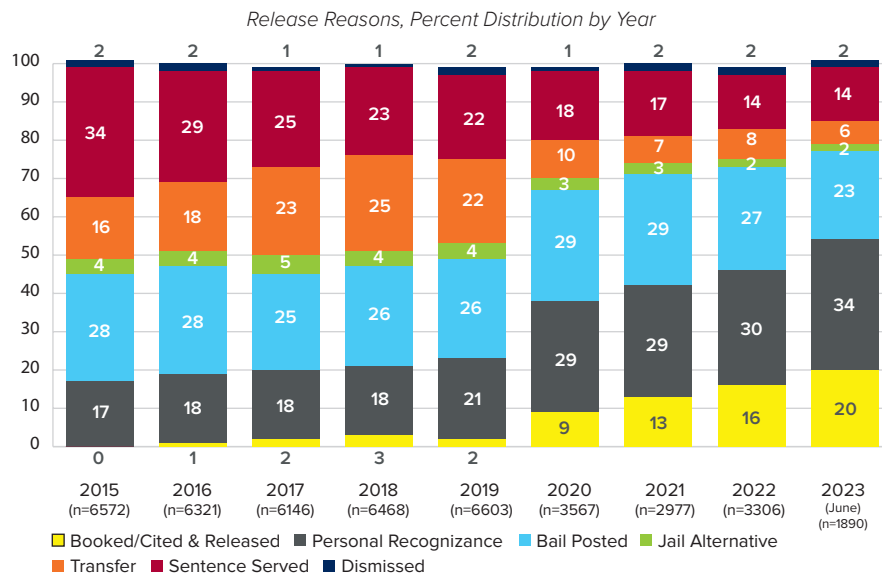
Release Reasons

Reasons for release from jail have shifted over time. In recent years, more were released after arrest/booking without a jail stay (i.e., *cite or book and release*) or released from custody without bail (i.e., *personal recognizance*). Fewer exited upon completion of their sentence or to be transferred to another custodial facility. Release to a jail alternative remained rare.

Book and release practices by law enforcement accelerated in 2020 and have continued to grow in use, comprising one-fifth of all releases from jail in the first half of 2023.

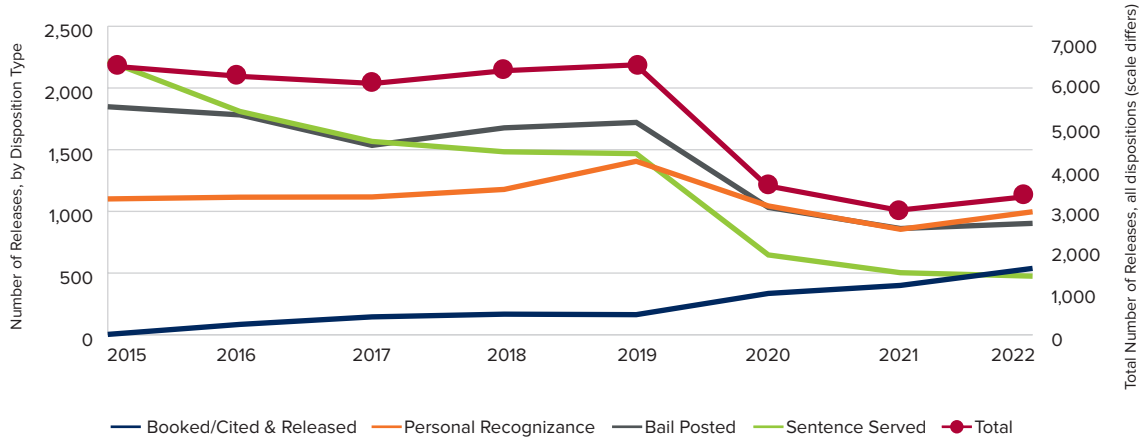
Similarly, **release without bail** has grown as a judicial practice, with nearly 35 percent of recent jail releases being on the promise to appear in court. Release on personal recognizance was used mainly for those jailed for DUI (48 percent of PR releases), assault (21 percent), or on a warrant (5 percent).

Consistently over the years, about one-quarter of people **posted bail** to be released.



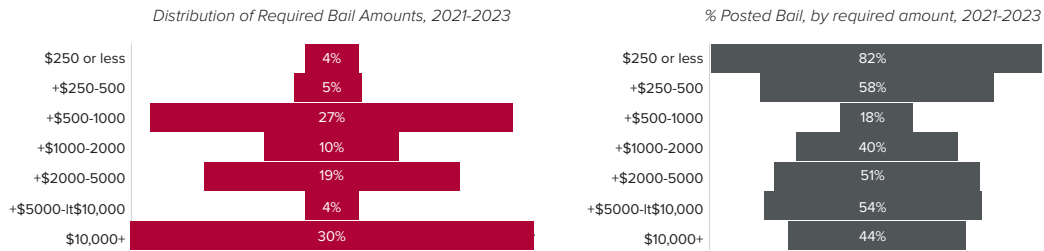
Compared to the overall downward trend in yearly release totals (that match trends in admissions, shown earlier), release on personal recognizance held fairly steady in number. The use of book/cite and release measurably grew. The number released after posting bail fell in tandem with yearly totals, whereas the number released after completing a jail sentence experienced a somewhat steeper decline.

Yearly Release Dispositions by Type and Total, 2015-2022



Bail/Bond

For those assigned bail, most were required to pay amounts of \$2000 or more (median = \$2500). Few were assigned bail amounts of \$500 or less (9 percent). Nearly one-third (30 percent) were required to post bail amounts of \$10,000 or more. The distribution of required bail amounts has not changed much since at least 2015 (not shown).



Whereas most were able to post bail when the required amount was \$250 (82 percent), or even up to \$500 (58 percent), fewer than half posted bail when amounts were more than \$500-\$1000 (18 percent) or +\$1000-\$2000 (40 percent).

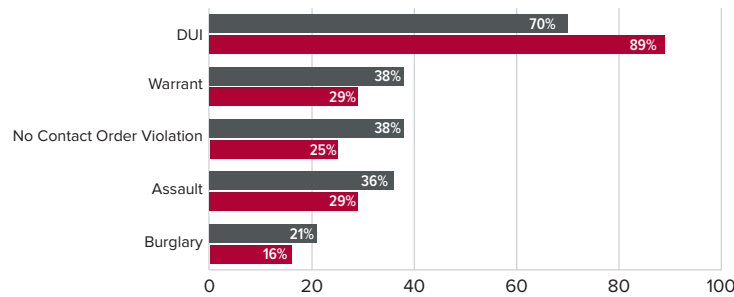
Appendix A

How long did people spend in jail?

Pretrial Jail Stays

Across a variety of metrics, length of jail stay has increased in recent years.

Percent per Charge Category who were Released within 24 Hours, Pretrial Jail Admissions



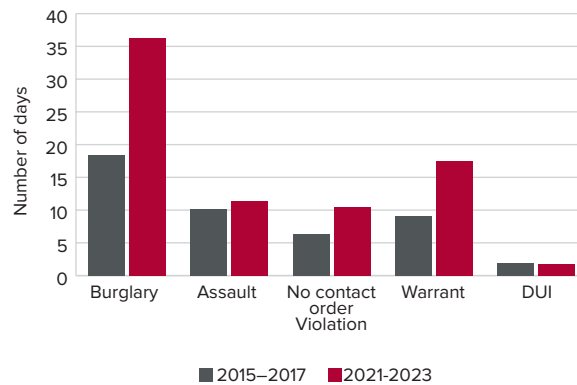
Of those arrested and jailed on DUI charges in 2021-2023, 89 percent secured release within 24 hours, an improvement over the 70 percent in 2015-2017.

Except for DUI, however, those jailed on one of the other five most common charges during 2021-2023 tended to stay in jail longer than compared to 2015-2017.

Fewer were released within 24 hours in 2021-2023 compared to 2015-2017. For example, among those arrested on a warrant during 2021-2023, 29 percent were released within 24 hours, compared to 38 percent in earlier years.

Thus, most – over 70 percent – spent multiple days in jail prior to release and/or adjudication.

Average Stay Length per Charge Category, Pretrial Jail Admissions



Note: Stay lengths for those with jail stays longer than one year (e.g., while awaiting case resolution) were trimmed to 364 days.

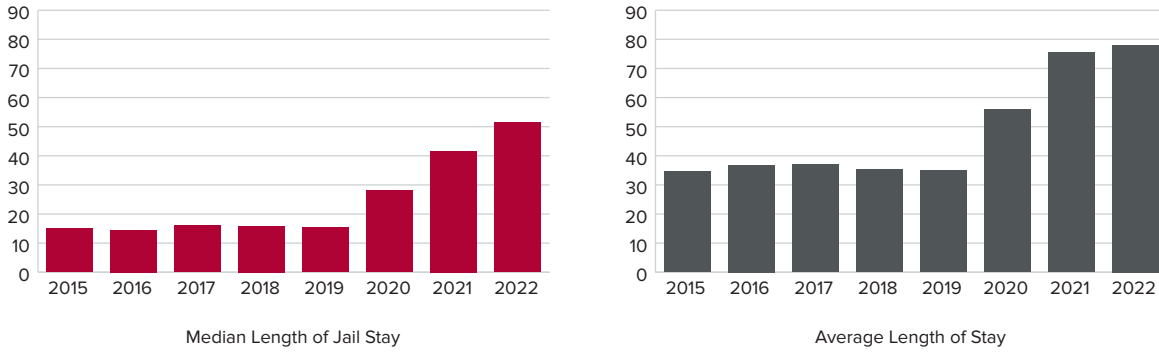
Average length of stay for those entering jail pretrial increased over time. Most notably, for burglary average pretrial stay length doubled, from 18 to 36 days, between 2015-17 and 2021-23. Average stay length for those arrested and held on a warrant also nearly doubled, from 9 to 17.5 days.

Overall, average pretrial stay length, weighted upward by those with longer pretrial jail stays, averaged 7-10 days – but in the past two years, increased to upwards of two weeks (2021: 15 days, 2022: 16 days; high values trimmed to 364 days in all years).

Length of Jail Sentences

For those **sentenced** to jail, length of stay went unchanged until the pandemic. Although fewer people were sentenced to jail since 2019, the average and median lengths of stay have doubled or tripled, respectively.

Length of Stay (Median & Average in # of Days) for those Sentenced to Jail, 2015-2022



Who was detained in jail?

Between 2015 and June 30, 2023, there were nearly 49,000 bookings, with some people booked into jail more than once during this time.

Demographics

Sex/Gender

Over the years, 25 percent of those booked into jail identified as women, and 75 percent as men. Data on non-binary gender status is now collected; fewer than 1 percent identified as non-binary.

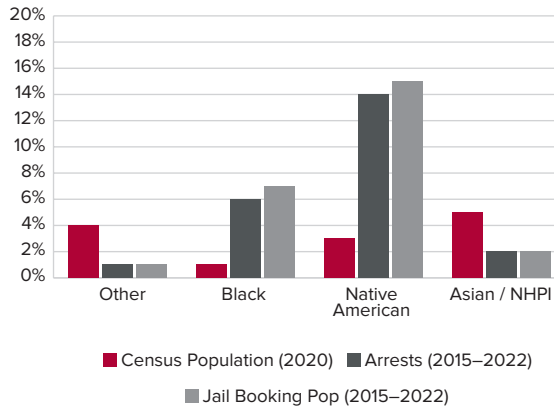
Age

Over 2015 to 2023, the average age at booking was 35. Most people booked into jail (61 percent) were aged 30 or older, a majority that has increased in size over the years. About 20 percent were young adults, ages 18–25 at booking.

Race

Comparing the racial composition of jail bookings against Whatcom County's population, Blacks and Native Americans were over-represented in jail bookings by a factor of two to three. Comparing jail bookings against arrest statistics, Black and Native American populations were comparably sized across arrest and jail data. [Datasets differ in how Hispanic ethnicity is recorded, making comparisons difficult.]

Racial Composition of County, Arrestee, and Jail Booking Populations



Appendix A

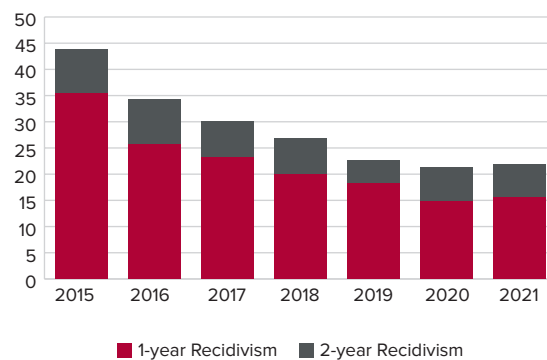
Unhoused. Over 7 percent of people (n=1,428) were unhoused prior to their most recent jail stay, comprising nearly 12 percent of all jail bookings during 2015-2023. Those who experienced homelessness tended to have more frequent jail stays – twice as many, on average – than those with a permanent address. (Total Bookings per unhoused or housed person: Mean = 4 vs 2.4, median = 2 vs. 1). Data limitations do not permit assessing change over time.

Suicide Risk and Mental Health. Some 12 percent of those booked into jail were flagged as a suicide risk at least once in their jail history. About 4 percent of individuals were flagged as suffering from mental health issues.

Jail Recidivism

Jail recidivism has declined since 2015. Whereas 35 percent of those entering jail in 2015 re-entered within one year (43 percent re-entered within two years), by 2019, half as many, or 18 percent, re-entered within one year, and two-year recidivism fell below 25 percent. Declines stabilized in 2020.

Jail Recidivism within one to two years, by booking year cohort



Note: Jail recidivism for 2022 cannot be estimated because re-entry was observed only through July 2023.

Case Processing Trends for Whatcom County Courts

Key Takeaways

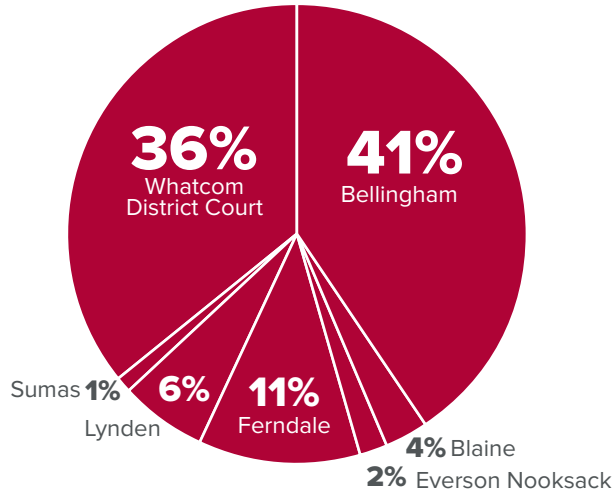
- ▶ Case filings for criminal traffic violations (e.g., DWLS) in district and municipal courts have steadily declined.
 - However, misdemeanor (non-traffic) case filings have begun to rise in the past year, and the number of court proceedings related to misdemeanor cases has resumed to pre-pandemic levels.
- ▶ Deferred prosecution was infrequently used, but when employed, most typically applied to DUI cases.
- ▶ In Superior Court, case filings barely slowed during the pandemic.
 - Increased theft/burglary case filings offset any reductions in felony drug case filings.
 - The total number of Superior Court proceedings has grown since 2018, largely due to increased number of pre-resolution hearings.
- ▶ Yearly case resolution rates have worsened recently, with more active cases pending than cases resolved. Case resolution timeframes did not meet Washington State standards in 2015, and since 2019 continued to degrade.

Court Trends

District and municipal courts process misdemeanor cases whereas Superior Court processes felony cases. Felony charges may lead to lengthier prison stays, whereas misdemeanor charges may lead to jail stays of under one year. Misdemeanor cases involve criminal traffic offenses, DUI, and other (gross) misdemeanor charges.

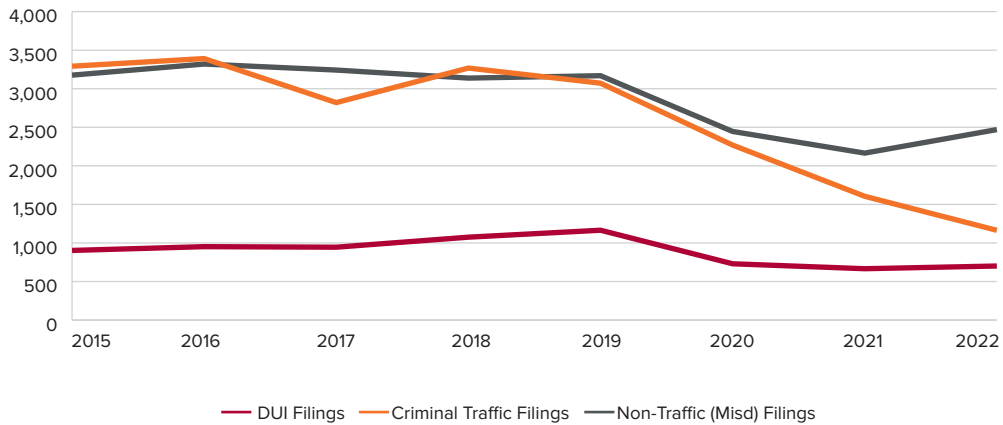
District and Municipal Courts

Distribution of Misdemeanor Filings in District & Municipal Courts, 2022



Together, Whatcom County District Court and Bellingham Municipal Court were responsible for 75% of all misdemeanor court filings in the county, a percentage that has not changed since 2015. Ferndale was responsible for 11 percent of the total in 2022, slightly larger percentage than in previous years (e.g., 7-8 percent).

Number of Case Filings in District/Municipal Courts, 2015-2022

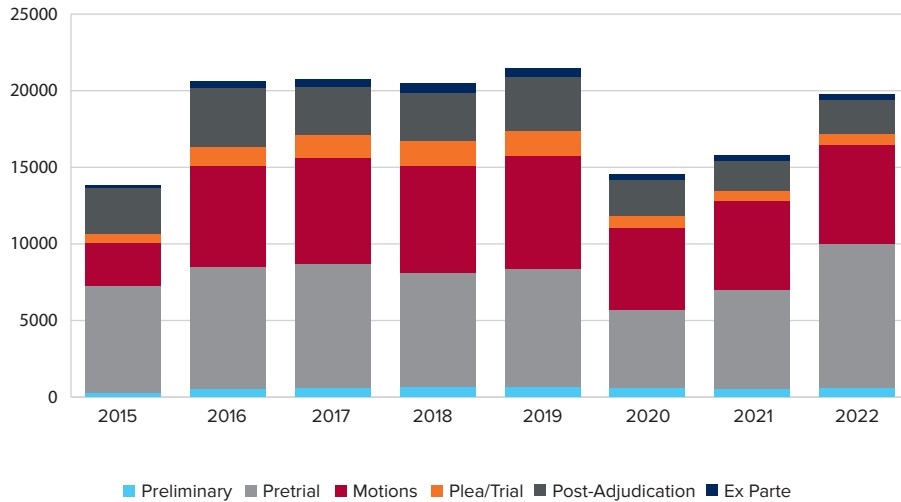


Case filings to initiate criminal proceedings in District or municipal court were steady until the pandemic, when they fell in number over 2020 and 2021 across all case types. Since then, however, misdemeanor (non-traffic) case filings have increased again, whereas criminal traffic filings continued to decline in 2022.

Appendix A

Criminal traffic cases include driving while license suspended, reckless or negligent driving, or any other misdemeanor that relates to use of a vehicle (aside from DUI). The yearly count of criminal traffic cases in 2022 was 60 percent less than it was in 2019. On the other hand, misdemeanor (non-traffic) case filings decreased more modestly during the pandemic, by 10 to 20 percent during 2020 and 2021, and now seem to be on the rise again, increasing by 15 percent from 2021 to 2022. DUI filings exhibited a similar pattern – steady until 2019, dropped by 10-20 percent during 2020 and 2021 pandemic conditions, then increased the following year, by 15 percent.

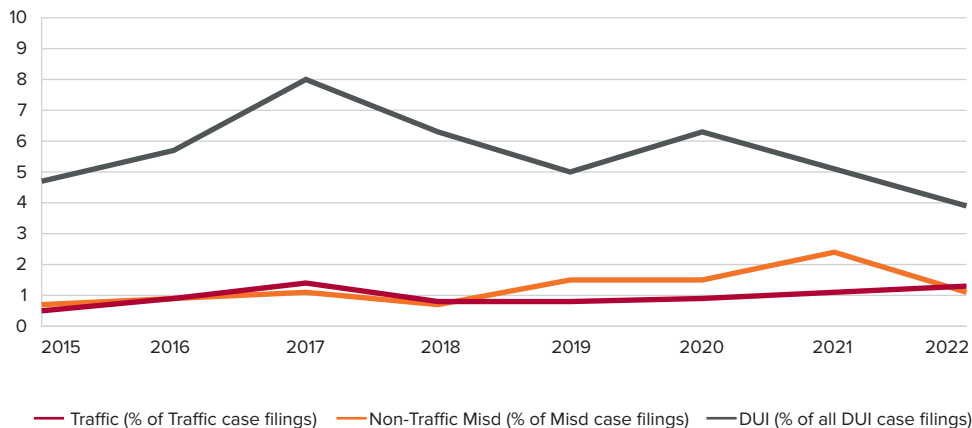
Number of Misdemeanor (Non-Traffic) Proceedings by Type in District/Municipal Courts, 2015-2022



Additionally, this past year in 2022, the number of court proceedings relating to misdemeanors (non-traffic) met or exceeded pre-pandemic levels. Overall number of court proceedings has remained virtually unchanged -- around 20,000/year, except for two years during the pandemic (15,000 proceedings in 2020, 2021).

Pretrial proceedings especially have increased in frequency. The 2022 number was the largest recorded since 2015 (over 9300 proceedings, compared to the next highest count of around 8100 in 2017). The number of proceedings per case has likely increased -- because despite the higher number of proceedings, the overall case count was lower in 2022 than in 2017, and surrounding years.

Deferred Prosecution, as % of total filings per year, 2015-2022

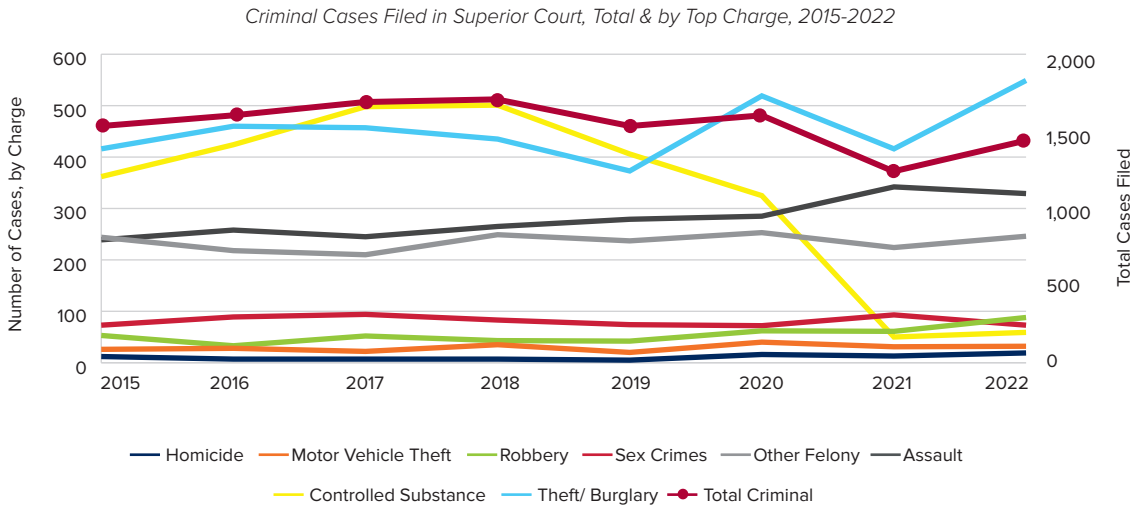


Deferred prosecution was used in no more than 150 cases out of roughly 4,000 to 7,000 in any given year. Deferred prosecution was used most often for DUI, in 4 to 8 percent of all DUI cases filed, but in fewer than 2½ percent of misdemeanor (non-traffic) cases, and in less than 1½ percent of criminal traffic cases.

Superior Court

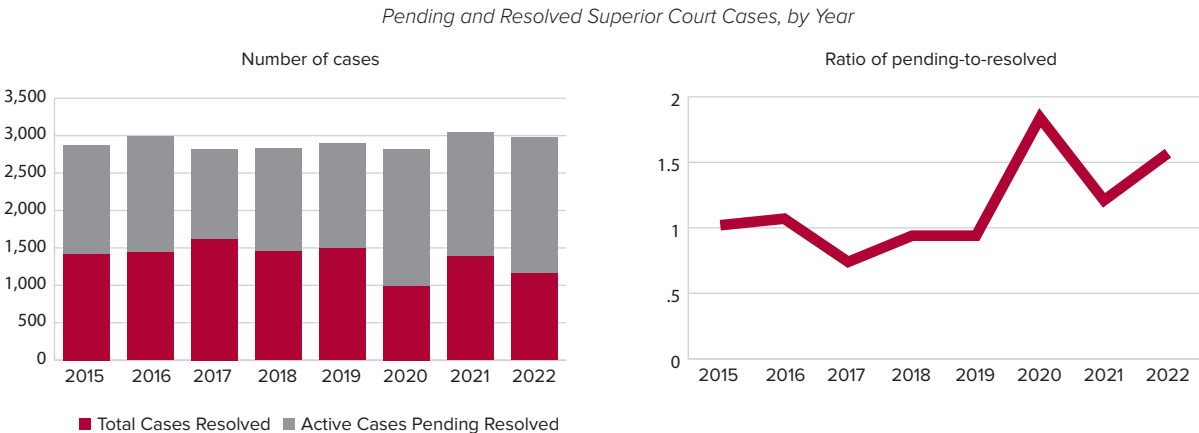
Whatcom County Superior Court heard between 1500 and 1700 felony cases per year over 2015 to 2022.

Case filings did not slow during the height of the pandemic in 2020. In fact, the total number of case filings was higher in 2020 than in 2019, counter to the drop in crimes reported to police then. Although case filings diminished by 20 percent from 2020 to 2021, since then, the number has increased by 16 percent.



The sustained number of felony case filings is even more notable in context of the massive reduction in felony drug cases beginning after 2018 and following recent large-scale changes in Washington State controlled substance law. Once the most common, drug cases in 2021 and 2022 were comparably rare.

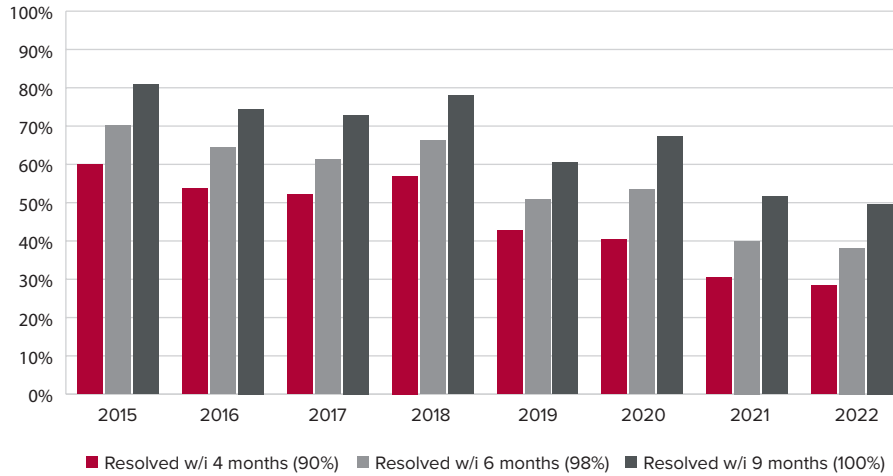
Now by far the most common, theft/burglary case filings are up by nearly 50 percent since their low in 2019. Over this same period, assault filings increased by 20 percent. No other changes were notable.



Appendix A

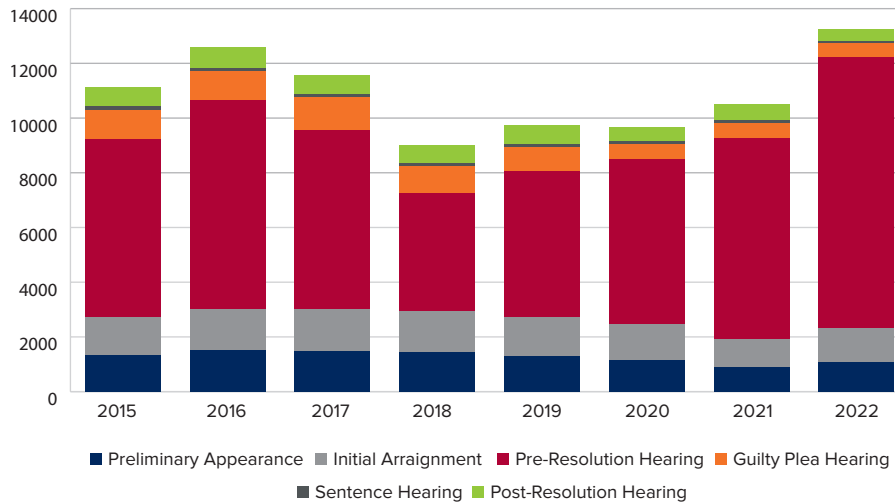
Yearly, case resolution rates have worsened since 2019, as there were more active cases pending and fewer cases resolved. The ratio of pending (active) cases to resolved cases climbed above one in 2020 and pending cases continued to outnumber resolved cases in 2021 (ratio: 1.21) and 2022 (ratio: 1.57).

Case Management Statistics: Percent of Cases Resolved within WA State standards, 2015-2022



Case resolution timeframes did not meet established Washington State standards in 2015 and since 2019 continued to degrade. Whereas in 2015, 80 percent of cases were resolved within the state’s target of 100% within nine months, in 2022, just under half of cases were resolved in that time.

Number of Criminal (Non-Trial) Proceedings by Type, 2015-2022



In terms of Superior Court proceedings, the total number has grown since 2018, and in 2022 was higher than at any other point measured.

The increase comes largely from the growing number of pre-resolution hearings, which include various pre-trial proceedings such as omnibus or evidentiary hearings, warrant identification hearings, not guilty plea hearings, and dismissal or continuance requests, among others.

The number of guilty plea hearings declined by half over the period observed. No other changes were significant.

Criminal trials (not shown) numbered around 20-25 per year throughout the observation period, with a dip during pandemic years (2020, 2021).

Behavioral Health Alternatives

Key Takeaways

- ▶ Program enrollments and use of behavioral health response has increased since inception of the GRACE (Ground Level Response and Coordinated Engagement) program
- ▶ GRACE maintains high success rates while requiring intensive and lengthy case management to address client needs related to housing, health, and basic necessities
- ▶ Newer programs, like LEAD and ART, are in high demand

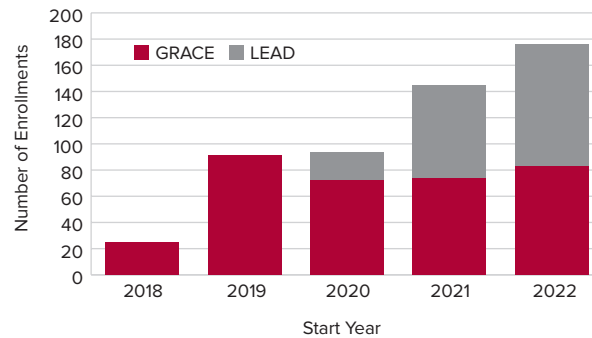
Use of Behavioral Health Programs

The Whatcom Ground-Level Response and Coordinated Engagement (GRACE) program is a community-based effort to find solutions for individuals who are high utilizers of emergency and criminal justice systems. The aim is to offer intensive, coordinated services to those whose needs span beyond any single agency. Participants join GRACE through community partner referrals. Referrals come from many programs, including: paramedics, law enforcement, hospital workers, jail and social services. The GRACE Program provides intensive case management and coordination of services for people once they become a GRACE member.

The Whatcom Law Enforcement Assisted Diversion (LEAD) program is a community-based effort to find solutions for individuals who are high utilizers of criminal justice systems. The Whatcom County Prosecutor's Office launched LEAD in 2020. LEAD works with people who have frequent interactions with law enforcement and low-level criminal offenses emanating from mental and behavioral health challenges, substance use, homelessness and extreme poverty.

Enrollments in GRACE and LEAD programs have markedly increased since their respective introductions in 2018 and 2020 and are expected to continue to increase through 2023.

Program Enrollment for GRACE and LEAD, 2018-2022 (n=627)



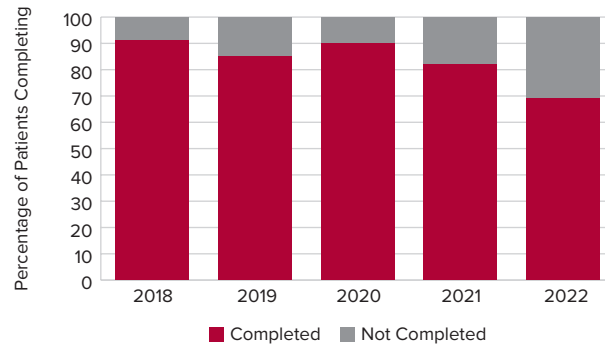
*Note: Whatcom County's LEAD Program launched in 2020.

GRACE remains highly successful, with around 80 to 90 percent of patients completing the program between 2018-2021, and 70 percent completion in 2022, when enrollments were at an all-time high. Non-completion occurred when patients were non-compliant, unengaged or unable to be contacted, or refused services. Not counted were those unable to complete (e.g., moved or passed away).

Appendix A

Conversely, thus far, LEAD completion rates have been much lower, with one-third of the first cohort (2020 enrollments) and 15 percent of the second cohort (2021 enrollments) reported as successfully completing the program by May 2023 (not shown).

GRACE Program Completion Rates, 2018-2022 (n=253)



GRACE Intensive Case Managers work in a team, drawing from the services provided by community partners. They develop a Community Support Plan for each GRACE member to ensure members get coordinated services and ongoing support. The Julota database tracks the content and status of care plans (i.e., interventions) for clients, including their identified needs. Between 2018 and May 2023, there was a total of 1,662 care plan enrollments for 283 clients. Most clients had one to three care plans in place (53 percent), although it was not uncommon to have more than five (33 percent).

Many clients had needs related to housing (19 percent), physical and/or mental health (15 and 10 percent, respectively), acquiring necessities (item procurement, clothing/food, transportation), and legal aid (10 percent).

Care Plan Client Needs, 2018-2023¹

Goal Category	Number	Percent
Housing	311	19%
Physical Health	245	15%
Item Procurement	206	12%
Mental Health	168	10%
Legal	163	10%
Clothing/Food/Basic Needs	130	8%
Substance Use	113	7%
Financial	103	6%
Transportation	117	3%
Documentation	52	3%
Other	43	3%
Pro-Social activities/Social Support	35	2%
Employment or Education	38	2%
Total	1,662	100%

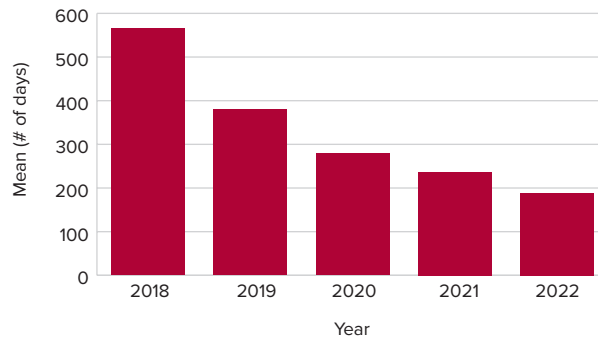
Source: Julota Database

¹Data available through May 25, 2023

Overall, 72 percent of care plan goals were completed, 23 percent were in progress/pending, and only 5 percent were not met.

Participation in the GRACE program requires substantial commitment, with engagements of a year or even longer. Nevertheless, over time, duration of program participation has decreased (by about half since 2019), while success rates have remained high, and enrollments have been steady. These trends indicate the program not only has sustained its efficacy but also become more efficient over time.

Average Duration in GRACE Program, 2018-2022



The newly launched Alternative Response Team (ART) in Bellingham and pilot Co-Responder program with Whatcom County Sheriff's Office dispatch behavioral health and/or public health specialists with law enforcement on non-violent emergency calls to employ culturally competent, trauma informed, recovery-oriented strategies in the field, and in follow-up visits, to assist people with substance use disorders and mental health needs. Point-in-time interactions (i.e., service encounters) were documented by the ART, Co-Responders, and LEAD Triage teams for the first five months of 2023.

There was a total of 386 service encounters by all service response teams in 2023, the majority by ART (72 percent) and secondarily Co-Responders (21 percent). The majority were in response to behavioral health

