

# PROGRESS

# REPORT

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

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# INTRODUCTION



WRJN researchers worked with Whatcom County stakeholders to identify accomplishments and remaining or emergent challenges.

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This report presents some findings from WRJN's analysis and assessment of progress towards the **recommendations** and **strategies** identified in the Vera Report to reduce Whatcom County's jail population.

# METHODS



## WRJN analyzed:

- Jail Data
- Crime Data on offenses/arrests
- Court Statistics

## WRJN conducted:

- Virtual Jail Tour
- Court Observations
- Interviews with Stakeholders

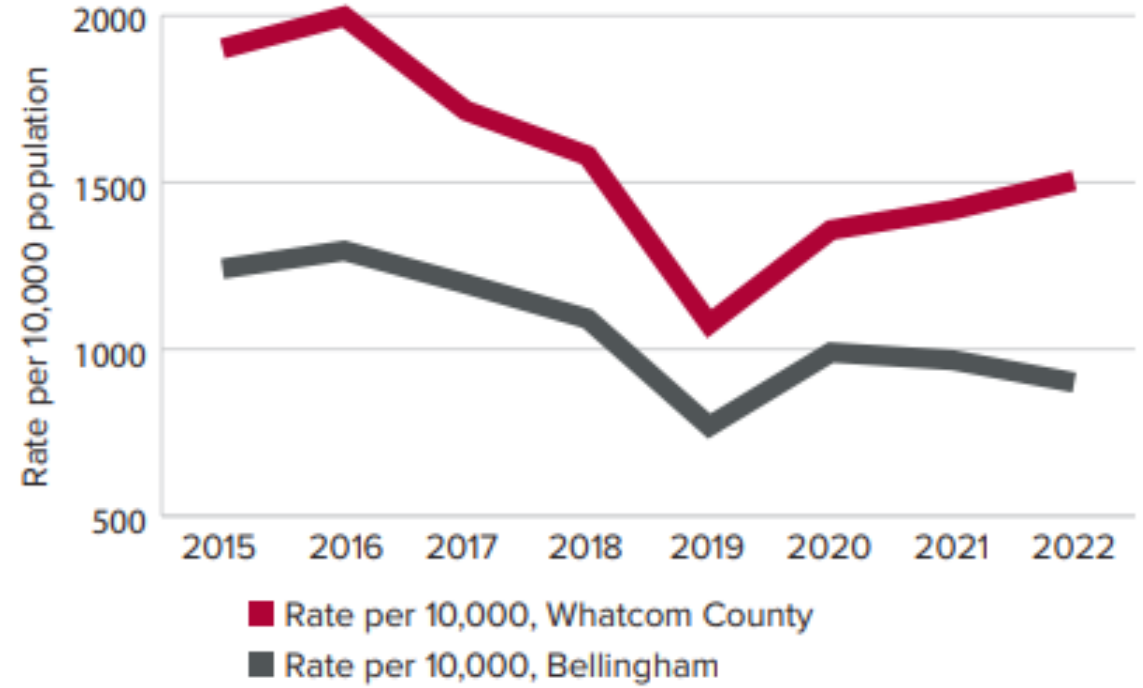
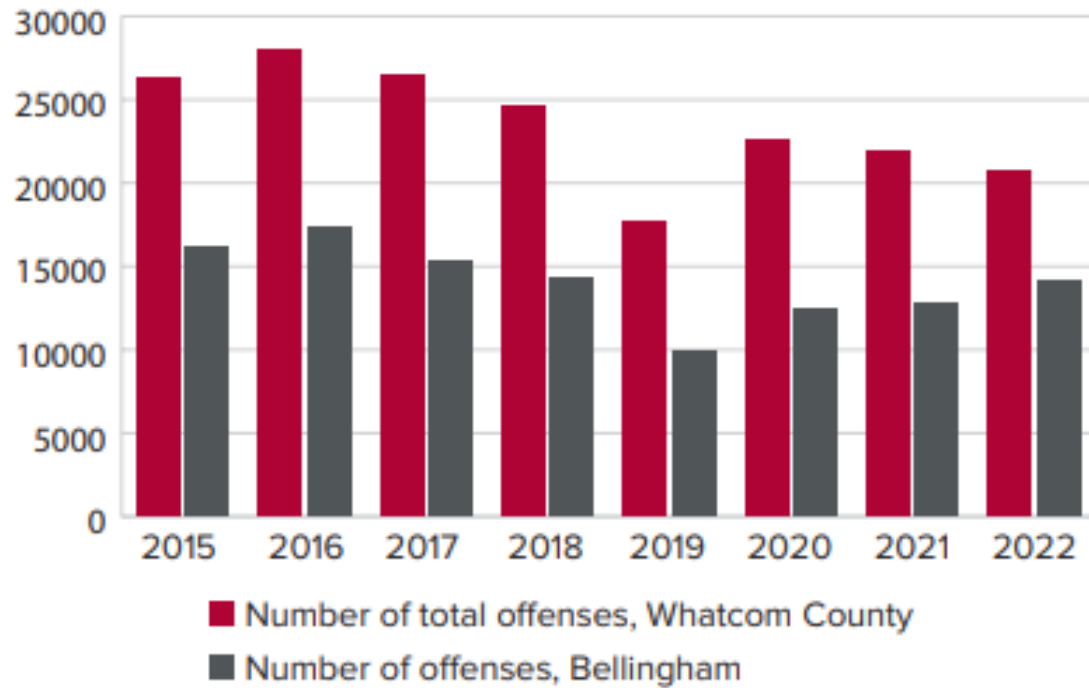
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To identify key accomplishments, county staff reported on achievements and challenges for each relevant recommendation/strategy.

# THEMES

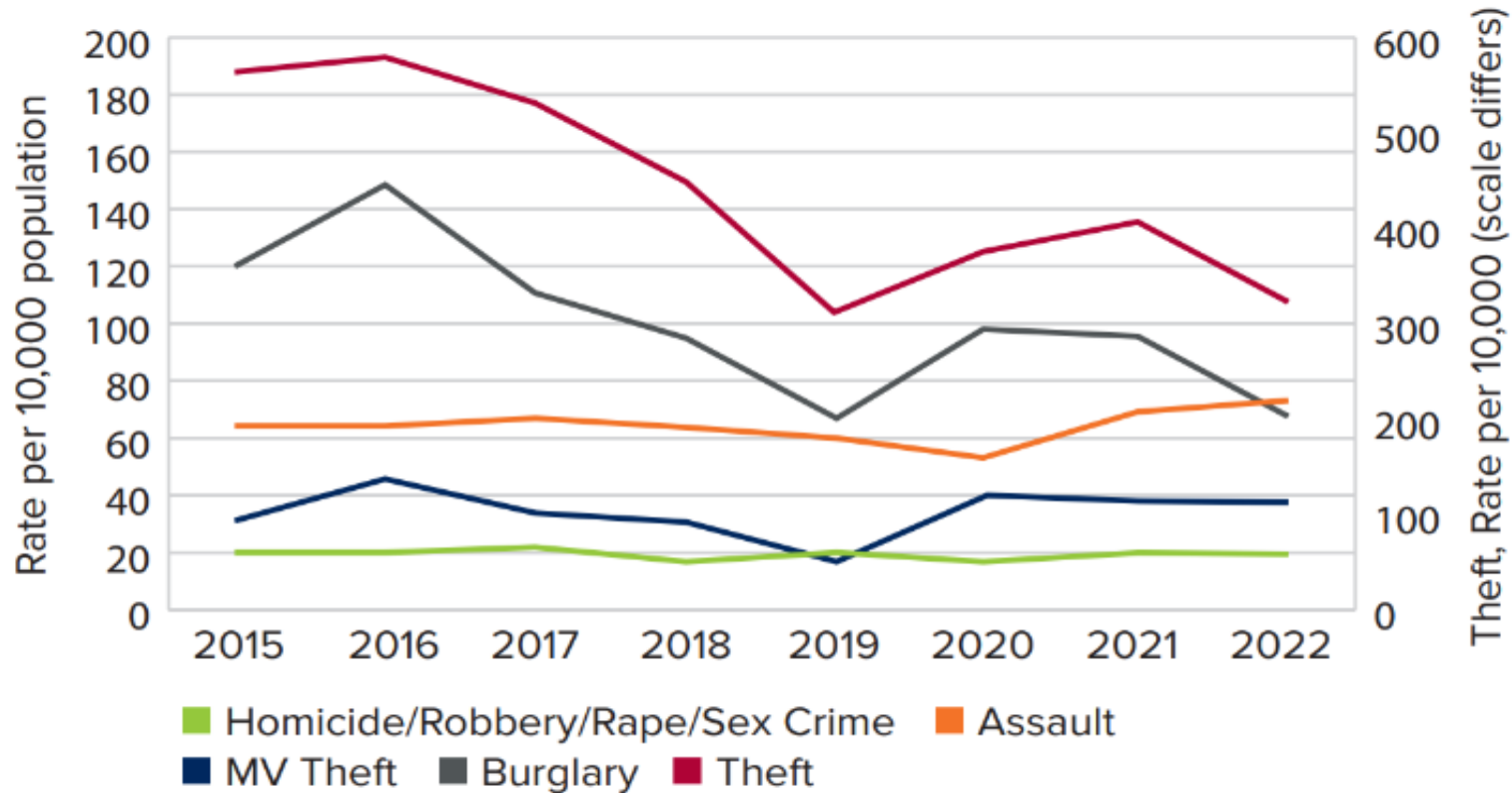
- Commitment to the Process
    - Root Causes, Rehabilitation, Fairness & Compassion
  - Collaboration across Fields
  - Data-Informed Decision-Making
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- Challenges Collaborating
    - Different Lenses, Communication, Resistance

# **CRIME, JAIL AND COURT TRENDS**



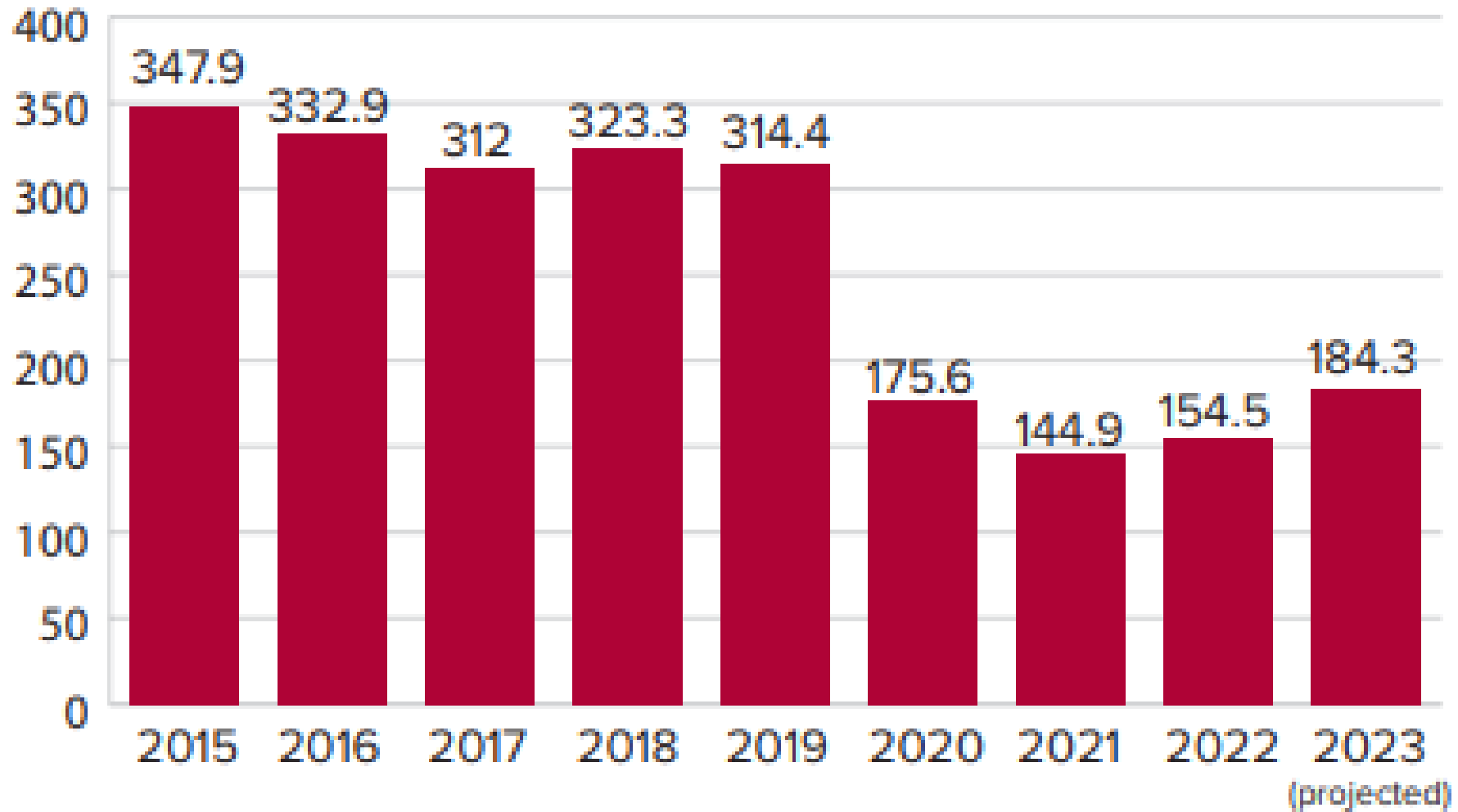
Overall, crime rates in Whatcom County have declined since 2015.

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.

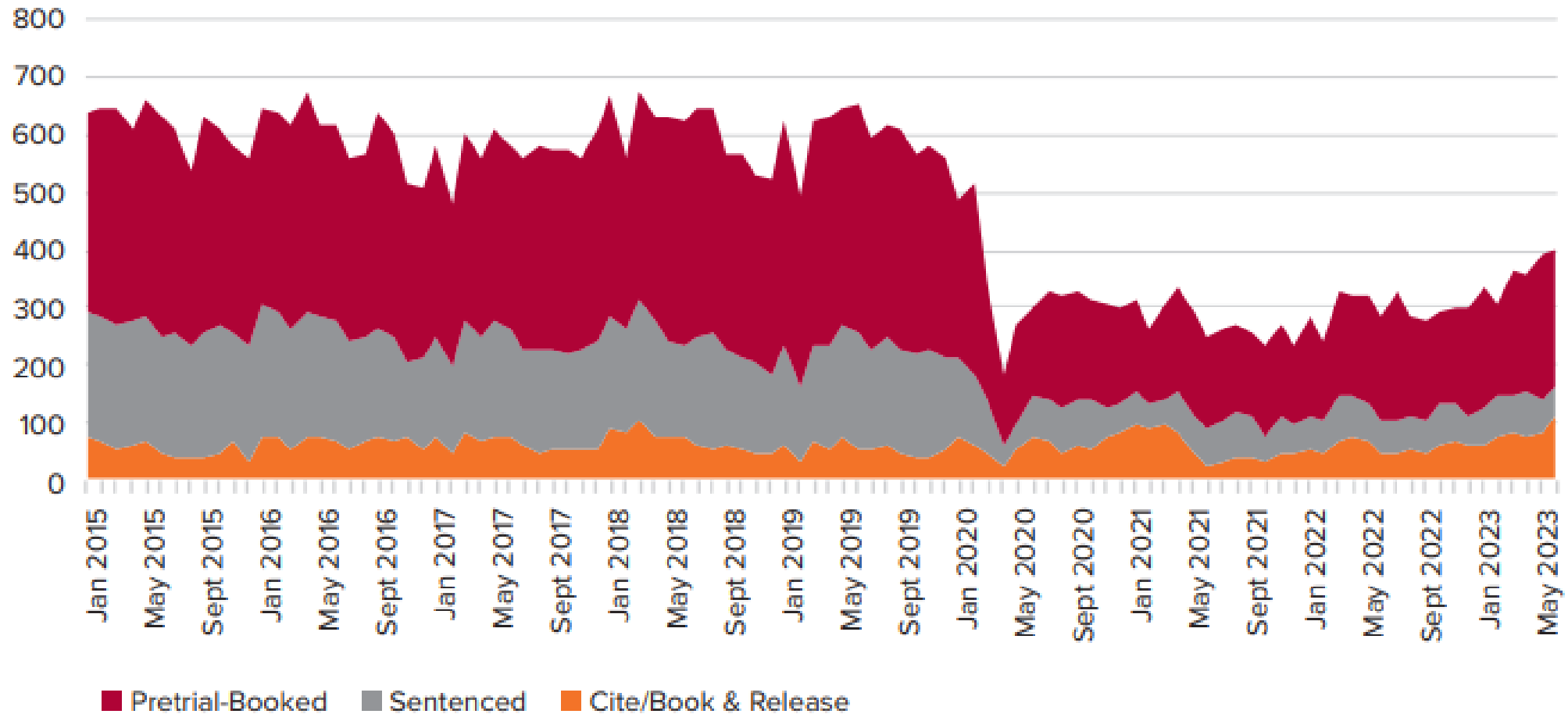
Theft and Burglaries declined in rate over the 2015 to 2022 period. Assault rates were mostly unchanged, or modestly increased.



Jail admissions declined slightly pre-pandemic, dropped significantly in 2020, then started to increase in 2021, driven by pretrial admissions.

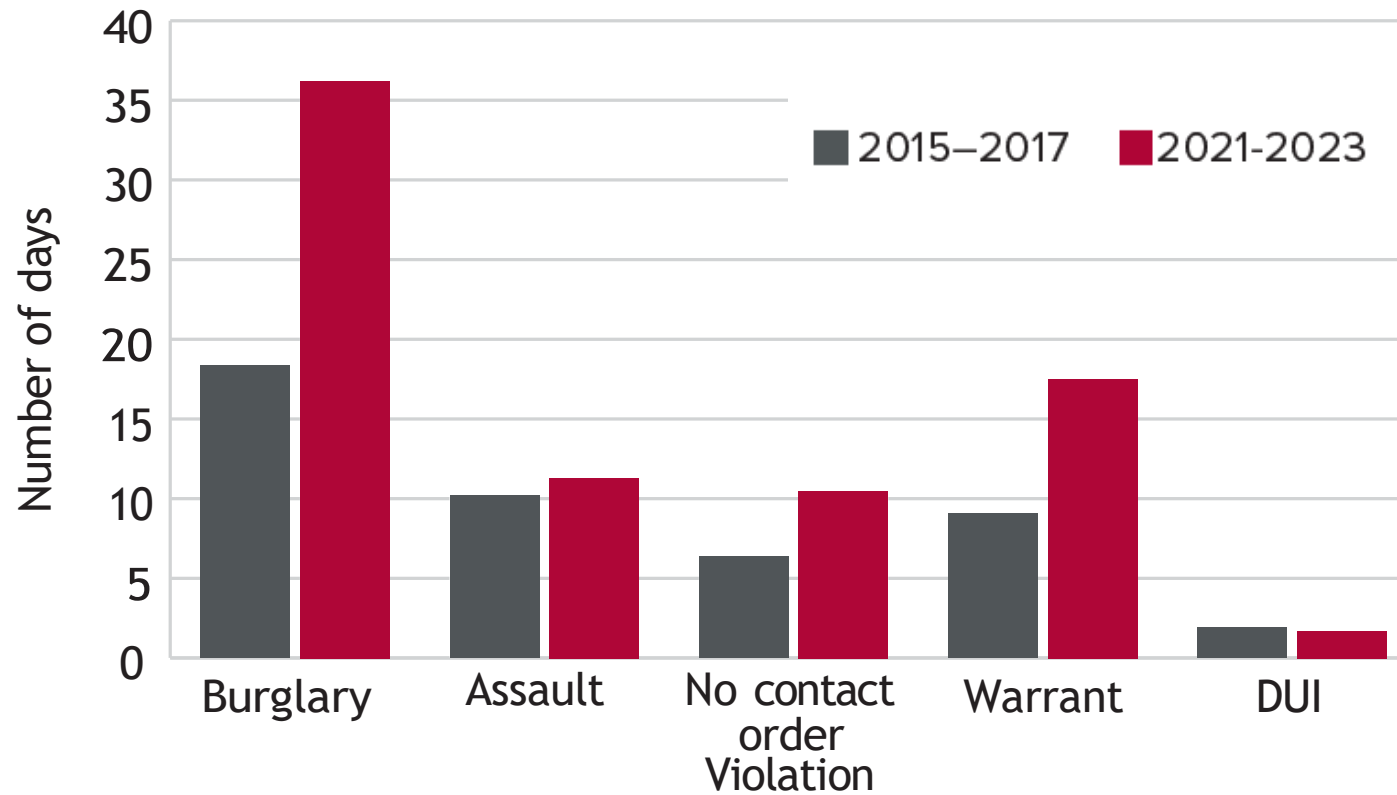


Total Monthly Jail Bookings (Cite/Book & Release, Pretrial Admissions, Sentenced): Jan 2015-June 2023



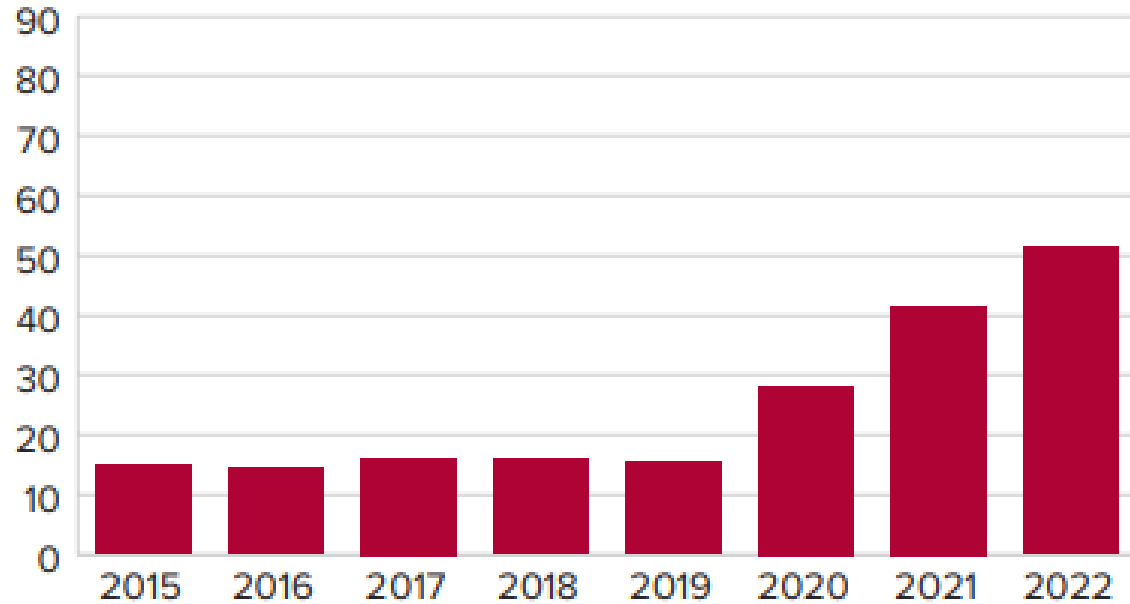
With rising pretrial admissions and use of book and release, the jail's composition has shifted towards pretrial and felony-level defendants.

*Average Stay Length per Charge Category, Pretrial Jail Admissions*

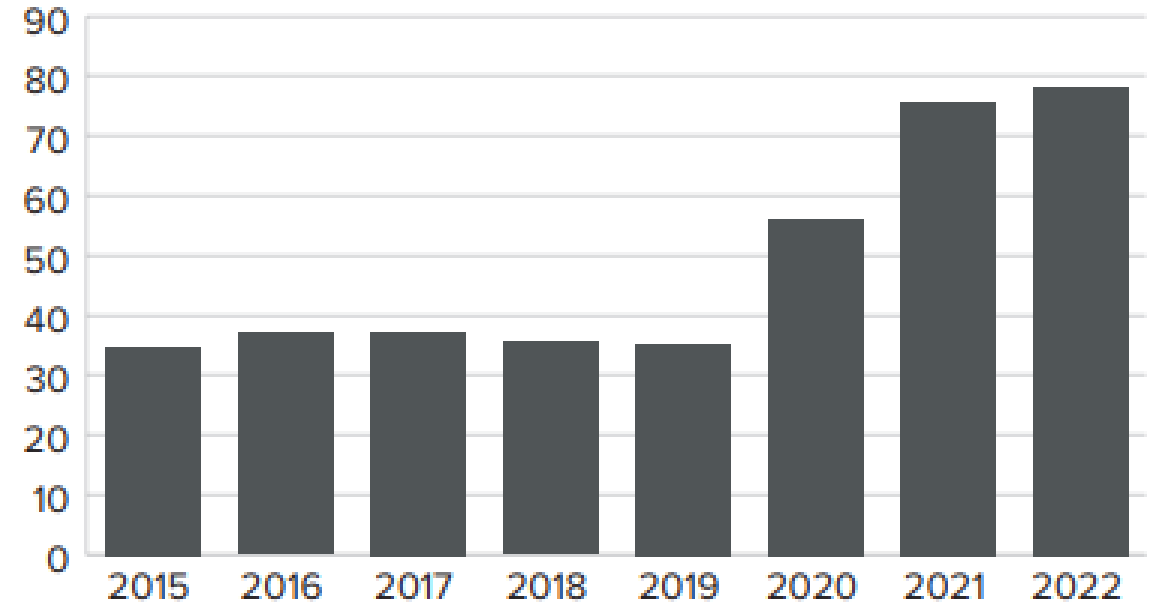


Average length of pretrial jail stay has increased for those held on charges of burglary or on a warrant.

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



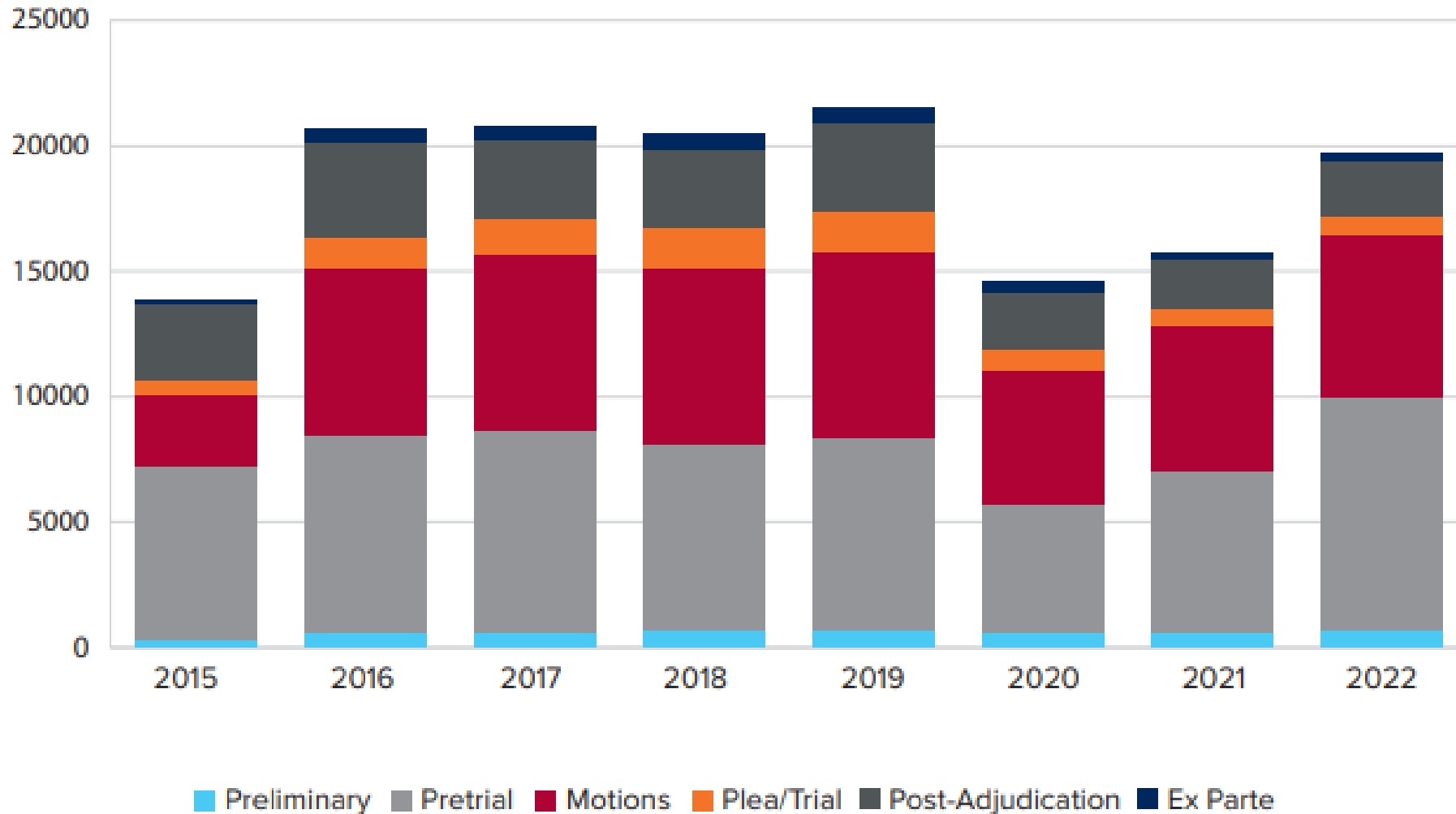
Median Length of Jail Stay



Average Length of Stay

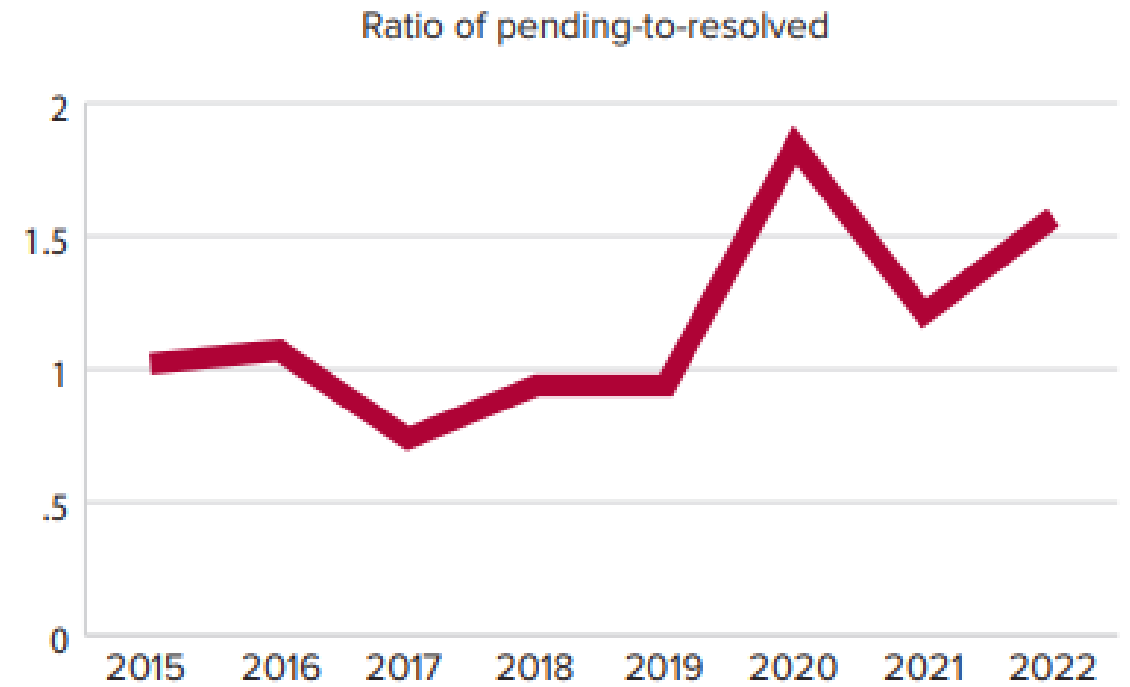
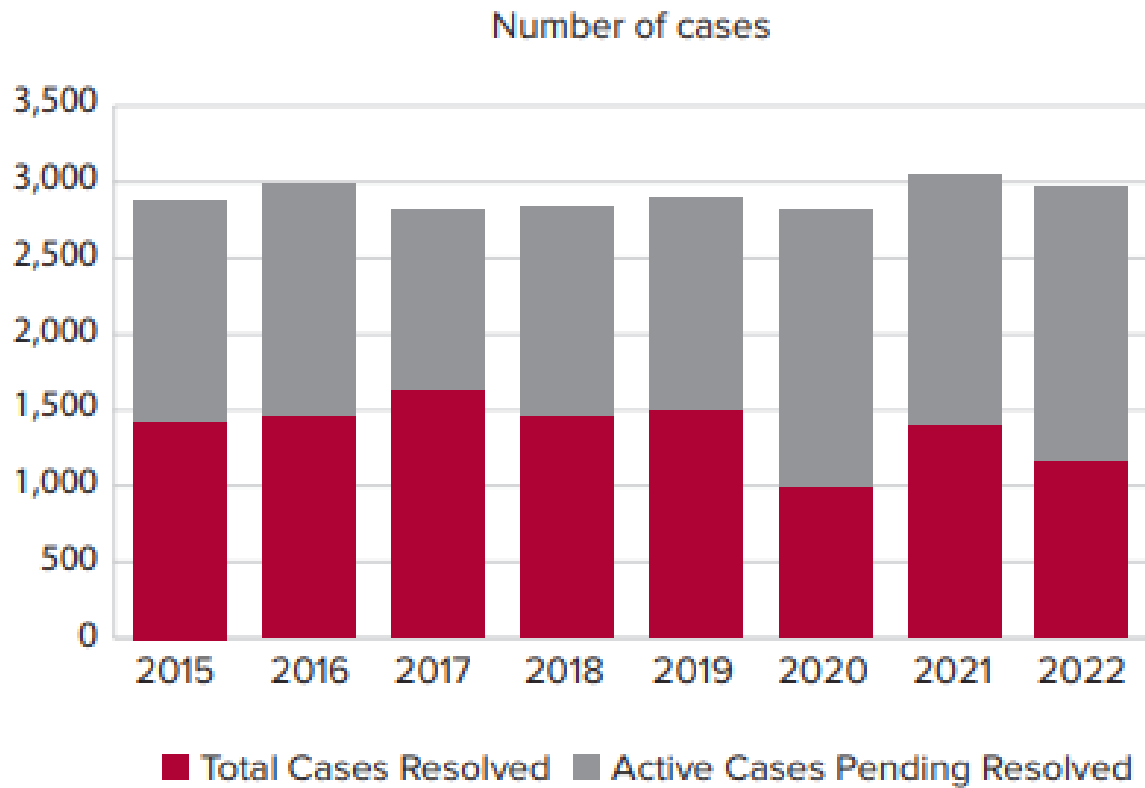
Although fewer people have been sentenced to jail since 2019, the average and median lengths of stay have doubled or tripled.

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



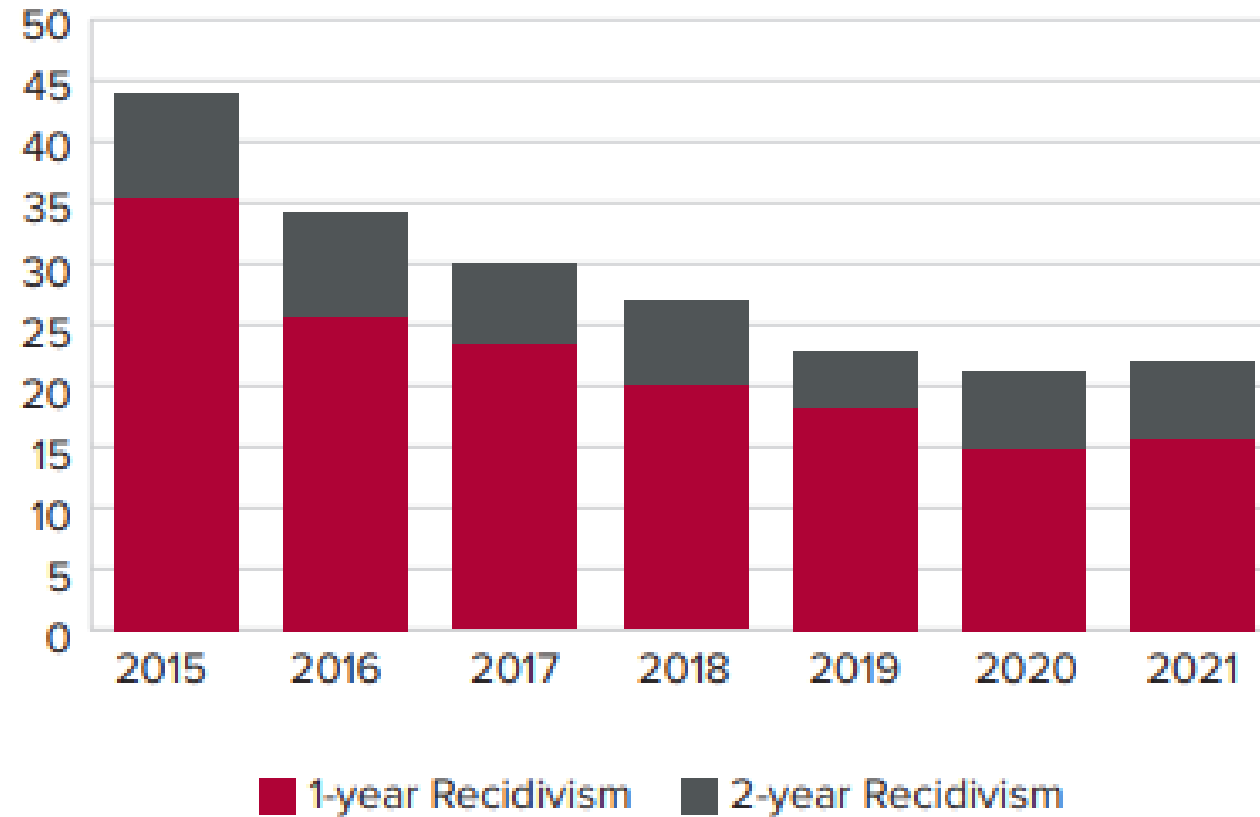
In 2022, the number of court proceedings relating to misdemeanors met or exceeded pre-pandemic levels in District/Municipal courts.

*Pending and Resolved Superior Court Cases, by Year*



In Superior Court, case filings did not decrease during the pandemic. Case resolution rates have worsened since 2019.

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



Jail recidivism has declined since 2015.

**EVALUATION OF  
VERA REPORT  
RECOMMENDATIONS  
AND STRATEGIES**

# **RECOMMENDATION #1**

**Reduce Admissions to the Jail  
via Diversion**

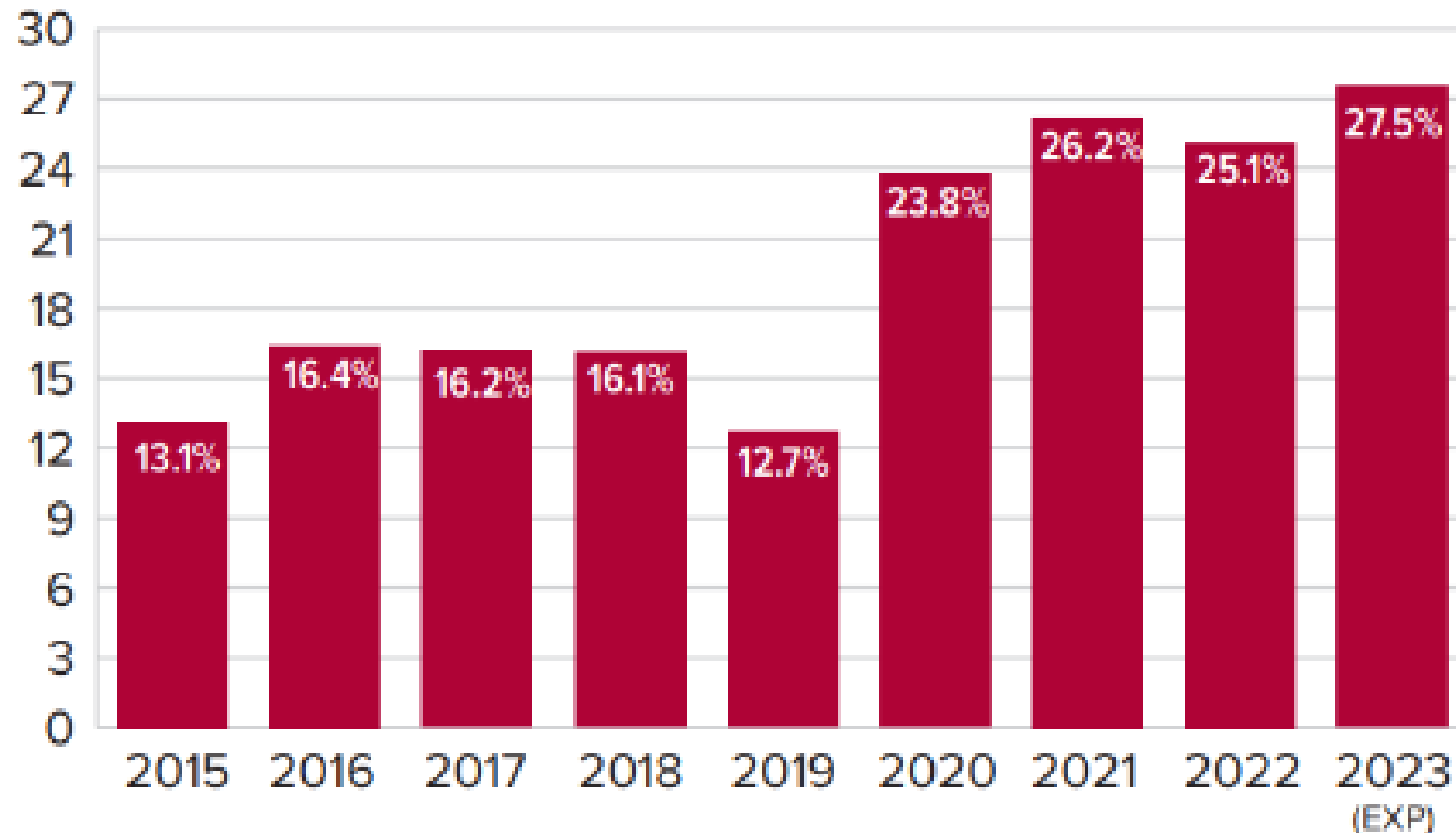


# **STRATEGY:**

**Divert Low-Level Offenses,  
Expand Use of Book and  
Release Practices**

# ACCOMPLISHMENTS

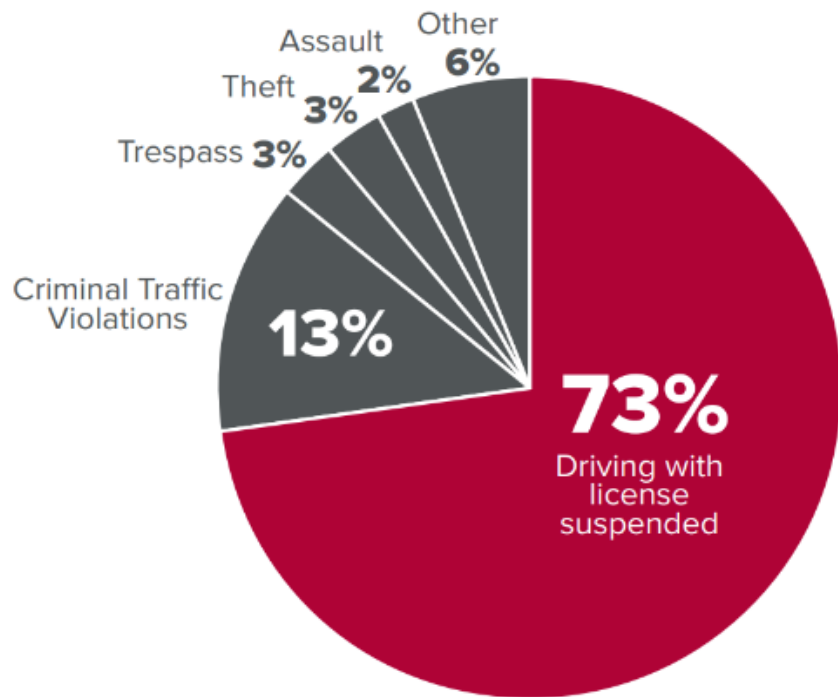
*Cite or Book and Release, % of all pretrial bookings*



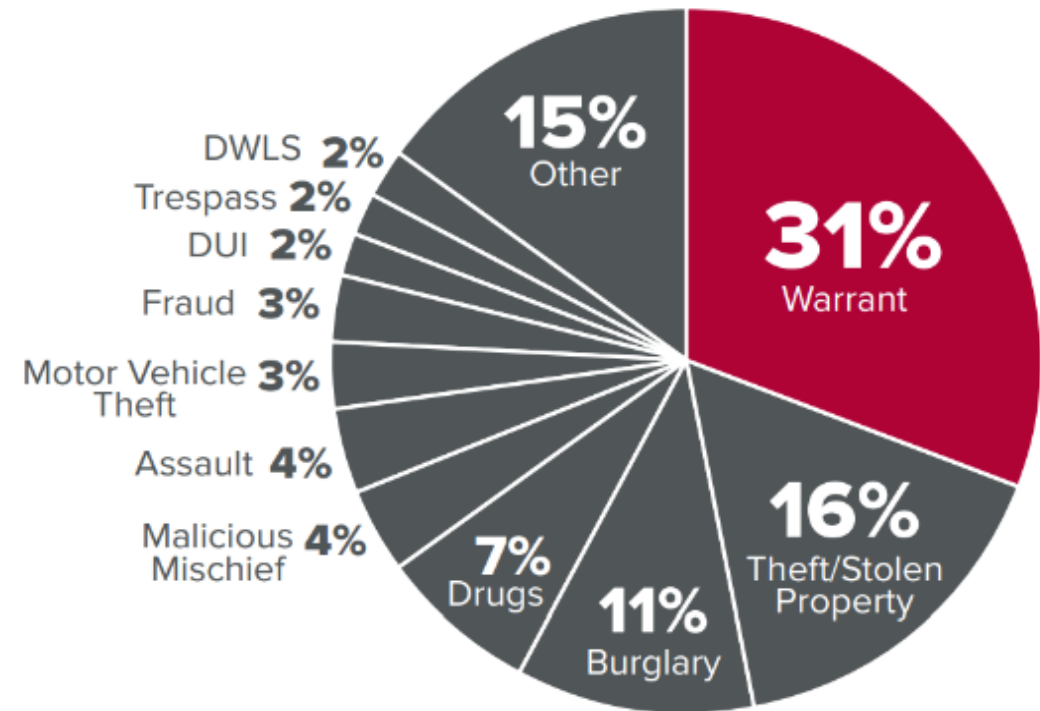
Increase in Book & Release practices likely reduced jail admissions and populations

# ACCOMPLISHMENTS

Top charge for cite-and-release incidents, % of total



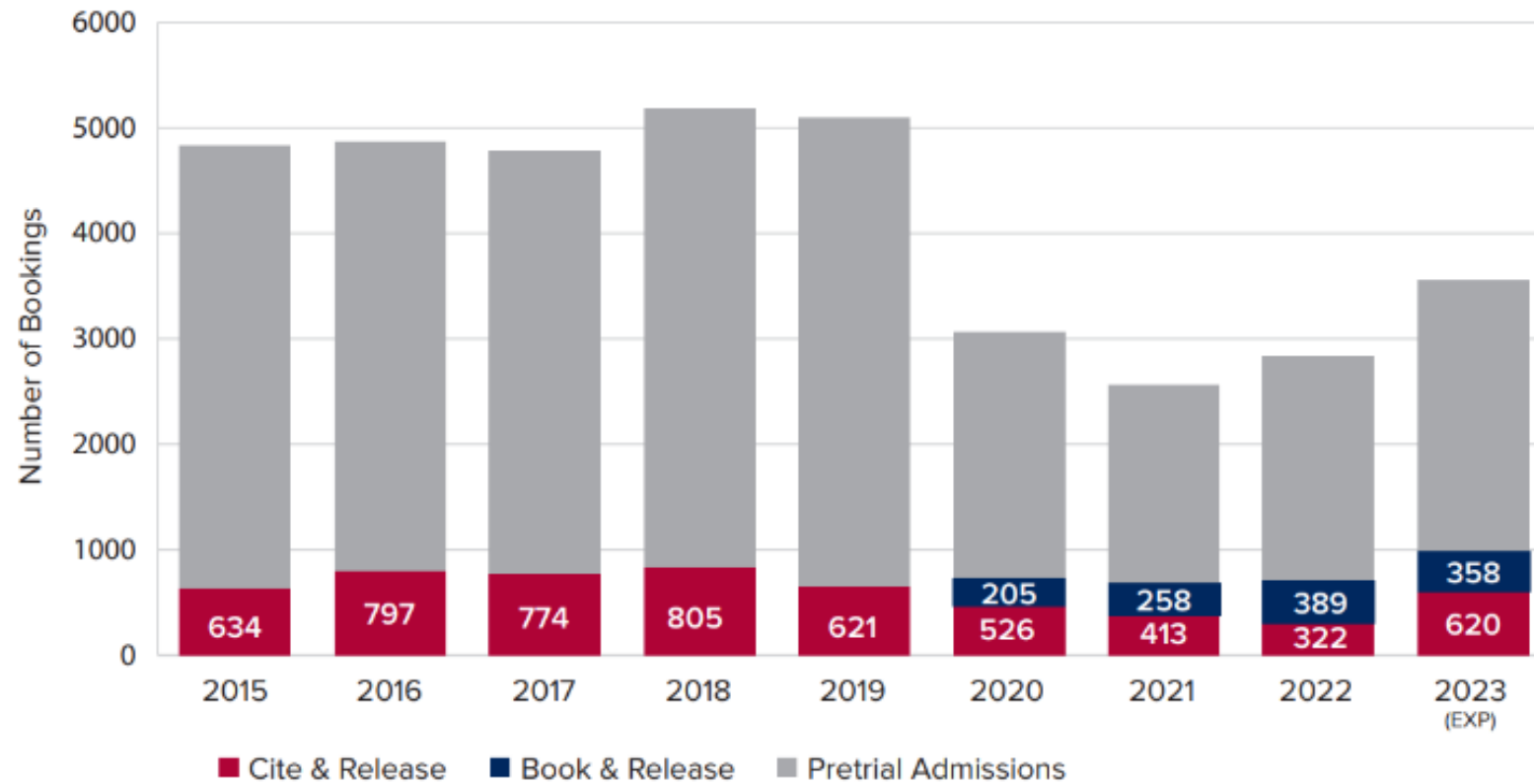
Top charge for book & release incidents, % of all incidents



Major reductions in jail admissions due to diversion of those with low-level charges, such as DLWS, FTA, and some warrants

# CHALLENGES & NEXT STEPS

*Yearly Use of Cite or Book & Release Practices*



Booking restrictions are temporary.

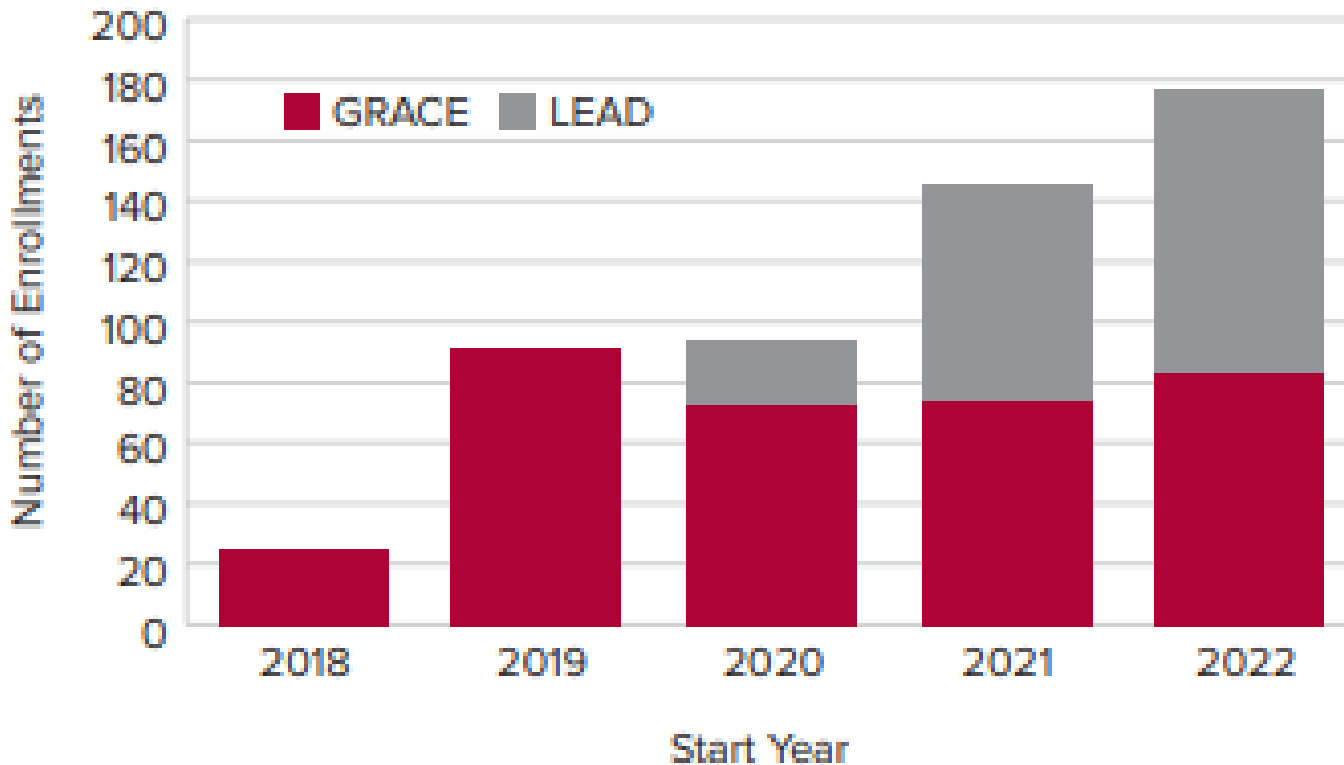
Law enforcement morale may suffer without clear goals, proper monitoring of effects.

# **STRATEGY:**

**COORDINATE BEHAVIORAL  
HEALTHCARE WITH LEGAL  
SYSTEM TO PREVENT JAIL  
ADMISSIONS**

# ACCOMPLISHMENTS

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



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

GRACE has been highly successful:

Enrollment increased, client needs are met, use of emergency services reduced.

LEAD services are in demand with growing enrollments.

# ACCOMPLISHMENTS

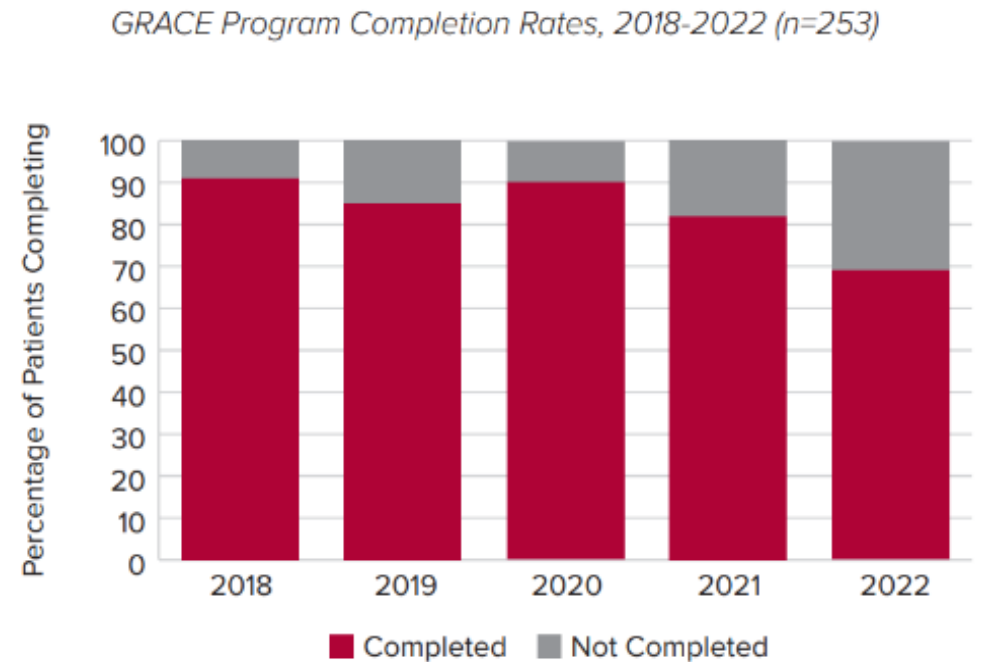
Behavioral Health Co-Responder Program piloted with the Sheriff's Department.

ART deploys a behavioral health specialist and a public health nurse to non-violent crisis calls in Bellingham.

Anne Deacon Center for Hope offers crisis stabilization for acute mental health and substance use disorder.

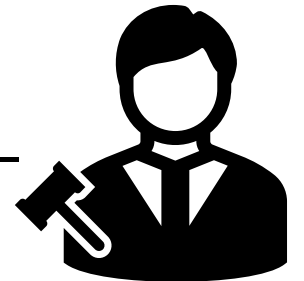
# NEXT STEPS

Maintain or expand investments in GRACE; develop LEAD program further.



Enhance law enforcement use of crisis center:  
Clarify patient acceptance criteria, how to determine appropriate cases. Streamline intake procedures.

Embed behavior health resources for clients but are well-positioned to identify needs and protect confidentiality.





**STRATEGY:**

**ESTABLISH A SOBERING CENTER**

# ACCOMPLISHMENTS

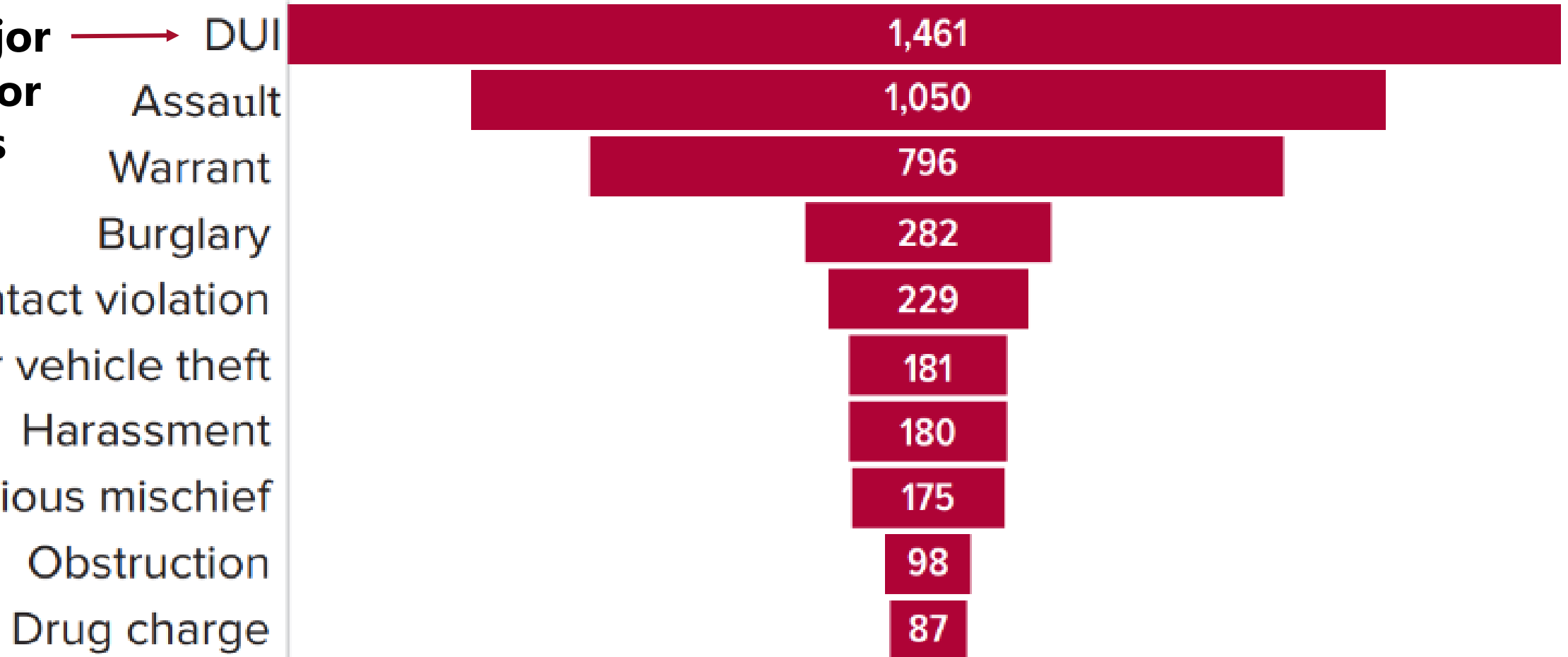
Capital funding for a 23-hour Crisis Relief Center is being pursued.

# CHALLENGES

**DUI continues to be a major reason for jail stays**

→ **DUI**

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



# **STRATEGY:**

**DEVELOP MECHANISMS TO  
PREVENT JAIL ADMISSIONS FOR  
TECHNICAL VIOLATIONS OF  
COMMUNITY SUPERVISION**

# ACCOMPLISHMENTS

Electronic home monitoring and detection devices utilized as alternative to incarceration.

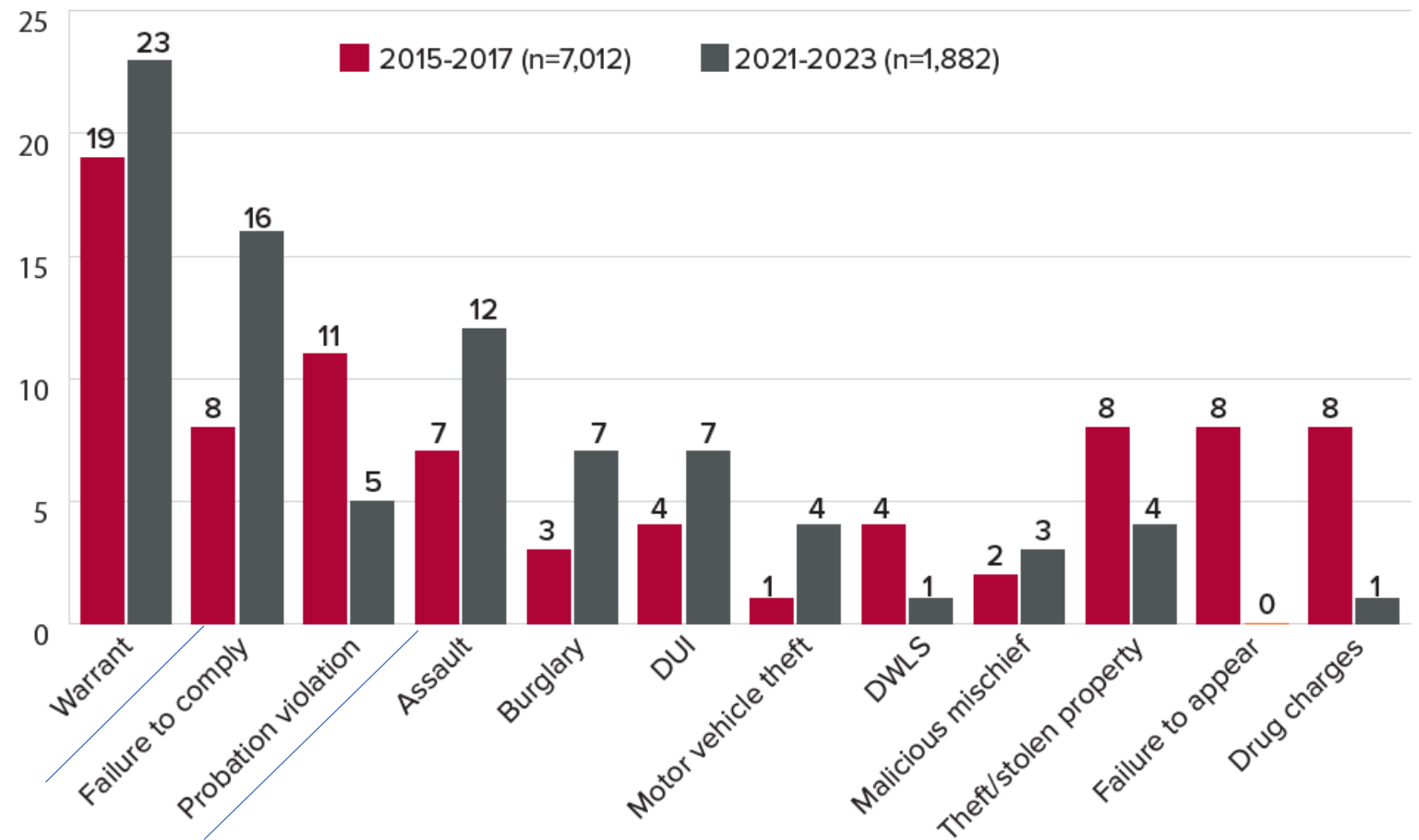
Felony cases reviewed in Prosecutor's Office for appropriate "drop downs" to gross misdemeanor charges and District Court supervision.

# ACCOMPLISHMENTS

Probation violations declined as reason for jail entry

However, charges of failure to comply (FTC) grew

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



# CHALLENGES & NEXT STEPS

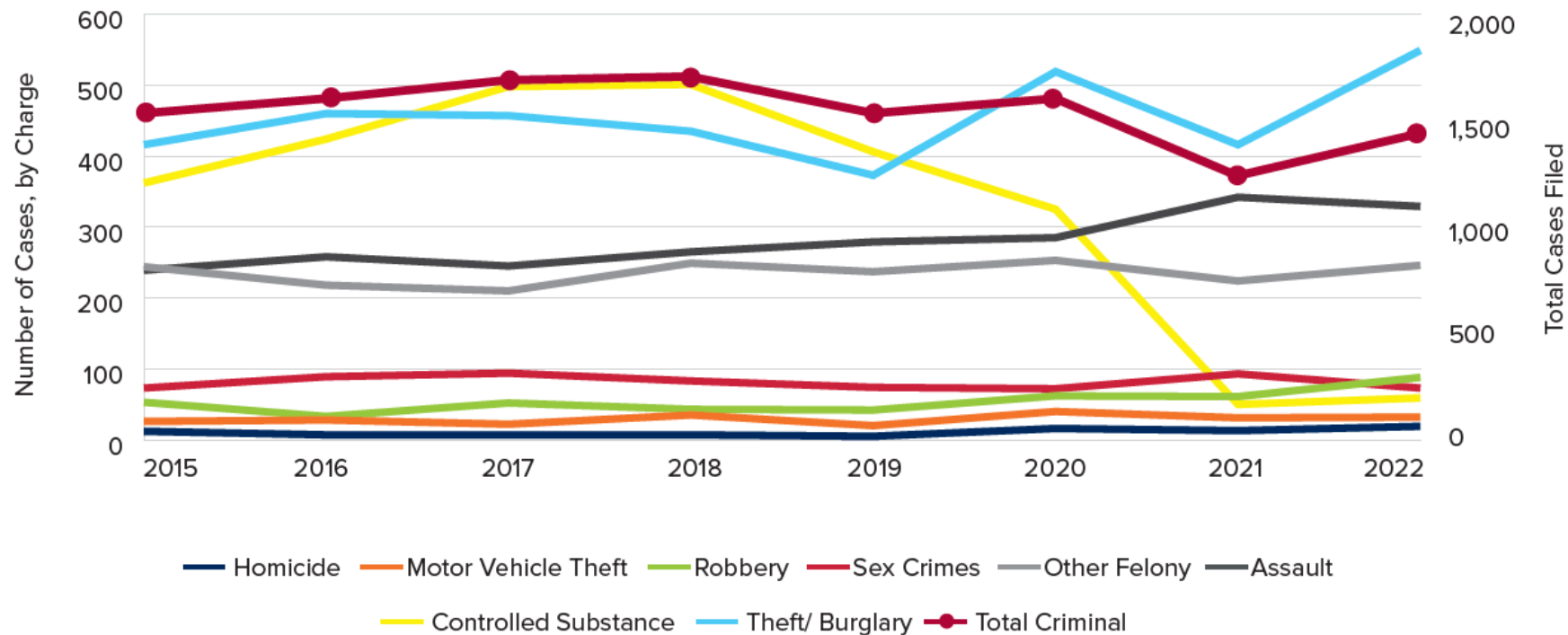
Costs of monitoring are high and may not improve outcomes to justify; reserve for higher-risk individuals

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Increased monitoring and surveillance without building in tolerances can result in more violations; prioritize treatment over punishment

# CHALLENGES & NEXT STEPS

*Criminal Cases Filed in Superior Court, Total & by Top Charge, 2015-2022*



Consider wider use of felony drop-downs, such as for Theft and Burglary, when appropriate



# **RECOMMENDATION #2**

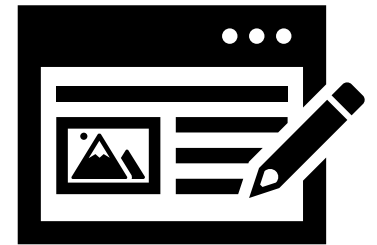
**Curtail New/Outstanding  
Warrants for Low-level Charges**

# **STRATEGY:**

**ANALYZE WARRANT DATA TO  
UNDERSTAND PROBLEM AND  
TARGET SCOPE**

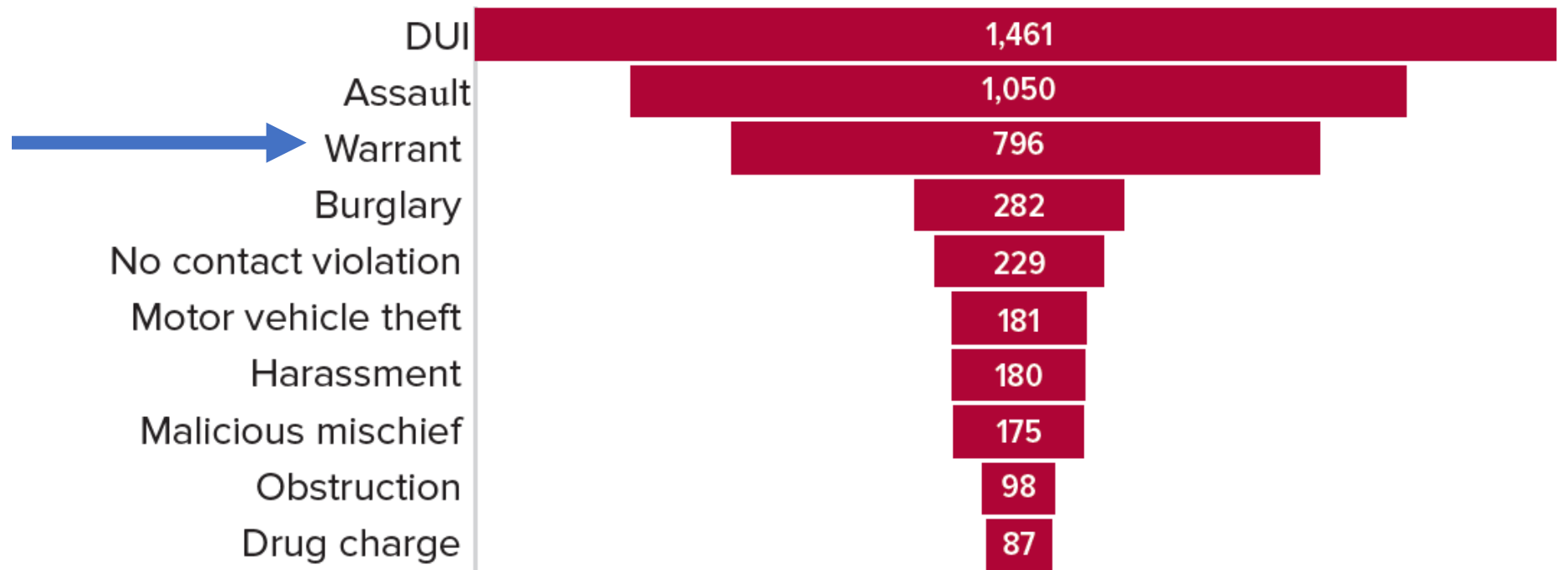
# ACCOMPLISHMENTS

New case management system  
to collect warrant data is  
pending.



# CHALLENGES & NEXT STEPS

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



Warrants remain a top reason for individual to enter jail.

# **STRATEGY:**

**IMPLEMENT POLICIES AND PRACTICES TO REDUCE BENCH WARRANTS FOR COURT NON-APPEARANCE**

# ACCOMPLISHMENTS

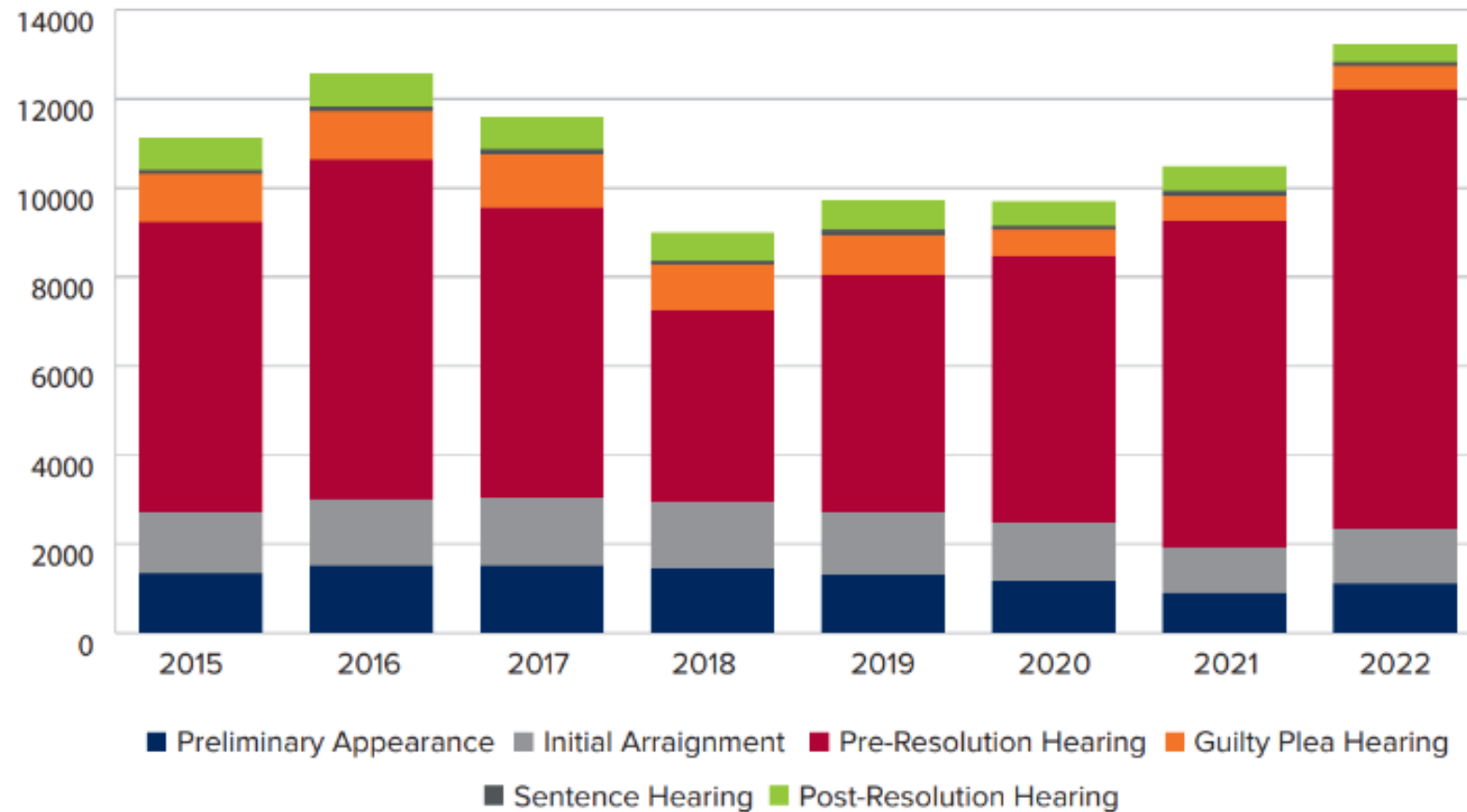
Prosecutor's Office policy of not filing standalone DWLS-3 charges should effectively reduce warrants for court non-appearances related to DWLS.

Judicial changes allowing counsel appearance and other alternatives to in-person appearance have likely reduced non-appearances.

# CHALLENGES

In Superior Court, number of pretrial proceedings per case has increased, a factor associated with higher rates of non-appearance.

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



# NEXT STEPS

Courts should build a practice of "meaningful court events", minimizing the number of hearings individuals must attend.

Clients should be encouraged to enroll in court notification systems.

Applying a willful flight standard when making warrant and bail decisions would reduce jail incarceration.



# **STRATEGY:**

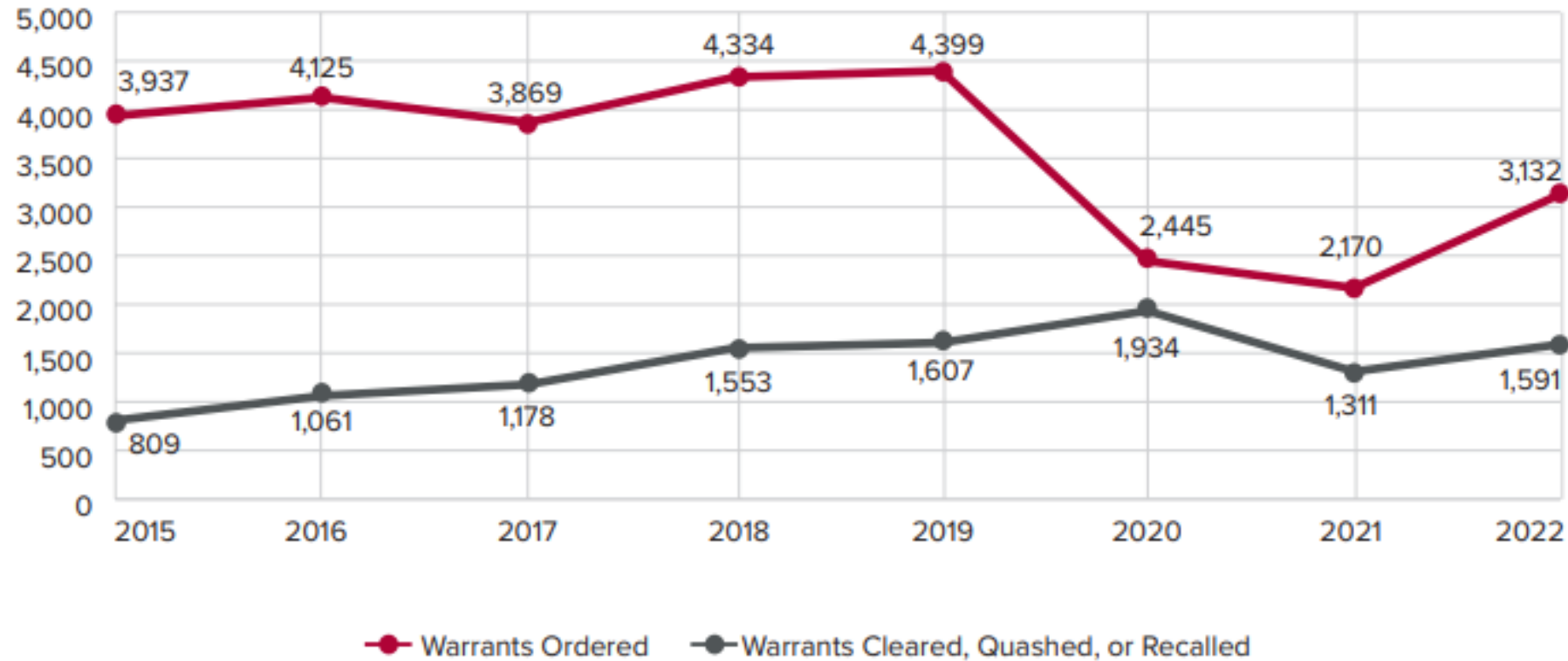
**INCREASE OPPORTUNITIES TO  
RESOLVE OUTSTANDING  
WARRANTS**

# ACCOMPLISHMENTS

A warrant quash day was held for all courts in 2019.

# CHALLENGES

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



Warrant issuances increased last year.

# NEXT STEPS

Organizing warrant quash day involving all courts may be beneficial. Municipal and District Court involvement would assist those with multiple warrants across courts.

Courts should assure users they will not be arrested post-appearance and that fines/fees due will not be required on the date of appearance.

# **RECOMMENDATION #3**

**Individualized, Data-driven Risk  
Assessment for Pretrial Release**

# **STRATEGY:**

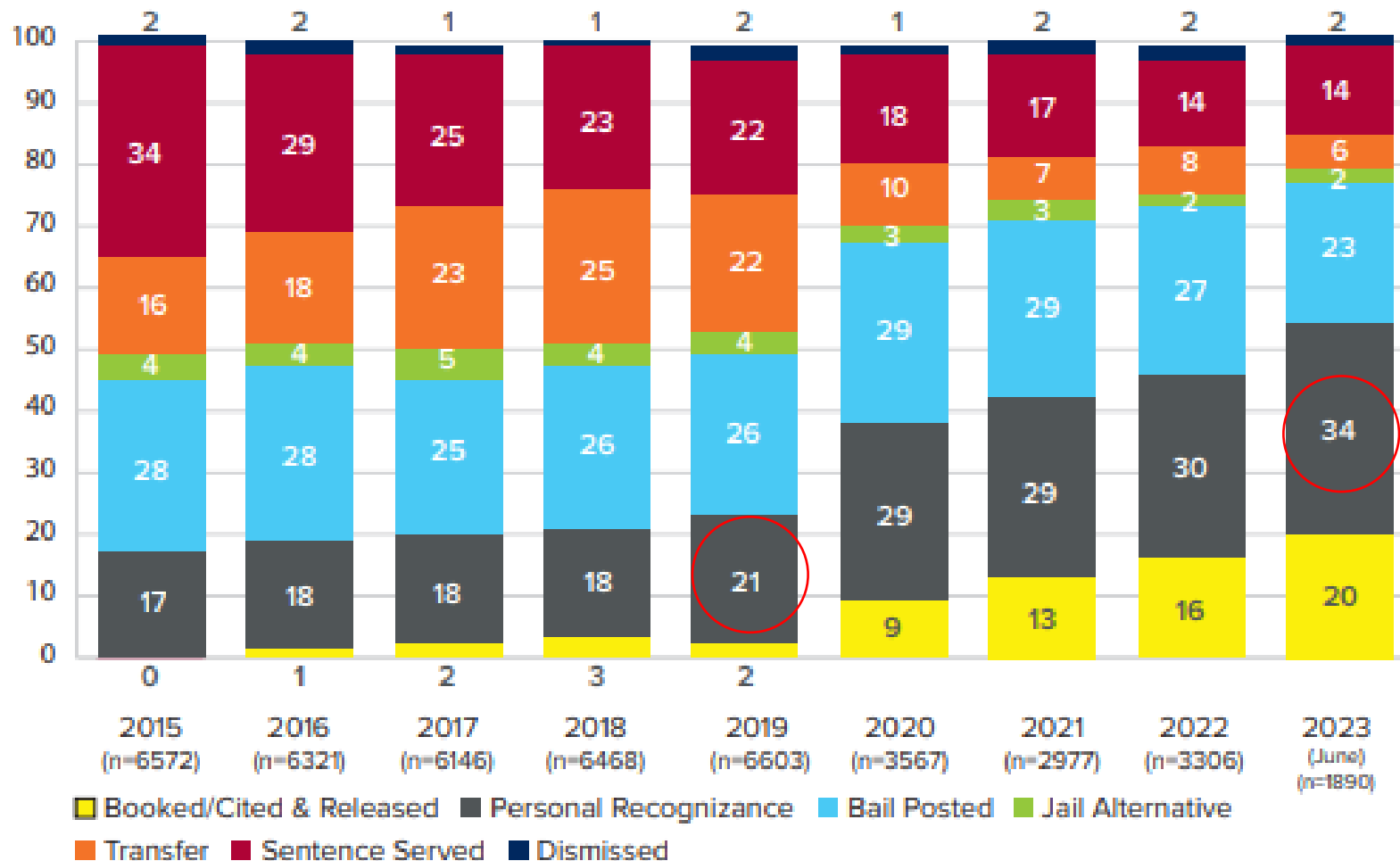
**ENSURE DEFENSE COUNSEL IS  
PRESENT AT ALL BAIL  
DETERMINATIONS**

# ACCOMPLISHMENTS

Public defense is present at nearly all bail determinations

# ACCOMPLISHMENTS

Release Reasons, Percent Distribution by Year



Use of release on personal recognizance has increased.



# NEXT STEPS

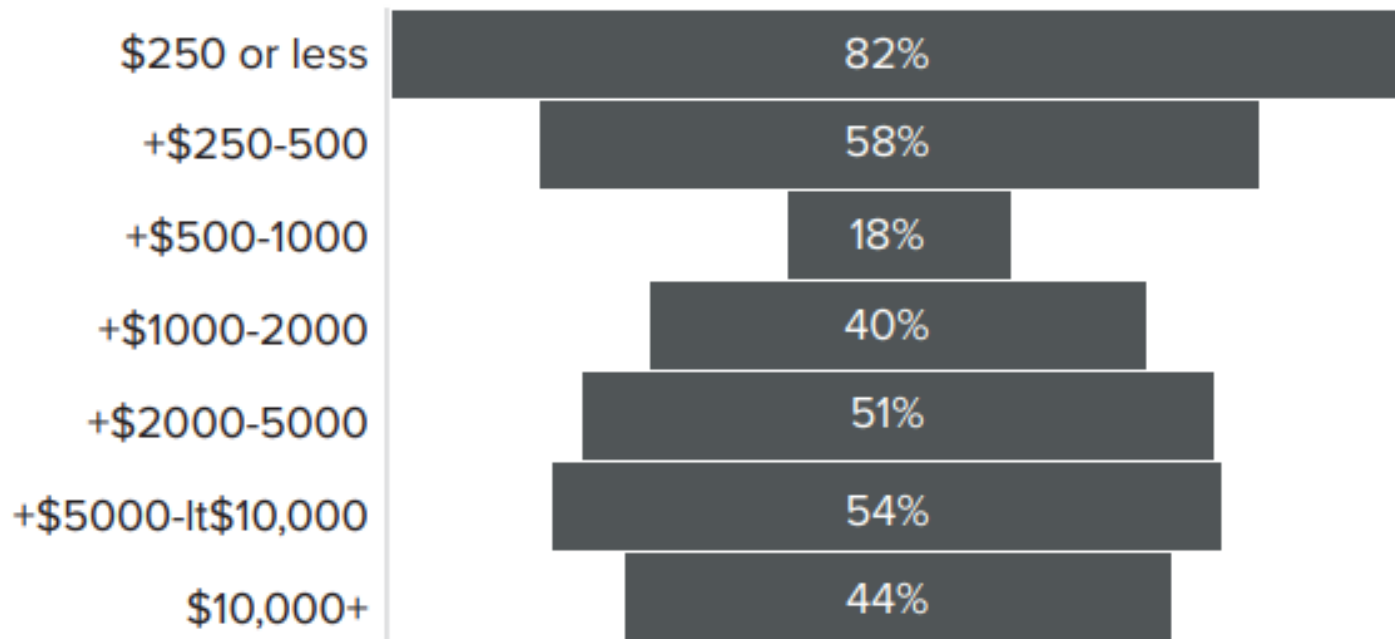
Public defense should be present at weekend probable cause hearings to assist in securing pretrial release.

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Collaboratively review bail procedures;  
Consider adopting presumption of release unless risk is demonstrated.

# CHALLENGES

*% Posted Bail, by required amount, 2021-2023*



Bail amounts typically were set at \$2000 or more. One-third were assigned bail of \$10,000+.

Many/Most who were assigned amounts over \$500 did not post bail.

# **STRATEGY:**

**IMPLEMENT A COURT REMINDER  
SYSTEM TO FACILITATE RELEASE  
ON PERSONAL RECOGNIZANCE**

# ACCOMPLISHMENTS

Superior Court, District Court, Bellingham, Blaine, Everson, Lynden, and Sumas Municipal Courts engage in a text message reminder program for appearances, probation appointments, and drug tests.

Over 9,600 text messages were sent in 2022.



District Court made 3,441 phone call reminders in 2022.

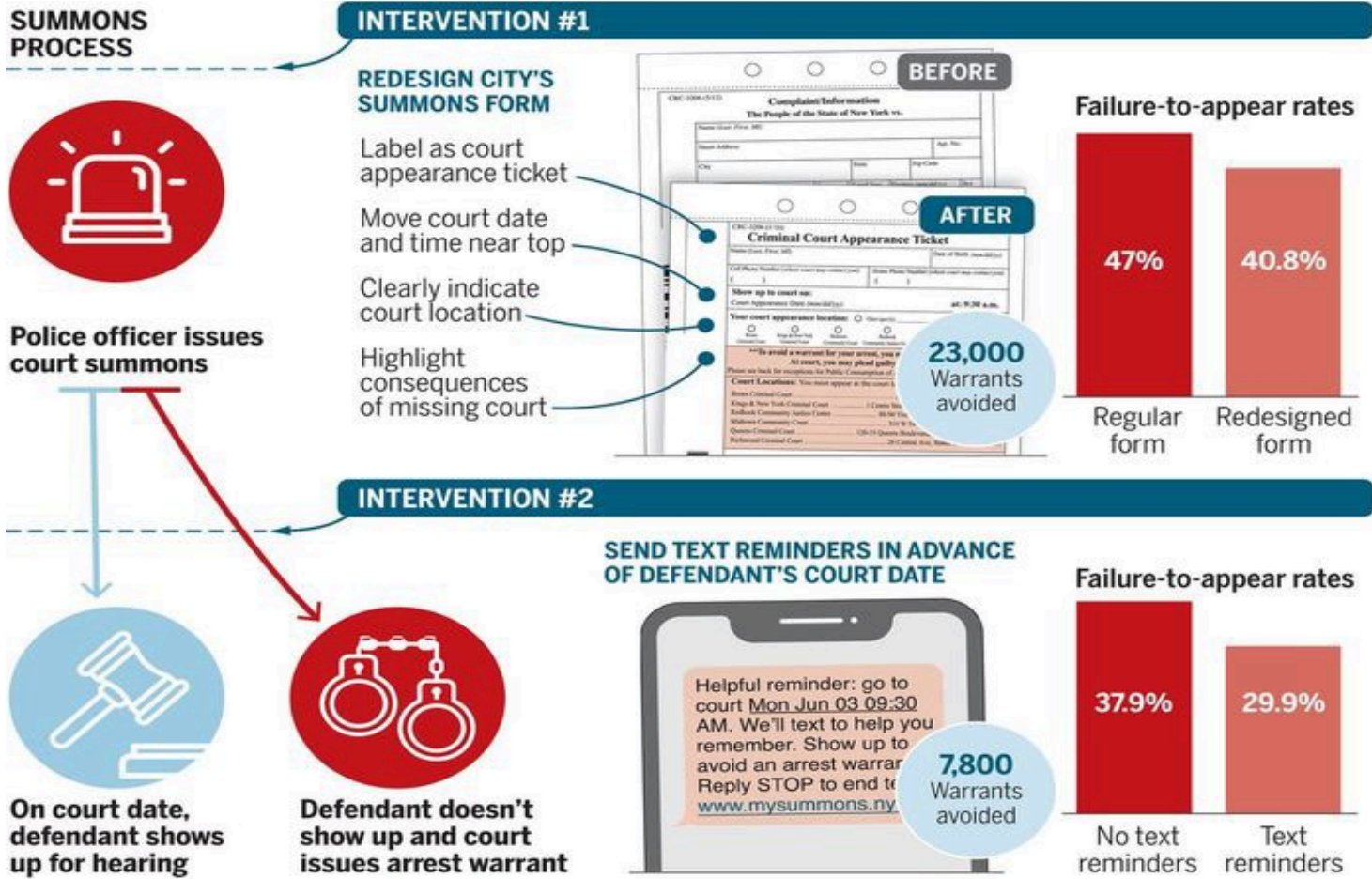
# CHALLENGES & NEXT STEPS

Success rates varied across courts, and some system problems were noted.

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Public defense resources are limited but are a valuable resource for encouraging court appearances.

# CHALLENGES & NEXT STEPS



- Improve reminder system
- Reduce logistical challenges (transportation, childcare)
- Add flexibility in scheduling
- Provide useful resources
  - Early access to counsel
  - System navigation support

# **STRATEGY:**

**ADOPTING AND VALIDATING A  
DATA-DRIVEN PRETRIAL RISK  
ASSESSMENT INSTRUMENT**

# ACCOMPLISHMENTS

Extensive evaluation efforts were undertaken to evaluate instruments that produce fair results without worsening inequalities.

The Superior Court adopted the Public Safety Assessment (PSA), a researched and validated pretrial risk assessment tool.



# CHALLENGES & NEXT STEPS

The PSA was recently implemented, making it difficult to assess its long-term impacts.

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Stakeholders should consider guidelines for the tool's use.

The county should engage experienced quantitative researchers to conduct a local validation study of the PSA and examine disparities in pretrial decision-making.

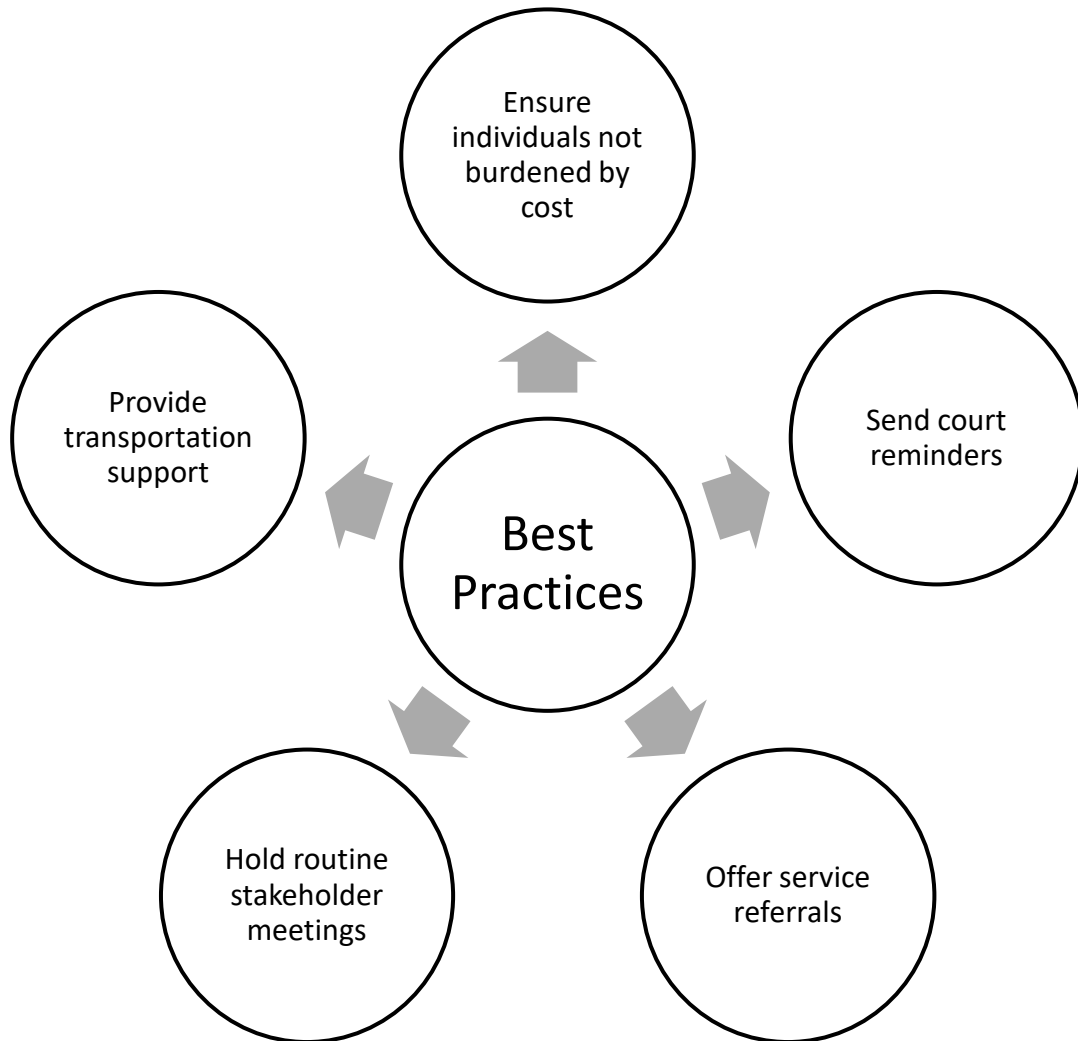
**STRATEGY:**

**ESTABLISH PRETRIAL SERVICES  
FOR ALL COURTS**

# ACCOMPLISHMENTS

Pretrial Services Unit established in Superior Court to assist with monitoring individuals awaiting trial.

# NEXT STEPS



Expand Pretrial Services to further support court appearances and offer service referrals

# **RECOMMENDATION #4**

**Develop a Case Flow Management Plan to Reduce Time to Disposition and Shorten Length of Jail Stays**

# **STRATEGY:**

**DEVELOPING A CASE  
MANAGEMENT PLAN TO  
MINIMIZE APPEARANCES, LIMIT  
CONTINUANCES, AND RESOLVE  
CASES QUICKLY**

# ACCOMPLISHMENTS

Superior Court now reviews  
continuance requests for sufficient  
cause.



# CHALLENGES & NEXT STEPS

Public defense often received case files with insufficient time for review, were unable to meet with clients before court, and reached caseload limits or incurred conflicts.

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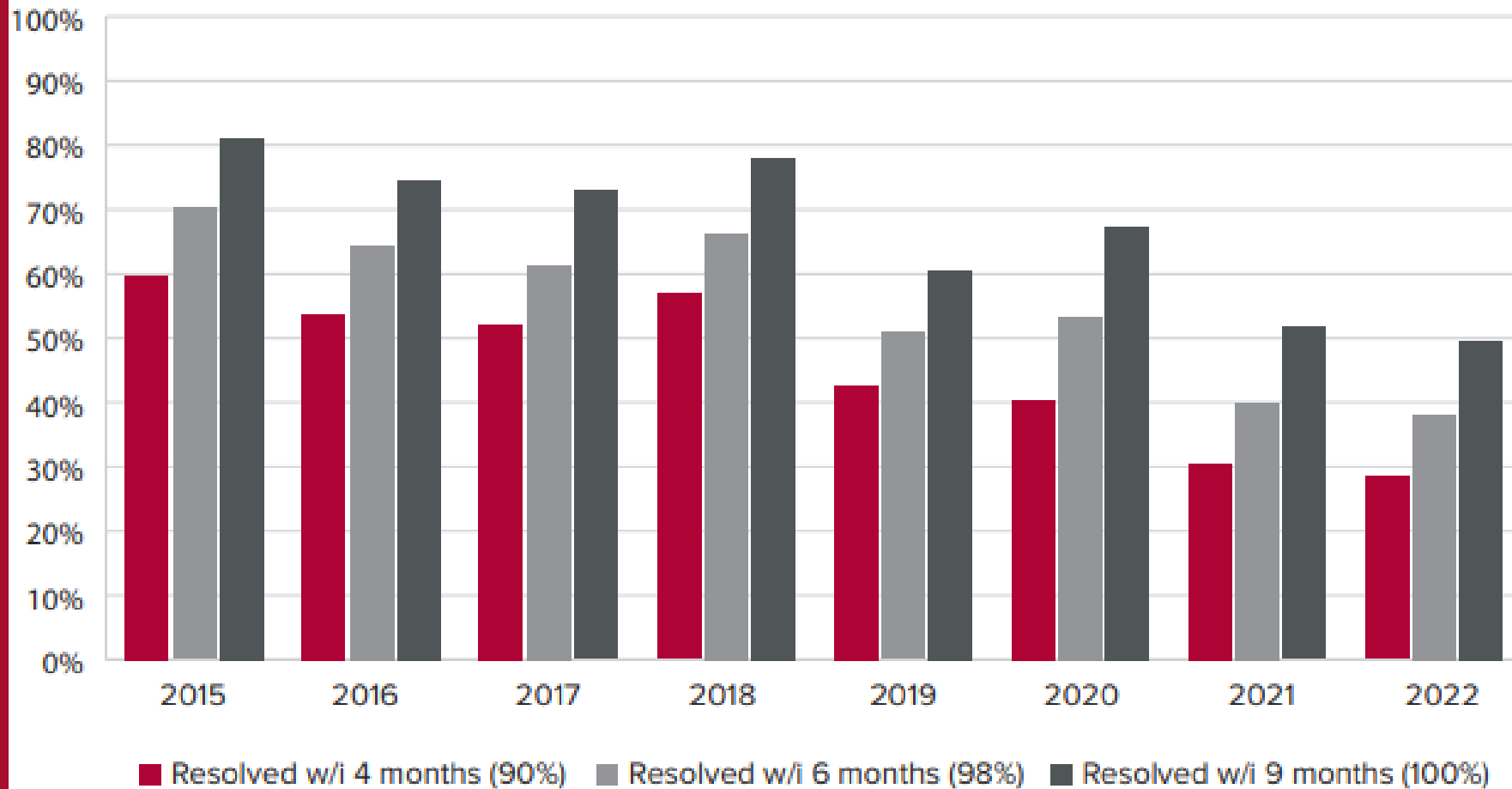
Good faith settlement conferences between prosecution and defense could occur more often and earlier to deflect need for additional hearings.

The current data system does not allow for tracking sources of backlogs or other analyses of case processing performance.



# CHALLENGES

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



Case resolution rates for Superior Court have slowed, not hastened.

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Case filings in Superior Court remained steady over time; number of proceedings per case has grown

# **RECOMMENDATION #5**

**Create Oversight and  
Accountability Mechanisms**

# **STRATEGY:**

**RECONVENE LAW & JUSTICE  
COUNCIL WITH STAFF, MEETINGS,  
AND RESEARCH CAPACITY**

# ACCOMPLISHMENTS

Whatcom County Council adopted ordinance (Ord. 2019-056) designating an ongoing County Law and Justice Council with oversight functions, as required by state law.

The Incarceration Prevention and Reduction Task Force as Council has four working committees, produces annual reports, has dedicated staff with grant-writing, data analyst skills.

# **STRATEGY:**

**REPORT AND PUBLISH DATA REGULARLY  
TO ENSURE TRANSPARENCY AND  
ACCOUNTABILITY**

# ACCOMPLISHMENTS

- Adopted integrated data platform (Julota) to produce timely reports and analyses for beh health & diversion programs.
- Sheriff's Department, IPRTF, Emergency Services, and other county entities routinely publish annual or special data reports.
- Public data dashboard creation is significantly underway.
- Information Needs and Data Exchange (INDEX) Committee of IPRTF is improving data systems and information sharing.

# CHALLENGES & NEXT STEPS

Court data and performance reports not readily available.

More information needed on case processing and reasons for court non-appearances and warrants.

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Integrated data platforms would be useful, along with analysts to manage archives and data analyses.

# CONCLUSIONS



Whatcom County made significant progress:

- Reduced use of jail for lower-level charges
- Expanded behavioral health resources, programs
- Increased use of release without bail
- Established pretrial services and court reminders
- Created oversight and accountability mechanisms



# CONCLUSIONS



Next steps and challenges to overcome include to:

- Articulate clear goals for booking restrictions
- Enhance behavioral health resources and use
- Address jail stays due to DUI, warrants, assault
- Fortify public defense resources, behavioral health and system navigators
- Enhance pretrial services, court reminders, referrals
- Reduce Superior Court case filings, proceedings; increase felony drop downs, hasten time to case resolution

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# Questions? Comments?

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