

Amended & Replaced on 7/24/2019
Committee (Criminal Justice)
and Council

SPONSORED BY: BUCHANAN/DONOVAN
PROPOSED BY: BUCHANAN/DONOVAN
INTRODUCTION DATE: JULY 9, 2019

ORDINANCE 2019-_____

**AMENDING WHATCOM COUNTY CODE 2.46.020 AND 2.46.030, TO AMEND THE
WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK
FORCE PURPOSE AND FUNCTION**

WHEREAS, the Whatcom County Council created the Incarceration Prevention and Reduction Task Force (IPRTF) in 2015 to provide recommendations, oversight, and specific timeframes on the development of new, or enhancement of existing, programs designed along a continuum that effectively reduces incarceration of individuals struggling with behavioral health challenges (mental illness and chemical dependency), and minimizes jail use by pretrial defendants who can safely be released; and

WHEREAS, the IPRTF completed its initial tasks and also provided to the County Council its Phase I, Phase II, and Phase III Reports, as required by Ordinance 2015-037 to develop plans for a new or expanded crisis triage center for individuals struggling with behavioral health challenges; and

WHEREAS, the IPRTF continues to work with all stakeholders on creating new and enhancing existing criminal justice and behavioral health programs and processes to reduce the number of individuals with behavioral health challenges who use costly interventions like jail, emergency rooms, and hospitals and to divert them from initial or further justice system involvement; and

WHEREAS, there is ample evidence that interventions and investments in social determinates of health have positive impacts on people's lives; and

WHEREAS, investment in birth to three help children succeed in school and in life; and

WHEREAS, the PITA continuum (Prevention, Intervention, Treatment and Aftercare) provides a structure for policy makers to follow; and

WHEREAS, investments in the zero intercept in the Sequential Intercept Model help people stay out of the Criminal Justice System.

NOW, THEREFORE, BE IT ORDAINED by the Whatcom County Council that County Code Chapter 2.46 is hereby amended as outlined in **Exhibit A** to this ordinance.

APPROVED this _____ day of _____, 2018.

ATTEST:

Dana Brown-Davis, Clerk of the Council

APPROVED AS TO FORM:


Civil Deputy Prosecutor

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Rud Browne, Council Chair

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**

Jack Louws, County Executive

() Approved () Denied

Date Signed: _____

EXHIBIT A

Chapter 2.46 INCARCERATION PREVENTION AND REDUCTION TASK FORCE LAW AND JUSTICE COUNCIL

Sections:

- 2.46.010** **Established.**
- 2.46.020** **Purpose.**
- 2.46.030** **Function.**
- 2.46.040** **Permanent Members.**
- 2.46.050** **Additional Appointed Members.**
- 2.46.060** **Term of Office.**
- 2.46.070** **Organization – Meetings.**
- 2.46.080** **Staff and Funding Support.**
- 2.46.090** **Reporting.**

2.46.010 **Established.**

There is hereby established a Whatcom County Incarceration Prevention and Reduction Task Force.

2.46.020 **Purpose.**

The purpose of the Incarceration Prevention and Reduction Task Force is to continually review Whatcom County's criminal justice and behavioral health programs and make specific recommendations to safely and effectively reduce incarceration of individuals struggling with mental illness and chemical dependency, and minimize jail utilization by pretrial defendants who can safely be released, and identify, examine, and recommend implementing programs and policies that focus on intervention and prevention strategies that are pursuant to incarceration.

The purpose of the Incarceration Prevention and Reduction Task Force is also to function as the Whatcom County Law and Justice Council as required by RCW 72.09.300 and to carry out the function described in in RCW 72.09.300(d).

2.46.030 **Function.**

The Task Force will consider national best practices and report on and make recommendations to the County Council, Executive, and other appropriate officials regarding:

- A. The construction and operation of a new or expanded multi-purpose crisis triage facility to assist with jail and hospital diversion of individuals struggling with mental illness and chemical dependency;
- B. Development of new, or enhancement of existing, programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and chemical dependency;
- C. Effective pretrial service programs that assure that defendants appear for court proceedings while minimizing jail utilization by defendants who can safely be released;
- D. Necessary and effective programs and services that can assist offenders with successful transition from both the jail and triage center back to the community to reduce rates of recidivism and improve public health and safety;
- E. The ongoing staff support and funding for the Task Force;
- F. Review of the diversion programs of the County and all cities, and establishment of benchmarks to measure the effectiveness of the programs in reducing incarceration.

G. Practice evidence-based strategies and interventions that positively impact the social determinants of health that address interventions for criminogenic factors.

The Task Force, as the Law and Justice Council, will meet the requirements of RCW 72.09.300.

2.46.040 Permanent Members.

The Incarceration Prevention and Reduction Task Force shall include the following ~~13~~ designated officials or their representative:

- A. One Member of the Whatcom County Council
- B. Whatcom County Executive
- C. Whatcom County Sheriff/Jail Administrator
- D. Whatcom County Prosecuting Attorney
- E. Whatcom County Public Defender Director
- F. Juvenile Court Administrator/Superior Court Clerk
- G. One Representative from the Whatcom County Superior Court
- H. One Representative from the Whatcom County District Court
- I. Tribal representation from the Lummi Nation and/or the Nooksack Tribe
- J. One representative from the Whatcom County Health Department Human Services
- K. Emergency Medical Services (EMS) Representative
- L. PeaceHealth St. Joseph's Medical Center
- M. Secretary of the State Department of Corrections or his/her designee

One each of the following, or their designee, to represent municipal courts, prosecutors, police, and legislative authorities:

- N. Bellingham Mayor
- O. Small City Mayor, designated by the Small City Partnership
- P. Bellingham Council Member
- Q. Small City Council Member, designated by the Small City Partnership
- R. Bellingham Police Chief
- S. Small City Police Chief, designated by the Small City Partnership
- T. Bellingham Municipal Court Administrator
- U. Small City Municipal Court, designated by the Small City Partnership

2.46.050 Additional Appointed Members.

In addition to the officials designated above, the Incarceration Prevention and Reduction Task Force shall include the following ~~11~~ members appointed by the Whatcom County Council:

- A. Health and Social Service Providers (4)
- B. Consumer of Services or Family Member of Consumer (2)
- C. Concerned Citizens (2)

2.46.060 Terms of office for appointed members.

The term of office for appointed members shall be four years. Appointment of members shall comply with Chapter 2.03 WCC.

2.46.070 Organization – Meetings.

- A. Meetings of the Task Force shall be open and accessible to the public and shall be subject to the Open Public Meetings Act.
- B. At every meeting, the Task Force will schedule an open session to take public comment.
- C. The Task Force shall keep written records of meetings, resolutions, research, findings and recommendations; and such records shall be submitted to county staff and shall be made public, including posting on the county website.
- D. The Task Force shall adopt its own rules and procedures for the conduct of business.

E. The Task Force shall elect a chairperson from among its members who shall preside at its meetings.

F. The Task Force shall determine its meeting schedule and agenda, but shall meet at least quarterly.

G. The Task Force may form and appoint ad hoc committees to work on specific issues and may designate non-members to participate as committee members.

2.46.080 Staff and Funding Support.

The Task Force will have full support from the Council, the County Executive's Office, Health Department staff, and locally delivered paid consultant assistance to conduct and complete its tasks in an efficient and effective manner.

2.46.090 Reporting.

The Task Force will provide at least two updates per year to the County Council and Executive. One of the two reports will be an annual written report presented no later than June 30 of each year, and will provide recommendations to the County Council and Executive 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.