

ORDINANCE 2018-_____

ORDINANCE AMENDING WHATCOM COUNTY CODE 2.46, TO AMEND THE WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK FORCE PURPOSE, FUNCTION, MEMBERSHIP, AND ORGANIZATION; TO REPEAL WHATCOM COUNTY CODE 2.19, LAW AND JUSTICE COUNCIL; AND TO DESIGNATE THE TASK FORCE TO SERVE AS THE LAW AND JUSTICE COUNCIL

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, Revised Code of Washington (RCW) 72.09.300 requires counties to have a Law and Justice Council; and

WHEREAS, the existing Whatcom County Law and Justice Council has not met since 2008; and

WHEREAS, the memberships of the IPRTF and Law and Justice Council are similar, and the two advisory committees serve a related purpose.

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 effective January 31, 2019.

BE IT FURTHER ORDAINED that the Task Force will continue to fulfill the following expectations of Ordinance 2015-037:

- Review national best practices and establish benchmarking of the County's performance against same.
- Fund the support activities of the Task Force, including a robust and detailed planning process for the new or expanded crisis triage center and other recommended diversion programs.

- Identify opportunities to acquire governmental and non-governmental funding to support financing for the ~~construction and~~ operation of the new crisis triage center.
- Expand, as soon as reasonably possible, available alternatives to incarceration such as probation services, subsidized home monitoring, crisis intervention teams, intensive case management, and other available programs as recommended by the Task Force and approved by the County Council, using existing funds and potential new funds as determined available by the County Council after passage of a sales tax ballot measure.
- Recommend interlocal agreements to provide services to the cities consistent with this ordinance if necessary.

BE IT FURTHER ORDAINED that the current appointees to the following positions will transition to the Health and Social Services positions for the remainder of their terms.

- Whatcom Alliance for Health Advancement (WAHA) (1 position)
- Representatives from a Community Action Agency, a Mental Health Provider, Substance Abuse Treatment Provider (3 positions)

BE IT FURTHER ORDAINED that Whatcom County Code 2.19, Law and Justice Council, is repealed in its entirety as shown in **Exhibit B** to this ordinance.

BE IT FINALLY ORDAINED that the Incarceration Prevention and Reduction Task Force will serve as and meet the requirements of the Law and Justice Council as required by RCW 72.09.300.

APPROVED this _____ day of _____, 2018.

ATTEST:

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**

Dana Brown-Davis, Clerk of the Council

Rud Browne , Council Chair

APPROVED AS TO FORM:

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**


Civil Deputy Prosecutor

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.

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.

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
- FG. One Representative from the Whatcom County Superior Court or District Court
- G. ~~One Representative of the Bellingham City Attorney or Municipal Court or Police~~
- H. ~~One Representative from the Bellingham City Council~~
- H. One Representative from the Whatcom County District Court
- I. ~~City of Bellingham Mayor or designee~~
- J. ~~One Representative from the small cities designated by the Small Cities Caucus;~~
- KI. One tribal representative Tribal representation from either the Lummi Nation and/or the Nooksack Tribe
- LJ. One representative from the Whatcom County Health Department Human Services
- MK. ~~North Sound Mental Health Administration Executive Director~~ 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

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. ~~Whatcom Alliance for Health Advancement (WAHA) representative;~~ Health and Social Service Providers (4)
- B. ~~Peace Health St. Joseph’s Medical Center representative;~~
- C. ~~Community Health Center representative~~
- D. ~~Emergency Medical Services (EMS) representative~~
- E. ~~Representatives from a Community Action Agency, a Mental Health Provider, Substance Abuse Treatment Provider (3)~~
- FB. Consumer of Services or Family Member of Consumer (2)
- GC. Concerned Citizens (2)

2.46.060 Terms of office for appointed members.

The term of office for appointed members shall be four years; ~~provided that the terms of those first appointed shall be staggered so that five will be appointed for two years, and six will be appointed for 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. ~~Written~~ The Task Force shall keep written records of meetings, resolutions, research, findings and recommendations shall be kept; 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, ~~so long as at least two committee members are also members of each ad hoc committee 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. ~~At least annually,~~ One of the two reports will be an annual written report presented no later than June 30 of each year, ~~the Task Force and will provide a report and~~ 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.

EXHIBIT B

Chapter 2.19 LAW AND JUSTICE COUNCIL¹

(Repealed in its entirety)

Sections:

~~2.19.010 Created.~~

~~2.19.020 Purpose.~~

~~2.19.030 Members.~~

~~2.19.040 Additional members.~~

~~2.19.050 Terms of office.~~

~~2.19.060 Meetings.~~

~~2.19.070 Staff support.~~

~~2.19.080 Law and justice plan.~~

~~2.19.090 Annual report.~~

~~2.19.100 Advisory duties.~~

2.19.010 Created.

The Whatcom County law and justice council is created pursuant to RCW 72.09.300. For purposes of this council, the appointment process and term limitation as set forth in Section 3.23 of the Whatcom County Charter shall not apply. (Res. 2000-034 § 1).

2.19.020 Purpose.

The purpose of the law and justice council is to provide a permanent ongoing forum and structure to coordinate and enhance criminal and juvenile justice agencies, programs and services in Whatcom County. (Res. 2000-034 § 2).

2.19.030 Members.

The law and justice council shall include the following designated officials:

- A. Whatcom County sheriff;
- B. Police chief of the city of Bellingham;
- C. Representative of the municipal police chiefs within the county;
- D. Whatcom County prosecuting attorney;
- E. Whatcom County public defender director;
- F. Representative of municipal prosecutors within the county as selected by the cities;
- G. Representative of the municipal legislative authorities within the county as selected by the cities;
- H. Whatcom County superior court administrator/clerk;
- I. Whatcom County district court administrator;
- J. Representative of the municipal courts within the county as selected by the cities;
- K. Whatcom County jail administrator;
- L. Whatcom County juvenile court administrator;
- M. Whatcom County district court probation director;
- N. Secretary of the Washington State Department of Corrections or designee;
- O. Presiding superior and district court judge;
- P. Whatcom County medical examiner;
- Q. Whatcom County director of administrative services. (Res. 2000-034 § 3).

2.19.040 Additional members.

In addition to the officials designated in WCC 2.19.030, the law and justice council shall include the following:

- A. The Whatcom County executive;
- B. The mayors of the cities in the county;
- C. Three citizen representatives appointed by the Whatcom County executive;
- D. Three citizen representatives appointed by the mayor of the city of Bellingham;
- E. One citizen representative appointed by the Whatcom County council;
- F. One citizen representative appointed by each of the legislative councils of the cities of Bellingham, Ferndale, Lynden, Blaine, Sumas, Everson, and Nooksack; the Lummi Nation; and the

Nooksack Indian Tribe;

G. Five representatives of local providers of social services treatment, appointed by the Whatcom County executive;

H. A representative of the Lummi Indian Tribe, appointed by the chairman of the Lummi Indian business council;

I. A representative of the Nooksack Indian Tribe, appointed by the Nooksack tribal chairman. In selecting members for the council, the county executive shall attempt to reflect the racial, ethnic, economic and geographic diversity of the county community. (Res. 2000-034 § 4).

2.19.050 Terms of office.

Notwithstanding other provisions of this code, terms of citizen representatives, social service treatment providers, tribal representatives and other officials shall be four years; provided, that the terms of those first appointed shall be staggered so that five will be appointed for one year, five will be appointed for two years, five will be appointed for three years, and five will be appointed for four years. Members may be reappointed. Members may be removed by the appointing authority. Each member shall continue to serve until a successor has been appointed. (Res. 2000-034 § 5).

2.19.060 Meetings.

Meetings of the law and justice council shall be open and accessible to the public, as provided by law. The council shall determine its own meeting schedule, but shall meet at least once each quarter. Written records shall be kept of meetings, resolutions, findings and recommendations, and such records shall be public. The council shall establish policies and procedures and develop and adopt by laws for operation. The council shall establish permanent standing subcommittees including an executive committee, and ad hoc task forces as necessary. The council shall elect a chairperson from among its members who shall preside at meetings. (Res. 2000-034 § 6).

2.19.070 Staff support.

The county and the cities therein may provide such staff and funding for the council as is necessary for the council to perform its duties. (Res. 2000-034 § 7).

2.19.080 Law and justice plan.

The law and justice council shall develop a law and justice plan for Whatcom County. The plan shall include performance objectives and priorities, estimated costs, and schedules for completion of activities. Upon completion of the plan, the law and justice council shall transmit it to the county executive, the county council, and the municipal authorities of all the cities in the county. Upon approval by the county council and the municipal authorities of all the cities in the county, the plan shall be the law and justice plan for Whatcom County. The law and justice council shall regularly review and adjust the plan as changing circumstance require, and shall recommend such changes as it finds appropriate to the county executive, county council, and the municipal authorities of all the cities in the county for approval. (Res. 2000-034 § 8).

2.19.090 Annual report.

The law and justice council shall deliver a formal report of progress toward attainment of performance objectives and completion of planned activities at least annually to the Whatcom County council and to the county community at large. (Res. 2000-034 § 9).

2.19.100 Advisory duties.

The law and justice council may also advise the county council and county executive and make such recommendations as it deems appropriate on matters relating to law and justice in Whatcom County. (Res. 2000-034 § 10).

1 Prior legislation: Res. 93-015.