



# Whatcom County

COUNTY COURTHOUSE  
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## Agenda Bill Master Report

File Number: AB2019-248

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<b>File ID:</b>	AB2019-248	<b>Version:</b>	1	<b>Status:</b>	Adopted
<b>File Created:</b>	04/17/2019	<b>Entered by:</b>	DBrown@co.whatcom.wa.us		
<b>Department:</b>	Council Office	<b>File Type:</b>	Ordinance		
<b>First Assigned to:</b>	Council				
<b>Agenda Date:</b>	05/07/2019	<b>Next Mtg. Date:</b>		<b>Hearing Date:</b>	05/07/2019

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### TITLE FOR AGENDA ITEM:

Ordinance amending the Whatcom County Unified Fee Schedule to include language regarding reducing recidivism, job loss, and education disruption caused by low income County residents serving jail time in other jurisdictions by allowing them to continue to attend school or work if the offense allows for day release in Whatcom County

### SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending the Whatcom County Unified Fee Schedule to include language regarding reducing recidivism, job loss, and education disruption caused by low income County residents serving jail time in other jurisdictions by allowing them to continue to attend school or work if the offense allows for day release in Whatcom County

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### HISTORY OF LEGISLATIVE FILE

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<b>Date:</b>	<b>Acting Body:</b>	<b>Action:</b>	<b>Sent To:</b>
04/23/2019	Council	INTRODUCED FOR PUBLIC HEARING	Council
05/07/2019	Council	ADOPTED	

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**Attachments:** Ordinance, Notice of Hearings 5.7.19

ord 2019-039

**Final Action:** 05/07/2019  
**Enactment Date:** 05/07/2019  
**Enactment #:** ORD 2019-039

ORDINANCE NO. 2019-039

**AMENDING THE WHATCOM COUNTY UNIFIED FEE SCHEDULE TO INCLUDE LANGUAGE REGARDING REDUCING RECIDIVISM, JOB LOSS, AND EDUCATION DISRUPTION CAUSED BY LOW INCOME COUNTY RESIDENTS SERVING JAIL TIME IN OTHER JURISDICTIONS BY ALLOWING THEM TO CONTINUE TO ATTEND SCHOOL OR WORK IF THE OFFENSE ALLOWS FOR DAY RELEASE IN WHATCOM COUNTY**

**WHEREAS**, each year some County residents commit offenses which are moderate enough that they qualify for either school release, work release, or electronic home monitoring while serving their sentence; and

**WHEREAS**, each year several County residents who qualify for school release, work release, or electronic home monitoring take advantage of these options to ensure they can continue their jobs and/or education after their sentence is complete, or to look after others they provide care for; and

**WHEREAS**, each year a percentage of County residents commit offenses in other jurisdictions and are convicted and sentenced to be jailed in those other jurisdictions but wish to serve their sentence in Whatcom County in order to preserve the jobs or educational opportunities they have in Whatcom County; and

**WHEREAS**, the County currently allows County residents who have committed offenses in other jurisdictions who qualify for transfer from the jurisdiction of their conviction to serve their sentences in Whatcom County, provided they pay a "non-resident" inmate fee of \$108 per day for school release or work release, or \$73 per day for electronic home monitoring; and

**WHEREAS**, while non-resident inmates who can afford to pay the fees and transfer to Whatcom County are often able to retain their jobs, housing, and continue their education without interruption, those who are too poor to do so cannot, thus promoting a two-tier system of consequences based on the individuals economic circumstances; and

**WHEREAS**, a recent ALICE (Asset Limited, Income Constrained, Employed) study estimated the minimum annual income necessary to cover household essentials, such as housing, child care, food, transportation, technology, health care, taxes, and other contingencies in Whatcom County for a single adult in 2016 was \$1,753 per month or \$21,036 per year, while a family of two adults, one infant, and one preschooler required \$5,540 per month or \$66,480 per year to reach the bare-minimum "survival" level; and

**WHEREAS**, inmates living below the ALICE thresholds are typically unable to pay the non-resident fees to participate in school release, work release, or electronic home monitoring and are thus unable to preserve their jobs or educational opportunities, or continue to provide care and support to others; and

**WHEREAS**, inmates who lose their jobs as a result of incarceration often also lose their housing and/or have their education disrupted; and

1           **WHEREAS**, such inmates are more likely to struggle, make further poor choices,  
2 self-medicate, reoffend, and/or become homeless than those that have been able to retain  
3 their jobs or continue their education while incarcerated; and  
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5           **WHEREAS**, it is in the community's best interest to have all people who are  
6 expected to be County residents after their release from jail who qualify for school release,  
7 work release, or electronic home monitoring to be able to retain their employment and/or  
8 participation in an educational program, or continue to provide care and support to others,  
9 as they are less likely to reoffend, require homeless housing and/or other social assistance  
10 in the future, and are more likely to successfully reintegrate into our local community.  
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12           **NOW, THEREFORE, BE IT ORDAINED** by the Whatcom County Council that the  
13 County's 2019 Unified Fee Schedule be modified to include the language provided in Exhibit  
14 A to this ordinance.

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16           **ADOPTED** this 7<sup>th</sup> day of May, 2019.

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19 ATTEST:

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22 Dana Brown-Davis, Clerk of the Council

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26 APPROVED AS TO FORM:

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30 Civil Deputy Prosecutor

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WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Rud Browne, Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

(  ) Approved      (    ) Denied

Date Signed: May 8, 2019

**EXHIBIT A**

Changes to be incorporated into the Whatcom County Unified Fee Schedule

Offenders incarcerated in other city or county jails for offenses committed in other jurisdictions who wish to transfer to the Whatcom County Jail to participate in school release, work release, or electronic home monitoring may do so without paying the applicable non-resident rate if they meet all of the following criteria:

1. The conviction is for an offense that the Whatcom County Courts routinely allow inmates the option to participate in the school release, work release, or electronic home monitoring programs had they been convicted in Whatcom County, and
2. At the time of their arrest they were either: (a) student at an educational institution in Whatcom County, or (b) employed or housed in Whatcom County, and
3. The transfer would enable them to continue their education or employment, or serve as a caregiver for others (as applicable) if they relocated to the Whatcom County Jail, and
4. Their income for the preceding calendar year is less than the most recently published applicable ALICE levels as of the date of their conviction