



MEMORANDUM

TO: Whatcom County Council

FROM: Barry Buchanan, Chair of the Criminal Justice & Safety Committee

RE: Stakeholder Advisory Committee (SAC) for the Justice Project (Public Health, Safety & Justice Initiative)

DATE: September 21, 2021

SUMMARY

Council should consider re-engagement of the Justice Project Stakeholder Advisory Committee (SAC), which has been on hiatus for the past 18 months due to the pandemic.

BACKGROUND

The SAC was established in late 2019 to guide the development of an assessment of public health, safety and justice facility needs. Thirty-six (36) members were appointed to the committee in early 2020. The Council also approved a contract with a consultant to carry out the assessment (Contract #202001020). However, the SAC never had the opportunity to meet, as pandemic-related restrictions were enacted in March, 2020. Due to the inability to convene the SAC and the ongoing public health emergency, the Justice Project was postponed and the consultant contract was suspended.

CURRENT SITUATION

In the last 18 months, there have been significant developments related to public health, safety and justice, adding new dimensions to the issue, including:

- LEAD/GRACE programs initiated,
- Crisis Stabilization Center opened,
- Blake decision impacts,
- Social distancing requirements further limit current capacity,
- COVID-related court backlog / slow resolution of cases,
- Law enforcement reform bills (Washington State House Bill 1054 and House Bill 1310), and
- County has acquired additional 3.5 acres on Division Street.

These developments and the continued urgency of addressing current downtown Jail deficiencies and on-going costly repairs and maintenance expenses provide ample reasons for refocusing on this topic.

While COVID response continues to be a focus of County government today, operational capacity is recovering, which opens the door for re-engagement of the SAC. It was envisioned that the SAC and its members would act liaisons to their communities and/or agencies, providing feedback and helping build a plan for public health, safety and justice facilities that is reflective of community values (see attached SAC Info Sheet).

NEXT STEPS

1. Reaffirm planning principles

In 2019, prior to establishing the SAC, Council adopted a set of Principles of Public Health, Safety, and Justice Facility Planning (see attached) which were informed by the work of the Incarceration Prevention and Reduction Task Force (IPRTF). Before reconvening the SAC, it would be helpful for Council to revisit these principles and reaffirm their relevance for the work of the committee going forward.

2. Reconfirm SAC memberships

Outreach to the existing roster of SAC members could be begin in mid-October with an aim of reconfirming membership and establishing a schedule for the committee before the end of the year.

Enclosures: SAC Information Sheet, Principles of Public Health, Safety, and Justice Facility Planning (Resolution No. 2019-036)

STAKEHOLDER ADVISORY COMMITTEE (SAC)

PUBLIC HEALTH, SAFETY, AND JUSTICE FACILITY NEEDS ASSESSMENT

PURPOSE

The purpose of the Stakeholder Advisory Committee (SAC) is to guide the development of the Public Health, Safety, and Justice Facility Needs Assessment. SAC members will act as **liaisons** to the communities or agencies they represent. They will **share information** about the study, **bring feedback** to the SAC meetings, and **help build a plan** that is reflective of community values. Through engaging communities and agencies they represent, SAC members will help **develop community support** for the recommendations in the Needs Assessment. SAC members will actively participate in developing the Needs Assessment.

MEMBERSHIP

The Stakeholder Advisory Committee will consist of 36 voting members as follows:

1. Whatcom County Council Member
2. Whatcom County Administration
3. Bellingham City Councilmember
4. Bellingham Administration
5. Tribal Nations (2)
6. Small Cities (2)
7. Behavioral Health and Social Service Providers (4) *
May include but not limited to:
 - Mental Health and Substance Use Disorder (SUD)
 - Housing Specialists
 - Domestic Violence Prevention
 - Re-entry Job Training
 - Philanthropic Specialists
8. Incarceration Prevention and Reduction Task Force (acting as the Law and Justice Council) (4)
9. Bellingham Police
10. Whatcom County Sheriff
11. Whatcom County Health Department
12. Citizen - Behavioral Health (mental health and substance use disorder (SUD)) Advocate*
13. Citizen - Criminal Justice Advocate (9)*
14. Individual with lived experience in the criminal justice system (5)*
15. Jail Resources/Service Providers*
16. Teamsters Local 231 Whatcom County Corrections Business Unit

**Members marked with an asterisk are appointed by the Whatcom County Council.*

MEETINGS

- The SAC will meet four times over the next five months, at a location in Bellingham to be determined, with additional meetings as needed. Members can expect each meeting to include elements such as a presentation, moderated discussion of ideas among the full membership or break out groups, and other activities designed to generate feedback. Meetings will be approximately 2 hours.
- SAC Members will be expected to dedicate additional time outside of scheduled SAC meetings to review materials and engage and promote participation from the broader community.
- The SAC will elect a chairperson from among its members.
- Meetings will be open to the public.
- Audio recordings and written summaries of meetings will be available online.
- The SAC may develop subcommittees as needed to accomplish their goals.

For more information, please visit: www.whatcomcounty.us/justice



Whatcom County

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Agenda Bill Master Report

File Number: AB2019-432

File ID:	AB2019-432	Version:	1	Status:	Approved as Amended
File Created:	07/31/2019	Entered by:	DBrown@co.whatcom.wa.us		
Department:	Council Office	File Type:	Resolution		
Assigned to:	Council Criminal Justice and Public Safety Committee			Final Action:	08/07/2019
Agenda Date:	08/07/2019			Enactment #:	RES 2019-036

Primary Contact Email: BBuchana@co.whatcom.wa.us

TITLE FOR AGENDA ITEM:

Resolution adopting a statement of public health, safety, and justice facility planning principles for Whatcom County

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Resolution adopting a statement of public health, safety, and justice facility planning principles for Whatcom County.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
08/07/2019	Council Criminal Justice and Public Safety Committee	RECOMMENDED FOR APPROVAL	
08/07/2019	Council	APPROVED AS AMENDED	
	Notes: Vote: 7-0, Resolution 2019-036		

Attachments: Memo, Proposed Resolution for August 7, Agenda Bill Master Report

**ADOPTING A STATEMENT OF PUBLIC HEALTH, SAFETY, AND JUSTICE
FACILITY PLANNING PRINCIPLES FOR WHATCOM COUNTY**

WHEREAS, Whatcom County and its municipalities and Tribes desire to coordinate, contribute, and cooperate in enhancing public safety, and in particular our communities’ behavioral health and criminal justice systems; and

WHEREAS, the County Council is taking leadership on the issue and would like to engage the community and other legislative bodies to guide future behavioral health and public safety/justice facility planning, and will seek constructive engagement with the public and other elected officials throughout the county; and

WHEREAS, all parties believe there is a need for an improved County jail, and that voters will approve a proposal that addresses the communities’ full range of needs and values with a combined public health and public safety initiative that focuses on reducing our need for jail by funding treatments options first, and is built with community input.

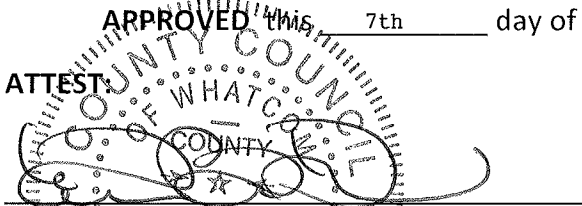
NOW THEREFORE BE IT RESOLVED, that the Whatcom County Council updates the principles established in Resolution 2016-008 and adopts the attached Statement of Incarceration Prevention and Reduction, Behavioral Health, Criminal Justice, and Public Safety/Justice Facility Planning Principles.

BE IT FURTHER RESOLVED, that due to a large number of other infrastructure investments that the County needs to make, the life and safety issues in the existing jail facility and the ever escalating costs of such investments, the Whatcom County Council intends to begin the process of developing a proposal for the voters, with our community values used as guidance, as soon as possible.

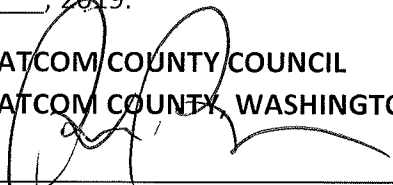
BE IT FINALLY RESOLVED, that the Whatcom County Council asks the other legislative authorities that have a stake in our shared behavioral health and criminal justice system to, as soon as possible, also adopt this Statement of Incarceration Prevention and Reduction, Behavioral Health, Criminal Justice, and Public Safety/Justice Facility Planning Principles, or similar statements that make clear how incarceration prevention, criminal justice, and public safety/justice planning needs to proceed.

APPROVED this 7th day of August, 2019.

ATTEST:

A circular seal for the Whatcom County Council. The outer ring contains the text "WHATCOM COUNTY COUNCIL" at the top and "WASHINGTON" at the bottom. The center of the seal features a five-pointed star and the words "WHATCOM COUNTY". The seal is partially obscured by a signature.

Dana Brown Davis, Clerk of the Council

A handwritten signature in black ink, appearing to read "Rud Browne".

Rud Browne, Council Chair

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "K...".

Civil Deputy Prosecutor

Principles of Public Health, Safety, and Justice Facility Planning

The Whatcom County Council would like to establish guiding principles for public health, safety, and justice facility planning, and requests the participation of the Lummi Nation, Nooksack Tribe, and all the Cities of Whatcom County.

We believe our communities are united in our commitment to public safety, justice, fiscal responsibility, harm reduction, healing, and prevention as public priorities.

We should strive for conditions where the cycle of incarceration is broken rather than perpetuated. With continued support and focus on mental health and substance abuse treatment and diversion rather than incarceration, we see an opportunity to continue to improve our criminal justice system and reduce incarceration. An increased focus on diversion and jail alternatives by diverting, where safe and appropriate, individuals who are charged with crimes into programs that allow them to stay with their families, like electronic home monitoring.

We, as a community, are fortunate that the Incarceration Prevention and Reduction Task Force (IPRTF) has researched and recommended many of these improvements. The Task Force includes a broad range of participants including representatives from organizations involved in criminal justice and law enforcement, policy makers, service providers, members of the public, and consumers of services throughout Whatcom County.

The IPRTF has shown support and leadership on many accomplishments that take a more holistic view of criminal justice and behavioral health issues including:

- Pretrial Services Unit in Whatcom County Superior Court, and
- Crisis Stabilization Facility (in process) to allow for increased diversion opportunities for those with behavioral health issues, and
- Ground-level Response and Coordinated Engagement (GRACE) program to reduce unnecessary incarceration, and
- Information and Needs Data exchange committee to increase the consistency and transparency of criminal justice data, and
- Law Enforcement Assisted Diversion (LEAD) program
- Sherriff's Office Behavioral Health Diversion Program

We also know that there are multiple deficiencies with the downtown public safety (jail) facility that include life-safety issues.

The cost of addressing the most significant issues are too high to continue into the future and the need for an appropriately sized replacement facility continues to be the most burdensome and needed capital issue that we face.

We continue to engage the constituents of Whatcom County to gather input that started with the Whatcom County Criminal Justice and Public Safety Committee's Listening Tour. During that tour many participants agreed that there needs to be a public safety and justice facility for people who are violent and at risk of harming others and that the facility needs to be a safe and humane place for the corrections staff and those individuals who are housed there. People have also voiced that it's critical to prioritize treatment over punishment. We also heard strong support for a smaller jail located in downtown Bellingham.

Therefore, in order to guide the public process and County administrative plans and actions in the future, we do hereby put forward the following set of Incarceration Prevention and Reduction, Criminal Justice, Behavioral Health and Public Safety/Justice Facility Planning Principles for our communities:

1. The people of Whatcom County, the Lummi Nation, the Nooksack Tribe, and the Cities are best served by a shared public safety (jail) facility or a combination of shared facilities, and by a coordinated and integrated response to behavioral health issues that can reduce the use of the criminal justice system at a lower cost.
2. The following are inextricably linked: responsible stewardship of public funds, ensuring public safety, and providing adequate countywide behavioral health services.

3. The IPRTF's specific recommendations have influenced the direction of our future crisis stabilization facility, pre-booking and pre-trial diversions, jail alternatives, and behavioral health programming, and others outlined above and in the annual reports published by the IPRTF.
4. We will continue to commit funding towards community-based preventive services. We need post-release support to maximize successful re-entry and minimize recidivism. These actions now can hold down recurring criminal justice costs in the future.
5. We will continue to look towards behavioral health facilities beyond the construction and operation of the recent 32 bed crisis stabilization facility, further our investment in prevention, treatment, rehabilitation and alternatives to jail.
6. Departments will provide data to decision-makers and the public, including relevant demographic, statistical, and jail usage information. Data collection will be enhanced in an open and transparent way by working with the INDEX committee of the IPRTF.
7. The size of jail facilities should be based on a comprehensive analysis of treatment, diversion and local criminal justice policies and the requirements of law. While accurate measures of current incarceration rates adjusted for future population growth are important, we also must equally consider national, state, and local trends towards improvements in prevention, alternatives, behavioral health, and re-entry support.
8. We will locate any new jail facility where it can work best for all of our partners, the public, and related businesses (attorneys, bail bonds, etc.). We should re-analyze an option of locating the facility at a downtown Bellingham location.
9. We consider the Irongate minimum security facility as a valuable piece of the criminal justice continuum. This facility could be retained for certain existing jail populations and programs, or expanded to include crisis triage operations, a re-entry support facility, a behavioral health facility, or medical facility.
10. We will apportion construction and operating costs separately and fairly among jail users based on actual use or best estimates of actual future use.
11. We will continue to work with the County Prosecutor's Office, the District Court, Superior Court, and Lummi Tribal Court leadership to reduce the current use of bail and on probation procedures, as well as broader criminal justice issues that affect the size of the jail population but which are not under County legislative control.
12. We will issue an RFP for a Behavioral Health/Criminal Justice Planner. While the work of our IPRTF and community groups remains valid and vital, it is essential to hire a professional Criminal Justice/Behavioral Health Planner to evaluate the additional aspects of our system and our jail needs. Considerations such as financial commitments, jail location and size, diversion programs, and bail and prosecution reforms must be examined and reported on by an established, impartial expert.
13. We recognize the need to provide a safer, more secure, and healthier environment for those who work, visit, and are incarcerated within the public safety/justice facility; therefore, we will work to have a funding proposal on the ballot with a goal of no later than November 2020.
14. We commit to a transparent process of planning with opportunity for community input to the best of our ability every step of the way.