

***Incarceration Prevention and Reduction Task Force  
Steering Committee  
Meeting Summary for September 6, 2016***

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**1. Call To Order**

Committee Member Jack Hovenier called the meeting to order at 10:35 a.m. in the Health Department Lower Level Conference Room, 509 Girard Street, Bellingham.

Members Present: Jill Bernstein, Jack Hovenier, Anne Deacon, Alfred Heydrich

Members Absent: Ken Mann, Tyler Schroeder, Chris Phillips

Also Present: Forrest Longman (County Council Office), Jackie Mitchell (Health Department), Perry Mowery (Health Department)

Review June 30, 2016 Meeting Summary

There were no changes.

**2. Update on contract with criminal justice expert**

Forrest Longman, County Council Legislative Analyst, updated the committee on the progress of the contract negotiation with the chosen criminal justice consultant, VERA Institute:

- County Council approval is scheduled for September 13 or September 27
- Cost is approximately \$147,000 for nine months
- Deliverables include:
  - Data analysis on jail statistics
  - System mapping
  - Research assistance to Task Force
- The contract includes 5 site visits that will include
  - A jail visit
  - Meetings with stakeholders
  - Attendance of some Task Force meetings
- The contract focuses on incarceration reduction
- The final delivered product may be useful for other purposes
- Committee members hope the results include:
  - Agreement on a data set for current and future data collection that is consistent among all jurisdictions
  - Development of common, agreed-upon goals that all stakeholders can approve
  - Identification of areas in which consensus can't be reached
  - Determination of how to apply best practices locally
  - Distinguish the difference between evidence-based best practices and state-certified requirements
  - Up-to-date best practices
  - Ability to work with reluctant stakeholders to forward new programs

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**3. County/Cities budget process timelines**

Jill Nixon, County Council Administrative Clerk, stated the County budget process for developing the 2017-2018 County budget will be concluded before the Task Force final report is due in March 2017. The question for the Task Force members is how to incorporate final Task Force recommendations into the 2017-2018 budget.

Forrest Longman, County Council Legislative Analyst, stated he recommends that the Task Force stick with the March 2017 final report schedule and prepare a well-thought-out, full plan ready for implementation in 2018. If necessary and resources are available, any project or program can be approved at any time via an additional services request (ASR).

The Committee discussed:

- The amount of resources being requested by County departments above the County budget
- Behavioral Health services have dedicated funding, which is available to create programs
- The Task Force must determine what existing programs can be enhanced and improved, without creating entire new and expensive programs
- Changes are already being made
- The County did not receive the Department of Commerce grant

**4. Update on Phase II Report**

Forrest Longman, County Council Legislative Analyst, stated he has the Phase II reports from the Legal & Justice System and Behavioral Health Subcommittees. He will begin writing the draft Phase II report: He will

- Present the draft report to the Steering Committee by the end of September
- Send the draft report to all Task Force members by October 7
- Schedule the draft report before full Task Force for approval at its October 17 meeting
- Submit the report to the Council no later than November 1, 2016

The Committee members discussed the Legal and Justice Systems Committee review and recommendations regarding the Yakima Pre-Trial Assessment and Supervision, which the committee may not have time to vote on before the Phase II draft deadlines.

Heydrich stated he will provide more information on the proposed programs to Mr. Longman to include in the Phase II report.

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The Committee discussed concerns with language adopted in Ordinance 2015-037, the ordinance enabling the Task Force, specifically:

- The County's inability to fund capital and operating costs for a triage facility
- The Task Force's inability to negotiate interlocal agreements
- The Phase II report should mention the conflicts with the ordinance language

**5. Discuss Task Force Members and Proxies Sitting on more than one Committee**

This item was not discussed.

**6. Next Steps: Ideas & Further Information**

The Task Force meeting next week will:

- Expand on the discussion regarding the County/Cities Budget Processes
- Note the Task Force 1-year anniversary
- Update the Task Force members on the Phase II Report timeline
- Provide a report on the Yakima Pre-Trial Risk Assessment and Pre-Trial Supervision presentation, with a possible motion

The Committee discussed the possibility of adjusting the meeting schedule to include all Task Force members.

**7. Public Comment**

No one spoke.

**8. Adjourn**

The meeting adjourned at 11:31 a.m.

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**1. Call To Order**

Committee Chair Ken Mann called the meeting to order at 10:30 a.m. in the Health Department Lower Level Conference Room, 509 Girard Street, Bellingham.

Members Present: Jill Bernstein, Jack Hovenier, Ken Mann, Tyler Schroeder,

Also Present: Forrest Longman, Jackie Mitchell, Perry Mowery

Members Absent: Anne Deacon, Alfred Heydrich, Chris Phillips

Review September 6, 2016 Meeting Summary

This item was not discussed

**2. Draft Phase II Report**

The committee discussed the Legal and Justice System Ad Hoc Subcommittee section regarding the Fast Track and Drug Court programs, the timeline of the Phase II Report process, and Phase II Report presentation to the full Task Force.

- Committees have had two opportunities to review and approve the draft sections.
- When presented to the full Task Force, they can make factual corrections only, not substantive changes.
- Once the Task Force approves the report, it will be presented to the County Council and scheduled before the Council at its first meeting in November.

**3. VERA Contract**

Longman reported on the status of the VERA contract:

- The first step is data collection; he is contacting agencies that will provide data.
- The second step is process system mapping:
  - VERA contractors would like to meet and present to the Task Force on the system mapping process at the November 14 Task Force meeting.
- The VERA contractors will likely be in town for three days to begin the mapping process with various agencies, tour the jail, sit in at the courts, and meet various stakeholders one-on-one.

The Committee discussed the level of interest in the VERA system mapping project by the various department heads and stakeholders.

**4. Task Force & Steering Committee schedules**

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Triage Facility committee hiatus

The Committee discussed the Triage Facility Committee's decision to suspend its operation:

- It is waiting for the County Council and County Executive to commit to the triage facility location and the Health Department to develop an architectural plan.
- Once those things are done, the Triage Facility Committee will reconvene to review those County decisions and actions.
- There is more work for the Triage Facility Committee in Phase III, but those efforts cannot begin until the County makes those commitments.
- The County needs to engage the public on making the temporary location permanent, as the Sheriff indicated was important.

Task Force direction for 2017

Bernstein stated she would like to schedule these topics for discussion at the full Task Force over the next few months.

- Transportation
- Housing
- Behavioral health workforce development

Each of the subcommittees can bring forward their identified needs. They must identify and propose solutions, including finding revenue sources.

The committee discussed the Task Force's role in these issues as they relate to incarceration prevention and reduction, the current activity happening in the community to promote a behavioral health workforce, staying focused on Phase III in the coming months, and getting more information on how Bellingham uses its housing levy.

Steering Committee schedule for 2016

The Committee agreed to meet on December 7 at 11:00 a.m. to discuss the VERA contractor visit and the finalized County budget for 2017.

Task Force & Committee calendars for 2017

The Committee concurred on the proposed schedule.

The Committee discussed whether they need to review the Task Force membership and involved stakeholders, how to get the small cities more involved, limiting regular committee membership to Task Force members only.

Mann stated they have already established the rule that each Task Force member gets to vote on one of the three subcommittees, although attendance to any committee is welcome and encouraged. If a voting Task Force member is not able to attend the committee meeting, he or she may assign a proxy to vote on his or her behalf for that meeting.

The committee concurred to review the ad hoc subcommittee committee memberships at the first meeting in January 2017.

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The Committee continued to discuss the next steps for moving forward with a triage facility:

- The community must prepare with the increased need for services due to population growth
- Make sure the County Council understands and supports the North Sound Behavioral Health Organization (BHO) plans for project management of the triage facility
- The County should not duplicate the efforts of the North Sound BHO

Bernstein moved to approve the proposed meeting schedule for 2017 and bring forward to the next Task Force meeting. The motion was seconded.

The motion carried unanimously.

## **5. Phase 3 Report**

### Plan for Public Review and Feedback of Task Force Recommendations

The Committee discussed:

- Engaging the public in making the triage facility location permanent
- Public engagement at the County staff level
- Waiting until after the first of the year, when they will better-understand the capital funding levels
- Staff getting a commitment to proceed before moving forward with public participation
- Public review of the Phase II Report
- Communitywide outreach of their efforts versus facility-specific discussion with the neighborhood
- Whether they should take advantage of opportunities for community outreach on the Phase II Report that include an opinion editorial in the Bellingham Herald and a program with the League of Women Voters.
- Engaging the District Court judges in the Task Force process
- A pretrial electronic home monitoring program in District Court Probation
- Let various stakeholders know they should be attending on their own rather than waiting for an invitation
- In January, reconsider the Task Force stakeholders who should participate on the Task Force
- Lobbying efforts to State representatives for housing and mental health facilities

### Next Steps

Mann stated they will present the Phase II Report to the County Council. He will engage the County Council in a discussion on the need for that location and for public outreach. If the Council wants, it can have a public hearing to get feedback on the Phase II Report. Plan for neighborhood outreach in January.

## **6. Next Steps: Ideas & Further Information**

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See the earlier discussions.

**7. Public Comment**

No one spoke.

**8. Adjourn**

The meeting adjourned at 12:00 p.m.

DRAFT

SPONSORED BY: \_\_\_\_\_  
PROPOSED BY: \_\_\_\_\_  
INTRODUCTION DATE: July 21, 2015

ORDINANCE 2015-037

**ORDINANCE AMENDING ORD2015-025, WHICH CREATED A WHATCOM COUNTY INCARCERATION PREVENTION AND REDUCTION TASK FORCE INTENDED 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 MENTAL ILLNESS AND CHEMICAL DEPENDENCY, AND MINIMIZES JAIL UTILIZATION BY PRETRIAL DEFENDANTS WHO CAN SAFELY BE RELEASED**

**WHEREAS**, in 2012 the Jail Planning Task Force recommended that space be found for a behavioral health triage facility with sufficient capacity and capability to offer pre-booking diversion from jail; and

**WHEREAS**, the proposed countywide jail is currently designed to include needed space for expanded medical and mental health program space in that facility; and

**WHEREAS**, the Whatcom County Health Department has been planning toward an expanded and new crisis triage facility to provide an alternative to the jail or the hospital emergency room; and

**WHEREAS**, the Whatcom County Council and Whatcom County Executive are committed to these facilities and programs related to behavioral health issues and share the commitment to reduce jail populations and reduce recidivism through jail alternative programs and the County has the financial capacity and is committed to providing the capital and operating funds necessary for a new or expanded crisis triage center; and

**WHEREAS**, the County currently provides behavioral health programs funded through the Behavioral Health Tax, at approximately \$4.1 million annually, which include a continuum of behavioral health services designed to reduce criminal justice involvement of people struggling with mental illness and chemical dependency and has earmarked \$3 million in Behavioral Health Tax revenue reserves for the expansion and/or relocation of a new triage center; and

**WHEREAS**, the County currently owns and operates a behavioral health crisis triage center and Interim Work Center on Division Street in Bellingham, which property the County may sell or transfer or repurpose for behavioral health uses, when the new countywide jail is completed and the County has agreed and ordained that if that property is sold or transferred, the resulting value and proceeds from the transaction will be applied by the County to facilities and programs that support the goals of treating and diverting individuals with behavioral health problems from the criminal justice system, such as a new or expanded multi-purpose triage center; and

**WHEREAS**, these behavioral health facilities and programs are designed to achieve the following policy goals, 1) a reduction of the number of mentally ill and chemically dependent people using costly interventions like jail, emergency rooms, and hospitals; 2) a reduction of the number of people who recycle through the jail, returning repeatedly as a result of their mental illness or chemical dependency; 3) a reduction of the incidence and severity of chemical dependency and mental and emotional disorders in youth and adults; and 4) diversion of mentally ill and chemically dependent youth and adults from initial or further justice system involvement; and

**WHEREAS**, the County's costs for current criminal justice and incarceration programs continue to rise every year; mental illness and chemical dependency problems have a significant impact on the utilization of these very expensive services; and successful diversion programs should result in substantial long term savings to the criminal justice system; and

**WHEREAS**, the County intends to construct and operate a new or expanded multi-purpose diversion crisis triage center and intends to reduce long-term jail populations and reduce recidivism, by providing safe and effective medical, mental health and substance abuse services to individuals in need of such services.

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

**BE IT FURTHER ORDAINED** that the initial tasks to be accomplished by the Task Force are as follows:

- A. Develop plans for a new or expanded crisis triage center for individuals struggling with mental illness and chemical dependency, including:
1. Substantive programming to be included and auxiliary services that would increase efficiency and effectiveness
  2. Location and space needs criteria
  3. Funding sources and recommendations for both construction and operations
  4. Specific timeframes for decision-making and completion
  5. Documentation of assumptions used to project the effectiveness and costs
  6. Provide recommendations to the County for enhancements of alternative services in the existing facility prior to the expansion or relocation of the facility.
- B. Development recommendations for new, or enhancement of existing, programs designed along a continuum that effectively reduces incarceration of individuals struggling with mental illness and chemical dependency.

**BE IT FURTHER ORDAINED** that the initial work of the Task Force for the above tasks shall be accomplished and reported to the County Council in the following phases:

**PHASE I** - Review current practices and assigned resources, (facilities, programs, funding sources), and develop goals for new or modified programs, and projected operational objectives. Determine licensing requirements and program components. Provide general information on expenditures and sustainable revenue projections. Deliver the initial Phase 1 report by January 10, 2016.

**PHASE II** - As service facilities are identified in Phase I- develop facility specifications, identify possible facility options (either new or existing locations), analyze and recommend 1 or 2 options with projected short and medium term costs. Deliver the initial Phase 2 reports as completed, but no later than November 1, 2016.

**PHASE III** - Develop specific operational plans and budgets leading to implementation of appropriate crisis intervention, triage services and incarceration prevention and reduction programs. Include details on schedules, assignment of responsibilities, projected outcomes anticipated, possible cost allocations between the County and the cities, and a basic business plan for each selected initiative. Deliver the initial Phase 3 report with sufficient details to proceed with construction and programming of a new or expanded crisis triage center no later than March 2017.

**BE IT FURTHER ORDAINED** that the County Council, with the full support of the County Administration, will implement a continuum of alternatives to incarceration and jail diversion programs with the following expectations and commitments of assistance for the Incarceration Prevention and Reduction Task Force, which will be provided without cost to the Signator Cities of the Jail Facility Use Agreement authorized by the Whatcom County Council on July 7<sup>th</sup>, 2015:

- Complete a preliminary plan for the new or expanded crisis triage center and alternatives to incarceration and diversion programs and provide quarterly reports to the Council and Administration on Task Force progress.
- Review national best practices for the before mentioned objectives and establish benchmarking of the County's performance against same.

- Complete detailed planning sufficient to proceed with construction and programming of a new or expanded crisis triage center to start no later than March 2017.
- 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. Initial funding for 2015 will be \$75,000.
- Identify opportunities to acquire governmental and non-governmental funding to support financing for the construction and operation of the new crisis triage center.
- Commit to opening the new crisis triage center no later than the scheduled opening of the new countywide jail.
- 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 by November 2016, using existing funds and potential new funds as determined available by the County Council after passage of a sales tax ballot measure.
- Negotiate interlocal agreements to provide services to the cities consistent with this ordinance if necessary.
- Include, as part of the 2016-2017 budget, funds to focus on incarceration prevention and reduction programs, and work with the Task Force.

APPROVED this 4th day of August, 2015

ATTEST:

Dana Brown-Davis,  
Clerk of the Council

APPROVED AS TO FORM:

Civil Deputy Prosecutor

WHATCOM COUNTY COUNCIL  
WHATCOM COUNTY, WASHINGTON

Carl Weimer,  
Council Chair

WHATCOM COUNTY EXECUTIVE  
WHATCOM COUNTY, WASHINGTON

Jack Louws, County Executive

(X) Approved ( ) Denied

Date Signed: 8/10/15

## EXHIBIT A

### Chapter 2.46

#### INCARCERATION PREVENTION AND REDUCTION TASK FORCE

**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.

**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.

**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;

- D. Whatcom County Prosecuting Attorney;
- E. Whatcom County Public Defender Director;
- F. 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
- I. City of Bellingham Mayor or designee;
- J. One Representative from the small cities designated by the Small Cities Caucus;
- K. One tribal representative from either the Lummi Nation or the Nooksack Tribe;
- L. One representative from the Whatcom County Health Department Human Services;
- M. North Sound Mental Health Administration Executive Director.

**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;
- 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);
- F. Consumer of Services or Family Member of Consumer (2);
- G. 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 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.

**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.**

At least annually, no later than June 30 of each year, the Task Force 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.