



Whatcom County

COUNTY COURTHOUSE
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Agenda Bill Master Report

File Number: AB2019-041

File ID: AB2019-041 Version: 1 Status: Adopted as Amended
File Created: 01/07/2019 Entered by: DBrown@co.whatcom.wa.us
Department: County Council Office File Type: Ordinance
First Assigned to: Council Criminal Justice and Public Safety Committee
Agenda Date: 01/15/2019 Next Mtg. Date: Hearing Date:

TITLE FOR AGENDA ITEM:

Ordinance amending Whatcom County Code 2.46, Incarceration Prevention and Reduction Task Force, and repealing Whatcom County Code 2.19, Law and Justice Council

SUMMARY STATEMENT OR LEGAL NOTICE LANGUAGE:

Ordinance amending Whatcom County Code 2.46 to revise the 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.

HISTORY OF LEGISLATIVE FILE

Date:	Acting Body:	Action:	Sent To:
01/15/2019	Council Criminal Justice and Public Safety Committee	RECOMMENDED FOR ADOPTION	
01/15/2019	Council	ADOPTED AS AMENDED	

Attachments: Staff Memo, Proposed Ordinance for January 15, 2019, Current and Proposed Membership Details, Related RCW Language

Final Action: 01/15/2019
Enactment Date: 01/15/2019
Enactment #: ORD 2019-009

ORDINANCE 2019-009

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.

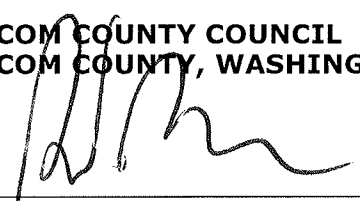
BE IT FINALLY ORDAINED that the Incarceration Prevention and Reduction Task Force will serve as and meet the requirements of the Law and Justice Council as required by RCW 72.09.300.

APPROVED this 15th day of January, 2019

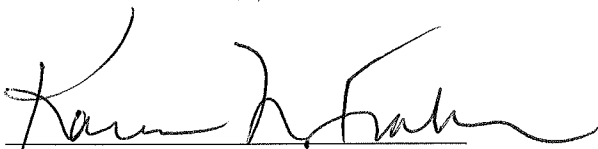
ATTEST


Dana Brown-Davis, Clerk of the Council

**WHATCOM COUNTY COUNCIL
WHATCOM COUNTY, WASHINGTON**


Rud Browne, Council Chair

APPROVED AS TO FORM:


Civil Deputy Prosecutor

**WHATCOM COUNTY EXECUTIVE
WHATCOM COUNTY, WASHINGTON**


Jack Louws, County Executive

() Approved () Denied

Date Signed: 1/22/19

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 ~~±3~~ 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 ~~±1~~ 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.

EXHIBIT B

Chapter 2.19

(Repealed in its entirety)