

Stakeholder Advisory Committee (SAC) for the Justice Project

Thursday, September 15, 2022

10:00 – 12:00 pm

Meeting Minutes

SAC Participants: Jack Hovenier, Stephen Gockley, Barry Buchanan, Cliff Langley, Erika Lautenbach, RB Tewksbury, Peter Frazier, Arlene Feld, Teresa Bosteter, Kristin Hanna, Darlene Peterson, David Goldman, Kendra Cook, Scott Korthuis, Daniel Hammill, Perry Mowery, Michael Lilliquist, Harriet Markell, Brel Froebe, Maialisa Vanyo, Tyler Schroeder, Satpal Sidhu, Heather Flaherty, Mary Lou Steward, David Crass, Deborah Hawley, Eve Smason-Marcus, Kara Mitchell Allen, Brooke Eolande

Others: Caleb Erickson, Wendy Jones

Support: Holly O'Neil, Facilitator; Mardi Solomon, Notes; Cathy Halka, County Staff; Jennifer Moon, Needs Assessment Report Writer

Absent SAC Members: Chad Butenschoen, Doug Chadwick, Seth Fleetwood/Brian Heinrich, Atul Deshmane, Roman Swanaset-Simmonds, Anthony Hillaire, Jon Mutchler, Eli Wainman, Rebecca Mertzig, Daron Smith, Starck Follis, Eric Richey

To view video recording, click on the link in the section heading.

Call to Order, Welcome – Barry Buchanan, Council Member and SAC Chair

Agenda Review & Updates – Holly O'Neil, Crossroads Consulting, Facilitator

- The purpose of this session is to discuss facilities.
- Upcoming meetings
 - Sept. 29, 11:30-1:00 optional work session to continue facilities discussion. [Note: End time of meeting has been updated from what is shown on the slide]:
 - Oct. 13, 10:00-12:00 to discuss the preliminary draft Needs Assessment
 - Nov. 17, 10:00-12:00 to review the Final Needs Assessment

Remembering What We Are Doing – Holly

- Review of scope of the SAC's work
- Updates:
 - The Vida Agency is beginning to implement a public engagement process.
 - SAC members provided survey input on values, goals, and vision statements. There was a lot of agreement among the group participants and a lot of feedback. SAC members are invited to join Holly & Mardi in revising these statements for review at the Oct. SAC meeting.
 - Survey of jail staff is underway.

Facilities Overview – Lt. Caleb Erickson, Whatcom County Corrections

- Caleb described the design of the downtown jail and Interim Work Center and ways these spaces have been changed over time.
- He listed pros and cons of each facility.
- The jail design requires staff to bring inmates to services which is staff-intensive and less safe than bringing services to the housing units.
- Every piece of infrastructure in the jail needs to be replaced. The Work Center is newer and better designed, but some of the systems are beginning to fail.

Jail & Work Center Data

- Total yearly average daily population (ADP) is now about where it was in 2017, after a significant dip in 2020-21 because of COVID (2022 ADP is 295).
- Although booking restrictions are still in place, there has been a 35-40% increase in ADP over last year.

- Some explanations for spikes & dips in ADP are: Changes at the state Dept. of Corrections level, increases in certain crimes, Work Center opened, backlogged warrants, booking restrictions, Blake decision, COVID, influx of people to the area who have criminal histories.
- The number of days people are in the jail on average is less than two weeks. The largest number is people who are in for one day. The people who are in jail longest are mostly pretrial felons in on serious charges.
- The most common offenses in 2022 were DUI and assault/domestic violence.
- With COVID and the difficulty getting cases through court, less than 2% of people in custody on a given day are fully sentenced. The average length of stay has increased. It is a challenge to find room for people when current inmates aren't moving on through the system. This also is driving down the utilization of sentencing alternatives.
- There are diversion strategies in place to keep the jail population down. Some are not sustainable long-term (e.g., cite & release, warrant re-issue and summons), and if there were bed space many of these people would be in custody. Other diversion strategies include pretrial monitoring and alternative sentencing options (e.g., electronic home detention, work crews).

Recommendations – Best Practices for Corrections

- Prioritize versatility. Make sure the space is designed to be used for a wide variety of applications.
- Flexible jail spaces to respond to population increases & decreases.
- Avoid dormitory style housing. Dormitories are less expensive to construct; however, inmates do not have their own space to maintain and retreat to as needed, and it is impossible to mitigate the spread of contagious conditions such as COVID in a dormitory.
- Bring services to inmates rather than inmates to services. It is risky and staff intensive to move inmates from housing units.
- Honor the needs of municipalities. We owe it to them to provide space for their jail needs and haven't been able to honor that recently.
- Make sure technologies in the facility are as robust as possible and can be used to leverage the capacity of the work force. Having the ability to easily modify and replace technologies as they change and advance is important.

Inmate Survey Results – Mardi Solomon, Crossroads Consulting

- 100 surveys were completed by inmates.
- The inmates who were not given the opportunity to participate were in the 23&1 housing which is tighter security.
- 62% of respondents were at the Work Center and 38% were at the jail.
- Some differences between the two populations:
 - Sex offenders (12%) were housed at the Work Center, and the 10% in the Medical/Mental Health unit were located in the jail.
 - People in the jail were more likely to have been homeless and living on the streets, to have mental health and/or substance use disorders, to have a longer criminal history, and to have been incarcerated longer than those in the Work Center.
 - Otherwise the populations are similar. Most people who are in the Work Center have spent time in the jail.
- 62% responded that the County needs to build a new jail.
- 69% said that a new jail should be built bigger than the current one.
- Supported housing for people leaving jail is the service people rated as a top priority. Mental health and substance use services in jail and the community were the next highest rated. A brand-new jail building was not rated as very important, however, a new jail building with services was considered extremely important.

SAC Facilities Survey Results

- 77% of SAC members feel the downtown jail definitely needs to be replaced, and an additional 10% feel it probably needs replacement.
- There is no consensus about whether the Work Center needs to be replaced: 37% were unsure, and equal percentages said probably and probably not (23%).

Facilities Discussion – The discussion is divided into three sections: Services, Capacity, and Location.

Services Discussion

Most important priorities from SAC Facilities Survey Question Regarding Services: SAC members felt the most essential services to have in the jail were medical services, mental health services, and options for visits with families and others. Treatment for substance use, outdoor spaces for recreation, exercise activities, reentry case management, education classes, and job training were rated as very important.

Services Questions: What would you like the group to be thinking about as to why a particular service would be more (or less) important for co-location within a jail facility? What more do you need to know before we make decisions?

Q&A and Discussion:

- The Work Center is not a decent structure. The building has problems with air circulation causing people breathing problems and allergic reactions. It should be rebuilt and co-located with all the other jail services.
- Want answers to what & where questions. What – Do the services reduce recidivism? Where – Don't want a motive to keep people in jail to get services they need. Want to release people from jail knowing there are equivalent services available to them so we can divert or release them based on other factors.

Q: What does it look like to bring services to the inmate rather than inmate to services?

A: Caleb – Currently, in both facilities, if you need to see an attorney, you come out of the housing unit and go to a different location in the building to visit with an attorney. It's risky for higher security level inmates. It would be better to have an attorney access a part of the unit, so the inmate can go to a door inside their unit to meet with an attorney via video or in an onsite visiting space. Same with recreation, medical, dental, etc. There are some things, that require special equipment, and those may require moving the inmate. Reducing the amount inmates have to be moved, reduces risk and staff time involved.

Q: Some percentage of inmates are awaiting competency restoration at Western State Hospital. Is it possible. to do competency restoration locally?

A: Maialisa Vanyo – See [comments on the Justice Project webpage](#). The statute for competency restoration for felony offences has to be done at a facility that is run by the Dept. of Corrections. There is a statute that allows for out-of-custody competency restoration, but it has a lot of requirements, our county doesn't meet yet. What we may be able to do locally, is if people receive adequate mental health services locally, they may get to a point of competency and could get a 2nd evaluation and save a trip to Western State Hospital. This won't work for everyone. Some require involuntary medication to restore competency and would need to go to Western.

- It is shocking that 98% of people in jail are pretrial. Given that, rather than asking what services should be in a new facility, we should ask what we can offer pretrial that isn't in a facility. Love the idea of having a mental health facility. There are so many services that could happen in a pretrial setting that don't have to be in jail setting and we would see lower numbers in the jail.

Q: What has been explored about renovating the jail? Have those numbers been crunched?

A: Satpal Sidhu – A lot of people are in for less than 3 days, but they do need to be there. Services can't be offered to people who are there for a short time. In discussion with counties in the region, our communities need at least 500 beds for mental health outside the jail. It's not our preference to have all the services be located in the jail, but that investment is not in our hands, it is in the hands of the state and other entities.

Repairing this jail is not possible. This is not an opinion. It's been studied many different ways over the last 20 years. We're already spending good money after bad money. We have spent more than \$10M over the past 3-4 years on new elevators and doors, etc. It is a black hole. We could put \$40M in and won't have anything worthwhile to show for it.

A: Jack Hovenier – Had the opportunity to make a video in the jail the other day and see all areas in the jail. I believe putting more money into that building is a black hole. While we may never get consensus on what to replace it with, I do not believe the facility is reasonable and the sooner we quit pouring money into it the better. Hope we can get consensus on that and then have conversations about the best path forward to serve community needs.

Q: If we built a new facility with spaces for services, what assurance would our community have that service spaces wouldn't be transitioned into new beds?

Q: Saw the inside of LA County jail when it was brand new (early 2000's). There was a significant change when the jail brought services to the inmates in those pods. The guards could see everyone and security was fantastic through cameras and sight lines. Do we have statistics on cost savings of bringing services to inmates?

A: See the [2016 study by design2LAST](#) that presents cost estimates for capital improvements to the Jail and Work Center.

A: Satpal – Have projections from 2017 about savings in operations of the jail. Expect a minimum of 10% savings per year (\$25M). Over 30 years that is \$750M.

Capacity Discussion

Most important priorities from SAC Facilities Survey question regarding capacity: Facility should have enough space for services. Spaces should be flexible so they can be repurposed as jail population declines. Build it big enough and not too small.

Capacity Questions: What would you like the group to be thinking about when considering capacity? What questions do we need to ask to determine capacity of a facility?

Q&A and Discussion:

- Compelling information from the Vera Report: The most significant factor when determining jail size is the policies that inform your local system.
- I don't want to be boxed in by our facility. As our county's population grows, we may need more jail space, even with efforts to reduce jail population. Want to have expansion opportunities for the long-term.
- Two overlapping capacity problems: Short-term inmates who are good candidates for home monitoring. How many of those people are there, and what facilities do we need to hold them temporarily until they are released? Second capacity issue is longer term inmates. Want enough capacity and the right kind of connections to move the first group through the system, and capacity to house the other group long-term. Might house people in different facilities, or at least not house them together.
- It is not just the Whatcom County government at play with this. The municipalities are being asked to pay into this. What will the interlocal agreement be between the cities? How many beds are we buying and what services are we paying for?

Q: Want to understand the interplay between incarceration prevention & reduction with regard to LEAD & GRACE diversion programs. We are ahead of the other 38 counties in WA state in operating diversion programs, and they are helping people stay out of jail and get basic human services they need. If we expand those programs, how would that impact the jail population? Recognizing that there are some people with criminogenic factors and addictions who won't be helped by these services, could we predict a certain percentage decrease in jail population?

A: Erika Lautenbach – Both LEAD & GRACE were transferred to the Health Dept. this year. There are high thresholds for participation in these programs given the model and capacity. It's part of a continuum that is really important, but not the only factor that will reduce the jail population. Many people have had a lot of interactions with the jail before becoming clients in these programs.

We have cobbled together a variety of funding sources for these programs. The current funding sources are not as stable as we would like them to be. The programs are not at risk of going away, but there is little opportunity for the programs to expand given the tenuous nature of the funding. Need to ensure stable funding for the programs.

A: Perry Mowery – Some statistics from a presentation to Bellingham City Council, 2021:

- LEAD participants are 58% less likely to be rearrested after joining the program.
- 179 individuals received GRACE services. 52% were connected to behavioral health services. People referred by law enforcement into GRACE had 95% reduction in their involvement with law enforcement.

- It is important to include funding for expansion of diversion programs because they are working. These are teams of support for people who usually have co-occurring disorders. It keeps them out of jail. To maintain funding for diversion programs and all of these services is essential. It is a web of connections. If you leave any out, there will be gaps people will fall through. We are here to fill the gaps in our social service system.
- Would be interested to see if expansion of Mental Health Court and Drug Court would have any effect.
- Our community is in a big debate. We need numbers. If we can get some idea of the number of people who need to be physically separated from the rest, then we could agree on a minimum capacity. Can we have the best treatment center? How much is the community willing to spend on it? Are we willing to invest more in certain services so we need fewer beds in the jail?
- Capital costs of this project and operation of the jail is Whatcom County's responsibility. Gaps in social services and programmatic costs are a shared responsibility with the state. We should be cognizant of what we can achieve with our tax base.
- The Inmate Survey says 63% of people are in jail longer because they can't pay bail. How could jail numbers be lowered by not having a bail system?

Location Discussion

Most important priorities from SAC Facilities Survey Question Regarding Location: The factor related to location that SAC members rated as very important was proximity to criminal legal system resources. It was also very important that a facility be easily accessible by family/friends, which is related to proximity to public transit. Proximity to crisis services was another factor related to location that was considered important. Those items of average importance were to be far from schools or high-density residential areas.

Location Questions: Barry – Three locations have been identified: Downtown (Civic Center), Irongate, Ferndale. What do you need to know about these locations before we make decisions?

Q&A and Discussion:

- Dan Hammill: Important to correctly distinguish between “Downtown Business District” and the “Civic Center.” We need to correctly label this.
- Almost nowhere is far from schools. Only place you don’t have schools nearby is Irongate.
- If we don’t use Ferndale, can we sell it and how much do we get for it, and will the proceeds be used for jail costs?
- If the Downtown/Civic Center location is chosen, what is the cost differential vs. other sites?
- Worry about expansion over time with Civic Center site due to limits on available land.
- Where is there space in the Civic Center area?
- Should rate the three locations based on what has been determined to be most important (from survey).
- Civic Center location raises concerns. We have to have the best jail design when we do this and downtown is likely more expensive and less flexible because there’s less footprint. Is that true?
- Regarding preference for Irongate location: There is bus availability. It could be increased. The location is about 2-3 miles from Civic Center, which is not a long distance at all. A lot of services are in the Civic Center. It is a semi-industrial area so it’s not immediately up against housing developments. Won’t get blowback from community saying you’re too close to something.
- Concern from Public Defenders’ office about getting access to clients, having time to get out to Irongate, and enabling clients to make in-person appearances in court. Also heard that jail staff don’t even want to move inmates to a visitation booth, much less to court across town. Would become more reliant on video appearances which is not the direction we should be going.
- There is a huge parking lot that is owned by the County. Could have underground parking and build on top of that. Is the library happy where it is? That is a large piece of property. Have properties adjacent to the jail been explored?
- Re Civic Center location: What impact will the construction have? That will interrupt operations. What are added costs, and is it practical?

Q: Want to address social justice issues. How do Lummi & Nooksack feel about location? Do they want a facility closer to them? Are there other voices that haven’t been heard from?

A: Barry – Both Lummi & Nooksack have been invited to join this group but haven’t participated so far. The Vida Agency is implementing a public engagement plan and will be making a special effort to reach out to those communities.

- Look at previous studies about location. Historical documents exist. Costs will have to be updated, but they did address a lot of these questions, and they do have a lot of info.
- Majority of new housing is in North Bellingham. Irongate area won’t be vacant in 20 years. The South parking lot in Civic Center is an appropriate place to consider.
- We’ve talked about cost savings of bringing services to inmates in the jail. The costs of transporting inmates from Irongate or Ferndale to the courts, proximity to which was the most highly rated factor regarding location, tilts toward looking hardest at the Civic Center location.
- Caleb – Clarification: Bringing services to inmates is not simply for cost savings. It reduces safety by having to move inmates to services. Some people are volatile and assault staff on the way. It would mitigate safety risks by co-locating services to avoid transports.
- Are we considering proximity to other cities like Lynden, Everson, Sumas? They have courts as well. Have to transport to their courts. Prefer Ferndale location for numerous reasons.
- Could build on parking lot and have sky bridge to old jail. Could have access to old jail for other programs. Don’t know if it would cost more to maintain the building for other services or tear it down. Could expand the available space this way.

Wrap-up

- Email any additional questions/comments to SAC@co.whatcom.wa.us
- Email SAC@co.whatcom.wa.us to work on Values, Goals, & Vision statements
- Review the SAC info webpage: www.whatcomcounty.us/justice