

Stakeholder Advisory Committee (SAC) for the Justice Project

Facilities Work Session

Thursday, September 29, 2022

11:30 – 1:00 pm

Meeting Minutes

SAC Participants: Barry Buchanan (Chair), Jack Hovenier, Cliff Langley, Kendra Cook, Michael Lilliquist, Kristin Hanna, Starck Follis, Dan Hammill, Teresa Bosteter, Doug Chadwick, Bill Elfo, Brooke Eolande, RB Tewksbury, Brel Froebe, Deborah Hawley, Erika Lautenbach, Perry Mowery, Scott Korhuis, Eve Smason-Marcus, Atul Deshmane, Maialisa Vanyo, Harriet Markell, Peter Frazier, Arlene Feld, Tyler Schroeder

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

Others: Caleb Erickson, Wendy Jones

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

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

Review Agenda & Objectives for Today – Holly O'Neil, Crossroads Consulting, Facilitator

Objectives: Evaluate three potential sites for a new jail facility and develop a recommendation, if possible, for presenting to the SAC at the October meeting. We will use the criteria that have been established so far.

Overview of Three Prospective Jail Sites – Tyler Schroeder, Whatcom County. Deputy Executive and SAC Member

The criteria we have used for today include those related to capacity and location of a site. Some of these come from the Facilities Wish List Lt. Caleb Erickson presented at a previous meeting.

Criteria

Capacity:

- A large enough site to build a horizontal facility that would be big enough to handle future growth of inmate population and incorporate services
- Adjacent space that could be used/purchased for future expansion, if needed

Location:

- Proximity to criminal legal system resources (e.g., courthouse, police/sheriff, public defenders)
- Proximity to Work Center
- Proximity to crisis services (e.g., Crisis Stabilization Center, hospital, fire station, EMS)
- Proximity to community behavioral health services and public transit
- Distance from schools and high-density residential areas
- Compatibility with neighboring uses and aesthetic impact on community character

There are three sites in County ownership that make a good starting point for this conversation:

- **Civic Center** overall acreage is 5.3 acres: current jail & courthouse is 2.77 acres, the South parking lot is 1.3 acres, “The Pit” is 1.3 acres.
- **Irongate** overall acreage is 10.6 acres. Existing buildings are the Work Center and Crisis Stabilization Center. The County recently acquired 3.5 acres of usable property to the West. The Work Center was constructed so it could be repurposed.
- **Ferndale – Labounty Rd.** overall acreage is 39 acres. 16-18 acres is developable land along Labounty.

Discussion: (Q=Question; A=Answer; C=Comment)

Q: Has there been any consideration of doing a condemnation or imminent domain action to acquire any different sites?

A: No. There is always conversation about acquiring other sites but not about doing a condemnation.

- C: Some of the criteria seem like we're trying to site a prison rather than a jail (e.g., a jail shouldn't be near school or residential neighborhood). Most of the people are in jail for a short time and are involved in legal proceedings. This isn't a warehouse for known dangerous criminals, but the siting criteria act as if it is. The current jail is near community facilities, residences, etc. and that hasn't been a problem.
- C: Not all of the criteria are the same weight.
- C: Technical question about whether horizontal is the best design. What is critical is to have eyes-on and good viewpoints, but the block design could be stacked or adjacent to each other.
- C: (Erickson) Key criteria are how much it costs to build and how much to operate. Building up costs more to operate longer term as opposed to building out. Could have lower and upper tiers, but need to have ADA accessibility in case of emergency. If everything is on one level, we don't have to rely on an elevator, which may be unreliable or fail. If multiple units are located around a deputy station, the staff can observe/monitor multiple areas on one floor. If we build up, we have to duplicate staff and stations on multiple floors. Also takes longer for staff to respond to an emergency. Snohomish has a multi-tiered jail and it requires a lot of staff.
- C: (Elfo) Counter the idea there aren't dangerous people being released from jail because they haven't been convicted. In 2004 the County Council added to the Comp Plan that a jail couldn't be sited within one mile of a school. Believe the Sheriff's office needs to be located near the jail to make maximum use of personnel. Don't lose sight of fact that small jurisdictions only have one officer on duty at a time. If they have to travel to downtown, it leaves that jurisdiction unprotected while they are gone. Central location close to freeway is preferable.
- C: Concern that this committee is ill-equipped to address the translation of requirements into facilities specifications. That is something engineers of such facilities should be doing, including looking at siting specs. Largest concern is that we haven't translated community's needs into requirements. The documents we have are translating the needs of processing people through this "marble maze" more than they are addressing the needs of families and individuals involved in the system. Identifying community needs would give the input we need to translate requirements into facilities specs. Starck identified the importance of legal advocates having access, but there are lots of advocates in the community for people who are incarcerated in the jail, and we want to maximize access for those advocates. Having people in 23 & 1 and sending people to Western State Hospital gets in the way of that. People need to be in their community. Minimize the separation of inmates and advocates.
- Q: There have been ideas about a local mental health (MH) facility so people with severe MH challenges don't have to be in the jail. Does this discussion include a MH facility as part of the vision and today's discussion, or is it just a jail?
- Q: A criteria mentioned access to behavioral health services. What are those services and could those services be provided within a jail in the future?
- C: The current jail is within a mile of 5 schools. That hasn't caused any problems.
- C: We got 90% consensus that the current jail at the Civic Center is not in condition to be used for the needs of incarceration. We agree something needs to be done to replace that. What that replacement looks like and where it is open for question. The question of whether there should be something that is better than what we have now has been asked, answered, and we have an obligation consider those things. We also need to consider diversion strategies and what we can do to minimize incarceration. The decision about whether the jail needs to be replaced has been made.
- C: (Jones) MH care is provided in the jail, but is limited because of space issues, and because a significant proportion of offenders deny their mental illness. They don't want to work with MH folks and they refuse meds which makes it difficult to get them stabilized. Also, the restrictions on what we can do to provide involuntary treatment in the jail are onerous and set by US Supreme Court. The responsibility for this falls under DSHS and we don't have much say about it.
- C: There is a dynamic aspect to site location. If it's built next to the current courthouse, then the current jail site is open for other needs. If we pick any location besides Ferndale, the Ferndale site can be sold and that money can be used. Those are site-related considerations that need to be factored in.

Capacity – Tyler

- Have used past and current work to think about size (square footage) of a facility. Components could be stacked or horizontal. It could be one building or have separate MH facilities on same site or nearby.
- If the facilities wish list items were spread horizontally, it would be 3.6 acres.
- Answer to earlier question: If there were a decision to go vertical, look at the total sq. ft. for housing pods (9,350 sq. ft.). Housing pods are 2 stories. Each pod would house ~40 people. If you have 1.3 acres (56,000 sq. ft.), it would be ~6 story facility.

- DLR Report in 2013 was done by architects & engineers. The design had two large squares totaling 3.75 acres. Current estimates are based on these assumptions. Overall Site Plan shows a site with a multitude of different services (Crisis Stabilization Cntr., MH facility), and if it were located in one place, the total site would need to be ~11-14 acres.
- C: (Erickson) Question of whether we have a MH facility that does the work of restoration in our community should be seen as a supporting structures already existing in the criminal justice process. We're not suggesting we put people in a MH facility as an alternative to incarceration. People involved in the criminal justice process who require restoration don't have a place to go because there are few options at the state level for that type of work.
- Q: Sounded like Wendy Jones indicated that it was legally not possible. Is that true?
- A: (Erickson) There are some barriers with existing laws that would prevent us from doing that wholesale here, but Councilmember Buchanan is involved in conversations to address this. That is a part of a bigger discussion.

Review Matrices

- The info in the existing matrices is just to stimulate the conversation.
- C: The chart is structured to present pros & cons. Would be more helpful to rank order the criteria and then apply the criteria to each site. Want to add criteria: access to legal advocacy, access to family, maintainability, flexibility.
- C: First, one criterion assumes space for horizontal layout. Says land costs are high in Civic Center but we already own the land. If we can sell Ferndale, there are negative land costs. Re concern about entitlement process with the City of Bellingham: That doesn't seem like an issue.
- Q: Re Irongate cost considerations: Do we know we could acquire additional property or is it a maybe?
- A: It's a maybe. There are only ~10 acres available at Irongate. It would be a tight fit for a horizontal structure at Irongate. Would need to acquire more property to make the site more appropriate. There has been dialogue but there is no certainty to that dialogue.
- Q: Bellingham is only part of the community we are talking about. We have communities and agencies farther away. Bellingham is getting more populated and difficult to get around. Are we considering what other communities and agencies have to go through to get people to downtown Bellingham or Irongate?
- Q: Re being able to sell one property: Is there a ballpark dollar amount about what a facility would cost and ability to compare costs on the three sites?
- A: In the last go-around in 2013, construction of this type of facility was ~\$110M. From 2013 to now we know construction costs have increased. We're looking at something like \$150M as a ballpark. It will require professionals to be hired to determine what the costs of all 3 sites would be.
- Read through the rest of the matrices and then continued discussion.

Take Aways

- Given our discussion, what site(s) seem like the best options?
 - Can we rule out any of the site options?
 - What additional information is needed to make a recommendation to the SAC?
- Q: It says a cost consideration with Civic Center is offsetting costs to replace parking. What does that mean?
- A: The South Parking Lot would have to be replaced if that site were chosen.
- C: We should rule out Ferndale as it looks less preferable on a lot of fronts. Re replacement parking: That is not a small thing. It is an enormous cost! Prefer Irongate. There is WTA transportation there but it's once a day so you have to negotiate for more frequent service. Re priorities: The most important thing to people is behavioral health services. Have to keep that as priority in all our planning. It has been a lacking piece of the jail. It is necessary to treat people in the jail because a stay in jail is traumatic. If the building is better and more humane, then it will be less traumatic, but being locked up is traumatic for anybody. Want attention focused on space for counseling rooms, group counseling rooms, 12-step meetings, etc. It also is important to extend MH services when people are released to reduce re-incarceration. Need navigators at the front end when people are facing incarceration, perhaps in jail, and after to support people, most of whom have serious mental illnesses. Navigation is now being funded.

Straw poll to get a sense of people's preferences at this time:

- Civic Center =8
- Irongate = 8
- Ferndale = 2
- No preference =2

- C: Reason I voted for Ferndale is because I see the Civic location as being boxed in. This is a 30–100-year decision for us and Ferndale has the most space. I would choose Irongate 2nd. Expect legal services will move to the jail over time instead of staying where they are.
- C: I voted for Civic because it is so important to keep the focus on the fact that it's a jail and people's fate is being decided by a judge in court. The reason we have a jail is people are locked up until the court decides. These are mostly pretrial people and they have a right to a speedy trial. This isn't about warehousing people. It's not a prison. If they have serious mental illness they are removed and put in civil setting for competency. People need to be by their lawyers and the courts that are deciding their fate and to be seen in person.
- C: We need room. What about all the people who are providing services, trying to give inmates hope that they can recover? Where can we park? Irongate makes perfect sense.
- C: None of them are ideal. Irongate is a good compromise. Downtown is too boxed in. Not enough space for everything that needs to be contained there (e.g., parking, room for expansion, services). Irongate would give us that. The issue of transportation isn't too bad, It's not that long a drive for attorneys, families. It's going to be the best option and has my strong support.
- Q for Erickson or Elfo: Concern about transportation of inmates to courthouse. What is highest risk for the staff doing transport of inmates to and from the court?
- C: Re horizontal buildings: The hospital is multi-level so building up should be an option. Re bus: It's not accessible if the bus line is on Hannegan and they have to walk up the hill. Appreciated what Michael wrote in his public comment about establishing care within the jail but also with community partners for after release so there isn't loss of care. There are many studies that show when people are connected with community-based efforts they don't go back to jail. That's why downtown is best so they are connected to services. Our goal should be not incarcerating people but providing care and creating more services so less of the community is incarcerated.
- Q: Don't square footage requirements rule out the Civic Center area? If a horizontal facility is best practice, shouldn't we decide on that and then the site is dictated by how much sq. ft. is necessary.
- C: Tyler's presentation is spot-on, however, it feels like we're being channeled towards Ferndale because that is the site that would have the space to build the facility that would be most desirable. Even Irongate would be tight to build the kind of facility we want. Has anyone considered an eminent domain or condemnation action? The state has the power to decide what the best site is and can force landowners to be compensated for their property and put the facility where it is best. The closer to the courthouse, the better for those who work in the system. Beyond that, it needs to be enough land to build the facility we want. Before we limit ourselves to these three sites, consider what other options are.
- C: 3 points: 1) A larger site would allow co-location of staff and offenders at the Work Center with a new jail. 2) WTA bus stop didn't exist where it is at Irongate until the Work Center was built. 3) A lot of the behavioral health services we are talking about are not currently located in the Civic Center.

Wrap up

- We will send out the matrix. You can send it back with your comments.
- We have a variety of opinions and some important considerations were raised that expanded our understanding.