

Stakeholder Advisory Committee (SAC) for the Justice Project

Thursday, November 17, 2022

10:00 – 12:00 pm

Meeting Minutes

SAC Participants: Barry Buchanan, Stephen Gockley, Cliff Langley, Erika Lautenbach, RB Tewksbury, Peter Frazier, Arlene Feld, Teresa Bosteter, Kristin Hanna, Kendra Cook, Scott Korthuis, Perry Mowery, Michael Lilliquist, Brel Froebe, Maialisa Vanyo, Tyler Schroeder, Mary Lou Steward, Eve Smason-Marcus, Brooke Eolande, Don Almer (on behalf of Rebecca Mertzig), Starck Follis, Doug Chadwick, Atul Deshmane, Darlene Peterson, Harriet Markell

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

Absent SAC Members/Alternates: Jack Hovenier, David Goldman, Chad Butenschoen, Daniel Hammill, Brian Heinrich, Seth Fleetwood, Anthony Hillaire, Jon Mutchler, Roman Swanaset-Simmonds, Eric Richey, Satpal Sidhu, Heather Flaherty, Deborah Hawley, Kara Mitchell Allen, Eli Wainman, Daron Smith, Bill Elfo, Rebecca Mertzig

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

[Call to Order, Welcome](#) – Barry Buchanan, Council Member and SAC Chair

[Land Acknowledgement](#)

[Review Agenda & Timeline](#)

- At Dec. 15 meeting the SAC will discuss public input from the Town Hall, and The Vida Agency’s (TVA) survey and interviews/focus groups
- The complete Needs Assessment Report will be discussed at the Jan. 19 SAC meeting.
- The report will go to Council at the end of Jan.

[SAC Feedback – What You Heard at the Nov. 15th Town Hall](#)

- A significant number of people in the community feel less safe than they did 10 years ago. What causes this change in experience?
- Near universal support for a new jail.
- Tenor of conversation has changed. Used to be more focus on ancillary services (MH), now people want a jail soon and they want to put people in jail who are hurting our community.
- Concern about expense to build jail.
- Costs have risen over the years.
- One gentleman said “\$150M, no! \$75M, yes.” It will be hard to find a balance between what we need and what people will support. Are there ways to get more funding other than asking the public? Concerned about when we can get a jail if we don’t an initiative passed this time.
- Support for expanding services in the community.

- Staffing more law enforcement is something we can do to address safety concerns.
- This is not specific to Whatcom County. It's across the country.
- Increasing law enforcement and size of jail has ripple effects. If you increase the numbers of people who go through the system by increasing law enforcement and increasing jail capacity, the system is going to grow. It will require more prosecutors, courtrooms, judges, etc. The only way to keep costs under control is to figure out a way to turn the crime rate around that doesn't result in jamming more numbers through the system.
- If we're putting forward incarceration & prevention reduction recommendations there needs to be public education about how these things will reduce crime. People think of jail as the solution, and we need public education to help them see other options.
- What are we going to do between now and 5 years from now? How to reduce the jail population? We need to plan what we will do, and start imagining the interim solution. Have a vision and paint a picture to increase the public's confidence and build momentum for enthusiastic support.
- Should we have something in the Needs Assessment about the interim solution?

Reflections on Jail Tour Video

- Knew the jail was bad, but to see the deterioration was heartbreaking. Need to show the public we are taking action now. There are companies we can outsource services to (e.g., laundry, food prep). We should explore making these changes immediately.
- It is critically important that we message what is really going on. There is a lot of misinformation and inaccuracies being spouted. The way to respond to the firehose of falsehood is with a firehose of truth. Encourage everyone to watch the video. If the public knew how bad it is, they would support whatever the cost is.
- Video should have shown the electrical room. Extreme fire hazard.
- For accountability for law enforcement, hope they pay attention to Pierce Cty. Sheriff's Office Facebook page that does a great job showing what is happening with crime. In Oct. BPD posted a two-hr. timespan of crimes happening. Make people aware what is happening so they see the needs for a jail and accountability.
- The video points to a lack of accountability in upkeep of the jail. Brel raised a lot of questions in an [email about the video](#). If this is the way the current jail is kept up, how do we trust that doesn't happen with a new facility?

Vision, Values, & Goals Poll Results

- 84% of SAC members participated – 34 SAC members, including 13 who also serve on the IPRTF, + 3 additional IPRTF members.
- There was a high percentage of agreement with the visions, values, and services/systems/facilities goals statements. We will wait to do further work on these until after we receive the public input from TVA.

SAC Discussion – Suggested Revisions to Needs & Recommendations

Proposed Approach: We are trying to come to agreement on the needs and recommendations the SAC wants to put forward. There is not a need to pit them against one another, prioritize, rank, or choose. We can propose them all.

Needs & Recommendations Poll Participation:

- 82% of SAC members responded to the poll.
- There was 69%-97% agreement with the 18 needs and corresponding recommendations (recs).

Discussion of Proposed Revisions

- Proposed revisions to the needs and recs are based on the poll results and input from all of the SAC meetings at which the needs & recs were addressed, and discussions with subject matter experts.
- Main Question: What revisions would increase your level of agreement with the needs & recs?
- Today we are focusing only on the needs and recs that were revised in a major way.

Community-based BH Services #4:

- This is an improvement. Original need was too narrow.
- There are two related issues: 1) Whether someone qualifies for involuntary commitment (ITA), and if they are committed; 2) the restorative aspect. They are both important. Would continue in the broader direction, but include the ITA piece.
- The issue about competency restoration is very different than having someone placed in involuntary treatment. These are two different processes. Competency restoration indicates someone already is entered into the criminal justice system. They may be sitting in jail until competency restoration can occur. With ITA's, law enforcement can take someone to the hospital if they think the person's issue is mental illness not criminal behavior. Keep in mind that both systems are terribly over-burdened. Last week there were no ITA beds in the entire state.
- We don't have any outpatient competency restoration now. When people need to be diverted to ITA they are, whether they are in jail or the community.
- There is a workgroup that Barry & Perry formed in Aug. which came out of the SAC's work. They have met twice. Yesterday Perry & Barry met with folks in King County about a diversion program they have. This info will be brought to the IPRTF Steering Committee in Dec. The work is ongoing. On Nov. 30, they will meet with a foundation working on funding related to the Trueblood decision.
- There are some great models in other counties to learn from about addressing need for competency evaluation and restoration.
- Perry: There are both outpatient and inpatient competency restoration services. Inpatient might fit better under jail-based services. The original recommendation didn't get enough input from Designated Crisis Responders (DCRs). Now there are new programs being implemented. A Co-responder program will be initiated before the end of the year for mental health providers to ride along with deputies from the Sheriff's Office. They have a direct link to the DCRs which will reduce response time, so that concern is being addressed.
- These are two glaring gaps for services in our community. Where are these people going to go for treatment? We don't have the beds. That is not good care. To some extent this is about justice. It is not just to have people languishing waiting for restoration indefinitely. The state is responsible and hasn't done their job which is why counties are taking it upon themselves. It requires a huge amount of funding to create facilities with properly trained people to provide these services.

Initial Detention/Court Hearings #1:

- The need is broad and nails it. The recommendation is pushing the tool judges will be using and seems too narrow. A tool alone will not replace the discretion of a judge. It won't be a big fix.
- Judges are using the Public Safety Assessment and have been for a long time, so this isn't new.
- The value of keeping it is that, taken together, the recs have a comprehensive and balanced approach.
- Like these changes. Would like it more if it would end cash bail completely.
- Ending cash bail is a national discussion. There is a lot of work going on about this. It's not something we can research and make a recommendation about quickly. It is a longer-range policy decision. The IPRTF will likely be working on this.

- There is a lot of research around ending cash bail and feel there should be a rec to end cash bail to reduce the number of people detained in jail pretrial.
- We need to parse through the research and see how to apply it in Whatcom Cty.
- The proposed rec is directly responsive to 2 recs in the Vera Inst. Report: 1) There are racial disparities in the way we release and detain, and as long as it's left up to subjective judicial officers' decisions, the disparities will be exacerbated. The rec was to adopt an evidence-based assessment tool. The Risk Assessment Tool has been adopted in Superior Court. Hope is there would be a unified risk assessment tool and process adopted by all the courts.
- Could note in the report that ending cash bail is an issue that is important to the SAC.
- Like succinctness of the need. Rather than being specific in the rec, we could say, "Explore & implement current evidence-based and promising practices related to reducing the number of people detained" so we aren't wedded to specific actions as the research around the country continues. Definitely need to define the need and recommend that action be taken to find the best ways to address it.
- The statements need to be very specific to be transparent and build trust.

Initial Detention/Court Hearings #2:

- If the rec stands in isolation, it suggests the reasons for racial disparities lie within law enforcement being biased, but a lot of the disparities occur before and outside law enforcement. Keep the rec but acknowledge that the origin of disparities is just as much inside as outside.
- Don't know that it's legal to get the race/ethnicity info from everyone. Getting real data is tricky. We have tried to do this and it didn't work.
- Wendy: We collect race/ethnicity data regularly. It is self-report. There are a lot of people who are bi/multi-racial, but they can only pick one option in our system. We are looking at how to fix that.
- The core of the rec is about the data systems. Now we don't have the systems. We are hindered by an evidence-based way to tackle disparities. Let's build systems that are better than what we have.

Discussion of both Post-Incarceration Community Supports & Housing for At-Risk Populations:

- Post-Incarceration Supports #1 is a general need/rec about housing. The suggestion is to delete that and keep the housing recs focused on the at-risk population we are looking at, and there are two needs/recs related to that.
- Housing for At-Risk Populations Need #3: Change "supervised housing" to "supportive housing."
- We need housing with supervision for this population. Having that support onsite is vital for this type of housing.

Q: Do we have data on the percent of people who come into jail unhoused/unstably housed? It would be great if the jail could collect this info.

A: From the inmate survey we know that ~70% of the respondents had been living on the street, in a shelter, RV, or staying with friends/family.

- Dedicating funding for housing for more targeted populations feels very important and could have some real impact on reducing recidivism.
- Make #3 broader than just therapeutic courts. About 85% people in LEAD & GRACE are unhoused, and so are people on sentencing alternatives. Housing is a huge problem for all these groups.
- The idea behind therapeutic programs is wrap-around services and accountability. A fair amount of resources are expended to accomplish this. Without housing, the programs tend not to be very successful. Currently there isn't dedicated housing for people involved in therapeutic court programs.

- Some discomfort with leaving out the vocational support. People need work.
- The issue is with housing affordability. More and more people are going to become homeless. All efforts to address affordable housing are important. Hesitant to focus only on people coming out of incarceration.
- Could include stats/info in the Needs Assessment about lack of affordable housing and homelessness.
- There are community groups working on these topics. We need to make sure what we say about housing is in keeping with what they say. This is a question about scope as well. Is the SAC putting forward recs about housing in general?

Draft Facilities Recommendations

- In need #1, replace “modern” with “flexible.” Add “designed to be well-maintained.”
- Add educational & vocational services to rec #1.
- Agree with proposed additions. Facilities #2: Detail is which experts and how they come together with the Sheriff’s Office and what this community needs.
- Re location & size: We don’t want to go through this exercise again in 20 yrs. We need to right-size for now and have space to expand if necessary.
- Have good communication with the public. They want #1 but not so expansive that the cost becomes prohibitive. We don’t want to come back in 5 years because the jail budget has been defeated again. Be sensible and get it passed this time.
- Everything we do should be about reducing crime. We are missing the other half of the picture with the facilities needs/recs. A secure detox facility, community-based treatment facilities for MH, addictions, crisis services also are needed. Prevention and re-entry require facilities too. There are only two secure detox facility in the state and neither is near us. It would be very expensive to build. Something in the facilities section needs to include facilities for prevention.
- It would be helpful to have Lindsey Clark, re-entry specialist at the jail, talk to us and review these needs/recs.
- We need to do whatever we can to help her.
- Prioritize inmates’ comfort and quality of life in facilities recs.
- Getting people into inpatient treatment from the jail is not going well. They are waiting 6-8 weeks.

Next Steps

- The first draft of the Needs Assessment Report will be emailed to the SAC on Mon. Nov. 21, and it will be posted on the SAC webpage.
- Review draft and send any comments to: SAC@co.whatcom.wa.us.
- We will get public input from TVA and discuss this and the Town Hall input on Dec. 15. We will discuss the Needs Assessment Report in light of this input.
- The IPRTF also will look at this on Dec. 19.
- In early Jan. there will be another poll of the SAC/IPRTF to gather additional feedback on the Needs Assessment Report.
- At the SAC meeting on Jan. 19, the SAC will vote to approve the report, and on Jan. 23, the IPRTF serving as the Law & Justice Council will vote about endorsing the Needs Assessment.

Workgroups Needed:

- RB would be happy to be part of a communications subgroup. Barry supports RB’s suggestion and would like to work with him on communications.

- The Vision, Values, & Goals sub-committee (Kristin Hanna, Michael Lilliquist, & Deborah Hawley) also is invited to meet again to make any needed edits to the statements.
- Volunteers also are requested to serve on a workgroup to apply the [Racial Equity Toolkit](#) to the SAC's work prior to the Dec. 15 meeting.
 - Eve Smason-Marcus, Stephen Gockley, & Teresa Bosteter volunteered.