

Stakeholder Advisory Committee (SAC) for the Justice Project

Thursday, December 15, 2022

10:00 – 12:00 pm

Meeting Minutes

SAC Participants: Barry Buchanan, Stephen Gockley, Bill Elfo, Daniel Hammill, Cliff Langley, RB Tewksbury, Peter Frazier, Arlene Feld, Teresa Bosteter, Kristin Hanna, Kendra Cook, Heather Flaherty, Scott Korthuis, Kara Mitchell Allen, Perry Mowery, Michael Lilliquist, Brel Froebe, Maialisa Vanyo, Mary Lou Steward, Eve Smason-Marcus, Starck Follis, Doug Chadwick, Atul Deshmane, Harriet Markell, David Goldman

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

Absent SAC Members/Alternates: Jack Hovenier, Brooke Eolande, Chad Butenschoen, Brian Heinrich, Seth Fleetwood, Anthony Hillaire, Erika Lautenbach, Darlene Peterson, Jon Mutchler, Roman Swanaset-Simmonds, Eric Richey, Tyler Schroeder, Satpal Sidhu, Deborah Hawley, Eli Wainman, Daron Smith, 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

[Review Agenda & Timeline](#) – Holly O'Neil, Facilitator, Crossroads Consulting

Meeting Objective: Use data gathered by The Vida Agency (TVA), and input from SAC members, the [Town Hall](#), [Jail Inmate & Staff Surveys](#), and [Racial Equity Toolkit Analysis](#), to reflect on the [Vision, Values, & Goals](#), and [Needs/Gaps & Recommendations](#), and make needed revisions.

[Re-cap of Public Input](#) – Mardi Solomon, Crossroads Consulting

Review of results from [Draft Public Engagement Report](#):

- TVA conducted 6 listening sessions with 29 participants, and 8 informal interviews. The participants included representatives of immigrant communities, Lummi Nation, and formerly incarcerated people and their families.
- It is important to keep in mind the small sample size when interpreting the results.
- [Key insights from Listening Session/Interview participants](#) are presented in the [TVA draft Engagement Report](#) (pg. 10).

Review of results from [Draft Survey Report](#):

- The survey was developed by TVA and the Justice Project Planning Team.
- TVA used many methods to recruit participants between Oct. 25-Nov. 18.
- The survey sample was 1,704 valid responses.
- This was a self-selected sample.
- TVA highlighted polarized views regarding whether people feel safe in the community or not, and whether people trust they will be treated fairly by the criminal legal system or not.

- People who feel safe in the community and those who do not trust they will be treated fairly by the criminal legal system want more resources going toward behavioral health services. Those who do not feel safe in the community, and people who trust they will be treated fairly by the criminal legal system, feel that more law enforcement and investment in jail facilities are needed.
- People who feel safe in the community had a much higher level of alignment with the SAC vision statement than those who don't feel safe in the community.
- Regarding the SAC values statements: The survey asked participants to rank the values in order of priority. These rankings were compared with the SAC and Incarceration Prevention & Reduction Task Force (IPRTF) members' level of agreement with the values statements in the poll completed in October. Note that the TVA survey used abbreviated versions of the values statements.
 - Protecting public health and safety was the highest priority for everybody.
 - There also is a high level of agreement with "Evaluating if current programs, interventions, and processes are working as intended."
 - TVA survey respondents ranked "using evidence-based decision making" as 2nd priority, while SAC/IPRTF members did not have a very high level of agreement with this statement (83%).
 - "Early interventions" was ranked 4th highest priority by survey respondents; mostly by people who feel they will not be treated fairly by the criminal legal system, and those who feel safe in their community. SAC members had a high level of agreement with this value (which was combined with "saving money over the long-term" in the previous version of the value statement).
 - SAC members had a high level of agreement with "making decisions that reflect community priorities."
- Key insights from the survey report: Investing in incarceration prevention was a high priority. There is support for some investment in jail facilities. The majority prioritize improving mental health and substance use disorder services in the community, in jail, and post-incarceration.

Key Take-aways from Nov. 15 Town Hall:

- People spoke to the need for a new jail, the feeling that Bellingham is less safe, the importance of accountability to reduce crime, and the need for community-based services.

Discussion of Public Input

- This public input is valuable and confirms existing impressions of how people are thinking about these issues.
- The input from the listening sessions affirms what will reduce recidivism and incarceration, and echoes the input from the jail surveys that call for expanding mental health and substance use treatment, and re-entry support.
- Note that we have not surveyed victims of crime and some see this as a gap.
- People who participated in the Town Hall and/or completed the survey may have been victims of crime. Given that people volunteered to participate in the Town Hall, listening sessions, and survey, we can surmise that they feel strongly about these issues. The Sheriff's Office could supply a list of victims in Whatcom County, if follow up research was desired at some point in the future.
- Lack of jail space has resulted in people not being booked for crimes such as residential burglary.
- Suggestion to gather more law enforcement input as well.
- How do we decide who to listen to? How much bias is there? We have done our best, and gotten good input, but acknowledge this is an imperfect process.

- It is important to look at the numbers of respondents who have lived experience with incarceration when interpreting the results. Also recognize that people with a history of involvement in the criminal legal system may not want to participate in these kinds of research activities.
- Should have gathered socioeconomic information as well because people in poverty are more impacted by the criminal legal system.
- At this point in our Needs Assessment process, we are done with data collection, but it is important to note other information that needs to be gathered.
- TVA will be finalizing both of the reports and the final versions will be sent to the SAC next week.

Proposed Revisions to Vision, Values, & Goals – Michael Lilliquist for the subcommittee

- The subcommittee met Dec. 7 and discussed revisions to vision, values, & goals statements.
- Almost ¼ of respondents to the TVA survey had personal or family experience with the criminal legal system.
- TVA survey responses revealed groups who didn't see their priorities reflected in the vision, values, and goals statements.
- We can find a very broad path down the middle using the survey results to analyze and revise the vision, values, and goals statements. All respondents prioritized protecting public health and safety; using evidence-based decision making; evaluating programs to see if they are working; and investing in incarceration prevention, community services, behavioral health and early interventions. This is a broad middle area of agreement.
- Almost all supported a new, safer jail that provides in-house services and support for after-jail services in the community.
- The area of overlap is huge, but we missed that half the respondents did not feel safe in the community, and a significant proportion of those say that the draft vision did not agree with their own. Those same respondents more strongly endorsed jail investments and law enforcement.
- If they didn't find what they wanted in the vision, we can find ways to include what they want that are in harmony with what we already have been working on.
- For those who do feel safe, the vision and values do align quite well with their values and priorities.
- Those who felt they would not be treated fairly by the criminal legal system more strongly endorsed what we were already including in the vision and values: prevention, restoration, and re-entry support.
- What we have is so close, but we didn't explicitly say that a central goal of all these efforts is to reduce crime. Reducing crime unites prevention, restoration, and accountability.
- This is not about punishment as a value or goal. Accountability is a mechanism to reduce crime; to hold criminals accountable so they won't commit more crimes, or prevent them from committing crimes in the first place.
- The highest values are justice and fairness.
- The subcommittee added "reduce crime" to the vision statement and hope that the people who don't feel safe and are looking for more jail, accountability, and law enforcement, will read that and see their concerns are included. Those people already were endorsing rehabilitation, community services, treatment, and re-entry supports. This change was made in direct response to the survey results.
- Other changes:
 - Replaced "rehabilitation" with "restoration" which has less clinical baggage.
 - Switched from present tense to aspirational language (from "is" to "will be").
 - Emphasized financial prudence as an important value in decision making, and linked it with the other values (e.g., we use evidence-based programs because they are cost-effective).

- Made a specific system goal about avoiding unnecessary pretrial time in jail.
- Strengthened the statement about policy changes being key to accomplishing goals.

Discussion about Proposed Revisions to Vision Statement

- Does accountability mean incarceration? Is that how we get accountability?
- May need to be more direct about use of a jail. The statement is lacking expression of reverence toward law enforcement.
- Concern expressed that these statements are so aspirational they may sound naïve. It needs to be clear that, in addition to behavioral health services, we must have a jail of adequate size to make sure we do not experience booking restrictions. There has to be enough space and staff to hold people who need to be held accountable by means of incarceration.
- Noted that the Vision, Values, and Goals are at the broadest level, and that the specifics are laid out in the needs/gaps and recommendations.
- May be helpful to include the word “jail.”
- Could substitute “corrections facilities” for “jail” because the community is looking for something broader than a jail.
- Need to acknowledge and respect the needs and wishes of our community, and the reality that some people are not amenable to help and support. We need to show we understand this.
- Could change the order of the accountability piece to put incarceration first in the statement.
- The Sheriff’s Office hears the same kind of messages that were conveyed at the Town Hall about not having adequate jail space to hold people accountable and protect the public so people feel safe. This is important for the effective administration of justice.
- Would help this discussion to define accountable and accountability.
- Distinguish who is going toward alternatives and diversion, and who is going towards the jail. Can state “To protect public safety, we recognize that certain high-risk individuals will require detention in the jail...”
- Some community education may be needed regarding recidivism and whether incarceration will achieve the goal of reducing crime. The revised statement does not include “evidence-based practices.” Reassure the community that the effectiveness of incarceration and programs will be evaluated.
- All of the new programs suggested will cost a lot of money and they will be unproved because they are new. What if they don’t work? We have to have a jail because what we have now isn’t working and we need to put people who commit crimes somewhere. Don’t want to be back to booking restrictions on day one because it will take time to get these programs going. The money element is missing.

Discussion about Proposed Revisions to Values Statements

- The subcommittee reworked 3, 4, & 7 quite a bit and tightened up the wording.

Discussion about Proposed Revisions to Goals Statements

- There are three types of goals: systems, services, and facilities.
- Systems goal #3 was added in response to a request to incorporate finding from the Vera Report about unnecessarily long jail stays pretrial.
- Reword service goal #7 to be more active: Immediate access to behavioral health and medical...
- In goal #7, “housing, employment, and support systems” are the biggest problems the society is dealing with, aside from climate change. This sounds too aspirational. It is important to strike the balance between aspiration and what is doable.

- The facilities goals don't imply outpatient facilities. So much of this is about community services before, during, and after incarceration.
- People should email any additional input to Cathy at SAC@co.whatcom.wa.us for the subcommittee to consider.
 - **Action:** Have a Vision, Values, & Goals subcommittee meeting to rework the statements.
 - Volunteers:** Michael, Kristin, Atul, Kendra, Bill, Arlene, Heather, and invite Deborah who participated in first subcommittee meeting.

Racial Equity Analysis – Stephen Gockley for the subcommittee

- The subcommittee, which consisted of Stephen and Teresa (Eve was not able to make the meeting), met on Nov. 29. It was a rich discussion.
- The subcommittee used the questions from the Government Alliance on Race & Equity (GARE) Racial Equity Toolkit. The questions guide assessment of how well we are accounting for racial equity issues.
- The subcommittee decided that it didn't have the bandwidth or information to speculate about the equity issues in the needs and recommendations. The important thing is to be able to say that the SAC process took racial equity issues into account.

Key Takeaways:

- The SAC did not reflect the composition of the county population.
- While SAC meetings 2 & 3 presented a good amount of data about the criminal legal system and behavioral health services, it is evident that there isn't good data about racial equity concerns. We don't even gather the data to answer a lot of the questions. Addressing the data gaps are among our needs and recommendations to the Council.
- The subcommittee did think that our meetings have acknowledged a sensitivity and commitment to racial equity, and we want to encourage this ongoing focus as the planning process moves from the SAC to Council to the community in the 2023 initiative campaign.
- Also want to encourage a system that has the data and measures progress toward reducing racial disparities going forward.
- The subcommittee proposed adding a need and recommendation to intentionally include BIPOC communities and people with lived experience with the criminal legal system in the next steps of this work.

Discussion of Proposed Revisions to Needs & Recommendations

1g. Need: BIPOC communities and people with lived experience with incarceration (personal or family member) should be more directly included in decision-making about policies and practices in the criminal legal system.

Recommendation: Ensure that the various steps of implementing the recommendations in the Needs Assessment intentionally and meaningfully include BIPOC communities and people with lived experience in the development of actions and the monitoring of progress.

- “People with lived experiences” should include victims of crime. Expect that victims of crime who are people of color have different experiences with the criminal legal system.
- The TVA survey compared responses from BIPOC and white participants, but the survey results were not available at the time the Racial Equity Analysis subcommittee met.
- Recommendations are being made that will ripple through the community for decades. BIPOC and people with lived experience are not at the table where these decisions are being made. Participation in decision-making was the focus of the subcommittee. In 2020, common critiques of the process were

expressed as “nothing about us without us” and that is the tone the subcommittee is recommending as this process moves forward.

1b. Need: Reduce the number of people detained in jail before trial or other case resolution.

Recommendation: Shift from a cash-based to risk-based pretrial justice system that uses a validated risk assessment instrument and a range of pretrial release and supervision options for pretrial defendants considered unlikely to threaten public safety.

- Should include something about increasing resources for the Public Defender’s (PD’s) Office.
- The PD’s Office is looking more holistically at defense work. Want to increase engagement in services. The behavioral health specialists in the office are feeling overwhelmed with the workload. The PD’s Office was not successful with a budget request to increase behavioral health staff.
- A private organization called Partners for Justice provides system navigators. The County could contract to house a couple of these navigators in the PD office.
- Starck feels that reducing numbers is the key. This reflects a realization that what we have been doing over the past decades has not been working well. He believes that there are people who belong in jail to keep society safe, but the idea that a little bit of jail time will change anything is absurd. Would like the PD’s Office to go in a different direction from incarcerating people. PD should be beefed up in a progressive way and not just getting more attorneys to take more cases to trial.
- Two additional areas that need attention:
 - Need more diversion from the Prosecutor’s side. [Statute RCW 10.31.110](#) allows diversion for mental and substance use disorders. That statute was to address what happened when the Blake decision was implemented decriminalizing drug possession. The community hasn’t taken steps to implement that diversion option and that is a missed opportunity.
 - [RCW 10.77](#) addresses the competency process. It allows for a prosecutor diversion program for people involved in the competency process and we need that.
- The Crisis Stabilization Center has achieved state certification for 12-hour law enforcement holds in lieu of jail which is an option in RCW 10.31.110.
- Finding people who want to work at the PD’s Office is difficult.
- Cash bail is better for offenders with a felony charge because they get all that money back, whereas with a bond, the offender loses 10%. A shift to cash bail should not be a recommendation.
- Clarification that the term “cash bail” (or cash-based approach) is being used to mean “bail” and is not referring to the mechanism by which bail is paid (cash or bond).
- According to research in the Needs Assessment Report, 98% of people are in jail pretrial; 64% of respondents in the jail inmate survey indicate their time in jail was longer because they couldn’t pay bail. The Vera Report said that these numbers could be reduced with bail reform. The report says we should shift from cash-based to risk-based assessment of pretrial defendants. We knew that was best practice five years ago. There is no reason that some people who commit a crime should wind up in jail, and others who commit the same crime go home simply because of their ability to pay bail. The jail is full and we need room for the people who really need to be there. Ending cash bail does not adversely affect public safety. It is the morally correct thing to do. *People shouldn’t be in jail just because they can’t afford not to be.*
- Bail has a logical flaw in it that risk-based assessment does not.
- Rules of Criminal Procedure 3.2 says that people should be released without bail unless there are other conditions that require bail.
- Some people commit crimes intentionally to have meals, medical care, and a place to sleep.

2g. Need: Increase capacity of [Program for Assertive Community Treatment \(PACT\)](#)...

Recommendation: Support providers offering PACT services to increase their capacity to serve individuals involved, or at risk of involvement, in the criminal legal system.

- Harriet likes the original recommendation better. The revised version does not say how.
- The reason this recommendation was changed was because the original referred to PACT services only for incarcerated individuals, but PACT services are needed for people in the community who are at risk of incarceration too.
- Include this point in the original language.

Other comments:

- There needs to be a connection between the goals statements and the needs & recommendations. It's hard to make the connection the way it is now. Start with goal, then need, recommendation, and intended outcomes.
- Unsure we have adequately covered finances. There is a need for data on cost of incarceration and cost of treatment programs and how much we spend or save by implementing different programs. Transparency about how money has been spent and will be spent will go a long way toward building trust in the process.

Next Steps

- **Send in any additional comments ASAP (i.e., this week or early next week) to SAC@co.whatcom.wa.us.** Please make comments as clear and neutral as possible.
- We will be getting input from the IPRTF on Dec. 19.
- We will revise the Vision, Values, & Goals; Needs & Recommendations; and Needs Assessment Report.
 - We will send a Doodle Poll to schedule a session to revise the Vision, Values, & Goals.
- We will send a survey in early Jan. with the revised statements, and will send the full report in mid-Jan.
- At the next SAC meeting Jan. 19, we will vote. The goal is not formal consensus but to get as much unity as possible.
- Reminder: Your name on the report does not mean you 100% endorse every word of the content. It acknowledges you participated in the process in good faith.
- The IPRTF/Law & Justice Council also will vote to approve the report on Jan. 23.
- Anybody who wants to help with the presentation to the County Council on Feb. 7 should let us know by emailing SAC@co.whatcom.wa.us.