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Whatcom County

Research Report

Justice Project

Engagement Findings

Presented by



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Overview

Whatcom County is experiencing stress on its criminal legal system including facilities and services. In 2022, building upon previous efforts, the Whatcom County Council, Executive, Sheriff, and Prosecutor began a project to develop a needs assessment and established a Stakeholder Advisory Committee (SAC) to guide its development. The Needs Assessment report aims to provide guidance on infrastructure, facilities, and services before, during, and after incarceration, including behavioral health, substance use disorder and re-entry services. The County wants to engage the public in this project and hear their feedback on elements of the criminal legal system in our community. Additionally, the SAC needs to hear and consider public feedback as it guides the development of the Needs Assessment Report. To accomplish this effort, The Vida Agency (TVA) was contracted in 2022 to facilitate listening sessions and related engagements to gather feedback from Whatcom County tribal members, immigrants, individuals who have been previously incarcerated, and family members of individuals who have been previously incarcerated.

Approach

Engagements included both educational components and opportunities for participant feedback and recommendations. We began the engagement by explaining the project timeline, purpose, and shared photos of the current jail facility that were provided by the county. It is important to provide participants with enough background information so that they can provide informed responses to questions while also making sure they aren't overwhelmed with jargon that isn't pertinent to the engagement. We also prioritize trust building, privacy, and meeting participants where they are to increase the likelihood of participation among historically underserved communities, who tend to be bypassed in engagements with traditional outreach tactics. To reach our communities, TVA facilitated informal interviews, listening sessions, and informal gatherings. While the purpose of each of these engagements, and the questions asked, is the same, it honors the cultural differences between communities that require different methods of interaction to gather thoughtful feedback. While we should be aware that the sample size is small and so the findings warrant further research, we should also honor that the provided feedback represents some of the real experiences and stories of Whatcom County residents.

Recruitment Tactics

TVA e-mailed 12 organizations inquiring about their interest in partnering with our team to recruit listening session and survey participants. Of the 12 we reached out to, 3 elected to participate. These organizations were sent a packet of materials that included a survey recruitment flyer, social media graphics, an informational sheet, and draft e-mail copy.

Due to the short timeline, none of our CBO partners were able to help us recruit listening session or interview participants. Instead, TVA leveraged survey respondents and personal community relationships to gather engagement participants.

All listening session participants from the previously incarcerated individuals or their family members' group were recruited through our county-wide survey (see *Research Report – Justice Project Survey Findings* for the survey results). All survey participants were asked if they, or one of their family members, had ever been incarcerated in Whatcom County. All survey participants were also asked if they were interested in participating in further research opportunities pertaining to the Justice Project, and if so, they were asked to provide their contact information. TVA cross-referenced responses to pull a list of potential listening session participants who selected “yes” to both questions outlined above. Due to the short engagement timeline, only survey participants who met the above requirements and took the survey by November 2nd were provided with the opportunity to participate. A total of 60 survey respondents were e-mailed notifying them of the opportunity to participate in a virtual Zoom listening session along with a doodle poll with multiple 2-hour timeslots for the session. The two timeslots with the most participant selections were chosen for the listening sessions.

Lummi Nation participants and immigrant community participants were recruited through personal and professional relationships that TVA holds. Nooksack tribal members were recruited in the same way, but scheduling challenges and frustration from some elders around when they were brought in for feedback prevented fuller participation. However, one of the Lummi Nation listening session participants was part Nooksack. All sessions and interviews were co-coordinated between TVA and participants to ensure participation was feasible and honored the ongoing schedule obligations of community members.

All participants were provided a \$100 Visa gift card to compensate them for their time. Depending on the location of engagement, gift cards were distributed either digitally through the online platform Tremendous or in-person.

Engagement Questions

The following set of questions were asked at each engagement session. Participants were informed their feedback would be reported anonymously and that their feedback was only to be provided voluntarily. These questions were informed by the research goals that were co-created by TVA and the Whatcom Justice Project staff leads. Because not all research goals could be fully addressed during a two-hour session, the results should be viewed in tandem with the survey results.

- Generally, do you feel safe in your community? Why or why not?
- Do you believe people are treated fairly in the Whatcom County criminal legal system?
- What support services would have been helpful for you or your family member before, during, or after incarceration? **Note: This question was only asked in the Listening Sessions with previously incarcerated individuals.*
- Should we invest in a new and bigger facility to address the problems in the current main jail?
- Where should a new facility be located?
- Whatcom County is looking to expand behavioral health services. What services do you prefer we focus on?
- Where should these behavioral health services be located?
- What are some other solutions that can improve the local criminal legal system?

Summary

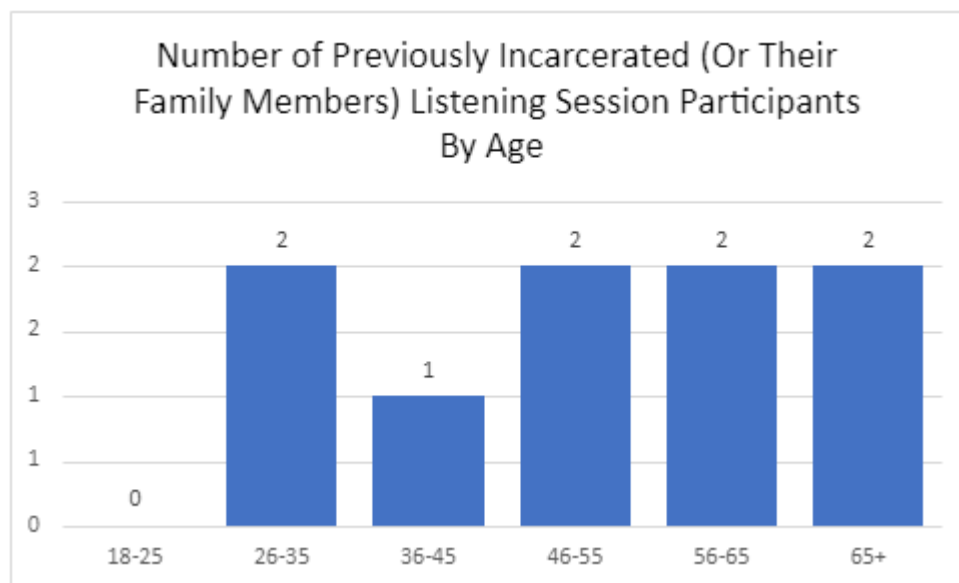
Method	Number of Participants	Date	Platform	Audience	Language of Engagement
Listening Session	3	11/19/2022	In-Person	Lummi Nation Tribal Members	English
Listening Session	3	11/20/2022	In-Person	Lummi Nation Tribal Members	English
Listening Session	7	11/15/2022	Virtual - Zoom	Previously Incarcerated Individuals or Their Family Members	English
Listening Session	2	11/21/2022	Virtual - Zoom	Previously Incarcerated Individuals or Their Family Members	English
Listening Session	5	11/20/2022	In-Person	Immigrant Community	Spanish
Listening Session	9	11/21/2022	Virtual - Zoom	Immigrant Community	Spanish
Informal Interview	1	10/07/2022	In-Person	Lummi Tribal Elder	English
Informal Interview	1	10/21/2022	In-Person	Lummi Tribal Elder	English
Informal Interview	1	10/30/2022	Phone	Lummi Tribal Elder	English

Informal Interview	1	10/01/2022	Phone	Immigrant Community Leader	English
Informal Interview	1	10/07/2022	In-Person	Immigrant Community Leader	Spanish
Informal Interview	1	10/20/2022	Phone	Immigrant Community Leader	Spanish
Informal Interview	1	11/12/2022	In-Person	Immigrant Community Leader	English
Informal Interview	1	11/20/2022	In-Person	Immigrant Community Leader	Spanish

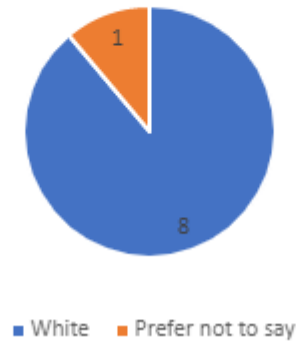
Participant Demographics

The tables below outline the collected demographics of engagement participants while also honoring confidentiality. All engagement participants live in Whatcom County.

Previously Incarcerated Individuals or Their Family Members



Number of Previously Incarcerated (Or Their Family Members) Listening Session Participants By Race/Ethnicity

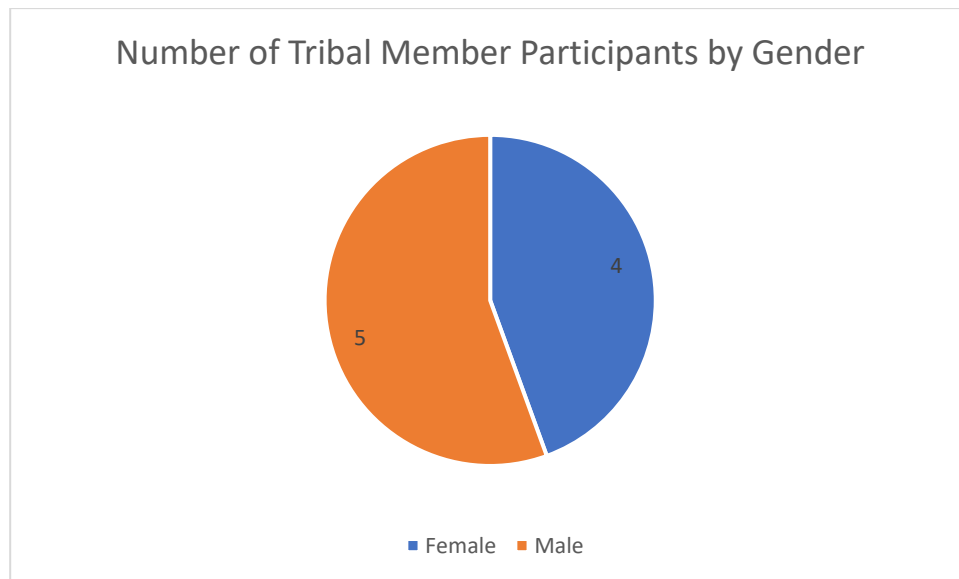
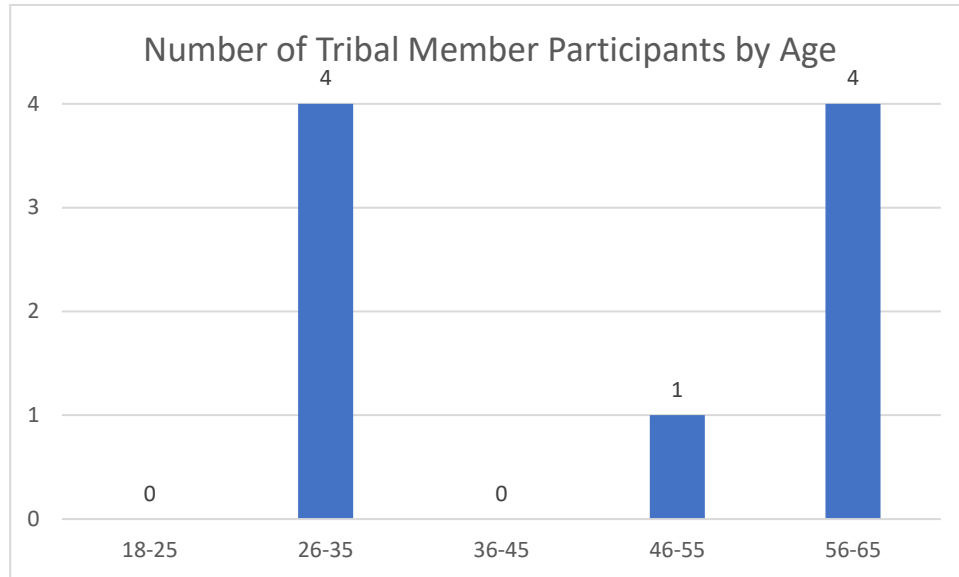


Number of Previously Incarcerated (Or Their Family Members) Listening Session Participants By Gender



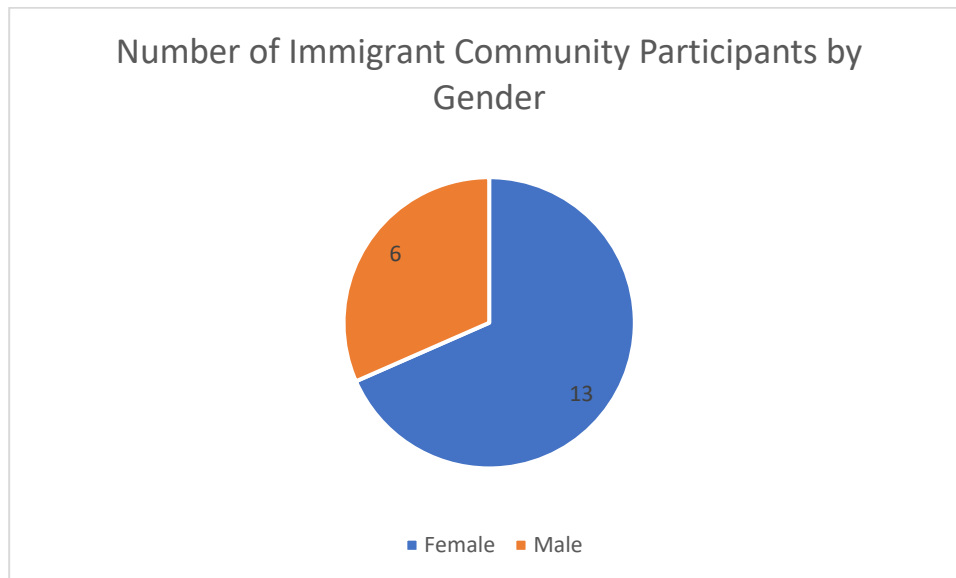
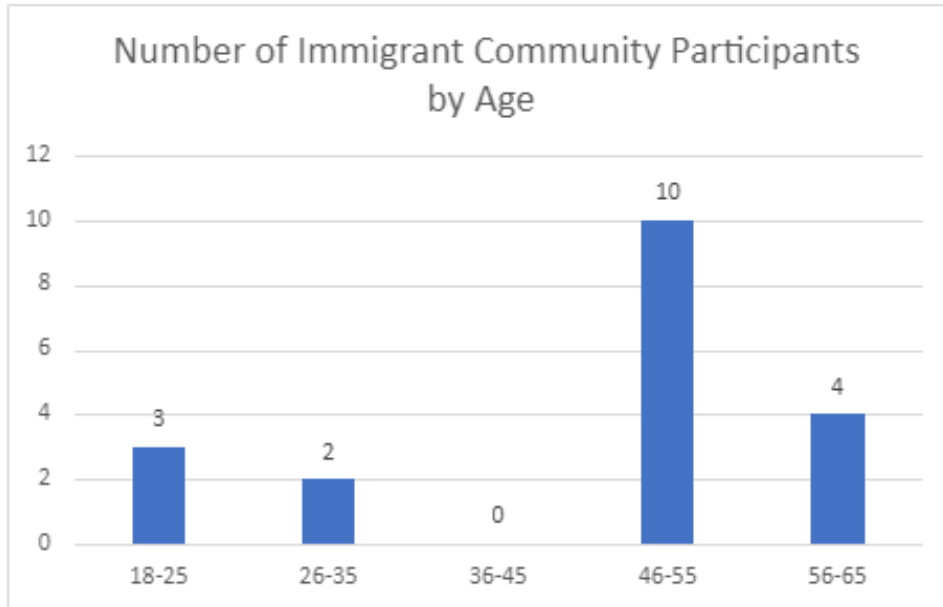
Tribal Nation Members

All nine (9) of tribal nation community members we engaged with self-reported their gender and age.



Immigrant Community Members

All nineteen (19) immigrant community members we engaged with self-reported their gender and age.



Findings

All statements in this section reflect the opinions, beliefs, or recommendations of engagement participants. TVA has summarized them and/or simplified them for ease of review and to honor participant confidentiality.

It is important to note that this is a small sample size, so insights should only be used as a snapshot of the current landscape. In addition, the following insights represent the human experiences and perspectives of participants, even if they are factually or theoretically incorrect.

Key Insights from Participants

- In general, participants are particularly concerned about the unfair treatment of those struggling with mental illness and non-white individuals in the criminal legal system. Otherwise, the criminal legal system is perceived as generally fair outside of occasional interpersonal problems with law enforcement officers or corrections officers.
- None of the non-white participants believe the criminal legal system is fair.
- Most individuals usually feel safe in their own communities by avoiding certain areas with high crime rates. Participants believe the increase in crime is due to social problems and environmental experiences that exist within the community.
- Participants want to see strategic partnerships between the criminal legal system and community-based organizations to provide consistency in support services for individuals during and after incarceration.
- Participants want extensive investments in incarceration prevention, particularly focusing on investments in youth and families.
- Some participants believe building a new jail is needed, while others don't think building a new jail is warranted regardless of the current conditions.
- Investments in behavioral health are largely ineffective because many current investments are around short-term services. Investments in long-term services are needed.
- Recidivism may be so high due to the lack of inmate support upon release. The county should invest in providing inmates with resource packets and community support upon release from jail.
- To rebuild community trust, the county should be more transparent with their intention of the use of levy funds and co-create solutions with communities impacted by incarceration.

Responses from Participants

“Generally, do you feel safe in your community? Why or why not?”

- The general consensus is that participants do feel safe in their own smaller communities by avoiding certain areas, particularly Downtown and around Western Washington University, that they perceive to be unsafe due to crime. If participants need to be downtown, they prefer not to be alone.
- Overall, participants agree that crime is increasing county-wide, and that the community is less safe than it used to be. Participants were particularly concerned about the increase in theft and property-related crime and that law enforcement is unable to respond to crimes due to 2021 legislation.
- Two participants mentioned there has been an increase in hate speech and violent crimes, particularly around Western Washington University.
- The increase in local drug use has made some residents feel unsafe.
 - One participant mentioned the cause of drug abuse is often hopelessness.
 - Participants feel that there are many social problems that are leading to drug use and crime. Funding preventative services is cheaper than funding post-incarceration services.
- The role of homelessness in the increase in crime is complex and may not be well understood by the public.
 - One participant shared that the perception of homelessness causing the increase in crime may be overstated.
 - A large contributor to homeless-related theft is when law enforcement officers take the belongings of homeless individuals, who are then forced to replenish their belongings for survival.

“Do you believe people are treated fairly in the Whatcom County criminal legal system?”

- Overall, participants do not believe that non-white individuals or people struggling with mental illness are treated fairly in the Whatcom criminal legal system.
- Immigrant community members shared the system is extremely unfair for non-English speakers, as there aren't translation resources available inside the jail or during an arrest. If they don't understand English and are from a different country without insight on how the US criminal legal system works, they are in

isolation without information on their rights, the duration of their stay, or what it means for their life.

- There is an agreement among participant groups that fairness also depends on luck. If law enforcement officers or corrections officers are having a bad day, they will take it out on individuals and make them feel dehumanized.
- Over half of our participants believe the criminal legal system is designed to be unfair to particular groups.
- The city bond system, which requires cash, discriminates against low-income communities.

“What support services would have been helpful for you or your family member before, during, or after incarceration?”

- Individuals who have previously been incarcerated due to addiction emphasize the importance of Alcoholics Anonymous (AA) and Narcotics Anonymous (NA) in their journey to rehabilitation.
- There is currently limited support infrastructure for individuals upon release. For most people, once they walk off the jail property, they aren't provided with stability resources and are not given a phone call, so they end up returning to the community they are familiar with, which usually is part of the reason they ended up incarcerated to begin with. Those who have been previously incarcerated point to this problem as a large contributor to recidivism.
 - Resource packets should be provided to all individuals upon their release with direct contact information for services, housing, etc.
 - Upon release, inmates should be offered to notify NA/AA of their release. Members of these groups would gladly meet the inmate upon their release, so they have immediate support.
- One participant mentioned that the best way to reduce crime is to make sure there is a deterrence to criminal behavior. An individual who was previously incarcerated due to addiction shared that no amount of deterrence was able to stop their behavior, including losing custody of their kids.
- Long-term treatment for addiction and mental health is needed. Current short-term treatments are ineffective.
- Among some families who have family members incarcerated due to mental illness, they point to the abolishment of involuntary commitment as a contributor to homelessness and an increase in incarceration of those struggling with mental illness.
 - For those who are mentally ill, caregivers should have the ability to admit someone to treatment.

- Those struggling with mental illness should have the option to avoid jail with an alternative treatment.
 - Currently, jail is used to house those struggling with mental illness because there is nowhere else for them to go. Jail staff are not prepared to deal with mental illness inside the jail, which prevents these inmates from getting the help they need.
 - Overall, participants do not believe individuals struggling with mental illness should be in jail.

“Should we invest in a new and bigger facility to address the problems in the current main jail?”

- Some participants believe the current jail conditions are being exaggerated.
- Immigrant community members and tribal nation members believe building a new jail is just a band-aid to the larger problem. Most agree this will not reduce crime rates without significant investments in community services.
- Many participants feel that building a new jail is unavoidable.
- A participant mentioned that there is a distrust that funding a levy to for a new jail will actually be used for its stated purpose. There is a belief the funds will be diverted.
- While some participants believe a bigger jail is needed to support future population growth, and nearly all participants want more in-jail behavioral services, most participants disagree with building a jail with the sole purpose of holding more individuals.
 - Non-violent offenders shouldn't be held in jail, so removing them would open up additional space for violent offenders.
 - Diverting arrested individuals with mental health issues to a mental health facility would reduce the amount of people housed in the jail.
- Many participants shared that the current conditions of the jail cells, recreation area, and kitchen are fundamentally inhumane and should be addressed. However, they don't support investments that address these issues if they lead to incarceration of more individuals.
- Some Lummi tribal nation members expressed interest in establishing their own jail on the reservation.
- The better treatment inmates receive, the better chance they have of recovering and re-integration. Therefore, investments in the jail need to be holistic and can't just focus on the physical facility itself.

- While some participants pointed to the fact that the county jail is supposed to function for short-term holding, most participants agree that they would classify stays up to one year as long-term.

“Where should a new facility be located?”

- Participants have mixed opinions about where a new jail should be located. The following locations were suggested:
 - Downtown
 - Adjacent to the parking lot by the County Courthouse
 - Current Work Center location
 - Far outside of the city
 - On the reservation (for a native-only facility)
- Regardless of location, participants agree that it is imperative to ensure inmates have access to the quality services they need, and that access to outdoor recreation should be a requirement. For those who have been incarcerated, they agree that outdoor recreation is extremely rare.
- Space for cultural ceremonies inside the jail is needed, particularly outdoor space to accommodate sweat lodge. To facilitate this ceremony, a tribal elder should be granted access to the space.

“Whatcom County is looking to expand behavioral health services. What services do you prefer we focus on?”

- Most investments need to be made in prevention programs, including investing in youth.
 - Participants mentioned our society has shifted to so much technological and virtual interaction that our sense of community has diminished, and youth feel this impact. They need resources that connect them to hobbies and extracurricular activities.
 - Extracurricular activities are too expensive for many families. Addressing accessibility is important in investing in youth equitably.
- For people who are in jail, investments need to be made in counseling services, staying active, and developing skills and a career plan for when they are released so they feel like they have a purpose and a clear path to follow once they are released.
- Inmates should be enrolled in programs that continue even when they are out of jail, so they have continued support and are able to develop a healthy community.

- Gym memberships and other forms of active hobbies were suggested by individuals who have been previously incarcerated. It was mentioned that many individuals swap one addiction for another, so providing opportunities for healthy swaps in and outside of jail is important.
- Many homeless individuals want to utilize behavioral health services, but don't out of fear they will lose their belongings. A program or process to house their personal items during treatment is vital.
- In-patient treatment facilities should be funded.
- More healthcare services and treatments are needed inside the jail to address current needs. Many respondents suggested that a long-term solution is to treat individuals with mental and behavioral health problems in designated mental health facilities instead of jail.

“Where should these behavioral health services be located?”

- While someone is in jail, they should have access to behavioral health services inside of the facility. Once they leave jail, the services should follow them, but should be transferred to a community-based model. Prior inmates should not be required to repeatedly return to government buildings for services because it continues to make them feel like criminals.
 - Nearly all participants highlight the importance of a partnership between the jail and community-based organizations to support inmates during incarceration and after incarceration.
- There should be a designated space for tribal ceremony inside the jail.
- If someone is in jail due to drug abuse, the jail needs to offer rehabilitation services. If the jail can't do this, this individual should be in a rehab facility instead.
- Adequate mental health interventions and treatments should be available to all individuals in the criminal legal system before, during, and after incarceration.
- The county should ensure that behavioral health services are in-person. Virtual services are ineffective.

“What are some other solutions that can improve the local criminal legal system?”

- The list of recognized health care professions under Medicaid needs to be expanded to allow for different therapeutic approaches.
- Interventions need to be targeted to the individual. A one-size-fits-all model is no longer acceptable.

- For some inmates, success testimonials are great resources to provide hope and inspiration.
- Due to privacy laws, information on inmate services and needs isn't tracked centrally. For individuals who get moved around due to capacity issues, they fall through the cracks because there isn't a central system for new providers to build on previous work.
- Solutions should be co-created with the community.
- Real community members should be contracted to lead restorative justice circles inside the jail.
- Restorative justice circles should be utilized for rehabilitation inside and outside the jail.
- The county should improve their engagement efforts with Tribal Nations that expand beyond government-to-government relations and offer a truly collaborative relationship by facilitating candid conversations to influence decisions and co-create solutions. This involves being intentional with engagement efforts for varying communities from the start instead of relying on traditional communication methods, such as press releases and government website posts. In essence, efforts should be proactive instead of reactive. In some instances, tribal government can't bring the public in early enough, so community members are unaware of any potential efforts.
- The Bridging the Gap program is likely not being advertised to inmates. Flyers and easily accessible information about the program should be provided to all inmates.
- Currently, there are inmates who enter jail without an addiction, are being given suboxone, and then are being discharged from jail with a newfound addiction. A new policy needs to be developed to require all individuals to submit a urine analysis before being given suboxone and require that it be administered on an aggressive taper schedule.

Survey and Engagement Contradictions

There are some seeming contradictions between the feedback in the survey compared to the live engagements among BIPOC participants. Notably, the survey findings indicate that BIPOC residents were less likely to value actively addressing inequities and discrimination in the legal system and honoring the humanity of everyone using the criminal legal system compared to their white counterparts. Similarly, BIPOC survey participants were more likely to indicate they believed incarceration is extremely

important while rehabilitation is less important, compared to their white counterparts. Finally, BIPOC survey respondents were more likely to prioritize investing in a jail facility and law enforcement compared to their white counterparts. However, during live engagements with BIPOC communities, we heard sentiment of distrust in the criminal legal system, a preference to prioritize behavioral and mental health services before, during, and after incarceration, and fear around the implications of a bigger jail. There are many reasons why these differences could exist, and it is likely due to a mix of various contributors. To start, the survey race and ethnicity questions required self-identification, and for our purposes, BIPOC was classified as all “non-white” participants. There is a level of quality control we don’t have that must be considered. Additionally, this is a relatively small sample size, so results should be viewed cautiously.

Favoring “public safety” does not necessarily correlate to increasing law enforcement. Rather, it likely means that investments should be made to ensure all community members should be kept safe, regardless of race, gender, or economic status. Respondents may be indicating they support investments in law enforcement to ensure this is practiced. Further, as demonstrated through the engagements, the BIPOC participants do value investments in a jail facility if they are based in behavioral health treatment and honor cultural practices. This is a great example of the importance of combining quantitative data with real experiences and stories to understand the nuances of diverse perspectives.

In addition, it is common for value or mission statements with abstract ideas and lofty goals to be poorly received by community members. While the intention of such statements is usually positive, they can come across as empty promises. In survey formats, we often see BIPOC participants only select value statements that they think are actually feasible, or that they understand who will be leading the process to determine how it would impact them, rather than focusing on larger system change ideas because they don’t believe the needle will move there.

Overall, having in-person sessions that are based on relationships and trust-building allows participants to ideate together, which leads to a greater understanding and expanded ideas that aren’t always possible in a survey format. They also honor space for communicating perspectives culturally, which may not always align with institutional vernacular.