

WHATCOM COUNTY JAIL PLANNING TASK FORCE
Thursday, March 15, 2012
7:30 a.m.
Garden Room, 322 North Commercial Street, Bellingham

MEETING MINUTES

Task Force Members Present: Pete Dworkin, Chair, Lisa McShane, Co-Chair, Ray Baribeau, Doralee Booth, Marianne Caldwell, Dave Christensen, Peter Dawson, Anne Deacon, Caleb Erickson, Wendy Jones, Erik Ramstead, Barbara Sternberger, John Wilson.

Others Present: Executive Jack Louws, Bruce Ayers, Bill Valdez, Lori Coppenrath, Terry Terry, Justin Robertson, Deborah Hawley, Sheriff Bill Elfo, Joy Gilfilen, Richard Maneval, Irene Morgan, Kathy Mohebbi.

Roll Call

Pete Dworkin welcomed everyone and asked that they please sign the attendance roster. The attendance roster is attached.

Approval of the Minutes

The December 15 meeting minutes were approved as written.

Public Comment Period

Irene Morgan, Whatcom County Re-entry Coalition: I have attended most of your meetings and really appreciate the opportunity to be here and to see the process you've gone through. It has really been diligent and I appreciate it. I hope that the ears are available to hear what you have to say. We at the Coalition help prisoners return to society. With a \$10,000 dollar grant from the Whatcom Community Foundation we helped ten people. The expenditures are outlined in this handout I have for you, "Whatcom Community Foundation 2010 Grant Expenditures." Six people were successful. The Re-entry Coalition figured we saved the State \$207,000 dollars by helping six people not recidivate and remain out of prison. Each person cost us approximately \$1,000 dollars over a six month period. We are very excited and pleased with the results. This is just one small piece of what we are doing. We would really like to see some of the county dollars come to us so we can help more people be successful, stay out of prison and learn the societal rules society expects people to abide by. Thank you so much. I look forward to working with you.

Jack Copeland, Whatcom County Resident: Good morning everyone. I am a Whatcom County resident, homeowner and taxpayer. Recently, my wife and I retired. Our income isn't growing anymore. There are a lot of tax demands on us already and here's another one. From my table, to give to the county the money to build a newer, bigger jail is going to come out of my pocket and all of our pockets. I have a couple of suggestions that could relieve the current overcrowding in the county jail that would be absolutely free. Restore the "good time," which is what prisoners get for good behavior. Traditionally, the "good time" has been 1/3, that is what the Department of Correction's is, but in the Whatcom County Jail it is only 1/6 time. So, we are holding these inmates longer than the DOC and many other counties. If we restore the good time from 1/6 to 1/3, it would relieve a lot of the overcrowding immediately. Also, I don't think we need to arrest people in Whatcom County for simple marijuana possession. I see it go on all the time. If we stopped, it would relieve some of the overcrowding, open up beds and maybe we would not need so much money for a new jail. And secondly, I, for sure, would want to see the new jail downtown. I've seen the transportation effects on people. When they get released from jail, there they are, out in the county. This puts a burden on families visiting and a burden on attorneys. It only makes sense to build a jail downtown. The jail is downtown in Seattle and Everett. I don't want to see a 60 acre mega-jail complex. Finally, the budget crunch is so bad at the jail people aren't fed properly. They went from a hot breakfast to a sack lunch with a granola bar. There isn't enough money to run the current jail. How are we going to build a bigger jail and get the money to run it if we can't afford to run the small one we have now? Where is money going to come from? Thank you.

Deborah Hawley, Whatcom County Resident: I have a son who has been incarcerated off and on for a long time. It started with him being incarcerated in Whatcom County Juvenile Detention, then the Whatcom County Jail and now he is serving his third prison sentence at 28 years old. I found, obviously, that prison didn't help my son. I went back to school and decided to turn my pain into purpose and got a Master's degree a couple of years ago. A program in Seattle showed me how to go about creating conditions for change. I have decided to devote my career to raising awareness about the epidemic problem of incarceration in our country.

Deborah read a portion of a 2007 article by Professor Helms, Department of Sociology, WWU, published in the American Jail Association Academic Journal.

Location of Jail Checklist-Final Vote on the Checklist

Task Force members reviewed and discussed the **Jail Planning Task Force DRAFT Site Selection Criteria, February 13, 2012**, "Weight and Criteria." Pete Dworkin thanked Ray Baribeau for averaging the weightings that members submitted for the Checklist. A copy is attached.

Ann Deacon: Ann referred members to **Section #8 Location-Environmental Considerations:** I was surprised at the low weighting to environmental considerations given the county we live in and the environmental activist we have here.

Lisa McShane: In my thinking, I didn't rate it as high as some other criteria because it's non-negotiable; these are the rules and the laws that we have to follow.

Barbara Sternberger: I don't think we're looking at any item on this list as being unimportant. I think that all the items are important, that the weighing is important.

Pete Dworkin: All of these criteria will be ultimately considered. This is a guideline for the people who are looking at sites to determine what is most important out of this list of very important criteria. This is what we as a group have averaged out, what the important factors are in weighing the site selection.

Wendy Jones: Many of the fundamental environmental concerns are specified in state and local law. Some of the factors listed talk about energy sources. Depending on where the site is selected, there may be an option for geothermal ways of heating and solar may be something we consider.

A MOTION WAS MADE, SECONDED AND PASSED, UNANIMOUSLY, to approve the Jail Planning Task Force Site Selection Criteria Checklist and add a column next to the weight column that includes rank.

Discussion with County Executive Jack Louws on the Direction and Next Steps for the New Jail.

Pete Dworkin: At the last meeting we discussed the recommendations that the Task Force made to the County Council. Members of the Task Force expressed interest in having you come and talk with us.

Executive Louws: Thank you very much. I would like to ask a couple of questions. First, does the Task Force have a timeline of when you anticipate the final report will be finished and when do you anticipate presenting the final report to the County Council?

Pete Dworkin: The report is in draft form and Lisa, Wendy, Pete and I have been working on it. We are incorporating recommendations. We have been commenting and editing via e-mail and anticipate getting the report to the County Council by April.

Executive Louws: The main recommendation I see is your recommendation to hire a jail planner. You just approved your site criteria and I compliment you on getting that done today. To bring you up to date on what I've done with the project since January 9; the reality is very little except to have several meetings with the Sheriff. The reason for this is, where we go from here, in my mind, needs to be keyed off of the work that you have already done. And most importantly, to respect the work that you have done over the past months and make sure that it has the opportunity to be heard by the Council and by the public. I am very pleased with your effort and think that you have done a thoughtful and thorough job of coming through with recommendations on site selection criteria and your other bodies of work. The recommendation to hire a jail planner is the next thing I would like to discuss. Can someone here define for me the specific tasks of the jail planner? My interpretation may be different from that of the Task Force.

Barbara Sternberger: I think that the Task Force agreed, when Jay Farbstein made his presentation he talked about a process and this process is really very important. The jail planner is someone who can facilitate the process professionally.

Ray Baribeau: Jay Farbstein made a Power Point presentation on the jail planning process. It is a PDF file and what I did was take his planning process, the bullets points, and broke them into the steps; needs assessment, feasibility study, programming and site selection. This would be an outline for the jail planner and others to use and for the community to see how we are doing. The function of the jail planner is to come up with the requirements document for the design people to design the solution. They will take the criteria, which is the needs assessment, feasibility study, programming and site selection, to give the design team the information to design something that will go out for a bid in construction. Then you need a project manager to run the whole project.

Dave Christensen: Basically, the jail planner provides the detailed program on the Scope of Work to hire architects and engineers, then contractors.

Executive Louws: Your assessment of what the jail planner does ties into my assessment. I've been through this before building a city hall and police station, nothing of this size and scope. The jail planner would work as the county representative with staff, with the community, with the experts, to be able to program the project and help us make sure we are looking at all of the aspects of the project that we might not necessarily have expertise in. I agree with Ray that once the jail planner "tosses it over the fence" to the design build team or the architectural team, we move onto a different set of expertise.

Pete Dworkin: In our final report we are also making recommendations in addition to the site selection criteria. As a group, the question we started with was, do we need a new facility? This group came to a consensus and we have a written recommendation that we need a new facility and why. You are also going to see us recommending a bed size with a range of 500-700 beds. Attached to our original resolution was a proposed or generic Scope of Services that Jay Farbstein put together that communicated in multiple points what Ray did a good job of summarizing. In my mind, one of the most important pieces of that work will be a detailed needs assessment; which includes spending a week in the jail, as Wendy said, interviewing folks and seeing the population that comes in and goes out. We need a detailed needs assessment to determine what kind of facility we are going to construct. That is why we feel it is important to have a jail planner prior to site selection.

Executive Louws: In a perfect world and if it were 2007, before the county spent ¾ of a million dollars on a draft EIS and the last 5-6 years really making somewhat of a mess of the project, I would agree that following this plan and methodology through would work really well. The political reality right now is we don't have enough Council buy in to the work that we have going on and we don't have a lot of community buy in. We have distrust in terms of the program. I fear that if we go to the Council and ask to hire another consultant and spend more money to go through what the community perceives as something we should have gotten done already, we are going to lose a lot of political good will. What I think will be good to do is work concurrently on going out for a Request for Proposals for the jail planner and simultaneously ask the Council for permission to search and possibly tie up a couple of pieces of property. Then when

the jail planner comes on board, we can take our rough criteria and do a site assessment. We have a lot of ability within the county, within the county staff and within our group here that we can go a long ways in terms of determining the process. We need to get the community and County Council to buy into what we are going to do. If we go out and ask for that jail planner first, before we start taking action as a community on where we are going to put the jail, we are going to get in trouble.

Ray Baribeau: The people in Whatcom County are at risk every day. The liability if someone gets hurt and the County gets sued; my property tax bill could go up 3 or 4 times what it is currently and we still wouldn't have a new jail. We also learned that a county in upstate New York was told several times by the NIC that their jail didn't meet standards. Our jail does not meet standards. The county was sued and to settle the judgment the inmate now owns the county courthouse and the county leases the courthouse from the inmate. That was the only way the county could pay the judgment. The message has to be gotten to the people of Whatcom County that we are in jeopardy as a community.

Barbara Sternberger: My concern is if we put the same cart in front of the same horse, how will that be different from what was done previously? I think that the reason that this Task Force was appointed is to find out why there was such uproar in our community last time. What we found is that there is a certain sequence that should happen to make sure the same mistakes don't happen again. The mistake would be to go forward in an order that doesn't follow this plan which is, needs assessment first, feasibility, programming and then site selection. I'm really in favor of the jail planner and in saying, look there are so many different opinions on a complex subject that we need someone with expertise at the helm.

Erik Ramstead: I concur with the Executive. Time is of the essence. I don't think there would be any harm in doing a simultaneous process while we are assessing the needs for size of the jail and the programming. Why not start taking a look at what property is available? It will expedite the process.

Pete Dawson: I concur with the Executive. We are not making any commitments on sites. Downtown is an option. If we could identify and track several county sites, we would have this legwork done when the jail planner starts. The planner would then lay out the pros and cons of downtown versus a couple of outside site options. During the course of this, we are not locked into any decisions/site.

Doralee Booth: I concur with Jack. I think we all know in our discussions there is no guarantee that after we do all the work with the jail planner that it will smooth out the process of where the jail is going to be. That is the uproar that is going to come in this process. So simultaneously, I think it will work.

Executive Louws: I heard that one of the jail planners said that ultimately the site of the jail is not something that a jail planner or hired consultant can decide. It is a community decision. At some point the elephant in the room is going to have to be ushered out with a decision of whether or not the jail is going to be out of the downtown or in it. I know by comments made people have their opinions and the Whatcom County Council needs to wrestle with it. My concern is that there isn't a whole lot of buy in for what we are doing right now. We haven't engaged them. I'm looking at it in terms of the political realities. If it were a perfect world and we were starting this back in 2005 I'd 100% concur with what we have, let's go through the process laid out here. I understand your concern.

Lisa McShane: None of us want to repeat the mistakes that were made in the last few years. To go back in time, the sequence of building this new jail started 2000-2001. The report was paid for by Whatcom County and recommended hiring a planner and an architect. Whatcom County didn't go that route. They first identified property, then they brought HDR in to do an Environmental Impact Study. It was the EIS that cost $\frac{3}{4}$ of a million dollars. They really only had one property to analyze, which is not a range of alternatives. When you look at Best Practices from NIC and what Jay Farbsein recommended, it is always to first hire a planner. Then you can go to the public and say here's what we need, here's where we're going and here are the properties being considered. This is a logical sequence. What delays is when

things aren't done in a logical sequence. The committee recommending hiring a jail planner first isn't to delay, it's to ensure things are expedited.

Executive Louws: So what detrimental effect is doing a concurrent property search, with the understanding we are going to wait for the jail planner to weigh in on it, have on the process?

Lisa McShane: I think the benefit of the jail planner is that they get more people engaged. I think that is the process by which we can get the County Council engaged, having the jail planner on board and then shortly after that starting to look for properties. I just think that it is an important sequence.

Jack Louws: The jail planner, in my mind, because they are actually programming the jail out, is going to have a lot more interaction with staff and professionals than they are necessarily going to have with community at that point in time.

Lisa McShane: Then that would be the job of the county to hold public forums to ensure the community is informed, to have someone at the county who is communicating with the public and the press.

Executive Louws: I am not saying that there is not going to be a public process.

Lisa McShane: I understand that, but we need someone proactively thinking through how we engage the public and how we use the press to engage the public, it can't be just the planner. It has to be a full program that involves someone in the county doing the communications and working with the county council. A communications person can help engage the public.

Ray Baribeau: We tend to think linearly, tasks have to be done 1,2,3,4. But they don't. It takes an expert to do what is called a Critical Path Analysis. There are people in this community that have that skill set. Get it to a pro and do this, then we can find out what things can be moving in parallel and not have everything be linear and take another four years because the community can't afford the four years.

John Wilson: I think in one meeting this group could come up with a list of properties. If everyone came in with three recommendations for property, voted on weighting them and came out with a list of properties, the Council could then get the rest of the business completed. Everyone will be concentrating on should it be downtown, should it be in the county, horizontal or vertical, those are the big arguments, etc. I think this group can come up with a very excellent list of potential sites

Executive Louws: I don't know, in terms of the property owners, if that is the way to go out to search for a piece of property. I think that could put an undue burden on some people and identify sites of people who don't want to sell and don't want to get politically involved. We don't want to get into a situation that forces anyone to sell the county property for a jail site.

Barbara Sternberger: I want clarity that we are sure, absolutely sure, that we have a jail planner. If the site selection happens concurrently with the jail planner and that is the compromise we make to make sure the jail planner gets on board, I can back that. What I can't back is not getting a jail planner. I think the bottom line is we need to get this jail built ASAP. That means we need to make the right decisions. We can't afford not to hire a jail planner.

Executive Louws: I never said that I am not in favor of hiring a jail planner. We all know that this is the biggest project in terms of dollars Whatcom County has ever done to date. We need to get a jail planner. We are going to save more money on this project by doing things right up front than down the road. I am going to give you an example of a smaller project, building the Lynden City Hall. We hired our architect and laid out our timeline. We said the City of Lynden wants three weeks from the time you get the final design documents done before we go out to bid. There was about a week left and the architect came in and said we are going out to bid next week and I said no you're not, you promised you

were going to give me the time. We went through the documents and made seventeen pages of notes with the specs and on the drawings. We went back to the architect and we said these are the challenges that need to be reconciled. The architect wanted to put on an addendum. No, you need to fix it, and put a clean set of documents out. I got a lot of compliments from the contractors that bid the project that it was one of the cleanest sets of documents that they had to work on. What that did in turn was give us a very competitive bid. If there are unanswered questions in a bid document it raises the price and it raises the price exponentially depending on what the challenges are. We need to take that philosophy through this project and do things as efficiently as we can and do them right. I am committed to that. I am in the industry and I know what we need to do in order to do a good job of it. It doesn't mean that everything is going to be done 100% correctly but it will give us the best chance of success.

Pete Dawson: Listening to Lisa and Jack, I think one thing that would be really valuable is to spell out what went awry in the previous process so that in presenting to the Council we explain why this is a different process. I think that should be captured somewhere in our recommendations. Who works with the planner to make the recommendation to the Council?

Executive Louws: The planner works for Whatcom County and ultimately I am the administrative head they work for. The jail planner and the people who are going to be working with him/her are a different group than this group. The Task Force has done an excellent job giving us the 10,000 foot level of criteria that you think we need to include and I appreciate all of your work. What I envision is probably a smaller, select team of people who have expertise in the actual running of the facility and we can get a couple citizen representatives to be part of the team. I think it is going to be a different group than this and they are going to be working for Whatcom County. And at the appropriate times through that process they will roll their work product out to the community for the community's review. I think that is the way it needs to be done. When we get into the build stage, we will have someone that knows what rebar is, compaction tests, etc., then the group will narrow down during that stage because the Sheriff and his staff do not have this expertise.

Marianne Caldwell: My understanding was that the jail planner was going to help us walk through the process of coming to a determination as to whether horizontal or vertical was the best option or whether downtown or county was the best option. The planner was going to help us narrow down where to look for the site. Also, I wondered what process we are going to use for identifying sites. In the materials I read, it was recommended we have a real estate professional identifying sites based on our criteria.

Executive Louws: I think that if you are going to go out in the county and build a 500-700 bed facility, it is going to be expandable. You want a program that's going to have outside exercise areas and double fencing. Although the planner said that horizontal and vertical can work and be as cost efficient, he said if you are going to build vertically on the property, the only way it will work as efficiently is if you have a big enough foot print, so that the FTE's that you have, your staff, are able to staff full size cell blocks. I think we have enough generalized information. We know how big the SCORE facility is, we know how many beds it has, and we know how many acres it's on. We have those guidelines and we'll be able to verify that with the jail planner.

Lisa McShane: There are two things I want to make sure we don't lose track of. One, we have been talking about some of the costs and the most important is the operational costs. Where the site is has a huge impact on the operational costs which is part of why having the jail planner on board slightly in advance of getting the property makes a difference. The other thing is one of the recommendations that I don't want us to lose track of that is very important is having a criminal justice planning or coordinating committee to make sure the whole system operates efficiently. The jail is just one part of a bigger system. Other counties have found they saved a lot of money by being more efficient by reducing the overall jail population. An example is Spokane. This is really important in terms of the overall expenditure.

Executive Louws: I think that in all areas of government, all the time, regardless of how well it's run, have room for improvement. I think that our criminal justice group works well together at this time. The fast track programs we have

for moving people through the system are as efficient as anywhere and I compliment them on moving people through the system. They are doing a good job on our number of pretrial days but yes, we can always improve on that.

Sheriff Elfo: Most of the impacts that we are seeing in delays are caused by the State either not evaluating mentally ill people in a timely manner or changing sentencing from state prison time to county jail time and not supervising people anymore in the community to help them succeed.

Lisa McShane: Spokane County is an area where they took a careful look, made some minor changes and reduced their average length of stay from 18 days to 12 days. This really reduced their costs.

Executive Louws: The efficiencies of the new complex, the overall system, is going to be imperative. My biggest concern is that the cost of this will get to a point that the debt service on the bonding that we are going to have to do is going to take away from our ability to operate. There is no use in building a jail we cannot afford to staff. The major component of mine is going to be the fiscal impact of what we are doing.

The Task Force discussed the site acquisition process and cost benefit decisions.

John Wilson: Assuming the county is going to double in population the next 25-30 years, what do we want county government to look like in 25 years? What are county services going to look like in 26-50 years? Do we want everything all spread out? That is the big plan.

Executive Louws: I think that the jail is not appropriate in the downtown site if we take a look at the next 100 years of growth in Whatcom County. We have Public Works downtown, Planning and Development Services out on Northwest, and the Health Department in its' separate facility. If we use the remaining space that we have to develop a downtown core with a jail facility, as we grow over the next 100 years, our core services are going to continue to move out. For me, based on your criteria, because the money is such a huge issue, we need to build this jail as small as possible, the smaller we build, the more I want to have opportunities for expansion in the future. I'd like to have an outside exercise yard and adequate parking. I want it to be efficient. My job is to facilitate and ultimately it is the decision of the Whatcom County Council. People have told me this group spent nine months and the recommendation made is to hire a jail planner. That is some people's perception of what this group has done, the people that aren't involved on a day to day basis. I know better than that. In closing, I appreciate what you have done. I think you have done an admirable job. What I am going to do is take all of your comments under advisement and talk with County Council members, move this process forward and get their opinions. I am still pretty convinced that I would like to have the ability to go out and start to do the property search and would love to have your support. I am committed to having the jail planner. I'm not going to do anything until you have the opportunity to go to the Whatcom County Council and present your body of work. I look forward to working through this and ultimately getting this facility built over the next few years.

The JPTF thanked Executive Louws for his time.

The Final Report

Ray Baribeau: I developed a jail planning timeline that starts in 1983. It captures the events that led the County to today. The only information I couldn't find in the County Council minutes was the date they authorized HDR to do the EIS. I will send it by e-mail to Task Force members. Also, now that I have taken Jay Farbstein's power point and made it into a checklist, I propose we put this in our final report as one of the tools.

Pete Dworkin: I think you should distribute the timeline by e-mail. It would provide a historical perspective.

Lisa McShane: I am concerned about the timeline because it isn't a product of the Task Force. Our report is answering to a Whatcom County Council Resolution.

It was agreed by consensus to complete, edit and adopt the Final Report without scheduling an additional meeting. Ray proposed that the checklist from Jay Farbstein's Power Point and the timeline be included in the report. Members agreed not to include the checklist and timeline as they are not a product of the Task Force. It was agreed The Ad Hoc committee drafting the final report includes Pete, Pete, Lisa, Wendy, Ray, and Marianne. If other members decide after the meeting that they want to join the committee, please e-mail Pete Dworkin.

It was also agreed that the deadline for distributing a draft to Task Force members via e-mail is March 21 and to submit by March 30 for the County Council April 10 meeting.

New Business

Sheriff Elfo: I have a Sheriff's Advisory Board that meets on a monthly basis. We discuss a variety of Sheriff's office issues, one of which is the jail. Some of the folks from the advisory board, together with other citizens in our community, have formed to educate the public about the need for a new jail, the need for additions in the current jail, and some of the options and alternatives that are out there that we may want to or that we are currently pursuing. We have someone working on communication tools. I facilitated the first several meetings of this group and they've gotten together and elected a chair, Mr. Bruce Ayers. The name of the committee is Public Safety Now.

Pete Dworkin suggested anyone who is interested in participating and learning more should contact talk to Bruce Ayers.

Bruce Ayers: I appreciated your meeting. Public Safety Now is a citizen committee. We've organized to advocate support and get out there with public education for a safe, humane, efficient and contemporary jail. We want to bring that message to the community. We want to do whatever it takes...time's up, we need to get on with the jail. The risk, the poor working conditions, the ability for us to continue as a community, for the law and justice system itself to continue to function, it doesn't work if you don't have a properly operated and maintained jail. It has to be humane, efficient, and fit within the budget. So we have organized and meet every two weeks. We have a logo that is almost finished. We hired a media consultant, are putting together our website, and we are hoping to spend the next 6 months out there for the cause of safe, humane, contemporary and efficient jail.

Lisa McShane: Does Public Safety Now have county support or any county funding?

Bruce Ayers: It is a group of citizens and is currently self-funded. They do not meet in public facilities.

Pete Dworkin thanked everyone for their work.

The meeting was adjourned @ approximately 9:30 a.m.