

**Incarceration Prevention Reduction Task Force / Law and Justice Council**

9:00 a.m. – 11:00 a.m., April 15, 2019

Whatcom County Courthouse Fifth Floor Conference Rooms 513/514, 311 Grand Ave., Bellingham WA

**AMENDED AGENDA**

*If you plan to bring handouts to this meeting, bring at least 30 for task force members and the file*

The meeting summary of the previous meeting is attached to the meeting packet for information only. Changes to the summary can be submitted to the Committee Clerk. The audio recording on the Committee website is the official meeting record.			
Topic	Packet Page(s)	Requested Action	Presenter
<b>1. Call to Order</b> <ul style="list-style-type: none"> <li>Welcome new member(s)</li> <li>Review of Annual Report Timelines</li> </ul>	1	N/A	Co-Chairs
<b>2. Update of Jail Standards Code Chapter 1.28</b>	2 - 34	Review and Discuss	Sheriff's Office
<b>3. Committee Updates</b> <ul style="list-style-type: none"> <li>Update on Committee membership ..... • 35</li> <li>Steering Committee ..... • 36 - 38</li> <li>Crisis Recovery Facility Committee ..... • 39 - 49</li> <li>Behavioral Health Committee ..... • 41</li> <li>Legal &amp; Justice Systems Committee..... • 42 - 47</li> <li>INDEX Committee ..... • 48 - 49</li> </ul>		Information	Committee Chairs
<b>4. Other Business</b>			
<b>5. Public Comment</b>			
<b>6. Adjourn</b>			

**UPCOMING MEETINGS AND EVENTS**

IPR TASK FORCE Bi-monthly on various Mondays 9-11 a.m. Courthouse Rooms 513/514 311 Grand Ave., Bellingham	COMMITTEES				
	BEHAVIORAL HEALTH various Mondays 2:30-3:30 Health Department Creekside Room 509 Girard, B'ham	INDEX First Thursday 1:30-3:00 Courthouse Rooms 513/514, 311 Grand Avenue, B'ham	LEGAL & JUSTICE SYS. 2 <sup>nd</sup> Tuesday 11:30 am-1:30 pm Courthouse Room 514 311 Grand Ave., Bham	TRIAGE FACILITY Bi-monthly 3 <sup>rd</sup> Thursday 9:30-11:00 a.m. Courthouse Room 513 311 Grand Avenue, B'ham	STEERING As needed 9:30-11:00 a.m. Courthouse Room 513 311 Grand Ave., Bham
June 10 August 12	May 13 14 (Joint mtg with L&JS Comm) June 10 July 8 August 12	April 18 May 2 June 6 July 11** August 1	May 14 (Joint mtg with L&JS Comm) June 11 July 9 August 13	May 16 July 18	May 30 August 1

The most up-to-date meeting schedule can be found online at:  
<http://wa-whatcomcounty.civicplus.com/calendar.aspx?CID=40>,

IPRTF 2019 Report Timeline			
Month	Day	Activity	Completed?
February	28	Meet with TF Chairs to discuss process	X
March	4 <sup>th</sup>	Meet with Behavioral Health, discuss revisions	X
	7 <sup>th</sup>	Meet with INDEX, discuss revisions	X
	12 <sup>th</sup>	Meet with Legal/Justice, discuss revisions	X
	21 <sup>st</sup>	Meet with Crisis Stabilization, discuss revisions	X
	29 <sup>th</sup>	Mark sends memo summarizing process to Steering Cmte.	X
April	4 <sup>th</sup>	Steering Committee meeting, review of: <ul style="list-style-type: none"> <li>▪ Report structure</li> <li>▪ New content</li> <li>▪ Direction to Committee Chairs on updating their sections</li> </ul>	X
	15 <sup>th</sup>	<i>Discussion with full Task Force about structure and content</i>	
	26	➤ INDEX Committee draft section due to Jill N.	
May	2 <sup>nd</sup>	INDEX – Discussion of draft section	
	8	Behavioral Health Committee draft section due to Jill N.	
	8	Legal/Justice Committee draft section due to Jill N.	
	8	Crisis Stabilization Committee draft section due to Jill N.	
	13 <sup>th</sup>	Behavioral Health – Discussion of draft section	
	14 <sup>th</sup>	Legal and Justice – Discussion of draft section	
	16 <sup>th</sup>	Crisis and Recovery – Discussion of draft section	
	24 <sup>th</sup>	➤ <i>Revised committee section reports sent to Mark</i>	
	30 <sup>th</sup>	Steering Committee – Final Review	
	June	10 <sup>th</sup>	➤ <i>Task Force meeting: Final Approval</i>
20 <sup>th</sup>		➤ <i>Turn in final version (Mark leaves next day)</i>	
30 <sup>th</sup>		Report due to County Council and County Executive	
July	9 <sup>th</sup>	Presentation to County Council	
<p><u>Things to add:</u></p> <ul style="list-style-type: none"> <li>▪ Task Force now serving as the Law and Justice Council, and membership changes</li> <li>▪ The impending launch of a pretrial services unit and implementation of a risk assessment tool</li> <li>▪ Development of a strategic plan for the entire Task Force and launch of one of the top recommendations from the January 2018 strategy session, which is the INDEX Committee</li> <li>▪ The update on the crisis recovery facility and challenges with operational funding</li> <li>▪ The launch of the GRACE program</li> <li>▪ Possibly the final pretrial risk assessment questionnaire and the associated risk level tables</li> <li>▪ Data matrix (in appendix)</li> </ul>			

Chapter 1.28  
STANDARDS FOR CORRECTIONAL FACILITIES

Sections:

- 1.28.010 General.
- 1.28.020 Definitions.
- 1.28.030 Physical plant standards.
- 1.28.040 General administration.
- 1.28.050 Staff positions.
- 1.28.060 Training.
- 1.28.070 Records.
- 1.28.080 Emergency procedures.
- 1.28.090 Fire prevention – Suppression.
- 1.28.100 Overcrowding.
- 1.28.110 Use of force.
- 1.28.120 Admissions.
- 1.28.130 Preclassification.
- 1.28.140 Orientation.
- 1.28.150 Classification – Segregation.
- 1.28.160 Good time.
- 1.28.170 Release and transfer.
- 1.28.180 Transportation.
- 1.28.190 Staffing.
- 1.28.200 Supervision – Surveillance.
- 1.28.210 Critical articles.
- 1.28.220 Prisoner rights.
- 1.28.230 Discipline.
- 1.28.240 Grievance procedure.
- 1.28.250 Responsible physician and licensed staff.
- 1.28.260 Health care policy and procedures.
- 1.28.270 Health screening.
- 1.28.280 Access to health care.
- 1.28.290 Health care training.
- 1.28.300 Medications control.
- 1.28.310 Health care records.
- 1.28.320 Special medical issues.
- 1.28.330 Access to facilities.
- 1.28.340 Food.
- 1.28.350 Clothing – Bedding – Personal items.
- 1.28.360 Sanitation.
- 1.28.370 Services.
- 1.28.380 Programs.
- 1.28.390 Telephone usage.
- 1.28.400 Mail.
- 1.28.410 Visitation.
- 1.28.420 Severability.

**1.28.010 General.**

A. The rules set forth in this chapter shall apply to correctional facilities generally within Whatcom County, but shall not apply to holding facilities, detention facilities, work release facilities or juvenile facilities unless they are specifically mentioned in the provisions set forth in this chapter.

B. When the word "shall" is used in this chapter it is used as an imperative and must be considered mandatory; whereas when the term "may" is used in this chapter it is used as directory only and is not mandatory but rather permissive. (Ord. 87-85 (part)).

### **1.28.020 Definitions.**

The following words and phrases shall have the meaning indicated whenever used in this chapter unless a different meaning is specifically indicated:

A. "Correctional facility" means a facility operated by a governing unit primarily designed, staffed and used for housing of adult persons serving terms not exceeding one year for the purposes of punishment, correction and rehabilitation following conviction of a criminal offense.

B. "Detention facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the housing of adult persons for purposes of punishment and correction after sentencing of persons serving terms not to exceed 90 days.

C. "Holding facility" means a facility operated by a governing unit primarily designed, staffed and used for the temporary housing of adult persons charged with a criminal offense prior to trial or sentencing and for the temporary housing of such persons during or after trial and/or sentencing, but in no instance shall the housing exceed 30 days.

D. "Juvenile facility" means a facility separated or removed from any jail or police station, which is in charge of a matron, wherein all children within the provision of RCW Title 13 shall be sheltered. (Ord. 87-85 (part)).

### **1.28.030 Physical plant standards.**

1. Functional Areas. Sleeping and living areas shall be designed to provide adequate confinement, reasonable prisoner-to-prisoner privacy, sight and sound surveillance and protection for prisoners and staff.

2. Single Occupancy Cells. Seventy-two square feet or larger with not less than eight-foot ceilings. A single occupancy cell should contain not less than 50 square feet of clear floor space.

3. Day Room Areas. A minimum of 35 square feet per prisoner, but not less than a total of 144 square feet.

4. Dormitories, When Included. A minimum and maximum capacity of eight to 10 males or four to 10 females and 60 square feet of floor space per prisoner in semiprivate sleeping areas. The dormitory shall also include day room space, and not less than 10-foot ceiling if double bunks are used.

5. Program, Recreation and Exercise Areas. Detention and correctional facilities shall provide adequate indoor program and recreation area(s) and a multipurpose outdoor exercise and activity area.

6. Kitchen and Dining Facilities. When kitchen facilities are included, such facilities shall be adequate for the sanitary preparation of three nutritionally balanced meals per day.

7. Dining area(s) shall allow conversational opportunities in adequate surroundings. Meals shall not be served in cells, except where necessary for the health, security and/or well-being of prisoners and staff.

8. Examining Room, Infirmary and Medical Isolation. Detention and correctional facilities shall provide space to be used as a medical examining room. This space may be multipurpose, but when used as an examining room it shall provide sight and sound privacy and be equipped with natural spectrum fluorescent lighting, a hand-washing lavatory with a gooseneck spout, either foot, knee, push plate, electric eye beam or equivalent faucet controls, and sufficient lockable storage for medical equipment and supplies.

9. When an infirmary is located within the facility space it shall allow a minimum of three feet between the perimeter of each bed and walls, beds and any fixed obstruction; provided, that this three-foot requirement does not apply to the distance between the head of a bed and the wall. The infirmary shall be equipped with its own lavatory, toilet, shower and bathtub.

10. Visitation and Confidential Consultation. Space for visitation shall be included in detention and correctional facilities. Such space shall allow surveillance and the degree of control over physical contact deemed necessary by jail management for visible control, and shall simultaneously provide adequate seating for prisoners and their visitor(s).

11. Detention and correction facilities shall provide adequate facilities for confidential consultation(s).

12. Laundry. If laundry facilities are provided within the jail, such facilities shall be adequate for sanitary washing and drying of the jail laundry. Separate areas should be arranged for storage and sorting of soiled laundry and for the sorting, folding and storage of clean laundry.

13. Storage. Detention and correctional facilities shall include one or more secure storage area(s) for the storage of prisoner personal clothing and property and for necessary jail equipment and supplies.

14. Supervisory Stations. Sufficient space and equipment for the facility supervisor shall be provided in an area secure from prisoner access. An adequate control room shall be secure from an unauthorized access and it shall be capable for controlling access to and facility by the general public.

15. Sight-and-sound surveillance equipment, when used, shall be monitored in the control room or at the control panel and remote control operating devices shall also be in the control room. The control room shall be equipped with a sink and toilet.

16. Booking and Reception Areas. The booking area(s) shall include, but not be limited to, rest-room facilities with shower, a "strip search" room, holding cell(s) (may be multiple occupancy), telephone and space for photographing, fingerprinting, delousing, intoxication determinations and health screening.

17. Building Codes. All standards contained in the current Washington building code established by RCW 19.27.030, the electrical wiring provisions of RCW Chapter 19.28, and more restrictive local standards shall be followed in all new jail construction.

18. Materials for Walls, Floors and Ceiling. In all jail facilities, walls, floors and ceilings shall be constructed with materials adequate to attain the degree of security required for each area of the facility. Such materials shall be easily cleanable, provide minimum sound transmission and fire protection. Polyurethane, neoprene or similar type materials shall not be used in padded cells. All paint used in a jail facility shall be fire-resistant and nontoxic.
19. Entrances and Exits. Detention and correctional facilities shall have two secure vestibules for ingress and egress.
20. Elevators shall have no less than six feet by four feet inside dimensions.
21. A secure area shall be provided for loading and unloading prisoners.
22. Windows and/or Skylights. Windows and/or skylights shall be sufficient to provide natural light to all living areas, yet locations shall assure security from escape and introduction of contraband.
23. Noise Level. Noise level shall conform to the requirements of Chapter 173-60 WAC (Maximum environmental noise levels).
24. Prisoner living areas, inspection corridors and vestibules shall have secure lights with outside switch control. No electrical conduit shall be accessible from any cell, though each living unit may contain outlets and switches, provided they are unilaterally controllable by staff.
25. Lighting. Illumination at all times shall be adequate for security and surveillance, and daytime and evening illumination shall be sufficient to permit prisoners to read in their cells (30 footcandles at 30 inches minimum, 100 footcandles at 30 inches for medical examining areas, 50 footcandles at 30 inches for work areas).
26. Water Supply. There shall be an adequate supply of sanitary hot and cold water available at all times to prisoners. Hot water for general use shall be adequate.
27. Plumbing – Toilets, Lavatories, Showers and Floor Drains. There shall be at least one toilet and lavatory for every eight prisoners. Separate facilities shall be provided for each sex.
28. A minimum of one shower head shall be provided for every 10 prisoners.
29. Floor drains shall be constructed to serve all cells, dormitories and other areas where necessary to facilitate cleaning. Floor drains shall be located outside the cell space to reduce the incidence of tampering and flooding. Plumbing connection and pipes shall be secure from uncontrolled access by prisoners.
30. Heating, Ventilation and Air Conditioning. The systems shall maintain mean temperatures between 65 and 85 degrees Fahrenheit.
31. The ventilating system shall provide for the number of air changes per hour as specified in the Uniform Building Code.
32. Support Systems – Fire Detection and Suppression. All correction facilities and detention facilities shall have smoke and fire detection and alarm equipment. Fire alarm systems shall conform to all state and local fire regulations. Sprinklers shall not be required within-cells

and conflicting requirements of local code provisions are preempted, when all other applicable code provisions relating to fire safety are met and an effective smoke control system is incorporated in the facility design.

33. Emergency Power. All detention and correctional facilities shall be equipped with emergency power sources with sufficient capacity to maintain communications and alarm systems, to move one jail elevator, where one exists, to provide minimum lighting within the facility and perimeter, and for the preparation of a light meal.

34. Minimum Security Facilities. Jail facilities shall be constructed to totally separate areas for housing prisoners who are allowed to go outside the jail regularly from all other prisoner areas. (Ord. 87-85 (part)).

**1.28.040 General administration.**

A. The chief law enforcement officer or his designee shall develop and maintain an organizational chart and an operations manual of policies and procedures.

B. Such chart and manual shall be reviewed by all staff and such review noted by signature prior to any assignment.

C. All jail policies and procedures should be reviewed and revised as appropriate on a continuing basis but at least annually. (Ord. 87-85 (part)).

**1.28.050 Staff positions.**

A. Written job descriptions shall define the responsibilities and designate the qualifications for each staff position.

B. Qualifications for correctional officers who have direct responsibility over prisoners and who are hired on or after the effective date of these minimum standards shall include, but not be limited to, a high school diploma, or equivalent.

C. All jail staff shall be selected in accordance with RCW Chapter 41.14 and/or other applicable legal requirements and shall be retained upon proven ability to perform.

D. Appropriate physical fitness standards should be set and enforced for all jail staff. (Ord. 87-85 (part)).

**1.28.060 Training.**

All correctional facilities shall provide preservice orientation to each newly hired jail staff member prior to being assigned to duty, regardless of his or her previous training or experience, prior to the assignment of any jail duties. Such training may be provided either by existing jail staff or other qualified persons, and must be verified by a written outline, and shall include, but not necessarily be limited to:

A. Review and understanding of all policies and procedures relating to his/her job responsibilities, specifically:

1. Agency organization,
2. Admission and release procedures,
3. Security and safety procedures,

4. Contraband control, definition of, etc.,
  5. Prisoner discipline,
  6. Medical and mental health procedures,
  7. Use of force,
  8. Confidentiality of jail records;
- B. Review of the Washington criminal justice system and custodial care standards as they relate to jail duties;
- C. Identification and understanding of the function of agencies whose authority may extend to the jail's prisoners;
- D. Appropriate training and qualifications in the use of weapons when jail duties include possession or carrying of a firearm;
- E. All persons directly responsible for the supervision of prisoners shall successfully complete the Washington State Criminal Justice Training Commission basic correctional academy within the first six months of their employment, as required by WAC 139-36-010, unless such training has already been received;
- F. Staff training shall further include such training as required by Section 1.28.290. (Ord. 87-85 (part)).

**1.28.070 Records.**

- A. The chief law enforcement officer or his designee for each correctional facility shall establish a records system which shall comply with the requirements of this section.
- B. Fiscal. Each detention and correctional facility shall maintain records which clearly indicate facility operation and maintenance costs according to generally accepted accounting principles. Such records shall separate specific jail functions from other department functions.
- C. Confidentiality. All jail facility personnel shall be advised of the statutory provisions for confidentiality of jail records under RCW 70.48.100(2).
- D. Individual Prisoner Records. The information required by the booking and release form shall be obtained for each booking and release. Such information will be retained in written form or within computer records. Other information retained in each prisoner's jail records shall include, but not be limited to, reports of disciplinary actions and/or unusual occurrences, and, in case of death, disposition of prisoner's property and remains.
- E. Medical. Health care records shall be maintained separately in accordance with Section 1.28.310, to the extent necessary to maintain their confidentiality.
- F. Prisoner Access. Each prisoner shall be permitted reasonable access to his jail record, or reasonable access to information contained therein, and such access may be limited only on substantial grounds of institutional security.

G. Transfer. When a prisoner is transferred to another facility, copies or summaries of all health records shall be transferred to the receiving facility; provided, that the requirements of Section 1.28.310 regarding confidentiality are followed. Applicable court orders shall be transferred. Summaries or copies of disciplinary records shall be transferred where such information may serve a substantial governmental interest in the safety or security of the receiving institution.

H. Population Reports. Each correction facility shall complete monthly reports on its population and shall be kept in accordance with the record retention schedule.

I. Population Accounting. Each correctional facility should, in addition, maintain an ongoing and a permanent accounting of its population by its own confinement categories, location or classification within the jail.

J. Jail Register. Each jail shall maintain an accurate jail register as required by RCW 70.48.100.

K. Infraction and Disciplinary. The chief law enforcement officer or his designee shall maintain a written record of all incidents which result in substantial property damage or bodily harm, or serious threat of substantial property damage or bodily harm. Major infraction reports and disciplinary actions shall become part of the prisoner's jail record.

L. Incidents and Emergencies. All serious incidents and emergencies shall be recorded. For purposes of this section, the term "serious incidents and emergencies" includes, but is not limited to any death which occurs within a jail, attempted suicides, epidemics, completed escapes, any completed assault upon staff or prisoners, fires which result in any property damage or when any person is injured, flooding or other natural disasters or riots.

M. Incident Reports. An incident report shall be completed on any death, completed escape or fire. All such incident reports for a given month shall be maintained on a monthly basis with a monthly population accounting form. A copy of all incident reports shall be retained at the jail.

N. Activity Log. All jails should keep a log of daily activity within the facility for future accountability.

O. Personnel Training. Training records shall be maintained for each staff member employed by a detention or correctional facility.

P. Personnel Performance. Performance records should be maintained for each staff member employed by a detention or correctional facility and should be kept in their personnel file. (Ord. 87-85 (part)).

**1.28.080 Emergency procedures.**

A. The chief law enforcement officer or his designee shall formulate written emergency procedures relative to escapes, riots, rebellions, assaults, injuries, suicides or attempted suicides, outbreak of infectious disease, fire, acts of nature, and any other type of major disaster or disturbance. The emergency plan shall outline the responsibilities of jail facility staff, evacuation procedures and subsequent disposition of the prisoners after removal from the area or facility. Such plan shall be formulated in cooperation with the appropriate supporting local government units.

B. Emergency plans shall always be available to the officer in charge of the jail, and all personnel shall be aware of, and trained in, the procedures. (Ord. 87-85 (part)).

**1.28.090 Fire prevention – Suppression.**

A. The department of corrections or chief law enforcement officer shall consult with the local fire department having jurisdiction over the facility in developing a written fire prevention and suppression plan which shall include, but not be limited to:

1. A fire prevention plan to be part of the operations manual of policies and procedures;
2. A requirement that staff are alert to fire hazards during their daily rounds;
3. Fire prevention inspections at least semiannually by the fire department having jurisdiction; provided, that when such inspections cannot be obtained from such fire department the facility shall provide such inspections by an independent, qualified source;
4. A regular schedule for inspections, testing and servicing fire suppression equipment.

B. Results of all fire department inspections shall be kept on file at the jail, together with records of actions taken to comply with recommendations from such reports. (Ord. 87-85 (part)).

**1.28.100 Overcrowding.**

A. No prisoner shall be required to sleep directly on the floor for any length of time, or on a mattress on the floor in excess of one 72-hour period, unless there are reasonable grounds to believe that such provisions are necessary to prevent the prisoner from damaging property, inflicting bodily harm to himself or others, or substantially compromising the security of the jail.

B. Existing Jails. The chief law enforcement officer or his designee shall propose a maximum capacity for each detention or correctional facility within his or her jurisdiction. This capacity shall reflect a judgment as to the maximum number of prisoners who may be housed within the facility in a humane fashion.

C. Overcrowding. The maximum capacity may be exceeded to the extent that the average daily population for any calendar month does not exceed the established maximum capacity.

D. Any report of conditions of overcrowding required under this section shall be considered as a notice of an emergency suspension of standards.

E. The chief law enforcement officer or his designee shall establish, with the cooperation of the presiding judge of the superior court, a procedure for release of prisoners before the end of their term or the transfer to other approved facilities when overcrowding occurs as defined in this chapter.

F. In the event of overcrowding caused in part by the existence of state prisoners, the chief law enforcement officer or his designee shall contact the state department of corrections in an effort to have such prisoners removed.

G. In the event of overcrowding caused in part by the existence of federal prisoners, the chief law enforcement officer or his designee shall contact the appropriate federal agency in an effort to have such prisoners removed. (Ord. 87-85 (part)).

**1.28.110 Use of force.**

A. The chief law enforcement officer or his designee shall establish and maintain written policies and procedures regarding the use of force and the use of deadly force, which shall be consistent with this section.

B. Only lawful and reasonable force to the person of a prisoner shall be used.

C. Deadly force shall not be used on a prisoner unless the person applying the deadly force believes that the prisoner poses an immediate threat of death or grievous physical injury to an officer or employee of a jail or any other person, or to prevent the escape of a prisoner arrested for a felony, and that the officer believes that other reasonable and available alternatives would be effective.

D. A written report on the use of such force or deadly force shall be made. In the case of deadly force a written report shall be made by each staff member involved or observing the use of such force. The report(s) shall be reviewed by the chief law enforcement officer or his designee who shall, if appropriate, investigate the incident further and make a determination whether appropriate, justified or reasonable force was used. Said determination shall be made a matter of record.

E. The "carotid sleeper hold" means any hold or restraint specifically designed to inhibit blood flow through the carotid arteries of the neck without inhibiting breathing by compression on the airway in the neck and without compression of the larynx or trachea. The carotid sleeper hold shall be considered to be deadly force.

F. The "choke hold" means any hold or restraint specifically designed to inhibit breathing by compression of the airway in the neck. The choke hold shall be considered to be deadly force.

G. The carotid sleeper hold generally presents less danger of causing serious injury or death than the choke hold and therefore is generally preferred over the choke hold in situations where such holds are permissible.

H. No neck hold shall be used, except by persons instructed in the dangers of the neck holds, its definition as deadly force, and the proper use and constraints of the carotid sleeper hold, by someone specifically trained in the use and dangers of neck holds. Refresher training shall be provided on at least an annual basis.

I. Medical attention shall be administered to the prisoner by a qualified medical professional as soon as possible after the use of the carotid sleeper hold or the choke hold. (Ord. 87-85 (part)).

**1.28.120 Admissions.**

1. General. The receiving officer shall determine that the arrest and confinement of each prisoner is being accomplished by a duly authorized officer, and a copy of all documents that purport to legally authorize the confinement shall become part of the prisoner's jail record.

2. The delivery officer shall remain at the jail facility until the jail staff has accepted the prisoner.

3. Each prisoner, after completion of booking, shall be advised of his right to, and be allowed to complete, at least two telephone calls to persons of his choice who may be able to come to his assistance. If the prisoner chooses not to place the calls allowed, this information shall be noted on the booking form.
4. Reasonable provisions for communicating with non-English speaking, handicapped or illiterate prisoners shall be provided concerning the booking process, rules of the facility, privileges and other information pertinent to his rights and well-being while confined.
5. The booking process should be completed promptly unless the physical or mental condition of the prisoner necessitates delay.
6. Search/examination, When Allowed. The chief law enforcement officer or his designee shall establish and maintain written policies and procedures regarding pat searches, strip searches and body cavity searches, which shall be consistent with this section.
7. Each prisoner shall be searched for contraband in such a manner consistent with this subsection and written policies and procedures established thereunder, as is necessary to protect the safety of prisoners, staff and institutional security.
8. No strip search shall be conducted except pursuant to the written policies and procedures required by subsection 6 of this section.
9. No prisoner, other than a person committed to incarceration by order of a court or a person held for post-conviction incarceration for a criminal offense, shall be strip searched without a warrant except where reasonable suspicion exists. A prisoner taken into custody pursuant to an arrest warrant or other court order issued before the person was arrested or otherwise taken into custody shall not be considered as committed to incarceration by order of a court for purposes of this section unless the court issuing the warrant has determined that the person shall not be released on personal recognizance, bail, or bond. No strip search shall be authorized or conducted unless a thorough patdown search, a thorough electronic metal-detector search, and a thorough clothing search, when appropriate, do not satisfy the safety, security or evidentiary concerns of the jail. Physical examination by licensed medical professionals solely for public health purposes shall not be considered strip searches. A prisoner may be strip searched if:
  - a. There is reasonable suspicion to believe that a strip search is necessary to discover weapons, criminal evidence, contraband, or other things concealed on the body of the person to be searched, that constitute a threat to the security of the facility;
  - b. There is probable cause to believe that a strip search is necessary to discover other criminal evidence concealed on the body of the person to be searched, but not constituting a threat to facility security; or
  - c. There is reasonable suspicion to believe that a strip search is necessary to discover a health condition requiring immediate medical attention.
10. The determination of whether reasonable suspicion or probable cause exists to conduct a strip search shall be based on consideration of all information and circumstances known to the officer authorizing the strip search, including but not limited to the following factors:
  - a. The nature of the offense for which the person to be searched was arrested;

- b. The prior criminal record of the person to be searched; and
- c. Physically violent behavior of the person to be searched, during or after arrest;
- d. Reasonable suspicion shall be deemed to be present when the prisoner has been arrested for:
  - i. A violent offense as defined in RCW 9.9a.030 (17) or any successor statute,
  - ii. An offense involving escape, burglary or the use of a deadly weapon, or
  - iii. An offense involving possession of a drug or a controlled substance under RCW Chapter 69.41, 69.50, 69.52 or any successor statute.

11. A written record or records of any strip search shall be maintained in the individual file of each person strip searched, which record(s) shall contain the following information:

- a. The name and serial number of the officer conducting the strip search and of all others present or observing any part of the strip search;
- b. The time, date and place of the strip search; and
- c. Any weapons, criminal evidence, other contraband or other thing or health condition discovered as a result of the strip search. Where reasonable suspicion is deemed present because of the nature of the arrest offense, the record shall contain the offense(s) for which the person searched was arrested. In other cases where reasonable suspicion or probable cause is found to be present the report shall also contain:
  - i. The name of the supervisor authorizing the strip search, and
  - ii. The specific facts constituting reasonable suspicion to believe the strip search was necessary.

12. No body cavity search shall be conducted except pursuant to a valid search warrant. No search warrant for a body cavity search shall be sought without prior authorization of the ranking shift supervisor, pursuant to the written policies and procedures required by Section 1.28.120(6). Before any body cavity search is authorized or conducted, a thorough pat-down search, a thorough electronic metal-detector search, and a thorough clothing search, where appropriate, must be used to search for and seize any evidence of a crime, contraband, fruits of crime, things otherwise criminally possessed, weapons, or other things by means of which a crime has been committed or reasonably appears about to be committed. No body cavity search shall be authorized or conducted unless these other methods do not satisfy the safety, security or evidentiary concerns of the law enforcement agency.

13. Search procedures, to all strip searches and body cavity searches shall be conducted in a professional manner which protects the prisoner's dignity to the extent possible.

14. A strip search or body cavity search, as well as presearch undressing or postsearch dressing shall occur at a location made private from the observation of persons not physically conducting the search, except that a strip search to search for and seize a weapon may be conducted at other than a private location if there arises a specific threat to institutional security that reasonably requires such a search, or if all persons in the facility

are being searched for the discovery of weapons or contraband. A strip search or body cavity search shall be performed or observed only by persons of the same sex as the person being searched, except for licensed medical professionals or when necessary to assure the safety of the prisoner or any person conducting the search.

15. No person may be present or observe during a strip search or body cavity search unless the person is necessary to conduct the search or to ensure the safety of those persons conducting the search except at the request of the person being searched.

16. When a strip search or a body cavity search of a prisoner is conducted, it should include a thorough visual check for birthmarks, wounds, sores, cuts, bruises, scars and injuries; "health tags"; and body vermin. Less complete searches should include the same checks to the extent possible.

17. Persons conducting a strip search or body cavity search shall not touch the person being searched except as reasonably necessary to effectuate the search of the person.

18. Body Cavity Searches. A body cavity search may be conducted only pursuant to subsection 1.28.120(11). Any body cavity search shall be performed under sanitary conditions and conducted by a physician, registered nurse, or registered physician's assistant, licensed to practice in this state, who is trained in the proper medical process and the potential health problems associated with a body cavity search.

19. When a body cavity search is conducted by a licensed medical professional of the opposite sex, an observer of the same sex as the prisoner should be present.

20. Nothing in this section prohibits a person upon whom a body cavity search is to be performed from having a readily available person of his or her choosing present at the time the search is conducted. However, the person chosen shall not be a person being held in custody by a law enforcement agency.

21. The officer requesting the body cavity search shall prepare and sign a report, which shall include:

- a. A copy of the warrant and any supporting documents required;
- b. The name and sex of all persons conducting or observing the search;
- c. The time, date, place and description of the search; and
- d. A statement of the results of the search and a list of any items removed from the person as a result of the search. The report shall be retained as part of the agency's records.

22. All physical markings and "health tag" identifications shall be recorded and made available to the appropriate jail employees and the medical professionals responsible for care of the prisoner under Section 1.28.250.

23. Particularly when force has been used during arrest, all visible injuries should be photographed.

24. Body Vermin. Any person with body vermin shall be treated appropriately.

25. Medical Complaints. Complaints of illness or injury expressed or observed during booking shall be checked promptly.

26. Communicable Diseases. A prisoner suspected of having a communicable disease shall be isolated without delay. Arrangements shall be made for his immediate transfer to a facility equipped to handle the suspected disease, unless the admitting facility can safely and effectively segregate and maintain the medically prescribed treatment.

27. Personal Property. The admitting officer shall record and store the prisoner's personal property and issue the prisoner a witnessed receipt.

28. Prisoner Weight. Each prisoner's weight should be measured and recorded upon admission.

29. Photographs and Fingerprints. Front-view and side-view identification photographs of each prisoner should stipulate the arresting agency or the booking agency and the date of arrest or the date of the photograph.

30. Copies of fingerprints shall be forwarded to the proper state and federal authorities.

31. Issuances. The correctional facility should establish its own policy on prisoners' use of personal clothing or jail uniforms.

32. At a reasonable time after the completion of booking, each prisoner shall be issued clean bedding, as well as such personal care items as required under Section 1.28.350.

33. Upon prisoner request, a reasonable supply of writing material shall be furnished to indigent prisoners. (Ord. 87-85 (part)).

**1.28.130 Preclassification.**

A. Prior to classification, reasonable precautions shall be taken to insure the safety and welfare of prisoners and the security of the institution.

B. Prisoners who, upon screening, appear to have serious and potentially dangerous problems with drugs, including alcohol, or signs of serious mental illness, shall be closely observed. Persons qualified and trained to evaluate such prisoners shall be contacted without delay.

C. Any prisoner suspected of being assaultive shall be housed separately prior to classification except where continual direct observation is maintained.

D. No prisoner known or suspected to be a danger to himself may be housed alone without continual direct observation. (Ord. 87-85 (part)).

**1.28.140 Orientation.**

As soon after booking as possible each prisoner shall receive an oral or written orientation. The orientation shall provide information regarding the prisoner's confinement including, but not limited to:

A. Rules of prisoner conduct; including possible disciplinary sanctions, as provided in Section 1.28.220;

B. Procedures and conditions regarding classification and reclassification, as provided in Section 1.28.150;

C. Staff expectations of prisoner responsibilities, including if applicable, cleaning of prisoner living areas;

D. Prisoner rights and privileges;

E. The means of access to health care as required by Section 1.28.280, and other services;

F. An opportunity to ask and receive answers to questions shall be provided within a reasonable time. (Ord. 87-85 (part)).

**1.28.150 Classification – Segregation.**

A. Classification. The chief law enforcement officer or his designee shall establish written classification and reclassification procedures which shall be included in the manual of policies and procedures.

B. Upon entry, the on-duty supervisor shall be designated as responsible for classification of prisoners confined in the facility in accordance with such written procedures.

C. For each prisoner confined in a detention or correctional facility, those responsible for classification shall determine the degree of security required, housing assignment, program eligibility, and regulations for association within and outside the confinement area.

D. Classification Procedures. Each prisoner confined in a detention or correctional facility shall be interviewed at booking for classification determinations.

E. Each prisoner shall be classified as soon as reasonably possible.

F. The prisoner shall be promptly informed of any classification housing assignment decision other than "general population," and of his right to have that decision reviewed upon making a request. Such notice shall also be given with regard to any classification action.

G. A prisoner who is dissatisfied with his housing assignment shall be entitled to a review of the decision by the chief law enforcement officer or his designee upon making a written request, and shall be promptly informed of this right. Such request shall be reviewed by the chief law enforcement officer, or a designated staff member.

H. Criteria for Prisoner Classification. The primary criteria for classification shall be safety of the prisoner and the security of the institution.

I. Juveniles. No juvenile shall be held in a jail without sight-and-sound separation from adult prisoners. For purposes of this standard, a juvenile is a person under the chronological age of 18, who has not been transferred previously to adult courts. Provided, that no person under the chronological age of 16 shall be held in a jail or holding facility for adults. Provided further, that this standard does not preclude or prohibit the housing of remanded pretrial prisoners under the chronological age of 18 within juvenile detention facilities rather than city or county adult detention facilities. A juvenile shall not be considered "transferred previously to adult court" unless a juvenile court has held a hearing under RCW 13.40.110 or successor statute and ordered the juvenile transferred for adult criminal prosecution. The exercise of jurisdiction by a limited-jurisdiction court in traffic, fish, boating or game

offenses or infractions pursuant to RCW 13.04.030(6)(c) or successor statute does not constitute a "transfer."

J. A juvenile shall not be confined in a jail or holding facility for adults, except:

1. For a period not exceeding 24 hours excluding weekends and holidays and only for the purpose of an initial court appearance in a county where no juvenile detention facility is available, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates; or

2. For not more than six hours and pursuant to a lawful detention in the course of an investigation, a juvenile may be held in an adult facility provided that the confinement is separate from the sight and sound of adult inmates.

K. Females shall be segregated from visual communication and physical contact with male prisoners except under the direct supervision of a staff person.

L. Special problem prisoners who endanger the health and safety of other prisoners or themselves shall be segregated and closely supervised.

M. Prisoners on work release or weekend confinement programs, and any other prisoners who have regular contact outside the jail shall be segregated from other prisoner categories.

N. Factors to be considered in classification shall include, but are not limited to, age, type of crime, pretrial versus post-trial status and offender sophistication.

O. Administrative Segregation. The chief law enforcement officer shall establish written procedures governing the use of administrative segregation which are consistent with this subsection.

P. Administrative segregation shall only be used when the presence of the prisoner in general population poses a serious threat of death or injury to himself or others, damage to property, or the security or orderly operation of the facility. Written documentation shall be maintained citing the reasons for each case of a prisoner placed in administrative segregation. Written procedures shall permit the prisoner an opportunity to appeal within 72 hours (exclusive of weekends and holidays) the decision of placement in administrative segregation to the person(s) designated as responsible for classification. A hearing shall be conducted whenever a prisoner appeals placement in administrative segregation and the prisoner shall be afforded the same rights as those required for disciplinary hearings. Each prisoner in administrative segregation shall have his case reviewed at least every 30 days by the persons responsible for classification. Prisoners shall be held in administrative segregation only as long as the reason(s) for their initial placement there remains valid. (Ord. 87-85 (part)).

**1.28.160 Good time.**

The chief law enforcement officer or his designee shall develop written policies regarding time off for good behavior. Such policies shall insure that good time, when authorized by sentencing court, is given on a consistent basis, and in accordance with RCW 70.48.210 and 9.92.150. (Ord. 87-85 (part)).

**1.28.170 Release and transfer.**

- A. Release. The releasing officer shall positively determine prisoner identity and ascertain that there is legal authority for the release.
- B. The information required at the time of release shall be recorded for each prisoner released from the facility.
- C. All prisoners being released shall sign a witnessed receipt for personal property returned.
- D. Each prisoner discharged should receive a visual body check to detect changes from his admitting physical record.
- E. Transfer. In addition to the release procedures designated above, the releasing officer shall determine that the receiving unit or person has the authority to accept custody. (Ord. 87-85 (part)).

**1.28.180 Transportation.**

When jail facility staff are responsible for prisoner transportation and when the prisoner is still in the custody and under the supervision of the jail, the chief law enforcement officer or his designee of each detention and correctional facility shall develop and maintain written instructions which insure the safety of the prisoners and staff shall be maintained. (Ord. 87-85 (part)).

**1.28.190 Staffing.**

At all times in all jails, at least one staff member shall be awake, alert and directly responsible for supervision and surveillance.

- A. At all times a staff member of the same sex as the prisoner(s) shall be on duty or available within a reasonable time, which staff member shall be directly responsible for supervision which involves intimate physical contact or activities commonly afforded reasonable protection against opposite-sex observation or supervision; provided, that this does not preclude jail staff from performing nonjail functions or being relieved from direct duties and remaining on call; provided, further, that personal observation of prisoners for purposes of this section or other sections of these standards may be by opposite-sex staffing as long as opposite-sex privacy concerns are given appropriate protection.
- B. There shall be continual sight and/or sound surveillance of all prisoners.
- C. Such surveillance may be by remote means, provided there is the ability of staff to respond face-to-face to any prisoner within three minutes; provided, that special problem prisoners are subject to the more stringent personal observation and supervision requirements of other sections.
- D. In the absence of unusual behavior or other concerns for prisoner security and health, personal observation of prisoners by staff may be reduced to, but shall not be less frequent than, at least once within every 60-minute period.
- E. Personal staff observations of prisoners should be recorded in writing and retained in the jail records.
- F. Staff should be alert to prisoner depression, dissension, family rejection, loneliness, resistance to staff or programs, and the effects of use of substances prohibited by facility rules or by law. When such symptoms are discovered, such persons should be closely observed. (Ord. 87-85 (part)).

**1.28.200 Supervision – Surveillance.**

A. General Security.

1. All jails shall establish a positive means of identifying prisoners.
2. Perimeter security shall be maintained.
3. Security devices shall be maintained in proper working condition at all times.
4. No prisoner shall be permitted to have authority over other prisoners.
5. Prisoner Counts. Detention and correctional facilities shall develop a system for taking and recording prisoner counts. This procedure shall be followed at shift changes and at other regular or irregular times.

B. Contraband Control.

1. Any item or person entering or leaving a jail shall be subject to search.
2. When housed in a correctional facility, work-release prisoners and prisoners who have regular contact with other prisoner classifications or entrance to areas frequented by other prisoners shall be subject to search.
3. There shall be irregularly scheduled searches for contraband in detention and correctional facilities and all areas frequented by prisoners.
4. Conspicuously posted signs shall display the statutory penalty for giving or arranging to give anything to a prisoner without official authorization (RCW 9A.76.010, 9A.76.140, 9A.76.150, 9A.76.160). Non-English-speaking visitors shall be informed of the statutory penalty either verbally or by posted signs in the appropriate language. (Ord. 87-85 (part)).

**1.28.210 Critical articles.**

A. All detention and correctional facilities shall establish written procedures to insure that weapons shall be inaccessible to prisoners at all times.

B. Weapon lockers shall be located outside of the booking and confinement areas.

C. Whenever possible, keys to weapon lockers should be located outside of booking and confinement areas.

D. Keys and Locking Devices. Key regulations shall be established by the chief law enforcement officer and read and initialed by all staff.

E. A control point shall be designated for key cataloguing and logging the distribution of keys.

F. There shall be at least two sets of jail facility keys, one set in use and the other stored securely but easily accessible to staff for use in the event of an emergency.

G. All keys not in use shall be stored in a secure key locker inaccessible to prisoners.

H. Emergency keys shall be marked and placed where they may be quickly identified in case of an emergency.

I. Keys to locks on doors inside the security area of a jail should be on a separate ring from keys to locks on doors or gates to the outside of the jails. At no time should both rings be carried by a person inside the jail simultaneously.

J. Keys shall be accounted for at all times and the distribution certified at each shift change.

K. Jail facility keys shall never be issued to a prisoners.

L. If electronic devices are used in place of keys, there shall be key or other manual override capabilities available for immediate use in case of an emergency and/or a failure of the system.

M. Protective Equipment. Protective equipment, tear gas and any other chemical suppressing agent shall be kept in a secure area, inaccessible to prisoners and unauthorized persons, but quickly accessible to officers of the facility.

N. Kitchen Utensils, Tools and Toxic Substances. Dangerous kitchen utensils and tools shall be marked for identification, recorded and kept in a secure place.

O. Toxic substances shall be kept in locked storage, and use of toxic substances shall be strictly supervised. Such substances, including cleaning supplies, shall be stored in a separate area from food supplies. (Ord. 87-85 (part)).

#### **1.28.220 Prisoner rights.**

A. The chief law enforcement officer or his designee shall establish uniform rules and disciplinary sanctions to guide the conduct of all prisoners, which rules shall designate major and minor infractions.

B. Printed rules and possible disciplinary sanctions shall be given to each prisoner and/or posted conspicuously throughout the jail. Non-English-speaking prisoners shall be informed of the rules either orally, in writing or by posted signs in the appropriate language.

C. Rules of Conduct.

1. All major infractions of the rules shall be reported in writing to the supervisor prior to shift change by the staff member observing or discovering the act. Such reports shall become a part of the prisoner's jail record.

2. Minor Infractions. Minor violations of the rules may be handled informally by any staff member by reprimand, warning or minor sanction as defined by local rules. Such incidents may become part of the prisoner's record only with the approval of the supervisor and verbal notification to the prisoner. (Ord. 87-85 (part)).

#### **1.28.230 Discipline.**

A. Disciplinary Committee.

1. The chief law enforcement officer or such person's designee or designees, shall hear and decide all charges or major violation of facility rules and impose sanctions.

2. Any facility staff member involved in a charge shall not be allowed to participate as a hearing officer with respect to that charge.

B. Disciplinary Procedures.

1. Any charges pending against a prisoner shall be acted on as soon as possible and no later than 72 hours (exclusive of Saturdays, Sundays and holidays) after observation or discovery of the infraction. Action in this context means either a disciplinary hearing or a decision not to impose any sanction requiring a hearing.

2. At least 24 hours prior to hearing, the prisoner shall receive a copy of the written infraction report made in conformance with Section 1.28.220C. If the prisoner is illiterate, the infraction report shall be read to him.

3. The prisoner alleged to have committed a major infraction shall have, and be promptly advised of, the following rights:

a. The prisoner shall have the right to be present at all stages of the hearing, except during the decisional deliberations;

b. The prisoner shall be allowed to appear on his own behalf, to present witnesses, and to present documentary evidence unless the exercise of such rights would be unduly hazardous to institutional safety or correctional goals, in which case the prisoner shall be given a written statement of the reasons for such judgments and the prisoner's record shall contain a statement with regard to such grounds;

c. A prisoner who is unable to represent himself in such a hearing shall be informed of this right to be assisted by another person in understanding and participating in the proceedings;

d. The prisoner shall be advised of the decision in a written notice giving the reasons for the disciplinary action, if any, and evidence relied on; and

e. The prisoner shall be permitted to appeal the disciplinary hearing decision to the department of corrections or the chief law enforcement officer or his or her designee in accordance with appeal procedures established by each facility and included in the printed rules. All disciplinary proceedings shall be recorded.

4. There shall be a finding of guilt based on the preponderance of evidence before imposition of a sanction.

C. The above provisions do not preclude imposition of administrative segregation, according to procedures required by Section 1.28.150, or other appropriate limitations on freedom of the prisoner involved prior to such disciplinary proceeding; provided, that each such restriction shall be in accordance with the other provisions in these standards; provided further, that any such restrictions shall be based on legitimate grounds of institutional security or prisoner safety, and such action shall be noted in the prisoner's records.

D. Corrective Action or Forms of Discipline.

1. Nonpunitive corrective action should be the first consideration in all disciplinary proceedings.

2. When punitive measures are imposed, such measures shall be in accordance with law and recommended sanctions, appropriate to the severity of the infraction, and based on considerations of the individual involved.

E. Acceptable forms of discipline shall include the following:

1. Loss of privileges;
2. Removal from work detail or other assignment;
3. Recommendation of forfeiture of good time credit; and
4. Transfer to the maximum security or segregation section.

F. Limitations on Punishment.

1. No prisoner or group of prisoners shall be given authority to administer punishment to any other prisoner or group of prisoners.
2. Deprivation of regular feeding, clothing, bed, bedding or normal hygienic implements and facilities shall not be used as a disciplinary sanction.

3. Correspondence privileges shall not be denied or restricted, except in cases where the prisoner has violated correspondence regulations. In no case shall the correspondence privilege with any member of the bar, holder of public office, the courts or the department of corrections or chief law enforcement officer be suspended.

4. Restrictions on Visitation.

a. Visitation privileges should not be denied or restricted as a sanction for infractions of rules of the institution unrelated to visitation.

b. Under no circumstances shall attorney-client visits be restricted.

G. No prisoner shall be held in disciplinary segregation for more than 15 days for any one violation and no more than 30 days for all violations arising out of one incident. Continuous confinement for over 30 days must be approved by the director of the department of corrections or the chief law enforcement officer or such person's designee.

H. Corporal punishment and physical restraint e.g., handcuffs, leather restraints and strait jackets, shall not be used as sanctions. (Ord. 87-85 (part)).

**1.28.240 Grievance procedure.**

The chief law enforcement officer for each jail, correctional facility, detention facility or juvenile facility should develop and maintain procedures for the collection of prisoner grievances. Such procedures should provide for persons to whom grievances are to be directed, for timely review of grievances, and for written notification of action taken regarding the grievance. (Ord. 87-85 (part)).

**1.28.250 Responsible physician and licensed staff.**

A. The facility shall have a designated health authority with responsibility for health care services pursuant to a written agreement, contract or job description. The health authority may be a physician, health administrator or agency. When this authority is other than a

physician, final medical judgments shall rest with a single designated responsible physician licensed in the state of Washington.

B. Matters of medical and dental judgment shall be the sole province of the responsible physician and dentist respectively; security regulations applicable to facility personnel shall also apply to health personnel.

C. The responsible physician or medical authority should submit a quarterly report on the health delivery system and health environment and an annual statistical summary to the chief law enforcement officer.

D. State licensure and/or certification requirements and restrictions shall apply to health care personnel.

E. All medical personnel shall practice within the scope of their license. Where applicable, treatment shall be performed pursuant to a written standing or direct order.

F. Verification of current licensing and certification credentials should be on file in the jail. (Ord. 87-85 (part)).

**1.28.260 Health care policy and procedures.**

A. Written standard operating procedures approved by the responsible physician and governing unit or official designated by it shall consist of but not be limited to the following:

1. Receiving screening;
2. Health appraisal data collection;
3. Nonmerchantable medical services;
4. Deciding the emergency nature of illness or injury;
5. Availability of dental referral examination, and treatment;
6. Provision of medical and dental prostheses;
7. First aid;
8. Notification of next of kin or legal guardian in case of serious illness, injury or death;
9. Providing chronic care;
10. Providing convalescent care;
11. Providing medical preventive maintenance;
12. Screening, referral and care of mentally ill and retarded inmates and prisoners under the influence of alcohol and other drugs;
13. Implementing the special medical program;
14. Delousing procedures;

15. Detoxification procedures; and

16. Pharmaceuticals.

B. The work of qualified medical personnel shall be governed by written job descriptions which shall be approved by the responsible physician. (Ord. 87-85 (part)).

**1.28.270 Health screening.**

A. Receiving screening shall be performed on all prisoners upon admission to the facility before being placed in the general population or housing area, and the findings recorded on a printed screening form. The screening shall include inquiry into:

1. Current illness and health problems including those specific to women;
2. Medications taken and special health requirements;
3. Screening of other health problems designated by the responsible physician;
4. Behavioral observation, including state of consciousness and mental status;
5. Notation of body deformities, trauma markings, bruises, lesions, ease of movement, jaundice, and other physical characteristics;
6. Conditions of skin and body orifices, including rashes and infestations; and
7. Disposition/referral of inmates to qualified medical personnel on an emergency basis.

B. The health appraisal data collection should be completed for each prisoner within 14 days after admission to the facility in accordance with the adopted standard operating procedures; provided, that this subsection does not apply to prisoners who are able to receive medical care in the community.

C. Such health appraisal should include, at a minimum, a physical assessment by a licensed health care provider, recording of vital signs and a general review of mental status; provided, that such appraisal is not intended to be a standard "annual physical" but rather such minimum physical review as is necessary to detect any major problems. As appropriate, laboratory and diagnostic tests to detect communicable disease, including venereal diseases and tuberculosis, and other tests and appraisals should be included within such appraisal.

D. Health history and vital signs should be collected by medically trained or qualified medical personnel who are properly licensed, registered or certified as appropriate to their qualifications to practice. Collections of all other health appraisal data should be performed only by qualified medical personnel. Review of the results of the medical examination, tests and identification of problems should be made by a physician or designated qualified medical personnel. All health appraisal data should be recorded on the health data forms approved by the responsible physician. (Ord. 87-85 (part)).

**1.28.280 Access to health care.**

A. If medical services are delivered in the jail, adequate equipment supplies and materials shall be provided for the performance of primary health care delivery.

B. At the time of admission to the facility, prisoners shall receive a written communication consistent with the provisions of Section 1.28.120, explaining the procedures for gaining access to medical services.

C. Prisoners' medical complaints shall be collected daily and acted upon by the medically trained personnel. An appropriate priority shall be established and treatment by qualified medical personnel follow.

D. Work-release prisoners should be allowed to see their own physicians outside of the jail and to receive consistent care within the jail.

E. Sick Call. Sick call shall be conducted by a physician and/or other qualified medical personnel and shall be available to each prisoner as follows:

1. In facilities of less than 50 prisoners, at least once per week at a minimum;
2. Facilities of 50 to 200 prisoners at least three times per week; and
3. Facilities of over 200 prisoners at least five times per week; provided, that the average daily population may be calculated exclusive of work-release prisoners when they receive their care in the community.

F. When sick call is not conducted by a physician, the responsible physician shall arrange for the availability of a physician at least once each week to respond to prisoner complaints regarding services which they did or did not receive from other medical providers; further, regardless of complaints, the responsible physician shall review the medical service delivered, as follows:

1. At least once per month in jails with less than 50 prisoners;
2. At least every two weeks in facilities of 50 to 200 prisoners; and
3. At least weekly in facilities of over 200 prisoners.

G. Medical and dental prostheses shall not be denied when the health of the inmate-patient would otherwise be adversely affected as determined by the responsible physician.

H. Emergency Care.

1. First aid kit(s) shall be conveniently available in all jails.
2. The responsible physician shall approve the contents, number, location and procedure for periodic inspection of the kit(s).
3. Emergency medical and dental care shall be available on a 24-hour basis in accordance with a written plan which includes:
  - a. Arrangements for the emergency evacuation of the prisoner from the jail;
  - b. Arrangements for the use of an emergency medical vehicle; and
  - c. Arrangements for the use of one or more designated hospital emergency rooms, other appropriate health facilities, or on-call physician and dentist services. (Ord. 87-85 (part)).

**1.28.290 Health care training.**

A. Jail personnel shall be trained in standard first-aid equivalent to that defined by the American Red Cross and usual emergency care procedures prior to employment or during the probationary period. Written standard operating procedures and training of staff shall incorporate the following steps:

1. Awareness of potential medical emergency situations;
2. Notification or observation determination that a medical emergency is in progress;
3. First aid and resuscitation;
4. Call for help; and
5. Transfer to appropriate medical provider.

B. At least one person per shift within sight or sound of the prisoner shall have trained in receiving screening and basic life support cardiopulmonary resuscitation (CPR).

C. Jail personnel shall be given training regarding the recognition of general symptoms of mental illness and retardation.

D. All persons responsible for the delivery of medications shall have training regarding the medical, security and legal aspects of such activity. (Ord. 87-85 (part)).

**1.28.300 Medications control.**

A. The jail's standard operating procedures for the proper management of pharmaceuticals shall include:

1. A formulary specifically developed for the facility when stock medications are maintained within the jail. Such formulary shall be in accordance with WAC 360-16-070 (clinic dispensary);
2. A policy that jails with an on-site pharmacy shall adhere to regulations established by the state board of pharmacy. Such policy shall require, as a minimum, a consulting pharmacist for the operation of the pharmacy or the dispensing shall be done by each prescribing physician in person (WAC 360-16-070);
3. A policy regarding the prescription of all medications with particular attention to behavior-modifying medications and those subject to abuse;
4. A policy regarding medication dispensing and administration which shall include, but not be limited to:
  - a. Nonmedical jail personnel delivering medication(s) to prisoners,
  - b. Disposition of medication(s) brought in by prisoners at the time of admission to the facility,
  - c. Packaging of medication(s): The medications system shall insure that all medications are kept in container which have been labeled securely and legibly by a pharmacist or the prescribing physician, or in their original containers labeled by their manufacture.

Medications shall not be transferred from the original container except for the preparation of a dose administration,

d. Safeguards with regard to delivery of medications to prisoners, and

e. Disposition of unused medication(s);

5. A policy regarding the maximum security storage and weekly inventory of all controlled substances, nonprescription medication(s), syringes, needles and surgical instruments. Jails that do not have an on-site pharmacy shall provide for a consulting pharmacist to determine that medication(s) have been properly managed.

B. The person delivering medication(s) shall be accountable for following the orders of medical staff. (Ord. 87-85 (part)).

**1.28.310 Health care records.**

A. The responsible physician shall be responsible for maintaining patient medical record files. Such files shall contain the completed receiving screening form, health appraisal data collection forms, all findings, diagnoses, treatments, dispositions, prescriptions and administration of medications, notes concerning patient education, notations of place, date and time of medical encounters and terminations of treatment from long-term or serious medical or psychiatric treatment.

B. The responsible physician shall insure the confidentiality of each prisoner's medical record file and such file shall be maintained separately to the extent necessary to maintain their confidentiality.

C. The responsible physician or medical staff designated by him shall communicate information obtained in the course of medical screening and care to jail authorities when necessary for the protection of the welfare of the prisoner or other prisoners, management of the jail, or maintenance of jail security and order.

D. A copy or summary of the medical record file shall routinely be sent to any jail or correctional institution to which a prisoner is transferred at the time of such transfer. A copy of such file or parts thereof shall also be transmitted upon the written authorization of a prisoner to designated physicians and medical facilities.

E. The person delivering medications shall record the actual time of the delivery in a manner and on a form approved by the responsible physician. (Ord. 87-85 (part)).

**1.28.320 Special medical issues.**

A. Informed Consent.

1. All examinations, treatments and procedures affected by informed consent standards in the community shall likewise be observed for prisoner care.

2. No prisoner shall be given medical treatment against his will except as necessary to prevent the spread of communicable disease, to relieve imminent danger to the life of the prisoner, or, in the case of serious mental disorders, to prevent imminent danger to the life of his or her person or to the lives of others. All procedures required by RCW Chapter 71.05 shall be followed in any case of involuntary commitment or involuntary treatment of mentally ill persons within jails.

3. In case of minors, the informed consent of parent, guardian or legal custodian applies where required by law.

B. In all cases, the responsible physician shall give a clear statement to the prisoner patient of his diagnosis and treatment.

C. Special Medical.

1. Jail staff shall report any symptoms of prisoner mental illness or retardation to medical personnel for appropriate evaluation and treatment.

2. A special program shall exist for prisoners requiring close medical supervision. A written individual treatment plan for each of these patients shall be developed by a physician which includes directions to medical and nonmedical personnel regarding their roles in the care and supervision of these patients.

3. Programs for the prevention of suicide, to include early identification of risk, appropriate diagnosis and referral, and close observation as required by Section 1.28.190 should be developed by medical staff.

4. Appropriate medical supervised treatment in accordance with written procedures established under Section 1.28.260 shall be given in the jail to prisoners determined to be mentally ill or under the influence of alcohol, opiates, barbiturates and similar drugs when such care is not provided in a community health facility.

D. Reasonable physical restraint when necessary for medical reasons shall be medically directed, except that in an emergency reasonable physical restraint may be used to control a grossly disturbed or violent prisoner, but the review and direction of the health care staff or local mental health professionals shall be properly obtained. (Ord. 87-85 (part)).

**1.28.330 Access to facilities.**

A. Regular bathing (shower) shall be permitted at least twice each week.

B. Each prisoner shall have access to toilet, sink, drinking water and adequate heat and ventilation. (Ord. 87-85 (part)).

**1.28.340 Food.**

A. General Food Requirements.

1. At least three meals a day shall be served at regular intervals. The morning meal shall be served within 14 hours of the previous day's evening meal.

2. Jails may arrange for prepared meal service or serve frozen packaged meals, provided these meals conform to the requirements of this section.

B. Nutritional and Caloric Intake.

1. Jail menus shall be reviewed by the local county health department, the county extension service or other qualified nutrition consultant to insure that diets approximate the dietary allowances specified.

2. Diets ordered by medical staff shall be strictly observed. (Ord. 87-85 (part)).

**1.28.350 Clothing – Bedding – Personal items.**

A. Clothing.

1. Provision shall be made for separate insect-proof clothing storage to prevent migration of lice from infested clothing.
2. Each jail shall insure that prisoners' outer garments are laundered and made available to them at least once a week, and that prisoners' undergarments and socks are laundered and made available to them at least twice a week.
3. Detention and correctional facilities shall, if necessary, clean and sanitize personal clothing prior to storage.

B. Bedding.

1. Each prisoner shall be issued clean bed linens for the first night's detention and at least once a week thereafter. Bed linens shall include:
  - a. One detachable cloth mattress cover and one sheet; or
  - b. Two sheets; or
  - c. One double-size sheet.

C. Mattresses shall have a washable surface and be sanitized at least semiannually.

D. Blankets shall be issued upon arrival and shall be washed at frequent intervals to maintain a clean condition, but at least once every 60 days, and always before reissue.

E. Personal Care Items.

1. Personal care items issued to each prisoner in detention and correctional facilities shall include, but not be limited to soap and towel. Female prisoners shall be supplied with necessary feminine hygiene items.
2. Toothpaste or powder, toothbrush and comb shall be available for purchase by all prisoners, provided, that prisoners without funds shall have access to these minimum items without cost.
3. Each prisoner shall be permitted to have a reasonable number of additional personal items, the possession of which does not substantially impede jail management or security. (Ord. 87-85 (part)).

**1.28.360 Sanitation.**

A. General.

1. All jails shall be kept in a clean and sanitary condition, free from any accumulation of dirt, filth, rubbish, garbage or other matter detrimental to health.
2. Jail staff shall insure that each prisoner shall clean his own living area daily. Convicted prisoners may be required to clean other space within the confinement area and pretrial detainees may be permitted to do so voluntarily.

B. Insects, Rodents and Pets.

1. Insects and rodents shall be eliminated by safe and effective means. Prisoners shall be removed from areas in which insecticides and rodenticide are being used.

2. Pets shall not be allowed in the jail facilities.

C. Laundry. Each jail shall arrange for adequate laundry services. (Ord. 87-85 (part)).

**1.28.370 Services.**

A. Commissary.

1. The department of corrections or chief law enforcement officer of each detention or correctional facility shall either establish, maintain and operate a commissary, or provide prisoners with a list of approved items to be purchased at least once a week at local stores.

2. Commissary items shall include books, periodicals and newspapers, or the facility shall make arrangements to order any such items from publishers and/or local newsstands.

B. Proceeds from a jail facility store shall be used for operation and maintenance of the commissary service and/or prisoner welfare expenses.

C. If jail rules do not permit prisoners to keep money on their persons, payments for commissary purchases shall be made by debit on a cash account maintained for the prisoner. All expenditures from a prisoner's account shall be accurately recorded and receipted.

D. Basic Hair Care. All jails shall make reasonable arrangements to provide basic hair care.

E. Library Services. In consultation with state and/or local library service units, each jail shall make provision for library services.

F. Legal Assistance.

1. When adequate professional legal assistance is not available to prisoners for purposes of preparing and filing legal papers, a jail shall provide access to necessary law books and reference materials.

2. Facility rules shall not prohibit one prisoner from assisting another in the preparation of legal papers.

G. Religious Services.

1. Upon request from a prisoner, the jail facility shall arrange religious services or confidential religious consultation.

2. Detention and correctional facilities with an average daily population of 25 or more shall arrange for weekly religious services.

3. Prisoners should be permitted to observe religious holidays and receive sacraments of their faith.

4. Attendance at religious services shall be voluntary and prisoners who do not wish to hear or participate shall not be exposed to such services.

H. Counseling, Guidance and Ancillary Services. Counseling services should be available to provide prisoners in detention or correctional facilities with an opportunity to discuss their problems and interests.

I. The chief law enforcement officer may utilize volunteer counseling resources available in the community.

J. Professionals should serve in an advisory capacity when jail facility personnel or community volunteers engage in counseling.

K. Counselors may submit written recommendations to the chief law enforcement officer or disciplinary review body.

L. Prisoners shall not be required to receive counseling services unless ordered by the appropriate court or the disciplinary review body. (Ord. 87-85 (part)).

**1.28.380 Programs.**

A. Each prisoner shall be allowed three hours per week of physical exercise, to be scheduled no less than three separate days. Outdoor as well as indoor exercise shall be provided.

B. Work Programs. The chief law enforcement officer may establish work programs.

C. Participation in work programs by pretrial detainees shall be voluntary.

D. Education and Training Programs.

1. The chief law enforcement officer should arrange for the development of an education and training program, utilizing local school districts, colleges, trade schools, unions, industry, interested citizens and other available community, state and federal resources.

2. Jails should provide courses to prepare qualified prisoners for the General Education Development test, and provide the opportunity to take the test.

E. Leisure-Time Activity Programs.

1. Detention or correctional facilities should provide opportunities for all prisoners to participate in leisure-time activities.

2. Volunteers may be used to plan and supervise exercise programs and other leisure-time activities, but paid staff member(s) should have designated responsibility for supervision of such program. (Ord. 87-85 (part)).

**1.28.390 Telephone usage.**

A. The governing unit shall establish and post rules which specify regular telephone usage times and the maximum length of calls (not to be less than five minutes).

B. Telephone usage hours shall include time during the normal work day and time during the evening, at least once a week per prisoner; provided, that established social telephone usage hours shall not preclude reasonable access to a telephone to contact the prisoner's attorney or legal representation.

C. Calls shall be at the prisoner's expense or collect; provided, that appropriate protection of access to an attorney shall be maintained for prisoners without funds.

D. Location of telephone facilities shall insure reasonable privacy, and telephone conversations shall not be monitored, tape recorded, or spot-checked except by court order.

E. Reasons for calls shall be the personal concern of the prisoner, except in consideration of requests for emergency calls beyond normal telephone hours. (Ord. 87-85 (part)).

**1.28.400 Mail.**

A. Newspapers, Books, Periodicals and Other Printed Materials and Photographs.

1. Prisoners shall generally be permitted to subscribe to and otherwise receive books, newspapers, periodicals and other printed materials or photographs which may lawfully be delivered through the United States mails. Such materials shall be denied a prisoner only if such denial furthers a substantial governmental interest in jail security or the welfare of prisoners or staff.

2. When such materials are withheld from a prisoner:

a. The prisoner shall receive immediate written notice that the publication is being denied, accompanied by an explanation of the reason(s) for the denial;

b. The affected prisoner shall be promptly informed of his right to have such decision reviewed by the disciplinary hearing body, the department of corrections, or the chief law enforcement officer upon written request;

c. A written decision of the review of the denial, including reason(s) shall be given to the prisoner requesting review.

B. General Correspondence.

1. Incoming or outgoing mail shall be retained no more than one business day.

2. Except in the case of prisoners without funds, prisoners shall be permitted to mail out any number of letters. Prisoners without funds shall be permitted to mail up to three letters per calendar week at public expense, provided upon proper showing the number may be increased. Each prisoner shall be permitted to mail out any number of letter to his attorney, and the courts.

3. No restriction shall be placed on the number of letters a prisoner may receive or on the persons with whom he may correspond, except by court order of a court of competent jurisdiction, or as provided under subdivision C.3 of this section.

4. These rules shall not preclude a prisoner being required to place his name and a return post office address on outgoing mail.

C. Opening or Censoring Mail.

1. No general restriction of the number of letters prisoners may receive or of classes of persons with whom they may correspond shall be made by facility rule or policy.

2. Incoming mail shall not be censored, but may be opened and inspected for contraband, cash and checks and may be perused for content when the responsible staff person designated by the chief law enforcement officer or his designee has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law. Whenever mail is not delivered by the jail staff directly to the prisoner to whom it is addressed, it shall be resealed.

3. Except by order of a court of competent jurisdiction, outgoing mail shall not be opened unless the responsible staff person designated by the chief law enforcement officer or his designee has reasonable grounds to believe that the content of a letter may present a clear and present danger to institutional security, or violates state or federal law.

#### D. Notice of Disapproval of Prisoner Mail.

1. When a prisoner is prohibited from sending a letter, the letter and a written and signed notice stating the reason for disapproval, and indicating the portion(s) of the letter causing disapproval, shall be given to the prisoner.

2. When a prisoner is prohibited from receiving a letter, the letter and a written signed notice stating reason(s) for denial and indicating the portion(s) of the letter causing the denial shall be given the sender. The prisoner shall be given notice in writing that the letter has been prohibited, indicating the reason(s) and the sender's name.

3. When a prisoner is prohibited from sending or receiving mail, the affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the chief law enforcement officer or his designee upon written request and shall be promptly informed of this right.

4. A written decision of the review of such denial shall be promptly delivered to the prisoner.

#### E. Limitations.

1. Incoming mail of post-conviction prisoners that is clearly marked as coming from an attorney, court, or elected federal, state, county or city official shall be opened only in the presence of the addressee.

2. Mail to or from attorneys, courts or elected federal, state, county or city officials shall not be read.

3. There shall be no additional restrictions on prisoner correspondence for disciplinary or punishment purposes, unless the prisoner has violated rules as to correspondence. Upon proper showing of the alleged violation, the prisoner's mail may be restricted for a limited time, but such restriction shall not apply to attorney-client mail or correspondence with the courts.

#### F. Packages.

##### 1. Incoming.

a. If a facility allows prisoners to receive packages, all packages shall be opened and inspected.

b. Packages may be received only if the contents conform to rules adopted by the chief law enforcement officer or his designee, and a witnessed receipt for permissible items shall be promptly delivered to the prisoner, unless such package is opened in the presence of the prisoner and all items are given directly to him.

2. Outgoing packages of prisoner's personal property shall be inspected to insure ownership and compliance with United States postal regulations.

G. Contraband. Items which are not permitted by jail rules may be destroyed upon the prisoner's written request, placed in the prisoner's personal property box, or returned collect to the sender. A receipt for permissible items received in the mail, including money or checks shall be signed by a staff member and a copy thereof promptly delivered to the prisoner. Contraband, as defined in RCW 9A.76.010, shall be turned over to the property authorities, for handling as evidence, for disciplinary action or possible prosecution under RCW 9A.76.140, 9A.76.150, 9A.76.160, or other applicable statutes. (Ord. 87-85 (part)).

#### **1.28.410 Visitation.**

A. General contact visitation should be provided for those prisoners determined to present a minimal degree of risk to the safety and security of the institution.

B. The degree of security required for each prisoner during visitation shall be determined by the person or persons responsible for classification under Section 1.28.150.

C. Social Visits.

1. The chief law enforcement officer or his designee shall establish and post rules governing regular visits and specifying times therefor.

2. All unsentenced prisoners and sentenced prisoners who have been in custody for more than 30 days shall be allowed a minimum of three hours total visitation per week. Those prisoners who have been in custody for less than 30 days shall be allowed a reasonable amount of visitation.

3. Preference on who visits will be determined by the inmate.

4. Except for immediate family members, visitors 17 years of age and under shall be accompanied by a parent or guardian.

D. The chief law enforcement officer or his designee may grant special visitation privileges to visitors who have traveled long distances, to visitors for hospitalized prisoners, and for other unusual circumstances.

E. Business and Professional Visits. Each prisoner shall be allowed confidential visits from his attorney or legal assistants and his pastor.

F. By prior arrangement with the chief law enforcement officer or his designee, a prisoner shall be allowed confidential visits for business or educational reasons.

G. Law enforcement professionals shall be allowed to interview prisoners at reasonable times and with prior notice, unless it appears circumstances do not permit delay.

H. Visitor Regulations.

1. Signs giving notice that all visitors and their accompanying possessions are subject to search shall be conspicuously posted at the entrances to the facility and at the entrance to the visiting area.
2. Any person may refuse a search, but subsequent to such refusal may then be denied entrance.
3. Other reasons for denying entrance to visitors shall include but not be limited to:
  - a. An attempt, or reasonable suspicion of an attempt to bring contraband into the facility;
  - b. Obvious influence or effect of alcohol or controlled substances;
  - c. Request from the prisoner's physician;
  - d. Request from the prisoner;
  - e. Reasonable grounds to believe a particular visit would present a substantial danger to jail security or management or the welfare of prisoners, staff or other visitors.
- I. Whenever a visitor is refused admittance during regular visiting hours, the prisoner shall receive notice of the refusal stating the reason(s) therefor. The affected prisoner is entitled to have such decision reviewed by the disciplinary hearing body, the chief law enforcement officer or his designee upon written request and shall be promptly informed of this rights. A written decision of the reviewing body's determination stating the reason(s) therefor, shall be furnished to the prisoner who requested such review. (Ord. 87-85 (part)).

**1.28.420 Severability**

Should any part of this chapter be declared illegal, the validity of the remaining provisions shall not be affected. And should it appear that any provision of this chapter is in conflict with any statutory provision of the state of Washington, then said chapter provision shall be deemed to be inoperative and null and void insofar as they are in conflict therewith and shall be modified to conform to such statutory provision. (Ord. 87-85 (part)).

## 2019 COMMITTEE ASSIGNMENTS

### BEHAVIORAL HEALTH SUBCOMMITTEE

- Dan Hammill
- Byron Manering
- Kelli Linville

*Non-task force members / proxies:*

- Doug Chadwick
- Michael McAuley
- Ryan King
- Mike Parker
- Megan Ballew

### TRIAGE FACILITY AD-HOC CRISIS STABILIZATION FACILITY SUBCOMMITTEE

- Anne Deacon
- Jack Hovenier
- Tyler Schroeder

*Non-task force members / proxies:*

- Jeff Parks
- Todd Donovan

### INDEX SUBCOMMITTEE

- Barry Buchanan
- Tyler Schroeder
- Bruce Van Glubt
- Darlene Peterson
- Dave Reynolds

*Non-task force members / proxies:*

- Various County, Bellingham, and small city criminal justice and information technology staff

### LEGAL AND JUSTICE SYSTEMS SUBCOMMITTEE

**New meeting day for LJS Committee: 1<sup>st</sup> Tuesday of the Month**

- Angela Anderson
- Bill Elfo
- Arlene Feld
- Heather Flaherty
- Deborra Garrett
- Stephen Gockley
- Deborah Hawley
- Raylene King
- Moonwater
- Darlene Peterson

*Non-task force members / proxies:*

- Peter Ruffatto

-and-

### PRETRIAL PROCESSES WORKGROUP

- Angela Anderson
- Deborra Garrett
- Stephen Gockley
- Dave Reynolds

*Non-task force members / proxies:*

- Caryl Dunavan
- Matthew Elich
- David Graham
- Alfred Heydrich
- Bruce Van Glubt

### STEERING SUBCOMMITTEE

- Co. Council Rep
- Co. Exec Rep
- IPRTF Chair Co-Chairs
- Committee Chairs

***Incarceration Prevention and Reduction Task Force***  
***Steering Committee***  
**Meeting Summary for April 4, 2019**

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**1. Call To Order**

Committee Chair Barry Buchanan called the meeting to order at 9:33 a.m. in the Courthouse Fifth Floor Conference Room 513, 311 Grand Avenue, Bellingham.

Members Present: Barry Buchanan, Stephen Gockley, Dan Hammill, Jack Hovenier, Anne Deacon, Chris Phillips

Also Present: Todd Donovan

Members Absent: Tyler Schroeder

**2. Membership Update**

Jill Nixon, County Council Office, reported on the status of the Task Force membership.

Committee members discussed reaching out to the Bellingham Police Department, Small Cities Partnership, and Peace Health staff about their memberships:

- Hammill will reach out to Chief Doll for his representative on the Task Force
- Buchanan to reach out to Don Goldberg, POB, to schedule the membership on an upcoming Small Cities Partnership meeting agenda to assign small city reps to Task Force
- Buchanan to reach out to Rachel Lucy about Peace Health membership

Committee members continued to discuss adding the North Sound Behavioral Health Organization's representative Michael McAuley as a permanent member to the Behavioral Health Subcommittee and the possibility of appointing Mr. Phillips to the Crisis Recovery Facility Subcommittee as a non-Task Force member and as interim chair.

**3. Discussion regarding the content, format, and timeline for completing the 2019 annual report**

Committee members discussed the content of the final report and creating three headlines for each subcommittee as a way to streamline the report for maximum readability. In the past, the Task Force Co-Chairs have highlighted headlines during the verbal presentation of the annual plan to the County Council. For example, the three headlines for the Triage Committee could be:

1. Development on the facility is proceeding, which is a victory
2. They need to now work on operations, which requires integration of criminal justice, healthcare, and public health
3. They are at a crisis point in terms of operational funding

**4. Task Force Strategic Plan**

Committee members discussed the need for a strategic plan for the entire Task Force and that encompasses the work plans of the individual committees, the Vera Institute of Justice Report, committee chairs drafting a plan for the Steering Committee, the Council's desire to see a strategic plan for the full Task Force, and timeline for completing a strategic plan, coordinating the processes for

**Incarceration Prevention and Reduction Task Force  
Steering Committee  
Meeting Summary for April 4, 2019**

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developing a strategic plan with developing the annual plan, and the processing for designating committee chairs.

All Committee chairs will meet to begin drafting a strategic plan for the entire Task Force, and then schedule the next discussion at the August 1 Steering Committee.

Jackie Mitchell, Health Department, stated that the Health Department decided against applying for the trauma-informed care (TIC) grant, due to the short timeline for making a grant application. They can begin training, but they won't use those grant funds.

**5. Schedule a Joint Behavioral Health & Legal and Justice Systems Subcommittee**

Deacon and Gockley stated they would be in favor of scheduling a joint subcommittee meeting on May 14, in lieu of individual committee meetings on May 13 and 14. Agenda items would include:

- The status of prosecutor referrals to specialty courts
- The Ground-level Response and Coordinated Engagement (GRACE) program
- Fast-track versus drug court
- Jail transition to re-entry
- Training needs, such as trauma-informed care
- Presentation by Dan Hammill and Barry Buchanan on Policy Group effort to reduce young adult incarceration

**6. Potential agenda items for next Task Force meeting, including**

Sheriff's Office presentation to the full Task Force on the Law Enforcement Assisted Diversion (LEAD) program.

Buchanan reported on the effort to bring presenters from the Law Enforcement Assisted Diversion (LEAD) program in Seattle to the Task Force on April 15.

Committee members discussed the Task Force's past review of the LEAD program; adapting parts of the program for Whatcom County, such as referrals to diversion by law enforcement; possible conflicts with the GRACE program and other programs, and limited resources.

The Committee concurred to schedule a presentation on the agenda for the April Task Force meeting.

Proposed ordinance repealing WCC Chapter 1.28, correctional facilities standards (referred to IPRTF by County Council on Feb. 26)

Buchanan reported for the County Council on its referral to the Task Force of the Sheriff's request to repeal and replace Whatcom County Code Chapter 1.28 regarding standards for correctional facilities.

The Committee members discussed how the Task Force acting as the Law and Justice Council could help the County Council work through the issue, feedback from the community, the Sheriff's concern with overcrowding and use of force, existing national standards, the need for a policy/procedure change control process, and defining what does and doesn't belong in the Code.

***Incarceration Prevention and Reduction Task Force***  
***Steering Committee***  
**Meeting Summary for April 4, 2019**

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The Committee concurred to schedule this item on the agenda for the April full Task Force meeting.

Annual report

The Committee concurred to schedule this item on the agenda for the April Task Force meeting only to remind members of the timeline.

**7. Update on funding for Triage Facility**

Deacon stated funding is included in the State House budget, but not the Senate budget, which is still in negotiations. County Council sent a letter to the Senate Ways and Means Committee. Committee members discussed the County and City lobbying state officials; the County Executive's hesitancy in breaking ground on a new facility without stable operational funding; and whether there will be enough Medicaid reimbursement for the facility.

**8. Other Business**

Hammill spoke on the need to coordinate with existing community efforts and identify existing gaps regarding prevention and early intervention methodologies as one aspect of incarceration prevention.

Committee members discussed:

- Community efforts such as Generations Forward and the Policy Group working from the MacArthur grant on reducing incarceration of young adults;
- The role and scope of the Task Force in working on early intervention;
- Focusing the June full Task Force meeting on prevention, since they have spent so much time on reduction;
- The need to learn about and advance the broad efforts happening in the community and see how much they would expand the scope of the Task Force to look at youth prevention
- Focus on the research that identifies youth risk factors for incarceration and evidence-based early intervention efforts; focus on the social determinants of health as it relates to jail admissions

**9. Next Steps: Ideas & Further Information**

This item was not discussed.

**10. Public Comment**

There was no public comment.

**11. Adjourn**

The meeting adjourned at 11:20 a.m.

***Incarceration Prevention and Reduction Task Force  
Crisis Recovery Facility Subcommittee  
Meeting Summary for March 21, 2019***

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**1. Call To Order**

There was no quorum.

Members Present: Chris Phillips, Perry Mowery

Members Absent: Jerry DeBruin, Barry Buchanan, Jack Hovenier, Tyler Schroeder, Jeff Parks

Also Present: Anne Deacon

**2. Discussion of content for the Crisis Recovery Facility Committee report to the Incarceration Prevention & Reduction Task Force 2019 annual plan**

Mark Gardner submitted the annual plan timeline and an updated section of the 2018 annual plan. Attendees discussed sections and content of the draft 2019 plan and the schedule for completing the plan by June.

Deacon stated she and Chris Phillips will write the draft committee report. They will include a simplified floor plan and exterior view.

**3. Construction bid award and ground breaking**

Rob Ney and Rusty Noble, Whatcom County Administrative Services Department, Facilities Division, reported and answered questions on project permits and plan review, bid award and contractor timelines, anticipated groundbreaking, engineered aspects and longevity of the building,

**4. Update on the status of the Crisis Stabilization Center operator/provide Request for Proposals/Qualifications (RFP/Q) submittals**

Deacon submitted and read through the request for proposals/qualifications (RFP/Q) and answered questions. Attendees discussed the rental agreement for the facility, in-kind subsidies, how operations are structured in other counties, and data collection from the operator.

**5. Discuss possibility of creating an operational workgroup**

Attendees discussed:

- Include the service providers, when providers are chosen in mid-May.
- Include first responders and payers.
- Consider what will incentivize the payer for continuing to purchase the service.
- They need to focus on systematic changes.
- Ensure the providers have reserves enough to cover costs if necessary.
- The Task Force's role moving forward is to provide input when there is an intersection with the criminal justice system.

***Incarceration Prevention and Reduction Task Force  
Crisis Recovery Facility Subcommittee  
Meeting Summary for March 21, 2019***

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- The community should have a crisis stabilization advisory committee that encompasses all issues, not just the criminal justice issues. A representative from the Task Force could sit on that advisory committee.
- The Task Force should identify the data points that must be collected to track whether or not the facility becomes solely a step-down facility for the emergency department. Foster the relationships among the providers, law enforcement, and Prosecutor.

**6. Update on operational funding**

Deacon submitted a handout, reported, and answered questions on getting State legislators to understand the potential funding gaps and whether the County's new facility project will proceed.

**7. Next Steps: Ideas & Further Information**

This item was not discussed.

**8. Other Business**

There was no other business.

**9. Public Comment**

There was no public comment.

**10. Adjourn**

No meeting was called to order due to lack of a quorum. Attendee discussion ended at 11:00 a.m.

***Incarceration Prevention and Reduction Task Force***  
***Behavioral Health Subcommittee***  
**Meeting Summary for March 4, 2019**

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**1. Call To Order**

There was no quorum.

Members Present: Anne Deacon and Kelli Linville

Members Absent: Dan Hammill, Byron Manering, Doug Chadwick, Ryan King, Mike Parker

Also Present: Arlene Feld, Jackie Mitchell, Mark Gardner, Meghan Ballew

During the allotted meeting time, those in attendance discussed the following agenda items.

**2. Discussion with Mark Gardner on the Committee's section of the 2019 annual plan for the Incarceration Prevention & Reduction Task Force**

- AND -

**3. Develop a 2019 Work Plan**

Mark Gardner submitted the annual plan timeline and an updated section of the 2018 annual plan. Attendees discussed sections and content of the draft 2019 plan and the schedule for completing the plan by June.

Attendees discussed the status of various items on the work plan, including training that the Health Department has conducted, housing programs, a recovery house grant, working on homeless issues, working with the Lummi Nation, availability of treatment providers and private mental health facilities, a medication assisted treatment grant for the Lummi Nation, having a behavioral health professional embedded in law enforcement, supporting the Coordinated Outreach and Recovery Support (CORS) program, expanding the presence of the homeless outreach team (HOT), and scheduling a joint meeting with the Legal and Justice Systems Subcommittee to discuss referrals to specialty courts.

**4. Update from the Policy Academy regarding young adults in the criminal justice system**

**5. Next Steps: Ideas & Further Information**

**6. Other Business**

Attendees discussed a proposed joint meeting with the Legal and Justice Systems Subcommittee. One agenda item to be discussed would include prosecutor referrals to specialty courts and what is needed for those specialty courts to be successful. Invitees would include Linda Grant, Chris Furman, Eric Richey, Pete Smiley, and Peter Ruffatto.

**7. Public Comment**

Andronetta Douglas spoke.

**8. Adjourn**

No meeting was called to order due to lack of a quorum. Attendee discussion ended at 3:40 p.m.

***Incarceration Prevention and Reduction Task Force***  
***Legal & Justice Systems Subcommittee***  
**Meeting Summary for March 12, 2019**

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**1. Call To Order**

Committee Chair Stephen Gockley called the meeting to order at 11:30 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Bill Elfo, Arlene Feld, Heather Flaherty, Deborra Garrett, Stephen Gockley, Raylene King, Moonwater, Darlene Peterson, Eric Richey

Also Present: Caryl Dunavan (proxy for Raylene King), Kristin Hannah (proxy for Deborah Hawley), Dan Hammill

Members Absent: Deborah Hawley

Review December 11, 2018 Meeting Summary

There were no changes.

**2. Discussion with Mark Gardner on content of the INDEX Committee submission to Incarceration Prevention & Reduction Task Force 2019 annual plan**

Mark Gardner submitted the annual plan timeline and an updated section of the 2018 annual plan. Committee members discussed sections and content of the draft 2019 plan and the schedule for completing the plan by June.

**3. Discussion with Prosecutor Eric Richey**

Richey submitted and presented his platform for prosecutorial change.

- Victim Bill of Rights
  - Provide as much support as possible
  - VR 7.69.030 is a priority
  - Follow best practices
- Drug use as a health problem,
  - Treatment instead of incarceration
  - Changes and expansions to Drug Court, and reduced delays
- Mental Health Court
- Bail and Pretrial Incarceration
  - Lower bail recommendations
  - Reduced bail jump charges
  - Allow people to reschedule missed court within six weeks
- Sentencing alternatives and reduced sentences
- Law Enforcement Assisted Diversion (LEAD)
- Reentry

***Incarceration Prevention and Reduction Task Force***  
***Legal & Justice Systems Subcommittee***  
**Meeting Summary for March 12, 2019**

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- Vacating and sealing records
- Relicensing
- Data and transparency
- Diversity, equity, and inclusion in hiring and operational practices
- Training
- Ongoing review and adjustments as needed
- Policy group and young adult offenders

Committee members discussed:

- Dropping felonies to misdemeanors in District Court and municipal courts
- Who decides on offering less punitive charges
- Prosecutor staff trained on mental health issues
- Prosecutor's Office integrating with public health on drug issues
- The need for mental health, substance use, and other social services
- Assault 3 from the hospital and competency challenges; the option of local competency evaluations and restorations
- Prosecutor involvement in the Incarceration Prevention and Reduction Task Force and Legal and Justice Committee
- Efforts to reduce fines, fees, and judgment amounts in Superior Court
- Collaborating with the Dispute Resolution Center and other stakeholders
- Drug Court review by the National Association of Drug Court Professionals (NADCP)
- Restructuring and implementing the LEAD program in Whatcom County
- How the Prosecutor's Office will use the Ground-level Response and Coordinated Engagement (GRACE) Program
- Conflicts between the Fast Track and Drug Court programs
- Potential for racial disparity in a pretrial risk assessment tool
- Efforts to reduce young adult incarceration and diverting people away from the criminal justice system at an early age

Public comments:

- Myra Ramos spoke on bail, personal recognizance, and jail
- Irene Morgan spoke on encouraging changes and more ideas

#### **4. 2019 Work Plan**

Committee members discussed focusing on the legal and justice system, not other systems or social issues. Focus on efficient administration of justice within the court system, the court timeline, and State caseload targets. This item was held to the April meeting to incorporate information from the Prosecutor and other suggestions.

***Incarceration Prevention and Reduction Task Force***  
***Legal & Justice Systems Subcommittee***  
**Meeting Summary for March 12, 2019**

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**5. Update on National Association of Drug Court Professionals (NADCP) review of Whatcom County drug court practices**

Shoshana Paige, Public Defender's Office, reported on the NADCP review, recommendations, and approval from the Prosecutor's Office. A full report is expected in April.

Committee members discussed staff training at a national training event.

**6. Review State legislation concerning driver's license suspensions and revocations: SB 5328 and HB 1282**

Elfo moved to approve the draft letter. The motion was seconded.

Committee members discussed the lack of support from small cities due to reduced incentive for people to drive responsibly and about the differences among poverty crime, justice, accountability, consequence, and punishment.

Elfo amended his motion and moved to approve the letter without the sentence referencing the Vera Report's number of admissions for driving without a license 3<sup>rd</sup> (DWLS3).

Motion carried 7-1 with Anderson, Elfo, Feld, Gockley, Hannah, Moonwater, and Peterson in favor. Dunavan opposed on behalf of the Small Cities. Garrett abstained due to judicial restrictions.

**7. Next Steps: Ideas & Further Information**

This item was not discussed.

**8. Other Business**

There was no other business.

**9. Public Comment**

Andronetta Douglas spoke on game theory for motivation.

Lynn Skinner spoke on the importance of making connections.

Irene Morgan spoke on problems in court with ongoing continuances and ineffective treatment programs and the need for court navigation training.

**10. Adjourn**

The meeting adjourned at 1:35 p.m.

***Incarceration Prevention and Reduction Task Force***  
***Legal & Justice Systems Subcommittee***  
**Meeting Summary for April 9, 2018**

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**1. Call To Order**

Committee Chair Stephen Gockley called the meeting to order at 11:40 a.m. in the Whatcom County Courthouse Conference Room 514, 311 Grand Avenue, Bellingham.

Members Present: Angela Anderson, Arlene Feld, Deborra Garrett, Stephen Gockley, Raylene King, Moonwater, Darlene Peterson, Peter Ruffatto

Also Present: Kristin Hannah (proxy for Deborah Hawley)

Members Absent: Bill Elfo, Heather Flaherty, Deborah Hawley, Eric Richey

**2. 2019 Work Plan**

Committee members discussed:

- Court case processing improvements: Fluctuating caseloads and timelines, internal policies, and changes to the court calendar. Anderson is scheduled to meet on April 10 with the judges about improvements to superior court case processing, and will update the committee at the June meeting.
- Restorative justice: Mapping of current local efforts, determining what other jurisdictions do for restorative justice, identifying if there are any best practices.
- Identify who would take responsibility for the different work plan items
- Focus on specific actions that could immediately reduce incarceration over broader issues
- Warrant quash: current options and barriers. City of Bellingham clerks will not be allowed to quash warrants, but anyone can request a warrant quash at the end of any court calendar. The City of Bellingham has accomplished this goal. There is no change in felony court; clients have to wait eight days to get a warrant quashed. The County court resources are a barrier to a more frequent warrant quash schedule.
- Drivers licensing fines and suspensions: the proposed State legislation on DWLS3 did not pass. The small cities will discuss it at an upcoming court meeting. King stated she would report back to the committee.
- Reentry: Work with the Behavioral Health Committee; get an update on why support was cut for in-custody evaluations; and the need to link people between incarceration and services, particularly for inmates returning from Yakima. Include an update on in-custody evaluations at the joint meeting between this committee and the Behavioral Health Committee.
- The need for updated data on jail use
- Book and release practices: There's nothing more Bellingham can do to expand at this time. It's not clear what book and release accomplishes over allowing an officer to release in the field.

***Incarceration Prevention and Reduction Task Force***  
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- Electronic home monitoring (EHM) and probation violations: EHM has been accomplished in the City of Bellingham, and it also addresses probation violations. District Court seems to have increased use of electronic home monitoring.
- Courthouse kiosk for jail alternatives: Engage Sheriff Elfo and Chief of Corrections Wendy Jones to get an update on the possibility of creating a kiosk.
- Pre-arrest diversion is a big topic and should be included as a separate work plan item as a high priority. Identify if there is a model that can take advantage of the economies of scale from use by all jurisdictions that can share resources and make it fiscally viable.

**3. Joint meeting with Behavioral Health Committee on May 14**

Gockley reported on a joint meeting with the Behavioral Health Subcommittee and its proposed agenda topics.

Committee members discussed agenda topics, information sharing between the committees, the specific outcomes that may come from the joint meeting, and adding a discussion of the status of in-custody evaluations in the jail. Agenda topics will include:

- Prosecutor referrals to specialty courts, including Drug Court and Mental Health Court
- The Ground-level Response and Coordinated Engagement (GRACE) program
- Fast-track and drug court
- Jail transition and re-entry
- Training needs across law enforcement, jail, legal and judicial systems, such as trauma-informed care
- Presentation by Dan Hammill and Barry Buchanan on Policy Academy effort to reduce young adult incarceration
- Status of in-custody evaluations

**4. Drug Court Updates**

Gockley submitted a handout of drug court program use statistics from Chris Furman and reported they are awaiting the final report from the National Association of Drug Court Professionals (NADCP), due by the end of April. The Committee concurred to schedule the report on its June agenda.

**5. Request for funding for presentation from Judge Cedric Kerns on youth court**

This item was not discussed.

**6. Other Business**

The Committee discussed the possibility of changing its regular meeting schedule to a different Tuesday to accommodate members' conflicting schedules, and to possibly move to an every-other-month meeting schedule. Task Force staff will look into options for new meeting dates on the calendar.

***Incarceration Prevention and Reduction Task Force  
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Gockley stated he would like another committee member to take over as chair of the subcommittee.

**7. Public Comment**

Mark Gardner, City of Bellingham, stated that it would be helpful for the annual plan to put the work plan in a structure that assigns work items to responsible parties or agencies and identifies timelines, specific topics, descriptions, and actions required.

**8. Adjourn**

The meeting adjourned due to loss of quorum at 1:30 p.m.

***Incarceration Prevention and Reduction Task Force  
Information Needs and Data Exchange Subcommittee  
Meeting Summary for March 12, 2019***

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**1. Call To Order**

Committee Chair Tyler Schroeder called the meeting to order at 1:30 p.m. in the Whatcom County Courthouse Conference Rooms 513/514, 311 Grand Avenue, Bellingham.

Members Present: Tyler Schroeder, Caleb Erickson, Brenda Beeman, Dave Reynolds, Bruce Van Glubt, Darlene Peterson, Amy Hockenberry, Ryan Anderson, Perry Rice, Marty Mulholland, Barry Buchanan

Members Absent: Courtney Polinder, Doug Chadwick, Ann Bjertness, Erin Herschlip, Christine Paulson, Amy Ebenal

Review January 10, 2019 Meeting Summary

There were no changes.

**2. Presentation from and discussion with Vicky Cullinane, Administrative Office of the Courts (AOC), on the Courts of Limited Jurisdiction case management system (CLJ-CMS) project**

Vicky Cullinane and Brian Gleason reported on the status of the project, including the background of the Administrative Office of the Courts and the program. They have developed a list of business requirements. Their Steering Committee are seeking a consultant to find or develop a system. The consultant analysis will be done in April.

Committee members and presenters discussed:

- The importance of integration with local systems
- Security risk management
- Business needs versus legal limitations versus technical limitations
- Fatal flaws of Odyssey
- Quality and accuracy of data.

**3. Discussion with Mark Gardner on content of the INDEX Committee submission to Incarceration Prevention & Reduction Task Force 2019 annual plan**

Mark Gardner submitted the annual plan timeline and an updated section of the 2018 annual plan. Committee members discussed sections and content of the draft 2019 plan and the schedule for completing the plan by June.

**4. Continue discussion on data access capabilities: Update on data matrix work group: data availability and report templates**

Erickson submitted a handout and described the progress of the data matrix workgroup formed to develop reports that will provide more relevant and up-to-date information that the different agencies

***Incarceration Prevention and Reduction Task Force  
Information Needs and Data Exchange Subcommittee  
Meeting Summary for March 12, 2019***

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need. Public information available on the website may include a solution modeled after the Grays Harbor County and City website. Next steps include work on:

- Consistency of the disseminated information
- Form and function
- Data validation
- Delivery

Committee members discussed providing reports and information to jurisdictions outside Whatcom County, operational improvements in terms of data and efficiency.

**5. Policy question to refer to Task Force: Three day length of stay limits for young adult offenders aged 18 to 24.**

Erickson submitted and discussed a spreadsheet of information that average length of stay for adults aged 18-24. They will begin to capture more data elements related to the target of limiting young adult stays to no more than three days whenever possible.

Buchanan reported on the recent national conference for the Policy Group effort to reduce incarceration for young adults.

Committee members discussed whether the resolution will identify a specific target goal.

**6. Meetings**

The Committee concurred to meet next on either April 11 or 18 and on May 2.

**7. Other Business**

There was no other business.

**8. Public Comment**

There were no public comments.

**9. Adjourn**

The meeting adjourned at 3:00 p.m.

***Incarceration Prevention and Reduction Task Force  
Meeting Summary February 4, 2019***

**1. Call to Order**

Task Force Member Jack Hovenier called the meeting to order at 9:00 a.m.

**Present:** Barry Buchanan, Bill Elfo, Arlene Feld, Heather Flaherty, Deborra Garrett, Stephen Gockley, Dan Hammill, Jack Hovenier, Raylene King, Chris Phillips, Dave Reynolds, Eric Richey, Tyler Schroeder

**Also Present:** Jackie Mitchell (proxy for Anne Deacon)

**Absent:** Angela Anderson, Travis Brockie, Anne Deacon, Jerry DeBruin, Deborah Hawley, Kelli Linville, Byron Manering, Moonwater, Darlene Peterson, Greg Winter

Review November 26, 2018 Meeting Summary

There were no changes.

Review Open Government Training

See agenda item 2.

**2. Election of Task Force chair and vice-chair, and committee sign-up**

King nominated Stephen Gockley as Chair.

Buchanan nominated Jack Hovenier as Chair.

Schroeder moved to maintain the current co-chair system and appoint Mr. Gockley and Mr. Hovenier as Task Force Co-Chairs. The motion was seconded and carried unanimously.

Jill Nixon, Task Force Clerk, distributed a signup sheet for committees and for members to indicate whether they had completed Open Government Training Act requirements.

**3. Report on the reformation of the Incarceration Prevention and Reduction Task Force and integration with the Law and Justice Council**

Buchanan reported on the amended ordinance that changes the Task Force's membership and integrates the duties of the Law and Justice Council as required by the State Revised Code of Washington (RCW).

**4. Funding for new crisis stabilization facility**

Schroeder reported on plans for ongoing operational funding of a new facility through the State and the transition in the funding structure from the Behavioral Health Organization to managed care organizations (MCOs). The MCOs should be obligated to commit to annual funding for three to five years, so they can demonstrate the cost-effectiveness of a facility over emergency departments.

Task Force members discussed lobbying the State for stable funding and oversight of the MCOs.

Hammill moved for consent from the Task Force to allow the Steering Committee to draft a letter in support of a reliable funding mechanism for fully funding the crisis stabilization facility. The motion was seconded. The motion carried unanimously.

**5. Committee Updates**

## ***Incarceration Prevention and Reduction Task Force Meeting Summary February 4, 2019***

### Steering Subcommittee

Buchanan reported on committee discussion on crisis stabilization funding, the ordinance assigning the Task Force the responsibilities of the Law and Justice Council, a request for funding for Las Vegas Judge Cedric Kerns for consulting services regarding youth offenders and James Austen for consulting services related to data systems, and the Task Force's 2019 annual report to the County Council.

### Crisis Recovery Facility Subcommittee

Phillips and Schroeder reported on committee discussion on capital funding, operational funding, design of the crisis stabilization facility project, and the request for proposals/qualifications for service providers.

### Behavioral Health Subcommittee

Gockley referenced the committee meeting summary in the packet and reported on committee discussion on mental health court.

### Pretrial Processes Workgroup

Garrett reported on the workgroup efforts to refine the job description for the unit director and validating the pretrial risk assessment tool.

Task Force members discussed concerns about racial bias in a pretrial risk assessment tool. Concerns include:

- Whether race and ethnicity biases are baked into the data
- People who are convicted because their neighborhood is over-patrolled
- Court rule 3.2 is not being used

### Legal and Justice Systems Subcommittee

Gockley reported on committee discussion on a review of the County's drug court program and a 2019 work plan.

### INDEX Subcommittee

Schroeder reported on committee discussion on compiling a data matrix, next steps on how best to query the information so it's more available to stakeholders, and minimizing lengths of stay for young adults aged 18 to 24. The next meeting includes a presentation from the Administrative Office of the Courts (AOC) on their records management system for courts of limited jurisdiction. The committee members are concerned about weighing in on the policy discussion, and would like to engage James Austen to help the Task Force focus policy discussions.

Task Force members discussed the need to collect data from all agencies, not just the jail.

## **6. Other Business**

Buchanan and Jackie Mitchell, Health Department, reported on a criminal justice treatment account plan and funding for substance use treatment and housing for certain individuals.

Task Force members discussed the possibility of directing to individuals who need help before they get into the criminal justice system, such as juveniles and the need for a social services intervention and prevention system for children and young adults.

State legislation regarding driving while license suspended, 3<sup>rd</sup> (DWLS3) charges

***Incarceration Prevention and Reduction Task Force  
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Hovenier reported on proposed State legislation and that according to the VERA report, Whatcom County in 2016 had 275 charges for DWLS3, and many of those have other charges also.

Elfo stated most, if not all, of those are on warrants.

Hovenier asked for consent of the Task Force to allow the Legal & Justice Systems Subcommittee to approve a very short letter to the local legislative representatives on behalf of the full Task Force in support of the bills.

Elfo stated that he would like to read the letter first.

Hovenier stated sending the letters assumes the Legal & Justice Systems Subcommittee determines the bills are worth supporting.

Gockley stated that in consideration of the legislative process, the letter could be directed not only to local representatives, but also to committee chairs in the House and Senate that process these bills.

***The Task Force concurred by general consent on the request to send a letter supporting HB 1282 and SB 5328 on behalf of the Task Force, with approval of the Legal and Justice Systems Subcommittee.***

The Task Force members discussed how the legislation addresses those instances in which habitual traffic offenders are putting people in more danger than a burglar, for example.

Phillips announced his upcoming retirement. Task Force members thanked him for his service.

Buchanan and Hammill reported on the Policy Group's recent trip to Washington D.C. for the intergovernmental policy academy and its work on minimizing incarceration of young adults aged 18 to 24.

**7. Public Comment**

Joy Gilfilen, Restorative Community Coalition, submitted handouts on a trauma chart and spoke about intervention and prevention and about case analyses of people who have experience in the criminal justice system.

*(Unidentified speaker)* spoke about a House Bill for funding for law enforcement for pre-arrest diversion and inviting State representatives to local meetings.

**8. Adjourn**

The meeting adjourned at 10:43 a.m.