

## Incarceration Prevention Reduction Task Force

September 17, 2018

Whatcom County Courthouse Fifth Floor Conference Rooms 513/514, 311 Grand Ave., Bellingham WA  
9:00 a.m. – 11:00 a.m.

### AGENDA

Topic	Requested Action	Presenter	Packet Page(s)
<b>1. Call to Order</b> <ul style="list-style-type: none"> <li>• Review August 6, 2018 Meeting Summary</li> <li>• Recent Task Force Success</li> </ul>	Review	Co-Chairs	1 - 4
<b>2. Policy discussion on defendants and offenders who are sent to the Yakima jail vs. Whatcom County Jail</b> <i>(From August 6 Task Force)</i>	Discussion	Bill Elfo Kelli Linville	5 - 13
<b>3. Information Needs &amp; Data Exchange (INDEX) Committee Update</b>	Update	Tyler Schroeder	14 - 21
<b>4. Committee Updates</b> <ul style="list-style-type: none"> <li>• Steering Committee</li> <li>• Behavioral Health Committee</li> <li>• Legal &amp; Justice Systems Committee:</li> </ul>	Information	Todd Donovan Anne Deacon/Dan Hammill Stephen Gockley	To be distributed
<b>5. Update by Jurisdictions on Jail Diversion Programs</b>	Information	Bill Elfo Nick Lewis Jerry DeBruin Darlene Peterson	N/A
<b>6. Other Business</b>			
<b>7. Public Comment</b>			
<b>8. Adjourn</b>			

### UPCOMING MEETINGS

IPR TASK FORCE various Mondays 9-11 a.m. Courthouse Conf. Rooms 513/514 311 Grand Ave., Bellingham	COMMITTEES			
	BEHAVIORAL HEALTH various Mondays 2:30-3:30 Health Department Creekside Conf. Room 509 Girard, B'ham	LEGAL & JUSTICE SYS. 2 <sup>nd</sup> Tuesday 11:30 am–1:30 pm Courthouse 5 <sup>th</sup> Floor Conf. Rm 514 311 Grand Ave., Bham	CRISIS RECOVERY FACILITY 3 <sup>rd</sup> Thursday 9:30-11:00 a.m. Courthouse 5 <sup>th</sup> Floor 513/514, 311 Grand Avenue, B'ham	STEERING As needed 5 <sup>th</sup> Floor Conf. 311 Grand Ave., Bham
September 17 October 15 November 26 December 17	September 17 October 15 November 26 December 17	October 9 November 13 December 11	September 20: <b>Health Dept.</b> October 18 in Room 514 November 15 in Room 513 December 20 in Room 514	October 25, 9:30-11:00 Room 513

**The most up-to-date meeting schedule can be found online at:**

<http://wa-whatcomcounty.civicplus.com/calendar.aspx?CID=40>,

***Incarceration Prevention Reduction Task Force***

September 17, 2018

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

9:00 a.m. – 11:00 a.m.

**Incarceration Prevention and Reduction Task Force**  
***DRAFT Meeting Summary August 6, 2018***

**1. Call to Order**

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

Present: Angela Anderson, Jill Bernstein, Anne Deacon, Jerry DeBruin, Todd Donovan, Bill Elfo, Deborra Garrett, Stephen Gockley, Daniel Hammill, Kate Hansen, Jack Hovenier, Deborah Hawley, Raylene King, Kelli Linville, Byron Manering, Darlene Peterson, Chris Phillips

Heather Flaherty (proxy for Lisa McShane), Kathy Walker (proxy for Dave McEachran)

Absent: Betsy Kruse, Nick Lewis, Dave McEachran, Lisa McShane, Moonwater, Tyler Schroeder, Greg Winter

Announcements

The Task Force held a moment of silence in honor of former Bellingham Police Chief Todd Ramsey, who recently passed away.

Bernstein reported on the presentation of the annual Task Force Report to the Bellingham City Council and on the upcoming Legal and Justice Systems Subcommittee meeting with representatives of the National Association of Drug Court Professionals.

Review July 16, 2018 Meeting Summary

There were no changes.

**2. Committee Updates**

Deacon reported for the Behavioral Health Committee on the following items:

- Opioid crisis and rise in methamphetamine use
- Housing to promote safe and stable recovery
- Figuring out jail data regarding behavioral health issues

The Task Force members discussed:

- Challenges of methamphetamine substance use
- Funding and lack of best practices for meth treatment
- How the Task Force can deal with the meth use crisis by supporting treatment options, including a recovery house
- Making sure State and federal legislative delegations are aware of the problem
- Identifying gaps, specific projects, and funding
- The need for some kind of lock-down treatment center as an alternative to jail and to prevent people from leaving or not going to treatment, or the ability to have a deputy transport someone directly to treatment
- Identify gaps and necessary programs for funding decision-makers
- The need for prevention, early intervention, and focusing on juvenile first offenses
- Attracting professional treatment providers to the community
- The challenges of 12 step programs finding meeting space in the community

Phillips reported for the Crisis Recovery Facility Committee on the following items:

- Voluntary versus involuntary certification
- Seclusion and restraint versus recovery model

***Incarceration Prevention and Reduction Task Force***  
***DRAFT Meeting Summary August 6, 2018***

The Task Force members discussed:

- The benefits and problems of a private facility on the North Sound Behavioral Health Organization (BHO) funding
- Smokey Point facility audit
- The need for treatment beds that accept Medicare/Medicaid

Garrett reported for the Pretrial Processes Workgroup:

- The State Administrative Office of the Courts (AOC) will validate the risk assessment
- Pretrial services development is the next step
- Timeline for implementation

The Task Force members discussed pretrial programs in District Court and the municipal courts.

**3. Update by Jurisdictions on Jail Diversion Programs**

Peterson reported for the City of Bellingham that 71 percent of defendants sent to Yakima are pretrial.

The Task Force members discussed:

- The complexity of multiple courts and multiple jurisdictions
- Further jail restrictions due to upcoming jail repairs
- Consecutive versus concurrent sentences from multiple jurisdictions
- Costs of county jail versus Yakima jail

Elfo reported for the Whatcom County:

- District Court added funding for more pretrial services
- The new crisis intervention deputy will soon be active

**4. Report on County Council's Criminal Justice Committee Listening Tour: Highlights that can impact the goal of incarceration reduction**

Barry Buchanan, County Councilmembers, introduced information gathered at the County Council's Criminal Justice and Safety Committee listening tour. Holly O'Neil, the facilitator for the listening tour, will present a full report to the Committee at its next meeting.

Holly O'Neil, Crossroads Consulting, gave a presentation on the listening tour's findings related to incarceration reduction and prevention:

- The community is paying attention to the work of the Task Force
- Invest in programs that prevent incarceration and address root causes
- Tax dollars should go to rehabilitation and treatment instead of jail facilities
- People should leave jail as contributing members to the community
- Get good data and make it available
- Community members referenced the Vera Institute of Justice report and supported several of the report's recommendations.

**5. Other Business**

Hovenier reported on data information received from Anne Deacon about state and national data on incarceration.

Anderson announced the recent warrant quash day.

Task Force members discussed warrant quash procedures in municipal court, the need for more notice to the community, and community safety concerns.

***Incarceration Prevention and Reduction Task Force***  
***DRAFT Meeting Summary August 6, 2018***

**6. Public Comment**

Hovenier read a letter the Task Force received from a young student, Ruby Lewis.

Joy Gilfilen, Restorative Community Coalition, submitted a handout and spoke about complex post-traumatic stress disorder (PTSD) as a result of being in the criminal justice system.

Irene Morgan, Restorative Community Coalition, spoke on complex PTSD and the need to map the experiences of people in the criminal justice system.

**7. Adjourn**

The meeting adjourned at 11:00 a.m.

DRAFT

**WHATCOM COUNTY  
SHERIFF'S OFFICE**

**BILL ELFO**  
SHERIFF



PUBLIC SAFETY BUILDING  
311 Grand Avenue  
Bellingham, WA 98225-4038  
(360) 778-6600

September 13, 2018

Ms. Jill Bernstein / Mr. Jack Hovanier  
Co-Chairs of Whatcom Incarceration Reduction and Prevention Task Force  
Via Email

Dear Jill,

At a recent meeting of the Incarceration Reduction and Prevention Task Force (IRPTF), you requested me to provide you and Co-chair Jack Hovanier with information regarding my authority to require cities to transfer inmates to other jail facilities. Aside from providing statutory and contractual references, I am including a status report and information as to how we are addressing this issue from a practical standpoint. We will continue to work with our partners to maximize safety and minimize disruptions to the effective administration of justice.

You requested that I provide you with this information prior to the next IRPTF meeting. The situation over the past few weeks has continued to evolve and I waited until now so as to ensure you have access to the most recent information.

I will not belabor the issue of failing infrastructure, overcrowded conditions and the lack of adequate space for the evaluation, treatment and housing inmates with serious physical/mental health, addiction and withdrawal issues at the downtown jail. However, these are among the factors which required me to cap the population of the downtown jail. The downtown jail was designed to hold 148 inmates and is usually capped at 212. This cap is subject to adjustment as needed to respond to actual or potential overcrowding; the classification and behavior of inmates; facility conditions and the functionality and reliability of life-safety and security systems; available staffing and other relevant factors.

It was originally anticipated that work to remedy some of the most poignant critical infrastructure and security system issues would occur in 2018. This work has not yet begun. I recently learned that the project is not likely to commence until 2019. Presently, our ability to meet reasonable safety, security and health standards is difficult at best. Once "phase 1" construction begins, we anticipate the need to reduce our capacity by about 50 inmates. It is anticipated that greater reductions will occur in subsequent phases.

The need to reduce the population of the downtown jail should not be a surprise to local officials. I met with all mayors, city councils and the County Council as early as 2015 to advise them of this situation and the likelihood that the cities would need to make arrangements for the transfer of some city inmates to other jail facilities. It was clearly articulated that this need existed irrespective of whether the jail ballot measure passed. An agreement to transfer inmates was negotiated and embodied in the interlocal agreements for jail services.

In an effort to balance law enforcement's need to be able to book people at the time of arrest and the need to maintain sufficient space at the downtown jail to appropriately house a diverse inmate

population, booking guidelines were created. These guidelines were formalized in a letter to all law enforcement agencies on October 21, 2016 and later set down in a Sheriff's Office directive of December 16<sup>th</sup>, 2016.

The letter and directive encourage, in appropriate cases, the use of a variety of legal and reasonable options other than booking defendants into jail. These guidelines are to maximize public safety, the effective administration of justice, and to reduce the time officers are off the street transporting prisoners to out-of-county jails (which very rarely occurs). These law enforcement guidelines were discussed and agreed to at a Whatcom Police Chiefs and Sheriffs' Association meeting. The guidelines are applied universally to all law enforcement personnel including our deputy sheriffs.

RCW 39.34.180 sets forth the "criminal justice responsibilities" of counties and cities. Each county and city is responsible for the "incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions and referred from their respective law enforcement agencies." Counties are responsible for housing persons arrested on felony charges by city officers, the sheriff and state law enforcement agencies.<sup>1</sup> Cities may operate jails (RCW 70.48.190) or contract with counties to provide jail services for their misdemeanor and gross misdemeanor defendants (RCW 70.48.090).

Currently, all cities in Whatcom County contract with the County to provide jail services. They also contract with other jurisdictions to provide jail service. The most recent interlocal agreements were negotiated earlier this year and became effective July 1<sup>st</sup>. Recitals in that agreement recognize that the *"correctional facilities require additional capacity and improved infrastructure to safely incarcerate the number of inmates for the city, county, and other contracting jurisdictions."* It further acknowledges that *"at times during the period of this agreement, major repairs and modifications to the correctional facilities are anticipated to occur [and] this work will affect the capacity of these facilities and the cost of service."*

Section 4.3 of the agreement reflects the agreement of the parties for "reducing jail services" and sets forth priorities for transfer:

- The need for reductions shall be at the sole discretion of the Sheriff in light of his assessment of potential overcrowding, challenges in maintaining critical infrastructure, life-safety and security systems, construction and repairs occurring or anticipated to occur within the jail, behavioral and security concerns regarding the inmate population, and other factors judged by the Sheriff to be relevant.
- Reductions shall be made first by prioritizing the housing of inmates for which the County is legally responsible and obligated to detain and house.
- The uniform reduction in services provided herein shall not apply to felony cases and inmates.
- If circumstances require the County to reduce services to the City and to other contracting jurisdictions, such reduction in services shall be made uniformly among the contracting Cities and other contracting jurisdictions for gross-misdemeanors and misdemeanors.
- In an effort to avoid reduced booking and inmate holding services for the City and other contracting jurisdictions for gross-misdemeanor and misdemeanor inmates, the Sheriff will first consider reviewing the classification status for all appropriate inmates for possible transfer to any other county correctional facility (including jail alternative programs).
- The Sheriff will also require the Washington Department of Corrections to transfer inmates that the Sheriff is not legally required to detain to another facility in order to reduce the need to transfer City or tribal pre-trial inmates.

- [T]he Sheriff will further consider the transfer or removal of post-conviction or sentenced inmates under the following conditions:
  1. Inmates that do not have pending pre-trial charges in other courts within Whatcom County;
  2. Inmates not participating in the Inmate Worker program; and
  3. Inmates not participating in jail alternative programs.
- If circumstances require the County to reduce services further and require the transport of pre-trial inmates, the Sheriff shall hold all City gross-misdemeanor and misdemeanor inmates until the City Inmate's first court appearance or first review by a judicial officer.

The agreement also contemplates that the Sheriff may transfer county inmates to other jail facilities:

Subject to contractual authority and available funding, the Sheriff may also consider transferring County Inmates who have no pending criminal cases in Whatcom County to another out-of-county facility, reducing the need for the City Inmates and other contracting jurisdictions to transfer "pre-trial" inmates. This transfer will be to a correctional facility outside of Whatcom County.

To create additional space to accommodate more of the cities' pre-trial jail needs, the County has begun transferring eligible *sentenced* county inmates to the Yakima County Jail. It was originally planned that these transfers would occur once repair work commenced. However, we have experienced a high census of certain groups of offenders needing specialized housing which is in short supply and have begun transferring county offenders to make more room for addressing this need as well as reducing the need to transfer city inmates. We plan on continuing to transfer eligible county inmates throughout this year and

Inmates eligible for transfer do not include the 18-20 jail trustee workers who are needed to assist in food preparation, food delivery and janitorial work or those with pending charges in multiple local courts. Trustees include both city and county inmates.

The Sheriff's Office attempts to identify pre-trial defendants that are not released at first appearance and who may meet eligibility for housing at the minimum security jail work center. Capacity continues to exist at the minimum security facility for some of these offenders and whenever possible, we hold them there to avoid the cities' need to arrange transfers. However as most courts now release inmates who they deem not dangerous through other means, many of those who remain in custody are dangerously mentally ill, behaviorally challenged or do not meet classification criteria for housing in the work center.

On August 23<sup>rd</sup>, I met with Mayor Linville, City Attorney Ruffatto and Police Chief Doll. With the City's expanded use of pre-trial release options, some of the offenders who would otherwise meet the criteria for housing at the work center are released. Those who remain are often defendants with histories and behaviors that would preclude housing them at the work center. An infusion of a significant number of these disruptive inmates into the downtown jail while critical security and infrastructure concerns are not yet resolved, are proving problematic.

Nonetheless, we recognize that defendants who may be eligible for housing at the work center or alternatives are sometimes transferred by the City prior to the Sheriff's Office having time to receive records and complete our assessment and classification. We have also found that some pre-trial and sentenced inmates who are appropriately classified and housed at the Work Center are being transferred by the City of Bellingham to Yakima. We agreed that with continued discussion involving County and City personnel who are facilitating this practice, some adjustments may be made to the



process and thus reduce the volume of both pre-trial and sentenced offenders who are transferred. It is anticipated that representatives of the City of Bellingham and the Sheriff's Office will meet next week on this issue.

Discussions among stakeholders and citizens previously highlighted concerns of regarding the consequences of transferring both sentenced and pre-trial inmates resulting in the separation of from their families and local support systems. However, the Task Force's representative of the small cities highlighted the fiscal savings that result from housing inmates at the Yakima County Jail (which operates as an enterprise) has been a factor in transferring inmates who otherwise could be housed at the work center.

During the meeting, I renewed concerns that the Bellingham Municipal Court maintains a general policy of sentencing inmates to "consecutive" rather than "concurrent sentences." While I understand the court's independence and respect its judgement, this practice impacts the limited availability of jail space. On August 27<sup>th</sup>, Judge Lev issued an order stating "[t]hat due to the current jail conditions and overcrowding...effective immediately sentences imposed on BMC in-custody cases, unless otherwise specified in writing, shall run concurrent to any previously imposed sentences of any other court." The change will help.

It is not feasible for the County to transfer pre-trial inmates to Yakima at this time. The video conferencing capabilities are not yet in place. The County Information Technology Department (IT) advised me that the County Council approved \$310,000 to upgrade the current audio visual system in Superior and District Court. "As part of this upgrade project, funding was added to include video conferencing capabilities for the courtrooms, Prosecutor Public Defender and viewing rooms. We plan to implement enterprise video conferencing that will allow us not only [to] connect to Yakima Correctional facility, but also to other facilities such as SCORE." IT further advised that they anticipate having these capabilities in place by the end of 2018.

Pursuant to the interlocal agreement, defendants who have pre-trial charges pending in multiple courts are not transferred. It was agreed during both the most recent and earlier contract negotiations, that the practice would be too chaotic in terms of disrupting the functioning of the various courts and associated agencies.

The 2018 Jail Per Diem Fee Schedule:

- In Custody Base Rate \$ 116.
- Capital Replacement Charge Per Diem \$ 13

I do not know what fee agreement may be in place between the City of Bellingham and Yakima. However, the 2018 Per Diem Fee Schedule in the County's agreement is:

- In Custody Base Rate \$ 59.85
- In Custody Base Rate for Inmates Needing Intensive Management \$ 91.50

We are authorized to expend \$100,000 for jail bed days in Yakima County during 2018. We anticipated commencing spending when the major construction work commenced. However for the reasons cited above, we have already commenced sending inmates to Yakima County and will continue to do so.

Sincerely,

A handwritten signature in blue ink that reads "Bill Elfo". The signature is written in a cursive style with a large, stylized "B" and "E".

Bill Elfo, Sheriff

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Washington State Attorney General Opinion 2004-04 (December 23, 2004)

# Jail Population Management

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## **Policy Statement**

The Sheriff's Office must prioritize space in the Whatcom County Jail to prevent the inmate population from reaching unmanageable levels. The sheriff retains the discretion to reduce the jail inmate population at any time to maintain the health and safety of all persons and the security of the jail due to changing conditions such as:

- Actual or potential overcrowding
- Classification and behavior of inmates
- Facility condition and the functionality and reliability of life-safety and security systems
- Available staffing

The population counts in this order do not apply to inmates housed or committed to programs at the Jail Work Center.

The Sheriff's Office has asked all law enforcement and corrections agencies that use the Whatcom County Jail to follow the guidelines contained in this order (see letter).

## **Persons Affected**

All Sheriff's Office employees

## **Directives Affected**

Jail Population Management	Special Order	November 18, 2016	Replaced
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## Law Enforcement – Alternatives to Booking Suspects

Law enforcement officers should consider alternatives to booking suspects into jail such as:

- Issuing citations in lieu of physical arrest for misdemeanor/gross misdemeanor offenses
- Referring misdemeanor/gross misdemeanor/low level felony offenses to the Prosecuting Attorney for consideration of a summons or an arrest warrant
- Referring eligible persons to a behavioral health diversion as provided for in RCW 10.31.110

In making these decisions, law enforcement officers should evaluate factors such as:

- The totality of circumstances known to the officer at the time do not reasonably indicate that the suspect will pose a continuing danger to the public
- The suspect's ties to the community and the probability that he or she will not be responsive to summonses to appear in court
- Whether booking the suspect is required by law or policy (if required, book)
- Whether the suspect's identity is in question

## Interlocal Agreement Administration

Corrections bureau command staff members are responsible for administering interlocal agreements as they pertain to requiring user agencies to transfer inmates in order to control jail population.

## Inmate Population Target

Corrections personnel will maintain the population of the Whatcom County Jail at 212 inmates or less whenever practical. This will include generally maintaining the jail population below the 212 threshold to ensure space availability for those offenders the county is legally responsible for housing.

Jail shift supervisors should contact command staff members any time this limit should be adjusted (e.g., closure of a housing unit, staffing availability or any other circumstance(s) necessitating a reduction of capacity guidelines – see Emergencies).

## Monitoring and Notification

### Inmate Population

Jail shift supervisors will check the inmate population total at 0600, 1400 and 2200 each day. Each supervisor will then make specified email notifications to user agencies requesting that they limit the booking of offenders accordingly (see exceptions):

Jail Inmate Population	Population Control Measures	Action – Shift Supervisor
Below 205	Law enforcement officers are encouraged to consider field citations, referrals to a prosecutor or diversion to the behavioral health system (RCW 10.31.110) in lieu of arrest when appropriate.	
205-211	<p>Law enforcement officers are urged to avoid booking offenders solely* on probable cause for gross misdemeanors or misdemeanors except:</p> <ul style="list-style-type: none"> <li>• Driving under the influence (RCW 46.61.502), driver under twenty-one consuming alcohol or marijuana (RCW 46.61.503) or physical control (RCW 46.61.504).</li> <li>• Assaults.</li> <li>• Domestic violence crimes for which booking offenders is mandated by law.</li> <li>• Offenders who present an imminent threat to public safety.</li> <li>• Offenders who have multiple warrants reflecting a long and current history of failing to appear for court.</li> </ul>	See Appendix - Email Notifications
212 or more	Law enforcement officers are urged to avoid booking offenders solely* for gross misdemeanor or misdemeanor warrants for <i>failure to appear</i> (same exceptions as above).	

\*Offenders booked on felonies may also be booked on related gross misdemeanors or misdemeanors (including warrants)

### Emergencies

In the event of a significant decrease in offender housing capacity at the jail (e.g., closure of an entire housing unit), jail supervisors will make the notification specified in the appendix.

## Exceptions - Extraordinary Circumstances

Law enforcement officers should use the following protocol if they believe that an offender who does not fall within the above guidelines should be booked into jail due to extraordinary circumstances (including imminent threat to public safety):

Action by	Action
Law enforcement supervisor	Contacts corrections supervisor, explains the relevant circumstances and requests an exception to the booking guidelines.
Jail supervisor	<p>Decides if an exception to the guidelines is appropriate based upon the facts and circumstances surrounding the request as presented (including the nature of the suspect's crime) and the following:</p> <ul style="list-style-type: none"> <li>• Nature and number of inmates in the jail</li> <li>• Functionality of jail systems</li> <li>• Available and anticipated jail staffing</li> </ul> <p>For jurisdictions under contract to utilize the jail, if the supervisors agree that the suspect should be booked and jail space is not available, the corrections supervisor should ask the law enforcement supervisor to consider booking the suspect at another contracted facility.</p>
<b>If the supervisors cannot reach a consensus or no other facility is available</b>	
Law enforcement command staff member	Contacts a Corrections Bureau command staff member to solve the problem or, if necessary, the sheriff or undersheriff to solve the problem.

## Appendix - Email Notifications

Jail supervisors should send email notifications according to these guidelines:

When jail population is...	Send this email...
<205	<p>Subject: Jail Operations Normal</p> <p>The Whatcom County Jail inmate population has been reduced to the point that we can accept bookings of offenders officers deem necessary to book.</p> <p>We appreciate your continued efforts at helping us maintain the inmate population at manageable levels and encourage the use of citations, referrals to prosecutors and diversion to the behavioral health system per RCW 10.31.110 when appropriate.</p>
205-211	<p>Subject: Jail Population Management – Level 1</p> <p>The Whatcom County Jail inmate population has reached levels such that officers should avoid booking offenders <b>solely on probable cause for any gross misdemeanors or misdemeanors</b> except:</p> <ul style="list-style-type: none"> <li>• Driving under the influence (RCW 46.61.502), driver under twenty-one consuming alcohol or marijuana (RCW 46.61.503) or physical control (RCW 46.61.504).</li> <li>• Assaults.</li> <li>• Domestic violence crimes for which booking offenders is mandated by law.</li> <li>• For offenders who present an imminent threat to public safety.</li> <li>• For offenders who have multiple warrants reflecting a long and current history of failing to appear for court.</li> </ul> <p>We will advise you when the situation changes.</p>
212+	<p>Subject: Jail Population Management – Level 2</p> <p>The Whatcom County Jail inmate population has reached levels such that officers should avoid booking offenders <b>solely for gross misdemeanor or misdemeanor warrants for failure to appear</b> except:</p> <ul style="list-style-type: none"> <li>• Driving under the influence (RCW 46.61.502), driver under twenty-one consuming alcohol or marijuana (RCW 46.61.503) or physical control (RCW 46.61.504).</li> <li>• Assaults.</li> <li>• Domestic violence crimes for which booking offenders is mandated by law.</li> <li>• For offenders who present an imminent threat to public safety.</li> <li>• For offenders who have multiple warrants reflecting a long and current history of failing to appear for court.</li> </ul> <p>We will advise you when the situation changes.</p>
Sudden decrease in capacity	<p>Subject: Jail Population Management – Emergency</p> <p>The Whatcom County Jail is experiencing a situation that has significantly impacted our ability to accept offenders for booking. Until further notice, we request that officers consider all alternatives and use maximum discretion before presenting offenders for booking. We are working to resolve this issue and will notify you as soon as the situation changes.</p>

Name: **Information Needs and Data Exchange (INDEX) Committee**  
 Membership: XX Members.  
 Purpose: The INDEX Committee mission is to develop a data collection and reporting system that accurately informs policymakers when considering programmatic changes necessary to minimize jail use and improve efficiency in the criminal justice system.  
 Meeting Information: Committee meets *First Thursday of the month, afternoon (tentative)*

#	Position	Name
1	Whatcom County Deputy Executive	Tyler Schroeder
2	<b>Whatcom County Jail</b> Bill Elfo Jeff Parks	Corrections: Wendy Jones and Caleb Erickson
		Law Enforcement: Doug Chadwick, Ann Bjertness, Courtney Polinder
3	<b>Whatcom County Prosecuting Attorney</b> Dave McEachran	Kathy Walker
4	<b>Whatcom County Public Defender</b> Starck Follis Angela Anderson	Darrin Hall and (legal assistant)
5	<b>Whatcom County Superior Court</b> Judge Deborra Garrett (Presiding)	Dave Reynolds
6	<b>Whatcom County District Court</b> Judges <a href="#">Grant</a> & <a href="#">Elich</a>	Bruce Van Glubt
7	<b>Bellingham Municipal Court</b>	
8	<b>Health Department</b> Regina Delahunt Anne Deacon	Health Information and Assessment Supervisor, Amy Hockenberry
9	<b>Bellingham Police</b>	
10	<b>Bellingham City Attorney</b> Kelli Linville Peter Ruffatto	Ryan Anderson
11	<b>State Law Enforcement</b>	<i>Discuss at first INDEX Committee Meeting</i>
12	<b>Small Cities: Police</b> <b>Small Cities: City Attorney</b> <b>Small Cities: Municipal Court</b> <b>Small Cities: Information Technology Staff</b> Raylene King	Bob Crider, Network Administrator, Blaine
13		<u>Also, as needed:</u> Amy Ebenal, Blaine Records Manager Allen Schubert, Blaine Police Chief Sumas Court / Michelle Quinn Everson Court/ Rhonda Hanowell Ferndale Court/Faith Miller & Janice Neher Lynden Court/ Tammy DeZeeuw
14		
15		
16	<b>Lummi Nation</b>	
	<b>North Sound Behavioral Health</b>	



17	Organization	
18	Information Technology Staff: County	Perry Rice, Jon'ese Pearson, and (third)
19	Information Technology Staff: Bellingham	

DRAFT

# Information Needs and Data Exchange (INDEX) Subcommittee

## **MISSION STATEMENT:**

The mission of the Information Needs and Data Exchange (INDEX) Subcommittee is to develop a data collection and reporting system that accurately informs policymakers when considering programmatic changes necessary to minimize jail use and improve efficiency in the criminal justice system.

## **GOALS:**

To achieve the mission, the INDEX Committee will:

- Figure out the baseline statistics on jail use to determine whether or not programmatic changes will be successful.
- Identify how to assess performance and establish metrics that would determine the success of each new initiative.
- Identify where data is a barrier to implementing various initiatives.
- Identify data that can indicate the presence of racial, poverty, gender, and other social and economic disparities in the criminal justice system
- Maximize the accuracy of a data collection system by integrating the system across all jurisdictions.
- Establish a realistic and achievable percentage decrease in the jail population.
- Allow policymakers to refine processes, improve the way things work together, and then observing outcomes.

## **BEGINNING TASKS:**

Achieving these goals will include the following tasks:

- Determine what data is collected currently, by whom, and when
- Identify the current data collection systems, including software, used by each agency and jurisdiction
- Identify data points not collected
- Identify baseline information across all data points
- Develop accurate definitions and a glossary of terms that includes national standards, which can be applied uniformly across all agencies and jurisdictions to create clarity in the data reports

## **STRUCTURE:**

The INDEX Committee structure includes: 1. A technical workgroup, and 2. A policy workgroup. Within that structure, the policy workgroup would drive the process and guide the work of the technical workgroup in terms of objectives.

### Policy Workgroup

The policy workgroup would be the Incarceration Prevention and Reduction Task Force

- The policy group is comprised of policymakers who will determine the policy, goals, and outcomes of the INDEX Committee.

Technical Workgroup

The technical group includes the information technology, department, and agency staff who can identify the existing data collection systems and data that will conform to the outcomes.

- The technical workgroup would interact with the policy workgroup about the possible options to achieve those policies and outcomes.
- The technical workgroup would identify how best to track the data to achieve the policies and outcomes.

The technical workgroup would be representatives from the following agencies. The representatives selected should have detailed knowledge about the data collection and software systems used by and data collected from their agencies:

- Whatcom County Jail
- Whatcom County Prosecutor’s Office
- Whatcom County Public Defender’s Office
- Bellingham Municipal Court
- Small Cities municipal court(s)
- District Court
- Superior Court
- Whatcom County Health Department
- North Sound Behavioral Health Organization
- Law Enforcement: Cities, County, State
- City Attorney’s Office: Bellingham, Small Cities
- Lummi Nation
- Information Technology Staff: Bellingham, County, and (if possible) small cities

**INCARCERATION PREVENTION & REDUCTION TASK FORCE IDENTIFIED DATA, OUTCOMES, TRENDS, AND ISSUES FOR THE INDEX COMMITTEE**

**LEGAL & JUSTICE SYSTEMS COMMITTEE:**

**Warrants: Data Points**

- Define all categories of warrants: Is it an FTA warrant? An arrest warrant, reissued warrant?
- Newly issued versus re-issued warrants
- Number of active warrants
- The reason each warrant is issued.

**Warrants: Suggestions regarding data collection system/reports:**

- The ability to indicate if a person has warrants in multiple courts, both inside Whatcom County and outside Whatcom County. If so, what is the booked offense?
- The ability to run a report on whether warrants increased or decreased with the implementation of phone call reminder programs and other programs
- The ability to run a report on the number and scope/nature of warrants issued.
- The ability to run a report on how many people have warrants in multiple jurisdictions
- The ability to collect, sort, and report data by warrant

**LEGAL & JUSTICE SYSTEMS COMMITTEE (CONT'D):**

**Recidivism: Data Points**

- Define recidivism
- Recidivism rates
- how long after jail or court release until the person was booked on a new crime?
- The recidivism rate of each program
- Number of people on pretrial status who are later charged with a crime. If a crime was committed, what was the crime?

**Charges: Data Points**

- Filed charge(s) (from the Prosecutor)
- Booked citation charge(s)
- Indicate charges that come from the border
- Indicate the misdemeanor, gross misdemeanor, and felony cases that are cited in the field or referred to Prosecuting Attorney for charging decision without a physical arrest.
- The ability to run a report on the number of people booked (probable cause) under each booked offense
- The ability to run a report on the number of people charged (prosecutorial) under each final charge

**Jail Alternatives: Data Points**

- Does the defendant have a history with one of the special courts?
- The number of people who are diverted from jail
- Identify the impact of a new program on jail population
- Number of persons screened for participation in Jail Alternative programs at a courthouse centric location
- number of persons who report for participation in Jail Alternative programs
- Number of persons connected to the appropriate electronic home monitoring device at the request of District Court for pre-trial or probation monitoring. Number of reported pretrial or probation violations referred to the District Court;
- Number of persons and bed days served through jail alternative programs by specific program

**Misc Other: Data Points**

- All the data points used for the Vera Institute report
- Number of people in jail
- Bond amount by prosecutorial charge
- The length of time it takes to process each case
- The number of people who are being held pretrial
- Number of persons for whom probable cause exists for arrest, who are diverted to a) Mental Health Triage and/or b) Substance Abuse treatment at the new Triage Center;
- Number of persons for whom probable cause exists for arrest, who are diverted to other mental health facilities (St. Joseph's, etc.);
- FTA history, including the date of the FTA and age of defendant at the time the FTA was issued (distinguish between adults and juveniles)
- Identify how many people with minor misdemeanors and no warrants are due to the officers choosing to either not book, divert, or refer to the Prosecutor

**LEGAL & JUSTICE SYSTEMS COMMITTEE (CONT'D):**

**Suggestions regarding data collection system:**

- Collect and distinguish between booking, court, and jail information/data
- The ability to collect, sort, and report data by person
- The ability to collect, sort, and report data by booked offense and final charge (felony) and by booked citation charge (gross misdemeanor)
- Data on failures to appear
- Inform the criminal justice system with the data necessary to develop agreements that would allow multi-jurisdictional court dates for people with concurrent warrants or different charges in more than one jurisdiction. Allow data to be shared across jurisdictions to help people navigate through the court system efficiently and resolve warrants in any jurisdiction. People have different charges in different courts. How do they know if they are talking about the same person, and do those multiple charges in multiple jurisdictions by the same person inflate the data somehow?
- In all systems, including the Judicial Access Browser System (JABS), warrants issued in error need to be deleted or indicated the warrant was issued in error
- Need the data necessary to inform their ongoing projects, including: electronic home monitoring, pretrial services, book-and-release, and other items on the work plan

**Suggestions regarding data interpretation and processes:**

- Consider a combined multi-jurisdictional court dates for people with concurrent warrants in more than one jurisdiction.
- Enhanced data sharing: The systems of all jurisdictions must communicate. Provide access for each jurisdiction to easily access data from other jurisdictions.
- Create baseline information and benchmarks that can be monitored to track success of programs and processes.
- Distinguish between the data points/categories and the algorithms of the report to produce correct interpretations of the data
- Create accurate and consistent definitions
- People entering data need to be adequately trained to enter consistent information correctly
- Algorithms must be accurate
- Take advantage of new technology for efficiency in data entering and reporting.
- Be as transparent as possible for the community about who is in the jail and why
- Allow the City of Bellingham, all the small cities, and all the tribes to have complete (read-only) access to the Sheriff's records in the Spillman system
- Reach out to and include Tribes when incorporating data.

**BEHAVIORAL HEALTH COMMITTEE:**

- Who is in jail
- What are the behavioral health disorders identified for each inmate
- What programs exist to address behavioral health disorders of jail inmates
- Is there potential for an involuntary facility
- Does the inmate have serious and persistent mental illness, which is defined as very symptomatic and chronic
- What are the legal charges that allows them to divert from jail
- Whether the person has had services previously, and if so, what were those services

**BEHAVIORAL HEALTH COMMITTEE (CONT'D):**

- Behavioral health issues that are not serious and/or persistent
- What is the social metadata: social, legal, family
- A confidential interviewer
- What kind of substance use disorder
- Information on people in jail versus out of jail
- An assessment at point of release
- Interview people who have been in jail in the last six months
- Offer an incentive to participate in an interview
- GRACE cohort to provide data

**TRIAGE FACILITY COMMITTEE:**

**Goals of Facility (outcome measures):**

- Diversion from criminal justice and/or hospital
- Maximum utilization of facility
- Improved health and wellness of individuals who receive services

**Data Points (Interoperability Issues/Trends):**

1. Daily census
2. # of Admissions per unit
  - A. Referral source
    - 1) Hospital Psych unit step-down
    - 2) Emergency Department
    - 3) EMS drop-off
    - 4) Law Enforcement drop-off
    - 5) Treatment provider
    - 6) Social Service provider (i.e., housing)
    - 7) Self
3. # of Denials
  - A. Reason for denial
    - 1) No bed capacity
    - 2) Inappropriate referral
      - a. level of care not required (not acute enough)
      - b. higher level of care required
      - c. inability of unit to manage behaviors that pose a significant risk of harm to others
4. Length of Stay (and specify program)

**TRIAGE FACILITY COMMITTEE (CONT'D):**

5. Discharge disposition
  - A. Transferred
    - 1) to in-patient treatment setting (MH or SUD)
    - 2) to out-patient treatment provider (MH or SUD)
    - 3) back to community treatment provider
    - 4) to higher level of medical care
  - B. Left against clinical/medical advice
  - C. Medication Assisted Treatment initiated and connected to ongoing provider
  - D. Housing status upon discharge
    - 1) Return to homelessness
    - 2) Return to home with no further treatment

**Also:**

- Connect the intake data from the triage center, social services, emergency department and other medical sources, law enforcement, possibly via claims data
- Consider whether the County, in concert with the managed care organizations (MCOs), could pay the regional Behavioral Health Organization (BHO) to collect all the data as a central repository
- Can law enforcement bill for, and consequently report on, transport data