

Incarceration Prevention and Reduction Task Force

Meeting Summary for July 19, 2021

Agenda item links to YouTube video are functional at the time this meeting summary was created, however, YouTube links may change. Links in this document will not be updated. Please refer to the time notation on each agenda item.

1. Call to Order | Land Acknowledgment Statement

Task Force Co-Chair Jack Hovenier called the meeting to order at 9:00 a.m. The meeting was held remote-only via Zoom Webinar.

Members Present: Barry Buchanan, Bill Elfo, Arlene Feld, Heather Flaherty, Daniel Hammill, Mike Hilley, Jack Hovenier, Raylene King, Scott Korthuis, Moonwater, Dave Reynolds, Eric Richey, Donnell Tanksley, Bruce Van Glubt, Jackie Mitchell (proxy for Anne Deacon), Don Almer (proxy for Flo Simon), Mike Parker (proxy for Greg Winter)

Members Absent: Anne Deacon, Seth Fleetwood, David Freeman, Stephen Gockley, Deborah Hawley, Byron Manering, Eric Petersen, Darlene Peterson, Tyler Schroeder, Maia Vanyo, Greg Winter

2. [Committee Updates \(00:02:39\)](#)

Hammill reported for the Behavioral Health Committee. He referenced and read from the June 15, 2021 meeting summary.

Parker reported that a small group of the committee has met to talk about workforce issues, America Rescue Plan Act (ARPA) dollars, and law enforcement challenges with recruiting.

Buchanan reported for the Steering Committee. He referenced and read from the July 8, 2021 meeting summary.

King reported for the Legal and Justice Systems Committee. She referenced and read from the July 13, 2021 meeting summary.

Hovenier reported for the Crisis Stabilization Facility Committee. He referenced and read from the July 15, 2021 meeting summary.

Mitchell reported on the law enforcement referral data from the new crisis stabilization facility:

- Two law enforcement referrals to detox per month
- In June, there were seven law enforcement referrals to the triage unit
- Those numbers will change due to a variety of factors

3. [2021 Washington State Policing Practices and Oversight Legislation \(00:20:10\)](#)

Hovenier introduced the agenda item as it was discussed in the Steering Committee and the need to educate the Task Force members about the recent legislation.

Hammill reported with an overview of the legislation and potential impacts from House Bill 1310, a use of force bill that will include:

- Law enforcement will not be able to respond to calls with a behavioral health component
- Legislature requires implementation on July 25, 2021 without Attorney General guidance due until July 2022
- Fire department calls have gone up 50 percent, and are not as well equipped to respond to a behavioral health call
- Development of the unarmed response team has been delayed, but needs to be implemented
- There is a critical behavioral health crisis response workforce shortage

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Hilley reported on impacts from the emergency management services (EMS):

- There has been a huge caseload shift to EMS, including the 12-hour hold cases
- If a person is in a mental health crisis, there is often a medical reason
- Early data indicates 500-700 calls per year would be shifted to EMS in the county, and just as much or more in the City
- Many EMS responders outside Bellingham and Ferndale are not full-time firefighter emergency medical technicians (EMTs). Many are volunteers.
- Fire Chiefs in the county are extremely worried about their caseloads
- The County is also looking at co-responder models that include EMTs and a caseworker for nonemergency calls

Elfo reported on impacts to the Sheriff's Office and law enforcement:

- Law enforcement supports police reform laws in the form of enhanced training, professionalism, accountability, transparency, and treatment alternatives to arrest.
- However, law enforcement will be significantly hindered in detecting and prevent crime, hinder the apprehension of dangerous criminals, and render the community less safe with more victimization
- Use of force based on the standard of probable cause with the threat of imminent, immediate harm vs. the standard of temporary investigative detention (Terry Stop) under the lesser standard of reasonable suspicion
- Their ability to engage in pursuits are further limited
- Agencies are required to develop and implement policies by July 2021, but the attorney general guidance isn't due until July 2022.
- Behavioral health crises will escalate
- They will work with fire districts and mental health providers to come up with a protocol in which law enforcement can be staged in an area rather than respond. There are concerns about their protection
- Many officers are leaving the department as they are concerned about their assets being at risk, and recruiting efforts are hindered

Almer reported on impacts to the Bellingham Police Department, including:

- The cost of body cam data storage for the City of Bellingham will be \$175,000 per year, which includes staffing resources.
- The section regarding decertification in State bill 5051 regarding oversight accountability of law enforcement is of particular concern because it's too broad and includes off-duty conduct and possible review by a vastly civilian review board. The language is vague and too broad in scope for off-duty standards.
- Section 6 in the Blake Decision references any individual with any known behavioral health issue, and any crime they commit, law enforcement is authorized and encouraged to refer them away from legal system involvement, but the diversion guidelines don't exist.
- A new section in RCW 10.31 will require two referrals for assessment instead of legal involvement, but there is no guidance on to whom they should be referred
- House Bills 1310 allows a Terry Stop, which allows the police to briefly detain a person based on reasonable suspicion of involvement in criminal activity, only under very narrow circumstances
- For behavioral health situations, they have defined 'imminent' as something that is likely to happen within the next hour. This hinders their ability to help community behavioral health providers.

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- EMS, fire, and service provider personnel are used to having law enforcement around in case something goes wrong during a call, but police must now leave the area if there is no threat of imminent harm and no crime.

Richey reported on the impact to community safety and stated they can make changes, but quality of life will suffer.

Committee members discussed the new legislation and its various impacts to the community, including:

- Examples of how tactics and use of force will change in the community
- The cost of implementing audio recording, which is an unfunded mandate
- Police reform due to injustices occurring around the country
- There is a lack of treatment programs and workforce that can take on the cases that are diverted from the jail
- Protecting victims
- Reasons why law enforcement officers are leaving their agencies
- Pulling existing behavioral health providers from existing programs to staff these new requirements
- Acquiring equipment for alternate responders takes time
- Behavioral Health Administrative Services Organizations' requirement to establish a navigator program
- Communicating the work of the Task Force to the public, including community awareness of this issue
- The Blake Decision requiring two instances of treatment, and there are not enough adequately-trained treatment providers
- Compliance audits, oversight, and accountability requirements are desirable.
- There will be impacts to victims and crime trends if law enforcement officers are unable to detain based on reasonable suspicion
- The community prioritizing treatment over incarceration and keeping low-level crimes out of the jail
- They must collaborate to not develop siloed solutions
- Impacts to drug court
- The shift in rural emergency response from fire to medical
- How the Task Force can move forward with a recommendation

Britta Johnson, Lake Whatcom Treatment Center, spoke on the shortage of masters-level individuals who are willing to work in community mental health, due to inadequate pay and increased risk.

Task Force members discussed how to move forward, including:

- A presentation to the County Council and public from the Sheriff at an evening County Council meeting on August 10, 2021
- Make a recommendation to the Council and State legislators
- Educating the regional SWISS (Skagit, Whatcom, Island, Snohomish, San Juan and Counties) group
- Educating the public via social media soundbites
- Hosting a community forum
- Writing an OpEd for the local news media

King moved to form an ad hoc committee of the Task Force with the assistance of Barry Buchanan, Jack Hovenier, and Jill Nixon, to address the impacts of the State legislation on policing practices and oversight legislation

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in this area and statewide, and to have members meet by the end of this week if they are interested in this communications committee. The motion was seconded and carried unanimously.

Hovenier stated he will schedule a special Task Force meeting at 9:00 a.m. on July 26, 2021 to review and approve a draft letter.

4. Other Business

There was no other business.

5. Public Comment

There were no public comments.

6. Adjourn

The meeting adjourned at 11:00 a.m.