



The Justice Project

Whatcom County's Quest to Reduce Incarceration
and Build a Safe, Humane Jail



Replacing Jails – A Common Problem

Many counties are looking to replace their aging and insufficient jails, but finding funding for these projects is a challenge.

- Jail construction is very expensive – \$500-\$700 per square foot
- No state or federal funds available to support jail construction
- Counties' access to local funds depends on voter approval
- Voter sentiments: taxes are too high / incarceration rates are too high



The Whatcom County Context

The current downtown jail built in 1984 was inadequate from the start.

- Designed to hold only 148 people.
- Constructed based on state standards dating to the 1960s / seismically unsound
- Not designed for rehabilitation and restoration to community life
- Lacked appropriate spaces for healthcare, behavioral health, and other services



Its construction reflected assumptions and approaches of an earlier era, and these inadequacies have hampered the jail ever since.

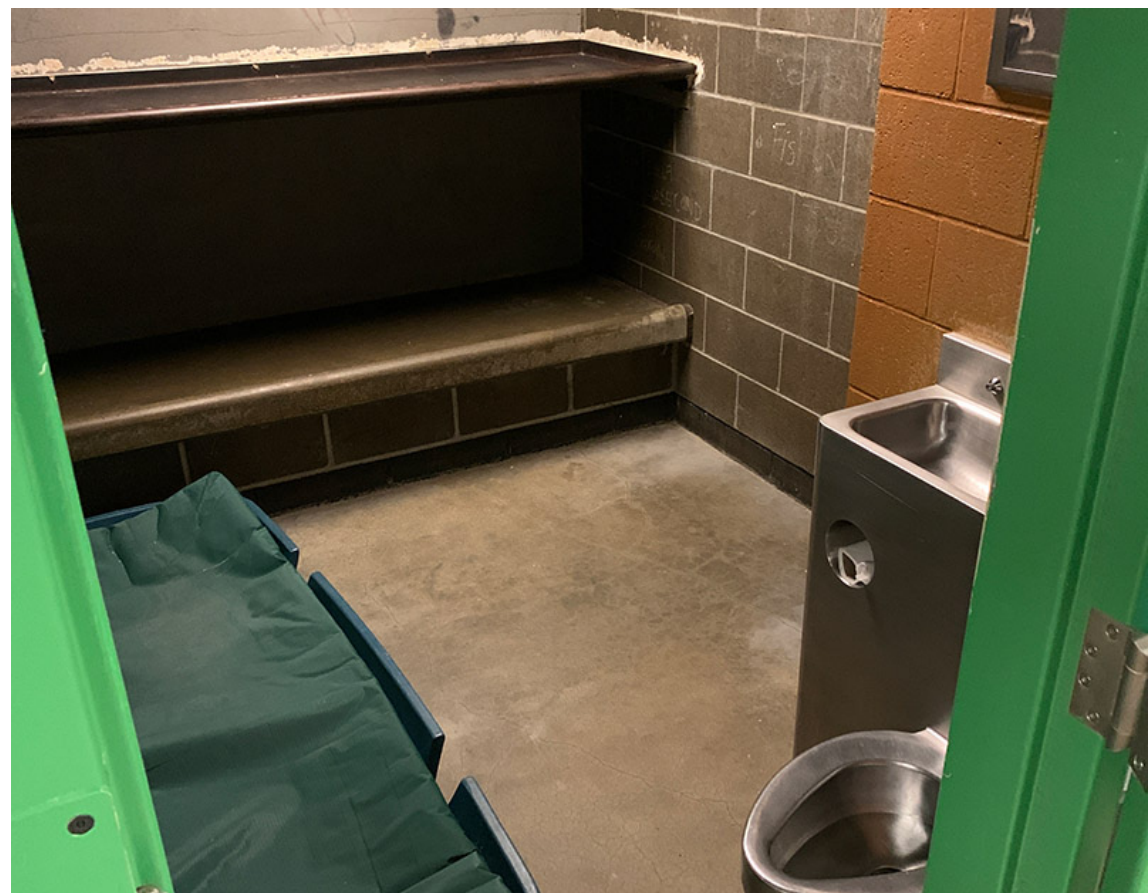


Semi-Solutions

For all but the first two years of the jail's existence, the jail population has exceeded its original capacity.

Limited remodeling helped to increase the operational capacity of the main jail to 212.

With a voter-approved 0.1% sales tax in 2004, the County constructed a temporary work center, adding an operational capacity of about 127.





First Ballot Proposition

- Jail Planning Task Force created in 2011 to provide recommendations to County Council on new jail parameters.
- The County purchases property for a new jail and places a 0.2% sales tax increase measure on the November 2015 ballot to fund the new 521-bed jail.
- The new facility would be designed to eventually add another 128 beds to meet future capacity needs.
- Concerns about the size of the proposed new facility were raised along with calls to link any new jail funding to efforts to prevent and reduce incarceration.



First Ballot Proposition

In response to community concerns, County Council established the Incarceration Prevention and Reduction Task Force (IPRTF) for the purpose of:

- Reviewing best practices to make recommendations that would safely and effectively reduce incarceration.
- Identifying alternatives to incarceration for those living with behavioral health challenges and pretrial defendants.
- Planning for a new and expanded crisis stabilization center.

Despite these initial commitments to a new approach, voters reject the proposition in a narrow decision – 51-49.



Second Ballot Proposition

- A slightly smaller jail construction proposal was put forward in 2017.
- Members of the public expressed concerns about the lack of a needs assessment to inform the jail planning process and questioned the size and location of the proposed facility.
- County Council decided to move forward with a second ballot measure for a 0.2% sales tax increase to fund a new jail.
- In November 2017, Whatcom County voters rejected the ballot measure by an even wider margin: 59-41.



2018 Listening Tour

In the wake of a second failed ballot measure, the Whatcom County Council's Criminal Justice & Public Safety Committee sought to gain insight into why people were opposed to the proposal, and to gather input on the types of facilities and services they feel are needed to improve criminal justice and public safety in Whatcom County.



**WHATCOM COUNTY COUNCIL
CRIMINAL JUSTICE AND PUBLIC SAFETY COMMITTEE
LISTENING TOUR**

**WE WANT
YOUR INPUT**

AN EVENING TO SHARE YOUR THOUGHTS AND IDEAS CONCERNING PUBLIC SAFETY
AND CRIMINAL JUSTICE IN WHATCOM COUNTY

WHERE	WHEN	LOCATION
DEMING	APRIL 3 RD , 6-8PM	DEMING LIBRARY
LYNDEN	APRIL 17 TH , 7-9PM	LYNDEN LIBRARY
BELLINGHAM	MAY 1 ST , 7-9PM	WHATCOM COUNTY COUNCIL CHAMBERS
SUDDEN VALLEY	MAY 15 TH , 7-9PM	SUDDEN VALLEY DANCE BARN
FERNDAL	MAY 29 TH , 7-9PM	FERNDAL LIBRARY
BELLINGHAM	JUNE 12 TH , 7-9PM	FAIRHAVEN MIDDLE SCHOOL
MAPLE FALLS	JUNE 26 TH , 7-9PM	EAST WHATCOM COUNTY REGIONAL RESOURCE CENTER

 FOR MORE INFORMATION, VISIT WWW.WHATCOMCOUNTY.US/2809



2018 Listening Tour – Key Takeaways

- Incarceration should be reduced by investing in prevention, treatment, rehabilitation, and alternatives to jail.
- Inherent injustices in the incarceration system need to be rectified.
- Jail is not the appropriate place to address mental health and substance abuse issues, or to house the homeless.
- More tax funding should go to human services than into building a new jail.
- Decisions about the jail and incarceration prevention and rehabilitation services should be driven by data and best practices.
- Future planning for the jail and criminal justice system reforms will require effective outreach strategies.



Justice Project Takes Shape

In August 2019, the County Council adopts a statement of public health, safety, and justice facility planning principles, which

- identifies a need to plan for a criminal justice system that is built to address the root causes of incarceration and designed with rehabilitation as the goal.
- prioritizes community-based preventative services, successful re-entry, and reducing recidivism (re-incarceration).
- focuses on reducing demand for jail by investing in behavioral health services.

That resolution also sets the goal of having a funding proposal on the ballot in November 2020.



Justice Project Takes Shape

- County Council establishes Stakeholder Advisory Committee (SAC) in January 2020 to complete Justice Project Needs Assessment
- Pandemic delays start of effort until early 2022.
- External facilitator and communications consultant hired to support the committee.
- Over the course of 15 months, the full committee met 10 times and held a number of works sessions, including joint meetings with the Incarceration Prevention and Reduction Task Force.



Justice Project – Public Engagement

- Online survey collects feedback (over 1,700 responses) on elements of the criminal legal system in Whatcom County.
- Listening sessions and informal interviews held to get feedback from tribal members, immigrants, individuals previously incarcerated and their family members.
- A Town Hall Listening Session is held to gather more community perspectives on incarceration.
- A [video tour](#) of the existing jail facility was posted on YouTube, attracting more than 6K viewers
- An [Engagement Report](#) summarizes public engagement efforts and the resulting feedback.



Justice Project – Needs Assessment

- Whatcom County has struggled to strike a balance between prevention and incarceration in its approach to public safety. From the early days following the completion of the Whatcom County Jail in 1984 until now, there have been two consistent needs:
 - To have a jail that is safe for those in it, with the services needed to support successful community re-entry, and
 - To more appropriately respond to lower-level offenses through the provision of incarceration prevention, diversion, and alternative services, including reducing the number of people who are incarcerated and have behavioral health issues.



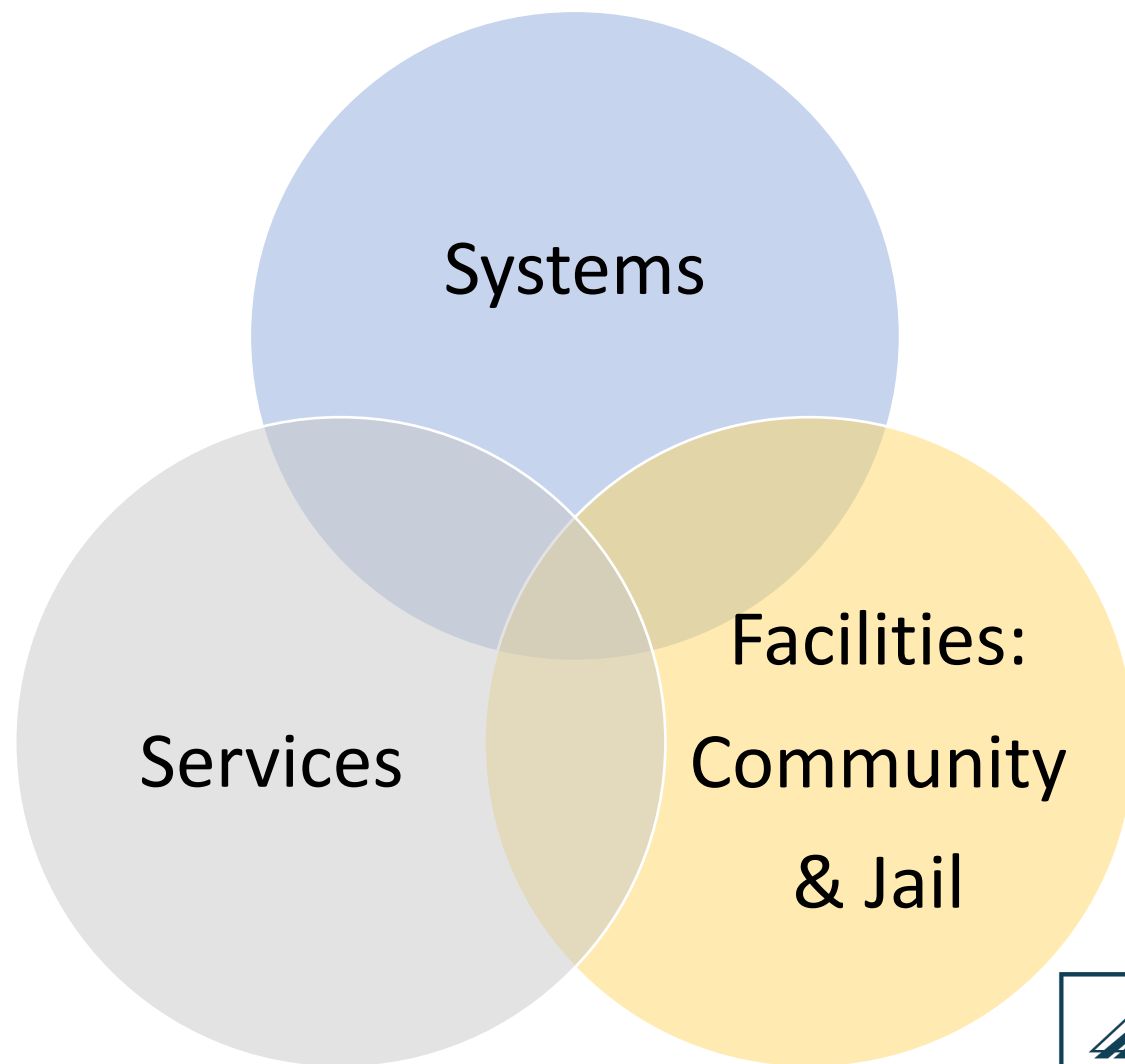
Justice Project – Needs Assessment

- SAC took a close look at the current situation and within the framework of the Needs Assessment did the following
 - Examined data related to incarceration rates, population demographics, incarceration prevention and reduction efforts, and the health and welfare needs of those involved in the criminal legal system;
 - Identified gaps in the current community response to health and public safety needs, both inside and outside the Whatcom County jail;
 - Considered what it would take to fill those gaps to improve health and public safety; and,
 - Made recommendations to address the community's public health, safety, and justice concerns.



Justice Project – Needs Assessment

The identification of needs and development of recommendations focused on three elements of public health, safety, and justice systems, which are interrelated with each part affecting the other.





Justice Project – System Needs

- Increase access to **competency restoration** services.
- Reduce the **amount of time** people spend in jail pretrial.
- Reduce the **number of people** detained in jail before trial.
- Address the **disproportionate incarceration** of BIPOC individuals.
- More **inclusion** of BIPOC communities, victims of crime, and people with lived experience with incarceration in decision-making
- System for **collecting consistent data** from all intercept points in the criminal, legal, and behavioral health systems.
- Data dashboard to **track trends** in criminal legal system.



Justice Project – Service Needs

- Increased community **behavioral health treatment capacity** (in-patient & out-patient).
- Increased **capacity of effective existing programs** to divert more people from incarceration (e.g., GRACE, LEAD, Drug Court, etc.).
- Increased capacity of **Program for Assertive Community Treatment** (PACT), a program for people with persistent mental illness who require intensive support services to function in the community.
- Additional qualified & racially/ethnically **diverse jail staff**.
- **Additional corrections officers** to escort incarcerated individuals to services within and outside the jail.



Justice Project – Facility Needs

- A **new jail** that is correctly sized, based on a fair analysis of population growth, along with strategic investments to avoid unnecessary incarcerations; designed to reflect best practices for safety, efficiency, and technology; safe for incarcerated individuals and those who work and visit there...
- Facilities to enable **increased community mental health and substance use disorder treatment capacity** (in-patient & out-patient) to prevent and reduce incarceration and re-incarceration.
- Additional **permanent supportive housing** with on-site clinical support and intensive case management for people with severe and persistent mental illness who are involved, or at risk of involvement, with the criminal legal system.
- Safe, supportive **housing for people engaged in diversion and therapeutic court programs**.

WHATCOM COUNTY JUSTICE PROJECT



Whatcom County JUSTICE PROJECT NEEDS ASSESSMENT

— CONDITIONS INCREASING: —
 ↑ POPULATION ↑ MENTAL HEALTH ISSUES
 ↑ HOUSING PRICES ↑ HOMELESSNESS
 ↑ SUBSTANCE ABUSE ↑ CRIME

HISTORY OF THE JAIL



POPULATION GROWTH



UNSAFE
EXPENSIVE
to MAINTAIN

IMPLEMENTATION PLAN

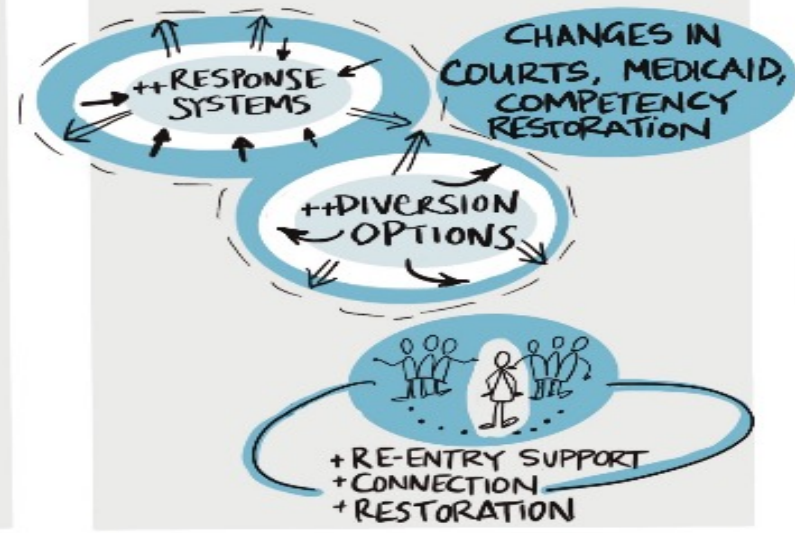
CONTINUE COUNTY INVESTMENTS IN...

COMMUNITY HEALTH IMPROVEMENTS

- ↑ BEHAVIORAL HEALTH SERVICES
- ↑ SUPPORT for CHILDREN & FAMILIES
- ↑ HOUSING/ HOMELESSNESS PREVENTION

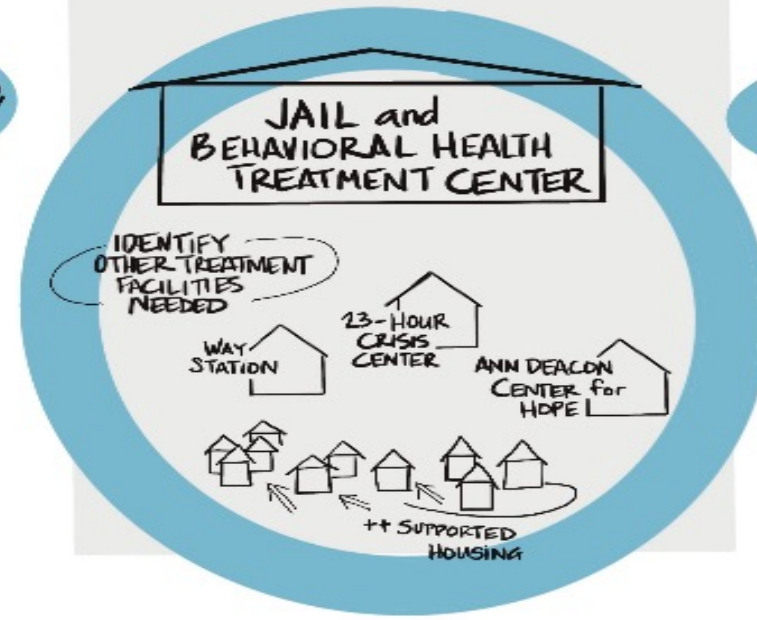
+

INCARCERATION PREVENTION & REDUCTION



+

HEALTHY & HUMANE FACILITIES



=

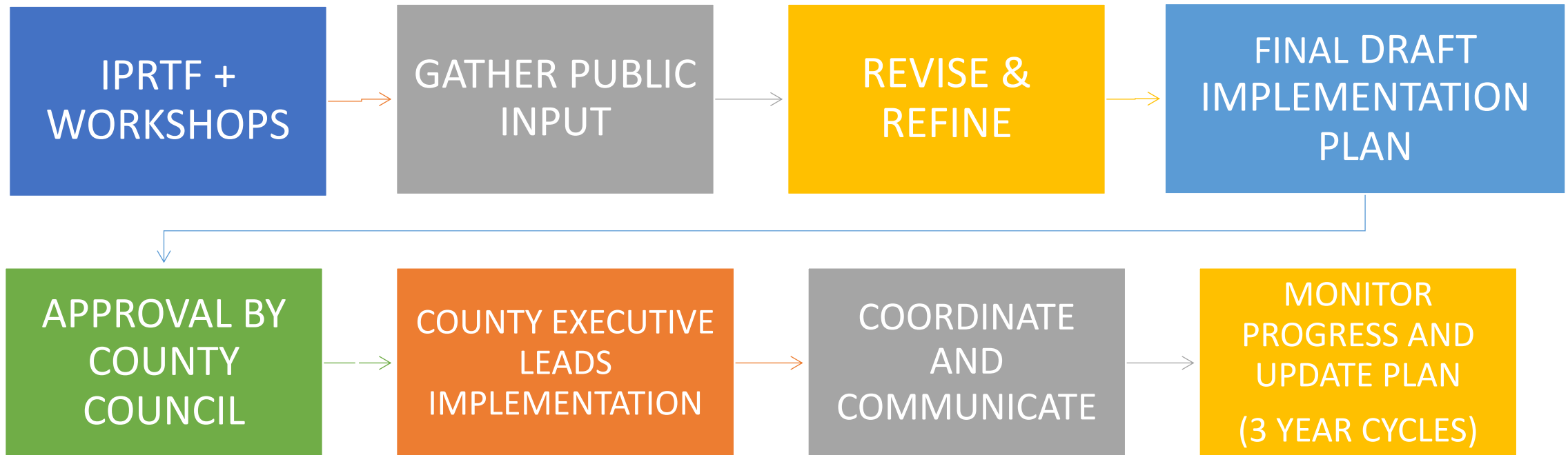
! INCREASED HEALTH & SAFETY !

↑ ACCOUNTABILITY
DATA
INCLUSION
TRANSPARENCY





Justice Project – Implementation Plan





Justice Project – Implementation Plan

- The Implementation Plan provides a road map for meaningful action, articulating steps to take in the next one to three years.
- It identifies 15 projects in within the following 5 strategies:
 - Ensure Oversight, Accountability, and Transparency
 - Increase Access to Behavioral Health Services
 - Build Facilities Needed to Promote Public Health, Safety, and Justice
 - Expand the Capacity of Programs to Reduce Incarceration/Re-incarceration
 - Make Systems Changes with Local, Regional, State, and Federal Partners



Implementation Plan – Next Steps

- Put a sales tax ballot proposition to help pay for the projects in plan.
- Establish an Oversight and Planning (JPOP) Committee (Project 1) and Justice Project Finance Advisory Board (Project 2).
- Hire a Criminal Justice Informatics Specialist and an Application Administrator for data collection and dashboard (Project 3).
- Address workforce shortages in behavioral health services (Project 4).
- Build systems to facilitate communication and coordination between organizations (Project 5).
- Provide staff support for Mental Health Sentencing Alternatives and an expanded mental health court (Project 6).
- Increase capacity of existing diversion programs (Project 6).
- Design a Crisis Relief Center (Project 7) and hire a construction project manager.



Implementation Plan – Next Steps

- Identify additional needed behavioral health facilities (Project 9).
- Increase transportation services for people leaving jail/treatment (Project 10).
- Hire additional re-entry Specialists (Project 11).
- Assess supportive housing needs, gaps, and funding supports (Project 12).
- RFP for small recovery/supportive housing capital projects (Project 12).
- Identify public property potentially available for supportive housing (Project 12).
- Continue to changes in court systems to promote timely resolution of court cases and reduce pretrial detention and the length of stay (Project 13).
- Advocate for state funding and policy for supportive housing, diversion, behavioral health, substance use disorder treatment, and competency restoration (Projects 4, 6, 9, 12, 14).
- Advocate for state Medicaid waiver for jail-based health services (Project 15).



Justice Project – Ballot Proposition

In July County Council passes an ordinance adopting the Implementation Plan and submitting a ballot measure to authorize a sales and use tax (two-tenths of one percent) for public health, safety, and justice facilities and services.

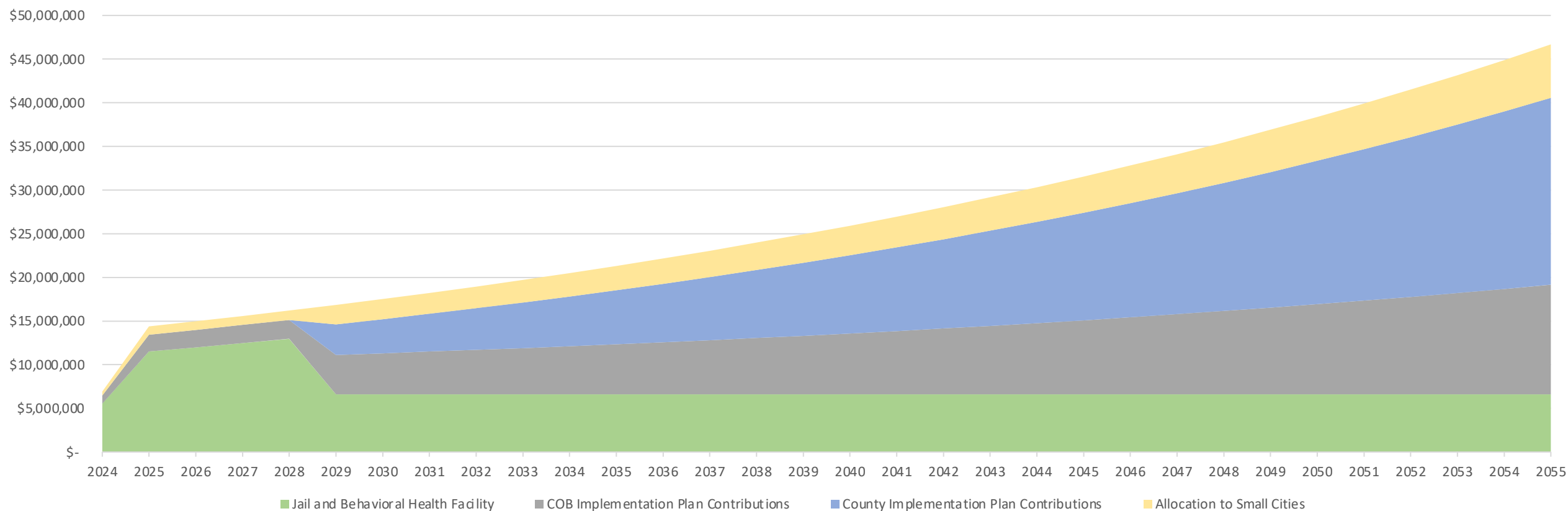
Ordinance outlines County's commitments regarding:

- Inclusive oversight, transparency and public process for future expansion
- Jail appropriately sized to end booking restrictions
- Partnership with cities for “down payment” on jail construction
- Adaptive partnership conditions with Bellingham and small cities
- Long-term funding for community-based behavioral health and housing services with at least 50% of tax revenues after 4-6 years



Justice Project – Ballot Proposition

Anticipated Expenditure Allocations for 0.2% Sales and Use Tax





Justice Project – Communications

While adhering to statutory requirements, the County continued to provide helpful information to the public, including:

- Communicating about the conditions of the current facility
- Differentiating current proposition from previous failed efforts
- Building awareness of recent significant investments in behavioral health
- Providing jail tours for interested members of the public (including a [video tour of jail](#))
- Providing timely responses to inquiries by journalists



Justice Project – Tailwinds

- Broad consensus among elected leaders and candidates
- Shifting public perceptions about prevalence of crime
- Robust media coverage highlighting conditions in existing jail and endorsement by leading local newspaper
- Series of supportive op-eds by community leaders
- Strong emphasis on incarceration prevention in Needs Assessment Report and Implementation Plan
- Support from state legislative delegation, including crisis relief center funding



Justice Project – Tailwinds

Shifting attitudes regarding the place of county jails in interrupting addiction - An Evening with Author Sam Quinones

“If we’re serious about curbing use of these most damaging illicit drugs, I believe we need to move to an approach that both the left and the right may find uncomfortable. We need to use arrests and the threat of confinement to break the hold of addiction. We also need to transform jail, and change what it means for people with a drug addiction to be in jail.”

“In an era of rampant fentanyl and meth use, drug courts and a reimagined jail—alongside robust support for voluntary treatment—should be foundations for that revival. An arrest can be an act of compassion when the odds are that, outside, meth will drive a user mad and fentanyl will kill him.”

Sam Quinones, “America’s approach to addiction has gone off the rails,” The Atlantic, June 1, 2023



Justice Project – Headwinds

- Significant hike in assessed values on eve of election
- Continued opposition to new jail by carceral abolitionists
- Outside money supporting “no” campaign

“If approved, Proposition will divert millions to fund the construction of a new 440-cell mega-jail. All funds from this new tax proposal would go to the construction of the mega-jail for the next six years. This would come at the expense of much-needed community programs like mental and behavioral health services, which create alternatives to incarceration and reduce recidivism.”

- Inatai Foundation



Justice Project – Voter's Verdict

NEWS
Elections

**UPDATE: Jail measure
heads for 'decisive win'
after past failures**

Proposal will create new sales tax



Justice Project – What's Next

- Confirm and finalize agreements with cities
- Design and construction of jail expected to take 4+ years
- 23-hour crisis relief center – funding, design, and operating model
- Address slow resolution of cases in court – staffing needs and process needs
- Continue to enhance behavioral health and housing services to reduce incarceration and improve re-entry outcomes
- Periodically revisit Implementation Plan and adjust according to changing needs
- Much more!

