

Resolution on Alternatives to the Jail Tax

WHEREAS, Whatcom Democrats have endorsed a REJECT (=NO) vote on the jail tax (Whatcom County Proposition 2017-6);

WHEREAS, the U.S. has the world's highest rate of incarceration, about ten times higher than the rate in much of Western Europe, and six times higher than our own norm before the 1980s, and the Whatcom Democrats Platform states, "Current rates of incarceration are a national shame";

WHEREAS, the recently released preliminary report commissioned by Whatcom County from the Vera Institute of Justice has concluded, "Any attempt to ease overcrowding by building a new facility or expanding the current one will not address the underlying causes of [jail] population growth, and the new facility will quickly become overcrowded";

WHEREAS, the Whatcom County jail population is unnecessarily high because:

- "Whatcom County lacks pre- and post-charge diversion programming tailored to the level of risk that defendants present," "The county lacks law enforcement-led diversion opportunities that are responsive to the offenses that are driving jail admissions," and "The application process and fee for Jail Alternatives bar defendants who would otherwise be eligible to participate";
- 62 percent of admissions to the jail were for non-felonies, and overall, the vast majority were nonviolent charges*;
- Almost half of those assessed bail could not afford it, so that 59 percent of those being held were pretrial, and "Although Washington Court Rule 3.2 allows for use of unsecured bonds, which does not require defendants to deposit any money upon release but holds them liable for the full amount if they fail to appear, Whatcom County courts do not use these bonds";
- Whatcom County incarcerates Latinos and Native and African Americans at three to seven times the rate of white people, creating disproportionate impacts on already marginalized communities*;

WHEREAS, locating a new jail six miles from the courthouse would make access more difficult for public defenders, hospital emergency services, and public transportation; and there is no estimate of the additional operating costs of locating a jail away from the civic center;

WHEREAS, the funding mechanism on the ballot would use 100% of our public safety tax capacity for the next 30 years; and our community may have other needs for such funding, such as a new fire and police station in order to keep up with our growing and aging community;

WHEREAS, the cost of building a new jail is estimated to surpass \$110 million, not including the land purchase or the new sheriff's office, and renovation of the existing jail would cost a fraction

43 as much; and neighboring Skagit County has completed a new jail for less than half that
44 amount;

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46 WHEREAS, the projected per bed cost of the proposed jail is two to three times that of other
47 counties, at \$250,000 per bed where Skagit County's jail is \$120,000 per bed and the average
48 of current proposed projects in the US today is around \$95,000;

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50 WHEREAS, Whatcom County has yet to release a plan for the new jail, with a detailed budget
51 including an explanation of the high per bed cost and estimates of operational costs, or a firm
52 commitment regarding how funds will be spent;

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54 THEREFORE BE IT RESOLVED that we, the Whatcom Democrats, ask the County Council to
55 authorize a full study and plan for renovating and modernizing the existing jail to create a safe
56 and humane environment.

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58 THEREFORE BE IT FURTHER RESOLVED that we, the Whatcom Democrats, ask the County
59 Council:

- 60 • To implement the recommendation of the Vera Institute to use the least restrictive terms
61 of release from jail, in particular the use of unsecured bonds, which do not require
62 defendants to deposit any money upon release but holds them liable for the full amount
63 if they fail to appear, as permitted by Superior and Limited Jurisdiction Court
64 Rules: Wash. Sup. Ct. Crim. R. 3.2(b)(3) and CrRLJ 3.2(b)(3),
- 65 • To implement "pre- and post-charge diversion programming tailored to the level of risk
66 that defendants present," and "law enforcement-led diversion opportunities that are
67 responsive to the offenses that are driving jail admissions",
- 68 • To require that reminder notices be sent out before court dates to reduce "no-shows,"
- 69 • To promote public health solutions (like King County's [LEAD program](#)) as an alternative
70 to incarceration for controlled substance use;

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72 THEREFORE BE IT FURTHER RESOLVED that we, the Whatcom Democrats ask our state
73 legislators to abolish money bail, as New Jersey did earlier this year;

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75 THEREFORE BE IT FURTHER RESOLVED that we, the Whatcom Democrats ask our federal
76 legislators to cosponsor the No More Money Bail Act;

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79 *Adopted by unanimous vote of Whatcom County Democrats at their September 21, 2017,*
80 *monthly meeting of the membership.*

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82 * Vera Institute of Justice, "[Preliminary data findings](#)," July 7, 2017.