

# Resolution on Reducing Local Incarceration Rates

WHEREAS, on November 7, 2017, Whatcom County voters REJECTED the most recent request for a new jail tax (Proposition 2017-6) by a landslide margin of over 17 percent;

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, Whatcom County's incarceration rate has more than tripled since 1970 (Vera Institute of Justice, "[Report to Whatcom County Stakeholders on Jail Reduction Strategies](#)," September, 2017 (hereinafter VIJ), 5);

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

- More than two thirds of 2016 admissions to the jail were for non-felonies, and overall, the vast majority were nonviolent charges, and even among felonies, three of the top five charges were for drugs (VIJ, 15,16, 27);
- Almost half of those assessed bail could not afford it, so that 59 percent of those being held were pretrial (VIJ, 12), 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 (VIJ, 35-36);
- "More than half of jail admissions for probation or parole violations had no new charges" (VIJ, 27);
- Whatcom County incarcerates Latinos and Native and African Americans at three to five times the rate of white people, creating disproportionate impacts on already marginalized communities (VIJ, 14-15);

WHEREAS, on October 11, 2016, Design2Last, consultant to Whatcom County, produced an initial report on updating and maintaining the existing downtown jail and the Irongate jail with a preliminary cost estimate of \$32-million, or \$1.6-million per year for the next 20 years;

WHEREAS, on October 17, 2011, Jay Farbstein and Associates, consultant to Whatcom County, recommended that Whatcom County expand its consideration of what is needed in a jail to consider and evaluate a downtown location and/or keeping the existing Irongate jail. To date, Whatcom County has not evaluated the benefits, cost, and options of a downtown location;

WHEREAS, we wish to support the excellent work of the Whatcom County Incarceration Prevention and Reduction Task Force in bringing together stakeholders (including the courts, prosecutor, sheriff, county council, and city councils) in working on practical ways of implementing local criminal justice reform aimed at reducing incarceration rates;

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THEREFORE, BE IT RESOLVED that we, the Whatcom Democrats, call on our county and municipal officeholders to fully implement the recommendations of the Vera Institute Final Report:

- **County Council, City Councils:** People who cannot afford to pay fines for low-level county and city civil offenses should not be jailed;
- **County Council, Courts:** Based on a risk assessment, use the least restrictive terms of release from jail, in particular the use of unsecured bonds, which is a promise to appear and setting of a monetary amount that does not need to be prepaid. If they fail to appear, they are liable for the full amount. This is permitted by Superior and Limited Jurisdiction Court Rules: Wash. Sup. Ct. Crim. R. 3.2(b)(3) and CrRLJ 3.2(b)(3), and ensure that defense counsel is present at all bail determinations (VIJ, 37). Any risk assessment should avoid software whose algorithms are concealed as “proprietary,” because that is inconsistent with the transparency essential to justice.
- **Courts:** We encourage, where appropriate, the use of home arrest or bracelet monitoring;
- **County Council:** Establish a sobering center for people arrested on DUI and other charges related to substance abuse (VIJ, 31).
- **County Council, Prosecutor:** Promote public health solutions as an alternative to incarceration for controlled substance use such as the Seattle LEAD program: “Preliminary evaluations of the Seattle [LEAD program](#) have found that participants were nearly 60 percent less likely to be arrested after enrollment than people who went through the traditional criminal justice process and more likely to obtain stable housing and employment” (VIJ, 31);
- **Incarceration Prevention and Reduction Task Force:** Create oversight and accountability mechanisms to ensure successful and sustained jail population reduction (VIJ, 48).
- **Sheriff, police departments:** Expand use of “book and release” practices (VIJ, 28-29).
- **Sheriff, police departments:** Equip law enforcement officers throughout the county with the tools needed to de-escalate and divert people experiencing behavioral health crises, many of whom end up in jail only because officers have limited resources to respond to people in crisis (VIJ, 32).
- **Courts, Prosecutor:** Develop mechanisms to prevent jail admissions for technical violations of probation or parole (VIJ, 34-35).
- **Courts:** Develop a case flow management plan to reduce time to disposition and shorten defendants’ length of stay. The Whatcom County Superior and District Courts and the Bellingham Municipal Court are not meeting state and national model time standards for case processing (VIJ, 44-45).
- **Courts:** Send reminder notices before court dates to reduce “no-shows” and thereby save taxpayer money and reduce judicial delays (VIJ, 39).
- **Courts, Prosecutor, Sheriff, Police Chiefs:** Encourage the use of restorative justice in lieu of incarceration.

87 THEREFORE, BE IT FURTHER RESOLVED that we, the Whatcom Democrats, to create a safe  
88 and humane environment, call on the County Executive, County Council, and Sheriff to carry out  
89 long-postponed maintenance to the existing jail while authorizing a full study exploring options  
90 and costs for renovating and modernizing the existing jail, or possibly building a new jail near  
91 the Courthouse;

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93 THEREFORE, BE IT FURTHER RESOLVED that we, the Whatcom Democrats ask our state  
94 legislators to abolish money bail, as New Jersey did in 2017;

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96 THEREFORE, BE IT FURTHER RESOLVED that we, the Whatcom Democrats ask our federal  
97 legislators to cosponsor the No More Money Bail Act.

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99 *Adopted by a near-unanimous vote of Whatcom County Democrats at their January 18, 2018*  
100 *monthly meeting of the membership.*