

# HOUSE BILL REPORT

## HB 2287

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### As Reported by House Committee On:

Public Safety  
Appropriations

**Title:** An act relating to establishing a criminal justice system diversion center pilot project.

**Brief Description:** Establishing a criminal justice system diversion center pilot project.

**Sponsors:** Representatives Hayes, Ortiz-Self, Eslick, Ryu, Harmsworth, Sells, Peterson, Van Werven, Pellicciotti, Klippert, Goodman, Kloba, Tarleton, Fey, Santos, Smith, Tharinger, Dolan, Valdez, Stanford, Appleton, Lovick, Doglio, Griffey, Stonier and Gregerson.

### Brief History:

#### Committee Activity:

Public Safety: 1/8/18, 1/18/18 [DPS];  
Appropriations: 2/1/18, 2/5/18 [DPS(PS)].

#### Brief Summary of Substitute Bill

- Requires the Washington Association of Sheriffs and Police Chiefs to administer grant funding for a residential pilot program that serves certain individuals who are encountered by law enforcement or who are released from jail.
- Outlines requirements for the pilot, including utilization of skilled staff to perform specified services and siting in a location that provides convenient access to relevant programming.

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### HOUSE COMMITTEE ON PUBLIC SAFETY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Goodman, Chair; Pellicciotti, Vice Chair; Klippert, Ranking Minority Member; Hayes, Assistant Ranking Minority Member; Appleton, Chapman, Griffey, Holy, Orwall, Pettigrew and Van Werven.

**Staff:** Omeara Harrington (786-7136).

### Background:

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

### Alternative Programming and Services for Persons Involved in the Criminal Justice System.

When a person commits a crime, he or she is typically arrested or cited, formally charged, and, if found guilty, sentenced to a term of incarceration or other conditions. However, there are formalized alternatives to traditional prosecution and sentencing that require participants to engage in treatment and other services such as therapeutic courts, deferred prosecution, and sentencing alternatives, among others. Some communities also have established programs that allow law enforcement officers to divert individuals who would otherwise be arrested into therapeutic programs and other services. For individuals who have served a term of incarceration, reentry services may assist with housing, employment, and other anticipated needs upon release.

### Washington Association of Sheriffs and Police Chiefs.

The Washington Association of Sheriffs and Police Chiefs (WASPC) is a statewide organization consisting of executive and management personnel from law enforcement agencies. Membership includes sheriffs, police chiefs, the Washington State Patrol, the Washington Department of Corrections, and representatives of a number of federal agencies. The WASPC has been given administrative responsibility for certain statewide programs, and several grant programs, including grant programs targeting gang crime, graffiti and tagging abatement, denied firearm purchase attempts, sexual assault kits, and metal theft.

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### **Summary of Substitute Bill:**

Subject to appropriated funds, the WASPC must administer a criminal justice system diversion center pilot project (pilot).

The primary objective of the pilot is to make improvements in several areas, including: reducing recidivism; reducing the use of crisis and emergency resources; decreasing behaviors associated with untreated behavioral health conditions; increasing effective engagement with treatment providers; increasing housing stability; increasing engagement in prosocial activity; and increasing rates of employment and financial self-sufficiency.

### Eligibility Criteria.

The WASPC must make two grant awards for the pilot. One grant must be awarded to a county that is located west of the crest of the Cascade Mountain range, has a population of not less than 750,000 and not more than 815,000 residents, and also contains a city with a population of not less than 90,000 and not more than 150,000 residents. The other grant must be awarded to a county located east of the Cascade Mountain range with a population of not less than 470,000 and not more than 535,000 residents, and also contains a city with a population of not less than 175,000 and not more than 240,000 residents. In addition, each eligible applicant must have established or be willing to establish a coordinated effort with committed partners.

The WASPC must develop policies and procedures for the application process, disbursement of the grant awards, tracking compliance, and measuring outcomes. The successful applicants must be selected and begin receiving funds by July 1, 2018.

### Pilot Description.

The grant recipients must establish approximately 40 residential beds for short-term placements of up to 90 days. Placement must be prioritized for these target populations:

- individuals referred by law enforcement who are suspected of having committed a non-violent crime and whose behavior is suspected to have been influenced by a behavioral health issue;
- individuals referred by social workers embedded with law enforcement agencies who have previous involvement in the criminal justice system and who are awaiting an inpatient residential treatment bed or are working toward self-sufficiency following inpatient treatment; and
- individuals with behavioral health issues who are releasing from jail and are working with reentry services to address housing and other needs.

Skilled staff must be available 24 hours per day and seven days per week to deliver: medical screening and support; needs assessment services; assertive engagement into available services; individualized recovery plan development; facilitated contact with treatment providers; and other services.

Each pilot site must be in a location that provides convenient access to relevant programming, such as: housing and essential needs assistance; homelessness services; veterans' services; behavioral health services; employment services; the Department of Social and Health Services community services; and other services as necessary.

### Reporting.

The grant recipients and the WASPC must adhere to minimum reporting requirements.

Reported information must include:

- a comparison of arrest bookings and jail bed days for individuals served in the pilot, including data from six months and one year prior to admission, and, if possible, six months and one year following admission;
- an analysis of connections to behavioral health services among those served in the pilot, including data from six months and one year prior to admission, and, if possible, six months and one year following admission;
- a comparison of impacts to housing stability for those served in the pilot, including data from six months and one year prior to admission, and, if possible, six months and one year following admission; and
- the number of individuals who, through participation in the pilot: were connected to a detox program; completed a detox program; completed a chemical dependency assessment; completed chemical dependency treatment; and were connected to housing.

The grant recipients must collect data as needed to complete the reporting requirement and must provide a draft analysis and report to the WASPC by October 1, 2019. The WASPC must report to the appropriate committees of the Legislature by December 1, 2019.

### Continuation of Diversion Centers.

Each grant recipient must continue its criminal justice system diversion center for two years following the date the report regarding the pilot project is due to the Legislature, unless the pilot project could be considered unsuccessful according to reported data and information.

## **Substitute Bill Compared to Original Bill:**

The WASPC must award grants to two pilot sites, rather than one. An eligible applicant for the second grant award must be a county located east of the Cascade Mountain range and have a population of not less than 470,000 and not more than 535,000 residents, and also contain a city with a population of not less than 175,000 and not more than 240,000 residents.

Each grant recipient must continue its criminal justice system diversion center for two years, following the date the report is due regarding the pilot project to the Legislature (December 1, 2019), unless the pilot project could be considered unsuccessful according to reported data and information.

All provisions of the underlying bill are retained.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

### **Staff Summary of Public Testimony:**

(In support) Many households have been negatively affected by opioid addiction and abuse, and law enforcement encounter this every day. Washington has not done a good job of providing services for those with mental health and addiction issues. Capital resources are needed, as are services for persons with mental health problems and addiction. The program proposed in the bill is the way the issue should be addressed on the state level. A highlight of the pilot will be the metrics used to measure the program. This is an attempt to prove that this approach helps people get into programs, complete treatment, and connect with housing.

Targeted outcomes of the pilot are a reduction in criminal justice system recidivism, increased participation in the behavioral health system, and housing stability. This is not traditional police work, but the problem is so severe that it requires focus. When people are in a mental health crisis they are more likely to encounter law enforcement than a mental health professional. According to the Bureau of Justice Statistics, a high number of those in jail have mental health needs. This measure will save money in the long run.

Snohomish County (county) has 10 percent of the state's population, but 18 percent of the state's heroin deaths. There are 100 encampments in the south part of the county, with the vast majority of occupants addicted to opiates and many with mental health issues. The county currently has a partnership in place between law enforcement, human services, prosecutors, and defense attorneys. There are outreach efforts underway to make contact with people who are homeless and addicted to substances, in order to help get them into treatment and into housing when they graduate. These efforts have resulted in a significant

reduction in recidivism. Currently there is very low bed space, but an existing facility may be repurposed to operate the program with 44 beds. This facility will be a stabilization unit, and will allow service providers to work more effectively with impacted individuals. It is estimated that over 300 people can be served per year through medicated assisted treatment and other programs.

The WASPC is pleased to administer the program, but under the language of the bill it is required to release funds the same day they are received. It would be better to move the disbursement date to October 1, 2108. Another amendment has been proposed that would require the grant recipient to commit to funding the program for two years after the initial grant expires.

(Opposed) None.

**Persons Testifying:** Representative Hayes, prime sponsor; Ty Trenary, Snohomish County Sheriff's Office; Cammy Hart Anderson and Briahna Murray, Snohomish County; Melanie Smith, National Alliance on Mental Illness, Washington; and James McMahan, Washington Association of Sheriffs and Police Chiefs.

**Persons Signed In To Testify But Not Testifying:** None.

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Public Safety be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick and Wilcox.

**Staff:** Rachele Harris (786-7137).

### **Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Public Safety:**

No new changes were recommended by committee.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) This is an innovative program that has worked well elsewhere. The program will provide help to those who need it the most. Individuals who need help with mental health and chemical dependency crises should not be put in jail; they should receive other assistance and services. In Snohomish County, the Human Services Department and the sheriff have worked together on this project. Snohomish County experiences 18 percent of the opioid deaths in the state while only having 10 percent of the population. One out of six opioid deaths in 2016 occurred in Snohomish County; this is an opiate epidemic. The county needs state partnership to tackle this problem. This diversion center will be a short-term residential program to divert homeless addicts away from jail and into treatment and recovery. An appropriate facility that is close to both the jail and the resource center, a provider, and a target clientele have been identified. There are strong partnerships between the Human Services Department and the sheriff. A program in which human services employees are embedded with police officers is already in operation. In this bill, \$1.5 million is being requested to form a partnership to start the diversion program. A report to show the effectiveness of the program will be provided. The county has dedicated significant local funds already and will continue to fund the program for at least two years. The program will be in operation for as long as there is the need and the resources are available. Spokane's program is a bit different but will be looking at the same outcomes: diverting low-level offenders into mental health and chemical dependency treatment. This will result in significant criminal justice savings by dealing with the underlying issues that cause criminal behavior. Spokane does not have a facility yet, but the program is ready so there is no need for operating revenue as there is in Snohomish County; instead, a \$2.4 Capital Budget investment is being requested.

(Opposed) None.

**Persons Testifying:** Representative Hayes, prime sponsor; James McMahan, Washington Association of Sheriffs and Police Chiefs; Briahna Murray and Cammy Hart-Anderson, Snohomish County; and Nick Federici, City of Spokane.

**Persons Signed In To Testify But Not Testifying:** None.