
SECOND SUBSTITUTE HOUSE BILL 1767

State of Washington

66th Legislature

2019 Regular Session

By House Appropriations (originally sponsored by Representatives Lovick, Leavitt, Davis, Orwall, Appleton, Macri, Gregerson, Jinkins, Ryu, Pellicciotti, Dolan, Ormsby, Stanford, Peterson, Pollet, Slatter, Valdez, Walen, Frame, and Tharinger)

READ FIRST TIME 03/01/19.

1 AN ACT Relating to establishing a law enforcement grant program
2 to expand alternatives to arrest and jail processes; adding a new
3 section to chapter 36.28A RCW; and creating a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A
6 RCW to read as follows:

7 (1) Subject to the availability of amounts appropriated for this
8 specific purpose, the Washington association of sheriffs and police
9 chiefs, in consultation with the law enforcement assisted diversion
10 national support bureau, shall develop and implement a grant program
11 aimed at supporting local initiatives to properly identify criminal
12 justice system-involved persons with substance use disorders and
13 other behavioral health needs and engage those persons with
14 therapeutic interventions and other services, the efficacy of which
15 have been demonstrated by experience, peer-reviewed research, or
16 which are credible promising practices, prior to or at the time of
17 jail booking, or while in custody.

18 (2) Grants must be awarded to local jurisdictions based on
19 locally developed proposals to establish or expand existing programs.
20 The lead proposing agency may be a law enforcement agency, other
21 local government entity, or a nonprofit community-based organization.

1 All proposals must include governing involvement from community-based
2 organizations, local government, and law enforcement, and must also
3 demonstrate engagement of law enforcement, prosecutors, civil rights
4 advocates, public health experts, harm reduction practitioners,
5 organizations led by and representing individuals with past justice
6 system involvement, and public safety advocates. A peer review panel
7 appointed by the Washington association of sheriffs and police chiefs
8 in consultation with the law enforcement assisted diversion national
9 support bureau, integrated managed care organizations and behavioral
10 health organizations must review the grant applications. The peer
11 review panel must include experts in harm reduction and civil rights
12 experts.

13 (3) (a) Programs preferred for the award of grant funding are
14 those that have a prebooking diversion focus and contain one both of
15 the following components:

16 (i) Employment of tools and strategies to accurately identify
17 individuals with substance use disorders and other behavioral health
18 needs who are known to commit law violations, at or prior to the
19 point of arrest, and immediately engage those individuals with
20 appropriate community-based care and support services that have been
21 proven to be effective for marginalized populations by experience or
22 peer-reviewed research or that are credible promising practices; and

23 (ii) Capacity to receive ongoing referrals to the same community-
24 based care approach for persons with substance use disorders and
25 other behavioral health needs encountered in jail, with an emphasis
26 on securing the release of those individuals whenever possible
27 consistent with public safety and relevant court rules.

28 (b) Proposals targeting prebooking diversion may use funds to
29 identify and refer persons who are encountered in jail to community-
30 based services.

31 (4) Up to twenty-five percent of the total funds appropriated for
32 the grant program may be allocated to proposals containing any of the
33 following components:

34 (a) Utilization of case manager and peer support services for
35 persons with substance use disorders and other behavioral health
36 needs who are incarcerated in jails;

37 (b) Specialized training for jail staff relating to incarcerated
38 individuals with substance use disorders and other behavioral health
39 needs;

1 (c) Comprehensive jail reentry programming for incarcerated
2 persons with substance use disorders and other behavioral health
3 needs; and

4 (d) Other innovative interventions targeted specifically at
5 persons with substance use disorders and other behavioral health
6 needs who are brought to jail for booking or are incarcerated in
7 jails.

8 (5) Proposals must provide a plan for tracking client engagement
9 and outcomes. Grant recipients must agree to comply with any data
10 collection and reporting requirements that are established by the
11 Washington association of sheriffs and police chiefs in consultation
12 with the law enforcement assisted diversion national support bureau.
13 Grant recipients whose proposals include prebooking diversion
14 programs must engage with the law enforcement assisted diversion
15 national support bureau for technical assistance regarding best
16 practices for prebooking diversion programs, and regarding
17 establishment of an evaluation plan. Subject to appropriated funding,
18 grant awards will be eligible for annual renewal conditioned upon the
19 recipient's demonstration that the funded program is operating in
20 alignment with the requirements for the grant program.

21 (6) The Washington association of sheriffs and police chiefs
22 must ensure that grants awarded under this program are separate and
23 distinct from grants awarded pursuant to RCW 36.28A.440. Grant funds
24 may not be used to fulfill minimum medical and treatment services
25 that jails or community mental health agencies are legally required
26 to provide.

27 (7) Once the Washington association of sheriffs and police
28 chiefs, after consultation with the law enforcement assisted
29 diversion national support bureau, certifies that a selected
30 applicant satisfies the proposal criteria, the grant funds will be
31 distributed. To the extent possible, grant awards should be
32 geographically distributed on both the east and west sides of the
33 crest of the Cascade mountain range. Grant applications that include
34 local matching funds may be prioritized. Grant recipients must be
35 selected no later than March 1, 2020.

36 (8) The Washington association of sheriffs and police chiefs must
37 submit an annual report regarding the grant program to the governor
38 and appropriate committees of the legislature by December 1st of each
39 year the program is funded. The report must be submitted in
40 compliance with RCW 43.01.036. The report must include information on

1 grant recipients, use of funds, and outcomes and other feedback from
2 the grant recipients. In preparing the report, the Washington
3 association of sheriffs and police chiefs may consult with the law
4 enforcement assisted diversion national support bureau.

5 (9) Nothing in this section prohibits the Washington association
6 of sheriffs and police chiefs from soliciting or accepting private
7 funds to support the program created in this section.

8 NEW SECTION. **Sec. 2.** If specific funding for the purposes of
9 this act, referencing this act by bill or chapter number, is not
10 provided by June 30, 2019, in the omnibus appropriations act, this
11 act is null and void.

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