



Washington State Legislature

To: Whatcom County Council and County Executive Sidhu

From: Senator Sharon Shewmake, Representative Joe Timmons, Senator Liz Lovelett, Representative Debra Lekanoff, and Representative Alex Ramel

Regarding: Whatcom County Justice Implementation Plan

Executive Sidhu and Councilmembers,

Today we write to express the gratitude for the governmental and community years of investment in developing the June 2023 Whatcom County Justice Project Draft Implementation Plan. We are full and enthusiastic partners in funding projects that reduce the need for incarceration including behavioral health services, permanent supportive housing, re-entry services, more flexible use of Medicaid dollars and other investments that reduce poverty, improve public safety, create a healthier community, and build an economy that works for *everyone*.

The current jail facilities are both inadequate and inhumane. However, what replaces the current facilities cannot be simply a newer, larger facility that perpetuates the unsustainable, unaffordable, and unjust incarceration patterns of the past. While state capital dollars are generally not available to fund local detention or jail projects, the state *can* fund certain other portions of the Justice Plan.

The Justice Plan identifies five strategies and 15 projects to improve justice in Whatcom County. With staff assistance, we reviewed the 15 projects with an eye of where state support and funding can be useful and have included recent related work that demonstrates our commitment to the vision in the Justice Plan. While we cannot promise any legislative or budget outcomes, your state legislators are ready to advance the community's priorities laid out in the Whatcom County Justice Project Draft Implementation Plan.

- **Project #4: Address workforce shortages in behavioral health services.** This was a major priority for the legislature in the 2023 Session. Community behavioral health investments totaled nearly \$1.0 billion in the 2023-25 biennium, including provider rate increases meant to stabilize and expand the behavioral health workforce statewide. In addition to significant investments in the budget we passed the following bills which will each contribute to the solution to this challenge:
 - SHB 1069 Mental health counselor compact Leavitt
 - SHB 1247 Music therapists Reed
 - 2SHB 1724 Behavioral health workforce Bateman
 - HB 1763 Conditional scholarships Eslick
 - EHB 1823 WA student loan program Timmons
 - SSB 5189 Behavioral health support Trudeau
 - 2SSB 5555 Certified peer specialists Randall
 - HB 1330 (2019) Subsidized childcare for BH workforce Shewmake

- **Project #7: Build a 23-hour Crisis Relief Center.** The 2023 final capital budget appropriated \$9 million for the Whatcom crisis relief center project. This amount is roughly triple the size of a typical state behavioral health grant and shows the legislature's commitment to improving care in Whatcom County.
- **Project #8: Build a Public Safety and Health Center.** State capital dollars are generally not available to fund local detention/jail projects, but the state can help fund the inpatient behavioral healthcare portion of this project. The current plan does not contemplate state funds in the description of this item, but State Behavioral Health Community Capacity grants were used to fund part of a similar project in Lynnwood, where the original design for a new jail facility was altered to halve the number of jail cells and instead include a 12-bed inpatient clinic. The state funding (\$14 million in total) covered the majority of the cost to build the clinic. We see an inpatient behavioral health facility as a priority for the region and are happy to explore whether a similar collaboration is possible in Whatcom. This would enable the County to reduce the potential size of the jail and improve outcomes for the community.
- **Project #9; Assess what additional behavioral health facilities are needed.** The broader needs assessment here is probably outside the scope of what capital funds can be used for, but state dollars can be used for project-specific pre-development costs like design, engineering, architecture, and land acquisition. Like the two items above, these funds would likely come out of the Behavioral Health Community Capacity grant program, which received \$211 million in this budget cycle. Since the county's proposed ballot measure includes the ability and intention to fund behavioral health facilities, this could be a useful match.
- **Project #11: Bolster reentry services.** The capital component of this item remains to be developed, and the state does not yet have a designated capital program focused on reentry services. This legislature did appropriate \$5 million to the [Weld Reentry Resource Center](#) in Seattle this past session through the Local Community Projects program. Those dollars were used to acquire a building. We recognize the value in reducing recidivism from designated reentry services, and so we are happy to explore how we can support this type of effort as the plan takes shape. The operating budget includes nearly \$7 million for dedicated reentry positions for discharge planning, including increasing GATE funds per releasing individual, and dedicated positions for comprehensive SUD assessments and coordinated care upon release.
- **Project #12: Maintain and expand supportive housing.** This has been a huge priority for the state in recent years, and our investments reflect the acute need for more permanent supportive housing. On the capital side we have \$100m in the 2023-24 budget dedicated to permanent supportive housing, and on top of that, these projects are also eligible for another \$163 million in competitive Housing Trust Fund dollars. In addition to capital investments, \$25.0 million is included in the operating budget for grants to support the building operation, maintenance and service costs of permanent supportive housing projects funded through the Housing Trust Fund.
- **Project # 15: Advocate for a state waiver to allow use of Medicaid funds to pay for medical and behavioral health services for incarcerated individuals.** Current federal rules prohibit Medicaid from paying for services provided during incarceration. Behavioral health services provided in the jail for those who are eligible for Medicaid currently are funded with Behavioral Health Funds, General Funds, and sales tax revenue. The Health Care Authority is currently applying for a waiver for the Medicaid inmate exclusion policy, which would ensure greater access to care for individuals while

incarcerated, and continuity of care upon re-entry to the community. It is estimated this waiver would save the County approximately \$3 million per year.

Whatcom County, and our community more broadly, has a difficult set of decisions to make with regards to how, and whether, we will fund these projects. We hope that this letter will serve as evidence of our dedication to work alongside you in finding match funds for the most important, and historically underfunded priorities related to behavioral health and reducing recidivism. Our state and local governments should be partners in this effort.

Yours in Service,



Senator Sharon Shewmake
42nd Legislative District



Representative Joe Timmons
42nd Legislative District, Position 2



Senator Liz Lovelett
40th Legislative District



Representative Debra Lekanoff
40th Legislative District, Position 1



Representative Alex Ramel
40th Legislative District, Position 2