



## Washington State Joint Legislative Task Force on Jail Standards

### MEETING MINUTES

February 15, 2023 3:00 – 5:00 p.m.

<b>1.</b>	<b>Welcome</b> <ul style="list-style-type: none"><li>• Co-chair Devon Schrum welcomed Task Force members to the seventh meeting of the Joint Legislative Task Force on Jail Standards.</li><li>• Devon Schrum reviewed the agenda. The task force adopted the agenda for the February 15 meeting.</li><li>• Devon Schrum reviewed the previous meeting's minutes. Meeting minutes were held until the following meeting as quorum was not established, see list below.</li></ul>
<b>2.</b>	<b>Facilitated Panel Discussion: Deaths and Sexual Assaults In-Custody</b> <p>Task force co-chairs Devon Schrum and Ethan Frenchman facilitated a conversation with five representatives from jails across the state on the topics of in-custody deaths and sexual assault. The panelists were:</p> <ul style="list-style-type: none"><li>• Director Allen Nance, King County Department of Adult and Juvenile Detention</li><li>• Director Jeremy Welch, Yakima County Department of Corrections</li><li>• Director Marin Fox, Cowlitz County Corrections</li><li>• Chief of Corrections Penelope Sapp, Kitsap County Sheriff's Office</li><li>• Chief Shawn Davis, Stevens County Jail</li></ul> <p>The panelists introduced themselves and gave some preliminary information about the jails they oversee:</p> <ul style="list-style-type: none"><li>• Director Nance, from King County Department of Adult and Juvenile Detention noted there are two facilities, which make up the largest jail system in the state. King County's recent average daily population has been around 1,500 people, and around 1,400 of those people are pretrial. Director Nance noted that last year, over 14,000 people were booked into the jail, and on average, stay about 38 days.</li><li>• Director Welch, from Yakima County Department of Corrections offered that Yakima used to run two jails, but have gone down to one facility, which is designed to hold up to 1,000 people. Director Welch stated that nearly 5,500 people were booked into the jail last year, and the average daily population is currently around 670 people. He added that the jail is aging, and that it was built nearly 40 years ago.</li><li>• Director Fox, from Cowlitz County Corrections, noted the jail has 356 beds, the average daily population is around 230 people, and the average length of stay is</li></ul>

very short. Prior to COVID, Director Fox added the average daily population was closer to 260 people.

- Chief Sapp, from Kitsap County Corrections, noted that last year there were nearly 4,500 bookings and the average daily population is around 310 people, with the average length of stay being nearly 23 days. Chief Sapp added that prior to COVID the average daily population was closer to 450 people; however, the average length of stay was shorter, closer to 17 days. Chief Sapp also offered that the jail can hold up to 450 people, and that parts of the jail were last renovated 20 years ago, with the rest of the jail built in the 1980s.
- Chief Davis, from Stevens County, noted that the jail is in the basement of the county courthouse, was built before the American with Disabilities Act, and has no access to natural light. Chief Davis added that the jail was built to hold up to 45 people; however, the average daily population is nearly 54 people. Chief Davis also offered that the average length of stay is 15 days, however, he also has three individuals who have spent over three years in the jail awaiting trial.

Ethan Frenchman noted that Washington jails have some of the highest rates of deaths in custody and offered panelists an opportunity to provide their thoughts on the risk factors that contribute to in-custody deaths, and why Washington jails might be seeing higher rates.

- Director Nance was candid in the fact that last year, in the King County Jail, six individuals died. He noted that the isolation protocols jails implemented due to COVID-19 increased risk factors for in-custody deaths. He expressed that people in jails are already experiencing frustration, disruptions in their life, and perhaps looming consequences if they are convicted. With COVID, individuals experienced more isolation, less programming, and no in-person visitation, which only added to the stressors and challenges they were already faced in jail. Director Nance also noted that jails are not designed, staffed, or resourced to meet the needs of the populations they now serve. He pointed to the nearly 100 people in the King County jail who have been court ordered to receive competency restoration services, and the growing number of people in our jails with co-occurring mental health and substance abuse issues. Director Nance noted that the jail has taken steps to identify structural features of the jail to prevent suicides; however, he also expressed a deep concern surrounding preventing overdoses, as fentanyl and other drugs enter the jail.
- Director Fox noted that smaller counties are not able to spend as much on the medical care in jails. She also pointed to the issue of overdose deaths, and noted that within corrections, education surrounding safe detox and withdrawal has been slower than in other fields. However, she noted that Cowlitz has been able to increase their medical budget by 140% to help the withdrawal and detox process, which has been helpful in preventing deaths at the facility.
- Chief Davis also highlighted the lack of funding for medical care or the ability to retrofit the jail to make structural improvements to prevent deaths. He noted that the jail has been successful in stopping individuals who are attempting suicide; however, he also acknowledged the frequency in which this happens. Chief Davis expressed that the jail lacks funding for mental health services, and as

such has no provider. He added that staff will sometimes act as counselors if they have time, but pointed to the fact that he only has 15 people on staff. Chief Davis indicated that the options that are available to prevent deaths and keep people safe are not conducive to helping one's mental health (e.g., removing items that they may use to harm themselves). He also highlighted the lack of community resources to help the jail in these situations, and the inability to transport people with severe issues to local treatment centers.

- Chief Sapp, added that even with a bigger medical budget and having 24/7 medical care access, it is not enough to stop all deaths from occurring. She noted that there are still concerns with individuals accessing drugs in custody despite body scanners. Chief Sapp also emphasized the importance of screening people at the beginning to learn potential risks; however, she added that people fear being truthful during these screenings, which can hinder the jail's ability to identify risk.

Devon Schrum noted that Washington jails also see higher rates of suicide than the national average and asked panelists to describe the steps being taken at their facility to identify risk and what information the jail uses to assess risk.

- Director Welch noted that everyone is assessed at booking. He added that Yakima has 24/7 medical care and almost 24/7 mental health care. The jail works with a local provider who helps track previous suicide attempts in the jail and in the community, which is of great benefit to them. Director Welch also stated that corrections officers go through yearly training on suicide risk, mental illness, and substance use disorder, and this training is done in conjunction with health care staff. He added that contract staff, for example the people who work in the kitchen, are also trained to identify suicide risk. Director Welch noted that despite trying to take every precaution, there is always still risk, particularly because the jail's design is not conducive to the best practices in supervision.
- Chief Davis offered that from a smaller communities perspective, when people are booked into the jail, staff often know that person, their family, and friends. This familiarity helps in understanding an individual's risk. However, he also noted that the impact of a suicide attempt or in-custody death in a small community has large impacts. Chief Davis noted that he has lost many officers due to the stress of the job, and impacts of trying to provide life-saving measures to people. He added that he has encouraged his staff to start utilizing the available employee assistance programs.
- Director Nance noted that no one wants to associate a stay in a jail with a death and that these statistics show the need for crisis response teams in jails. He offered that staff are also sharing in the trauma that is associated with the loss of life, and many staff work aggressively to save people's lives. Chief Nance stated that he does outreach to the families of everyone who has lost their life in the jail, the jail has an Unexpected Fatality Review team, and conducts a weekly review of individuals at risk of suicide to help identify root causes and implement solutions. He concluded that it is hard to build credibility with the community after these incidents, and the jail is trying to build that by being transparent and posting the results of fatality reviews.

Ethan Frenchman shifted the conversation to learn more about the policies and practices each jail has to prevent sexual harassment and abuse, how the jail responds to allegations, and what challenges the jails have in meeting the Prison Rape Elimination Act (PREA) standards.

- Director Welch stated the Yakima County Jail is PREA-certified. When people are booked in, there are screening questions to determine risk factors for both victimization and predation. This is also part of the classification process in determining where people are housed. Director Welch noted there are multiple ways for people to report inside the facility, including a PREA hotline that goes outside of the facility. PREA allegations are investigated through the Internal Affairs Division, which has two full-time staff. Director Welch noted that the jail implemented PREA standards in 2016, which was a daunting task. He added that last year, there were 52 PREA cases reported, of which, six were substantiated. These were sent to the sheriff's office for further investigation into possible criminal charges.
- Chief Sapp noted that every individual is assessed during booking, and there are multiple reporting mechanisms for PREA allegations. She noted they have posted the phone number of the local sexual assault number in each unit, which allows people to report outside of the facility. Chief Sapp added that each allegation is investigated by an independent agency, the Port Orchard Police Department. She mentioned that the Kitsap County jail is currently working towards being PREA certified.
- Director Nance noted that the King County Jail is PREA-certified. He stated that everyone is screened at booking, and added that the jail has implemented policies surrounding housing lesbian, gay, bisexual, transgender, and queer individuals (LGBTQ), which allows them to determine which housing is most appropriate for them. Director Nance offered that staff go through annual PREA trainings, and engage the Seattle Police Department or the Kent Police Department to conduct criminal investigations after an allegation. For staff misconduct or other administrative reviews related to PREA allegations, the Internal Affairs department investigates.

To end the discussion, Devon Schrum offered panelists an opportunity to provide their thoughts on key changes jails can make to reduce in-custody deaths and sexual assault, reflect on the external factors that influence jail deaths, and any role the state can play in preventing deaths and addressing sexual abuse in jails.

- Director Nance offered that there needs to be a shift in the culture of corrections, and changes in practices, policies, and resources. Vigilance has to be at the top of the list, and that engaging with people should be done with fidelity (i.e., when they express a concern, there is a mechanism to follow through and address it). However, he noted that with staffing challenges, the ability to be creative in how they interact with people is limited. Director Nance noted that jails have become de-facto mental health institutions, and proper resources are needed to provide a higher level of clinical care. He added that every jail administrator should go through their facilities to identify structural risks of harm and propose to city or

	<p>county leadership opportunities to make changes. In terms of external factors, Director Nance highlighted the need to build capacity to serves people’s needs at the local level, so that fewer people end up in jail or languishing in jail awaiting court-ordered treatment.</p> <ul style="list-style-type: none"> <li>• Chief Sapp also reiterated resource challenges, and highlighted that funding for services rarely makes it to the jail. Even with their expanded medical budget, Chief Sapp noted it is not enough to address the needs of the people inside. She concluded that it is not just up to the jail, but the broader community to help address these challenges.</li> <li>• Chief Davis stated the mission of corrections has changed, yet the state has not kept up with providing adequate resources. He noted that his community does not have the tax base to properly resource the jail and explained the jail’s staffing challenges – it only has 15 budgeted officer positions and a doctor who comes once a week - and reiterated how this hinders the ability to properly run a 24/7 facility. Chief Davis also pointed to external factors, such as the number of people awaiting court-ordered treatment in the jails and jails being tasked with being the frontline for crisis in the community. He concluded that jails are struggling, and thinks standards are a great way to give continuity. However, expressed that new standards need to be resourced appropriately, so jails are able to implement them correctly.</li> <li>• Director Fox noted she is encouraged by the changes she is seeing in jails, and that the new death reviews are a good first step in acknowledging there are problems. She reiterated the need for culture change and the need to treat people differently. Director Fox added that this change starts with leadership to model and promote the change, and added that it can start small. She provided the example of how she now takes daily walks through the whole facility to check in with people who are high acuity.</li> <li>• Director Welch reiterated the lack of resources both in the jail and in the community, which hinder the ability to send people to appropriate treatment in a timely manner. He noted that despite these challenges, he is proud of the work the jail has undergone to change the mental health program and restrictive housing. Director Welch pointed to the public’s willingness to fund services in jails, and in general, talk about the conditions and operations of jails. He concluded that standards would be helpful guide for facilities, and reiterated that there has to be funding to support the implementation. Otherwise, it will be a failure from the start if jails cannot meet them.</li> </ul> <p>Devon Schrum thanked all the panelists for joining the meeting today and discussing these critical issues. Resources for sexual assault, suicide prevention/crisis support, and substance use disorder were sent out in the chat, and task force members, panelists, and members of the audience were encouraged to share these resources with their community, see page 8.</p>
<p><b>3.</b></p>	<p><b>Reflection on the Panel: Task Force Further Discussion</b>  Task force members had an opportunity to reflect on the panel and ask panelists additional questions.</p>

	<ul style="list-style-type: none"> <li>• Task force member Jordan Landry noted that jail leadership had reiterated the lack of resources, and sought clarification if it is a lack of staffing of corrections officers, or medical and mental health staff. Director Welch offered it is a lack of funding on the clinical side, which hinders the ability to provide more programming. Chief Davis stated that he is in need of both, and lacks funding to properly staff corrections officers or mental health staff. Director Nance added that is not necessarily the lack of funding, but the lack of candidates to fill medical and mental health positions.</li> <li>• Task force member Marc Stern brought up the idea of a unified system- where the Washington State Department of Corrections (DOC) would assume control of jails, or an alternative- if just the health services should become a part of DOC. Chief Davis thought having DOC take over health services would be great, but questioned combining the prison system with smaller jails. Director Nance stated that that statewide standards make sense; however, there is a benefit to the local influence that comes from the county-level structure that supports jails. He added that county leadership is more closely connected to the jail and there are local audits, which help inform local policy makers. Director Nance concluded that, as the majority of these individuals will returning to the community, local needs must be understood and supported.</li> <li>• Task force member Hailey Ockinga asked how smaller counties prepare for and protect LGBTQ individuals. Hailey also asked what level of independent investigations are occurring surrounding PREA complaints. Director Fox noted that being a smaller jail, she can personally meet with the person and discuss where they would want to be housed, and where they would feel most safe. Director Fox noted that after an allegation, there is an initial internal investigation, and if it is criminal in nature, it is sent to outside entities. Chief Davis noted that housing members of the LGBTQ community is a challenge, given the limited housing options at the jail. He stated that they have not experienced very many members of this community being booked into the jail, but when that occurs, they discuss housing placements and safety. Chief Davis added that they have a local department investigate any PREA concerns.</li> <li>• Task force member Wendy Jones offered that having a set of guidelines and standards is a good idea. She also added that it is important to hold counties responsible for care, and accountability at the state level can support that. Wendy acknowledged she has increasingly understood the importance of communicating what goes on in jails. The closed nature of jails has historically allowed the community be ignorant. She believes increasing transparency, without violating privacy, can only lead to good in the community.</li> <li>• Task force co-chair Ethan Frenchmen noted that the high rates of deaths in smaller facilities and asked leadership of the jails to provide their thoughts on the idea of regional jails. Chief Davis noted that for Stevens County, a regional jail is not feasible, given that to get to any nearby jurisdiction, they would have to go over multiple mountain passes. He also added this would add complexity to an individual’s trial, and would require moving people back and forth.</li> </ul>
4.	<b>Next Steps and Closing</b>

- Next meeting will be on Thursday, March 23.

<b>Name</b>	<b>Task Force Affiliation</b>	<b>Organization</b>	<b>Present</b>
Vacant	House of Representatives	Washington State Legislature	NA
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Sen. Perry Dozier	Senate	Washington State Legislature	No
Sen. Rebecca Saldaña	Senate	Washington State Legislature	No
Chanel Rhymes	Entities involved with or interested in the operation of local jails	Northwest Community Bail Fund	No
Christopher Swaby	Defense attorneys	The Swaby Law Firm	Yes
Devon Schrum	Jail administrators	Washington Association of Sheriffs and Police Chiefs	Yes
Eliana Macias	Cities	Yakima City Councilmember	No
Ethan Frenchman	State designated protection and advocacy agency	Disability Rights Washington	Yes
Hailey Ockinga	Persons with lived experience	Beyond These Walls	Yes
Judge Jeffrey Smith	District and municipal courts	Spokane County District Court	No
Jordan Landry	Persons with lived experience	Community Representative	Yes
Laurel Jones	Statewide civil legal aid organization	Columbia Legal Services	Yes
Lisa Janicki	Counties	Skagit County Commissioner	No
Dr. Marc Stern	Medical and mental health providers	University of Washington, School of Public Health	Yes
Norma Tillotson	Prosecutors	Washington Association of Prosecuting Attorneys	No
Judge Sharonda Amamilo	Superior courts	Thurston County Superior Court	No
Chief Wendy Jones	Law enforcement	Whatcom County Sheriff's Office	Yes

## National and Washington State Supportive Resources

### **Sexual Assault**

#### National Sexual Assault Hotline

- Confidential 24/7 support: 1-800-656-4673
- Chat online with trained staff who can provide confidential crisis support: [online.rainn.org](https://online.rainn.org)

**For those calling from a Washington prison, jail, or work release program, the ONLY number that won't be recorded and is guaranteed to be confidential: (855) 210-2087** – Monday through Friday, 8 a.m. to 5 p.m.

More resources for survivors can be found through the **National Prison Rape Elimination Act Resource Center**: <https://www.prearesourcecenter.org/about/for-survivors>; for Washington-based resources, visit the **Washington Coalition of Sexual Assault Programs**: [www.wcsap.org/help/csap-by-city](http://www.wcsap.org/help/csap-by-city).

### **Suicide Prevention/Crisis Support**

#### 988 Suicide & Crisis Lifeline

- Call or Text **988** for free, confidential 24/7 emotional support
- Chat online: <https://988lifeline.org/chat/>.

#### American Foundation for Suicide Prevention

- Find a local support group for suicide loss survivors: <https://afsp.org/find-a-support-group/>.

More resources for suicide prevention are available from the Substance Abuse and Mental Health Services Administration: [www.samhsa.gov/suicide](http://www.samhsa.gov/suicide).

### **Resources for First Responders**

#### Code 4 NW

- 24/7 hotline: 425-243-5092
- Code 4 Northwest is an entirely volunteer-run, free and confidential crisis response and referral network for Washington State active and retired first responders, EMS, corrections, civilian support personnel, and their families.

#### Safe Call Now

- 24/7 hotline: 206-459-3020
- Safe Call Now is a confidential, comprehensive, 24-hour crisis line and support service for first responders, emergency services personnel, medical professionals and their family members nationwide.

More resources for officer wellness and behavioral health support can be found on the **Washington Association of Sheriff and Police Chiefs**: <https://www.waspc.org/officer-wellness->



## **Substance Use Disorder**

[Washington Recovery Help Line](#)

- Call 1-866-789-1511 for confidential 24/7 support and referrals to local treatment for substance use, problem gambling, and mental health challenges.