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Guest editorial: Bill Elfo, Whatcom County Sheriff

0 Front Page News, News July 27, 2016

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By Bill Elfo
Whatcom County Sheriff

As sheriff, I am responsible for operating the jail in a safe and humane manner that meets constitutional and other legal standards. Failures of critical infrastructure, unreliable life-safety systems and an increasing number of violent and often dangerously mentally ill offenders have endangered our staff and those housed within the jail. The lack of space to appropriately house and treat those with medical and behavioral health issues compounds risks.

The situation remains serious. Inmates continue to dismantle the deteriorating building and assault staff and other inmates. Injuries to deputies attacked by inmates include spinal cord injuries, head injuries, joint dislocations and exposure to biological hazards transmitted by human bites, thrown feces and sticks by hypodermic needles.

Given conditions, Whatcom County Executive Jack Louws and I notified all Whatcom County cities that contracts for jail services would not be renewed under the same conditions upon expiration at the end of 2015. It was necessary that future contracts stipulate the cities' use of county jail services be reduced to help bring the jail population to safer levels and allow the county to meet its statutory obligations.

Under Washington law, cities are responsible for jailing all persons detained or sentenced on misdemeanor or gross misdemeanor crimes initiated by their police departments. Counties are

responsible for jailing all charged with felony crimes regardless of what agency initiated charges and those who are sentenced for felony crimes to less than a year in jail. Counties are further responsible for all arrests initiated by state law enforcement agencies, detaining fugitives from justice and holding certain offenders on various forms of supervision by the state department of corrections. Pursuant to an attorney general's opinion, counties cannot implement restrictions that limit the state's ability to book prisoners.

To ensure our community did not return to the booking restrictions that a decade ago prevented law enforcement from booking misdemeanor or gross misdemeanor offenders into jail, I committed to working with cities to help ensure public safety and avoid restrictions. Offers were made to all cities for contracts that would continue to facilitate booking all people arrested by officers until their first appearance in court. I further offered to hold those offenders not released at their initial appearance until they could be transferred to another jail facility elsewhere in the state. I offered flexibility and to work cooperatively with all jurisdictions to ensure a safe, orderly and timely transfer.

All cities except Bellingham agreed to this arrangement. Bellingham articulated a need and desire to continue to detain those not released following their first court appearance. This need was solidified when the municipal judge issued an order prohibiting the city from transferring pretrial offenders outside of Whatcom County. To meet its needs, Bellingham proposed that the county retain the right to impose booking restrictions if needed to control the jail population.

This resulted in two contractual options that were offered to all cities. Cities electing "option 1" were guaranteed the ability to book into jail anyone they deemed necessary but agreed to transfer them in a timely manner when the jail reached capacity. Cities selecting "option 2" agreed to accept booking restrictions, if needed, to control the jail population but retained the ability to detain people in jail awaiting trial. Bellingham selected "option 2" – all other cities selected "option 1." Even for "option 2," we continue to try and accommodate arrests for DUI, domestic violence and assault charges beyond threshold restrictions.

All jurisdictions agreed to maintain contracts with other jails so officers always have the ability, albeit inconvenient, to book, house and transfer inmates when the Whatcom County Jail is full. Over the past week, various forms of releases, transfers and booking restrictions were intermittently imposed as a means to control the population of the downtown jail. All cities have worked on various plans and reduced the need for jail space. The sheriff's office is maximizing the use of the jail work center for appropriately classified offenders. However, this is a minimum-security facility with very limited medical or mental health services and not everyone arrested qualifies to be housed there.

The sheriff's office continues to make extensive use of field citations and other means to initiate charges that do not involve placing someone in jail. The superior and district courts were requested in January to consider conditions within the jail and public safety needs when deciding whether to order defendants held in the facility.

The sheriff's office notifies all jurisdictions of the population of the downtown jail on a weekly and often more frequent basis. The capacity of the facility is 212. The week before restrictions were implemented, the population had reached 243.

Bellingham is a major user of jail services. A check of records reflects that on the day prior to restrictions being implemented, of the 330 persons held in the jail system (including the jail work center), 110 had charges that were initiated by the city of Bellingham (not including felony crimes). Many offenders are held on charges from multiple jurisdictions.

Transferring and transporting inmates to out-of-area facilities is highly inconvenient for officers, courts, attorneys and the families of inmates. No one desires this. However, given conditions, this is currently the only option available. As sheriff, I will continue to work with all jurisdictions to try and mitigate impacts while maximizing safety within the jail.



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verbal dispute he had downed a fifth of tequila before punching the ground and splitting open his knuckles to celebrate the accomplishment. The gentleman refused medical attention for his hand. He was offered and accepted a ride out of the area to a friend's house for the rest of the night and he was warned to not return to his girlfriend's house for the night. **July 29, 8:20 a.m.:** A resident on Bavview Avenue reported that a man

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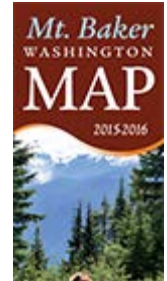
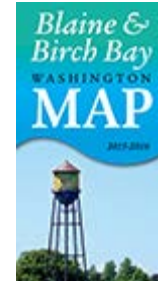
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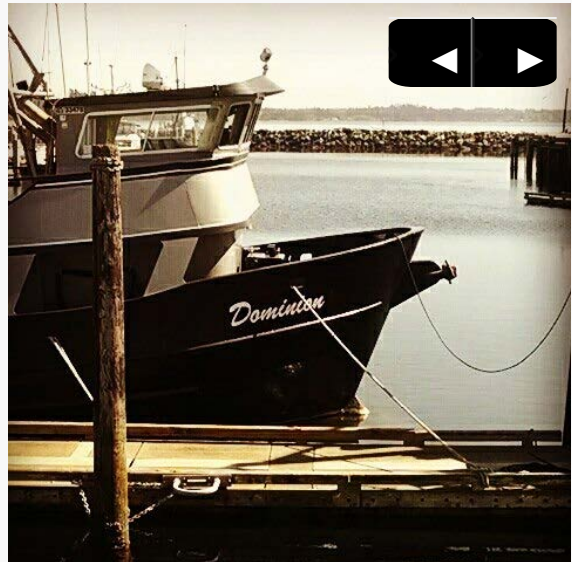


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