

2SHB 1767 - S COMM AMD

By Subcommittee on Behavioral Health

ADOPTED AND ENGROSSED 4/17/19

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 36.28A
4 RCW to read as follows:

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

16 (2) Grants must be awarded to local jurisdictions based on
17 locally developed proposals to establish or expand existing programs.
18 The lead proposing agency may be a law enforcement agency, other
19 local government entity, tribal government entity, tribal
20 organization, urban Indian organization, or a nonprofit community-
21 based organization. All proposals must include governing involvement
22 from community-based organizations, local government, and law
23 enforcement, and must also demonstrate engagement of law enforcement,
24 prosecutors, civil rights advocates, public health experts, harm
25 reduction practitioners, organizations led by and representing
26 individuals with past justice system involvement, and public safety
27 advocates. A peer review panel appointed by the Washington
28 association of sheriffs and police chiefs in consultation with the
29 law enforcement assisted diversion national support bureau,
30 integrated managed care organizations and behavioral health
31 organizations must review the grant applications. The peer review

1 panel must include experts in harm reduction and civil rights
2 experts.

3 (3) (a) Programs preferred for the award of grant funding are
4 those that have a prebooking diversion focus and demonstrate how they
5 will impact one or more of the expected outcomes of the grant
6 program. Preferred programs must contain one or both of the following
7 components:

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

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

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

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

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

29 (b) Specialized training for jail staff relating to incarcerated
30 individuals with substance use disorders and other behavioral health
31 needs;

32 (c) Comprehensive jail reentry programming for incarcerated
33 persons with substance use disorders and other behavioral health
34 needs; and

35 (d) Other innovative interventions targeted specifically at
36 persons with substance use disorders and other behavioral health
37 needs who are brought to jail for booking or are incarcerated in
38 jails.

39 (5) Proposals must provide a plan for tracking client engagement
40 and describe how they will impact one or more of the expected

1 outcomes of the grant program. Grant recipients must agree to comply
2 with any data collection and reporting requirements that are
3 established by the Washington association of sheriffs and police
4 chiefs in consultation with the law enforcement assisted diversion
5 national support bureau. Grant recipients whose proposals include
6 prebooking diversion programs must engage with the law enforcement
7 assisted diversion national support bureau for technical assistance
8 regarding best practices for prebooking diversion programs, and
9 regarding establishment of an evaluation plan. Subject to
10 appropriated funding, grant awards will be eligible for annual
11 renewal conditioned upon the recipient's demonstration that the
12 funded program is operating in alignment with the requirements for
13 the grant program.

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

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

29 (8)(a) The grant program under this section must be managed to
30 achieve expected outcomes which are measurable and may be used in the
31 future to evaluate the performance of grant recipients and hold them
32 accountable for the use of funding. The initial expected outcomes
33 defined for the grant program include:

34 (i) To reduce arrests, time spent in custody, and/or recidivism
35 for clients served by the program;

36 (ii) To increase access to and utilization of nonemergency
37 community behavioral health services;

38 (iii) To reduce utilization of emergency services;

39 (iv) To increase resilience, stability, and well-being for
40 clients served; and

1 (v) To reduce costs for the justice system compared to processing
2 cases as usual through the justice system.

3 (b) Programs which apply for and are awarded grant funding may
4 focus on a subset of these outcomes and may target a segment of an
5 outcome, such as reducing time spent in custody but not arrests. The
6 Washington association of sheriffs and police chiefs, in consultation
7 with the law enforcement assisted diversion national support bureau,
8 must develop a plan, timetable, and budget by December 1, 2019, to
9 transition the grant program into a performance-based contracting
10 format and to establish an evidence-based evaluation framework. The
11 plan may include making reasonable modifications to the initial
12 expected outcomes for use in grant contracts. Delivery of the plan to
13 the governor and appropriate committees of the legislature may be
14 combined with the annual report provided in subsection (9) of this
15 section. The research and data division of the department of social
16 and health services and Washington institute for public policy must
17 provide technical support and consultation to support plan
18 development as requested.

19 (9) The Washington association of sheriffs and police chiefs must
20 submit an annual report regarding the grant program to the governor
21 and appropriate committees of the legislature by December 1st of each
22 year the program is funded. The report must be submitted in
23 compliance with RCW 43.01.036. The report must include information on
24 grant recipients, use of funds, and outcomes and other feedback from
25 the grant recipients. In preparing the report, the Washington
26 association of sheriffs and police chiefs may consult with the law
27 enforcement assisted diversion national support bureau.

28 (10) Nothing in this section prohibits the Washington association
29 of sheriffs and police chiefs from soliciting or accepting private
30 funds to support the program created in this section.

31 (11) No civil liability may be imposed by any court on the state
32 or its officers or employees, an appointed or elected official,
33 public employee, public agency as defined in RCW 4.24.470,
34 combination of units of government and its employees as provided in
35 RCW 36.28A.010, nonprofit community-based organization, tribal
36 government entity, tribal organization, or urban Indian organization
37 based on the administration of this grant program or activities
38 carried out within the purview of a grant received under this program
39 except upon proof of bad faith or gross negligence.

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

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5 On page 1, line 2 of the title, after "processes;" strike the
6 remainder of the title and insert "adding a new section to chapter
7 36.28A RCW; and creating a new section."

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