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**SECOND SUBSTITUTE HOUSE BILL 1767**

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**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)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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