

**2SHB 1767** - S COMM AMD

By Subcommittee on Behavioral Health

**ADOPTED AS AMENDED 04/17/2019**

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, or a nonprofit community-based organization.  
20 All proposals must include governing involvement from community-based  
21 organizations, local government, and law enforcement, and must also  
22 demonstrate engagement of law enforcement, prosecutors, civil rights  
23 advocates, public health experts, harm reduction practitioners,  
24 organizations led by and representing individuals with past justice  
25 system involvement, and public safety advocates. A peer review panel  
26 appointed by the Washington association of sheriffs and police chiefs  
27 in consultation with the law enforcement assisted diversion national  
28 support bureau, integrated managed care organizations and behavioral  
29 health organizations must review the grant applications. The peer  
30 review panel must include experts in harm reduction and civil rights  
31 experts.

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

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

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

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

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

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

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

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

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

37 (5) Proposals must provide a plan for tracking client engagement  
38 and describe how they will impact one or more of the expected  
39 outcomes of the grant program. Grant recipients must agree to comply  
40 with any data collection and reporting requirements that are

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

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

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

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

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

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

36 (iii) To reduce unnecessary utilization of emergency services;

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

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

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

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

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

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

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1        On page 1, line 2 of the title, after "processes;" strike the  
2 remainder of the title and insert "adding a new section to chapter  
3 36.28A RCW; and creating a new section."

EFFECT: (1) Requires the grant program to be managed to achieve expected outcomes which are measurable and may be used in the future to evaluate the performance of grant recipients and hold them accountable for the use of funding.

(2) Defines initial expected outcomes to include (a) reduction of arrests, time spent in custody, and/or recidivism; (b) increased access to and utilization of nonemergency community behavioral health services; (c) reduction of unnecessary utilization of emergency services; (d) increased resilience, stability, and well-being; and (e) reduced costs for the justice system compared to processing cases as usual through the justice system.

(3) Requires preparation of a plan, timetable, and budget by December 1, 2019, for delivery to the Governor and the Legislature, to transition the grant program to a performance-based contracting format and to establish an evidence-based evaluation framework.

(4) Subject to appropriation, requires the Research & Data Division of the Department of Social and Health Services and the Washington State Institute for Public Policy to provide technical support and consultation to the Washington Association of Sheriffs and Police Chiefs and Law Enforcement Assisted Diversion National Support Bureau to support plan development.

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