

FINAL BILL REPORT

2SHB 1767

C 378 L 19
Synopsis as Enacted

Brief Description: Establishing a law enforcement grant program to expand alternatives to arrest and jail processes.

Sponsors: House Committee on 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).

House Committee on Public Safety

House Committee on Appropriations

Senate Committee on Health & Long Term Care

Senate Committee on Behavioral Health Subcommittee to Health & Long Term Care

Senate Committee on Ways & Means

Background:

Washington Association of Sheriffs and Police Chiefs.

The Washington Association of Sheriffs and Police Chiefs (WASPC) is a statewide organization consisting of executive and management personnel from law enforcement agencies. Membership includes sheriffs, police chiefs, the Washington State Patrol, the Department of Corrections, and representatives of a number of federal agencies. The 1975 Washington Legislature made the WASPC a statutory entity by designating the association as a "combination of units of local government."

The WASPC has been tasked with managing certain statewide programs, such as the Jail Booking and Reporting System. Additionally, it has been given administrative responsibility for several state-funded grant programs, including grant programs addressing gang crime, graffiti and tagging abatement, denied firearm purchase attempts, sexual assault kits, metal theft, and mental health field response.

Law Enforcement Assisted Diversion National Support Bureau.

Law Enforcement Assisted Diversion (LEAD) is a community-based diversion approach with the stated goals of improving public safety and public order and reducing unnecessary justice system involvement of people who participate in the program. The LEAD National Support

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Bureau (LEAD NSB) provides strategic guidance and technical support to local jurisdictions developing LEAD programs.

Summary:

Subject to the availability of funding, the WASPC, in consultation with the LEAD NSB, must 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 at or prior to the time of jail booking, or while in custody.

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 or other local government entity, tribal governmental entity, tribal organization, urban Indian organization, 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.

The grant program must be managed to achieve certain expected, measurable outcomes that may be used in the future for accountability and program evaluation purposes. Initial expected outcomes of the program include: (1) a reduction in arrests, time in custody, and/or recidivism for clients of the program; (2) an increase in access to and utilization of nonemergency community behavioral health services; (3) a reduction in utilization of emergency services; (4) an increase in resilience, stability, and well-being for clients of the program; and (5) a reduction in costs for the justice system compared to processing cases as usual through the justice system. Proposals for grant funding must provide a plan for tracking client engagement and describe how they will impact one or more of these expected outcomes.

Programs preferred for the award of grant funding are those that have a pre-booking diversion focus and contain one or both of the following components:

- 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 effective for marginalized populations by either experience or peer-reviewed research, or that are credible promising practices; and
- 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.

Up to 25 percent of the total funds appropriated for the grant program may be allocated to proposals containing the following components:

- utilization of case manager and peer support services for persons with substance use disorders and other behavioral health needs who are incarcerated in jails;
- specialized training for jail staff relating to incarcerated individuals with substance use disorders and other behavioral health needs;
- comprehensive jail reentry programming for incarcerated persons with substance use disorders and other behavioral health needs; and
- 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.

Grant recipients must agree to comply with any data collection and reporting requirements established by the WASPC, in consultation with the LEAD NSB. Grant recipients with proposals including pre-booking diversion programs must engage with the LEAD NSB for technical assistance regarding best practices for pre-booking diversion programs, and regarding establishment of an evaluation plan.

A peer review panel appointed by the WASPC, in consultation with the LEAD NSB, 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. 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. Subject to appropriated funding, grant awards are eligible for annual renewal conditioned upon the recipient's demonstration that the funded program is operating in alignment with the requirements of the grant program.

The WASPC, in consultation with the LEAD NSB, must develop a plan, timetable, and budget by December 1, 2019, to transition the grant program into a performance-based contracting format, and to establish an evidence-based evaluation framework. The Research and Data Division of the Department of Social and Health Services and the Washington Institute for Public Policy must provide technical support and consultation to support plan development as requested.

The WASPC must submit an annual report to the Governor and appropriate committees of the Legislature each year the program is funded. The report must include information on grant recipients, use of funds, and outcomes and other feedback from the grant recipients. The WASPC may consult with the LEAD NSB in completing the reports.

Absent gross negligence or bad faith, no civil liability may be imposed upon the state or its officers or employees, or an appointed or elected official, public employee, public agency, combination of units of government or its employees, nonprofit community-based organization, tribal government entity, tribal organization, or urban Indian organization, for activities carried out within the purview of a grant award.

Votes on Final Passage:

House	89	8	
Senate	48	0	(Senate amended)

House 94 0 (House concurred)

Effective: July 28, 2019