



"Reclaiming Lives Since 2006"

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To: Whatcom County Stakeholders Advisory Committee
Whatcom County Technical Advisory Committee
Whatcom County Incarceration Prevention & Reduction Task Force/Law and Justice Council
Whatcom County Executive Satpal Sidhu
Whatcom County Prosecutor Eric Richey
Whatcom County Sheriff Bill Elfo
Whatcom County Council Chair, Barry Buchanan

From: Joy Gilfilen, President
Restorative CommUnity Coalition

RE: Public transparency documents and reports are hereby submitted by the Restorative CommUnity Coalition (RCC) to the Whatcom County Stakeholders Advisory Committee (SAC) to be included as part of the public record, and as part of the data gathering process for the SAC to determine the scope of work when planning for the Justice Project's alleged "needs assessment" and stated intention to pass more taxes. These documents are downloadable and/or available at TheRestorativeCommunity.org under the tab called Jail Tax Abuse.

As President of the Restorative CommUnity Coalition, I am submitting six very specific documents / reports for the Whatcom County public record; and specifically for consideration, review and discussion by the Whatcom County Stakeholders Advisory Committee, the Whatcom County Technical Advisory Committee and the Whatcom County Incarceration Prevention and Reduction Task Force/Law and Justice Council. All of these groups are responsible to, and are in turn controlled by the legal authority/commercial umbrella of the Whatcom County corporation.

I recognize that especially since 2020, these groups are working under the emergency command-and-control system of governance. This is an unfamiliar situation where the top three law enforcement CEO officials – the Whatcom County Sheriff, the Whatcom County Prosecutor, and the Whatcom County Executive now have greater authority to command other officials during emergency disaster conditions (which have now lasted beyond 2 years).

In my view, this is top-down management that is out of touch with the bottom-up problems we are facing in the community. Many of the officials involved in our current system are constrained in their scope of thinking by their own laws and silos of power, privilege and prestige. They have become isolated, disconnected, disassociated and need the assistance of community advisory groups, in seeing beyond archaic systems of governance and entrained historical habits of command.

This kind of isolationist structure is also vulnerable to behavior that creates an internal bias, even bullying behaviors, as we see with the Prosecutor and Sheriff once again over-using continuances to pack the jail and the court dockets in the runup to their next new jail campaign, or election.
This is a self-perpetuating, self-destructive repeating pattern we've observed.

The truth is, we all are well aware systems are failing across our country. We are seeing the consequences and serious challenges that result from 21st century complexity, pressure and the speed of change – fear is the challenge, and to tackle fear, we must face diverse perspectives.

Our submissions address our community problems from a whole systems perspective. They are intended to be seen as expert field experience reports that have been recorded in different points in time in Whatcom County. Each is a cross-sectional diagram in a historical sequence. They can be used by the various officials and appointees similar to how amicus briefs are used in a court of law to help judges understand a field of business they may not be familiar with, yet need technically informed knowledge to make good judicial decisions.

I specifically request that these documents be listed as a legitimate part of the SAC resource pages online, included as official public records and used as source documents for the current planning and inquiry process. These would all be considered ethnographic research: they are compilations of thousands of hours of due diligence research conducted in real time over the past 15 years as our RCC members worked hands-on with people involved in the criminal legal system. They highlight the people striving to survive the multi-faceted challenges they faced as they entered and exited the legal economic system territory and yet physically lived within this civic bio-region of governance. These are two very different realities and both deserve attention.

Our goal in sending these items is to offer our experience about how things have changed and to illustrate that there are now significant gaps in civic business, economic, social and leadership knowledge from a macro to a micro level and vice versa.

While I wrote most of these reports, the data has been gleaned from hundreds of people who have lived experience inside the system, and from many who are working on the frontline to help families who have been marginalized and kicked out of polite society because they (or their family members) have been dealing with a criminal history and confronting poverty related to legal/financial/systems issues.

1. **2015: Stop Punishing Taxpayers, Start Rebuilding Community - 2015 Taxpayers Report.**

This report contains substantial, highly relevant recommendations that would reduce recidivism, save taxpayer dollars, and reduce the load on law enforcement, on the crisis situations, and on the jail. Many of the solutions offered could be implemented immediately at comparatively low cost by the community, and provide jobs.

Note that this report was researched and written:

- a. *After the 40-acre parcel of land (on LaBounty Road in Ferndale) was purchased by Whatcom County at a cost of roughly \$150,000 an acre. This purchase was based on*

the Executive Branch recommendations, and they claimed it was based on a “needs assessment”. This is not accurate, since the source data presented was factually flawed, based on the admission by the Whatcom County Sheriff that he had provided faulty data.

- b. *Before* the 2015 Sales Tax Initiative was rejected by the voters.
- c. *Before* the Incarceration Prevention and Reduction Tax Force (IPRTF) was convened.
- d. *Before* the reports by the IPRTF led to the Vera Institute of Justice being hired.
- e. *Before* the Vera Institute was allowed to receive and review data, and ultimately publish the Report to Whatcom County Stakeholders on Jail Reduction Strategies produced in Nov. 2017 that outlined the many gaps in the local law and justice system that were causing systems wide failures including prosecutorial overreach, jail overcrowding, and more.
- f. *After* the Law and Justice Council had been inoperative for roughly 10 years, and was in violation of WA state law; and *before* it was reconvened as part of the IPRTF in 2019.

2. **2016: Noble Cause Corruption Complaint and Addendums 1-2-3 Documents**

Submitted as part of the Washington State Attorney General’s Public Disclosure Commission Complaint #1122 (addressing 15 individual and group complaints triggered specifically by Whatcom County’s infamous jail mailer, paid for by taxpayer funds).

This civil legal complaint became an investigation into Whatcom County’s jail campaign practices, for it involved pre-conditioned bias and the hiring of jail building consulting contractors who were working in tandem with the Whatcom County Sheriff, the Whatcom County Prosecutor, and the Whatcom County Executive to ultimately produce, print and mail an advertising piece that arrived on the same day that ballots dropped. This investigation resulted in the PDC/AG finding the mailer was missing critical information, found the Executive in violation, a personal fine was levied, and then he was placed on a 5-year administrative style probation by the State.

This Noble Cause Corruption document went farther than other complaints, and provides historical records (with citations) including:

- a. Pages of evidence illustrating how political campaigns were conducted by law-enforcement convened task forces, groups and political PAC’s during and prior to 2015, with the specific goal of passing jail taxes.
- b. Hundreds of filed citizen’s concerns submitted during the Supplemental Draft Environmental Impact Statement (SDEIS) contractor hearings (submitted in 2011) that were withheld from public review until 2013. Then it was finally published while the County Executive was in final negotiations to buy the land and money was being

transferred into a new jail project fund.

These concerns were published as part of the Final Environmental Impact Statement (FEIS) produced on Nov. 8, 2013, and it was followed by almost immediate purchase. This transaction was conducted in a 10-day window under the Executive's command. The report was published online on a Friday of a 3-day holiday, and then the Council was to attend a 8:30 am Council meeting on Tuesday, where County Executive Louws notified them the option on the land was going to expire in 7 days, and he demanded that money be transferred into a jail project fund. When the Council balked, the Executive told them the price would likely double if the County missed the deadline, and the jail consultant told the Council that it was perfectly legal to buy the land without any further public discussion.

The Council yielded and bought the land. The public only then became aware that most of their concerns about relocating and/or building a jail were summarily dismissed as "outside the scope" of building the jail. It was too late to stop the sale.

- c. Documented Ethics Complaint submitted to Whatcom County, summarily dismissed by the County Prosecutor's office as it was written, for it did not meet the legal format for review and consideration.
- d. Historical records documenting local involvement in the Washington State Jail Industries (funded by the state in 1998). This was shortly before Marvin Wolff was elected to serve on the Jail Industries Board. Wolff was one of the founders of the Whatcom County Sheriff Office Support Foundation, a non-profit foundation created in 2009 "to fund Sheriff's Office project not funded by the county budget."

Then it shows his record of serving as one of the key strategic advisors to the Whatcom County Sheriff, serving on the Sheriff's inner circle advisory boards. Records show the direct links to other Whatcom County law enforcement officers and representatives as they worked together to create campaigns to expand jail industry business in Whatcom County, and to pass taxes that later have been shown to be part of the general fund for the Sheriff's Office.

- 3. **2017: No Bigger Jails, Invest in Success, Not Failure.** This presentation is a powerpoint community/business/civic educational video that illustrates in depth why we must invest in people, not prisons. It shows how the business of the industry works as a contrarian economic model, and becomes the marketing funnel for the prison industrial complex expansion of the school-to-prison pipeline.

It highlights the economic complexity and the challenges facing the community, police officers, and the people who have to live subject to "the law" and justice system mandates. It shows how people, once in trouble, drop into a cycle where their families get increasingly compromised, weakened and end up in poverty, often resulting in homelessness, and unemployment. We have found the vast majority are unable to regain autonomy, or

independence after imprisonment, let alone build a career in this current high speed, high tech 21st century marketplace. The time and skills lost being out of society is difficult to recapture. This produces degeneration and co-dependent tax consumers rather than regeneration and vitally healthy, independent tax producers. This is upside from what the community needs.

4. **2017: Local Justice Reform Now Panel:** Seven different professionals and business people spoke at the Leopold Inn during a community education/civics event hosted by the Local Justice Reform Now PAC that was co-sponsored by the RCC. You can find their talks and related article hyperlinks at the TheRestorativeCommunity.org on the tab called Jail Tax Abuse. They are too numerous to cite here.

These well-respected professionals and businesspeople did their own independent research and investigation, and these talks demonstrate their deep misgivings about passing more taxes. At risk in business if they speak out, they still spoke in opposition to buying the regional incarceration facility and the expanded Sheriff's Headquarters. You can listen to their testimony, and then link out to multiple sources to see the numerous investigative articles written by Whatcom County citizen journalists such as Tip Johnson, Juliette Daniels, David Camp and others involved in researching the 2017 Jail Sales Tax initiative. That tax was rejected by 58% of the voters. (Virtually the same tax was previously rejected by 51% of voters in 2015).

5. **2018: Blind Spots: Unexpected Findings from Jail Trauma Research / Whatcom County Jail Trauma Chart.** During the Vera Institute's analysis of the Whatcom County Justice system, it became clear that the entire study involved only the systems after an arrest occurred. In the Report to Whatcom County Stakeholders on Jail Reduction Strategies the Vera Institute noted that there was missing data about the consumers of jail services – the problems that inmates or their families are confronting – and that the County needed that input before planning to build a bigger jail facility.

When the County rejected that idea, I followed Vera's recommendation to get such missing data. I conducted an ethnographic research study of 79 total people. Fifty-three had been inmates inside the Whatcom County jail, and had gone through the justice system process; 26 were people involved or impacted. People such as loved ones, emergency responders, victims, family members, employers, or employees of the County.

The interviews revealed and clearly illustrated many failures in the pre-arrest, court systems and pre-conviction operating systems. For me it was a profound paradigm shift to discover how many of these alleged criminals, were not intending to be criminals. They were distressed, and made mistakes that mushroomed, and during the interviews they offered solutions to stop recidivism and the escalation of violence. I found that many of the complex public health and safety problems we are discussing today, could be resolved simply by changing how we respond, engage and administer things at the point of an incident / 911 call.

My conclusion is that while it may not be anyone's specific "fault" that the system is failing; it is our responsibility as civic leaders to notice the impacts of technology, of our business

behaviors, and to self-correct and repair the problems. It is unfortunate that in just a few decades we have changed our culture to the degree that often a human call for help unwittingly becomes a crime scene where taxpayers ultimately become the scapegoats and the victims.

6. 2021: ***WhatcomCounty98225: Civic Blindspots and Compound Civic Domestic Violence***. This is a report on what happened during the law enforcement conducted clean-up and sweep of Camp 210 – the homeless protest camp at Bellingham City Hall - that happened on January 28, 2021. I did a post-event analysis of what happened that day. I examined the hidden and substantial ripple effects of that civic collision and public trauma incident on the people of Whatcom County. It was extraordinary to witness the compound layers of effects spread across the human realms, and then into commercial realms as reactions spread through social media, public media and niche groups; then to see the complexity of the side effects in terms of hyper-reactive community behavior, how some people went totally silent, certain systems and behaviors changed their reactions, and how all this was interlaced with feelings of betrayal and of human emotional hurt.

My intention in this video was to assist the current (and now acutely traumatized) elected leaders and officials in repairing the widespread civic damage caused, and to provide a roadmap out. It felt like a tsunami had hit the emotional heart of our community. This is the comprehensive report I created for Mayor Seth Fleetwood, Whatcom County Sheriff Bill Elfo, Whatcom County Executive Satpal Sidhu, Whatcom County Prosecutor Eric Richey, the Whatcom County Council, the City of Bellingham Council, local police and tribal groups, other local mayors, rescue workers, and non-profit leaders who were impacted.

When published online and emailed, my goal was to 1) help our officials and the public to understand the size, scope and scale of the betrayal of public trust that happened on the day, 2) to forewarn the psychological and mental health fallout that would follow and 3) to recommend a new course of pragmatic action. Most of this information has still not been acknowledged as having been received, and the fallout and denial of what happened is pervasive across our community conversations.

These pieces are in contrast to and illustrate a starkly different report from what the corporate CEOs of Whatcom County's Executive Branch are claiming to be true right now in 2022. Notice that what these officials are reporting today is the direct consequence of (and the result of) their own 2+ years of top-down civic management, domination and control of the community.

These three elected officials are in responsible charge of the whole apparatus of disaster relief - including the mental health, legal, police, covid, emergency services and crisis relief, safety, jail, interlocal business agreements, public health services and other justice related systems. Many of the lower ranking police and emergency service providers are subject to the Whatcom County's command. It is my observation that what's happening right now in the streets, and in the jail, are symptoms of systemic dysfunction, and can be traced up to decisions being made in the inner sanctum of Executive leadership.