

ORDINANCE NO. 2016-02-008

AN EMERGENCY ORDINANCE OF THE CITY OF BELLINGHAM TO CREATE AN ELECTRONIC HOME DETENTION PROGRAM, PROVIDE FOR THE ESTABLISHMENT OF ELIGIBILITY STANDARDS, AND AUTHORIZE A SUBSIDY FOR COSTS TO PARTICIPANTS IN THE PROGRAM.

WHEREAS, the council finds that an electronic home detention program will provide a useful and important jail alternative for persons committed to jail for certain misdemeanor or gross misdemeanor violations consistent with public safety; and

WHEREAS, the city is in need of such a program for the housing of certain defendants sentenced to jail for such violations or incarcerated awaiting trial or sentencing for such violations; and

WHEREAS, it is in the best interest of the city to enact a new ordinance that will implement a new electronic home detention program that includes standards for eligibility and authorizes a pre-trial release component to the electronic home detention program; and

WHEREAS, any such program should include minimum eligibility standards as established by the City in accordance with and in compliance with federal, state and local laws; and

WHEREAS, the council finds that an emergency exists involving the immediate preservation of the public peace, health and safety as more fully detailed in the enactment below;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1: An emergency exists involving the immediate preservation of the public peace, health and safety. This ordinance shall take effect immediately under Section 3.05 of the City Charter based on the following facts:

A. The Whatcom County Sheriff's office has stated that the unsustainable and deteriorating conditions in the Whatcom County main jail and failing security and control systems in the jail annex require the jail population to be kept as low as possible;

B. The Whatcom County Sheriff's office has expressed an urgent need for the City of Bellingham to remove the maximum number of Bellingham-only inmates from the jail, including those in pretrial status;

C. The Whatcom County Sheriff's office has expressed that if alternatives to housing inmates in the Whatcom County jail are not increased, and jail population levels continue to rise, the Sheriff's Office will need to implement booking restrictions; and

D. An electronic home detention program will provide an additional tool for the city to manage its jail population.

Section 2: A new section is hereby enacted and added to the Bellingham Municipal Code, Section 2.16.100, as follows:

2.16.100 Electronic Home Detention Program.

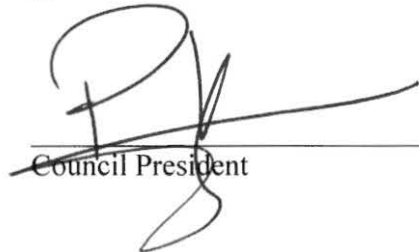
A. An electronic home detention program is hereby established to provide a form of misdemeanor supervision services, through and under the direction of the City's Department of Municipal Court.

B. The program shall be operated in a manner consistent with public safety, and in accordance with the minimum standards set by, and provisions of, federal, state and local laws, and with such other standards, procedures, rules and regulations as may be promulgated from time to time by the City. The city administration may contract with independent contractors to perform monitoring and supervision of participants in the program.

C. Defendants who are committed to jail for sentencing or who are awaiting trial or sentencing for misdemeanor and gross misdemeanor violations of law, and who are not precluded by court order from serving such commitment in the city's electronic home detention program and who meet the minimum standards established by the city, may serve their incarceration in an electronic home detention program. Eligibility standards and the process for determining eligibility shall be established by the city through and under the direction of the City's Department of Municipal Court.

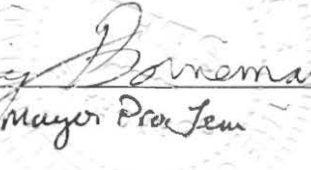
D. The city administration is authorized to implement a fee subsidy plan in order to ensure maximum participation in the program. The amount of subsidy shall be subject to budget authority.

PASSED by Council this 22nd day of February, 2016.



Council President

APPROVED by me this 22nd day of February, 2016.


Terry Bornemann
Mayor Mayor Pro Tem

ATTEST:

Brian Henderson
Finance Director

APPROVED AS TO FORM:

R. M. M.
Office of the City Attorney

Published:

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