


CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Authorizing the City Manager to execute interlocal agreements with Yakima County and the City of Renton for interim jail services.
DEPARTMENT: City Manager's Office
PRESENTED BY: Eric C. Swansen, Senior Management Analyst 

PROBLEM/ISSUE STATEMENT:

Jail costs are consuming an unacceptably high portion of the City's resources. These costs are outpacing both inflation and the ability of the City pay these increases.

ALTERNATIVES ANALYZED:

- Status Quo. Continue using the King County Department of Adult and Juvenile Detention (DAJD) for jail services.
- Implement interim interlocal agreements with Yakima County and the City of Renton to provide jail services for those prisoners sentenced or awaiting trial for three or more days. The City would use the City of Renton's jail as a holding facility, pending transport to Yakima.

FINANCIAL IMPACT:

Implementing the proposed interim interlocal agreements with Yakima County and the City of Renton will save an estimated \$198,720 per year based on the proposed 2002 King County Jail Rates. If the rates proposed by King County as part of the jail negotiations process are adopted the City could save \$563,000 per year after 2002. Under this proposal, the City will contract with Yakima County for an estimated 9,010 prisoner jail bed days at \$49 per day. The total cost for services to Yakima is estimated to be \$457,000 per year. It should be noted that jail use will vary year to year. For the purposes of this analysis, we assumed that we would see the same level of jail use as we did in 2000 as a constant.

RECOMMENDATION

Staff recommends Council authorize the City Manager to enter into interlocal agreements with Yakima County for interim jail services and the City of Renton for custody pending transport to Yakima.

Approved By:

City Manager 

City Attorney 

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INTRODUCTION

Jail costs are consuming an unacceptably high portion of the City's resources. These costs are outpacing both inflation and the ability of the City pay these increases.

BACKGROUND

Your Council reviewed jail alternatives on January 7, 2002. At that meeting, Council expressed a preference to exit from the King County Jail as soon as practical based on the costs of operating the facility compared to the alternative of using the Yakima County Jail. Council asked staff to return with an interlocal agreement to consider as a first step to exiting from the King County Jail.

Staff has been working to craft a one-year interim interlocal agreement with Yakima County for jail services. In addition, staff has also been working with the City of Renton to provide temporary holds of prisoners, pending transport to Yakima County. This is the first step of implementing Council's preference to exit from the King County Jail. Under this agreement, staff will divert all prisoners sentenced for three or more days to Yakima County (via Renton), instead of the King County Jail. In addition, any offenders being held awaiting trial that will not take place within three days, will be transported to Yakima. Until a process has been established to book prisoners in Renton, in one to three months, we will continue to book prisoners into King County Jail initially for screening and classification, then cooperatively transported to Yakima County (via Renton) if they are anticipated to stay more than three days.

Staff has also been working with other cities to determine the medium-term demand for jail services for which we will contract with Yakima to provide services. Due to the complexities of a long-term agreement, to replace the misdemeanor jail services contract with King County, staff has been working with other cities to minimize our risks in entering into a 7-10 year agreement. These include commitment risk, legislative/judicial risk, and medical cost risks. There would also be a need to actively manage jail populations as a cooperative, based upon each community's preferences, spaces available and costs. This medium-term agreement is far more complex and will encompass a greater level of intergovernmental cooperation to accomplish. We anticipate this medium-term agreement and the necessary details could be in place by the end of the summer.

In the long-term (10+ years), staff will work with other cities to determine our long-term need for providing jail services and the best way to do so. This analysis will likely consider options for a providing the entire spectrum of misdemeanor jail services, including a locally operated booking facility (or network of booking facilities), a facility (either operated by contract, interlocal agreement or directly operating through a consortium) to house long sentence prisoners, and a variety of alternatives to secure detention. We anticipate regionally addressing this long-term issue between 2003 and 2005, and expect it could take 5 years to site and construct a facility after a decision is made.

ALTERNATIVES ANALYSIS

In order to compare the options considered certain assumptions were made to best approximate our demand for jail services, and the rates in effect. These assumptions include:

- King County is obligated to provide jail services to the City under the terms of our existing interlocal agreement between now and December 31, 2002. The City will use this period as a transition from exclusive use of King County of jail services to using other providers (Yakima (via Renton), electronic monitoring, work-release, substance treatment, etc.)
- The rates proposed by King County for 2002 would be in effect (\$155.30 per day for booking and \$77.47 for each maintenance day) would be in effect all year. Any rates developed by the jail negotiation process would not be in effect this year.
- Jail use would be based on actual experience of 2000. While demand has increased for 2001 and could continue to increase in 2002, for the purposes of this analysis we held this constant. Any increase in jail use will obviously increase the City's costs, but will also create a greater difference between the alternatives in terms of the estimated savings.
- No alternatives to secure detention have been implemented. If the City implemented electronic home monitoring as an alternative to secure detention in some cases, the demand for secure detention would decrease, further reducing costs to the City, but also narrowing the savings between the alternatives. Staff is drafting a request for proposals for alternatives, and will return with some practical alternatives at a later time.
- There are no extraordinary emergency medical events that occur in this one-year period and pharmaceutical costs do not exceed \$5 per prisoner per day on average. This is consistent with the experience with many jail providers, including Yakima and Renton. There is an exposure to emergency medical risk with this alternative, which is described in greater detail below.
- The City is successful at exiting the King County Jail system in 2002. There is a rate impact that could "catch-up" to us next year in the form of higher jail rates. Any decrease in jail use for the current year results in fewer prisoner bed days and bookings upon which to allocate costs. This will result in either higher rates for jail services, a reduction in jail staffing, or both. Experience suggests that high incremental cost of operating a jail will limit the number of staffing reductions, resulting in higher rates for 2003.
- Billable jail activity accounted for 100% of the City's demand for jail services. It is possible that the City may have more jail use in 2000 than we were billed for. This could be due to billing errors. There is also the possibility that the billing methodology benefited Shoreline, as other agencies with more serious charges or longer sentences may have been assessed to another agency. This billing methodology probably works both ways. Shoreline is just as likely to have been on the giving side of this benefit as the receiving side.
- It is practical and cost effective to send a prisoner over to Yakima (via Renton) for three days at a minimum. Periods of less than three days run the risk of not meeting hearing schedules for pre-sentence detainees. If transports are delayed due to snow conditions on the pass, there is some "wiggle room" to make alternative

transportation arrangements or obtain necessary waivers to ensure the accused's right to a speedy trial is not compromised. Post-sentence offenders have more room for flexibility, but the practicality of the transport schedule suggests that three days is the minimum.

- Prisoners who are slated for transport can be transported out within 24 hours. Weekend and holidays can result in exceptions to this, which could increase costs slightly.
- Savings are annualized for comparison purposes. Since the year is already underway, we won't see the entire savings this year.

Status Quo Option: Continue with King County

The status quo option would be to pay for booking 1,247 prisoners into the jail at a cost of \$155.30 per booking. In addition, the City would pay King County for 9,990 jail days at a cost of \$77.47. The total cost of this option is \$967,506.93. It should be noted that King County has expressed no interest in housing City prisoners past 2004.

Alternative Option: Implement Interlocal Agreements with Yakima County and Renton.

Under the alternative, the City would enter into interlocal agreements with Yakima County and the City of Renton for jail services. Yakima County would provide jail services for the City's prisoners who have stays of three or more days. Renton would serve as the point of departure and arrival for all jail stays destined for Yakima County, performing intake, classification and uniforms for prisoners pending transport. Yakima County would perform transports at least three transports a week to the Yakima County Jail. A fourth transport will take place if we, or a combination of other cities, has at least three prisoners ready for transport.

These agreements would be for a one-year period, while we continue to work with other cities to craft a medium-term (7-10 year agreement).

Lower Cost

Fees for this service would be \$49 per day for Yakima with no booking fees. The City of Renton will provide custody for \$25 per 12 hour period. These costs do not include medical expenses for urgent care or pharmaceutical medications, which we have assumed would not exceed \$5 per prisoner day, based on the experience of other cities.

Jail Usage Estimates

To evaluate this alternative, staff received data from the jail with all the billable jail activity for 2000. This consisted of the case number, whether or not the person was pre- (awaiting trial) or post- sentence (sentenced by the court), and the number of days billed. Staff separated out the pre-sentence and the post-sentence cases, as they have different judicial standards that must be met. Pre-sentence cases run the risk of not providing a speedy trial, while post sentence cases have greater flexibility when they are served.

Staff also sorted out those jail stays that exceeded three days. Three days was chosen for two reasons. As a practical matter, jail stays less than 3 days could overburden the transport system and custody system. Short term transports for pre-sentence offenders can also pose problems should the accused demand a speedy trial and pass conditions cause a delay for a day or two that could prevent a hearing from taking place. As we work with other cities in the future to provide pre-sentence jail services independent of King County, we will take advantage of video conferencing technology to minimize transports and allow hearings in-custody.

The breakdown of the percentages for pre- and post- sentence jail stays and 0-3 and 3+ jail stays is as follows:

	0-2.99 Day Jail Stay	3+ Day Jail Stay	Total
Pre-Sentence	2%	26%	28%
Post-Sentence	8%	64%	72%
Total	10%	90%	100%

N=9,990

This breakdown shows that 90% of the City's jail days were for sentences for three or more days. The other 10% of the jail days were for stays less than 3 days. As a result, if we were to contract with Yakima County for jail services for stays of 3 or more days, we could send 90% of our business to Yakima. This accounts for 9,010 of the City's 9,990 jail days in 2000.

Savings

Looking at options for the 9,010 days of annual jail use, we could continue to use King County (at a cost of \$77.47 per day, including medical) or Yakima/Renton (at a cost of \$54 per day). Clearly, Yakima would be the least expensive alternative, saving \$211,464 a year over the King County alternative. However, since the City would still need to count on King County for booking services (which automatically trigger a jail day expense of \$77.47 in addition to the booking fee of \$155.30), the savings is not that simple. Using King County to book prisoners and hold them for a day will add 543 additional prisoner days (related solely to people booked, classified and transported out the same day to another facility). At the same time, this is 543 prisoner days we won't have to pay another provider. As a result, we must subtract these 543 days from the number of days we would use Yakima. At the same time, these 543 days would be charged at the King County rate of \$77.47. The result reduces the \$211,464 savings by \$42,066 for a net saving of \$198,720.

As mentioned before, a medium term (7-10 year contract) has the potential to increase these savings to a total of \$380,000 a year over the 2001 rates and \$965,000 over the proposed new agreement rates.

Medical Risk

There is some risk to the City with this alternative. The City is responsible for pharmaceutical expenses and urgent medical care for our prisoners.

Yakima County has expressed an interest in providing urgent medical and pharmaceutical coverage for a medium-term contract, but not for an interim contract. As a result, the City is going to incur the risk for these services. The analysis above added \$5 per day to offset this risk. This \$5 fee is based upon the experience of the Renton jail over a number of years. However, there is a remote risk that a Shoreline prisoner could require urgent medical attention at the trauma center. The costs for these services could be considerable and easily reduce or eliminate our savings, if they are used.

This is a calculated risk. In the past five years, the Renton jail has not experienced any urgent care costs beyond minor lacerations. It is unlikely, but possible, that we would see any difference in our experience. Staff sees this as an important point to consider over the medium-term agreement, as the potential for these types of costs are greater the longer we are exposed to the risk. It is extremely remote that we would see any major care needs in a one-year term.

There is the possibility that the City's losses, should an urgent care need arise, may be limited by the state's medically indigent program. This program, designed with strict eligibility limits, cover many emergency procedures at medical facilities statewide with a cap at \$2,000 to the patient. However, not all prisoners would be eligible, due to income, citizenship status and previous use of the program. If the need arises, staff will seek participation of the patient in this program at the earliest possible opportunity.

Preferred Option: Alternative

Cost Comparison for Jail Services by Option

	KC Bookings	KC Days	Yakima Days	Total
Status Quo	\$193,659	\$773,925	\$0	\$ 967,584.
Alternative	\$193,659	\$117,909	\$457,218	\$ 768,786.
Difference	\$0	(\$655,938)	\$457,218	(\$ 198,720.)

As the above table indicates, the City can save an estimated \$198,720 by implementing interlocal agreement that enable the City to send prisoner to Yakima County for jail stays greater than three days.

RECOMMENDATION

Staff recommends Council authorize the City Manager to enter into interlocal agreements with Yakima County for interim jail services and the City of Renton for custody pending transport to Yakima.