

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Work Release Fee Schedule and Sliding Scale Payment Ordinance No. 512
DEPARTMENT:	CMO/Finance
PRESENTED BY:	John Norris, Management Analyst Steve Oleson, Budget Analyst

On July 21, the City Council reviewed Ordinance No. 512, which would authorize a new section to the City's current fee schedule for work release defendants enrolling in the King County Work Release Program at their own expense. The City Council also reviewed comments received from citizens and community members. At the writing of this staff report, Council had not yet discussed the work release fee schedule and sliding scale payment and had not yet provided staff with direction or posed any questions for staff response. Thus, this report provides a placeholder on the agenda.

Immediately following the July 21 Council meeting, any questions posed to staff or direction provided by Council will be provided in a revised staff report. This will be made available on the City's website by Wednesday, July 23. Likewise, comments received from citizens on the work release fee schedule and sliding scale payment will be provided to the Council through Monday, July 28, when adoption of Ordinance No. 512 is scheduled.

For reference, the July 21 staff report is attached.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 512 authorizing the addition of a new section to the City's current fee schedule that will set new fees payable to the City for work release defendants enrolled in the King County Work Release Program.

Approved By: City Manager  City Attorney _____

Attachment:

- July 21 Staff Report on the Work Release Fee Schedule and Sliding Scale Payment

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DEPARTMENT:	CMO/Finance
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PROBLEM/ISSUE STATEMENT:

In January 2008, City staff were notified by King County Jail billing staff that King County would no longer collect City jail fees from Shoreline work release defendants enrolled in the King County Work Release Program who were mandated to pay the City's fees. This necessitated the creation of procedures that explain how and when Shoreline defendants should pay the City for incurred jail costs. These procedures also provide the option for Shoreline defendants to pay these incurred jail costs on a sliding scale if they meet income eligibility requirements. City Council authorization is required to add a new section to the City's current fee schedule that will set new fees for work release defendants.

BACKGROUND:

Defendant sentencing options and alternatives are determined by the King County District Court (KCDC), which the City of Shoreline contracts with for misdemeanor municipal court services. One of the sentencing options available to District Court Judges is the use of work release. Work release programs typically function by allowing defendants to leave jail or other correctional facilities during the day to go to their place of employment and return to jail in the evening, where they are incarcerated until the next work day. KCDC Judges also have the ability to mandate that defendants enroll in Work Release "at their own expense", meaning that the defendant will have to pay for the City's jail costs (booking fee and daily maintenance fees) in order to participate in the work release program.

When utilizing work release as a sentencing option, KCDC Judges operating out of the Shoreline District Court typically mandate that defendants enroll in work release "at their own expense". Defendants also typically have the option of not enrolling in a work release program and serving their sentence in jail if they are unwilling or unable to pay the City's jail costs to participate in a work release program.

Shoreline District Court Judges also give defendants options as to where they may enroll in a work release program. It is up to the defendant to find a correctional facility that has a work release program, is in close proximity to their place of employment, and has space in the program for the defendant. As most Shoreline defendants live and work in the greater Seattle area, many defendants opt to enroll in the King County Work Release Program, which is housed in the King County Correctional Facility (KCCF) located in downtown

Seattle. However some defendants do choose to enroll in work release programs at other jails in the region.

As the KCCF is the only correctional facility that has a work release program and that the City of Shoreline has a jail contract with¹, it is the only facility that the City must be reimbursed for our jail costs. In other words, the City of Shoreline is still billed by the KCCF for incurred jail costs even though a defendant is participating in work release "at their own expense". The fees of other correctional facilities that may accept Shoreline defendants for work release are paid directly by defendants to the facility, as there is no structured billing process in place where reimbursement would be necessary. At one time, it was an informal practice of King County Work Release Program staff to collect City jail fees from defendants and then reimburse the City.

In January 2008, City staff were notified by KCCF billing staff that King County would no longer collect City jail fees from defendants, as this provided accounting liability and concerns on King County's behalf. Although the ceasing of this practice was welcomed by City staff, as staff were now able to make sure that the City would be reimbursed for jail costs incurred by defendants in the King County Work Release Program, it also necessitated the creation of work release fee collection procedures from Shoreline defendants mandated to enroll in work release at their own expense.

Over the course of the last five months, City staff have worked with both the KCDC and KCCF staff to create the King County Work Release Self-Pay Procedures document, which is attached. These procedures explain that if defendants are enrolling in the King County Work Release Program "at their own expense", they must pay the City's jail costs. The procedures also give an example of how costs are calculated and provide directions on how and when Shoreline defendants should pay the City for incurred jail costs.

WORK RELEASE SLIDING SCALE:

In addition to the above mentioned procedures, the Work Release Self-Pay Procedures document also provides the option for the jail cost payment to be made on a sliding scale if the defendant meets income eligibility requirements. The creation of a sliding fee scale allows for more Shoreline defendants to potentially enroll in the King County Work Release Program, while still covering some of the City's jail costs.

The City is concerned that defendants who are authorized by the KCDC to enroll in a work release program but are unable to afford the City's jails costs, and thus are serving sentences in jail and not able to maintain employment, are being saddled with an element to their sentence not initially prescribed by the District Court. Additionally, the City feels that constructive employment is a key step to reducing defendant recidivism and making sure that defendants have stable economic security when they leave the criminal justice system. Taking away these options because a defendant cannot afford to pay for the City's jail costs does not provide the support that many defendants need.

¹ The City of Shoreline also has a jail contract with the Yakima County Jail and a Memorandum of Understanding with the Issaquah Municipal Jail, but neither of these facilities offer Work Release to Shoreline defendants.

To assist the City in establishing its own sliding fee scale, a review of the King County Work Release Program's sliding fee schedule was conducted. From this review, City staff were able to develop an income to fee ratio to establish the proposed City work release sliding fee scale. Ordinance No. 512 authorizes a new section to the City's current fee schedule, titled Work Release Defendant Fees, which will set new fees payable to the City for work release defendants enrolling in the King County Work Release Program at their own expense. The creation of a sliding scale has also been discussed with the KCDC, which has sanctioned its use.

As of January 1, 2008, the City of Shoreline's King County Jail booking fee is a one-time charge of \$208.67, and the jail maintenance fee is a daily charge of \$109.10. Thus, for a one month commitment in the King County Work Release Program, a defendant would be required to pay the City 30 daily payments of \$109.10, and one payment of \$208.67, which totals to \$3,481.67. The length of stay in the KCCF can range from one to 365 days, and it is anticipated that the average work release defendant sentence would range from 14 to 120 days.

The proposed sliding fee scale only adjusts the daily jail maintenance fee, and does not adjust the one-time booking fee incurred by defendants. Thus, all defendants will continue to have to pay the entire booking fee (\$208.67) to the City to enroll in the King County Work Release Program. The daily jail maintenance fee will be reduced by a certain percentage based on an inmate's hourly pay rate. For example if a defendant's income is \$10.00 per hour, they would pay 27.12% of the daily jail maintenance fee, which would be \$29.59 out of the normal rate of \$109.10. The scale is adjusted at every \$0.50 per hour interval, which creates a corresponding \$1.57 change in the daily maintenance fee rate. The sliding fee schedule will be capped at \$21.49 per hour, which will result in a daily charge of \$65.49. Any inmate earning more than that amount will be required to pay the full daily rate.

At this time, the City is planning to partner with the King County Office of Public Defense to conduct income eligibility verification, as they already serve this role in providing public defense indigency screening for the City of Shoreline. If a Shoreline defendant who is seeking to use the sliding fee scale for work release payment did not participate in the indigency screening process or utilize the Shoreline public defender during their court hearings, City staff will verify their income based on the procedures utilized by the Public Defenders Office.

FINANCIAL IMPACT:

The alternative to serving in the King County Work Release Program in the KCCF is typically a similar length jail commitment in the Yakima Correctional facility, which is paid in full by the City of Shoreline. Currently, Yakima has no booking fee, and the daily jail maintenance cost, including medical fees, is roughly \$75 per day. Using the same example provided above, a 30-day commitment in Yakima would cost the City of Shoreline \$2,250.

However, if a defendant is income eligible and wants to enroll in the King County Work Release Program, at an income level of \$10.00 per hour for a one month commitment, the defendant would be required to pay the City 30 daily payments of \$29.59, and one

payment of \$208.67, which totals to \$1096.37. As the total cost billed to the City by the KCCF for this 30 day commitment is \$3,481.67, the City's portion of the bill would be \$2,385.30, which is only \$135.30 more than the City would have incurred had the defendant not enrolled in the King County Work Release Program and served their sentence in Yakima. Thus, the financial impact of the sliding fee scale program is fairly minimal given that the City is paying for the alternative if defendants do not enroll in the King County Work Release program. As well, for those defendants earning roughly more than \$11.50 per hour but still utilizing the sliding fee scale, the City would pay less to the KCCF than it would incur had the defendant been sentence to Yakima.

Additionally, as the goal of the sliding fee scale is to provide an alternative to defendants who may not otherwise be able to keep their employment (which may potentially reduce recidivism), long-term financial impacts may also be reduced, as those defendants who may have re-entered the criminal justice system and incurred future jail costs may be diverted from the system.

RECOMMENDATION

Staff recommends that Council adopt Ordinance No. 512 authorizing the addition of a new section to the City's current fee schedule that will set new fees payable to the City for work release defendants enrolled in the King County Work Release Program.

Approved By: City Manager _____ City Attorney _____

Attachments:

- Ordinance No. 512
- Work Release Self-Pay Procedures Document

ORDINANCE NO. 512

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON
THAT ADDS A NEW SECTION THAT INCLUDES NEW FEES FOR
WORK RELEASE DEFENDANTS AND AMENDS CHAPTERS 3.01 OF
THE MUNICIPAL CODE**

WHEREAS, the City of Shoreline is supportive of jail sentencing alternatives such as the use of work release; and

WHEREAS, the City of Shoreline is concerned that defendants who are authorized to enroll in work release but are unable to afford the City's jails costs, and thus are serving sentences in jail, are not able to maintain employment; and

WHEREAS, the City of Shoreline is supportive of the creation of a work release sliding fee scale for defendants who meets income eligibility requirements, which allows for more Shoreline defendants to potentially enroll in work release programs while still covering some of the City's jail costs; and

WHEREAS, any new fee should be added to the Shoreline Municipal Code:

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE DO
ORDAIN AS FOLLOWS:**

Section 1. New Section. A new section, Shoreline Municipal Code 3.01.055, Work Release Defendant Fees, is hereby adopted as set forth in Exhibit A.

Section 2. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. The ordinance shall take effect and be in full force five days after passage and publication.

PASSED BY THE CITY COUNCIL ON JULY 28, 2008

Mayor Cindy Ryu

ATTEST:

APPROVED AS TO FORM:

Scott Passey
City Clerk

Ian Sievers
City Attorney

Date of publication: _____, 2008
Effective date: _____, 2008

Exhibit A

3.01.055 Work Release Defendant Fees.

Defendants enrolling in the King County Work Release Program at their own expense shall pay daily jail maintenance fees of \$24.92 where the defendant earns \$8.50 per hour or less, with the daily jail maintenance fee payment increasing \$1.57 per day for each additional \$.50 of hourly earnings. At an hourly wage of \$21.50 and higher, the defendant shall pay the entire daily maintenance fee. This fee is in addition to the one-time King County booking fee which shall be paid by all defendants.



King County Work and Education Release (KCWER) **Self-Pay Procedures**

For those defendants ordered by the King County District Court to participate in the King County Work Release Program "at their own expense", the following policies and procedures are applicable to you:

1. If you are ordered by the District Court Judge to participate in the King County Work and Education Release (KCWER) Program, **you are responsible for paying the City of Shoreline's booking fee and jail maintenance cost for the King County Jail for the duration of the work release commitment prior to a enrolling in the KCWER Program.**
2. As of January 1, 2008, the City of Shoreline's King County Jail booking fee is a one-time charge of \$208.67, and the jail maintenance cost is a daily charge of \$109.10. For instance, for a one month KCWER Program commitment, you would be required to self-pay thirty daily payments of \$109.10 and one payment of \$208.67, which totals to \$3,481.67.
3. Please note that King County jail costs go up on an annual basis, and thus the jail cost amounts noted here that you are required to pay will increase after 2008. Please also note that it is a standard practice for defendants to have their sentence typically reduced by 1/3 for "good time" by jail staff. Thus, if your good time is utilized and your sentence is reduced by 1/3, the City of Shoreline will reimburse you the jail maintenance cost for those days that were not served in the KCWER Program. Reimbursement will be processed and mailed to you at least 30 days after you leave the KCWER Program.
4. KCWER Program staff will also require that you pay a Work and Education Release Fee to the KCWER Program, which is determined on a sliding scale. This fee is separate from the City of Shoreline's booking fee and jail maintenance cost, and will be collected by the KCWER Program staff.
5. When the King County District Court Judge sentences you to a work release program at your own expense, the Judge will typically give you an appropriate amount of time to determine which jail facility you will complete your work release commitment in and report to that facility. The City will subsequently bill you for the King County Jail booking fee and the appropriate number of jail maintenance days. If you decided that you are not going to enroll in the Work Release Program in King County, and are interested in enrolling in a work release program in another jail facility, you must confirm this with the City of Shoreline so that the bill can be nullified. Please contact the City of Shoreline at (206) 801-2216 or (206) 801-2303 if you are not going to enroll in the KCWER Program.
6. If you are going to enroll in the KCWER Program, the City of Shoreline's booking fee and jail maintenance costs must be paid to the City prior to your enrollment in the program. If you cannot pay the total amount of the City's jail costs, you may be able to pay these costs on a sliding scale based on City of Shoreline Finance Department Policies for low income defendants. Please contact the City of Shoreline at (206) 801-2303 or (206) 801-2216 to inquire about sliding scale eligibility. You must contact the City of Shoreline within 14 days of sentencing for sliding scale eligibility or you will lose your eligibility.
7. To pay the City of Shoreline's work release bill, you must submit payment directly to: City of Shoreline Finance Department, 17544 Midvale Avenue N., Shoreline, WA 98133. Payment should be made by certified funds and a copy of the billing statement should be included with the payment. You may also go to the Shoreline District Court (18050 Meridian Avenue North, Shoreline, Washington 98133) to receive a self-addressed payment envelope for the City of Shoreline. The City will set the date that payment must be submitted and will notify the court and KCWER Program staff of payment status.