
Council Meeting Date: October 1, 2012

Agenda Item: 8(a)

CITY COUNCIL AGENDA ITEM

CITY OF SHORELINE, WASHINGTON

AGENDA TITLE:	Criminal Justice Services and Cost Discussion
DEPARTMENT:	City Manager's Office
PRESENTED BY:	John Norris, CMO Management Analyst
ACTION:	<input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Discussion

PROBLEM/ISSUE STATEMENT:

The City's criminal justice umbrella includes the following five services: police, jail, municipal court, prosecution, and public defense. The cost of providing criminal justice services has averaged approximately one third of the City's general fund expenditures over the last eight years, which equates to an average of \$10 million annually. In 2011, these expenditures totaled \$11.2 million. Given this significant proportion of the general fund and the clear direction from citizens that public safety service levels should be maintained and receive high priority, the City Manager requested staff to prepare this report to facilitate a criminal justice discussion with Council leading into the 2013 budget discussion. The purpose of this discussion is to provide Council with a high-level overview of the five services that comprise criminal justice service provision in Shoreline and provide a sense of costs and actions that have been taken to contain costs for these five services.

FINANCIAL IMPACT:

The 2012 budget for criminal justice services is \$12,128,325. The following table identifies the cost for each program.

City of Shoreline 2012 Adopted Criminal Justice Budget						
Criminal Justice Service	Police	Court	Jail	Prosecution	Public Defense	Total
2012 Budget	\$10,506,781	\$75,000*	\$1,176,596	\$151,320	\$218,628	\$12,128,325

* Note: This is the budget for the net cost of this service. 2012 Court expenditures were budgeted at \$700,000 and Court revenues were budgeted at \$625,000.

RECOMMENDATION:

No action is required. This report presents information for Council discussion and consideration.

Approved by: City Manager JU City Attorney _____

INTRODUCTION:

The cost of providing criminal justice services has averaged approximately a third of the City's general fund expenditures over the last eight years, which equates to about \$10 million annually. In 2011, these expenditures totaled \$11.2 million. Given this significant proportion of the general fund and the clear direction from citizens that public safety service levels should be maintained and receive high priority, the City Manager requested staff to prepare this report to facilitate a criminal justice discussion with the Council leading into the 2013 budget discussion.

The purpose of this discussion is to provide Council with a high-level overview of the five services that comprise criminal justice service provision in Shoreline and provide a sense of costs and actions that have been taken to contain costs for these services. These five services and contracted primary service providers are as follows:

- *Jail* – Snohomish County Sheriff's Office (Snohomish County Jail) and King County Department of Adult and Juvenile Detention (King County Correctional Facility/ Maleng Regional Justice Center)
- *Municipal Court* – King County District Court
- *Prosecution* – The Law Office of Sarah Roberts (includes Domestic Violence Services)
- *Police* – King County Sheriff's Office (KCSO)
- *Public Defense* – The Schlotzhauer Law Group (smaller public defense contracts for indigency screening, conflict public defense, and in-custody first appearance public defense are provided by other providers)

In addition to outlining the cost history and contracted services purchased for these five service areas, this report will also provide some historical data for each service to highlight service usage and performance over the last eight to nine years. Additionally, this report will provide information on the statutory background for these service areas, a holistic cost overview of all five criminal justice service areas, how staff has worked to contain these costs over time, and upcoming action items related to these criminal justice services that the City will be engaged in the coming years.

BACKGROUND:

Service Requirements

Before providing more in-depth information on each of the five criminal justice service areas in Shoreline, it may be helpful to provide background on the criminal justice services and service levels the City is required to provide. Revised Code of Washington (RCW) section 39.34.180, titled Criminal Justice Responsibilities, states that:

“each county, city, and town is responsible for the prosecution, adjudication, sentencing, and incarceration of misdemeanor and gross misdemeanor offenses committed by adults in their respective jurisdictions, and referred from their respective law enforcement agencies, whether filed under state law or city ordinance, and must carry out these responsibilities through the use of their own

courts, staff, and facilities, or by entering into contracts or interlocal agreements under this chapter to provide these services.”

Thus, Shoreline must provide and pay for court services, jail services and prosecution services under state law. As noted, this requirement only relates to adults who commit misdemeanor or gross misdemeanor offenses. Offenses committed by juvenile defendants (less than 18 years of age) and all felony offenses are the responsibility of King County. RCW 9A.20.021 defines gross misdemeanors as crimes which are punished by a maximum of 364 days in jail or a fine of \$5000, or both, while misdemeanors are defined as crimes which are punished by a maximum of 90 days in jail or a fine of \$1000 dollars, or both.

Furthermore, public defense services are also required by state law. RCW 26.26.070, titled Duty to Represent Indigent Defendants, states that, *“the public defender must represent, without charge to any accused, every indigent person who is or has been arrested or charged with a crime for which court appointed counsel for indigent defendants is required either under the Constitution of the United States or under the Constitution and laws of the state of Washington.”* This means that the City must provide a public defense screener to help determine if defendants are indigent or not, a primary public defender, a conflict public defender to provide service when a conflict of interest exists for the primary public defender, and a first appearance public defender to represent defendants at all probable cause and bail release hearings, which are held after initial booking into jail.

Although these criminal justice services are required by statute, law enforcement services are not mandated in the state constitution or by state law. In other words, there is no state mandate for a specific number of law enforcement officers or level of law enforcement services that a City must provide, other than the appointment of a “chief law enforcement officer” required by RCW 35A.12.020 since the City is a Code City. The appointment of and funding for all additional law enforcement resources is a policy decision for the City Council.

Provision of Service Analysis

The policy choice of providing a suitable level of law enforcement services to address public safety will always be an important discussion for the Council. As can be seen in the Police Services section of this report, the number of dedicated Police FTEs has grown slightly over time. This has been a policy choice approved by the City Council as part of the annual budget process.

Furthermore, given that misdemeanor criminal activity is likely to occur and the Council is likely to continue to adequately fund police services to combat this criminal activity, the City will be required to prosecute, adjudicate and incarcerate defendants who are caught engaging in these crimes. Thus, the more important and practical policy question to deliberate is not which criminal justice services the City is required to provide, but what level of resources should be provided to each service to maximize the effectiveness of all in reducing criminal activity .

Since City incorporation efficiency has been achieved by contracting for these services, as noted in the introduction to this report. However, Shoreline could bring these services “in-house”, as other cities often do. Many local cities have in-house police departments, municipal courts, and prosecutors, and some cities even have in-house jail facilities.

Staff has previously engaged in this ‘provision of service analysis’, most notably in 2008, when the City engaged in regional misdemeanor jail planning with other north and east King County cities to determine if owning and operating our own municipal jail made sense. Although this was in response to King County proclaiming that misdemeanor city defendants would have to leave the King County Jail by sometime this decade (due to potential overcrowding, which never materialized), staff still engaged in the comprehensive analysis of what an in-house, multi-city misdemeanor jail would look like and cost. South King County cities engaged in a similar level of discussion and analysis at that time and decided it made sense to construct, own and operate their own jail, the South Correctional Entity (SCORE) Jail, which opened in 2011.

Additionally, in 2005, staff analyzed whether the City should start its own municipal court, continue to contract with King County, or look to contract with another municipality for court services. The outcome of this analysis was to continue with King County. Although a second level of analysis was curtailed in 2010 due to the transition in how jail services were being provided at the time, it may be prudent to conduct this type of court provision analysis again in the future. Very recently, the City of Auburn decided to join the King County District Court system and abandon its municipal court for cost reasons after a similar analysis.

The Council may also be interested in directing staff to conduct this type of provision of service analysis for police services at some time in the future. For the time being however, staff is confident that the ‘contract model’ of criminal justice services provides the City with a generally high level of flexible service provision that is cost effective.

DISCUSSION:

Criminal Justice Service Area Overview

The following section of this staff report will provide an overview of the services purchased for the five criminal justice service areas. Also included in this section is historical data for each service that highlights service usage over the last eight to nine years. Cost information for these five services is located in Attachment A to this staff report.

Jail Services

Over the years, the City has contracted with multiple jail providers, including King County, the City of Issaquah, the City of Renton and Yakima County. Currently, Shoreline has interlocal agreements with King County for use of the King County Correctional Facility (KCCF) in downtown Seattle and Snohomish County for use of the Snohomish County Jail in downtown Everett. However, given the cost differential in the two facilities, the City primarily uses the Snohomish County Jail.

Contracted use of these jail facilities entails the booking and housing of Shoreline defendants. Jail day activity, illustrated in the table below and in the chart in Attachment B, typically includes housing defendants upon booking (usually for one night) prior to the defendant's first appearance probable cause and release hearing. The City incurs cost for additional housing days for defendants held before trial because they cannot make bail (and therefore remain in custody during their case proceeding), as well as those sentenced to incarceration.

The cost of jail services also reflects the cost of providing jail health services for defendants while incarcerated. This includes normal infirmary visits and mental health-related/psychiatric housing options. The City also has an agreement with Snohomish County for use of their video courtroom for video court hearings.

The following table outlines some of the terms of the City's current jail agreements and information on use of these facilities:

Jail Facility	King County	Snohomish County
Term	January 1, 2012 – December 31, 2020	December 1, 2010 – December 31, 2016
Bed Control	2012-2016 – aggregate Secure Bed Cap for all contract cities of 75 beds per day; 2017-2020 – aggregate Secure Bed Cap for all contract cities will be established by King County annually, with a maximum of 130 beds per day.	None – if “acceptable population level” is reached, in-County inmates have priority to stay, while out of County inmates may no longer have access; Shoreline has priority over other out of County cities that entered into agreements after Shoreline.
2012 Booking Fee	\$195.96 per booking	\$92.70 per booking
2012 Jail Daily Rate	\$132.01 per inmate per day	\$64.38 per inmate per day
2012 Work Release Rate	\$92.14 per inmate per day	\$43.26 per inmate per day
2012 Video Court Rate	Not provided	\$125.00 per hour
Primary Booking Facility	No	Yes
Primary Sentenced Housing Facility	No	Yes
Secondary Facility for Booking (primarily for warranted bookings)	Yes	No

As can be seen in the following tables, the number of jail days and jail bookings incurred by the City of Shoreline fluctuates from year to year. These fluctuations are illustrated by the charts in Attachment B to this staff report, which show jail usage by month from January 2004 through June of 2012.

City of Shoreline Jail Day Activity 2004-2011								
Year	2004	2005	2006	2007	2008	2009	2010	2011
King County	4,465	3,909	4,288	4,251	3,881	3,759	6,061	743
Yakima	3,438	7,262	8,241	5,042	4,884	4,882	6,257	N/A
Issaquah/Renton	N/A	242	1,233	817	851	987	1,065	2
Snohomish County	N/A	N/A	N/A	N/A	N/A	N/A	N/A	10,060
Total	7,903	11,413	13,762	10,110	9,616	9,628	13,383	10,805

City of Shoreline Booking Activity 2004-2011								
Year	2004	2005	2006	2007	2008	2009	2010	2011
King County	608	673	785	719	588	501	636	74
Yakima	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Issaquah/Renton	N/A	68	345	299	358	344	387	2
Snohomish County	N/A	N/A	N/A	N/A	N/A	N/A	N/A	744
Total	608	741	1,130	1,018	946	845	1,023	820

In looking at drivers of jail usage, there are many factors that lead to the number of incarcerated misdemeanor defendants. These include, among others:

- The amount of misdemeanor violations happening in Shoreline (level of crime)
- Level of law enforcement services (provided under contract with KCSO)
- Police effectiveness in preventing misdemeanor violations and in arresting individuals engaged in misdemeanors
- Number of defendants who are not released pre-disposition, thereby resulting in additional jail housing days
- Prosecutorial philosophy in filing misdemeanor cases, making bail recommendations, working with defense attorneys on plea agreements and sentencing recommendations
- Judicial philosophy in setting bail amounts and sentence lengths
- Public defense effectiveness in providing quality public defense
- Prosecutorial effectiveness in gaining convictions in filed cases

Although the City is obviously able to control the level of law enforcement services, some of these factors are dictated by the participants in the criminal justice system (police, prosecutor, public defender, judges) with regard to their public safety philosophy and professional abilities and experience. Thus, the City can work with these

participants to make sure they are effective in their roles through training, support, and professional development. With this stated however, for the most part, the drivers of jail usage cannot be directly managed or controlled by the City.

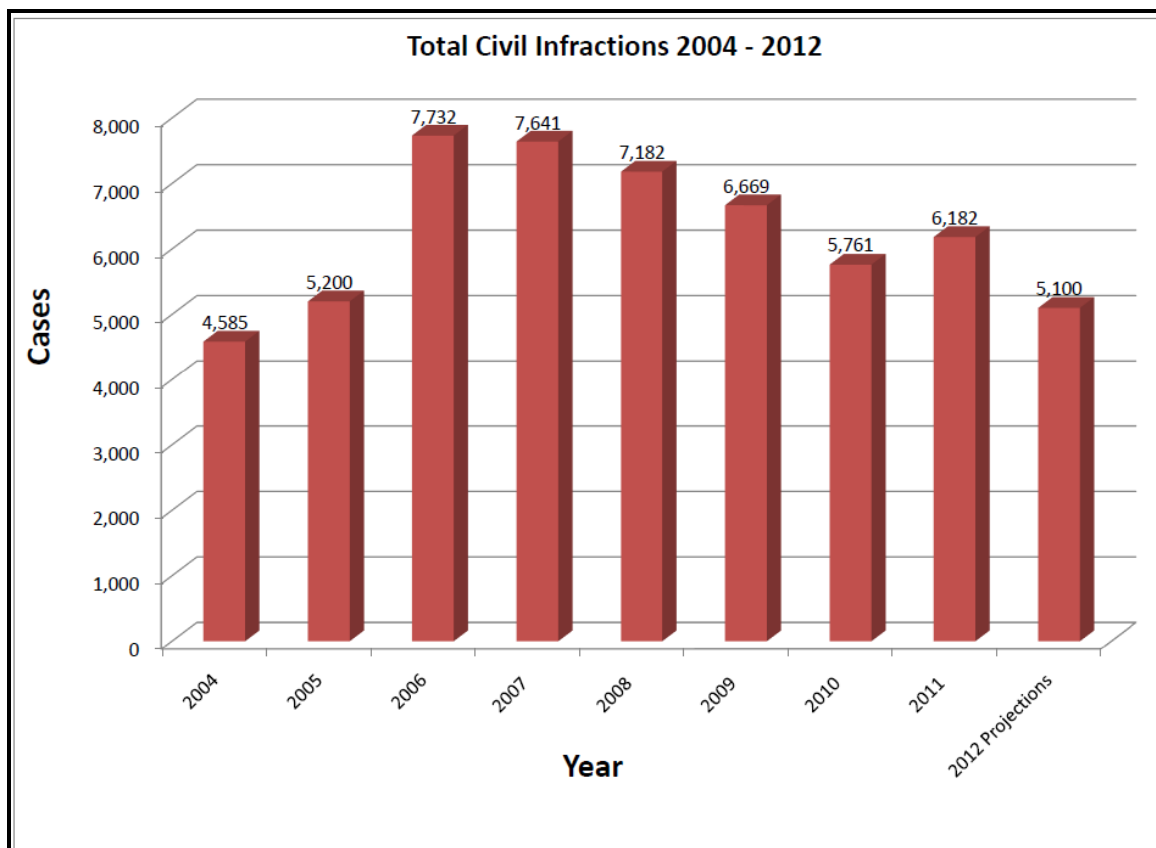
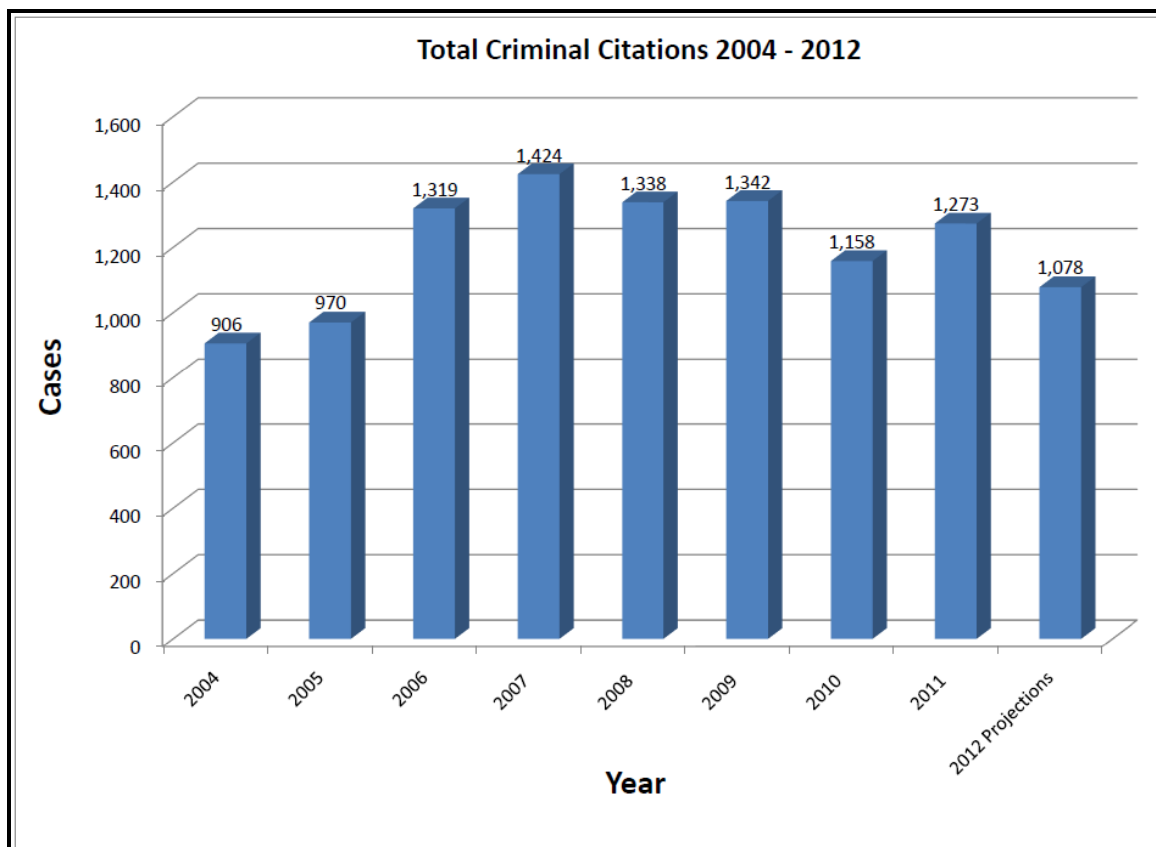
Municipal Court Services

Since incorporation, the City has contracted with the King County District Court (KCDC) for municipal court services. These services are provided at the KCDC Shoreline Courthouse two days a week (Tuesdays and Thursdays) most weeks and five days a week during the last week of the month when jury trials are held. The City also holds an out-of-custody arraignment calendar for defendants on Monday mornings. Services include all judicial, clerical, and probation services, along with court calendar scheduling and inmate population management (coordination of transport of inmates between jail facilities and court.)

The City's current interlocal agreement with KCDC was entered into on January 1, 2007 and runs for three successive five year terms, through December 31, 2021. However, either the City or KCDC can terminate the agreement between the five year terms by providing notice to the other party 18 months in advance of the term ending. This provides a window of time to establish an alternate means of providing court services. Given that the City began the second of the three contract terms on January 1 of this year, the next deadline to terminate the agreement is June 30, 2015. Thus, if any provision of service analysis were to be conducted for court services, it would need to be conducted prior to this date.

The KCDC interlocal agreement operates by apportioning out Court costs to contract cities based on 'facility costs' (rent and security costs) and 'non-facility costs' (operating costs), and deducting all revenue received by the Court from infractions and other court fees on behalf of Shoreline. These costs and revenues have fluctuated over time, based on the total number of case filings in the court, the numbers of civil infractions and criminal citations that make up the total case filings, the types of cases argued in front of the court, and the amount of revenue collected, among other considerations. Given the number of variables that go into the final net cost for court services, it has been challenging to accurately estimate what the actual net cost will be in any given year. Attachment A to this staff report identifies these net cost figures.

The following charts highlight the number of criminal citations and civil infractions filed within the KCDC from 2004 through 2012. For the purposes of this report, criminal citations are being defined as criminal charges that are brought by the City against someone committing crime in Shoreline. This may entail an initial arrest of the individual charged with a crime, or may entail the issuance of a criminal citation notice, which is used to charge a person with a crime without the need of making a physical arrest. Civil infractions are being defined as non-criminal violations of City ordinances. This year, the court is projecting both criminal and civil filings to be down from 2011.



Prosecution Services

Since 2002, the City has contracted with the Law Office of Sarah Roberts (LSR) for Prosecution services. LSR provides a multitude of prosecution services for the City, including, among other duties: charging defendants, preparing pleas and pleadings, serving at non-custodial arraignments, attending hearings and conducting research, scheduling, preparing for and conducting trials, managing post-conviction requirements (sentencing hearings, appeals, probation review, etc.), and providing assistance to victims of domestic violence. In response to Council questions about this last prosecutorial duty, staff provided a memo to Council dated June 29 that outlined how domestic violence advocacy service is provided in Shoreline. This memo is attached to this staff report as Attachment C.

LSR's current contract was entered into on January 1, 2011, and terminates on December 31, 2014. This contract was awarded by Council after a Request for Proposal process was conducted. Prior to the contract with LSR, the City contracted with the law firm of Kenyon Dornay Marshall, PLLC for prosecution services.

Given that the number of crimes prosecuted corresponds with the number of criminal citations heard at the Shoreline District Court, no additional historical prosecution data is provided in this report. However, Council should be aware that many of the predominant charges filed by the Prosecutor have stayed consistent over the last eight to nine years. These charges include:

- Driving While License Suspended in the Third Degree (DWLS-3; having a suspended license due to unpaid infractions)
- Theft
- Driving Under the Influence (DUI)
- Domestic Violence (DV)/Violation of No Contact Order

Police Services

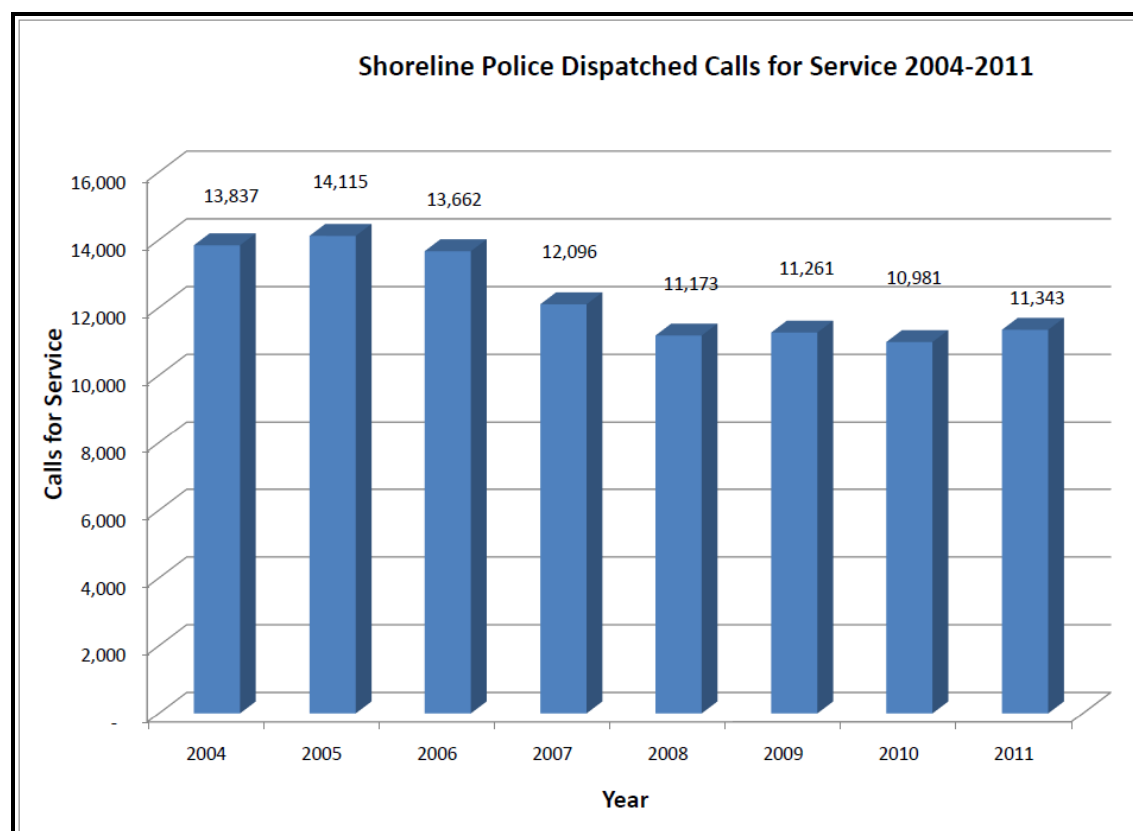
Since incorporation, the City has contracted with the King County Sheriff's Office (KCSO) for police services. The current interlocal agreement with the KCSO does not have an end date. Rather, the agreement rolls over from year to year. The agreement does allow for termination however, which must be provided in writing, and initiates an 18-month transition period. This transition period begins with work on a mutually agreed-upon transition plan, which must be completed within the first 120 days of the 18 months.

Starting in 2004, the Police Department had 48 dedicated full time equivalent staff (FTEs) providing law enforcement and public safety services in Shoreline. This number has grown slightly over time, with 52 current FTEs now in the Police Department. These 52 FTEs are made up of leadership and command officers (11 FTEs), patrol officers (22 FTEs), traffic officers (5 FTEs), detectives (property crimes (4 FTEs) and special emphasis team (4 FTEs)), community storefront officers (2 FTEs), a community service officer (1 FTE) and administrative specialists (2 FTEs). Additional police services provided in the KCSO agreement include the communication center, major

crimes investigations, specialized services, such as SWAT, hostage negotiations and marine unit, and round the clock coverage from a command duty officer from the KCSO. In addition to these services the KCSO contract also provides other indirect benefits that are not as quantifiable and are often time consuming and contentious aspects of law enforcement. These include personnel services (recruiting, screening, academy and field training, personnel management, etc.), labor management and negotiation, legal services, administrative oversight (use of force review, shooting review board, driving review board), professional standards development (accreditation, operational policy development, etc.), and organizational communication (responding to public disclosure requests, citizen issues, media inquiries, etc.).

The following table and chart highlight the average police response time and the number of dispatched calls for service from 2004 through 2011, respectively. These service usage and performance metrics have remained fairly constant over this time frame.

City of Shoreline Police Average Response Time (Minutes) - 2004-2011								
Year	2004	2005	2006	2007	2008	2009	2010	2011
Response Times	3.6	4.0	3.9	3.9	3.8	3.3	4.2	4.2



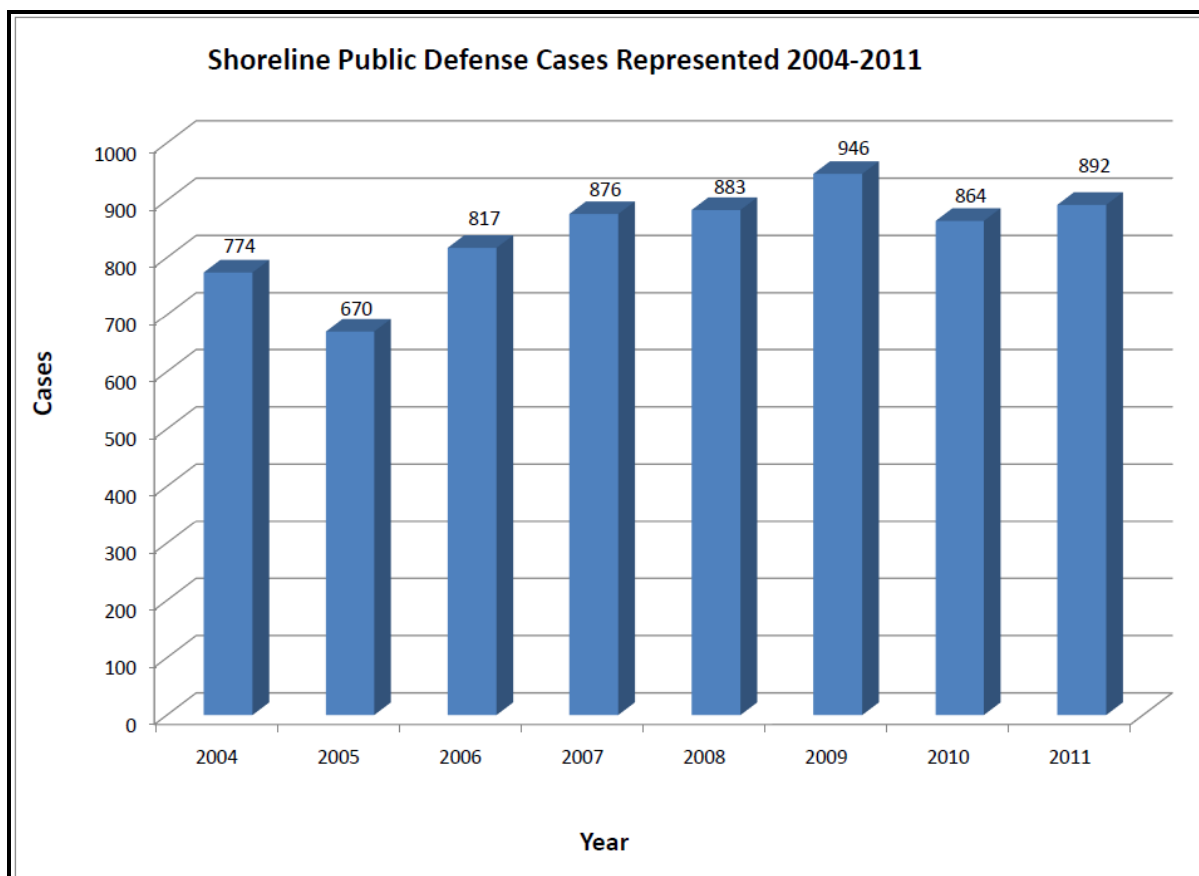
Additional Police service data can be found in the annual Police Service Report. The 2011 Police Service Report was presented to the City Council on July 23, 2012, and can be found at the following link:

Public Defense Services

Since incorporation, the City has contracted with the Schlotzhauer Law Group (SLG) for primary public defense services. The SLG provides legal representation to indigent individuals from the time they are assigned to the public defender (after indigency screening) through trial, sentencing, post-sentence review and any appeals to the King County Superior Court or Washington Court of Appeals, if necessary.

The SLG's representation of clients can include arranging pre-hearing conferences, attending hearings, preparing and negotiating pre-trial hearings, preparing pleas and pleadings, counseling clients, reviewing discovery materials, and scheduling, preparing and attending bench and jury trials, among other tasks necessary to provide quality public defense to the accused. The SLG's current contract was entered into on January 1, 2011, and runs through the end of 2015. This contract (which is structured as five one-year contracts) was awarded by Council after a Request for Proposal process was conducted.

The chart below highlights the primary public defense caseload from 2004 through 2011. This caseload does not include representation at first appearance public defense hearings, conflict public defense cases, post-conviction hearings, or appeals.

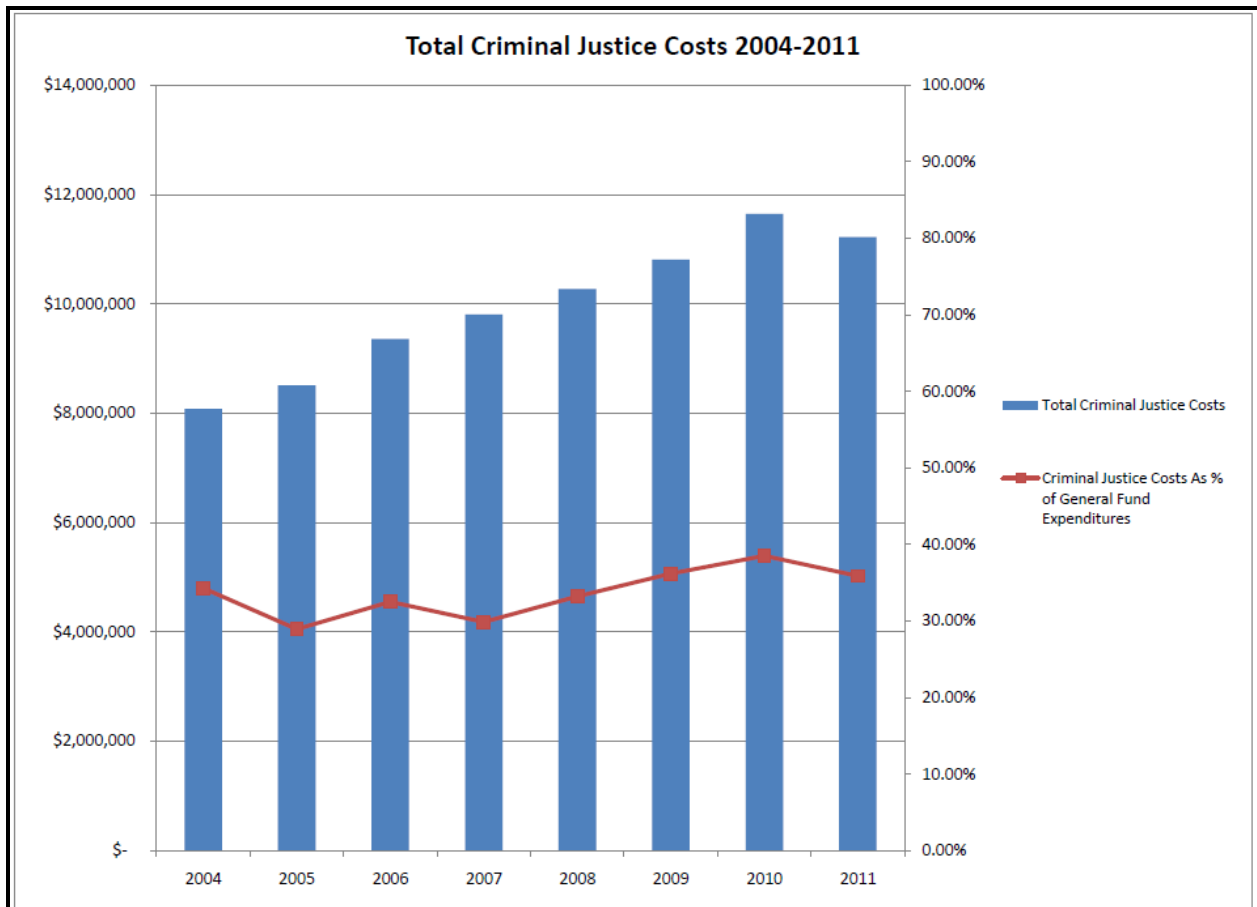


In addition to the City's primary public defense contract, as noted earlier, the City also has separate contracts for the following areas of public defense services: public defense screening (provided by the King County Office of Public Defense), conflict public defense (provided by the Law Office of John Rongerude), and first appearance public defense at all probable cause and bail release hearings (provided by the SLG at the King County Jail and by the Law Office of Mary Stephens at the Snohomish County Jail.)

Total Criminal Justice Costs

As noted earlier, the costs for all five of the criminal justice service areas, including the compiled total costs, for the years 2004 through 2011 are identified in Attachment A to this staff report. These costs equate to an average of just under \$10 million annually over the last eight years, with 2011 expenditures totaling \$11,219,804. The annual increase in criminal justice costs has averaged just under five percent (4.88%) over the same time period, although costs decreased 3.67% from 2010 to 2011, primarily due to the City's move to the Snohomish County Jail and low court costs.

The chart below illustrates these total costs and also shows the percentage of general fund expenditures that are comprised of criminal justice costs each year. As noted in the introduction to this report, these costs have averaged about one third of City's general fund expenditures over the last eight years.



Criminal Justice Cost Containment Actions

Although many drivers of criminal justice costs are outside of the City's control and the City has received direction from citizens to maintain public safety service levels, the City has engaged in many initiatives over the years to try to contain criminal justice costs. These cost containment measures have sought to find cost effective ways to provide criminal justice services through less expensive service rates and operational efficiencies.

Some of these cost containment measures include:

Year	Cost Containment Measure
2002	Change to Yakima County Jail for sentenced inmates as part of larger King County cities contract to save on jail daily rate costs
2007	Change to Issaquah Municipal Jail as the City's predominant booking facility to achieve lower daily rate costs and no booking fee
2010	Change to Snohomish County Jail as the City's primary booking and holding facility to achieve even lower daily rate costs
2011	Institution of City of Kenmore joint supervision agreement by Shoreline Police to provide economies of scale and revenue stream to help offset police costs
2011	Institution of City of Kenmore joint use of police transport van agreement to help offset police costs
Ongoing	Constant review of jail and court operations, including court transport and use of video court to make sure that operations are streamlined and jail usage is reduced
Ongoing	Use of jail alternatives, including Electronic Home Detention (EHD), Work Release, Work Crew, and Community Service
Currently Underway	Staff is also working on instituting an administrative order with the King County District Court that would allow law enforcement to authorize a personal recognizance (PR) release and issue a notice to appear in lieu of booking for defendants that have outstanding warrants, if they meet certain criteria, such as the bail amount for the warrant being under \$2,500 and the defendant not being under the influence of drugs or alcohol or in the possession of any weapons; this would allow for fewer jail bookings of warranted defendants, reducing jail cost

Future Criminal Justice Action Items

The following action items are upcoming analysis, negotiations or contract management issues that staff will likely be engaged in throughout the coming years. Some of these items will occur this year, while others are multiple years out.

Snohomish County First Appearance Public Defense RFP

Given City procurement and service contracting rules, later this year, staff will initiate an RFP for first appearance public defense services at Snohomish County. Staff is currently satisfied with the provision of this service, but is required to issue this RFP and

have Council approve this contract award. The likely contract award would be for multiple years.

Public Defender at Arraignment

Some Councilmembers have expressed interest in considering having the public defender present during the out-of-custody arraignment calendar, typically held on Monday or before indigency screening (which is also held on Mondays), although it is not required by Court rules or law. However, providing a public defender at arraignment is considered a best practice, and this is something that can be added to the City's public defense contract if this is a priority of the Council. If the City were to amend the public defender's contract to add this additional level of service, this would cost the City \$500 per arraignment calendar, which would equate to a rough annual cost estimate of \$26,000.

Although the City currently does not provide this service, some other local cities do have their public defendant present at arraignment. In an informal survey of some of the other cities that operate in the King County District Court system, Sammamish, Kenmore, Covington and Burien provide a public defender at arraignment, while Bellevue and Redmond do not.

Staff have also submitted a Washington State Office of Public Defense Grant for public defense services to help offset this cost in anticipation of Council's interest in this higher level of service. If awarded, this grant would provide funding for 2013. The City Manager's proposed 2013 budget does not include funding for having a public defender present for the out-of-custody arraignment calendar.

Extension of the Snohomish County Jail Contract to 2020

Staff have been extremely pleased with the jail services provided by Snohomish County and the cost for those services. Given this, staff is interested in extending the City's current interlocal agreement with Snohomish County through the end of 2020 so that both of the City's jail contracts have the same expiration date. Staff have already reached out to Snohomish County Jail staff, and they have stated that they continue to have plenty of space for Shoreline inmates and that they would be interested in extending our contract. Staff will likely work on this contract extension this winter and will bring the extension back to Council in early 2013.

Primary Public Defense RFP in 2013 to Accommodate New Caseload Limits

This summer, the Washington State Supreme Court adopted new standards of indigent defense services which include caseload limits for public defenders. These new limits will go into effect September 1, 2013, and are viewed as an unfunded mandate, given that public defense costs are very likely to increase. Although the level of cost increase will remain unknown until RFP responses are received, it is estimated that the 2014 public defense budget may need to be increased by as much as \$50,000. The new standards state that the caseload of a full-time public defense attorney should not exceed 300 cases per attorney per year if the jurisdiction has adopted a case weighting

policy, or 400 cases per attorney per year if the jurisdiction has not adopted a case weighting policy.

Staff is proposing to issue a new primary public defense RFP in 2013 to account for this new public defense standard. This would likely occur in the fall of 2013, with a new contract becoming effective January 1, 2014. The City's current public defender will be able to service Shoreline cases with their current number of attorneys and stay within the prescribed caseloads for the last four months of 2013 (September through December.) These new caseload limits will also affect the City's conflict public defender, and staff is exploring how to manage this contract as well. It is likely that an RFP will also be issued in 2013 for conflict public defense to account for these new standards.

Shoreline Police Initiatives

Staff has been exploring opportunities to enhance crime prevention outreach and community police presence. Chief Ledford has visited with a number of police department volunteers and storefront officers, and is suggesting that the City consider consolidating the two existing storefronts into a single location at City Hall. A single "static" storefront at City Hall will allow for consistency in the hours in which police volunteers and a police officer are available to the public. It will also provide a central location in which volunteers can make court notification calls, arrange for vacation home checks, and coordinate police volunteer efforts throughout the City.

The consolidation would provide an opportunity to shift a storefront officer to traffic enforcement. Funding currently used for the lease of the two existing storefronts, \$30,000 annually, could be used to fund the mobile storefront program. The lease for the westside storefront expires April 30, 2013, and the lease for the eastside storefront expires October 31, 2012. Prior to any final recommendations regarding the police storefronts, staff will want to do additional outreach with police volunteers and the community to understand concerns that they may have regarding any potential changes, and any recommendations that they may have regarding crime prevention and community involvement.

Additionally, Shoreline Police will be looking at the possibility of a mobile community crime prevention vehicle to get police and crime prevention services out to the community, including block watch and other services. The mobile vehicle would be staffed by volunteers and could be set up at community events, neighborhood schools and churches, local libraries and businesses with high volumes of people. The mobile unit will be further explored during 2013, once a decision is made on storefronts. It is likely that a recommendation on the mobile unit will be considered during the 2014 budget process.

Another upcoming Police goal will be to focus efforts on neighborhood traffic safety and visibility.

Prosecution RFP

As the City Prosecutor's contract expires on December 31, 2014, staff is planning to conduct a new RFP for this service sometime earlier in 2014. The contract award will be for multiple years.

Municipal Court Provision of Service Analysis

As noted earlier, if the City is to conduct an analysis of how best to provide court services going forward, staff would need to conduct this analysis and give the Council time to make a decision prior to June 30, 2015. Staff will continue to monitor Court services in the coming years and will work with the City Manager and City Council to determine if this type of analysis is desired. If so, this analysis would likely be conducted in late 2013 and 2014.

Long Term Jail Planning Analysis

Given that Shoreline's jail contracts will end in 2020, future analysis will need to be conducted regarding long term jail planning. This includes looking at all models and options for secure detention and alternatives to detention. As the City gets closer to the latter half of these jail contracts, staff will need to begin this analysis and hold discussions with current jail providers about inmate population estimates, jail capacity issues, future jail contracts, potential jail expansion, etc.

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* Note: This is the budget for the net cost of this service. 2012 Court expenditures were budgeted at \$700,000 and Court revenues were budgeted at \$625,000.

SUMMARY:

Public safety and criminal justice services are very important to Shoreline citizens. While 78% of residents feel safe in Shoreline, citizens have voted to maintain public safety levels in order to retain and increase this sense of safety in their community. Additionally, criminal justice costs are increasing at a rate of around 5% per year.

Although it is very challenging to reduce costs, given that many criminal justice costs are outside the control of the City and service levels would have to be reduced in order to reduce those that are within the City's control, the City has worked consistently to try to contain criminal just costs through various initiatives aimed at reducing jail rates and finding operational efficiencies in services provided. Going forward, staff will continue to work on criminal justice action items, including contract negotiation, provision of service analysis, and jail planning, to ensure that criminal justice services are provided cost effectively and that public safety remains a strong asset for Shoreline.

Tonight staff would like to have Council discuss the following:

1. Given the requirements of state law and limited City resources, is the City providing the appropriate level of criminal justice services?
2. The 2013 Proposed Budget does not include funding for public defender presence at out-of-custody arraignment hearings. Staff is pursuing a grant that may provide funding. Does Council concur with staff's recommendation to not implement, unless grant resources become available?
3. Should staff pursue an extension of the Snohomish County Jail contract to 2020?
4. Should staff consider adding a review of municipal court services to the 2013/2014 work plan?
5. Are there other criminal justice policy issues that the Council would like staff to research?

RECOMMENDATION:

No action is required. This report presents information for Council discussion and consideration.

ATTACHMENTS:

A: Criminal Justice Cost Information

B: Jail Day and Booking Activity

C: June 29, 2012 Domestic Violence Advocacy Information Memo

Attachment A: Criminal Justice Costs 2003-2011

Police Costs:

City of Shoreline Police Contract Service Costs 2004-2011								
Year	2004	2005	2006	2007	2008	2009	2010	2011
Contract Costs	\$7,004,951	\$7,192,107	\$7,810,401	\$8,407,715	\$8,811,500	\$9,140,118	\$9,616,348	\$9,766,076

Jail Costs:

City of Shoreline Jail Costs 2004-2011								
Year	2004	2005	2006	2007	2008	2009	2010	2011
King County	\$435,311	\$479,305	\$567,350	\$581,169	\$546,115	\$544,244	\$884,992	\$147,214
Yakima	\$338,277	\$485,852	\$576,222	\$408,217	\$406,898	\$384,540	\$509,097	N/A
Issaquah/Renton	\$12,665	\$28,600	\$78,847	\$60,348	\$70,450	\$89,694	\$96,622	N/A
Snohomish County	N/A	N/A	N/A	N/A	N/A	N/A	\$6,875	\$747,452
Total Jail Costs	\$786,252	\$993,757	\$1,222,419	\$1,049,734	\$1,023,463	\$1,018,478	\$1,497,586	\$894,666

Municipal Court Costs:

City of Shoreline Net Court Costs 2004-2012 (Court Costs Less Collected Infraction Revenue)									
Year	2004	2005	2006	2007	2008	2009	2010	2011	2012
Court Expenditures	-	-	-	-	\$728,493	\$758,591	\$734,933	\$632,427	\$767,403
Court Revenue	-	-	-	-	\$640,241	\$630,751	\$625,963	\$598,873	\$598,873
KC District Court Net Cost	\$0	\$0	\$21,968	\$0	\$88,252	\$127,840	\$108,970	\$33,554	\$168,530

Prosecution Costs:

City of Shoreline Prosecutor Costs 2004-2011								
Year	2004	2005	2006	2007	2008	2009	2010	2011
Prosecutor Costs	\$105,000	\$115,086	\$153,250	\$153,000	\$153,000	\$160,830	\$160,830	\$148,067

Public Defense Costs:

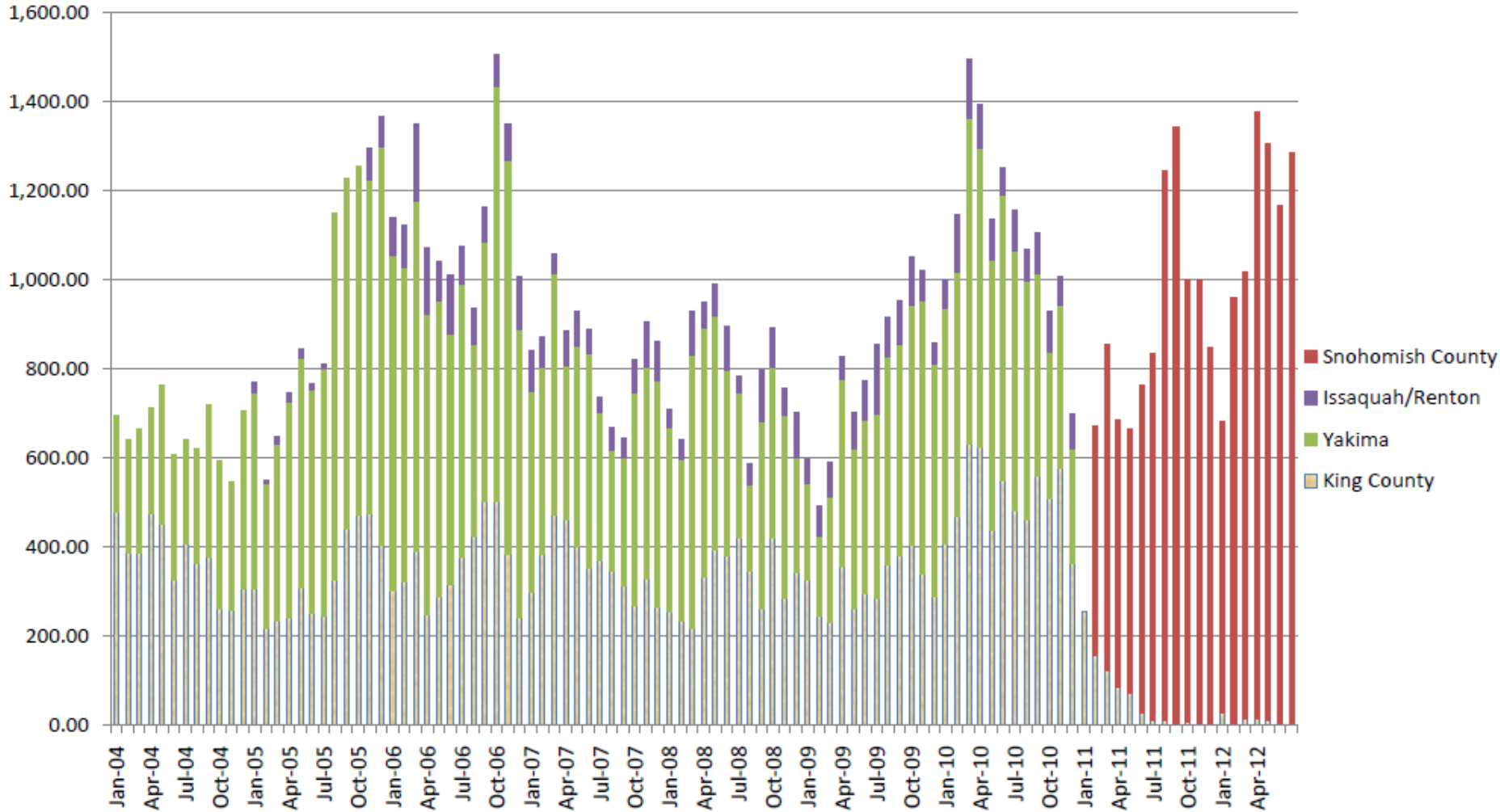
City of Shoreline Public Defense Costs 2004-2011								
Year	2004	2005	2006	2007	2008	2009	2010	2011
Primary Costs/King County First Appearance PD Costs	\$128,892	\$131,472	\$130,362	\$145,690	\$150,276	\$158,123	\$158,123	\$161,700
Issaquah First Appearance PD Costs	\$ -	\$ -	\$ -	\$750	\$6,450	\$6,750	\$5,400	\$ -
Snohomish County First Appearance PD Costs	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$2,200	\$26,400
Conflict Public Defense Costs	\$1,650	\$2,813	\$7,706	\$9,719	\$7,175	\$6,300	\$7,938	\$20,734
Public Defense Screening Costs	\$1,794	\$2,176	\$3,577	\$2,763	\$4,342	\$3,622	\$6,771	\$5,773
Total Public Defense Costs	\$132,336	\$136,461	\$141,645	\$158,921	\$168,243	\$174,795	\$180,432	\$214,607

Total Criminal Justice Costs:

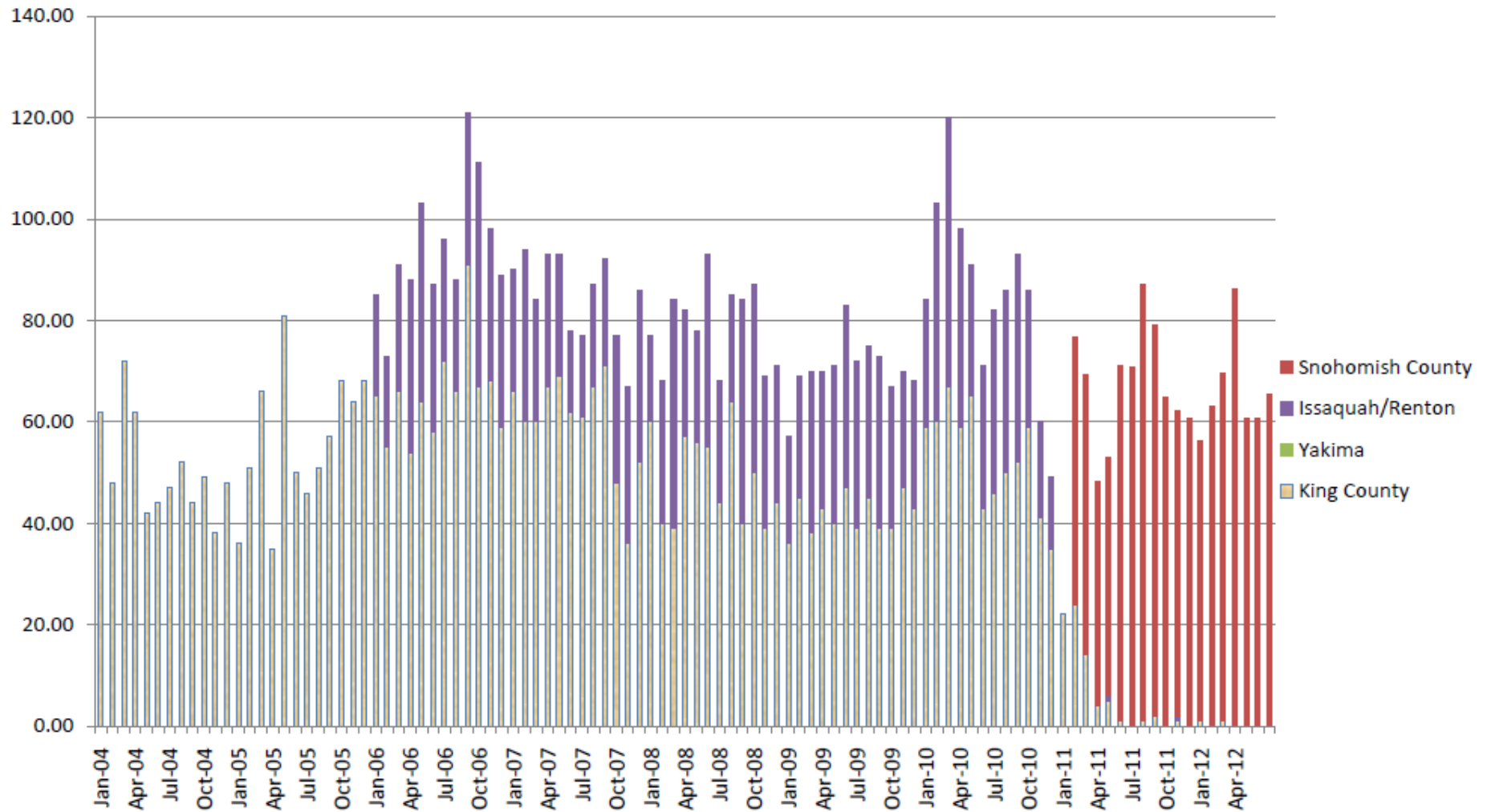
City of Shoreline Total Criminal Justice Costs 2004-2011									
Year	2004	2005	2006	2007	2008	2009	2010	2011	Average
Police	\$7,052,887	\$7,266,260	\$7,816,080	\$8,443,026	\$8,840,270	9,325,663	\$9,699,507	\$9,928,910	\$8,546,575
Jail	\$786,252	\$993,757	\$1,222,419	\$1,049,734	\$1,023,463	\$1,018,478	\$1,497,586	\$894,666	\$1,060,795
Court	\$ -	\$ -	\$ 21,968	\$ -	\$88,252	\$127,840	\$108,970	\$33,554	\$76,117
Prosecution	\$105,000	\$115,086	\$153,250	\$153,000	\$153,000	\$160,830	\$160,830	\$148,067	\$143,633
Public Defense	\$132,336	\$136,461	\$141,645	\$158,921	\$168,243	\$174,795	\$180,432	\$214,607	\$163,430
Total Criminal Justice Costs	\$8,076,475	\$8,511,564	\$9,355,362	\$9,804,681	\$10,273,228	\$10,807,606	\$11,647,325	\$11,219,804	\$9,962,006
Percent Change		5.39%	9.91%	4.80%	4.78%	5.20%	7.77%	-3.67%	4.88%
Criminal Justice Costs As % of General Fund Expenditures	34.28%	28.92%	32.48%	29.84%	33.20%	36.19%	38.50%	35.86%	33.66%

Attachment B: Jail Day and Booking Activity

Jail Days Activity by Facility
January 2004 - June 2012



Bookings Activity by Facility
January 2004 - June 2012



Attachment C: Domestic Violence Advocacy Information Memo



Memorandum

DATE: June 29, 2012

TO: Julie T. Underwood, City Manager

FROM: John Norris, CMO Management Analyst

RE: Domestic Violence (DV) Advocacy Information

CC: Debbie Tarry, Assistant City Manager
Rob Beem, Community Services Division Manager
Ian Sievers, City Attorney
Sarah Roberts, City Prosecutor
Shawn Ledford, Shoreline Police Chief
Scott Strathy, Shoreline Police Captain

The City's domestic violence response is designed to assist domestic violence victims and their children and to hold batterers' accountable for their actions. This is accomplished through a partnership among the Police, Prosecutor, Domestic Violence Victim Advocate and community-based agencies that address domestic violence. In the 1990's cities, King County and Untied Way collaborated to develop a coordinated county-wide response to domestic violence. The model that was developed received national recognition and has been replicated across the state and the nation. It still provides the framework for our, other cities' and King County's domestic violence response.

This report provides a brief background on domestic violence, the legalities surrounding this crime, and highlights the pieces of the City's domestic violence response system. Information for this report was provided by the City's Domestic Violence (DV) Advocate, the City's Prosecutor, Community Services Division Staff, King County District Court, Seattle Municipal Court, and other DV advocacy sources in the region.

What is Domestic Violence?

- Washington State law defines domestic violence offenses (RCW 10.99.020.5) as virtually any criminal act committed by one "family or household member" against another.
- In 2011, the Prosecutor filed 130 domestic violence cases in Shoreline.

Attachment C: Domestic Violence Advocacy Information Memo

- Misdemeanor domestic violence cases prosecuted by the Shoreline Prosecutor in our District Court includes assault, harassment and telephone harassment, intimidation with a weapon, reckless endangerment and violation of no contact or domestic violence protection orders, among others.
- Felony domestic violence offenses, such as a No Contact Order violation involving an assault, a third violation of a No Contact Order, assault with a deadly weapon, or even murder, are heard in King County Superior Court, and prosecution is the responsibility of the King County Prosecutors Office.
- A "family or household member" (RCW 10.99.020.3) includes persons who are now or have been married or resided together, who have been or are presently in a dating relationship so long as both parties are at least sixteen years of age, and persons who have a child in common. In addition, parent-child and step-parent, step-child relationships, grandparent-grandchild (including step-grandparents) and siblings come within the definition of a "family or household" relationship.
- Domestic violence misdemeanors are punishable by up to 90 days in jail and a \$1,000 fine; gross misdemeanors are punishable by up to 364 days in jail and a \$5,000 fine; and felony domestic violence offenses are punishable by more than one year in jail.
- A person who commits a domestic violence offense may be charged with a separate crime of interfering with the reporting of domestic violence if that person prevents or attempts to prevent a victim or witness from calling 911, obtaining medical assistance, or making a report to any law enforcement official (RCW 9A.36.150).

Mandatory Arrest

- State law (RCW 10.99.030.6a) requires a police officer responding to an incident of domestic violence to make an arrest if the officer has probable cause to believe that a domestic violence assault or other serious domestic violence offense was committed.
- If the officer determines that family or household members have assaulted each other, the officer will arrest only the person he or she believes to be the primary aggressor. State law also requires mandatory arrest for violations of No Contact Orders and Civil Protection Orders.
- A person arrested for a domestic violence offense will usually be held in jail until he/she appears before a judge, usually the following day. The Court may require a defendant charged with domestic violence to sign a No Contact Order as a condition for release from jail prior to trial.
- Prior to arraigning domestic violence defendants, the Domestic Violence Victim Advocate attempts to contact victims to determine whether they wish a No Contact Order to be issued.

Police Response

- When responding to a domestic violence call, Police Officers must also advise victims of all reasonable means to prevent further abuse, including advising each person of the availability of a shelter or other services in the community, and giving each person immediate notice of the legal rights and remedies available. The notice shall include handing each person a copy of the following statement:
 - IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county prosecuting attorney to file a criminal complaint. You also have the

Attachment C: Domestic Violence Advocacy Information Memo

right to file a petition in superior, district, or municipal court requesting an order for protection from domestic abuse which could include any of the following:

- (a) An order restraining your abuser from further acts of abuse;
 - (b) An order directing your abuser to leave your household;
 - (c) An order preventing your abuser from entering your residence, school, business, or place of employment;
 - (d) An order awarding you or the other parent custody of or visitation with your minor child or children; and
 - (e) An order restraining your abuser from molesting or interfering with minor children in your custody. The forms you need to obtain a protection order are available in any municipal, district, or superior court.
- Police must also provide information about shelters and explain that alternatives to domestic violence are available, and may offer, arrange, or facilitate transportation for the victim to a hospital for treatment of injuries or to a place of safety or shelter.
 - Attached to this memo is the King County Sheriff's Office pamphlet that provides this required information to victims.

No Contact Orders

- A No Contact Order (NCO) prohibits the defendant from contacting the victim in person, by phone, through writing or through a third party at the victim's residence, work place or school. The NCO remains in effect while the case is pending. A NCO with a duration of up to five years may be issued as a condition of sentence following conviction or as a condition of an agreed disposition.
- After a NCO has been issued, only the Court has the authority to lift the order.
- Violation of a NCO which does not involve an assault is a separate gross misdemeanor offense. A NCO violation which does involve an assault or reckless endangerment may be filed as a felony offense. A third conviction for violation of a NCO may also be filed as a felony offense.

Pressing or Dropping Charges

- A police officer responding to a domestic violence incident must complete a police report whether or not an arrest occurs. The Prosecutor's Office will review the police report to determine whether or not to file charges. If charges are filed, only the Prosecutor has the authority to drop them. A judge must approve the Prosecutor's request to dismiss a case. The victim is a witness for the City and has no authority to drop charges. In many cases, the City will prosecute a case even if the victim refuses to testify.
- The Prosecutor's Office may choose not to file charges. In that event, the victim will be notified of that decision.

Domestic Violence Victim Advocate

- The Domestic Violence Victim Advocate works for the Prosecutor's Office to support DV victims and help manage DV cases. Although the City is not required to have a DV Advocate, the Advocate is a key piece of any comprehensive domestic violence response system.
- Initially, the DV Advocate receives the mandated incident reports and reviews the officer's narratives, the victim/witness/defendant statements, other court paperwork and

Attachment C: Domestic Violence Advocacy Information Memo

documents, Protections Orders (if charged with violating an order) and all other pertinent information. As soon as the DV Advocate has developed a clearer understanding of the events of an incident, she immediately contacts the victim (first attempted contact within 24 hours).

- Contact allows the Advocate to gather the victim's version of the incident and ascertain the victim's personal history with the defendant in order to identify Domestic Violence Indicators. Some common DV Indicators include mental health disorders, drug/alcohol abuse, pregnancy, separation, alienation of friends/family, repeated criticism/insults, control over finances/money, controlling/intimidating behaviors such as destruction of property, cruelty to pets, physical harm/threats to harm, stalking/monitoring, access to weapons, suicide ideation and threats to kill. The greater the number of indicators, the more at risk the victim is.
- Additionally, the DV Advocate informs each victim of their statutory victim's rights and legal remedies, assist victims with Orders of Protection, alerts victims when hearings are scheduled, conveys victims' wishes and concerns to the Prosecutor's Office prior to each hearing, provides safety planning and resources/referrals to victims, and determines restitution. The Advocate also maintain ongoing contact with victims and witness as the case remains open with the court and ensures that the Prosecutor's Office has victim's updated contact information.
- In preparation for hearings and trials, the DV Advocate obtains certified orders of protection, drafts NCOs and subpoenas, alerts the victim and witnesses of the upcoming trial date/time, explains trial procedures and protocols, offers support to the victim and answer any and all questions, especially regarding safety concerns. The Advocate also offers recommendations for case disposition to the Prosecutor.
- Lastly, the DV Advocate coordinates with surrounding social services and domestic violence agencies to provide cohesive and comprehensive support to victims. These services are outlined below.

Domestic Violence Victim Services

In addition to the Domestic Violence Victim Advocate, the City also has a contract with the non-profit community service agency New Beginnings to provide a variety of services to victims of domestic violence in the community. New Beginnings provides comprehensive domestic violence services, including a 24-hour crisis line, emergency shelter, advocacy based counseling, legal advocacy, support groups, services to children, and referrals. The following information highlights what these services include:

- *24-hour crisis line:* provision of crisis intervention, safety planning, and support and referral services by telephone to a person who is a victim of domestic violence and to family members, friends and others in the community.
- *Emergency shelter bed nights for battered women and their children:* medical screening, legal information, financial assistance, housing information, clothing, food, and child care (access to shelter according to space available). A bed night is the provision of emergency shelter, counseling, crisis intervention, comprehensive support and referral services.
- *Services to children:* childcare; parenting classes for mothers with children who have experienced domestic violence; groups for children who have witnessed domestic

Attachment C: Domestic Violence Advocacy Information Memo

violence; one-to-one support and advocacy for children, including tutoring and outings; outside counseling referrals; clothing and day care resources; and access to children's activities.

- *Advocacy-based counseling*: involvement of a client with an advocate in an individual, family or group session with the primary focus on safety planning and on empowerment of the client through reinforcing the client's autonomy and self-determination. Advocacy-based counseling uses problem solving methods and includes identifying the barriers to safety; developing safety checking and planning skills; clarifying issues; solving problems; increasing self-esteem and self awareness; and improving and implementing skills in decision-making, parenting, self help, and self care.
- *Legal advocacy*: active advocacy on behalf of the client; courtroom/hearing support and preparation for the courtroom; legal education for a client on specific issues; assistance in procuring protection, no-contact, restraining, anti-harassment orders; assistance in gathering information for divorce, separation and/or child custody, visitation, and/or parenting plans; and referrals to other agencies, which can provide legal information for a client.
- *Support groups*: provision of counseling, referral, and advocacy in a group setting at a safe meeting place locally, with child care provided for participants.
- *Referrals to other human service providers*: provision of information to victims of domestic violence about the availability of other appropriate services, including the coordination of emergency resources to respond to life threatening situations.
- *Education*: community education, problem solving consultation, professional training and outreach to increase the community's capacity to prevent and respond to domestic violence.